

No. _____

IN THE SUPREME COURT OF TEXAS

OFFICE OF THE ATTORNEY GENERAL OF TEXAS, ET AL.,
Appellants,

v.

HARRIS COUNTY, TEXAS,
Appellee.

On Direct Appeal from the
345th Judicial District Court, Travis County, Texas
No. D-1-GN-23-003523

HARRIS COUNTY'S EMERGENCY MOTION FOR TEMPORARY RELIEF

On November 7, 2023, Harris County must administer an election. Preparations have been underway for months, led by Harris County's Elections Administrator. The trial court enjoined an unconstitutional law that would abolish the Administrator's position on the eve of the election. The State filed this direct appeal. Now, Harris County requests emergency relief to preserve the status quo and this Court's jurisdiction, and to prevent the election's severe, last-minute disruption. **Harris**

County requests a ruling on its motion no later than Friday, August 18, 2023.

INTRODUCTION

For more than eight months, Harris County’s Elections Administrator has been preparing for the fast-approaching November 7, 2023, elections. But on September 1, 2023—just weeks before ballots must be finalized, and not even two months before voting begins—Senate Bill 1750 purports to shift the elections administrator’s duties to two other county officials who have had no role in these preparations and currently lack the staff and resources necessary to administer the election.

To preserve the status quo, and because this enormous, last-minute change to election procedures is likely to harm Harris County’s administration of the November 2023 election, and thus the People’s right to vote, the trial court temporarily enjoined the Attorney General and Secretary of State (collectively, “the State”) from enforcing SB1750—a patently unconstitutional local law that will abolish Harris County’s elections administrator—but no other county’s, now or in the future. *See* Tex. Const. art. III, § 56(a) (prohibiting the Legislature from enacting a

local law “regulating the affairs of counties,” regarding the “conducting of elections,” or “prescribing the powers and duties of [county] officers”).

The State appealed directly to this Court, and it asserts that the appeal automatically supersedes the trial court’s injunction. Harris County therefore seeks temporary relief barring the State from enforcing SB1750 with respect to the November 2023 election. By preventing last-minute changes to election procedures, temporary relief would ensure the integrity of the election. The State will, conversely, suffer no harm from the order. If the State prevails in this appeal—in which Harris County will not contest jurisdiction over the injunction orders and which it readily agrees to expedite—SB1750 will be able to take effect in an orderly fashion

BACKGROUND

Elections for public office across Texas are run by counties. For nearly half a century, Texas has given *every* county the power to create an elections administrator position to manage voter registration and elections. Tex. Elec. Code § 31.031.¹ Because this position adds

¹ See Act of May 28, 1977, 65th R.S., ch. 609, § 3, sec. 56a, 1977 Tex. Gen. Laws 1497, 1499.

professionalism and removes partisanship from the management of elections, more than half of Texas's 254 counties—including nine of its ten largest—have opted to use elections administrators. App. B at 125. In 2020, Harris County followed suit. Its current Elections Administrator is Cliff Tatum, an experienced professional recruited from out of state to run an office of more than 170 employees with a budget of more than \$30 million. *Id.* at 70-73.

Immediately upon the position's creation in Harris County, state officials began working to abolish it. In November 2020, the Secretary of State asserted that Harris County had violated the Elections Code by creating the position and appointing someone to fill it. App. B at 95–96. The Attorney General joined in, asserting that the position was “null and void” and did “not exist,” threatening legal action if the position continued to operate. App. C, Ex. 1. And Senator Bettencourt, who would later write the law at issue here, publicly called on the County to abolish the office and fire the Administrator. *Id.*, Ex. 2.

During the 2023 legislative session, Senator Bettencourt filed—and the Legislature passed—SB1750 to accomplish the same purpose. The law has two provisions:

- First, SB1750 prohibits a county with a population of more than 3.5 million people—a category that includes Harris County alone—from creating an elections administrator position. Tex. Elec. Code § 31.031(a). Every other county may still do so.
- Second, SB1750 abolishes the election administrator position in a county that has more than 3.5 million people *on September 1, 2023*. Tex. Elec. Code § 31.050. This provision will thus apply to Harris County—and then never again.

This singling out of Harris County was intentional. Senator Bettencourt repeatedly named Harris County as SB1750’s intended target, on one occasion stating plainly that the bill “will eliminate the Harris County Elections Administrator.” App. C, Ex.7; *accord id.*, Exs. 3, 4, 6, 8, 10–14. SB1750’s House sponsor Rep. Briscoe Cain, was even more blunt: “my bill was filed only for Harris County.” *Id.*, Ex. 9 at 5.²

On August 8, 2023,³ the trial court held an evidentiary hearing on Harris County’s application for a temporary injunction and the State’s plea to the jurisdiction. On August 14, 2023, the court denied the State’s jurisdictional plea issued a detailed order temporarily enjoining the Secretary of State and Attorney General from enforcing SB1750 against

² Rep. Cain explicitly stated that the House had changed an earlier, lower population bracket in order to *exclude* other large counties. App. C, Ex. 9 at 5.

³ The cover of the hearing transcript states that the hearing occurred on *July* 8, and on the first page of the transcription the record says it occurred on August 9. Both of these statements are incorrect.

Harris County. Apps. A1, A3. Further, in response to a request from Tatum, who intervened and filed claims against Harris County to prevent his own termination, the court enjoined Harris County from enforcing SB1750 against Tatum. App. A4.

On August 15, the State immediately appealed the temporary-injunction orders directly to this Court, prompting Harris County to file this motion.

ANALYSIS

The trial court's injunction preserved the status quo—the Elections Administrator's ongoing administration of the November 2023 election. Therefore, the State's purported "suspension of the temporary injunction would, in this case, have the contradictory effect of permitting the status quo to be altered, because if compliance with the injunction were not required, [Harris County's] manner of govern[ing]" its internal affairs and administering the upcoming election "could be changed from the last actual, peaceable non-contested status that preceded the pending controversy." *In re Tex. Educ. Agency*, 619 S.W.3d 679, 683-84 (Tex. 2021) (internal quotation marks and brackets omitted; emphasis added). Worse, refusal to grant temporary relief will subject Harris County to

irreparable injuries, and it may interfere with Harris County’s ability to seek judicial relief at all. *See id.* at 686 (discussing the goals of Rule 29.3).

Because SB1750 is unconstitutional, and because letting it take effect will disrupt Harris County’s administration of the upcoming election, this Court should grant temporary relief mirroring the trial court’s injunction prohibiting SB1750’s enforcement.

I. SB1750 is an unconstitutional local law.

A. A law that can only ever affect one county’s internal governance or election administration is unconstitutional.

To “prevent the granting of special privileges and to secure uniformity of law throughout the State,” *Miller v. El Paso County*, 150 S.W.2d 1000, 1001 (Tex. 1941), Article III, Section 56(a) flatly prohibits the Legislature from “pass[ing] *any* local or special law” on a variety of enumerated subjects, Tex. Const. art. III, § 56(a) (emphasis added). As this Court explained in its most recent opinion on Section 56(a), a “local law is one limited to a specific geographical region of the State, while a special law is limited to a particular class of persons distinguished by some characteristic other than geography.” *Maple Run at Austin Mun. Util. Dist. v. Monaghan*, 931 S.W.2d 941, 945 (Tex. 1996).

SB1750 is an unconstitutional local law. Relevant here, the subjects on which the Legislature is prohibited from passing local laws include:

- “regulating the affairs of counties”
- regulating the “conducting of elections”;
- “creating offices, or prescribing the powers and duties of officers, in counties”

Tex. Const. art. III, §§ 56(a)(2), (12), (14). Section 56(a) thus prevents the Legislature from “meddling in local affairs—or, conversely, . . . prevent[s] a group from dashing to the Capitol to get something their local government would not give them.” *Kelly v. State*, 724 S.W.2d 42, 47 (Tex. Crim. App. 1987) (quoting George D. Braden, *The Constitution of the State of Texas: An Annotated and Comparative Analysis* 273 (1977)).

The Legislature may, of course, enact laws that apply to less than the entire State. But it must do so using a classification “broad enough to include a substantial class,” and the classification “must be based on characteristics legitimately distinguishing such class from others with respect to the public purpose sought to be accomplished.” *Maple Run*, 931 S.W.2d at 945 (quoting *Miller*, 150 S.W. at 1001–02). This Court’s “primary and ultimate test” has therefore long been “whether there is a reasonable basis for the classification made by law, and whether the law

operates equally on all within the class.” *Id.* (quoting *Rodriguez v. Gonzales*, 227 S.W.2d 791, 793 (Tex. 1950)).

SB1750 purports to be a law of general application, rather than a local law, by using a population classification or “bracket.” In applying the reasonable-basis test, courts have distinguished between brackets that are “open” and “closed.” Open brackets are those that will apply to any locality that subsequently comes within the statute’s classification. Closed brackets, by contrast, are brackets that apply to one or more localities at the time they take effect, but are drafted so as to *exclude* localities that later meet the classification criteria.

Texas Courts have consistently invalidated laws that use closed population brackets. *See, e.g., City of Forth Worth v. Bobbitt*, 36 S.W.2d 470, 473 (Tex. Comm’n App. 1931, op. adopted) (calling statute “repugnant to the constitution[]” where it “appl[ied] to one city only in the state, and can never in any contingency apply to any other city”); *Suburban Util. Corp. v. State*, 553 S.W.2d 396, 399 (Tex. App.—Houston [1st Dist.] 1977, writ ref’d n.r.e.) (“The statute is unconstitutional . . . if at the time of its enactment, the classification by population is based entirely upon existing circumstances and the application of the statute is

‘closed’ to other local units in the future.”); *see also* App. E at 20–21, 25–26 & n.24 (citing additional cases).

Indeed, Harris County has not found—and the State has not cited—*any* case upholding a closed population bracket, let alone a closed population bracket affecting a single locality.⁴

B. Section 3 of SB1750 is a closed population bracket that unconstitutionally targets Harris County without any reasonable basis.

Section 3 of SB1750 uses a closed bracket to target Harris County by making the provision apply only to a county meeting the population bracket on a single date. Pointedly, the State did not dispute this in the trial court.

Section 3 provides in relevant part:

On September 1, 2023, all powers and duties of the county elections administrator of a county with a population of more

⁴ The State pointed to *Board of Managers of Harris County Hospital District v. Pension Board of the Pension System for the City of Houston*, 449 S.W.2d 33 (Tex. 1969), as a counter example. But, as this Court noted, the law at issue in *Board of Managers* was “applicable to any city having 900,000 or more inhabitants.” *Id.* at 38. And while the law’s provision permitting governmental subdivisions to request pension contribution transfers within 90 days of enactment could only affect Houston, the same transfer provision could also be invoked by later-created subdivisions within 90 days of creation—and thus could affect other cities later reaching the population threshold. *See id.* at 35, 38–39. Thus, the law at issue in *Board Managers* was an open bracket.

than 3.5 million under this subchapter are transferred to the county tax assessor-collector and county clerk.

Tex. Elec. Code § 31.050. The sentence’s introductory prepositional phrase (“On September 1, 2023”) modifies the sentence’s verb phrase (“are transferred”), providing for a date-specific, one-time transfer of duties in a county within the bill’s population bracket.⁵ Again, the State does not advance any alternative reading.

On September 1, 2023, Harris County will be the only county in Texas meeting the population criteria. And, because the provision would not apply to a county later reaching the population threshold, the bracket is *closed*. There will never be another county that, *on September 1, 2023*, will have a population exceeding 3.5 million.

SB1750’s closed bracket violates both prongs of *Maple Run*. A closed bracket necessarily does not “operate[] equally on all within the class” because it omits from its operation localities coming within the classification after the law’s effective date. *Maple Run*, 931 S.W.2d at 945.

⁵ The prepositional phrase’s only other possible referent is the noun phrase “county with a population of more than 3.5 million.” This would have the same result, as it would likewise limit application of the bill’s transfer provision to counties meeting the population threshold on September 1, 2023.

SB1750's closed bracket also lacks a reasonable basis because it is not "based on characteristics legitimately distinguishing [it] from others with respect to the public purpose sought to be accomplished." *Id.* at 945. The State offers two justifications for SB1750: (1) Harris County's "sheer size," and its attendant "outsized impact on statewide elections"; and (2) alleged purely "local problem[s]" with Harris County's running of elections in 2022. App. F at 21, 29.

Both justifications conflict with SB1750's text.⁶ Plainly, SB1750 is unconcerned with a county's "sheer size," or that size's impact on statewide elections. Were that the true concern, then Section 3 would apply prospectively to all counties that reach the population threshold, instead of targeting the single county at that threshold on September 1, 2023. There can be no legitimate reason for targeting Harris County for

⁶ Below, the State took the position that *Maple Run's* "reasonable basis" test is essentially equivalent to a rational-basis standard. But the State's test is inconsistent with the clarity of the Constitution's prohibition, which require more exacting scrutiny. See *United States v. Carolene Products Co.*, 304 U.S. 144, 152 n.4 (1938) (noting that there "may be a narrower scope for the operation of constitutionality [than rational-basis review] when legislation appears on its face to be within a specific prohibition of the Constitution"); accord *District of Columbia v. Heller*, 554 U.S. 570, 629 n.27 (2008) (quoting *Carolene Products* and making the same point).

its size but excluding any other county that might one day reach the same population threshold.

The State's other justification is similarly infirm. SB1750's stated classification is not "Harris County" or "counties with problems administering their elections"—it is "count[ies] with a population of 3.5 million or more." *That* is the classification that the State must—but does not—defend. *See Maple Run*, 931 S.W.2d at 946 (striking down local law where "the brackets selected by the Legislature have [no]thing to do with the purpose of the statute"). The State asserts that a local law, even a closed-bracket targeting a single county, is constitutional if it "furthers a larger statewide interest," citing Harris County's impact on statewide elections. App. E at 27. But *Maple Run* refused to immunize from Section 56(a)'s scope local laws with "statewide interest," reiterating instead that its two-prong test applies in all cases and that a "statewide interest" is merely a factor courts can take into account. 931 S.W.2d at 945. And, in any event, this statewide interest is not the bill's motivation given its exclusion of other counties that equal or exceed Harris County's size in the future.

Maple Run thus reflects the Constitution’s language. Large counties will necessarily have an outsized effect on the State, including on its elections. Yet the Constitution’s drafters—surely aware of that reality—nevertheless prohibited local laws “prescribing the powers and duties of [county] officers” or regarding the “conducting of elections.” The drafters thus balanced the reality of statewide impact and the importance of local control by insisting that—on these issues—the Legislature address such problems using legislation of general, not local, impact. The State’s justifications are impossible to square with the constitutional prohibition: neither a county’s size nor “local problems” justify the Legislature’s surgical intervention into a single county’s local affairs, altering its officers’ duties and its conduct of elections.

SB1750’s stated classification is population, but it treats equally populated counties differently for no legitimate reason. It is therefore unconstitutional.

II. Without temporary relief, Harris County will suffer irreparable injury and may lose its appellate rights.

In the first place, temporary relief may be necessary to preserve this Court’s jurisdiction over the State’s appeal. Because Harris County currently has an elections administrator, its suit has focused on Section

3 of SB1750—the closed bracket eliminating that position in Harris County and nowhere else.⁷ However, if SB1750 takes effect without emergency relief, and Harris County were forced to abolish its elections administrator position, then the State would likely argue that Harris County’s challenge to Section 3 is moot. Standing alone, the need to protect this Court’s jurisdiction over the State’s appeal counsel’s strongly in favor of temporary relief. Tex. Gov’t Code § 21.001(a) (providing that a court has “authority to issue the writs and orders necessary or proper in aid of its jurisdiction”); *Texas Educ. Agency*, 619 S.W.3d at 685–86. Otherwise, the State’s supersedeas may become a means of defeating a substantial constitutional claim by frustrating its review.⁸

Temporary relief is equally warranted by the need to protect Harris County—and its voters—from irreparable harm. *See* App. A3 at 3–4 (finding that Harris County will suffer irreparable harm absent an

⁷ Section 2, which prohibits counties larger than 3.5 million from creating the position of elections administrator, uses an open, rather than closed, bracket, a fact that alters the constitutional analysis. While Harris County also challenged the validity of Section 2, that section has not been the focus of this suit because Harris County currently has an elections administrator.

⁸ On August 15, 2023, the Harris County Republican Party also attempted to intervene in this matter, seeking declaratory relief against Harris County that is SB1750 is constitutional—confirming the broad interest in this case and the need for this Court to reach the merits.

injunction); *see also In re Geomet Recycling, LLC*, 578 S.W.3d 82, 89 (Tex. 2019) (holding that Rule 29.3 grants “great flexibility in preserving the status quo” and permits a court to “protect [a litigant] from irreparable harm”). The Elections Administrator and his large staff began preparing for the November 2023 election in January—almost eight months ago. App. B at 106. This election will include votes on constitutional amendments, a countywide bond issuance, and for a variety of officers for the City of Houston and *fifty* other political subdivisions. *Id.* at 104. Harris County will operate more than 700 polling sites and more than sixty voting centers for more than 2.5 million voters, staffed by 5000 election workers. *Id.* at 105, 107. Already, the Administrator’s office is designing the ballot, ensuring the validity of the voting machines, determining the number of voting sites needed and election judges to be hired, choosing rally sites, and determining a training schedule for the thousands of expected election workers. *Id.* at 103, 107.

Without intervention by this Court, SB1750 will take effect on September 1, 2023, and shift the Administrator’s voter-registration duties to the tax assessor-collector and his administration duties to the county clerk. But neither of these officials have had *any* involvement in

the ongoing election preparations, and neither currently has the staff or resources necessary to carry out the registration or administration functions. *Id.* at 107–08. Yet, within weeks, vital deadlines will pass: on September 23, just twenty-two days after the law takes effect, Harris County must finalize in person and absentee ballots and mail military and overseas ballots. *Id.* at 103. Voter registration is already underway and ends on October 10. And on October 23, not even two months after SB1750 would take effect, voting begins. App. B at 103.

Shifting these critical functions to unprepared officials at this juncture will severely disrupt election preparations.⁹ Voter registration is illustrative: on September 1, the tax assessor-collector becomes responsible for voter registration, but she has had no staff, no money, and no preparation with which to *immediately* take on that function during the final push of registration for the upcoming election.

The same is true for administration functions. Between now and election day, Harris County must inventory election supplies, learn and

⁹ Harris County created the election administrator position in July 2020 but waited until after the November 2020 elections for it to begin operations precisely to avoid “some sort of transition of one office to another in the middle of an election cycle.” App. B at 81.

implement new election laws, train election workers, test voter equipment, design and proof ballots, mail ballots overseas, prepare a mass mail-out of voter registration cards, make emergency appointments of presiding and alternative judges, serve as early voting clerk, and choose and allocate supplies among polling locations, among other functions. *See, e.g.*, App. B at 103. The county clerk is not prepared to assume these functions on the eve of a major election. And in addition to taking on these new duties, the county clerk as well as the tax-assessor collector will have to continue to manage their non-election-related duties. *Id.* at 78.

While Harris County would attempt to reallocate the Administrator's employees and resources between the clerk and tax-assessor, the inevitable disruption and confusion would imperil the orderly conduct of the election. This is not simply a matter of transferring functions and employees—it would be akin to trying to build a plane while flying it. Harris County will have to “unwind[]” voting systems that have been “developed over the course of the last three years” in order to “send back certain portions of those systems to the tax assessor and to the clerk.” *Id.* at 108. In the process, Harris County will necessarily lose

efficiencies and synchronizations that has been developed. *Id.* Moreover, employees have resigned from the administrator's office because of its impending abolishment, and more are reasonably likely to follow. App. B at 107. The newly empowered officials will be forced to scramble to hire new personnel and will likely have to settle for less-qualified staff at greater cost and less efficiency. *Id.* at 108–09.

In sum, without emergency relief, SB1750 will cause severe disruption, inefficiency, disorganization, confusion, and instability—jeopardizing voter lists, polling locations, and thousands of financial transactions related to the election's administration, as well as and contracts that the Elections Administrator has entered into to run other political subdivisions' elections. *See* App. B at 104–05. Harris County will also suffer irremediable financial injury because it will be forced to hire additional permanent and temporary workers, in addition to consultants to advise it how to dismantle and then reconstruct an election-administration apparatus *during the election*. *Id.* at 108–09.

The equities weigh heavily in favor of protecting the status quo, and against a last-minute disruption to an election.

III. Harris County has standing.

A. SB1750 and its enforcement by the State will injure Harris County.

Harris County must have an injury that is “both concrete and particularized and actual or imminent, not conjectural or hypothetical.” *Data Foundry, Inc. v. City of Austin*, 620 S.W.3d 692, 700 (Tex. 2021) (citing *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 154–55 (Tex. 2012)). “An injury is ‘particularized’ for standing purposes if it ‘affects the plaintiff in a personal and individual way.’” *Id.* (quoting *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016)) (internal brackets omitted). An injury is “concrete” if it “actually exist[s]”—that is, if it is “‘real,’ and not ‘abstract.’” *Spokeo*, 578 U.S. at 340. Harris County’s injuries easily meet this standard.

First, as the State admits, Harris County alleged (and, as noted above, proved at the injunction hearing) a pecuniary harm from SB1750. App. A3 at 3–4; App. B at 92–93, 108–10, App. D ¶¶ 40–42. This alone suffices. *Data Foundry*, 620 S.W.3d at 696. Second, SB1750 strips Harris County (and no other county) of statutory authority it currently possesses—an injury that is both concrete and particularized. Third, Harris County must implement SB1750—it must effectuate the transfer

of the election administrator’s duties to other county officials, and it must use those latter officials to administer its elections. A political subdivision has a cognizable injury when it “is charged with implementing a statute it believes violates the Texas Constitution.” *Neeley v. West Orange-Cove Consol. Indep. Sch. Dist.*, 176 S.W.3d 746, 772 (Tex. 2005) (quoting *Nootsie, Ltd. v. Williamson Cnty. Appraisal Dist.*, 925 S.W.2d 659, 662 (Tex. 1996)).¹⁰ Harris County will be harmed for all the other reasons laid out in § II above.

Harris County will also be injured by the Attorney General’s and Secretary of State’s enforcement of SB1750. This Court recently held that that a “credible threat” that the Attorney General would “bring enforcement actions against the County” gave Harris County “standing to pursue its claims against the Attorney General.” *Abbott v. Harris County*, No. 22-0124, 2023 WL 4278763, at *6 (Tex. Jun. 30, 2023). Here,

¹⁰ *Nootsie* and *Neeley* forcefully reject the State’s argument below that a political subdivision never has standing to sue the State for altering the legal context in which the political subdivision operates. See *Neeley v. West Orange-Cove Consol. Indep. Sch. Dist.*, 176 S.W.3d 746, 772 (Tex. 2005) (observing that this Court has never “establish[ed] a broad rule that a governmental entity cannot sue to declare a statute unconstitutional”); *Nootsie, Ltd. v. Williamson Cnty. Appraisal Dist.*, 925 S.W.2d 659, 662 (Tex. 1996) (rejecting argument that a political subdivision’s standing depends on the challenged law “violat[ing] constitutional rights belonging to the [subdivision]”).

a similarly credible threat exists. The Attorney General has routinely sued Harris County for perceived violations of the Elections Code. App. B at 175–76. And the Attorney General previously threatened legal action aimed at abolishing Harris County’s election administrator position over claims its creation violated the Election Code. App. C, Ex. 1; App. B at 95–96.

Notably, the Election Code authorizes the Attorney General to seek penalties against the County and its officials and employees for certain Election Code violations—which the elections administrator and others would commit if he continued acting after SB1750 takes effect. *E.g., id.* §§ 18.065(a), 31.129. SB1750 only makes it more likely the Attorney General will pursue similar action in the future. Indeed, the State stipulated below that it could not rule out that it would sue or assess penalties against Harris County if it continues to use its election administrator position after SB1750 takes effect. App. B at 30–31; *see 303 Creative LLC v. Elenis*, 143 S.Ct. 2298, 2310 (2023) (finding a credible threat, for standing purposes, where the state had pursued similar enforcement actions and had “declined to disavow future

enforcement proceedings against” the plaintiff (internal quotation marks and brackets omitted)).

The Secretary of State must also enforce SB1750 in a variety of ways that will harm Harris County absent emergency relief. The Election Code and the Administrative Code are filled with requirements authorizing or requiring the Secretary of State to work with counties’ registrars and clerks.¹¹ Currently, however, the Elections Administrator performs these officers’ roles, Tex. Elec. Code § 31.043, so the Secretary of State must work with him instead.

However, after SB1750 takes effect, the statutory scheme will require the Secretary of State to interact with the clerk and tax assessor-collector; the Secretary of State will lack authority to treat the Election Administrator as a valid election officer. *See* App. B at 184–85 (testimony from the Secretary of State’s elections director agreeing with this construction of the post-SB1750 statutory scheme). Most fundamentally, these Election Code provisions include all of the statutes relating to the actual tabulation of votes. Absent emergency relief, the Election Code

¹¹ *See, e.g.*, Tex. Elec. Code §§ 15.083, 18.043, 20.065(c), 112.011(c), 141.068.

would not permit the Secretary of State to work with the Election Administrator on these crucial issues. *See* Tex. Elec. Code §§ 67.007, 68.034.¹²

The enforcement harms hardly stop there. Harris County is today entitled to payments from the Secretary of State for voters registered by the Elections Administrator. Tex. Elec. Code § 19.002. But after SB1750, the Administrator will no longer qualify as a “registrar” and the Secretary of State could not—absent emergency relief—pay Harris County for voters he registers, resulting in a pecuniary loss to the County.¹³ Similarly, the Secretary of State would be statutorily required

¹² During the hearing, the Secretary of State’s elections director acknowledged that, after SB1750 takes effect, she would lack legal authority to accept election returns from the Elections Administrator. App. B at 148–49, 184–88. Nevertheless, she suggested that the Secretary of State would—or at least might—accept Harris County’s returns in violation of the Elections Code. *Id.* at 188 (“Possibly, yes.”). Whatever the truth of the director’s response, the State cannot avoid Harris County’s claims that SB1750 is unconstitutional by speculating that its officers might ignore their ministerial duties to enforce it—especially when the State will not actually commit to not enforcing the Statute. *See* App. B at 30–31, 185.

¹³ The elections director agreed with this straightforward statutory analysis. App. B at 150. Yet, when asked whether the Secretary of State would pay Harris County for registrations by the Elections Administrator after SB1750 takes effect, she gave a series of wishy-washy and nonresponsive answers that seemed to presume that Harris County would be transferring the registration duties to the tax assessor-collector. *Id.* at 150–51. And ultimately, the director confirmed she “can’t commit” to the Secretary of State “tak[ing] no action if Mr. Tatum continues to run the election despite being a legally defunct office.” *Id.* at 185.

to refuse to assist the Election Administrator in the training of election judges and clerks, Tex. Elec. Code § 31.115, and she could be *required* to take enforcement actions against the county clerk if the Elections Administrator continue to perform registration functions, *id.* § 18.065(b). In this manner, the Secretary of State will enforce SB1750 against Harris County in a host of negative ways involving the registration of voters and the conduct of future elections.

Finally, as with the Attorney General, there is a credible threat the Secretary of State will pursue other enforcement actions against Harris County and its officers. The Secretary of State has previously asserted that the Harris County election administrator position was not legally created, referring the matter to the Attorney General. And the Secretary of State was recently empowered to investigate and seek removal of county election officials. Tex. Elec. Code §§ 31.017(b), 31.019–.021.

B. Harris County’s injuries are traceable to the Attorney General and Secretary of State.

This Court recently held that Harris County had standing to sue the Attorney General regarding the Governor’s executive order forbidding local governments from enacting mask mandates because of the Attorney General’s “credible threat” of an “enforcement action[]

against the City.” *Abbott v. Harris County*, No. 22-0124, 2023 WL 4278763, at *5 (Tex. June 30, 2023). Importantly in that case, neither the relevant statute nor the executive order gave the Attorney General explicit authority to enforce the executive order against the County. Instead, traceability was based on the Attorney General’s broader statutory enforcement powers.

This same reasoning applies here. The Secretary of State’s prior assertion that the election administrator’s appointment violated the Election Code, the Secretary’s referral of the matter to the Attorney General for enforcement, the Attorney General’s routine filing of election-related suits against Harris County, and the Attorney General’s explicit threats of enforcement aimed at abolishing Harris County’s Elections Administrator establish the same credible threat of enforcement as existed in *Abbott v. Harris County*. See *303 Creative*, 143 S.Ct. at 2310.

Traceability as to the Secretary of State is also established by the numerous statutes mentioned above requiring the Secretary to enforce SB1750 by refusing to recognize the Elections Administrator as a legitimate election official, as these injuries—including pecuniary injuries—will be the direct result of the Secretary of State’s actions.

Harris County's injuries are therefore traceable to the Attorney General and Secretary of State.¹⁴

CONCLUSION

Harris County prays that this Court grant its motion and, during the pendency of this case, enter an order providing for the same injunctive relief the trial court ordered. Harris County further prays that this Court accept jurisdiction over the appeal of the injunction orders and set an expedited schedule for briefing and argument.

¹⁴ Below, the State argued that Harris County should have sued “the Office of the Secretary of State” and “the Office of the Attorney General,” rather than the officeholders in their official capacities. App. F a 14, 35–36. As Harris County explained, the State’s argument is meritless. App. G at 6–7. In any event, Harris County also sued the Offices, App. D ¶¶3, 5, and this Court can therefore grant relief against whichever entities it believes is appropriate.

Respectfully submitted,

Christian D. Menefee
Harris County Attorney
State Bar No. 24088049
christian.menefee@harriscountytexas.gov
Jonathan Fombonne
First Assistant County Attorney
State Bar No. 24102702
jonathan.fombonne@harriscountytexas.gov
Neal Sarkar
Special Assistant County Attorney
State Bar No. 24093106
neal.sarkar@harriscountytexas.gov
Matthew Miller
Senior Assistant County Attorney
State Bar No. 24051959
matthew.miller@harriscountytexas.gov
OFFICE OF HARRIS COUNTY ATTORNEY
1019 Congress, 15th Floor
Houston, Texas 77002
Telephone: (713) 755-5101
Facsimile: (713) 755-8924

/s/ Wallace B. Jefferson
Wallace B. Jefferson
State Bar No. 00000019
wjefferson@adjtlaw.com
Nicholas Bacarisse
State Bar No. 24073872
nbacarisse@adjtlaw.com
ALEXANDER DUBOSE &
JEFFERSON LLP
515 Congress Avenue, Suite
2350
Austin, Texas 78701-3562
Telephone: (512) 482-9300
Facsimile: (512) 482-9303

ATTORNEYS FOR APPELLEE

CERTIFICATE OF CONFERENCE

I certify that on August 15, 2023, I twice called Susanna Dokupil, counsel for Appellants, to ask whether her clients are opposed to the relief sought in this motion. I left a voicemail with Ms. Dokupil, but as of the time this motion was filed I had not received a response.

/s/ Jonathan Fombonne
Jonathan Fombonne

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2023, a true and correct copy of this motion was served via electronic service through eFile.TXCourts.gov on parties through counsel of record, listed below:

Susanna Dokupil
Susanna.Dokupil@oag.texas.gov
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Telephone: (512) 463-4139

ATTORNEYS FOR APPELLANTS

/s/ Wallace B. Jefferson
Wallace B. Jefferson

RETRIEVED FROM DEMOCRACYDOCKET.COM

APPENDICES

A. Appealed Orders

1. Order Denying the State's Plea to the Jurisdiction (8.14.23)
2. Order Denying the State's Motion to Strike Tatum's Intervention (8.14.23)
3. Order Granting Harris County's Temporary Injunction (8.14.23)
4. Order Granting Tatum's Temporary Injunction (8.14.23)

B. Transcript of August 8, 2023, Hearing

C. Selected Exhibits Admitted During the August 8, 2023, Hearing

D. Harris County's Second Amended Petition and Application for Temporary and Permanent Injunction (8.4.2023)

E. Harris County's Amended Brief in Support of Temporary Injunction (8.7.2023)

F. The State's Plea to the Jurisdiction (8.3.2023)

G. Harris County's Response to the State's Plea to the Jurisdiction (8.8.2023)

APPENDIX A-1

RETRIEVED FROM DEMOCRACYPOCKET.COM

Cause No. D-1-GN-23-003523

HARRIS COUNTY, TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff/Cross-Defendant,	§	
	§	
v.	§	
	§	
THE STATE OF TEXAS; ANGELA	§	
COLMENERO, IN HER OFFICIAL CAPACITY AS	§	
PROVISIONAL ATTORNEY GENERAL; AND JANE	§	TRAVIS COUNTY, TEXAS
NELSON, IN HER OFFICIAL CAPACITY AS TEXAS	§	
SECRETARY OF STATE,	§	
Defendants.	§	
	§	
AND	§	
	§	
CLIFFORD TATUM,	§	
Intervenor/Cross-Claimant.	§	
	§	
AND	§	
	§	
THE ATTORNEY GENERAL OF TEXAS,	§	
Intervenor.	§	345th JUDICIAL DISTRICT

ORDER ON DEFENDANTS' PLEA TO THE JURISDICTION

On August 8, 2023, this Court heard Defendants' the State of Texas, Angela Colmenero in her Official Capacity as Provisional Attorney General, and Jane Nelson in her Official Capacity as Texas Secretary of State Plea to the Jurisdiction (the "Plea"). After considering the Plea, the responses filed thereto, and the argument of counsel, the Court has determined that the Plea should be, and is, **GRANTED** as to the State of Texas and **DENIED** as to Angela Colmenero in her Official Capacity as Provisional Attorney General and Jane Nelson in her Official Capacity as Texas Secretary of State Plea to the Jurisdiction.

The Court **FINDS** that it does not have jurisdiction over Plaintiff's claims against the State of Texas. It is **THEREFORE ORDERED** that Plaintiff's claims against the State of Texas are dismissed for lack of jurisdiction.

The Court **FURTHER FINDS** that it has jurisdiction over Plaintiff's claims against Angela Colmenero in her Official Capacity as Provisional Attorney General and Jane Nelson in her Official Capacity as Texas Secretary of State Plea to the Jurisdiction. It is **THEREFORE ORDERED** that Plaintiff's claims against Angela Colmenero in her Official Capacity as Provisional Attorney General and Jane Nelson in her Official Capacity as Texas Secretary of State Plea to the Jurisdiction remain pending before the Court.

SIGNED this 14th day of August, 2023.



**JUDGE PRESIDING
KARIN CRUMP
250TH DISTRICT COURT**

RETRIEVED FROM DEMOCRACYDOCKET.COM

APPENDIX A-2

RETRIEVED FROM DEMOCRACYPOCKET.COM

Cause No. D-1-GN-23-003523

HARRIS COUNTY, TEXAS,
Plaintiff/Cross-Defendant,

v.

THE STATE OF TEXAS; ANGELA
COLMENERO, IN HER OFFICIAL CAPACITY AS
PROVISIONAL ATTORNEY GENERAL; AND JANE
NELSON, IN HER OFFICIAL CAPACITY AS TEXAS
SECRETARY OF STATE,
Defendants.

AND

CLIFFORD TATUM,
Intervenor/Cross-Claimant.

AND

THE ATTORNEY GENERAL OF TEXAS,
Intervenor.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF


TRAVIS COUNTY, TEXAS

345th JUDICIAL DISTRICT

ORDER DENYING DEFENDANTS’ MOTION TO STRIKE CLIFFORD TATUM’S INTERVENTION

On August 8, 2023, this Court heard Defendants’ Motion to Strike Clifford Tatum’s Intervention (the “Motion to Strike”) and hereby **DENIES** Defendants’ Motion to Strike.

SIGNED this 14th day of August, 2023.



**JUDGE PRESIDING
KARIN CRUMP
250TH DISTRICT COURT**

APPENDIX A-3

RETRIEVED FROM DEMOCRACYPOCKET.COM

Cause No. D-1-GN-23-003523

HARRIS COUNTY, TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff/Cross-Defendant,	§	
	§	
v.	§	
	§	
THE STATE OF TEXAS; ANGELA	§	
COLMENERO, IN HER OFFICIAL CAPACITY AS	§	
PROVISIONAL ATTORNEY GENERAL; AND JANE	§	TRAVIS COUNTY, TEXAS
NELSON, IN HER OFFICIAL CAPACITY AS TEXAS	§	
SECRETARY OF STATE,	§	
Defendants.	§	
	§	
AND	§	
	§	
CLIFFORD TATUM,	§	
Intervenor/Cross-Claimant.	§	
	§	
AND	§	
	§	
THE ATTORNEY GENERAL OF TEXAS,	§	
Intervenor.	§	345th JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFF'S
APPLICATION FOR TEMPORARY INJUNCTION**

On this day, the Court considered the application by Plaintiff Harris County, Texas ("Plaintiff" or "Harris County") for a Temporary Injunction (the "Application"), as found in Plaintiff's Verified Second Amended Petition and Application for Temporary Injunction and Permanent Injunction (the "Petition") filed against Defendants the State of Texas, Angela Colmenero, in her official capacity as Interim Attorney General of Texas, and Jane Nelson, in her official capacity as Texas Secretary of State (collectively, "Defendants"). Having granted the State of Texas's Plea to the Jurisdiction, the remaining Defendants are Angela Colmenero, in her official capacity as Interim Attorney General of Texas, and Jane

Nelson, in her official capacity as Texas Secretary of State (collectively, the “State Officer Defendants”).

Based on the facts set forth in Plaintiff’s Application, the stipulation among the parties filed on August 7, 2023, the testimony, the evidence, the argument of counsel presented in Plaintiff’s Amended Brief in Support of Temporary Injunctive Relief filed on August 7, 2023 (the “Brief in Support”), as well as during the August 8, 2023 hearing on Plaintiff’s Application, and being otherwise fully informed in the premises, this Court finds sufficient cause to enter a Temporary Injunction against the State Officer Defendants. The Court therefore GRANTS Plaintiff’s request for temporary injunction and does hereby FIND the following:

1. The Temporary Injunction is hereby GRANTED.
2. Plaintiff has demonstrated a valid cause of action, a probable right to relief, and imminent and irreparable injury.
3. Plaintiff states a valid cause of action against each State Officer Defendant and has a probable right to the declaratory and permanent injunctive relief it seeks. For the reasons detailed in Plaintiff’s Application, Brief in Support, and accompanying evidence, there is a substantial likelihood that Plaintiff will prevail after a trial on the merits because Senate Bill 1750 (“SB 1750”), passed during the Texas Legislature’s 88th Regular Session, is an unconstitutional local law under Article III, section 56 of the Texas

Constitution. As a result, any actions taken by the State Officer Defendants premised on the operation of SB 1750 would be void.

4. It clearly appears to the Court that unless the State Officer Defendants are immediately enjoined from taking any actions premised on the operation of SB 1750, Plaintiff will suffer imminent and irreparable injury. First, Harris County suffers injury because it will be forced to implement an unconstitutional statute. Moreover, on September 1, 2023, just weeks before voting begins for the November 7, 2023 election (the “November Election”) that is run by Harris County, Harris County will be required to effect massive transfers of employees and resources from the Harris County Elections Administrator’s Office (the “Harris County EA”) to the Harris County Clerk and the Harris County Tax Assessor-Collector. Not only will this transfer lead to inefficiencies, disorganization, confusion, office instability, and increased costs to Harris County, but it will also disrupt an election that the Harris County EA has been planning for months. The Harris County Clerk and the Harris County Tax Assessor-Collector have had no role in preparing for the November Election. Transferring responsibility for that election just weeks before voting starts will disrupt existing processes and risk the efficient administration of the election. Over the next few months, the Harris County elections department will have to undertake a multitude of crucial tasks to effectively administer the November Election; as a result of SB 1750,

Harris County will be forced to hire additional permanent and temporary workers, as well as consultants, at a great cost, to ensure it can meet its many obligations and to navigate the management structure to be used, the personnel to be retained, and the numerous decisions that need to be made in hopes of orderly administering Harris County, as well as this November's election. Absent intervention by this Court, Harris County would face the full weight of the Election Code, as well as the Secretary of State's mandatory rules on issues relating to voter registration and elections administration. Harris County running elections through a legally defunct office could jeopardize the results of the November Election and also risk the validity of voter lists, polling locations, thousands of financial transactions, and contracts with other entities. Without this order, the State Officer Defendants will likely disrupt the upcoming election and cause havoc (e.g., with respect to voter outreach, voter registration, election administration, and vote tallying), and Harris County's entire election apparatus would be thrown into disarray, as well as the unnecessary expense associated with such disruption. The harm to Harris County, its residents, and the public outweighs any potential harm caused to the State Office Defendants by entering this injunctive relief. State Officer Defendants' wrongful actions cannot be remedied by any award of damages or other adequate remedy at law.

5. The Temporary Injunction being entered by the Court today maintains the status quo prior to September 1, 2023, and should remain in effect while this Court, and potentially the Court of Appeals, and the Supreme Court of Texas, examine the parties' merits and jurisdictional arguments.
6. This injunctive relief is appropriate under traditional equitable standards and principles.

IT IS THEREFORE ORDERED that, until all issues in this lawsuit are finally and fully determined, the State Officer Defendants, and their employees, agents, and representatives, are immediately enjoined and restrained from taking actions premised on the operation of SB 1750. This Temporary Injunction restrains the following actions by the State Officer Defendants:

1. Taking any actions to enforce SB 1750;
2. The Secretary of State is enjoined from:
 - a. refusing to recognize the Harris County Elections Administrator's Office as a lawful elections office;
 - b. refusing to accept from the Harris County Elections Administrator results of any Harris County election;
 - c. refusing to coordinate with, and approve election action taken by, Harris County's Elections Administrator;
 - d. refusing to provide official election reporting forms and voting by mail forms;

- e. refusing to provide funds to which Harris County is entitled under Texas Election Code Section 19.002;
- f. taking any actions on the sole basis that the Harris County Elections Administrator position is abolished; and
- g. refusing to cooperate with the Harris County Elections Administrator to perform election-related responsibilities.

3. The Attorney General is enjoined from:

- a. Refusing to recognize the Harris County Elections Administrator's Office as a lawful elections office after SB 1750's effective date, including by enforcing SB 1750 by seeking civil penalties against Harris County or its elections officials.

IT IS FURTHER ORDERED that a trial on the merits of this case is preferentially set before Judge Karin Crump of the 250th Judicial District Court of Travis County, Texas on January 29, 2024 at 9:00 AM in the 250th Judicial District, located at 1700 Guadalupe Street, Austin, TX 78701, Courtroom 9B.

No bond is required as Plaintiff Harris County is exempt from the bond requirements under Tex. Civ. Prac. & Rem. Code § 6.001.

The Clerk of the Court shall forthwith issue a temporary injunction in conformity with the laws and terms of this Order.

It is further ORDERED that this Order shall expire at 11:59 p.m. on January 29, 2024, or upon further order of the Court.

SIGNED this 14th day of August, 2023, at 4:00 p.m. in Travis County, Texas.



**JUDGE PRESIDING
KARIN CRUMP
250TH DISTRICT COURT**

RETRIEVED FROM DEMOCRACYDOCKET.COM

APPENDIX A-4

RETRIEVED FROM DEMOCRACYPOCKET.COM

Cause No. D-1-GN-23-003523

HARRIS COUNTY, TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff/Cross-Defendant,	§	
	§	
v.	§	
	§	
THE STATE OF TEXAS; ANGELA	§	
COLMENERO, IN HER OFFICIAL CAPACITY AS	§	
PROVISIONAL ATTORNEY GENERAL; AND JANE	§	TRAVIS COUNTY, TEXAS
NELSON, IN HER OFFICIAL CAPACITY AS TEXAS	§	
SECRETARY OF STATE,	§	
Defendants.	§	
	§	
AND	§	
	§	
CLIFFORD TATUM,	§	
Intervenor/Cross-Claimant.	§	
	§	
AND	§	
	§	
THE ATTORNEY GENERAL OF TEXAS,	§	
Intervenor.	§	345th JUDICIAL DISTRICT

**ORDER ON INTERVENOR/CROSS-CLAIMANT
CLIFFORD TATUM'S APPLICATION FOR TEMPORARY INJUNCTION
AGAINST HARRIS COUNTY**

On August 8, 2023, this Court heard Clifford Tatum's Application for a Temporary Injunction against Harris County, Texas. Mr. Tatum seeks to enjoin the County from taking any action against Mr. Tatum or his office, the Harris County Elections Administrator's Office (the "Harris County EA"), due to the passage of Texas Senate Bill 1750 ("SB 1750"), arguing SB 1750, and the proposed new Texas Election Code Section 31.050 contained within SB 1750, are unconstitutional because they violate Article III, section 56 of the Texas Constitution. Due notice was given of the hearing, including notice to the

Attorney General that Mr. Tatum is challenging the constitutionality of a state statute. At the hearing, Mr. Tatum appeared personally and through his counsel. Plaintiff/Cross-defendant Harris County and Defendants the State of Texas, The Honorable Jane Nelson, in her official capacity as Secretary of State of the State of Texas and The Honorable Angela Colmenero, in her official capacity as Interim Attorney General of the State of Texas, all appeared through their respective counsel. The Court has jurisdiction over Mr. Tatum's Application, and personal jurisdiction and venue are uncontested. After considering Mr. Tatum's Application, the pleadings, exhibits, testimony, and evidence admitted at the Hearing, and the argument of counsel, the Court grants the injunctive relief sought by Mr. Tatum for the reasons that follow.

FINDINGS

Counties in Texas are responsible for voter registration and the administration of elections. Every county has a choice about who will be in charge of handling these matters: either (1) partisan, elected county tax assessor-collectors and county clerks may manage voter registration and election administration, along with their many other statutory duties; or (2) a county may opt to establish the office of county elections administrator and hire a trained, professional, non-partisan administrator to manage voter registration and the administration of elections. TEX. ELEC. CODE § 31.031. Pursuant to state law, Harris County has opted to hire a county elections administrator and transfer the duties of voter registration and election administration to that office, as it is statutorily entitled to do.

Texas Senate Bill 1750, enacted during the Texas Legislature's 88th Regular Session, amends the Texas Election Code in two critical ways relevant to this case. The first is the addition of new Section 31.050, scheduled to take effect on September 1, 2023. New Section 31.050 abolishes the office of county elections administrator only in Texas counties with a population of 3.5 million on September 1, 2023, and in those counties transfers responsibilities for voter registration and election administration back to the county tax assessor-collector and county clerk. The second change made by SB 1750 is to amend Section 31.031(a), and effectively prohibit any county with a population of over 3.5 million that does not have a county elections administrator from ever establishing the office of county elections administrator.

Only one county in Texas has a population that on September 1, 2023, will exceed 3.5 million: Harris County.¹ The effect of the plain language of SB 1750, new Texas Election Code Section 31.050, and newly amended Texas Election Code Section 31.031(a) is to eliminate the office of county elections administrator in Harris County and prevent Harris County from ever establishing such an office again. No other county in Texas is so affected by SB 1750 and new Section 31.050. The Court finds SB 1750, new Section 31.050, and amended Section 31.031(a) were targeted to regulate the affairs and administration of voter registration and elections in only one county in Texas: Harris County.

¹ Harris County's current population is approximately 4.9 million, making it the third largest county in the country. <https://worldpopulationreview.com/us-counties/tx/harris-county-population>. Dallas County is the next most populous county in Texas, with approximately 2.6 million residents. <https://worldpopulationreview.com/us-counties/tx/dallas-county-population>.

The Court also finds SB 1750 and the new statutory provisions were intentionally designed to affect only one county in Texas – Harris County – in perpetuity and to deprive Harris County of a statutory right available to every other county in Texas.

Should SB 1750 go into effect on September 1, 2023, Harris County will be statutorily obligated to comply with its provisions. This is even though Texas Election Code Section 31.037 provides that a county elections administrator’s employment can be terminated only “for good and sufficient cause on the four-fifths vote of the county election commission and approval of that action by a majority vote of the commissioners court.”

Intervenor Clifford Tatum is the current duly appointed, qualified, and serving Elections Administrator of Harris County, having been appointed to that position on August 16, 2022, by the Harris County election commission, pursuant to and in accordance with Texas Election Code Section 31.032. Mr. Tatum is a non-partisan professional trained in managing all aspects of the elections process with over twenty years of experience at both state and county levels. The Court, having heard the testimony of Mr. Tatum, finds that he was a credible witness and is well-qualified to do his job.

If the Harris County EA is abolished, Mr. Tatum will lose his job and be deprived of both the tangible economic benefits of the Harris County EA (such as salary, health insurance, retirement benefits, and automobile expense allowance) and the significant non-economic benefits of that position, including: (1) the stature and status of holding the position as elections administrator of the third most populous county in the country, a position which, if SB 1750 goes into effect, he will never again be able to obtain; (2) the

reputation as one of the leading election administrators in the country; and (3) the fulfillment of important (to Mr. Tatum) public service objectives of meaningfully ensuring the sanctity of the electoral process by spearheading both voter registration efforts and election administration functions in ways which Mr. Tatum believes will help safeguard and facilitate participatory democracy. Mr. Tatum has chosen a career in government service because of the importance of the role he can play. He has nearly reached the pinnacle in his chosen field – heading both voter registration and elections administration activities of the third largest county in the nation. The Court finds that the abolition of this office will irreparably affect Mr. Tatum’s ability to continue in the unique role he has achieved, to the irreplaceable detriment of his life ambition, his reputation, his stature, and the potential of future employment in a comparable role.

The Court finds that there is currently no “good and sufficient cause” to terminate Mr. Tatum as Harris County’s Elections Administrator and that the only conceivable “good and sufficient cause” would be if SB 1750 is found to be constitutional, eliminating his position as a matter of law.

Nevertheless, if not restrained, Harris County will follow the law and abolish the Harris County EA because it would be mandated to do so by SB 1750, *if* that enactment is constitutional, which the Court concludes, as explained below, it likely is not.

Further, if SB 1750 goes into effect on September 1, 2023, the whole Harris County EA will be closed, its duties transferred to the Harris County Tax Assessor-Collector’s and the Harris County Clerk’s offices, and Mr. Tatum will never again be able to head the

county elections office of the third largest county in the country. The Court finds that the harm Mr. Tatum faces is real, imminent, and irreparable. *Krier v. Navarro*, 952 S.W.2d 25, 28 (Tex. App.—San Antonio 1997, pet. denied) (holding threatened removal of Bexar County’s elections administrator sufficient imminent harm to justify injunctive relief).

Article III, section 56(a) of the Texas Constitution bars the legislature from passing “any local or special law” (1) “regulating the affairs of counties;” (2) authorizing the “conducting of elections;” (3) “prescribing the powers and duties of officers” in counties; and (4) “relieving or discharging any person” from the “performance of any public duty or service imposed by general law.” TEX. CONST. art. III, § 56(a)(2), (12), (14) and (30). Article III, section 56(b) prohibits enactment of any local or special laws “where a general law can be made applicable.” TEX. CONST. art. III, § 56(b). The purpose of section 56 is twofold. The first is to “prevent the granting of special privileges and to secure uniformity of law throughout the State as far as possible.” *Miller v. El Paso County*, 150 S.W.2d 1000, 1001 (Tex. 1941). The second is to prevent “lawmakers from engaging in the ‘reprehensible’ practice of trading votes for the advancement of personal rather than public interests.” *Maple Run at Austin Municipal Utility District v. The City of Austin*, 931 S.W.2d 941, 945 (Tex. 1996) (citing *Miller*, 150 S.W.2d at 1001).

When interpreting the Texas Constitution, a court must rely heavily on the literal text of the Constitution and give effect to its plain language. *Bosque Disposal Systems, LLC v. Parker County Appraisal District*, 555 S.W.3d 92, 94 (Tex. 2018). The Court finds it is likely Mr. Tatum will prevail on his claim that SB 1750 and proposed Texas Election

Code Section 31.050 are unconstitutional because they violate the plain language of the text of the Constitution.

The Court finds SB 1750 and new Texas Election Code Section 31.050 violate both purposes underlying Article III, section 56. The Court finds it is likely Mr. Tatum will prevail on his claim that SB 1750 and proposed Texas Election Code Section 31.050 are unconstitutional because they violate the purposes underlying Article III, section 56.

Admittedly, the Supreme Court of Texas has recognized that the Legislature has “a rather broad power to make classifications for legislative purposes and to enact laws for the regulation thereof, even though such legislation may be applicable only to a particular class or, in fact, affect only the inhabitants of a particular locality.” *Miller*, 150 S.W.2d at 1001. For such a law to be constitutional, however, “there must be a substantial reason for the classification. It must not be a mere arbitrary device resorted to for the purpose of giving what is, in fact, a local law the appearance of a general law.” *Id.* at 1002. “The primary and ultimate test [of whether a law is general or special] is whether there is a reasonable basis for the classification and whether the law operates equally on all within the class.” *Maple Run*, 931 S.W.2d at 947 (citing *County of Cameron v. Wilson*, 326 S.W.2d 162, 165 (Tex. 1959)).

The Court, having heard all the testimony and weighed the credibility of the witnesses presented, reviewed all the documentary evidence, read all the pleadings and briefing, and carefully listened to all the arguments of counsel, finds it is likely that Mr. Tatum will prevail on his claim that there is no reasonable basis or substantial reason for

the classification established by the Legislature in SB 1750, new Election Code Section 31.050 and amended Election Code Section 31.031(a). The Court reaches this conclusion for several reasons, including, but not limited to, the ones set out below.

First, the Court finds there is no reasonable basis or substantial reason for the classification that counties with a population of 3.5 million persons or more *on September 1, 2023*, must abolish the office of county elections administrator, but that a county whose population grows to surpass 3.5 million persons *after September 1, 2023* may keep the office of county elections administrator. The Court further finds this classification to be unreasonable, arbitrary, and simply a means of singling out one county for special treatment and attempting to regulate how Harris County, to the exclusion of all other counties in the state, manages voter registration and elections.

Second, the Court finds there is simply no rational basis for a conclusion, crucial to the constitutionality of SB 1750 and new Texas Election Code Section 31.050, that if a county's population exceeds 3.5 million *on September 1, 2023*, its voter registration functions need to be performed by its tax assessor collector, rather than discharged by an appointed county elections administrator, but that when it does not attain that population until after that date, no such transfer of duties is required to protect the public interest. Further, there is simply no rational basis for a conclusion, crucial to the constitutionality of SB 1750, that if a county's population exceeds 3.5 million *on September 1, 2023*, its elections need to be managed by its county clerk, rather than by an appointed elections administrator, but that when it does not reach that population mark until after that date, no

such transfer of responsibility is necessary to secure the state's interest in achieving accountability and transparency to the voting public. The Court finds this classification to be unreasonable, arbitrary, and simply a means of singling out one county for special treatment and attempting to regulate Harris County differently than any other county in the State.

Third, the Court finds that the number 3.5 million bears no rational relationship to the stated objectives of the statute – transparency, placing election related activities in the hands of elected officials who will be more accessible, and therefore more responsive, to the voting public, and minimizing concentration of authority in a single individual. Assuming those objectives are within the Legislature's prerogatives, the Court finds there is no rational reason why these objectives are more important in Harris County than in Dallas, Tarrant, or Bexar Counties, counties with a population that exceeds 2 million persons. Indeed, if county elections administrators pose such a pernicious threat, the Court finds there is no rational basis for allowing any county in Texas to have one.

Fourth, the Court finds there is no rational nexus between the objectives of the statute and a population of 3.5 million (or more), and the irrationality is exacerbated by the fact that if populations of Dallas, Tarrant, or Bexar Counties grow to 3.5 million, they may keep their elections administrators, but Harris County must eliminate its elections administrator position, solely because its population got there (3.5 million) sooner than did that of Dallas, Tarrant, or Bexar counties.

The Court also finds that the equities and hardships favor granting a temporary injunction. The Court finds that Clifford Tatum will be grievously and irreparably injured if his position is abolished, and the Harris County EA eliminated. The Court finds that the hardships Harris County will suffer are minimal, at most. Indeed, the County seeks its own temporary injunction to restrain the State of Texas from enforcing SB 1750 because of the significant harm the County will suffer if the law goes into effect on September 1, 2023. Further weighing in favor of the injunction is the fact that if the County abolishes the office of county elections administrator and distributes the employees and functions between the Harris County Tax Assessor-Collector and the Harris County Clerk, if Mr. Tatum prevails, as is likely, that administrative alteration will have to be unwound. *Houston Elec. Co. v. Glen Park Co.*, 155 S.W. 965, 971 (Tex. Civ. App—Galveston 1913, writ ref'd). As between the parties, the Court finds the equities and hardships favor granting a temporary injunction.

Adding consideration of the public interest tilts the balance overwhelmingly in favor of granting a temporary injunction. *Storey v. Central Hide & Rendering Co.*, 226 S.W.2d 615, 618–19 (Tex. 1950) (in balancing the equities a court may consider the effect of a temporary injunction on the public). The public interest will be seriously disserved if responsibility for voter registration activities are transferred to the tax assessor-collector barely a month before the registration deadline for the November 7, 2023, the City of Houston election and responsibility for administration of the election itself must be transferred from the election administrator's office to the county clerk less than eight weeks

before the start of early voting. Those actions would likely result in incalculable disruption to and chaos in the November election. *See* TEX. ELEC. CODE § 31.031(c) (allowing counties to hire a county elections administrator-designate 90 days before the creation of the position of county elections administrator to “facilitate the orderly transfer of duties”). In these circumstances the public interest weighs heavily in favor of a temporary injunction pending trial on the merits. *Cf. Purcell v. Gonzalez*, 549 U.S. 1 (2006) (*per curiam*).

CONCLUSIONS OF LAW

The purpose of a temporary injunction is to preserve the status quo pending a trial on the merits. To obtain a temporary injunction, an applicant must plead and prove: (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim. An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by any certain pecuniary standard. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

The Court concludes Clifford Tatum has met the standard required for the issuance of a temporary injunction: he has stated a cause of action against Harris County, has shown a substantial likelihood he will prevail on the merits, and has established that if the Court does not issue a temporary injunction, he will suffer imminent, irreparable harm. Further, the equities and hardships favor the granting of the injunction that Mr. Tatum seeks.

The issuance of the temporary injunction described below will maintain the status quo between the parties during the pendency of this order.

The Court assesses bond at \$1,000.00 and allows Intervenor Clifford Tatum to place a cash deposit of that amount into the registry of the Court, to be accepted by the Travis County District Clerk, in lieu of bond, for the temporary injunction issued below.

IT IS THEREFORE ORDERED that the Clerk of this Court issue a Temporary Injunction, operative until final judgment, restraining Harris County and each of its instrumentalities, commissions, elected officials, agents, servants, employees, attorneys, representatives or any person or persons in active concert or participation with the County who receives actual notice of this Temporary Injunction from enforcing any provision of Texas Senate Bill 1750, including new Texas Election Code Section 31.050, to the extent that statute abolishes the position of county elections administrator in Harris County and/or requires transferring the duties and responsibilities of the Harris County EA from that office to the offices of the Harris County Tax Assessor-Collector and/or the Harris County Clerk. Harris County and each of its instrumentalities, commissions, elected officials, agents, servants, employees, attorneys, representatives or any person or persons in active concert or participation with the County who receives actual notice of this Temporary Injunction are further enjoined from terminating Clifford Tatum's employment as county elections administrator or discontinuing or reducing the compensation, employee benefits, or other emoluments of the office of county elections administrator he was receiving, or entitled to receive, from Harris County on August 31, 2023, on account of or in reliance upon SB 1750 or new Texas Election Code Section 31.050, set to go into effect on September 1, 2023.


IT IS FURTHER ORDERED that Clifford Tatum shall post a bond in the amount of \$1,000.00. In lieu of the bond, Clifford Tatum may make a cash deposit of the same amount into the registry of the court, to be accepted by the Travis County District Clerk. This cash deposit shall be deemed in conformity with the law for the period during which this Temporary Injunction is in effect.

IT IS FURTHER ORDERED that a trial on the merits of this case is preferentially set before Judge Karin Crump of the 250th Judicial District Court of Travis County, Texas on January 29, 2024 at 9:00 AM in the 250th Judicial District, located at 1700 Guadalupe Street, Austin, TX 78701, Courtroom 9B.

The Clerk of the Court shall forthwith issue a temporary injunction in conformity with the laws and terms of this Order.

It is further ORDERED that this Order shall expire at 11:59 p.m. on January 29, 2024, or upon further of the Court.

SIGNED this 14th day of August, 2023, at 4:04 p.m. in Travis County, Texas.



JUDGE PRESIDING
KARIN CRUMP
250TH DISTRICT COURT

APPENDIX B

RETRIEVED FROM DEMOCRACYPOCKET.COM

REPORTER'S RECORD
TRIAL COURT CAUSE NO. D-1-GN-23-003523

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HARRIS COUNTY, TEXAS, Plaintiff/Cross-Defendant)	IN THE DISTRICT COURT
)	
v.)	
)	
THE STATE OF TEXAS; OFFICE OF THE ATTORNEY GENERAL OF TEXAS; ANGELA COLMENERO, IN HER OFFICIAL CAPACITY AS PROVISIONAL ATTORNEY GENERAL; OFFICE OF THE TEXAS SECRETARY OF STATE AND JANE NELSON, IN HER OFFICIAL CAPACITY AS TEXAS SECRETARY OF STATE Defendants.)	TRAVIS COUNTY, TEXAS
)	
v.)	
CLIFFORD TATUM, Intervenor/Cross- Claimaint)	
)	
v.)	
The Attorney General of Texas, Defendant/Intervenor)	345th JUDICIAL DISTRICT

TEMPORARY INJUNCTION
AND PLEA TO JURISDICTION

On July 8, 2023, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Karin Crump, Judge Presiding, held in Austin, Travis County, Texas:

Proceedings reported by machine shorthand.

APPEARANCES

FOR THE PLAINTIFF HARRIS COUNTY:

JONATHAN FOMBONNE
SBOT NO. 24102702
CHRISTIAN MENEFEE
SBOT NO. 24088048
NEAL SARKAR
SBOT NO. 24093106
MATTHEW MILLER
SBOT NO. 24051959
HARRIS COUNTY ATTORNEY OFFICE
1019 Congress Street, 15th Floor
Houston, Texas 77002
Phone: (713) 755-5101

FOR THE DEFENDANT:

CHARLES ELDRED
SBOT NO. 00793681
CHRISTINA CELLA
SBOT NO. 24106199
SUSANNA DOKUPL
SBOT NO. 24034419
BEN MENDELSON
SBOT NO. 24106297
OFFICE OF ATTORNEY GENERAL
P.O. Box 12548
Capitol Station
Austin, Texas 78711
Phone: (512) 457-4110

FOR THE INTERVENOR:

GERALD BIRNBERG
SBOT NO. 02342000
843 W. Friar Tuck Lane
Houston, Texas 77024
Phone: (281) 658-8018
RICHARD SCHECHTER
SBOT NO. 17735500
One Greenway Plaza, Suite 100
Houston, Texas 77057
Phone: (713) 623-8919

INDEX

**PLEA TO JURISDICTION
AND TEMPORARY INJUNCTION**

August 8, 2023

		<u>Page</u>
4		
5	Announcements.....	6
6	PLEA TO JURISDICTION	
7	Argument by Ms. Dokupil.....	12
8	Argument by Mr. Menefee.....	36
9	Opening Statement by Mr. Schechter.....	51
10	Opening Statement by Ms. Dokupil.....	53
11	Opening Statement by Mr. Menefee.....	56
12	<u>PLAINTIFF'S WITNESSES</u>	
13		
	<u>Direct</u>	<u>Cross</u>
14	CLIFFORD TATUM	
	By Mr. Sarkar	69
15	By Ms. Cella	114, 143
	By Mr. Schechter	123
16	CHRISTINA ADKINS	
17	By Mr. Miller	146, 184
	By Mr. Birnberg	158
18	By Ms. Cella	179
19		
		<u>Page</u>
20	Closing Argument by Mr. Fombonne.....	189
21	Closing Argument by Mr. Birnberg.....	193
22	Closing Argument by Ms. Dokupil.....	197
23	Court's Ruling Taken Under Advisement....	206
24	Adjournment.....	206
25	Court Reporter's Certificate.....	207

EXHIBIT INDEXPLAINTIFF'S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFER</u>	<u>ADMIT</u>
1	OAG Letter	100	100
2	Press Release	89	89
3	Twitter Post	89	89
4	Press Release	89	89
5	State of Affairs Transcript	89	89
6	Press Release	89	89
7	Twitter Post	89	89
8	Twitter Post	89	89
9	House Elections Transcript	89	89
10	Twitter Post	89	89
11	Press Release	89	89
12	Twitter Post	89	89
13	Twitter Post	89	89
14	Twitter Post	89	89
15	SB1933	63	63
16	SB1750	63	63
17	OAG Letter	100	100
18	2022 General Election Team PSA	100	100
19	OAG Letter	100	100
20	OAG Letter	100	100
21	Petition for Write of Mandamus	100	100

<u>PLAINTIFF'S</u>			
<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFER</u>	<u>ADMIT</u>
22	Rule 29.3 Motion	100	100
23	Motion for Emergency Relief	100	100
24	Petition in Interview	100	100
25	Twitter Post	100	100
26	Press Release	100	100
27	Twitter Post	100	100
28	Twitter Post	100	100
29	Twitter	100	100
30	Twitter Post	100	100
31	Twitter Post	100	100
32	Twitter Post	100	100
33	SB1750	100	100
35	Mass E-mail	100	100
36	Mass E-mail	100	100
37	Mass E-mail	100	100
38	Mass E-mail	100	100
39	Mass E-mail	100	100
40	Party Affiliation	100	100
<u>INTERVENOR'S</u>			
<u>NO.</u>	<u>DESCRIPTION</u>	<u>OFFER</u>	<u>ADMIT</u>
1	Clifford Tatum CV	124	124
2	Order Appointing HCEA	124	124
3	SB1780 Bill Analysis	143	--

P R O C E E D I N G S

AUGUST 9, 2023

* * * *

1
2
3
4 THE COURT: All right. Welcome. This is
09:02AM 5 GN-23-003523, *Harris County Texas Versus State of Texas*
6 *Office of the Attorney General of Texas, Angela*
7 *Colmenero, in Her Official Capacity As Interim Attorney*
8 *General of the State of Texas, Office of the Texas*
9 *Secretary of State and Jane Nelson, in Her Official*
09:03AM 10 *Capacity As Texas Secretary of State and Clifford Tatum,*
11 *Intervener, the Attorney General of Texas and the State*
12 *of Texas.*

13 May I have your announcement, please,
14 beginning with plaintiffs.

09:03AM 15 MR. FOMBONNE: Jonathan Fombonne from the
16 Harris County Attorney's office for Plaintiff, Harris
17 County, Texas.

18 THE COURT: Good morning.

19 MR. MENELEE: Good morning, Christian
09:03AM 20 Menelee from the Harris County Attorney's Office, as
21 well, for the Plaintiff.

22 THE COURT: Good morning.

23 MR. SARKAR: Good morning, Neal Sarkar for
24 the Harris County Attorney's Office, as well, for the
25 Plaintiff.

1 THE COURT: Good morning.

2 MR. MILLER: Good morning, Matt Miller for
3 the Harris County Attorney's Office.

4 THE COURT: Good morning, all.

09:03AM 5 And who will be presenting arguments this
6 morning, on behalf of Harris County?

7 MR. FOMBONNE: Your Honor, it will be a mix
8 of us. I'll present part of the argument. Mr. Menefee
9 will present another part, and we will also have
09:03AM 10 evidence to put on, and Mr. Sarkar and Mr. Miller will
11 be putting on that.

12 THE COURT: Okay. Since there are so many
13 of you, I do ask that you please state your name for the
14 record before you begin presenting. That will make life
09:04AM 15 a lot easier for Ms. Foley, the official court reporter
16 of the 250th.

17 And good morning in the back.

18 MR. BIRNBERG: Good morning, Your Honor, on
19 behalf of the intervenor and the cross-claimant,
09:04AM 20 Clifford Tatum, Gerald Birnberg, B-i-r-n-b-e-r-g, and
21 Richard Schechter. We will each be participating in the
22 examination of witnesses. Obviously not the same
23 witness, but--

24 THE COURT: Okay. Very good. If you-all
09:04AM 25 will take look at your microphones for just a moment.

1 Make sure that your green light is on when you're
2 speaking. Make sure you don't have any electronics
3 setting up on the desk that may be rubbing or making
4 noise. Make sure that everyone in the courtroom has all
5 devices silenced at all times during the proceedings
6 this morning. That would be very appreciated.

09:04AM

7 And on behalf of the defendants, good
8 morning.

9 MR. ELDRED: Good morning, Judge. Charles
10 Eldred for the AG's Office.

09:05AM

11 THE COURT: Good morning.

12 MS. CELLA: Good morning, Judge. Christina
13 Cella on behalf of defendants.

14 THE COURT: Good morning.

09:05AM

15 MS. DOKUPIL: I'm Susanna Dokupil, also on
16 behalf of the defendants.

17 THE COURT: Thank you.

18 MR. MENDELSON: Ben Mendelson also on
19 behalf of defendants.

09:05AM

20 THE COURT: All right. Is that everyone
21 who wishes to make an announcement for the record this
22 morning?

23 MR. BIRNBERG: Your Honor, we probably
24 should have also introduced the Court to Clifford Tatum,
25 who is the Intervenor.

09:05AM

1 THE COURT: Good morning.

2 MR. TATUM: Good morning.

3 THE COURT: I understand, today, that we
4 have a plea to the jurisdiction, which will be argued
09:05AM 5 first, just in terms of the necessity of what should be
6 heard first, and then we have a request for a temporary
7 injunction, and I know that the parties set a request to
8 strike Mr. Tatum's intervention. I received notice of
9 that, but I also noticed that there wasn't three days'
09:06AM 10 notice to Mr. Tatum, and without proper notice or
11 agreement of the parties, we won't go forward on that
12 motion.

13 Have you all had an opportunity to confer
14 about that motion, about whether there's an agreement?

09:06AM 15 MS. CELLA: Yes, Your Honor just via
16 e-mail, and the Intervenor has not agreed to that
17 motion.

18 THE COURT: Okay. What you can do -- I'm
19 the duty emergency judge this week. I've taken up this
09:06AM 20 matter just because of the request that it be heard
21 during this week, which is difficult because I'm
22 juggling other matters. I don't have a lot of time and
23 I'm trying to get to everything that you-all have set
24 this morning, and I won't have time to get to that issue
09:06AM 25 later this week when there is sufficient time, without

1 really causing a lot of undue burden on the Court in
2 trying to juggle things that happen later this week that
3 are already scheduled, but you may --if the parties
4 agree-- to submit briefing to the Court, and I can take
5 that by submission.

09:07AM

6 Is there any concern or objection with
7 that procedure?

8 MR. BIRNBERG: No, Your Honor. In fact, we
9 were on road, driving, when the motion was filed. We
10 couldn't even read it, and when we did read it, it has
11 some cases we need to research the brief and get back to
12 the Court. We'll do that by close of business tomorrow.
13 We think we'll be able to submit one, and we have no
14 objection presenting the issue to the Court by
15 submission.

09:07AM

16 THE COURT: Okay. You can have a full
17 three days, if you wish, but if you would rather the
18 Court take it up more quickly, then you may have until
19 end of day tomorrow, if that's your request.

09:07AM

20 MR. BIRNBERG: In the interest of traffic,
21 if you're giving us the three days, I will, however
22 represent to the Court and to the defendant we're going
23 to try to have it on file by tomorrow afternoon.

24 THE COURT: Okay. Very good. That's when
25 we'll look for it.

09:08AM

1 If you expect to need a reply brief, by
2 which date can you get that to me?

3 MR. ELDRED: Next morning.

4 THE COURT: Okay.

09:08AM

5 MR. ELDRED: And also, Judge, for the
6 record, I understand your position. We have to object
7 because it is jurisdictional. We believe that there's
8 no jurisdiction for suit and their main argument in this
9 case, so we would --for the record-- object to not

09:08AM

10 hearing the motion to strike at this time.

11 THE COURT: Okay. I'm not going to go
12 forward on the motion that does not have sufficient
13 notice to the other side, but I will take it by
14 submission, and I will review all pleadings by Thursday
15 afternoon. It sounds like everything should be to me by
16 that date.

09:08AM

17 Is that enough time for the Defendants'
18 reply briefing, or end of day Friday?

19 MR. ELDRED: Yes. Yes, Your Honor.

09:09AM

20 Whatever you said the first time, Thursday.

21 THE COURT: End of day Thursday. I'll look
22 for everything by 5:00 p.m. on Thursday, okay. Very
23 good.

24 Let's then go -- unless there are other
25 housekeeping matters, we'll go into the plea to the

09:09AM

1 jurisdiction.

2 MR. FOMBONNE: Judge, I understand we're
3 going to take the plea to the jurisdiction first. What
4 I would say is the issues in the plea and the issues in
09:09AM 5 our motion for temporary injunction is essentially
6 largely overlapped at least on the merits. They claim
7 sovereign immunity. We haven't pled a sufficient
8 constitutional violation. We say otherwise, so I think
9 just in terms of choreography, it makes sense that they
09:09AM 10 make their argument, and then we put on our evidence and
11 then go into the merits and the rebuttal arguments on
12 the sort of traditional jurisdictional arguments, if
13 that's okay.

14 THE COURT: Yes, that's -- that's the plan
09:09AM 15 of the Court, and so I'll hear arguments on the plea.
16 I'm likely to take the plea to the jurisdiction under
17 advisement. I have read the briefing, so I'm not going
18 to be hearing -- or at least considering the issues for
19 the first time.

09:10AM 20 We'll hear evidence in the request for
21 injunctive relief, but that request will be contingent
22 on the Court's denial of the plea or at least some
23 portion of the plea, okay, so you may begin with the
24 argument on the plea to the jurisdiction.

09:10AM 25 MR. ELDRED: Ms. Dokupil will handle that.

1 THE COURT: Will you please just make sure
2 that microphone is near you, and handle it by the base.

3 MS. DOKUPIL: This working?

4 THE COURT: Yes, that sounds good. You're
09:10AM 5 also welcome, if you wish to use the podium, and
6 hopefully you-all had some time to work with the Court's
7 electronics. You may plug in and use your laptops for
8 anything that you wish to share on the screen, okay.

9 MS. DOKUPIL: All right. Thank you very
09:10AM 10 much. I think for logistical purposes, my stuff is
11 better here than the podium, but thank you for the
12 offer.

13 So we are here to argue jurisdiction.
14 First of all, I want to talk about some background.
09:11AM 15 Legislatures are elected to solve problems. They weigh
16 pros and cons. They hear from all of the interested
17 parties, and when that law is passed, it's the
18 embodiment of the legislature's intent, as a whole, all
19 the different interests, policies, balances and
09:11AM 20 compromises. And this is why the Texas Supreme Court
21 has said over and over that legislative history is not
22 intent. Legislative history is irrelevant, and this is
23 also why we have canons of construction is this
24 deference to the legislative compromise. And, here,
09:11AM 25 with SB1750, we have such a situation where the

1 legislature tried to solve a problem.

2 The legislature was probably aware in
3 passing SB1750 that Harris County's elections had been
4 widely reported to have some challenges and concern. In
09:12AM 5 fact, some of these concerns made national news. Party
6 chairs on both sides of the aisle raised concerns.
7 Texas Monthly called the election in 2022, the primary,
8 the worst run election in recent memory. And the
9 elections administrator at that time --not Mr. Tatum--
09:12AM 10 resigned after that election.

11 The legislature would have also been
12 aware that after the election, there were reports of
13 shortages of ballot paper; ballot machine malfunctions;
14 problems in distributing supplies; problems with the
09:12AM 15 chain of custody for the ballots, and most importantly,
16 there were problems with the vote counts.

17 The legislature may have been considering
18 that Harris County's election count was not completed on
19 time. By law, it's supposed be done within 24 hours of
09:12AM 20 the poll closing, but it took 31 hours and, by contrast,
21 it only took 13-and-a-half hours in 2020, and
22 9-and-a-half hours in 2018, and the legislature would
23 have almost certainly been informed that after the final
24 votes were recorded in the 2022 primary, that an
09:13AM 25 additional 10,000 mail-in ballots were discovered later

1 that had not been counted.

2 And the legislature may have heard from
3 constituents or may have believed that Harris County
4 voters on -- for both parties were losing faith in the
09:13AM 5 integrity of the process.

6 As I mentioned, the elections
7 administrator for the 2022 primary resigned, and she
8 admitted she had not met the standards set by the
9 Commissioners Court. County Judge Lina Hidalgo
09:13AM 10 reportedly said at that primary that there were, quote,
11 unforced errors, and despite these challenges, the
12 Commissioners Court put in a new election administrator
13 and kept the system for the general election in 2022.

14 But there were problems again. There
09:13AM 15 were problems with ballot paper shortages, and without
16 ballot paper, no one can vote. There were reports of
17 issues with machine malfunctions and polling locations
18 being closed. And after the election, 14 candidates
19 filed election contests to contest the results, and the
09:14AM 20 legislature would certainly have been aware that Harris
21 County is, by far, the largest county in Texas. It
22 makes up about 16 percent of the population. It's twice
23 as big as the next largest county, and the legislature
24 would also have been aware that because Harris County is
09:14AM 25 so big, it has a significant impact on statewide

1 elections.

2 So SB1750 we can assume that the
3 legislature took action to solve these problems they
4 identified in Harris County. SB1750 applies to counties
09:14AM 5 with over three-and-a-half million in population, which
6 today is only Harris County, but it could be more in the
7 future.

8 SB1750 does two things. It prevents
9 counties with a population of three-and-a-half million
09:14AM 10 more for creating the position of election
11 administrator, and it also abolishes that position in
12 counties with three-and-a-half million or more that
13 currently have one, and that would include Harris
14 County.

09:14AM 15 In that process, it says that the county
16 should return the election administrator functions to
17 the county clerk and the tax assessor collector and
18 transfer all of the employees and property and so forth
19 that goes with that office.

09:15AM 20 Harris County and Intervenor Tatum are
21 asserting that this is an unconstitutional local law
22 under Article III, Section 56 of the Texas Constitution
23 because it targets specific local area through its
24 classification.

09:15AM 25 Harris County and Intervenor Tatum

1 explore at great length, the legislative history, the
2 alleged intent, the use of population brackets, but none
3 of these are actually critical pieces of the analysis.

4 For this reason, neither Harris County
09:15AM 5 not Intervenor Tatum have pleaded a constitutional claim
6 that SB1750 is facially invalid. And the claim that
7 SB1750 is unconstitutional because it hasn't been
8 improperly pled should be dismissed for lack of
9 jurisdiction.

09:15AM 10 And the authority for that is the *MALC*
11 case, the Texas Supreme Court, which says, although the
12 UDJA waives immunity for declaratory judgment claims
13 challenging the validity of statutes with how the
14 immunity from suit is not waived if the constitutional
09:16AM 15 claims are facially invalid. This is a jurisdictional
16 question.

17 I will also get to Harris County's lack
18 of standing, but I am going to go through and talk about
19 the facial claim first.

09:16AM 20 SB1750 is absolutely constitutional. The
21 test for the constitutionality of SB1750 is whether the
22 legislature had a reasonable basis for enacting that law
23 with the classification that it had. Whether the
24 population bracket targets local area is only the
09:16AM 25 beginning of questioning whether it's constitutional

1 under Article III, Section 56. It is not the end of the
2 analysis. Obviously, if there weren't a classification
3 that seemed to target the local area, we wouldn't be
4 talking about Article III, Section 56 at all. But the
09:16AM 5 reasonable basis is a really low bar. The test is
6 whether you can assume that a reasonable basis could
7 have existed that the legislature could have relied on,
8 and if you can figure out a situation of facts that
9 could be reasonable that exists, then we assume that it
09:17AM 10 did exist.

11 And so in this case, the reasonable basis
12 is that the legislature was trying to solve a problem
13 that it saw in a large county with elections.

14 If the legislature has a reasonable
09:17AM 15 basis, then the law is not prohibited by local law. It
16 is, in fact, a constitutional general law. And even
17 though reasonable minds may disagree about the
18 legislature's chosen course of action or the rules
19 behind it, that's not a sufficient basis for finding a
09:17AM 20 statute that has no reasonable basis a constitutional
21 matter.

22 Indeed, as *Smith versus Davis* said 1968,
23 it is to be presumed that the legislature has not acted
24 unreasonable or arbitrarily, and a mere difference of
09:17AM 25 opinion is not a sufficient basis for striking down

1 legislation that's arbitrary or unreasonable.

2 So Harris County and Mr. Tatum needed to
3 plead facts that needed to plead all possible reasonable
4 explanations for the classification in order for its
09:18AM 5 Article III, Section 56 claim to be facially valid. And
6 neither of the parties have addressed the basis that
7 Harris County is a super large county, with really big
8 logistical challenges and had a really challenging
9 election cycle. Targeting a population brackets are not
09:18AM 10 dispositive of the Article III, Section 56 issue.

11 Reasonable basis is.

12 Harris County has spent a lot of time in
13 their briefing in talking about open and closed
14 population brackets, and whether or not other counties
09:18AM 15 could potentially be considered later, but this is
16 actually a theme in the case law that was really popular
17 in the 1930s and the 1970s, and the Texas Supreme Court
18 has moved significantly away from that type of analysis
19 in more recent years. And even if hadn't, it's not a
09:19AM 20 thing that -- it's not the case that all -- every time
21 you see a bracket that includes only one county, it's
22 unconstitutional.

23 There is even a case from 1969, *Board of*
24 *Managers of Harris County Hospital District Pension*
09:19AM 25 *Board*, which is actually the population classification

1 only referred to Harris County at that time, and it
2 impacted a one-time pension transfer that had to do with
3 a set of the hospital pension system versus the
4 municipal employees pension system, and one time --
09:19AM 5 employees are transferred from one to the other, and the
6 Court upheld that and said it was perfectly fine even
7 though it was targeting only Harris County, because it
8 had a reasonable basis. It said that the city argues
9 that no city other than Houston can ever be affected by
09:19AM 10 the provision of the section. But no authority is
11 supported in -- cited in support of the position that
12 this fact renders an act a local or special law, and we
13 doubt that any could be found.

14 So the Texas Supreme Court is held up the
09:20AM 15 law targeting Harris County's administration before for
16 a one-time situation.

17 And this Supreme Court, more recently, in
18 *Maple Run Versus Monaghan* tried to harmonize the history
19 of these Article III, Section 56 precedents, and after
09:20AM 20 going through a lengthy history of which one did what
21 and why, the Court stated that the law is not a
22 prohibited local law merely because it applies only in a
23 limited geographical area.

24 The Austin Court of Appeals has held
09:20AM 25 similarly. They said, in *Public Utility Commission*

1 *Versus Southwest Water Services*, that a closed bracket
2 does not render a law constitutional. The Court gave a
3 detailed analysis. There's some cases targeting single
4 towns and districts. Some were constitutional, some
5 were not, but the Court explained the outcome was
6 determined not by the target, itself, but by the
7 presence or absence of a reasonable basis. Ultimately
8 the Court said, these cases preclude a rule that
9 declaring a statutory class which, by its terms is

10 closed to future members to be a per se violation of the
11 constitutional provision against local and special laws.

12 So courts have recognized that one subset
13 of the universe of potential reasonable bases is when
14 there is a larger statewide interest at stake. In *Maple*
15 *Run*, itself, it mentions that significance of the
16 subject matter and the number of persons affected by the
17 legislation are merely factors albeit important ones in
18 determining reasonableness.

19 As I mentioned before, the legislature
20 could clearly recognize that larger statewide interest
21 in Harris County's elections. Harris County's
22 population is larger than 26 states. As such, it has an
23 outsized impact on statewide elections as well as on
24 other election districts that overlap with Harris
25 County. So classification that encompassed only Harris

1 County for a statute that deals with elections could
2 have a reasonable basis in a larger statewide interest.

3 In other context, the Texas Supreme Court
4 has upheld similar law that target local problems where
09:22AM 5 it found a larger statewide interest. In *Cameron County*
6 *versus Wilson*, for example, the Court upheld a law that
7 classified -- that drew the classification such that
8 it's been targeted the development, and the Court found
9 a reasonable basis that the state would want to develop
09:22AM 10 beautiful beaches -- and beach islands needed maybe
11 different types of park services and mainland and so it
12 was reasonable to treat it differently.

13 The Court in that case made a very
14 sweeping statement about statewide interest. It said:
09:22AM 15 We have been and will again be faced with the need and
16 demand for legislation which affects all the people in
17 the state generally, yet when into direct operation,
18 will apply to one locality.

19 The scope of such legislation should not
09:22AM 20 be restricted by expanded nullifying fact of Article
21 III, Section 56 of the Constitution. And most directly
22 on point for this discussion, the courts have approved
23 laws that advance the larger public interest by solving
24 a local territorial dispute.

09:23AM 25 The *Maple Run* court spoke favorably at

1 the legitimate basis for upholding the statute that only
2 affected the DFW Airport.

3 This is a case where Dallas and Fort
4 Worth jointly created a board to administer the DFW
09:23AM 5 Airport, and eventually, the nearby cities of Irving,
6 and Euless and Grapevine started to object to the
7 upwards expansion. There were conflicting ordinances;
8 there was a lot of litigation, and legislature stepped
9 in to grant constituent public agencies that a joint
09:23AM 10 board who were homeowner municipalities whose population
11 exceed \$400,000 the exclusive power to administer
12 municipal airports, so it was clearly a classification
13 that was targeting this particular local problem. But
14 the Court upheld this because they said, the importance
09:23AM 15 of the Dallas public airport was so important to the
16 state that it was perfectly okay to target a local
17 jurisdiction and sort out an essentially local municipal
18 turf war because essentially airports are too important.
19 And, similarly, I would argue that the legislature here
09:24AM 20 could have had the reasonable basis that you know what,
21 elections are just too important. We're going to sort
22 this out.

23 The Court, in the DFW case specifically
24 rejected the city's argument that the attempt to fix the
09:24AM 25 local problem render the statute unconstitutional. It

1 said: There clearly is a local problem with the host
2 cities, but the legislature's attempt to alleviate this
3 problem does not place the law into the realm of an
4 unconstitutional or special measure.

09:24AM

5 So by any measure, SP1750 has a
6 reasonable basis, and considering the strong presumption
7 in favor of constitutionality, it must appear that there
8 is no reasonable basis for the classification adopted by
9 the legislature as the Court said in Cameron County.

09:25AM

10 And neither Harris County nor the intervenor pleaded any
11 set of facts that can possibly overcome this
12 presumption.

09:25AM

13 Harris County does spend a lot of time on
14 the legislative history, and they argue that because the
15 original intent of Article III, Section 56 is to
16 prevent, essentially, legislatures giving special
17 benefits to the friends and punishing enemies, that it's
18 important to look at intent in this context; however --
19 and, also, the intervenor explores all the means of the

09:25AM

20 statute to make it seem unreasonable. But neither of
21 these approaches can undermine an otherwise perfectly
22 reasonable basis because the test is: Can you assume
23 reasonable basis? And if the statute can be read as
24 constitutional, it must be. If a statute has two

09:25AM

25 possible interpretations, one of which is constitutional

1 and one of which is unconstitutional, then the
2 constitutional interpretation prevails. The Texas
3 Supreme Court said that most recently in *EBS Solutions*
4 *versus Hegar* in 2020.

09:26AM

5 The party asserting the statute is
6 unconstitutional bears a very high burden to show its
7 unconstitutionality, and, second, the legislative
8 history is irrelevant because the Texas Supreme Court in
9 recent years has declined to consider it. In *Molinet*

09:26AM

10 *versus Kimbrell*, the Texas Supreme Court said:
11 Statements made during the process by individual
12 legislators or even unanimous legislative chamber are
13 not evidence of a collective intent of the majorities of
14 both legislative chambers enacted in a statute.

09:26AM

15 And also in 2018, the Texas Supreme Court
16 said: When interpreting a statute, the text is the
17 alpha and omega of the interpretive process. While we
18 have often stated that our objective and statutory
19 interpretation is speaking of the effects of the

09:26AM

20 legislative intent, we also acknowledge that the
21 legislature expresses its intent by the words it enacts
22 and declares to be the law.

23 So if the text is the alpha and the
24 omega, it doesn't leave a lot of room to dig in to the
25 legislative history. And even this Court of Appeals in

09:27AM

1 -- *Gardens* says specifically that legislative history
2 cannot convert an otherwise reasonable basis into an
3 unreasonable one. And a quote from the case, the mere
4 fact that issues in the senator's district that was at
5 issue there were precipitating causes of law does not
6 render it a local or a special law. When reviewing the
7 statute to determine whether it is an unconstitutional
8 local or special law, we review the reasonableness of
9 the statute classifications, not the precipitating
10 forces that led to its enactment. Specific events have
11 led to numerous statutes that were enacted as law of
12 general applicability.

13 The Intervenor's brief also provides a
14 number of different unreasonable bases for the law in
15 great detail. But once again, that's not the test. The
16 test was whether the statute could have a reasonable
17 basis, and it could be reasonable for the legislature to
18 target Harris County in a larger statewide interest to
19 sort out problems -- local problem that affects the
20 entire state, so the law must be presumed
21 constitutional. And *Maple Run* is not to the contrary.
22 *Maple Run* did find the law issue in that case
23 unconstitutional, but that was fundamentally different,
24 because in *Maple Run*, a new development was scheduled to
25 be annexed by the City of Austin, and there was a

1 district providing utilities for the development, bonds
2 financed, and the City of Austin had backed the bonds.
3 And the district -- the legislature was going to allow
4 the district to shut down and leave the Austin City of
09:28AM 5 Austin taxpayers in debt, and the legislature did not
6 see how that created a larger statewide interest,
7 currently.

8 But here, you know, elections are
9 fundamentally a large statewide interest for the state.
09:28AM 10 There is another case that Harris County points to,
11 *Southwest County Water District* where the Austin Court
12 of Appeals declined to find a reasonable basis in the
13 larger statewide interest. Again, it was a MUD issue,
14 you know, local districts have jurisdictional dispute,
09:29AM 15 and -- but, again, it was a local water management
16 issue, and the Court said there was no larger statewide
17 interest in a local water management issue. But once
18 again, Harris County is the largest county in the state.
19 It has significant impact on statewide elections, and
09:29AM 20 it's very difficult to see how this legislature could
21 not have a larger statewide interest in its election
22 process.

23 So for those reasons, both Harris County
24 and the intervenor pleaded a facially invalid
09:29AM 25 constitutional claim under SB1750 because they have not

1 pleaded facts that overcome the presumption that is
2 constitutional or that there's a lack of any reasonable
3 basis.

4 Now, I'm going to move on to standing.

09:29AM

5 This argument applies only to Harris County. Harris
6 County lacks standing to sue any of the defendants.
7 Standards for standing are: Injury in fact that has to
8 be fairly traceable to the defendant, and it also has to
9 be likely, not speculative, that the injury will be

09:29AM

10 redressed by a favorable decision. There's been some
11 back and forth in the briefings about who's a proper
12 party. Essentially, to boil it down, in the UDJA, you
13 have to sue the office that has the enforcement
14 authority, and so the State of Texas doesn't have any
15 enforcement authority, so they are not a proper party.

09:30AM

16 Angela Colmenero and Jane Nelson, in
17 their personal capacities, do not have enforcement
18 authority so they are not a proper party, so the only
19 proper parties that could be sued here of the ones that
20 they listed on UDJA were the office of the Attorney
21 General, and the Secretary of State. That was our
22 position.

09:30AM

23 Now, just because they are the proper
24 parties doesn't mean you have standing. The UDJA does
25 not, in and of itself, convert standing. You also have

09:30AM

1 to show enforcement. So, first of all, we argue that
2 Harris County is nonspeculative. Harris County seems to
3 take different positions about, you know, whether they
4 are going to comply with the law or not. They seem to
09:30AM 5 be keeping their options open, and so to that point, you
6 know, on the one hand, they argue, well, if you comply
7 with the law, we're going to have all this harm, but on
8 the other hand, if you don't comply with the law, the
9 Secretary of the State means you're going to come get
09:31AM 10 them, and, yeah, it's kind of very -- it's speculative.
11 Which one is it? Which are we talking about?

12 In addition the harm seems speculative
13 even if they comply that 1750 transfers the authority
14 from one office of the county to a different office of
09:31AM 15 the county. So even if it does cost the county money,
16 we're just moving money from one bucket to another, and
17 it just seems -- it's just very difficult to understand
18 how the county, itself, is going to be harmed by this
19 when the county will still be maintaining control of the
09:31AM 20 county elections, but if the county does not follow the
21 law, it is also not pleaded facts to establish the
22 length between any harm that they might experience from
23 transferring elections administration from one office to
24 the other, and the AG or the Secretary of State
09:31AM 25 enforcing the law.

1 facts includes: The fact -- the agreed fact of the
2 Office of Attorney General cannot commit that it will
3 not file a lawsuit against Harris County on the basis
4 that Harris County has violated Senate Bill 1750, and
09:33AM 5 also, no. 2, that the Office of the Attorney General
6 cannot commit that it will not seek civil penalties
7 against Harris County officials, including its election
8 officials if the Harris County elections administrator
9 continues to perform the functions of registering voters
09:34AM 10 and administering elections after September 1st, 2023.

11 Are those the joint stipulations of the
12 parties?

13 MS. DOKUPII: We did stipulate to that,
14 Your Honor, and I would say that while it says we didn't
09:34AM 15 -- the stipulation both says we have not committed to
16 enforce or not to enforce, it is an open question. And
17 it does -- even to the extent that anyone would have any
18 internal discussions about enforcement -- which I'm not
19 aware of-- they would be likely subject to
09:34AM 20 attorney-client privilege.

21 There is not going to be a binding
22 pronouncement at this hearing of what the Attorney
23 General is going to do with SB1750. And -- but the
24 thing is, for standing purposes, they needed to -- they
09:34AM 25 need to plead that we would -- not that we wouldn't

1 commit, that we wouldn't. That's my position.

2 THE COURT: Did you wish to be heard?

3 MR. FOMBONNE: Not in this moment. I was
4 going to agree on the stipulation in terms of what they
09:35AM 5 said in the agreement. That's it.

6 THE COURT: Okay. Thank you.

7 MS. DOKUPIL: Uh-huh.

8 So Harris County also doesn't have
9 standing to sue the Secretary of State because it hasn't
09:35AM 10 shown either enforcement authority or an imminent threat
11 of enforcement. They point to a lot of statutes where
12 the Secretary of State maybe could possibly enforce--

13 THE COURT: Well, let me -- on the issue of
14 enforcement authority?

09:35AM 15 MS. DOKUPIL: Uh-huh.

16 THE COURT: I believe you just argued that
17 the two proper parties are the Office of Attorney
18 General and Office of Secretary State.

19 MS. DOKUPIL: That would probably be the
09:35AM 20 proper parties under the UDJA. I am not saying that
21 they would have enforcement authority. I am saying that
22 for purposes of the UDJA, you should sue an office
23 instead of a person or the State of Texas. That's it.

24 THE COURT: If not those offices, then who
09:35AM 25 would have the authority to enforce the statute?

1 MS. DOKUPIL: Well, I -- the statute is
2 actually not very clear on that. From reading the
3 statute, it could potentially -- I mean, the statute
4 directs the County Commissioners Court to do something.

09:36AM

5 THE COURT: But your office's stipulation
6 says we're not--

7 MS. DOKUPIL: We're not disclaiming all
8 enforcement responsibility; we're not claiming all
9 waiver.

09:36AM

10 THE COURT: Okay.

11 MS. DOKUPIL: I think it's also possible
12 that this could be enforced, potentially, if a -- for
13 example a candidate with standing might sue for -- sue
14 in a local court. I mean, I don't think it's -- the
15 statute doesn't give enforcement authority to anyone
16 specific or to anyone in its entirety. There are
17 options. Harris County does argue that SB1933 gives
18 enforcement authority to the Secretary of State, and we
19 disagree with that position because 1933, while it --
20 it's a completely different mechanism. 1750 requires
21 the elections administrator to be abolished on September
22 1, 2023, but 1933 -- the Secretary of State has no
23 authority under it whatsoever unless it receives a
24 complaint from one of the named people in the statute,
25 and then it must give notice to the county

09:36AM

09:36AM

09:37AM

1 administrator, and then there's a whole investigation
2 and an opportunity to correct, and there's a very long
3 process involved with it, and based on the timing of the
4 statute, even if the Secretary of State got a complaint
09:37AM 5 on September 1, 2023, the earliest the Secretary of
6 State could possibly take any type of removal action
7 could be December 31st, 2024. And so for that reason,
8 it doesn't seem that the legislature intended 1933 to be
9 enforcement mechanism of 1750. They operate
09:37AM 10 independently.

11 Further, the Secretary of State has no
12 general enforcement authority over election law, so it
13 has to be a provision by provision basis with the
14 Secretary of State to determine whether they have
09:37AM 15 enforcement authority over any particular provision, and
16 ultimately, traceability is particularly difficult to
17 show where the proper chain of causation turns on the
18 government's speculative future decisions regarding
19 whether -- to what extent. It will bring enforcement
09:38AM 20 actions in hypothetical cases. That's the *AR*
21 *Engineering Testing* decision from the Fifth Circuit
22 earlier this year.

23 So just like the Secretary of State,
24 Harris County has a provision by provision enforcement
09:38AM 25 policy. Harris County has brought up some cases and

1 briefing dealing with mask mandates, and we would argue
2 that those are different because those are about a
3 completely different statute. And in addition, that
4 there is a -- there's a clearer setup. It was clear
5 that the counties were looking at a statute where they
6 were going to do something that would conflict with
7 state law, and the AG's Office had decided to prosecute
8 that particular provision, but here -- well, I'll also
9 say they also pointed out a letter to Vince Ryan, the
10 Harris County Attorney, which was at -- from the AG, and
11 letter was asking Vince Ryan to address some technical
12 problems in the way that the County Commissioner's Court
13 created election administrator's position, but
14 significantly, and to my point, the AG enforcement
15 authority would not be exclusive on any provision of the
16 election law necessarily, the letter to Vince Ryan says:
17 Vince Ryan, please take a look at this. Please go
18 enforce this law. So the AG sometimes works through
19 local officials and doesn't take the enforcement
20 themselves, and for that reason, you know, I -- we don't
21 think that Harris County has pleaded facts sufficiently
22 to show there's a connection with the AG's enforcement
23 authority to have standing in this instance. So Harris
24 County hasn't pleaded facts sufficient to show harm in
25 enforcement, and neither Harris County nor the

09:38AM

09:39AM

09:39AM

09:39AM

09:39AM

1 intervenor have pleaded facts sufficient to establish a
2 constitutional claim against SB1750 is facially invalid,
3 and so defendants request that this Court grant the plea
4 to the jurisdiction. Thank you.

09:40AM

5 THE COURT: Thank you very much.

6 Response?

09:40AM

7 MR. FOMBONNE: So I think it makes sense to
8 have Mr. Menefee present on the substance of the law
9 first, and we do have evidence that goes directly to our
10 standing arguments because it goes to enforcement so I
11 think we do that next and we conclude with arguments on
12 threat of enforcement, if that's okay.

13 THE COURT: You may proceed.

09:40AM

14 MR. MENELEE: Christian Menefee, for the
15 record, Judge.

16 Do you mind if I take a second to hook up
17 to the tech here.

18 THE COURT: Certainly. Make sure that you
19 push the silver button to control.

09:41AM

20 MR. MENELEE: Okay. Good morning, Judge,
21 Christian Menefee on behalf of Plaintiff Harris County.
22 You know, we heard a lot in the argument about kind of
23 the merits of whether SB1750 is unconstitutional, and
24 one point that I want to clear up, immediately, Judge,
09:41AM 25 is we're not arguing that the legislature doesn't have

1 the ability to target a local problem. In fact, the
2 Texas Constitution doesn't say anything about targeting
3 a local problem. What it says is you can't pass a local
4 law, so can you pass a law that targets local problems
09:41AM 5 but has general applicability, and the second point,
6 Judge, is there's a lot of talk about open brackets
7 versus closed brackets, and what's important here is
8 there's a distinguishing principle from the
9 classification that is used is population, right. If
09:41AM 10 the population is the thing that makes the problem what
11 it is, then why wouldn't it be open to any county that
12 reaches that population threshold, and I think that's
13 borne out in the case law that I'll talk about here in a
14 second.

09:42AM 15 We can talk over this quickly, Judge.
16 I'm sure you saw in the petition, but one of the
17 benefits of being in the year 2023 is we will put
18 everything on the internet, right, and so, you know,
19 there's a bunch of statements that were made by the
09:42AM 20 author of SB1750 as well the house sponsor, kind of
21 making clear that the purpose of Senate Bill 1750 is to
22 abolish the Harris County elections administrator, and
23 to be clear, Judge, you know, the basis of our case is
24 not -- there's legislative history out there that
09:42AM 25 there's extra legislative statements out there that show

1 that SB1750 is -- is unconstitutional. No, the text of
2 that law shows it, but this just gives the Court color
3 that nobody was hiding the ball on this, right. We're
4 -- we're not -- it doesn't take several steps to deduce
5 what was actually going on there.

09:42AM

6 So let's take a look at the statute.
7 What the Texas Constitution, Article III, Section 56
8 says is: The legislative shall not pass any local or
9 special law authorizing, and then it has what the courts
10 call a laundry list, right, of prohibited areas of
11 regulation, and there's several that touch on the
12 precise conduct that's going on here. This is
13 important, Judge, because in most of the cases, what you
14 see is Section 2 is what is discussed when it's a county
15 versus a state or a city versus a state such as
16 regulating the affairs of counties. That's a pretty
17 large bucket. We kind of understand what's going on
18 here, but, importantly, you don't see a lot of cases
19 talking about Section 12, right. That's exactly what
20 we're dealing with here. For the conduct -- for the
21 conducting of election, and it makes a lot of sense.
22 You don't want elections to be run differently in
23 different places, right, through local laws because the
24 legislature is trying to tie the hands of local
25 officials in a certain jurisdiction to ensure that their

09:43AM

09:43AM

09:43AM

09:43AM

1 party is more successful in elections. And also,
2 important in some other cases, in Section 14,
3 prescribing the powers and duties of -- of officers and
4 counties, right. A county auditor in Harris County is
09:43AM 5 supposed to have the same authority as a county auditor
6 in another location.

7 Now, to be clear, Judge, we are not
8 arguing that the legislator is not able to target areas
9 of the state that are more limited than the entire
09:44AM 10 state, right. The case law is pretty clear that the
11 legislator would be able to do that, but there are very
12 clear rules of the road that the cases lay out. The
13 first part of this, I would say, Judge, is an intent
14 element, right. The Courts talk about: You can't pass
09:44AM 15 a law that has an arbitrary classification or a
16 pretended class that is intended to evade this
17 constitutional prohibition on local laws. And it makes
18 a lot of sense, right. If the state were to pass a law
19 saying this law applies to Harris County, I think we
09:44AM 20 would all in this room agree, oh, that's going to be
21 problematic, right, so you can't take out Harris County
22 and, say: This applies to a state, that has somebody
23 named Christian Menefee who lived in that county who was
24 born on April 8, 1988, right. Like they are not allowed
09:44AM 25 to evade constitution using a classification like that,

1 and that's exactly what you see in these cases.

2 Now, importantly, the State has argued in
3 all the briefing that we're getting the test wrong,
4 right. They say, Plaintiff is focused on open brackets
09:45AM 5 versus closed brackets and that's just not the -- the
6 test. I think they are misunderstanding our argument,
7 respectfully. We're not arguing that reasonable
8 relation isn't the test. The case law is being clear --
9 the Texas Supreme Court has said the primary ultimate
09:45AM 10 test is this reasonable relationship. What we're
11 arguing is they are misunderstanding what that
12 relationship is, right. It's not a reasonable basis for
13 passing the law. It's a reasonable basis for the
14 classification made by the law, and what the Court said
09:45AM 15 in *Maple Run*, which is a case that both sides have cited
16 from the Texas Supreme Court. The classification must
17 be based on characteristics legitimately distinguishing
18 such class from others with respect to the public
19 purpose sought to be accomplished by the proposed
09:45AM 20 legislation.

21 So you're looking at the reasonable basis
22 for the classification and those characteristics have to
23 be legitimately distinguishing. And that's incredibly
24 important with population because that's something that
09:45AM 25 changes every day. Harris County population today is

1 going to be different than the county population a week
2 from now.

3 This is where I think the state misses
4 the mark. They -- in their brief, they give a lot of
09:46AM 5 so-called, you know, bases for why Senate Bill 1750
6 could have been passed. One of the things they say is,
7 well, it's large in size, right. But the classification
8 that was used in this case was not geography, right. It
9 wasn't any county within 800 square miles. They say, oh
09:46AM 10 well, it's because Harris County had problems in the
11 elections. The classification here is population. That
12 is the sole classification that was used in Senate Bill
13 1750, and that's what they have to tie it to. You can't
14 tie it to all this other stuff that -- that isn't part
09:46AM 15 of that classification. It needs to be tied to the
16 classification that the legislature chose, not Harris
17 County.

18 And so that's where this open and close
19 kind of view comes because what the courts have pretty
09:46AM 20 much uniformly applied, Judge, is when you're using
21 population and that is your classification, it doesn't
22 -- it should not matter whether that population is with
23 a county that is East Texas, in West Texas and North
24 Texas. It shouldn't matter whether a county has that
09:47AM 25 population on September 1, 2023 or November 1, 2023. If

1 population really is the legitimately distinguishing
2 characteristic, which is what Texas Supreme Court says,
3 classification needs to be. So this is just an example,
4 Judge. Let's say we're in September 1, 2022, and we're
09:47AM 5 dealing with four of the most populous counties in the
6 State of Texas, and a new elections law passes, for
7 example, Senate Bill 1. It goes into effect on this
8 day, September 1, 2022 and it impacts all counties with
9 over 3.5 million residents. So this is an open
09:47AM 10 brackets, and to kind of explain that example is because
11 let's say we fast-forwarded to April 1, 2027, right, and
12 we have those same four counties, but for some reason
13 you-all in Travis County have figure out a way to make
14 it more affordable to live here, so more people would
09:47AM 15 move to Travis County, and you get Senate Bill 1. Now
16 Harris County and Travis County are subject to that law
17 because the bracket applies to any county that hits over
18 3.5 million. The calculation of the population takes
19 place in perpetuity. It's not isolated on a single
09:48AM 20 date, and it makes sense, right, because if the purpose
21 -- the public purpose, which this is language from the
22 Texas Supreme Court. If the public purpose to be
23 accomplished here is to fix elections in large counties
24 because large counties have more voters, so they are
09:48AM 25 going to have more problems, with their elections, why

1 should it matter if it's county A that hits that
2 population threshold, or county B.

3 Now, juxtapose that against a closed
4 population brackets, Your Honor, so the same example.

09:48AM

5 We're on September 1, 2022. We're dealing with the same
6 four counties, and a new election law, Senate Bill 2
7 goes into effect, and this law applies only to counties
8 that have 3.5 million on this date, September 1, 2022,
9 which is the date that the law goes into effect. So

09:49AM

10 this is a closed population bracket which only does that
11 calculation a single time in history. It doesn't do it
12 any other time. So, again, we're at April 1, 2027. The
13 Travis County population is increased. That law only
14 Harris County is going to be subject to that law, right.

09:49AM

15 This principle we can call it open/closed brackets, we
16 can call it reasonable relation. This undermines the
17 argument that there was a reasonable basis for the law
18 in the first place because if population is what you
19 used, it would apply to all large counties that are

09:49AM

20 having the -- you know, large numbers of voters that can
21 impact the election processes.

22 Now, I had planned to spend -- well,
23 actually, one point I do want to touch on with this,

24 Judge, is, you know, some of the conversation we've

09:49AM

25 heard or, you know, some of the arguments that the state

1 has made is -- to be clear, we have not seen a single
2 case, and I don't think the state has presented such a
3 case either, where a closed population bracket was held
4 to be constitutional. Not a single case. Most of the
09:50AM 5 cases that have been cited by the other side have dealt
6 with -- and I think there's one that comes to mind in
7 particular, the *Cameron County* case. It's a closed
8 geographical population bracket. That makes a lot of
9 sense. And I think it's very obviously distinguishable
09:50AM 10 from a population bracket.

11 So let's say, for example, you had a
12 county that is incredibly large, right, and if a county
13 is really big, it's going to take fire departments
14 longer to get out across the county. And the
09:50AM 15 legislature passes a law saying that a county that has X
16 hundred square miles shall have four fire marshals that
17 are designated throughout the county, right. There can
18 absolutely be a reasonable basis right, and geographic
19 is not going to change in the State of Texas unless
09:50AM 20 there's some action taken by the legislature, but it
21 would make sense to have it apply to a geographical
22 range that would treat Harris County, for example,
23 different from Bell County. That would make a lot of
24 sense, right.

09:50AM 25 Population doesn't have -- population is

1 a changing concept that changes every single day, right,
2 so it's different from like geography, for example. In
3 the Cameron County case, the case that they primarily
4 rely on, but there have been a series of population
09:51AM 5 cases, including the *Bobbitt* case, which is back in
6 1931, and I think counsel for the state mentioned that
7 the Courts back in the day looked at this issue
8 differently. The suggestion there is that the *Bobbitt*
9 case is bad law. It's not. The case has not been
09:51AM 10 overruled. And in fact, in 1974, the Texas Supreme
11 Court in the *Robinson v. Hill* case cited *Bobbitt* and
12 then noted that the population bracket in that case was
13 an open bracket, right, and every single case that deals
14 with population, you're seeing the Court either take it
09:51AM 15 head on or just mention in passing by, oh, this -- so a
16 good example is the *Hospital* case that the other side
17 has talked a lot about, right. That case was an open
18 bracket. It applied to a certain population. A county
19 with a certain population, it had teaching hospitals
09:51AM 20 right in a couple other factors. Now, it was only
21 covering a certain locale on the day it was passed, but
22 other locales could grow into it.

23 And I think the reason that you've seen
24 the Courts kind of uniformly take that approach with
09:52AM 25 population brackets is because of that intent element

1 that I mentioned earlier, right. If you allow the State
2 to pass a law that has a closed population bracket, it
3 should be pretty clear to everybody that the reason that
4 they closed it was because they didn't want it to apply,
09:52AM 5 generally, which is what the Constitution requires.

6 Now, when I was preparing this, I thought
7 we were going to talk about this particular slide, which
8 is the statute at issue, but I don't think that this is
9 highly in dispute. There are two sections of the
09:52AM 10 statute here. Section 2, which says the county with a
11 population of 3.5 million or less cannot create the
12 position of election administrator. We're challenging
13 that on our dec action, but it's not really relevant for
14 our temporary injunction because we have an elections
09:52AM 15 administrator today who's obviously here in the
16 courtroom represented by counsel.

17 This second section, Section 3 is the
18 part that we're focusing on for our temporary
19 injunction, and what this section does is it creates a
09:53AM 20 classification where you have to have 3.5 million in
21 your county on September 1, 2023. And if you have an
22 elections administrator, it is abolished. I thought
23 that there was going to be some dispute between the
24 parties about what this meant, but I think the strongest
09:53AM 25 language that the state used in their plea to the

1 jurisdiction was it's not clear. But we think it is
2 clear, but I don't have to spend much time on it because
3 it hasn't been a point of contention, Judge.

4 So then if you take kind of this same
09:53AM 5 example graph that I used earlier and apply it to Senate
6 Bill 1750 for September 1, 2023, this -- we're going to
7 be dealing with the same counties here, right. 1750 is
8 going to abolish the elections administrator, and
9 transfer those duties over on that date, and so if on
09:53AM 10 April 1, 2027, Dallas County, for example, takes that
11 3.5 million threshold, they will not impacted by Senate
12 Bill 1750, right. It's not going to abolish the Dallas
13 County elections administrator. That county does have
14 an elections administrator at this point.

09:54AM 15 Now, Judge, if you applied this same
16 reasoning from these cases -- if the issue with Harris
17 county is that it is highly populous and has a lot of
18 voters, and that's going to impact elections across the
19 state, then if another county gets to that population,
09:54AM 20 why wouldn't that law also abolish their elections
21 administrator?

22 Now, the reason that I included this
23 slide at the start of the presentation, Judge, about,
24 you know, Senator Bettencourt and all of his statements
09:54AM 25 was because we really don't have to guess here, right.

1 We understand what this was. This was, you know, a
2 senator from a local jurisdiction who had problems with
3 decisions that the local government was making, who had
4 problems with the way the local government ran elections
09:54AM 5 and wanted to pass a law that only applied to that local
6 government.

7 Now, we can't be sure why the other
8 counties were excluded. I'm sure, you know, logrolling,
9 it happened, right, in the legislature. I'm sure there
09:54AM 10 was a need to get other folks onboard, but here, there
11 doesn't seem to be much dispute that this law only
12 applies to Harris county.

13 If the Court has any questions, I'm happy
14 to hear them now. If not. I'll turn it over to my
09:55AM 15 colleague to argue, Judge.

16 THE COURT: I have no questions at this
17 time. Thank you.

18 MR. FOMBONNE: Judge, as I mentioned, we've
19 got some evidence to put on, so before we get to live
09:55AM 20 testimony, I have a box of 40 exhibits. These are
21 admissibility exceptions, as -- I think it might make
22 sense instead of going through each one, in terms of
23 categories I'm prepared to do that, if that's okay with
24 Your Honor. There -- they mostly go to threat of
09:55AM 25 enforcement and also a little bit of legislative

1 history.

2 THE COURT: Have you uploaded the documents
3 that you wish to offer into evidence--

4 MR. FOMBONNE: Just--

09:55AM

5 THE COURT: --into the Box?

6 MR. FOMBONNE: Just the list, Your Honor.

7 THE COURT: I saw the list was filed, but
8 you should have received a Box link.

9 MR. FOMBONNE: From this morning?

09:55AM

10 THE COURT: Please don't speak over me--

11 MR. FOMBONNE: Oh, I'm sorry.

12 THE COURT: --because I do have the court
13 reporter taking down all the words of our hearing this
14 morning. She sent you a link, and to the extent that
15 you can do it or someone from your office do it, you
16 should upload every exhibit that you wish to offer today
17 so that it may be electronically received by the Court
18 and placed into the admitted exhibit folder once I do
19 that, okay.

09:56AM

09:56AM

20 MR. FOMBONNE: We'll do that right now and
21 take that up, and once that's done, I'll ask
22 Mr. Sarkar...

23 THE COURT: In the meantime, you may use
24 physical documents. I don't mind that, but it's the
25 Court's preference that you-all use electronic documents

09:56AM

1 for the record.

2 MR. FOMBONNE: Understood. Most of these
3 documents go to my argument on the Plea to the
4 Jurisdiction, and will happen at the end, so I'll let
09:56AM 5 Mr. Sarkar take over on the live testimony, and once
6 we're done with the live testimony, we can go back to
7 moving those into evidence.

8 THE COURT: Okay.

9 MR. FOMBONNE: Thank you.

09:56AM 10 THE COURT: Do you want to make a bulk
11 offer of the exhibits that you included in your exhibit
12 list and take up objections? Maybe that's a good way to
13 do it.

14 Let me go ahead -- while you're sorting
09:57AM 15 out the exhibits, I know we've got some folks in the --
16 excuse me. I want to make sure that the members of the
17 media who have been invited to sit in the jury box, make
18 sure that you understand the Court's rulings with
19 respect to recording. There is a local rule that
09:57AM 20 prohibits recordings in the Travis County Courts. I've
21 made an exception to that, but a very limited exception,
22 and that is: You may sit in the box, and you may take
23 still photographs with consent of those whose picture
24 you're taking, and at breaks. So if it's disruptive, I
09:57AM 25 don't want it to happen. If it makes sound, I don't

1 want it to happen. I see that you're taking photographs
2 and I just want to make sure that you have consent of
3 anyone whose photo you're, taking okay. Those are the
4 rules of my court, okay.

09:58AM

5 Understood? Thank you.

6 Okay. Yes.

7 MR. SCHECHTER: Your Honor, Richard
8 Schechter on behalf of Mr. Tatum. Before we get into
9 evidence, we have a very brief opening statement. Since
10 the State made some allegations against the Intervenor,
11 may we have just a couple of minutes before we start
12 evidence?

09:58AM

13 THE COURT: You may.

14 MR. SCHECHTER: May I approach the podium,
15 Your Honor?

09:58AM

16 THE COURT: You may.

17 MR. SCHECHTER: Your Honor, may I approach
18 the Court and give the Court some materials?

19 THE COURT: You may approach. Thank you
20 very much.

09:58AM

21 MR. SCHECHTER: Your Honor, very briefly,
22 Richard Schechter along Gerry Birnberg on behalf of
23 Clifford Tatum. We have just a few things to add to the
24 opening statement made by Mr. Menefee.

09:59AM

25 First, Your Honor, there was no plea to

1 the jurisdiction filed against Mr. Tatum, nonetheless,
2 the State threw him in with its allegations, and I just
3 want to make a quick couple of additional points that --
4 to those made by Mr. Menefee, and, first, I want to
09:59AM 5 endorse what the State has said that the text is the
6 alpha and omega, and legislature expresses its intents
7 by its words, as that is true for the Constitution.

8 And if the Court looks under tab 3 at the
9 constitutional provision, it says: The legislature
09:59AM 10 shall not accept as otherwise provided in this
11 constitution. Pass any local or special law
12 authorizing. No. 2, the regulating of the affairs of
13 counties. No. 12, conducting of elections, and there
14 are two others that Mr. Menefee pointed out, but the
09:59AM 15 text is very clear, and we live in a textual era,
16 Your Honor, and the leading text, we'll listen, the
17 State of Texas is the Attorney General, and we are just
18 asking the Court to apply the plain language of the
19 Constitution.

10:00AM 20 Even; however, the text goes farther when
21 you look at the statutory provision. The plain language
22 of the statutory provision 1750. If you look under tab
23 2, it says that on September 1, all powers and duties of
24 the elections administrator of a county with a
10:00AM 25 population of more than 3.5 million on that date are

1 limited. It says nothing about counties that had prior
2 problems with elections. If that was a basis, we could
3 look according to the state only at the text of the
4 statute. But that isn't a reasonable basis for
10:00AM 5 determining the classification because it's not in the
6 legislation.

7 So, Your Honor, we believe that in this
8 case, Mr. Tatum has clearly alleged a facial violation
9 of the plain language of the Constitution, and even of
10:01AM 10 the language that has been engrafted by the Supreme
11 Court, judicially engrafted on to the plain language of
12 the Constitution, and he, Your Honor, is the person who
13 is directly affected by the stip. He will loss his job.
14 There is no dispute about it, and he has brought this
10:01AM 15 suit and claimed this injunction seeking this injunction
16 against the only party he can seek it from, which is his
17 employer, Harris County.

18 Thank you, Your Honor.

19 THE COURT: Thank you very much.

10:01AM 20 I may -- or I will allow the state
21 defendants, collectively, I'm going to call you the
22 state defendants, a brief rebuttal, if you wish at this
23 time.

24 MS. DOKUPIL: Yes.

10:01AM 25 THE COURT: I ask that it be brief because

1 it's already 10:00 o'clock, and I want to make sure we
2 have time for evidence.

3 MS. DOKUPIL: Sure. All right. Very
4 briefly. We did actually file a plea to the
10:02AM 5 jurisdiction against Mr. Tatum yesterday, so it -- maybe
6 some of you haven't gotten it, but we did, regarding the
7 text. The text is the intent.

8 Looking at the text to understand what
9 the legislative intent is exactly how courts have
10:02AM 10 determined which population brackets are okay and not
11 okay. And it isn't the case that no closed brackets
12 have been upheld.

13 The Austin Court of Appeals 1982 *Public*
14 *Utilities Commission Versus Southwest Water Services*.
10:02AM 15 It upheld these cases preclude a rule that declaring a
16 statutory class by terms closed to future members to be
17 a per se violation of the constitutional prohibition
18 against local and special laws, so it -- that's not the
19 rule. Closed brackets isn't a thing that makes
10:02AM 20 something constitutional.

21 *Maple Run* talks about the reasonable
22 basis. I think we're all on the same page that
23 reasonable basis is the test. Where we disagree is the
24 fact that, you know, how much can you dig into
10:03AM 25 reasonable basis to get to reasonable basis? Can you

1 look at legislative history to inform the reasonable --
2 can you look at legislative history to inform the
3 reasonable basis? We would say no; they would say yes.
4 Can you look at any other areas of legislative intent to
5 figure out what's really going on here, to determine
6 reasonable basis? They would say yes; we would say no.

7 We say the test is, according to the
8 courts, can you imagine any universe in which there was
9 a reasonable basis? If you can, it's not a local
10 special law, it is a constitutional general law.

11 Population brackets are used to target all the time.
12 There aren't these like -- you know, better and worse
13 population brackets when you really look at the greater
14 history of a precedent because like what I mentioned the
15 board of managers, the issue with the hospital pension
16 system, that was a population bracket, but it looked at
17 only the City of Houston to fix a pension system. The
18 pension system was not really related to the population
19 of Houston. Here, in fact, we even have a stronger

20 argument because the population bracket is related to
21 very large counties. Very large counties have a bigger
22 issue and a bigger logistical concern to administer
23 elections than a smaller county, and Harris County talks
24 about, you now, Travis County, Dallas County, Bexar
25 County, these are all big counties, but Houston is twice

1 as big as the next smallest one. So it is appropriate
2 and reasonable to treat Harris County differently than
3 these other counties.

4 Let's see. I'm trying to be brief. Yes.

10:04AM

5 Also, I wanted to point out about population brackets.

6 Even in the *Dallas Fort Worth Airport* case, that was

7 done on a population bracket. It was cities of 400,000

8 or more in population that happen to also administer

9 airports, you know, so it was a population that was used

10:05AM

10 to target this. This happens all the time, so that

11 can't possibly be the rule. The rule is, again,

12 reasonable basis.

13 You know -- thank you, Your Honor.

14 THE COURT: Thank you very much.

10:05AM

15 Plaintiff.

16 MR. MENEFFEE: May I have 30 seconds to

17 respond, Your Honor?

18 THE COURT: You may.

19 MR. MENEFFEE: So, my argument was not that

10:05AM

20 there have never been closed bracket cases. My argument

21 was there has never been a closed population

22 classification that has been upheld by the Court. The

23 *Public Utilities* case out of the Third Court of Appeals

24 was not a population classification, and the *airport*

10:05AM

25 case that was just discussed, Your Honor, again, another

1 open bracket, and, in fact, there was specific
2 discussion by the Court, like Look, this could happen
3 somewhere else. I mean, imagine Austin and San Antonio
4 at some point are going to need like some large
10:06AM 5 international airport that you can jointly use, right,
6 but, again, I think the same distinction between
7 population and the open versus closed exists.

8 THE COURT: What was the closed bracket in
9 the *PUC* case?

10:06AM 10 MR. MENEFFEE: It is incredibly confusing,
11 but I can read to you. It says: Water and sewer
12 utility property and service which was acquired from an
13 affiliate or a developer prior to September 1, 1976
14 included by the utility in its rate shall be the base
10:06AM 15 blah blah blah, and so they were trying to deal with
16 like a specific utility pricing issue in a certain area,
17 and they said: Folks who had water utility service that
18 was acquired from a certain developer before a date that
19 you would be included in it, right, but which, again,
10:06AM 20 the concept is different from a population which is
21 ever-changing.

22 THE COURT: Thank you.

23 Okay. Are you ready to call your first
24 witness?

10:06AM 25 MR. FOMBONNE: Your Honor, the exhibits are

1 now uploaded, so if you would like, I would like to move
2 all those into evidence, subject to any objection.
3 Obviously, if -- like I said, it might be easier if I
4 group them to explain what they are instead of
10:07AM 5 Your Honor -- I'm sorry, Jonathan Fombonne for the
6 record for Harris County. The buckets of exhibits here
7 large -- the main bucket is these are documents that we
8 believe show a threat of enforcement, and there will
9 also be testimony about that, but a lot of the documents
10:07AM 10 were cited or pasted in our petition and in our
11 application for a temporary injunction.

12 There is, for example, Exhibit 1, which
13 is a letter from the Office of the Attorney General
14 regarding the appointment -- the method by which
10:07AM 15 Commissioners Court in Harris County appointed the
16 elections administrator. There are press releases,
17 Tweets, e-mails about the Attorney General's Office's
18 election integrity team, and this is from 2022, and
19 those are Exhibits 18, 31, and 33.

10:07AM 20 We have a couple of letters to local
21 government entities, such as Galena Park ISD and Elgin
22 ISD, threatening enforcement if they don't come into
23 compliance with election laws. Those are Exhibits 19
24 and 20.

10:08AM 25 We then have a number of lawsuits, and

1 they take different forms: Petitions for writ of
2 mandamus, actual lawsuits. They were filed against the
3 county that are all related to elections, so, for
4 example, the mandamus petition filed against the prior
10:08AM 5 elections administrator back in December of 2021, and,
6 again, the focus on that was the way that she was, you
7 know, forcing election workers to wear masks, and
8 obviously not necessarily related to the enforcement of
9 election law, but certainly the targeting of Harris
10 County elections.

11 We also have the petition of intervention
12 from the State in a TR0 proceeding that was going on a
13 November 8th, 2022, filed by the Texas Civil Rights
14 Project Against Harris County. Again, the Attorney
10:08AM 15 General office intervened. Came in to essentially stay
16 the TR0; took that all way to the Supreme Court twice,
17 so we have that. Those are Exhibits 21 and 24.

18 We have Exhibit 25, that's a Tweet from
19 Ken Paxton, obviously the current status is to be
10:09AM 20 determined, but certainly something that the county
21 should consider when it thinks about the threat of
22 enforcement is he Tweets specifically about this
23 proceeding here and about 1750.

24 We have a -- a press release regarding
10:09AM 25 the Attorney General's Office's lawsuit in 2020 against

1 the County Clerk. The County Clerk, at the time was
2 proposing to send unsolicited mail-in ballot
3 applications to all residents in Harris County above the
4 age 65 -- or, I'm sorry, to all those -- all residents
10:09AM 5 of Harris County, and this is during the time of COVID,
6 and so they could increase participation.

7 THE COURT: Let me stop you, if you don't
8 mind.

9 MR. FOMBONNE: Sure.

10:09AM 10 THE COURT: But what I -- I think would be
11 more efficient is for us to ask the Defendants whether
12 they have objections to any of the exhibits. You're
13 planning to offer all 40 exhibits?

14 MR. FOMBONNE: I am. We'll hear some
10:10AM 15 objections about statutes. We're offering -- I agree
16 those are not evidence, and we won't need to enter them
17 into evidence, if that's okay, but the rest of them,
18 we're -- we're intending to offer as evidence.

19 THE COURT: Response? I -- I can either
10:10AM 20 hear those exhibits about which you have no objection,
21 if that's easier, or the exhibits about which you have
22 objections. I don't mind if either way. We can
23 pre-admit some of the exhibits or whether or not we have
24 a witness offer testimony about the exhibits before I
10:10AM 25 need to make rulings on them.

1 MR. ELDRED: Before we get there, are these
2 offers for the PTJ or the TI, because we believe they
3 are not appropriate for the PTJ.

4 MR. FOMBONNE: They are offered for both.
10:10AM 5 Again, they go to threat of enforcement. I believe my
6 friend on the other side is willing to say that it's not
7 a question of fact. It's something he said to us.

8 Before we agree -- certainly there's plenty of case law
9 that says that the Court can consider evidence in
10:11AM 10 determining a plea to the jurisdiction, so again, the
11 threat of enforcement goes to -- certainly goes to -- to
12 our PTJ and our standing. It also goes to the harm or
13 claim made and the reason why we're seeking the TI.

14 THE COURT: So I think I'm hearing the
10:11AM 15 answer is to both.

16 MR. ELDRED: Yes, Your Honor. We do object
17 to them being offered for the PTJ. We'd also object to
18 relevancy. The Bettencourt matter, I think are 3
19 through 14, have no relevance to either the pleadings.

10:11AM 20 What Senator Bettencourt said does not demonstrate a
21 legislative intent. It does not demonstrate the
22 Secretary of State or the Attorney General has any
23 particular desire to enforce the statute. And I'm
24 sorry, for the record, I'm Charles Eldred.

10:12AM 25 THE COURT: Thank you.

1 MR. ELDRED: Letters 1 and 2. 1 and 2 are
2 from the OAG. 17 through -- and correct me if I'm wrong
3 counsel for Harris County, 17 through --I believe-- 33,
4 the exception of 15 and 16, those are all, I believe,
10:12AM 5 Attorney General either press releases or lawsuits or
6 Tweets, and all they show is that sometimes the Attorney
7 General exercises his power. It does not show any
8 threat of enforcement of Senate Bill 1750 at all. It
9 doesn't show anything really because we already know the
10:12AM 10 Attorney General can and does sometimes exercise--

11 THE COURT: So I'm going to ask the same
12 request that I have for you that I had for -- I'm sorry,
13 tell me your last name again.

14 MR. FOMBONNE: It's Fombonne.

10:12AM 15 THE COURT: Okay.

16 And that is, just tell me whether you
17 have an objection or not. Tell me whether you have an
18 offer, and then I can deal with them separately.

19 Are there any of these exhibits about
10:13AM 20 which you have no objection?

21 MR. ELDRED: 15 and 16 are just copy of
22 statutes. I think we all agree they're not really
23 exhibits, but we don't mind them being marked 15 and 16,
24 so I don't object to -- calling them exhibits, I guess I
10:13AM 25 object to that.

1 THE COURT: Okay. Plaintiff Harris
2 County's 15 and 16 are admitted for that purpose.

3 Any other exhibits that you agree can be
4 admitted before we get started?

10:13AM

5 (Plaintiff's Exhibits 15 and 16 admitted)

6 MR. ELDRED: No, Your Honor.

7 THE COURT: Okay. So now you know the
8 universe of the exhibits that are subject to the Harris
9 -- to the state objections.

10:13AM

10 Yes, counsel.

11 MR. BIRNBERG: Gerald Birnberg for the
12 intervenor, Your Honor.

10:13AM

13 The statement was made by the State that
14 they filed a plea to the jurisdiction challenging the
15 intervention that we filed. We can't find it.

16 THE COURT: Okay. I don't have it either.

17 MR. BIRNBERG: They are not named -- I'm
18 wondering if that's an error, and if not, if they can
19 provide us with a copy of the motion that we're needing
20 to respond to.

10:14AM

21 THE COURT: Thank you. A couple issues on
22 that. I don't even have a plea to the -- I don't have
23 an intervention on behalf of attorney -- Office of the
24 Attorney General and State of Texas that I can see in
25 the Court's file. I do see, however, a filing on -- it

10:14AM

1 looks like last night, 8-7-2023, at 5:57 which is
2 entitled: Intervenor's Office of the Attorney General's
3 and State of Texas' Brief in Opposition to Intervenor
4 Clifford Tatum's Application For Temporary Injunction,
10:14AM 5 but I don't see that those parties actually intervened.

6 Did they?

7 MR. ELDRED: We filed an intervention on
8 the AG's behalf around 11:00 yesterday, maybe a little
9 earlier and State of Texas around 3:00, I think.

10:15AM 10 THE COURT: Okay. Do you have a copy?
11 It's not made it into the Court's file quite yet.

12 MR. SCHECHTER: Your Honor, Richard
13 Schechter on behalf of Mr. Tatum. We have received
14 those interventions by both the state and the AG. What
10:15AM 15 we have not received and what has not been filed is a
16 plea to the jurisdiction against Mr. Tatum.

17 THE COURT: Right, and I don't have that
18 either. So for the Court's purpose, I would need to see
19 the Intervention and the Plea to the Jurisdiction with
10:15AM 20 respect to Mr. Tatum. If you have copies of those, that
21 would be very helpful, before we get started.

22 With respect to the other exhibits,
23 you'll just need to make the offers when you have a
24 witness on the stand.

10:16AM 25 MR. FOMBONNE: Understood.

1 THE COURT: The time is 10:16. It is
2 probably a good time to go ahead and take a break while
3 you-all take care of those housekeeping issues and a
4 comfort break for everyone else. Court's in recess
10:16AM 5 until 10:30. That's 14 minutes. Thank you. Court's in
6 recess.

7 (Break taken)

8 THE COURT: I see on my desk a -- what
9 appears to be a notification of service, but I don't
10:31AM 10 have the actual plea.

11 Does someone have a hard copy of that?

12 MR. ELDRED: I have an electronic copy.

13 THE COURT: Okay. If you'll send that to
14 the e-mail address that's on your desk there:
10:32AM 15 250.submission@traviscountytexas.gov.

16 MR. ELDRED: Yes, Your Honor.

17 THE COURT: Okay.

18 MR. SCHECHTER: I'm sorry to interrupt.
19 What hard copy were you given?

10:32AM 20 THE COURT: It looks like Mr. Eldred sent
21 to my judicial executive assistant three notices.
22 You're welcome to approach and see what they are. It
23 appears that they include the cross-counterclaim slash
24 cross-action slash interpleader slash intervention third
10:33AM 25 party. State of Texas petition and intervention. It's

1 just notification, not the actual filings as well as an
2 answer and response to the Defendant's opposition to the
3 TI. This appears to be a copy. You can take that one,
4 if you like.

10:33AM 5 MR. SCHECHTER: We still have yet to see a
6 plea to the inter- -- a plea to the intervention in
7 Mr. Tatum's case.

8 THE COURT: Okay. I don't have it either,
9 so I won't be considering it without a copy of it.

10:33AM 10 MR. BIRNBERG: One other quick housekeeping
11 matter, Your Honor, for the record, intervenor requests
12 that this evidence be considered for his application for
13 temporary injunction also.

14 THE COURT: So noted. Thank you.

10:34AM 15 Okay. Are you-all ready to proceed?

16 MR. FOMBONNE: Yes. Judge, if I may--

17 MR. ELDRED: I'm, Your Honor, I'm really
18 sorry. We did file, I believe -- possibly miss-styled a
19 PTJ claim.

10:34AM 20 Is that true?

21 MS. DOKUPIL: We did, and I attempted to
22 send it to Ms. McGee a moment ago.

23 MR. ELDRED: I'll send that to 250
24 submission. It's the one we filed at 7:45 last night.

10:34AM 25 THE COURT: Okay. I see you sent it to the

1 Court's submission address at 10:34, just now. It was
2 just received by the Court, but the other parties are
3 not copied on it, and they need a copy. Can you resend
4 that and copy all parties.

10:34AM

5 MR. ELDRED: What I sent was the petition
6 to intervention. I'm sorry, but I'll be happy to
7 send...

10:35AM

8 THE COURT: Yes. It looks -- it sounds
9 like you also need a copy of any pleadings that are
10 specific to Mr. Tatum.

11 MR. ELDRED: Yes, Your Honor. I'll do
12 that. I'll send two interventions and the pleadings we
13 were just talking about.

14 THE COURT: Thank you.

10:35AM

15 MR. ELDRED: And I'll copy all parties.

16 THE COURT: Okay. Very good. Thank you.

10:35AM

17 MR. FOMBONNE: Again, Jonathan Fombonne for
18 the record for Harris County. Just before the break,
19 Your Honor suggested that we get the exhibits in through
20 witness, but, again, I wanted to re-urge that we move
21 them now because we have an agreement with the other
22 side as to authenticity of these records. The only
23 objection they have are about the relevancy. Given the
24 amount of time that we have left in this hearing and the
25 number of exhibits, we urge they be entered into

10:35AM

1 evidence, subject to any argument on the relevance,
2 which I'm prepared to address right now. Of course, we
3 would go through the witnesses. I just think that would
4 extend the -- the time of the hearing by way too long.

10:36AM

5 THE COURT: With a relevancy objection, I
6 need to understand the context of testimony, what the
7 evidence is. I think I can sort out most of that, just
8 by what you started to tell the Court earlier and by
9 their description, but I -- I need to know what the
10 relevance is, through the witness. Over an objection
11 that's the way I need to handle it.

10:36AM

12 MR. FOMBONNE: Understood, Your Honor.

13 THE COURT: Okay. You may call your first
14 witness.

10:36AM

15 MS. CELLA: Your Honor is this -- I'm
16 sorry, is this as to the TI?

17 THE COURT: Yes. I'm taking the Plea to
18 the Jurisdiction under advisement. I understood from
19 the plaintiffs; however, that they wish the Court to
20 consider the evidence as to the Temporary Injunction and
21 the Plea to the Jurisdiction.

10:36AM

22 MS. CELLA: Okay. Thank you, Your Honor.
23 We do object to going on to the TI without ruling on the
24 PTJ and without a ruling on that.

10:37AM

25 THE COURT: You'll have a ruling before you

1 have a ruling on the Temporary Injunction.

2 MS. CELLA: Thank you, Your Honor.

3 MR. SARKAR: Your Honor, Neal Sarkar for
4 Harris County.

10:37AM 5 Plaintiff calls Mr. Clifford Tatum.

6 THE COURT: Mr. Tatum, good morning. You
7 may approach the bench to be sworn.

8 MR. TATUM: Thank you, Your Honor.

9 May I bring water?

10:37AM 10 THE COURT: You may bring water.

11 If you'll please just approach the bench
12 and raise your right hand to be sworn.

13 (The witness was sworn)

14 THE COURT: If you'll please step over to
10:37AM 15 your -- or to my right, in front of the microphone.
16 That chair is moveable, so can you pull it out and make
17 yourself comfortable there.

18 And Mr. Sarkar, you may proceed when
19 you're ready.

10:37AM 20 MR. SARKAR: Is the witness sworn in?

21 THE COURT: He has been sworn.

22 **CLIFFORD TATUM,**

23 having been first duly sworn, testified as follows:

24 **DIRECT EXAMINATION**

10:37AM 25 **BY MR. SARKAR:**

1 Q. State your name for the record.

2 A. Clifford Tatum.

3 Q. Mr. Tatum, what is your title?

4 A. I'm the Election Administrator for Harris
10:38AM 5 County.

6 Q. Thank you, and I want to briefly walk through
7 for the Court your qualifications for that role, so
8 let's start with your education. Tell us a little bit
9 about that.

10:38AM 10 A. I'm a trained lawyer; a bachelor's degree in
11 Administration of Justice from Guilford College and law
12 degree from Thomas Cooley Law School in Western
13 Michigan.

14 Q. And what was the year of those degrees?

10:38AM 15 A. '87 for under-grad and '98 for law school.

16 Q. Thank you, Mr. Tatum.

17 Now tell us a little bit about your
18 experience working in elections.

19 A. I started working in elections for the Georgia
10:38AM 20 Secretary of State in 2002 as the assistant director of
21 legal affairs with the state elections division, and
22 I've worked in the elections from 2002 until the current
23 date.

24 Q. Okay. I briefly want to touch on -- for each
10:38AM 25 of your election experience, so let's start with your

1 experience in Georgia. Just tell the Court a little bit
2 about what you did with respect to elections in Georgia.

3 A. As the assistant director of legal affairs, I
4 was responsible for the enforcement of the Election
10:39AM 5 Code, for the state of Georgia. Georgia has 159
6 counties. Each of those counties have either combined
7 boards or a probate judge that may have been the
8 election superintendent, and the State of Georgia has a
9 state elections division and elections board that
10:39AM 10 oversaw the enforcement of the Election Code. I
11 facilitated the election and the Secretary of State was
12 the chair of the election board itself.

13 THE COURT: I'm going to just adjust the
14 microphone so you may be heard a little bit better.

10:39AM 15 THE WITNESS: Can you hear me there?

16 THE COURT: I can I hear you fine. Just
17 want to make sure all the attorneys can hear you as
18 well. It would be better if you're about two to three
19 inches from the microphone. Thank you.

10:40AM 20 Q. (BY MR. SARKAR) Now, tell the Court please a
21 little bit about your experience at Washington, D.C.

22 A. Leaving the State of Georgia, I joined the D.C.
23 Board of Elections as the Help America Vote act
24 consultant in helping them deploy their Help America
10:40AM 25 Vote in compliance activities. As a consultant until I

1 became the elections chair for the D.C. Board of
2 Elections in that role, I oversaw the operations of the
3 elections and voter registration.

4 Q. And what did you do after that, Mr. Tatum?

10:40AM

5 A. I left the D.C. Board of Elections and joined
6 the Election Assistance Commission which was created by
7 the board as general counsel, and I served in that role
8 for four years before going back to the D.C. Board of
9 Elections, and as the chief information security
10 officer, and I left the D.C. Board of Elections to come
11 to Harris County.

10:40AM

12 Q. Let me ask you briefly about your role as
13 general counsel. How did that differ from sort of the
14 Georgia role and the D.C. role and scope and what
15 elections you were looking at?

10:41AM

16 A. The general counsel role was very similar to
17 the assistant director of legal affairs role. I advised
18 the Secretary of State and oversaw enforcement for the
19 Secretary of State of the general EAC, the Election
20 Assistance Commission. We -- the agency is a
21 clearinghouse of elections information and collecting
22 data and issuing grant funds to the states, and I was
23 involved in advising the four-point commissioners that
24 oversaw the elections assistants commission, and I
25 advised those commissioners on the state of federal laws

10:41AM

10:41AM

1 and the state of -- the existing state of laws in the
2 states in the United States.

3 Q. So is that countrywide that you were looking?

4 A. That is correct.

10:41AM

5 Q. Did you interact with election directors across
6 the country?

7 A. Yes, I interacted with both the state election
8 director and county election directors and advisory
9 boards, and the different advocacy groups.

10:42AM

10 Q. Mr. Tatum, how many elections have you been
11 involved in over your career?

12 A. Since 2002, we've -- I've probably been
13 involved in over 60-plus elections, so two elections per
14 election cycle and election cycle even year/odd years.
15 Probably 60 elections in some fashion.

10:42AM

16 Q. Is it fair to say you're very familiar with how
17 elections are administered across the country?

18 A. Yes, I am very familiar with how elections are
19 administered across the country. I've actually
20 conducted every -- performed in every role there is in
21 the elections office as I've traversed my career in the
22 elections industry.

10:42AM

23 Q. So you were also familiar with all the various
24 roles within election administration.

10:42AM

25 A. Yes.

1 Q. As well as voter registration?

2 A. That is correct.

3 Q. Let me turn to the Harris County elections

4 administrator role in particular. And you said this

10:43AM

5 earlier, but just to confirm: You are the Harris County

6 elections administrator; is that correct?

7 A. Yes, I am.

8 Q. Are you familiar with elections administrators

9 across the State of Texas?

10:43AM

10 A. Yes, I am.

11 Q. How are you familiar with that?

12 A. I am a member of the Texas Association of

13 Election Administrators, which is a group of election

14 administrators for the State of Texas, and I participate

10:43AM

15 with the Georgia -- with the Texas Secretary of State's

16 advisory committee, I suppose you call it, which is

17 typically a weekly call or a biweekly call with the

18 Secretary of State's Office with election matters in the

19 State of Texas.

10:43AM

20 Q. And election matters, just put a little more

21 meat on that bone. What types of things are you talking

22 about?

23 A. The election processes and procedures, areas

24 that the Secretary of State may be considering to

10:44AM

25 seeking advice on what may be good for the state versus

1 what may not be the good for the state, so election
2 preparation and then legislative changes and the like.

3 Q. It sounds like you are discussing planning for
4 future elections. Is that fair?

10:44AM

5 A. That's -- yes; that's correct.

6 Q. How far ahead of specific elections does that
7 planning begin?

10:44AM

8 A. For any particular election, you're starting at
9 least six to nine months before an election. For
10 instance, with the November 2023 coming up, we're really
11 starting working towards November and January, meaning
12 that they were deploying, implementing activities for
13 the May 2023 to make sure they would work for the
14 November 2023.

10:44AM

15 Q. Mr. Tatum, what are the benefits of an election
16 administrator system?

10:45AM

17 A. Well, there are several. The -- as I've said,
18 on the record, on -- in communications that the -- the
19 election administrator is a nonpartisan position,
20 meaning I'm appointed by the Election Commission, and as
21 a nonpartisan, I'm responsible for conducting the
22 election regardless of any party affiliation. And
23 having the elections process under one entity allows for
24 more accountability as it relates to the synchronization
10:45AM 25 voter regulation to the elections process, and ensuring

1 that data that's coming in from the voter regulation
2 process is as clean as it can be with elections process,
3 and at the end of day, counting votes and publishing
4 results, and you have an easier window of reconciliation
5 given that it's all combined in one shop.

10:45AM

6 Q. Let me tease that out a little. So you
7 mentioned the partisanship, but as far as the EA is
8 concerned, we went through your experience.

9 Is there an element of professionalism
10 involved?

10:45AM

11 A. Yes, there is -- from generally speaking, when
12 you're applying to be an election administrator, I
13 believe that the folks who are recruiting and
14 interviewing are looking for levels of expertise;
15 understanding of the elections process; the ability to
16 manage processes and procedures, and to create strategic
17 vision as to how to move the operation forward.

10:46AM

18 Q. Okay. And you mentioned some detail earlier in
19 your answer, but just to clarify for the Court and
20 everyone in here, do you understand that when your job
21 is eliminated on September 1st -- strike that. Let me
22 ask this way: Who will have your duties and
23 responsibilities after September 1st?

10:46AM

24 A. Well, the election administrator position will
25 cease to exist, as I understand the statute, that the

10:46AM

1 elections process would go back to the -- to the County
2 Clerk and voter registration process would go back to
3 the Tax Assessor.

4 Q. And so just -- that is two separate
10:47AM 5 constitutional offices, so tell us a little bit more
6 about what you were talking about earlier about offices
7 being in synch.

8 A. So the Tax Assessor would be responsible for
9 conducting voter registration. The Tax Assessor's
10:47AM 10 Office is responsible for all the other aspects of the
11 Tax Assessors's Office, so as voter registration takes
12 place year round with the exception of this maintenance
13 that's basically stopped during nine days before the
14 election is set. We don't want to remove voters from
10:47AM 15 the election vote during the 90-day window, so the tax
16 assessor is collecting voter registration throughout the
17 year. The elections process begins roughly six months
18 to nine months before an election, and there's been an
19 exchange of information as you prepare for an election.

10:47AM 20 Q. Just the specific question here. We'll get
21 into this in more detail, but the office being -- is it
22 your testimony that if these duties and the
23 responsibilities are under one office, it's more
24 efficient than if it's under two separate offices?

10:47AM 25 A. It's certainly more efficient because one --

1 one -- one election administrator is overseeing both
2 processes to ensure that they are working in
3 synchronization and there's no delay in -- in obtaining
4 and addressing or readdressing any particular issues
10:48AM 5 that you might encounter leading up to an election
6 process.

7 Q. In your role, do you have any responsibilities
8 beyond election administrator and voter registration --
9 election administration and voter registration?

10:48AM 10 A. No, my sole function is elections and voter
11 registration.

12 Q. What about the county clerk? Will she have
13 roles beyond election administration if it goes back to
14 her?

10:48AM 15 A. Yes, the County Clerk oversees business
16 records, birth certificates, I believe, deeds, the whole
17 array of different responsibilities that she will have
18 beyond the elections process.

19 Q. How about the Tax Assessor and Collector?

10:48AM 20 A. The Tax Assessor will have responsibilities
21 beyond voter registration, collecting taxes, license --
22 driver's license, plates. Any other aspects of the Tax
23 Collector's Office.

24 Q. And just one final point on this one. You
10:49AM 25 mentioned accountability in your earlier testimony. How

1 is the EA more accountable in your view?

2 A. The EA is hired by the Election Commission,
3 which consists of the County Judge, the County Clerk,
4 the County Tax Assessor and the two elected party
10:49AM 5 chairs, and they --at any point in time-- can terminate
6 the Election Administrator for cause. The -- which
7 right away adds a higher level of accountability in that
8 if I'm not performing, then I'm removed from my job.

9 The Tax Assessor and the Clerk are both
10:49AM 10 elected officials that are elected on a four-year term.
11 If someone's not particularly happy with the way the Tax
12 Assessor or the Clerk is performing any of those
13 responsibilities, then they have to wait until the Tax
14 Assessor or Clerk appears on the ballot to then vote the
10:49AM 15 Tax Assessor or Clerk out of the office. And as an
16 example, someone may not be happy with the way the Tax
17 Assessor is handling license plates and the collection
18 of taxes, so they may vote the Tax Assessor out of
19 office, regardless of the type of duties that she's
10:50AM 20 performed for elections. And, conversely, with the --
21 with the Clerk, if they don't like the way the Clerk is
22 issuing birth certificates or any other particular
23 aspects of the office, they may elect to choose to vote
24 her out of office, regardless of how well of a job she's
10:50AM 25 doing in elections.

1 Q. Thank you, Mr. Tatum. You mentioned the
2 Election Commission briefly and you went into that. Let
3 me just ask these questions so it's clear on the record
4 later: Who hires an election administrator?

10:50AM

5 A. The Elections Commission.

6 Q. And who fires an election administrator?

7 A. The Elections Commission.

8 Q. And who -- and does anyone have to approve that
9 firing decision?

10:50AM

10 A. Yes, it is the Election Commissioner's --
11 commission's decision is approved by the Commission
12 Court.

13 Q. Okay. And that Commissioner's Court is the
14 Harris County Commissioners Court?

10:51AM

15 A. The Harris County Commissioners Court.

16 Q. Is that the governing body of Harris County?

17 A. That is the governing body in Harris County.

18 Q. And with respect to your office, who is in
19 charge of its funding?

10:51AM

20 A. The Commissioners Court provides funding to the
21 Harris County Election Administration Office.

22 Q. Are you familiar with when the Election
23 Administrator's Office was created?

24 A. Yes.

10:51AM

25 Q. When was that?

1 A. July of 2020.

2 Q. Did the office begin operations right away?

3 A. No, it -- I believe it started after the
4 November 2020 election.

10:51AM

5 Q. Okay. What is your understanding as to why
6 that implementation was delayed?

7 A. Well, you wouldn't want to implement or create
8 some sort of transition of one office to another in the
9 middle of an election cycle.

10:51AM

10 Q. Understood. So the Election Administrator's
11 Office went into effect after the November, '20
12 election?

13 A. That is correct.

10:52AM

14 Q. When were you brought on to run Harris County
15 elections?

16 A. I was sworn in as the Elections Administrator
17 on August of 22nd or 23rd or somewhere in that area.

18 Q. Of 2022?

19 A. 2022.

10:52AM

20 Q. When did you begin as an employee of Harris
21 County?

22 A. I began as an employee on July 30th or 31st.

23 Q. And why did you start on that a little bit
24 earlier?

10:52AM

25 A. The -- well, in order to be an elections

1 administrator, in the State of Texas, you have to be a
2 resident for X period of time. I moved into Texas in
3 middle of July, started in -- started as an employee on
4 July 31st and then was sworn in on the 22nd.

10:52AM

5 Q. So how, as it relates to the election, did you
6 start that earlier?

7 A. I'm not sure.

8 Q. Did you need to begin preparations earlier?

10:52AM

9 A. I see. Yes. The -- the idea was for me to
10 join as quickly as possible because the -- to at least
11 to try to get to speed on what the operations of the
12 state of the operations were for Harris County Election
13 Administration Office.

10:53AM

14 Q. So what kind of things were you doing ahead of
15 your swearing in?

10:53AM

16 A. Just understanding, asking questions about the
17 process and procedures. Why the office does what it
18 does. What our processes have -- how decisions are
19 being made; who's making those decisions; who's carrying
20 out those decisions, and then who's performing what
21 roles as it relates to moving into the elections
22 process.

10:53AM

23 Q. When you came onboard, in late July of 2022,
24 was the Election Administrator's Office already
25 preparing for the election?

1 A. Yes.

2 Q. Okay. What were they doing?

3 A. They had already started the assessment process
4 of what's necessary for the election to move forward,
10:53AM 5 meaning they selected -- indicated the number of vote
6 centers that would be deployed early voting and the
7 number of voting centers that would be deployed for
8 election day; the number of election workers that would
9 likely be presiding judges that would be recruited;
10:54AM 10 election clerks that would be hired. Determining that
11 in our central locality would be located, so the
12 mechanisms of moving the election forward had already
13 started.

14 Q. And so that stuff had begun under an existing
10:54AM 15 apparatus; is that correct?

16 A. That's correct.

17 Q. So that means you were the election
18 administrator for the November 2022 election; is that
19 right?

10:54AM 20 A. That's correct.

21 Q. Did you encounter some issues in that election?

22 A. Yes, we encountered a few challenges for that
23 election.

24 Q. And were there challenges you've identified?

10:54AM 25 A. Yes, there were. Right away, as I stepped into

1 the process of started asking questions, I'm assessing
2 operations, systems, processes and procedures and, right
3 away, I identified things that I would do differently.

10:54AM 4 Q. And are you -- throughout the course of this
5 year, have you been working to implement changes?

6 A. Yes. Right -- shortly after the November 2022,
7 we began making moves to -- taking steps to acquire
8 systems and to implement systems that would provide
9 visibility to the elections process and more
10 accountability to the elections process.

11 Q. And what happens after September 1 if the
12 County Clerk and the Tax Assessor-Collector take over
13 the role? What happens to those changes that they are
14 hoping to implement?

10:55AM 15 A. The -- so there's a number of different things
16 that can happen.

17 Q. And I didn't ask -- I'm not asking you to
18 speculate. Just sitting here today, do you know what
19 happens to those changes you're trying to implement?

10:55AM 20 A. I don't know what will happen with those
21 changes.

22 Q. Broadly speaking, what are your duties as
23 Harris County Elections Administrator?

24 A. Yeah, at a 30-thousand foot level, I oversee
10:55AM 25 the function of the elections process, which is voter

1 registration and the conducting of the election, and
2 voter registration, as I indicated, is a year-round
3 process, so we're -- I'm ensuring that managers and the
4 voter registration section and IT department are
10:56AM 5 managing the data properly; that registrations are being
6 entered. This maintenance is taking place in prep for
7 coming up to an election. As we start moving into an
8 elections cycle, then our attention turns to focusing on
9 the logistics of running an elections. There's
10:56AM 10 roughly--

11 Q. Let me get to that -- in a second.

12 How many employees do you supervise?

13 A. There's 135.

14 Q. How big is your budget?

10:56AM 15 A. Over 30 million dollars.

16 Q. And is that 30 million figure the budget for
17 the October of 2022 -- October 1, 2022 to September 30,
18 2023 year?

19 A. That's correct.

10:56AM 20 Q. And what are your priorities for the office?

21 A. The priorities are to -- to reassess continuous
22 testing, continuously adjusting processes and
23 procedures, adding, implementing new systems, adding
24 processes and procedures to streamline, create more
10:57AM 25 efficiencies in the operations of the elections office

1 as a whole.

2 Q. How many elections have you run in Harris
3 County?

4 A. Three.

10:57AM

5 Q. And did you develop your -- those priorities
6 from the experiences of having run those elections?

7 A. The strategic vision with running an election
8 I've developed over the course of my career. The
9 particular systems and processes and procedures, I've
10 identified as while being at Harris County.

10:57AM

11 Q. And do you know what the priorities of the
12 County Clerk and the Tax Assessor-Collector are with
13 respect to the same things?

14 A. I do not.

10:58AM

15 Q. Could they change?

16 A. They could change.

17 Q. So do you know what will happen to your
18 priorities and the implementation of them after
19 September 1, 2023?

10:58AM

20 A. I do not.

21 Q. Let me turn your attention to SB1750 -- if I
22 say SB1750, do you know what I'm referring to?

23 A. Yes.

24 Q. What am I referring to?

10:58AM

25 A. Senate Bill 1750 that abolishes the Election

1 Administrations Office.

2 Q. Did you follow SB1750 while it was at the
3 legislature?

4 A. Yes, I did.

10:58AM

5 Q. How did you follow it?

6 A. We -- our communications team followed the
7 legislative process. I participated in weekly calls
8 with the -- with the Texas Secretary of State Elections
9 Divisions Office on legislative updates. The Texas
10 Association of Election Administrators was following the
11 legislation. The Harris County's intergovernmental
12 affairs office was also tracking the legislation.

10:58AM

13 Q. Do you have a communications team?

14 A. Yes.

10:59AM

15 Q. And what were they following?

16 A. They were following the social media, media,
17 any news -- any press releases that were being produced.

18 Q. Were they following any particular Twitter
19 accounts?

10:59AM

20 A. Yes, I'm sure they were following them all.

21 Q. Were they following Senator Bettencourt's?

22 MS. CELLA: Objection, Your Honor,
23 relevance as to legislative history.

24 THE COURT: As to that objection, the
25 objection's overruled.

10:59AM

1 MR. SARKAR: And, Your Honor, I can go
2 through some more questions, but I guess the question is
3 on the exhibits, at least, the first block are a series
4 of press releases and Tweets from Senator Bettencourt,
10:59AM 5 so I don't know if this is the time to take them up, but
6 they are sort of all in the same vein of -- of Tweets
7 sent out -- communications from the office,
8 communicating the intent of the bill.

9 THE COURT: Okay.

11:00AM 10 Are you offering those exhibits as this
11 time?

12 MR. SARKAR: I am. Yes, Your Honor.

13 THE COURT: And, by number, which exhibits
14 are they?

11:00AM 15 BY MR. SARKAR: That would be Exhibit 2
16 through 14.

17 MS. CELLA: We would object for the same
18 reason. Irrelevant as to the legislative history.

19 THE COURT: Because the plaintiffs are
11:00AM 20 offering the exhibits for both the Temporary Injunction
21 and the Plea, the objection to relevance is overruled.
22 The Court will consider the weight of the evidence.

23 MR. SARKAR: Thank you, Your Honor.

24 THE COURT: And 2 through 14 are admitted.

11:00AM 25 (Plaintiff's Exhibits 2, 3, 4, 5, 6, 7,

1 8, 9, 10, 11, 12, 13, and 14 admitted)

2 MR. SARKAR: May I proceed, Your Honor?

3 THE COURT: Yes. You may proceed.

4 Q. (BY MR. SARKAR) Mr. Tatum, let me ask you a
5 little bit about the broad topic of enforcement.

11:01AM

6 What state agency oversees elections
7 throughout Texas?

8 A. The Texas Secretary of State.

9 Q. And why do you say that?

11:01AM

10 A. I understand the Texas Secretary of State is a
11 two-state elections official, which is responsible for
12 elections in the State of Texas.

13 Q. Okay. And what is their -- briefly tell this
14 Court because we're not as familiar with elections as
15 you are: What is sort of the high level some of their
16 roles in the election process?

11:01AM

17 A. The -- through the state elections division,
18 there's advisories that are issued relating to the Texas
19 Election Code, and I think the Texas Administrative
20 Code, and the Secretary of State provides legislative
21 updates of any changes that are made to the election
22 process to the statutes themselves. The Secretary
23 provides advisories on how to implement those statutes,
24 what the language means, and makes changes, so directs
25 changes to the elections process to adhere to the -- the

11:02AM

1 Election Code changes, themselves.

2 Q. You mentioned guidance. Do you treat those
3 advisories that you receive as suggestions, or do you
4 treat them as more?

11:02AM

5 A. No, they are -- they are not suggestions.
6 They--

7 Q. What does -- tell the Court what those
8 advisories mean to you.

11:02AM

9 A. We follow the advisories. We implement the
10 advisories into our elections processes and procedures.

11 Q. Do you have any specific examples with respect
12 to guidance that -- that Secretary of State gave such
13 that you changed how you handle something?

11:02AM

14 A. There's several. It -- all forms that are
15 created by the Secretary of State are used -- utilized
16 in our process in some form or fashion, and if changes
17 are made to the content of the forms, then from the
18 state level, we make changes to our forums. As it
19 relates to the process and procedures, if the Secretary

11:03AM

20 of State has advised us that some of our processes
21 aren't as they should be, then we make changes to our
22 process and procedures. As a recent example, for the
23 May 2023 contest, we deployed what's referred to as a
24 rally site drop-off location.

11:03AM

25 Q. And for the Court's benefit, what is a rally

1 site?

2 A. A rally site is on election night, the election
3 presiding judges have to return the materials to the
4 county locations where the ballots can be tabulated, and
11:03AM 5 we set up these drop sites so that the judges wouldn't
6 have to drive across the entire county to drop their
7 locations off at a central location, we set up regional
8 locations, and the Secretary of the State Election
9 Division advised us that the way that we have intended
11:04AM 10 to operate our rally sites was not proper, so we had to
11 make changes to our processes and procedures.

12 Q. Okay. So you made changes because of the
13 Secretary of State taking action, with respect to you?

14 A. That's correct.

11:04AM 15 Q. Do you also call the Secretary of State for
16 advice or direction?

17 A. Yes.

18 Q. What is the TEAM database?

19 A. The TEAM, T-e-a-m. Team is the statewide voter
11:04AM 20 registration system or election management system, I
21 believe.

22 Q. And who runs that?

23 A. The Secretary of State, the State Election
24 Division.

11:04AM 25 Q. And how do you get on to that?

1 A. It's--

2 Q. At a simple level, is there a password? Is
3 there some sort of portal? What is it?

11:04AM

4 A. Yeah, so the -- a little bit of backdrop,
5 there's -- TEAM is described as online -- an online
6 process where certain counties are -- are actually in
7 the TEAMS system, itself, and there's offline counties.

11:05AM

8 Those are counties that are running their own voter
9 registration systems, and we have to upload our data
10 into the TEAM system, so that's where we have a password
11 and we upload our data.

12 Q. Who controls access to that?

13 A. Secretary of State, the State Elections
14 Division.

11:05AM

15 Q. Could the Secretary of State cut you off from
16 access to that?

17 A. Sure.

11:05AM

18 Q. Tell the Court a little bit about voter
19 registration funds, and how the Secretary of State
20 relates to Harris County with respect to voter
21 registration.

22 A. The state has a funding category for Chapter 19
23 which reimburses an elections office that's managing
24 voter registration for transaction expenses for
25 conducting, list maintenance and the like, and so on --

1 I believe it's a monthly or quarterly basis, we receive
2 reimbursements for certain activities that our office
3 conducts from the state -- from the Secretary of State.

11:05AM

4 Q. And the Secretary of State controls the
5 disbursement of those funds?

6 A. That is correct.

11:06AM

7 Q. And just briefly tell the Court about sort of
8 the mechanics of sending in election results and sort of
9 the canvassing piece. What is the Secretary of State's
10 role, sort of, to finalize the election?

11:06AM

11 A. It becomes very technical, but at a very, very
12 high level, after the -- after the -- the office
13 conducts its canvas and has the county commissioners
14 approve the canvas, we then upload that canvas data to
15 the Secretary of State system for approval for accepting
16 of the elections office.

17 Q. Okay. And so is it your understanding that the
18 Secretary of State makes decisions whether or not to
19 accept those results?

11:06AM

20 A. Yes. I -- I don't know that there's a -- if
21 they exercise any discretion. The process is--

22 Q. It's not--

23 A. --is we upload our results. We have to upload
24 our results.

11:07AM

25 Q. The -- you mentioned a little bit about how the

1 Secretary of State, I think, polices you. Let me kind
2 of take a -- I guess, with both respect to the Secretary
3 of State and the Attorney General for a minute, what
4 other interactions have you had with those offices that
5 suggest to you that they do, in fact, enforce the laws
6 against you?

11:07AM

7 A. Well -- so, when I came in as the election
8 administrator, I immediately saw things that could
9 change and things that I would recommend for creating
10 efficiencies in the office, and right away the staff
11 said: Any particular changes that we're making have to
12 be approved by the Secretary of State. For instance,
13 even as related to putting some signage in a polling
14 location to display to the voters has to be approved by
15 the Secretary of State, so staff made me aware that the
16 Secretary of State or the Attorney General has, in the
17 past, proposed for them to take action against the
18 office for not following the elections process.

11:07AM

11:08AM

19 Q. Are you familiar with any audits?

11:08AM

20 A. Yes, I am.

21 Q. Tell us about that and how -- what the
22 Secretary of State has done.

23 A. When I joined the Harris County Administrator's
24 Office -- the Election Administrator's Office, there was
25 an ongoing 2020 audit. Both an audit that was looking

11:08AM

1 back at the November 2020 election, and so I sort of
2 brought myself up to speed to help try to close out that
3 audit, and then shortly thereafter, in the process of
4 closing out that audit, there was a -- I believe there
5 was a statutory change that was made that -- that
6 created another level of auditing, and Harris County was
7 selected out of the hat to be audited for the 2022
8 election, so--

9 Q. And let me ask this question then: Are you
10 understanding that they're auditing you for compliance
11 with the Texas Election Code?

12 A. That is correct.

13 Q. Are you aware that the Secretary of State and
14 the Attorney General have threatened legal action?

15 A. Yes, I am.

16 Q. And what sort of legal action are you aware of
17 that the State has taken against election officials?

18 A. I'm aware that they have filed lawsuits against
19 the County Clerk as -- for the 2020 election. I'm aware
20 that when the Election Administrator's Office created,
21 there were letters from the attorney -- the Secretary of
22 State and the Attorney General raising questions of
23 ultra vires activities, abolishing the office because it
24 wasn't technically set up properly according to the
25 letters, and so it's always -- it was brought to my

1 attention that there's always that level of scrutiny
2 that we need to be aware of when making decisions.

3 Q. If I refer to SB1933. Do you know what I'm
4 referring to?

11:10AM

5 A. Yes, I do.

6 Q. Okay. What does SB1933 do?

11:10AM

7 A. It's Senate Bill 1933, which provides a
8 Secretary of State with the ability to take over an
9 elections operation, and I believe perhaps even remove
10 elections from the election authority altogether.

11 Q. Okay. And sitting here as the Harris County
12 Election Administrator, do you view that as enforcement
13 by the Secretary of State?

14 A. Oh, absolutely.

11:10AM

15 Q. And what is your view as to how SB1933 and
16 SB1750 connect?

17 A. Well, it's clearly a bootstrap from the 1750 to
18 1933.

19 Q. What do you mean bootstrap?

11:10AM

20 A. So 1750, in its first phase -- in its first
21 approach is to remove the election administrator from
22 existence, and by requiring that transition by September
23 1, roughly 60 days before a November election, that the
24 anticipation is that the Clerk and the Tax Assessor will
25 have challenges with the November 2023 election, which

11:11AM

1 will then allow the State to come in under 1933, and
2 remove the elections process from the Clerk and Tax
3 Assessor.

11:11AM

4 Q. You mentioned the -- the legal action that you
5 were aware of the AG taking. Let me just ask two
6 followups on that. Does that cost the county money?

7 A. I'm sorry, what?

11:11AM

8 Q. Does that litigation that you reference, the
9 lawsuits, is that going to cost the county money
10 responding and defending those lawsuits?

11 A. Yes.

12 Q. And is that disruptive to the election
13 administration process?

11:12AM

14 A. Yes, any time that we're spending now and in
15 litigation, the election contest and the like is a
16 complete distraction from the elections process.

11:12AM

17 MR. SARKAR: Your Honor, we do have a
18 series of exhibits relating to enforcement. Again, I
19 can walk Mr. Tatum through some of them, or I think it
20 might make sense, here, to offer them into evidence
21 because like -- as Mr. Tatum was testifying, they are
22 sort of in the similar vein of past action that the AG
23 has taken to enforce these laws, letters from the SOS
24 suggesting that they attempted to enforce the laws and
25 just generally that enforcing the Election Code is a

11:12AM

1 priority of the office of Attorney General and the
2 Office of the Secretary of State.

3 THE COURT: Which exhibits, specifically,
4 are you referencing?

11:12AM

5 MR. SARKAR: That would Exhibit 1 and then
6 17 through 40. Other than 34. I'm sorry. Let me
7 restart. Exhibit 1 and then Exhibit 17, and then 35 to
8 40.

11:13AM

9 THE COURT: Okay. So as I understand it,
10 there is no objection to the authenticity?

11 MS. CELLA: Yes. Yes, Your Honor; that's
12 correct.

13 THE COURT: Any other substantive
14 objections?

11:13AM

15 MS. CELLA: Yes, Your Honor. We object as
16 to relevance. These exhibits are not related to 1750.
17 They may be related to other election code violations,
18 but they are not related to this bill.

11:13AM

19 MR. SARKAR: And our response, Your Honor,
20 under law, as you know, we're not required to show an
21 actual enforcement of SB1750. It's threats of
22 enforcement, and we believe that what this evidence
23 shows, as well as the testimony of Mr. Tatum, is that
24 the Attorney General and the Secretary of State intend
25 to enforce SB1750 in the manner that they have enforced

11:13AM

1 these laws in the past.

2 THE COURT: Okay. So I'm understanding, I
3 think, there's -- these are from 2018, 2020, 2021, and
4 October of 2022. And you're offering those to show the
5 likelihood of future action?

11:14AM

6 MR. SARKAR: That's right. The threat of
7 enforcement.

8 THE COURT: Okay. Response.

9 MS. CELLA: Yes, Your Honor, these
10 enforcement -- these threats of enforcement, as my
11 friends on the other side have said, they don't go to
12 1750. These are long before 1750 was drafted. It's
13 just irrelevant to the enforcement of this particular
14 bill.

11:14AM

15 THE COURT: Do you have the physical copies
16 of these?

11:14AM

17 MR. SARKAR: We do.

18 MR. FOMBONNE: Your Honor, just to make
19 sure, you don't want all of the exhibits. You just want
20 the ones we're talking about now?

11:14AM

21 THE COURT: It would be helpful for me to
22 look at the these, specifically. If they are in the
23 Box, I can look at them electronically.

24 MR. FOMBONNE: They are in Box, Your Honor.

11:14AM

25 THE COURT: Okay. Very good.

1 The Court finds that Plaintiff's Exhibits
2 1 and 17 through 33 should be admitted, and the Court
3 will give appropriate weight to the evidence after
4 having an opportunity to clearly -- or review all of
5 them.

11:15AM

6 (Plaintiff's Exhibits 1, 17, 18, 19, 20,
7 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33
8 admitted)

9 MR. SARKAR: Thank you, and just to be
10 clear, that also includes 35 through 40 as well?
11 Leaving off 34 because I think it was...

11:15AM

12 THE COURT: Those are e-mails?

13 MR. SARKAR: They were e-mails from the
14 Secretary of State to Mr. Tatum's office showing the
15 enforcement priority of the Secretary of State to be the
16 Texas Election Code.

11:15AM

17 THE COURT: Plaintiff's Exhibits 35 through
18 40 are also admitted

19 (Plaintiff's Exhibit 35, 36, 37, 38, 39,
20 and 40 admitted)

11:16AM

21 MR. SARKAR: Okay. Thank you, Your Honor.

22 Q. (BY MR. SARKAR) Let me -- I'll tie up this
23 enforcement piece one last question: Mr. Tatum, what do
24 you think will happen if you continue in your role as
25 elections administrator after September 1, visa vi the

11:16AM

1 state?

2 A. I'm afraid that they would--

3 MS. CELLA: Objection, Your Honor; calls
4 for speculation.

11:16AM

5 MR. SARKAR: Your Honor, may I respond?

6 THE COURT: You may.

11:16AM

7 MR. SARKAR: While it does call for some
8 speculation, this is Mr. Tatum's view of what will
9 happen to his own job, and I think it's not speculative
10 in the sense that the law is what it is. And Mr. Tatum,
11 presumably has to plan for his life post-September 1 and
12 I think he can share his view on what he thinks will
13 happen after that date.

11:16AM

14 THE COURT: You may respond as to your role
15 as the election administrator what you expect will occur
16 after September 1st, if the Court takes no action.

17 A. Without question, the Texas -- the election
18 administrator position would be abolished, which is my
19 job, and I don't know what would happen after that.

11:17AM

20 Q. (BY MR. SARKAR) Do you think the State will
21 file a lawsuit?

22 MS. CELLA: Objection, Your Honor;
23 speculation.

24 THE COURT: Sustained.

11:17AM

25 Q. (BY MR. SARKAR) Okay. Do you think the State

1 will take any actions, specifically, towards you?

2 I'll ask -- the question's withdrawn.

3 Have you seen, in the past, the State
4 file lawsuits for violations of the Texas Election Code?

11:17AM

5 A. Yes.

6 Q. Okay. Do you think that might happen again?

7 MS. CELLA: Objection; calls for
8 speculation.

9 THE COURT: Overruled.

11:17AM

10 A. If I'm still in the--

11 Q. (BY MR. SARKAR) Yes.

12 A. --Elections Administrator position, then I
13 would expect the State to file action.

14 Q. Okay. And are you only concerned for yourself?

11:17AM

15 A. Well, I would complete -- completely be without
16 any employment, and of course I'm concerned about the
17 office.

18 Q. What do you mean, of course you're concerned?
19 Are there other employees?

11:18AM

20 A. Yes.

21 Q. What are you talking about?

22 A. Yes, there's 135 employees that will go through
23 some sort of transition back between the Tax Assessor
24 and the Clerk, and, right away, the -- that calls into
11:18AM 25 question the stability of the November 2023 election

1 cycle and what the office is currently doing and what
2 would occur after September 1, with the preparations for
3 the elections, the November 2023 election, itself.

4 Q. And so on that point, from enforcement, let's
11:18AM 5 go briefly to the harm that the county will suffer.

6 When is the next election?

7 A. November 7, 2023.

8 Q. And you used the date November 7, but are there
9 dead -- are there important deadlines ahead of that?

11:18AM 10 A. So, from an election -- for an election event,
11 we count backwards. So election day -- the last day to
12 vote election is November 7 for the 2023. There's early
13 voting that starts October 23rd that runs for roughly
14 ten days and then ballot by mail which is sending out
11:19AM 15 mail ballot to voters. The deadline for sending out the
16 military or oversees ballots is September 23rd, and
17 backing out of that, the office is currently taking
18 information to create the ballot to define and design
19 the ballot so that the ballot will actually be completed
11:19AM 20 by late August to be the -- the element of logic and
21 accuracy, that's ensuring that machines are going to
22 tabulate and count the votes properly. That takes place
23 the second week of September, so you can get your
24 military ballots out by the second or third week of
11:19AM 25 September, so you can get your mailed ballots out by

1 September 23rd. So we're in the election cycle right
2 now.

3 Q. And you oversee all this, correct?

4 A. That's correct.

11:20AM

5 Q. What's on the ballot in November?

6 A. There are constitutional amendments; state and
7 constitutional amendments. There are -- there's a
8 countywide bond question. There is the City of Houston
9 mayoral election, and then there are at least -- we
10 anticipate there will be at least 50 small
11 municipalities on the ballot. The City of Pasadena and
12 HISD school district contests, MUDs.

11:20AM

13 Q. And with respect to those other entities that
14 you mentioned, MUDs, cities, do you run those elections?

11:20AM

15 A. If they contract -- if those entities contract
16 with us, then we include their contests on the ballot.

17 Q. And they are contracting currently with an
18 office of which you are the head, correct?

19 A. That is correct.

11:20AM

20 Q. Do you know what happens if you are no longer
21 the head?

22 A. We've been discussing that with the county
23 attorney as to the -- the--

24 Q. And you don't need to share any privileged

11:21AM

25 information. Do you -- do you have concern that it will

1 call those contracts into question?

2 A. Those entities have asked the question: What
3 do they -- their boards have to approve their elections
4 contests and make orders to order their elections, and
11:21AM 5 they've asked the question if we say that election
6 administrator's conducting the election, what does that
7 mean if it changes -- if the election administrator
8 abolishes, what does it do for our contract?

9 Q. Has it made it more challenging for Harris
11:21AM 10 County to contract with these entities?

11 A. It has added a level of uncertainty.

12 Q. Give us a sense of the scope of the November
13 election.

14 A. It is a countywide election, meaning that it's
11:21AM 15 eligible for 2.5 million registered voters that are
16 eligible to vote for that election, so we have to
17 prepare for that sort of turnout, so for early voting,
18 we have determined there will be at least 64 to 65 early
19 voting locations throughout the county, and for election
11:22AM 20 day, there -- we determined there would be 700 polling
21 -- voting locations throughout the entire county. We
22 projected turnout to be roughly up to 700,000 or so and
23 we are -- because we haven't received all of the
24 contests from the entities, we're not sure how long the
11:22AM 25 ballot will be.

1 Q. Okay. Given your expertise, as an election
2 administrator, would you -- would you agree that this is
3 a smaller election than the 2022 election?

11:22AM

4 A. No, it is not a smaller election than the 2022
5 election.

6 Q. And why do you say that?

11:23AM

7 A. Because we're -- we're preparing for a
8 countywide election so we're opening almost the
9 equivalent of vote centers that we did in November. We
10 know that for a midterm election, a gubernatorial
11 election, there will be a greater turnout than there
12 will be for the City of Houston election, but you still
13 have to prepare for a countywide election, so we're
14 hoping -- we describe this as a large election.

11:23AM

15 Q. You mentioned earlier that your team started
16 planning for the November election in January; is that
17 right?

18 A. Yes.

11:23AM

19 Q. Have there already been decisions made by your
20 team that then impact how the November election will be
21 administered?

22 A. Yes; that's correct.

11:23AM

23 Q. Just sort of high level, can you just say sort
24 of -- what are some of those decisions that have already
25 been made?

1 A. So it's -- as I mentioned, we've -- we've made
2 the decision as to the number of vote centers that were
3 open, which -- which leads to the number of presiding
4 judges that will be hired. It leads to the number of
5 election clerks that would be hired. It leads to the
6 proposed list for the rally site drop-offs, increasing
7 that number. It leads to the training schedule. Here's
8 how we plan to train 5,000 plus election workers, so
9 those sorts of decisions have already been made.

11:24AM

10 Q. Okay. Let me just quickly just touch on the
11 key harms, so going forward, -- so there may be a
12 transition coming up. Tell us briefly what is the
13 impact on your office of that transition taking place on
14 September 1st?

11:24AM

15 A. Right away, staff is concerned about
16 management. Who will be managing the elections process.

11:24AM

17 Q. Have folks already resigned?

18 A. Yes.

19 Q. Do you have concern that additional folks will
20 resign?

11:24AM

21 A. I am concerned.

22 Q. Have -- you mentioned the planning from -- that
23 took place from January through August. Has the County
24 Clerk and the Tax Assessor-Collector had any role in the
25 planning for the November 2023 election?

11:25AM

1 A. No, they have not.

2 Q. You heard the Attorney General's argument this
3 morning about how essentially all that is happening is
4 changing these roles from one office to another. Can
11:25AM 5 you briefly talk about the harm to the county from going
6 to a bifurcated system at this point.

7 A. It's not a matter of simply transferring
8 positions from the election administrator to the tax
9 assessor or back to the clerk. It's a matter of systems
11:25AM 10 that have been developed over the course of the last
11 three years. It's a matter of unwinding those systems
12 to send back certain portions of those systems to the
13 tax assessor and to the clerk, and then right away, you
14 step into the -- a concern about whether the -- what
11:26AM 15 level of synchronization do we lose, and basically
16 you're taking the office back two to three years from
17 where we are right now.

18 Q. Will managing that harm be costly to the
19 county?

11:26AM 20 A. Yes, I believe so.

21 Q. Will we need to hire employees and consultants
22 to manage that?

23 A. So in -- in prepping for an election year,
24 already hiring temporaries, you'd hope to hire some
11:26AM 25 permanent staff to manage those temporaries, and so

1 right now, because of this transition, I've been
2 instructed or suggested not to bring only new folks,
3 which means eventually you're going to require the
4 existing staff to spend more time and hours, which
5 results in overtime. You will hire some temporary --
6 you'll bring -- I suspect you'll bring temporaries in.
7 There will be additional costs.

8 Q. You mention the stop on hiring. Has that made
9 it more -- this is a stop on hiring because of the
10 impending transition; is that right?

11 A. That's correct.

12 Q. Has that made it more difficult to administer
13 the election?

14 A. Absolutely because things are happening now
15 that I need permanent staff for to make decisions about.

16 Q. Are you aware of -- is there any specific
17 examples of Commissioner's Court Offices relating to
18 this freeze, and how they are approaching it?

19 A. Yes.

20 Q. What is that?

21 A. One commissioner is -- and staff has advised
22 that they are not going to work with the EA, and they
23 are waiting to work with the Clerk, starting September
24 1.

25 Q. So it sounds like you're concerned about

1 confusion and disorganization as a result of this
2 upcoming transition.

3 A. We're living it right now.

4 Q. You told me earlier about litigation costs.

11:28AM

5 Let me just put a finer point on one quick question.

6 The splitting of office responsibilities. Do you
7 believe navigating that split will, itself, be costly?

8 A. Yes, there's already been a contractor
9 identified, and I believe an award made to have that

11:28AM

10 contractor come in and conduct an assessment of our
11 operations.

12 Q. What -- is the county taking steps to prepare
13 for this transition?

14 A. Yes.

11:29AM

15 Q. Do you think the steps are going to be
16 sufficient to prevent the harm that's coming to the
17 county?

18 A. I don't know. And the reason I don't know is
19 that because of delays, there's unintended consequences,
20 and as an example, when I came aboard, in August, 2022,
21 roughly 60 days before the election, it's too late to
22 make any changes, so transition takes place September 1.

11:29AM

23 The clerk's going to have some ideas, the tax assessor
24 is going to have her own ideas, and there is going to be
25 some bumps in the road. It's just -- it's a given.

11:29AM

1 Q. So just to make sure I understand you right,
2 you're concerned that the county may not be able to
3 mitigate this harm?

4 A. I am concerned.

11:29AM

5 MR. SARKAR: Thank you, Your Honor. I'll
6 pass the witness.

7 THE COURT: Cross-examination?

8 MS. CELLA: Thank you, Your Honor.

9 How much time do I have?

11:30AM

10 THE COURT: How much time do you need?

11 MS. CELLA: I'll be as quick as I can. I
12 won't take as long as direct.

13 THE COURT: Okay. It's probably a good
14 time for everyone to let me know so that I can properly
15 allocate the remaining time. It is 11:30. You-all
16 reserved three hours, but I want to make sure that I
17 receive all the information I need to make an informed
18 decision.

11:30AM

19 Plaintiffs, how much time do you still
20 need?

11:30AM

21 MR. FOMBONNE: If I could confer, briefly
22 with co-counsel.

23 THE COURT: Sure.

24 MR. FOMBONNE: I think we can do our other
25 witness in ten minutes. I probably won't have any

11:31AM

1 redirect here. I would like just a short five minutes
2 of argument on the jurisdictional issues. The PTJ has
3 not been addressed yet and one thing, just housekeeping
4 matter, I also realized as we were trying figure out
11:31AM 5 where all the briefs were that we filed a response to
6 their plea to the jurisdiction last night. I don't know
7 if that was circulated to the Court. I just circulated
8 it. Again it's 250 e-mail address, so we'll rest on --
9 those arguments a lot. I'll just briefly go through
10 some of the points.

11 THE COURT: Okay. That sounds like a good
12 plan. Before you-all leave, just make sure that I know
13 exactly what you-all have filed, and that I will be
14 considering because sometimes -- and it's not
11:31AM 15 necessarily based on when you filed it, but sometimes
16 things take a little bit longer to get into the Court's
17 file, even if they have been filed with the clerk, so
18 just make sure, before you go, that I know exactly what
19 you're expecting the Court to review in making these
11:32AM 20 decisions.

21 Yes, Mr. Schlechter.

22 MR. SCHECHTER: Schechter. That's okay.

23 Very briefly, Your Honor, we would
24 request permission, after the cross-examination, to put
11:32AM 25 on Mr. Tatum's temporary injunction evidence. It

1 shouldn't take more than about 15 minutes.

2 THE COURT: Okay.

3 MR. SCHECHTER: And that way, the Court
4 will have heard everything today that will enable the
11:32AM 5 Court to make decisions on everything pending before the
6 Court.

7 THE COURT: Thank you very much.

8 And how much time do the defendants
9 collectively need today?

11:32AM 10 MS. CELLA: Can you give me...

11 THE COURT: All of the -- to respond to all
12 the matters.

13 MS. CELLA: Just a moment to confer?

14 THE COURT: Sure.

11:32AM 15 MR. SCHECHTER: One more matter. To the
16 extent there are other witnesses called, we would like
17 to have a chance to cross-examine them as well, if--

18 THE COURT: Of course. Thank you.

19 MS. CELLA: Thank you, Your Honor. It will
11:33AM 20 take us about five minutes to close out, and then as far
21 as the Secretary of State's witness, it's going to
22 depend on what Plaintiffs ask, but if they're
23 anticipating ten minutes, maybe between five and ten
24 minutes for us as well.

11:33AM 25 THE COURT: And for this cross?

1 MS. CELLA: Let's say about 15 minutes.

2 THE COURT: Okay. I am hearing about an
3 hour -- an additional hour, total.

4 Does that sound like you-all can wrap
11:33AM 5 everything up by 12:30? If you can do that by 12:30,
6 then we'll go ahead and move forward without a lunch
7 break, but if you're going to go longer than that, we
8 probably need to take a break.

9 MS. CELLA: We're okay with trying to get
11:33AM 10 it done by 12:30.

11 MR. BIRNBERG: Is the Court anticipating
12 any closing statements or arguments, and particularly,
13 does the Court have any questions with regard to
14 anything you've heard because I don't think that was
11:34AM 15 included in the calculation of time.

16 THE COURT: I won't take any questions that
17 I have against the time announcement that you-all have
18 provided. I heard closing a five and closing a five. I
19 didn't hear from you-all.

11:34AM 20 MR. BIRNBERG: We'll go closing five, too.

21 THE COURT: I think that still keeps us
22 before 12:30, or right after, perhaps. I'm just going
23 to ask that you-all try to be as efficient with your
24 time as possible. Okay.

11:34AM 25 MS. CELLA: Thank you, Your Honor.

1 THE COURT: You may proceed.

2 MS. CELLA: Thank you.

3 CROSS-EXAMINATION

4 BY MS. CELLA:

11:34AM 5 Q. Good morning, sir.

6 A. Good morning.

7 Q. How are you?

8 A. I'll well, thank you.

9 Q. Good.

11:34AM 10 You are suing Harris County for
11 injunctive relief in this matter, correct?

12 A. Yes.

13 Q. And you're aware that Harris County is suing
14 the defendants for that same relief?

11:34AM 15 A. Yes.

16 Q. So is it fair to say that by testifying for
17 Harris County, you're not adverse to their position?

18 MR. SCHECHTER: Objection, Your Honor. He
19 has clearly a position that's adverse to the county.

11:35AM 20 He's seeking to enjoin them from firing him.

21 MS. CELLA: Your Honor, I'm asking for
22 credibility reasons, and I would like to pose the
23 question to the witness rather than his lawyer.

24 THE COURT: Okay. It's a legal question,
11:35AM 25 though, and I'll allow Mr. Schechter to respond.

1 And tell me, specifically, what is the --
2 and I know there's a brief on this issue, specifically,
3 and that is whether or not...

11:35AM 4 MR. SCHECHTER: This is the issue -- that
5 brief was filed late last night, Your Honor. We haven't
6 had a chance to respond.

7 THE COURT: And that's the Motion to Strike
8 Clifford Tatum's Intervention?

9 MR. SCHECHTER: Yes, Your Honor.

11:35AM 10 THE COURT: Okay.

11 MR. SCHECHTER: So we object to relevance.
12 It's not raised in this proceeding.

13 MS. CELLA: I would just reiterate again,
14 Your Honor, it goes to the witness' credibility as to
11:35AM 15 his lawsuit versus the county's lawsuit.

16 THE COURT: Okay. That objection's
17 overruled.

18 You may answer the question. Let me
19 see...

11:36AM 20 MS. CELLA: Would you like me to...

21 THE COURT: The objection to the question:
22 Is it fair by testifying for Harris County, you're not
23 adverse to their position.

24 That objection was sustained.

11:36AM 25 And so you may ask your next question.

1 MS. CELLA: Thank you, Your Honor.

2 Q. (BY MS. CELLA) Harris County is the second
3 largest election entity in the country; is that right?

4 A. Second or third.

11:36AM

5 Q. Okay. And they are the third largest
6 jurisdiction, county jurisdiction in the country?

7 A. Third.

11:36AM

8 Q. Okay. So -- and Harris County represents about
9 16 percent of the total population of Texas; is that
10 right?

11 A. I don't know that.

12 Q. Okay. Would you agree that Harris County is
13 important for Texas elections?

14 A. Yes.

11:36AM

15 Q. Based on the size of the county?

16 A. Just the elections, in general.

17 Q. Okay. Would you agree with me that Harris
18 County, in the past, has had some bad elections with
19 some major problems to them?

11:37AM

20 A. No.

21 Q. Would you agree that they've had some problems
22 in the past elections?

23 A. Yes.

11:37AM

24 Q. You were appointed after Harris County's
25 Election Administrator Isabel Longoria resigned; is that

1 correct?

2 A. Yes.

3 Q. And your predecessor resigned after the 2022
4 primary; is that right?

11:37AM

5 A. Yes.

6 Q. Would you agree that there were problems with
7 the 2022 primary?

8 A. That happened before I was here, but I
9 understand there were some challenges.

11:37AM

10 Q. And you were then appointed in August 2022,
11 correct?

12 A. That's correct.

13 Q. You were appointed three months before the
14 general election in 2022?

11:37AM

15 A. Not sure it was three months, but it was--

16 Q. Approximately?

17 A. Yes.

18 Q. And during the general election in 2022 -- I'm
19 going to be just be talking about the general election
20 now when I say the election.

11:38AM

21 A. Yes, ma'am.

22 Q. If that works for you.

23 There were some shortages of ballot
24 papers at multiple polling locations; is that right?

11:38AM

25 A. Yes.

1 Q. And your office allocated the same amount of
2 ballot papers per polling location; is that right?

3 A. What -- I'm not sure I understand.

11:38AM

4 Q. So in other words, at each polling location,
5 your office allocated the same of amount of paper, so if
6 it was 500 ballot papers, that happened at each polling
7 location. It was not varied?

8 A. That's not exactly right.

9 Q. It's not exactly right?

11:38AM

10 A. No.

11 Q. Is it true that traditionally some polling
12 locations get more voters than others?

13 A. That's a true statement.

11:38AM

14 Q. And is it true that you -- some of the polling
15 locations were running out of ballot paper?

16 A. Reportedly.

17 Q. And is it true that some polling locations
18 reportedly actually ran out of ballot paper?

19 A. Yes, for a certain period of time.

11:39AM

20 Q. And is it true that voters were turned away
21 because there was no ballot paper at certain polling
22 locations?

23 A. I don't know that exactly.

11:39AM

24 Q. And is it true that there were polling
25 locations that were closed when they shouldn't have

1 been?

2 A. No.

3 Q. Would you agree with me that there were some
4 polling locations that were closed when others were
5 open?

11:39AM

6 A. No.

7 Q. Would you -- is it fair to say that the role of
8 election administrator or your office was controversial
9 during the 2023 election cycle?

11:39AM

10 A. I'm sorry. Say -- help me.

11 Q. Is it fair to say that your role and your
12 office's role in the elections was controversial during
13 the 2022 election cycle?

14 A. I don't know that -- to agree with that.

11:40AM

15 Q. Are you aware that there were multiple
16 newspaper articles talking about all of the problems
17 that the 2022 general election?

18 A. After the election?

19 Q. Yes, sir.

11:40AM

20 A. Yes.

21 Q. And are you aware that 14 candidates filed
22 election contests to challenge the results as a result
23 of the problems on election day?

24 A. Yes.

11:40AM

25 Q. And some of the election workers couldn't get

1 through when they called for help; is that right?

2 A. I don't know that to be true.

3 Q. Are you aware of reports that that was true?

4 A. I'm aware of the reports.

11:40AM

5 Q. You indicated that -- in your testimony on
6 direct from the county that you were working to
7 implement changes after the 2022 general election. Is
8 that your understanding of what you said? Did I get
9 that right?

11:41AM

10 A. Yes, ma'am.

11 Q. And that you were going to implement these
12 changes based on the general election?

13 A. Yes.

11:41AM

14 Q. But you're aware that there were issues during
15 the primary election when Isabel Longoria was the
16 elections administrator.

17 A. Was I aware -- help me.

11:41AM

18 Q. You were aware -- I believe you testified a
19 little bit earlier with me that you were aware that
20 there were reports of issues in the 2022 primary.

21 A. Yes.

22 Q. Okay. But you didn't -- you didn't seek to
23 implement any changes between the primary and the
24 general in the months that you were there.

11:41AM

25 A. The issues that I understand occurred in the --

1 in the primary were some associated to the parties, so
2 it wasn't a live election for me to address that
3 particular point in time, but to the extent that I
4 recognized that systems needed to be upgraded, I didn't
11:42AM 5 have the window in time to do it from the time I got
6 there is until the November election.

7 Q. And those -- we just talked about a bunch of
8 things that you weren't sure about, but you had heard
9 reports of: Ballot papers being -- polling locations
11:42AM 10 running out of ballot papers, things of that nature.
11 You had heard reports.

12 As the elections administrator, did you
13 not take the time to find out if those reports were
14 true?

11:42AM 15 A. Oh, yes, we -- we conducted an analysis.

16 Q. I want to turn briefly to your position as the
17 elections administrator.

18 I think we talked about this, but just
19 correct me if I'm wrong: Harris County created the
11:43AM 20 elections administrator position in 2020?

21 A. Yes, ma'am.

22 Q. And when that position was created, the duties
23 and the budget were transferred from the tax
24 assessor-collector's office and the Clerk's Office to
11:43AM 25 the Election Administrator Office?

1 A. Yes, ma'am.

2 Q. So is it possible that the duties and the
3 budget of your current office can be transferred back to
4 the tax assessor-collector and the Clerk's Office?

11:43AM

5 A. Yes.

6 Q. And is it possible that you could be hired by
7 the county in either one of those offices?

8 A. I don't know.

9 Q. But is it possible?

11:43AM

10 A. Hypothetically, yes.

11 Q. And is it also possible that staff can be
12 transferred from your current office to the Clerk and
13 the Tax Assessor's Office?

14 A. Yes.

11:44AM

15 MS. CELLA: Just bear with me for one
16 second, Your Honor.

17 THE COURT: Sure.

18 MS. CELLA: That's all the questions I
19 have.

11:44AM

20 THE COURT: Redirect, if any?

21 MR. SARKAR: We don't have any redirect.

22 MR. SCHECHTER: Your Honor, may I ask some
23 questions?

24 THE COURT: You may.

11:45AM

25 MR. SCHECHTER: May I approach the witness

1 Your Honor?

2 THE COURT: You may.

3 DIRECT EXAMINATION

4 BY MR. SCHECHTER

11:45AM 5 Q. Mr. Tatum, I'm going to hand you documents that
6 have been marked as Exhibit 1 and Exhibit 2.

7 Can you identify Exhibit 1 for the Court,
8 please.

9 A. Yes, it's my CV.

11:45AM 10 Q. Is it a true and correct copy of your CV?

11 A. It is.

12 Q. Can you identify Exhibit 2 for the Court,
13 please.

14 A. Exhibit 2 is the order appointing me as the
11:45AM 15 Harris County Elections Administrator.

16 Q. Is that a true and correct copy of the order?

17 A. It appears to be.

18 MR. SCHECHTER: Your Honor, we offer 1 and
19 2 into the off the record.

11:45AM 20 THE COURT: And this should be Intervenor's
21 1 and 2?

22 MR. SCHECHTER: Yes, Your Honor.

23 THE COURT: Intervenor's 1 and 2 are
24 admitted.

11:45AM 25 (Intervenor's Exhibits 1 and 2 admitted)

1 Q. (BY MR. SCHECHTER) Mr. Tatum, so you were not
2 actually able to start the position as election
3 administrator until after that order was issued on
4 August 16th.

11:46AM

5 A. That's correct.

6 Q. I have some just general questions for you.
7 How many counties, currently, have a county elections
8 administrator as opposed to relying on a clerk or a
9 voter -- tax assessor collector to registered voters?

11:46AM

10 A. Roughly 136, I believe.

11 Q. It's over 50 percent of the counties?

12 A. I believe so, yes.

13 Q. And Senate Bill 1750 affects how many of those
14 counties currently with elections administrators?

11:46AM

15 A. Just one.

16 Q. Harris County?

17 A. Harris County.

18 Q. If other counties grow to a population that
19 exceeds 3.5 million people and they have an election
20 administrator before they hit 3.5 million people, how
21 many of those counties will have that position
22 abolished?

11:46AM

23 A. As I understand, none, except for Harris
24 County.

11:47AM

25 Q. So this is a statute that's aimed at Harris

1 County; only affects Harris County, and will never
2 affect any other county in the history of the State of
3 texas?

11:47AM

4 MS. CELLA: Objection, Your Honor. This
5 calls for a legal conclusion.

6 THE COURT: Overruled.

7 Q. (BY MR. SCHECHTER) I'm going to hand--

8 THE REPORTER: I'm sorry, what--

9 MR. SCHECHTER: May I approach the witness?

10 THE COURT: Excuse me one moment.

11 THE REPORTER: The witness started an
12 answer, but there was an objection, so I'm not sure if
13 he wants to restate his answer.

11:47AM

14 THE COURT: That is, we did not receive the
15 actual answer from the witness, so if you would, please,
16 you may respond to the question.

17 Q. (BY MR. SCHECHTER) Any other county in the
18 history of Texas going to be affected by this?

19 A. None, other than Harris.

11:47AM

20 Q. If 3.5 million people is such an important
21 marker, can you think of any rational reason why once
22 another county reached 3.5 million people, the election
23 administrator position wouldn't be abolished, and return
24 duties -- the duties return to the County Clerk and Tax
25 Assessor-Collector?

11:48AM

1 MS. CELLA: Objection, Your Honor; calls
2 for legal conclusion.

3 MR. SCHECHTER: Your Honor, just asking for
4 his experience, as running elections for 20 years, if
11:48AM 5 there's a rational reason why only on September 1, 2023,
6 the population of 3.5 million is important. It is the
7 key question in this case.

8 THE COURT: He may answer based on his own
9 experience.

11:48AM 10 A. There's no rational basis for that.

11 Q. (BY MR. SCHECHTER) Is something unique
12 happening on September 1, 2023 so that the universe is
13 shifting, and if you had a population of 3.5 million
14 people before, you can -- not have an elections
11:48AM 15 administrator, but if you have a population of 3.5
16 million after September 1, 2023, you can, because
17 there's some magical or mystical change happening in the
18 word?

19 A. No, none that I'm aware of.

11:49AM 20 Q. I'm going to show--

21 MR. SCHECHTER: May I approach again,
22 Your Honor?

23 THE COURT: You may.

24 Q. (BY MR. SCHECHTER) And, by the way, Mr. Tatum,
11:49AM 25 have you heard anybody posit that there is any rational

1 reason why there is this specific date, September 1,
2 2023, so if you had an elections administrator before
3 that date, you cannot have one after -- you're barred
4 from having one, but if you have one -- if you get to a
5 population of 3.5 million after that date, you can
6 continue to have an elections administrator. Has any
7 peer-reviewed article or substantive expert in this area
8 ever advanced any reason for that?

9 A. Not that I'm aware.

10 Q. I'd like you to look at tab 2 of the notebook,
11 please. Under -- this is the Senate Bill 30 -- SB17
12 section 31.050. And the first sentence, it says on
13 September 1, 2023, all powers and duties of the county
14 elections administrator of a county with a population of
15 more than 3.5 million under this subchapter transferred
16 the tax assessor-collector and county court clerk.

17 Do you see that?

18 A. Yes, I do.

19 Q. Does it anywhere say that the employees are
20 transferred to those positions?

21 A. No, it does not.

22 Q. Okay. Are you being transferred to either the
23 County Clerk or the Tax Assessor-Collector?

24 A. No, I am not.

25 Q. Is it your understanding, sir, that when SB1750

1 goes into effect, you will lose your job as Harris
2 County Elections Administrator?

3 A. Yes, that is my understanding.

4 Q. And is it your understanding that -- and you've
11:51AM 5 been told this by the county, have you not? You've been
6 told that by the county?

7 A. That is correct.

8 Q. Okay. You know that you are going to lose your
9 job if there -- this injunction is not issued until the
11:51AM 10 constitutionality of this bill is determined, correct?

11 A. That is correct.

12 Q. And along with losing your job, do you lose
13 your salary?

14 A. Yes.

11:51AM 15 Q. Do you lose all the other economic benefits you
16 have such as health insurance and retirement?

17 A. Yes.

18 Q. Are there noneconomic benefits you will lose?

19 A. Yes.

11:51AM 20 Q. Will you please explain to the Court what those
21 noneconomic benefits include.

22 A. The stature of being the election administrator
23 of the third largest jurisdiction of the country is a --
24 a career pinnacle. There's only two others, and if the
11:51AM 25 office is abolished, then I would -- I would not be the

1 no. 3 in the country, and I make career decisions based
2 on my altruism for the process. I'm in elections
3 because I want to be in elections, and my peers
4 recognize me as being capable -- being capable and
11:52AM 5 competent, a competent election official. The fact that
6 the office is being abolished is really a reputational
7 blow to me, meaning -- it's being abolished. I'm not
8 being terminated for cause. I'm being terminated
9 because someone decided they want to abolish the office.

11:52AM 10 Q. Your opinion, sir, based on your experience, is
11 -- if this injunction is not issued, is it going to
12 potentially affect your future employability?

13 A. I believe so.

14 Q. Now, if the office is abolished -- if 1750 goes
11:53AM 15 into the effect, the office is abolished, it's disbursed
16 on many different places, how easy would it be to
17 reassemble the office if six months from now a court
18 declared the statute to be unconstitutional?

19 A. It would be a mess. Forgive me. It -- it
11:53AM 20 would be like trying to put Humpty Dumpty back together
21 again.

22 Q. So in terms, not just of irreparable harm to
23 you, but irreparable harm to the public, in general, if
24 this bill is unconstitutional, then reassembling this
11:53AM 25 office will be extremely difficult, costly and like --

1 it's like trying to reassemble Humpty Dumpty.

2 A. Correct.

3 Q. Now, you were asked some questions by the
4 Attorney General regarding what you've heard about
11:54AM 5 problems in Harris County since the elections
6 administrator ran the elections; is that correct?

7 A. Yes.

8 Q. So I'm going to ask you some questions. You
9 heard about Harris County having problems with elections
11:54AM 10 administrations long before that when county clerks and
11 tax assessor-collectors were running elections and voter
12 registration.

13 A. Yes, I am.

14 Q. For example, you've heard that there were
11:54AM 15 employees in the tax assessor-collector's office who
16 were destroying applications to be a registered voter
17 leading to at least one criminal conviction.

18 A. Yes, I understand that.

19 Q. You're aware that there were allegations that
11:54AM 20 employees of prior elected tax assessor-collectors were
21 slow-walking--

22 MS. CELLA: Objection, Your Honor; leading
23 the witness.

24 THE COURT: Sustained.

11:54AM 25 Q. (BY MR. SCHECHTER) I'm going to ask you

1 whether you're aware of the following things or not, and
2 if you are great, and if you're not, great. Whatever
3 you're aware of.

4 Are you aware there were allegations that
11:55AM 5 employees were slow-walking the process of thousands of
6 applications to be a registered voter, thus
7 intentionally preventing people from becoming registered
8 voters for elections?

9 MS. CELLA: Objection; leading.

11:55AM 10 MR. SCHECHTER: It's a yes or no question.

11 THE COURT: Sustained. The objection is
12 sustained.

13 Q. (BY MR. SCHECHTER) Are you familiar with other
14 allegations that -- regarding the election registration?

11:55AM 15 A. Yes, I am.

16 Q. Tell us some of those you're familiar with that
17 -- only that occurred while there was elected tax
18 assessor-collector handling the election, the voter
19 registration process.

11:55AM 20 A. Your Honor, as a result of the allegations that
21 were made against the election administrator's office in
22 2022, myself and my communications team started
23 researching what has occurred in Harris County. So we
24 have reviewed newspaper articles and received -- and we
11:56AM 25 received accounts of election issues that have taken

1 place in Harris since 2006 with either the Clerk's
2 Office not deploying the voting equipment; not creating
3 ballots with the correct contest on them; the tax
4 assessor not registering people to vote; the tax
11:56AM 5 assessors being sued for not registering people to vote.
6 Criminal allegations against staff within the tax
7 assessor's office, so we gather this information in
8 order to speak to the legislatures about what you're
9 proposing to do is line it out because these type of
11:56AM 10 things that you're accusing the election administrator's
11 office of in 2022 have occurred in Harris County, going
12 back to 2006, if not further. It just didn't make sense
13 to us, so I am aware of those issues, and -- yes, I am
14 aware.

11:57AM 15 Q. And by the way, have the -- when you took
16 office, were you under an injunction from the United
17 States District Court pursuant to a consent agreement
18 with Harris County that had been entered in the early
19 2010s regarding violation of civil rights of certain
11:57AM 20 voters?

21 A. Yes, I'm aware of that.

22 Q. These were all things that happened when they
23 were elected officials running elections?

24 A. That's correct.

11:57AM 25 Q. And voter registration; is that correct?

1 A. That's correct.

2 Q. Are there other counties with election
3 administrators who had problems with administering
4 elections?

11:57AM 5 A. Yes, there are.

6 Q. Has Dallas County had problems?

7 A. Yes.

8 Q. What kind of problems has Dallas County had?

9 A. I think it's important to note that it -- it --
11:57AM 10 there's never a perfect election, Your Honor. There's
11 -- every county has some sort of issues with the voting
12 systems, the voting systems that have been certified by
13 the election commission, that's been certified by the
14 state that nonetheless cause some sort of problems on
11:58AM 15 election day. Paper jams -- every county had some issue
16 with paper jams that were using paper in the 2022
17 election, and that's a system issue that we're now
18 addressing.

19 There were counties during the November
11:58AM 20 2022 that had paper issues. Paper -- getting paper to
21 polling locations. They were able to get paper to
22 polling location, just as we were, but the -- that was
23 not held against them.

24 There were polling locations in other
11:58AM 25 counties that did not open on time. In particular, I

1 think Bell County was the county that had the order
2 extending its polling place on the hours we did in
3 Harris, and so there's -- as we talked with other
4 election administrators, everyone has a story to tell.
11:59AM 5 The question is how great was the issue and were we able
6 to mitigate and move forward into the next election.

7 Q. Mr. Tatum, in your current status, as Harris
8 County Election Administrator, under the law, the only
9 way you can be discharged is for good and sufficient
11:59AM 10 cause; is that correct?

11 A. That's correct.

12 Q. Has any -- and has any member of the Harris
13 County Commissioner's Court come to you and said there's
14 good and sufficient cause for your discharge. We want
11:59AM 15 to fire you?

16 A. No.

17 Q. Okay. Has anybody associated with county
18 attorney's office come to you said we've had allegations
19 of good sufficient cause. We're going to move for
11:59AM 20 procedures to fire you?

21 A. No.

22 Q. So at this moment in time, the only reason,
23 legally, you could be fired from your job is for good or
24 sufficient cause, or if SB1750 goes into effect.

11:59AM 25 A. That is correct.

1 Q. And there is no current good and sufficient
2 cause to fire you, so the only way you could lose your
3 job is if this SB1750 goes into effect.

4 A. That's correct.

12:00PM

5 Q. And I want to ask you just a few questions
6 based on your experience as a reason -- as an election
7 administration. Is it rational that a county with a
8 population of 3.5 million on September 1, 2023 cannot
9 have an election administrator, but a county that
10 reaches that population on September 2, 2023 can?

12:00PM

11 MS. CELLA: Objection, Your Honor; calls
12 for a legal conclusion.

13 THE COURT: Overruled.

14 A. No, it's not.

12:00PM

15 Q. (BY MR. SCHECHTER) Is there any rational basis
16 for a decision that a county with a population on
17 9-1-2023 must have its county clerk run elections, but
18 if the county grows so 9-2-2023 its population reaches
19 3.5 million, it may have an election administrator run
20 its elections?

12:00PM

21 A. No.

22 Q. Same questions for voter registration. Is it
23 rational that a county with a population of 3.5 million
24 on September 1, 2023 cannot have an elections

12:01PM

25 administrator handling voter registration, but a county

1 that reaches that population level on September 2, 2023
2 can?

3 A. No.

12:01PM

4 Q. Have you ever heard anybody advance a rational
5 explanation for those other than they wanted to get rid
6 of the Harris County elections administrator?

7 A. No.

12:01PM

8 Q. The technology -- you've described problems
9 that you had with some -- with the technology that
10 existed, correct?

11 A. Yes.

12 Q. That technology had exhibit existed for a
13 number of years; is that correct?

14 A. Yes.

12:01PM

15 Q. Were the technology -- was the lack of
16 technology that you needed in your view to effectively
17 run elections a problem that predated the elections
18 administrator and dated back to when the county clerk
19 was running election?

12:02PM

20 MS. CELLA: Objection, Your Honor; leading
21 the witness.

22 THE COURT: Overruled.

23 A. Yes.

12:02PM

24 Q. (BY MR. SCHECHTER) You were asked some
25 questions about some of the things that you do -- you

1 have to have funding for your equipment; you have to
2 have funding for your staff; you have to get election
3 judges; you have to set voting locations. All those
4 things.

12:02PM

5 Who control all of those things? Who
6 controls your budget?

7 A. The county commissioners control my budget.

8 Q. Who controls whether you get funding for your
9 equipment?

12:02PM

10 A. The commission court.

11 Q. Who actually approves appointment of judges and
12 voting locations?

13 A. The commissions court.

12:02PM

14 Q. So if somebody doesn't show up on time to own a
15 vote -- to open the voting location, who is the person
16 that selected that judge?

17 A. It depends on the election. The parties
18 nominate the judges, so from a primary location, the
19 parties are appointing the judges or dispatching the
20 judges. For the general election, the election
21 administrators dispatch the judges.

12:03PM

22 Q. And who selects -- who has to approve those
23 elections?

24 A. The county commissioners -- the commission
25 court approves the judges.

12:03PM

1 Q. Okay. In 2022, there was a change in how
2 elections were conducted in terms of where you had to
3 vote; is that correct? That is, countywide versus
4 precinct.

12:03PM

5 A. Countywide, I think took place in 20 -- in '19
6 or '20.

7 Q. Okay. Can you explain that difference please
8 to the Court.

12:03PM

9 A. So under the Election Code, Your Honor, there's
10 a precinct-based voting which means you open a polling
11 location within a particular voter's precinct. And
12 under countywide voting, you open precincts countywide
13 so that a voter can go anywhere they would like to go to
14 vote as opposed to voting at their home precinct
15 location.

12:04PM

16 Q. So 2022 was the first gubernatorial election
17 where there was countywide voting; is that correct?

18 A. That is correct.

12:04PM

19 Q. So people could vote anywhere they wanted to in
20 the county, not at their local precinct?

21 A. That's correct.

22 Q. Did that make prediction of exactly what
23 turnout was going to be at every voting location more
24 difficult because you had no historical basis?

12:04PM

25 A. That in conjunction with the redistricting

1 process that took place in 2020.

2 Q. You heard some reports that voters were turned
3 away because there were insufficient paper. Have you
4 heard any evidence from the voters, sworn under oath
5 that said they were unable to vote?

12:04PM

6 A. I have not heard.

7 Q. Okay. And, in fact, there was actually a --
8 there's a gentleman in Houston named Mr. McIngvale. He
9 runs of the leading furniture businesses in the United
10 States, and he actually posted a reward saying if you
11 didn't vote, come tell me so we can use your testimony
12 as evidence.

12:05PM

13 A. I am aware of that.

14 Q. Anybody take him up on the reward, that you
15 know of?

12:05PM

16 A. I don't know.

17 Q. There was a republican county chair named Cindy
18 Siegel, a very fine person that testified your office
19 needed to be changed before the Senate. Do you know
20 that?

12:05PM

21 A. Yes.

22 Q. Okay. You know Ms. Siegel, when asked -- and
23 she was portrayed and she is portrayed in the states
24 brief, as an election expert. Did you know that in the
25 recent trial currently ongoing, she admitted she was not

12:05PM

1 an elections expert?

2 MS. CELLA: Objection, Your Honor.
3 Relevance and leading.

4 THE COURT: Sustained.

12:05PM

5 Q. (BY MR. SCHECHTER) I want to ask you just a
6 couple more questions and then I'm done: As I
7 understand it, now is a critical moment, and if there is
8 any -- the transition is going to occur, it has the
9 serious potential of disrupting the November elections

12:06PM

10 in Harris County. Is that what you're -- you've
11 testified to?

12 A. Yes.

12:06PM

13 Q. And, in fact, did I hear you correctly in your
14 direct with the county that there -- you've been unable
15 to actually bring on people you need because of the
16 uncertainty about who is going to be able to run the
17 election?

18 A. That's correct.

12:06PM

19 Q. Okay. So the legislation -- 1750 that was
20 passed, are you telling us that is causing a problem
21 already with running the Harris County election?

22 A. Yes.

23 Q. Then, under 1933, that applies only to counties
24 with over four million in population; is that correct?

12:06PM

25 A. That's correct.

1 Q. That's only Harris County, in the State of
2 Texas?

3 A. That is correct.

12:06PM

4 Q. The state, if there is any problem, with an
5 election, the Secretary of State can come in and seize
6 control over that election over that -- that county's
7 election process from either the county election
8 administrator or can seize control over -- from the
9 county clerk or tax assessor-collector; is that correct?

12:07PM

10 MS. CELLA: Objection; calls for legal
11 conclusion.

12 MR. SCHECHTER: Just if he knows that's
13 what the statute says.

14 THE COURT: Overruled.

12:07PM

15 You should answer, if you know, but don't
16 answer if you don't.

17 A. That is correct.

12:07PM

18 Q. (BY MR. SCHECHTER) So if there is a problem,
19 the Secretary of State can come in and seize Harris --
20 control over Harris County and the legislation 1750 is
21 creating a problem.

22 A. That is correct.

12:07PM

23 Q. And there's a -- there was a lot of testimony
24 that's important to have an elected official running
25 elections in a county of 3.5 million people or more.

1 You're familiar with that testimony?

2 A. Yes, I am.

3 Q. The Secretary of State or the State of Texas
4 elected or appointed?

12:08PM 5 A. The Secretary of State is appointed.

6 Q. So under 1933, they are returning -- if that
7 goes into effect, it's simply returns control of the
8 election to an appointed official, just a different one.

9 A. That is correct.

12:08PM 10 MR. SCHECHTER: Your Honor, I have no
11 further questions.

12 At this time, we offer Exhibit 3 into
13 evidence, which is the bill analysis, that would--

14 THE COURT: Any objection to intervenor
12:08PM 15 Exhibit 3?

16 MS. CELLA: Yes, Your Honor, we object as
17 irrelevant.

18 THE COURT: What's the relevance?

19 MR. SCHECHTER: Your Honor, the bill
12:08PM 20 analysis says the whole purpose of 1750 -- this was
21 written after it was passed. The whole purpose was to
22 effect counties that have over one million persons in
23 population, but the statute only limits it to 3.5
24 million, making it very clear the statute did not --
12:09PM 25 does not have a rational purpose.

1 THE COURT: Anything else?

2 MS. CELLA: Your Honor, that's a legal
3 argument for the Court to decide, not -- it's just
4 simply not relevant to the--

12:09PM

5 THE COURT: I think it's more -- the Court
6 will accept it and take judicial notice of the bill
7 analysis for SB17 and 50. I won't admit it as evidence,
8 but certainly the Court will consider it in the purpose
9 requested.

12:09PM

10 MR. SCHECHTER: Thank you, Your Honor.

11 No further questions.

12 THE COURT: Thank you.

13 Cross -- any cross? Recross?

12:09PM

14 MS. CELLA: Just give me one second,
15 Your Honor.

16 THE COURT: Sure. And the time is 12:09,
17 just so everybody's...

18 MS. CELLA: I have just two questions,
19 Your Honor.

12:10PM

20 THE COURT: Sure.

21 RECCROSS-EXAMINATION

22 BY MS. CELLA:

23 Q. The tax assessor-collector and the clerk are
24 elected officials; is that correct?

12:10PM

25 A. That's correct.

1 Q. So they are accountable to the voters?

2 A. That is correct.

3 Q. Thank you.

4 MS. CELLA: Thank you, Your Honor.

12:10PM

5 THE COURT: Thank you.

6 Anything else?

7 MR. SARKAR: No further questions,

8 Your Honor.

9 MR. SCHECHTER: No further questions from

12:10PM

10 intervenor.

11 THE COURT: Thank you for your time and
12 testimony. You're free as a witness to return to your
13 chair.

14 THE WITNESS: Thank you, Your Honor.

12:10PM

15 THE COURT: Do plaintiffs call any other
16 witnesses at this time?

17 MR. MILLER: The county calls Christina
18 Adkins.

19 THE COURT: Is Ms. Adkins in the courtroom?

12:10PM

20 Good morning -- - good afternoon. The
21 time is 12:10, so you may approach the bench to be
22 sworn.

23 (The witness was sworn)

24 THE COURT: State your name for the record.

12:10PM

25 THE WITNESS: Christina Adkins.

1 THE COURT: Thank you very much. You may
2 have a seat to my right in the witness chair.

3 MR. MILLER: May I approach?

4 THE COURT: You may.

12:11PM

5 And you're Mr. Miller?

6 MR. MILLER: Matt Miller.

7 THE COURT: Thank you.

8 **CHRISTINA ADKINS,**

9 having been first duly sworn, testified as follows:

12:11PM

10 **CROSS-EXAMINATION**

11 BY MR. MILLER:

12 Q. Ready?

13 A. Yes, I am.

14 Q. Please state your name.

12:11PM

15 A. My name is Christina Adkins.

16 Q. And what is your position?

17 A. I'm the current director of elections for the
18 Texas Secretary of State.

19 Q. Are you testifying today on behalf of the
12:11PM 20 Secretary of State's office?

21 A. I believe so.

22 Q. Okay. Does that include the Secretary of State
23 herself, Jane Nelson?

24 A. I'm testifying in my official capacity as an
12:11PM 25 employee -- an employee of the Secretary of State's

1 office.

2 THE COURT: I think this is probably a good
3 time for the Court just to read the final stipulation of
4 facts, which was that the testimony of Christina Adkins,
12:11PM 5 Texas, in fact, Elections Director will be on behalf of
6 the office of the Texas Secretary of State combined
7 office of the office's official position.

8 Is that the agreement of the parties?

9 MR. MILLER: Yes, Your Honor.

12:12PM 10 MR. ELDRED: Yes, Your Honor.

11 THE COURT: Thank you very much.

12 Q. (BY Mr. Miller) If I say SB1750, do you know
13 what that is?

14 A. I do.

12:12PM 15 Q. What is it?

16 A. SB1750 was a bill that passed out of this past
17 legislative session. It's the bill that we've been
18 discussing today pertaining to the abolishment of the
19 Office the Elections Administrator.

12:12PM 20 Q. Correct. And SB1750 requires the abolishment
21 of the Election Administrator in Harris County. Is that
22 your understanding?

23 A. That's correct.

24 Q. And SB1750 requires the tax assessor-collector
12:12PM 25 to become the voter registrar; is that correct?

1 A. I believe that's correct.

2 Q. Okay, and it also returns certain electoral
3 duties and functions to the County Clerk; is that
4 correct?

12:12PM

5 A. That's correct.

6 Q. And if Harris County refused to abolish the EA
7 position and give those duties to the tax assessor
8 collector and the county clerk, it would violate the
9 express terms of 1750, right?

12:13PM

10 A. On the face of the law, I believe that's
11 correct.

12 Q. On September 1st, 2023, will the Secretary of
13 State consider the Harris County Clerk the entity
14 responsible for certain duties and functions under the
15 Texas Elections Code?

12:13PM

16 A. I think, on the face of the law, that's what --
17 that's what that change in the law implies.

18 Q. Okay. The Texas Election Code requires the
19 County Clerk to certify county election returns; is that
20 correct?

12:13PM

21 A. That's correct.

22 Q. After September 1, 2023, can the Secretary of
23 State's Office commit to accept the Harris County
24 Elections Administrator Certification?

12:13PM

25 A. I would take whatever returns were provided to

1 our office by the county, regardless of who's providing
2 those returns.

3 Q. With regards to the Harris County -- to Harris
4 County's duty to submit voting information on election
12:14PM 5 night, does the Secretary of State agree to commit --
6 commit to accept results from Harris County election
7 administrator as if 1750 had never passed?

8 A. Again, I'm going to take whatever data's
9 provided to me on behalf of the county as long as it's
12:14PM 10 data that was -- that's being provided to our office
11 pursuant to statutory obligations related to the broader
12 election.

13 Q. Okay. Election information and materials like
14 the returns we're discussing have to be submitted
12:14PM 15 through the Secretary of State's electronic systems,
16 correct?

17 A. That's correct.

18 Q. And is that the TEAM system?

19 A. That's what we refer to as the TEAM system.

12:14PM 20 Q. Okay. Will the Secretary of State commit to
21 continue allowing the Harris County elections
22 administrator to designate the person with access to
23 TEAMS after September 1, 2023?

24 A. I think the individuals that have access to
12:14PM 25 TEAM, as long as we're not notified by the county that

1 their access has been revoked, then they will continue
2 to have access.

3 Q. Okay. So nobody at the county is going to have
4 to redesignate anyone?

12:15PM 5 A. I don't believe so.

6 Q. Okay. On September 1st, 2023, who will the
7 Secretary of State's Office consider the voter registrar
8 of Harris County?

9 A. By law, it would be the tax assessor-collector.

12:15PM 10 Q. Are you familiar with Chapter 19 funds?

11 A. I am.

12 Q. Okay. Chapter 19 funds require the voter
13 registrar to submit vouchers in order to get reimbursed
14 by the state; is that correct?

12:15PM 15 A. That's correct.

16 Q. Okay. After September 1st, is the Secretary of
17 State's office going to accept those vouchers from the
18 Harris County Administrator's Office?

19 A. If there's no competing claims from the tax
12:15PM 20 assessor-collector's office -- if all of the registration
21 duties are being performed by the same office, and they
22 are the ones making those claims, I think I have no
23 reason to assume that the processing would happen in any
24 other way. This is not unlike the situation where the
12:16PM 25 office of the elections administrator was created. For

1 the most part, those individuals that were performing
2 those duties under the tax assessor-collector continue
3 to perform those duties under the elections
4 administrator, and so if -- if that's the process that's
5 continuing, we have the same people acting in those
6 roles. We're not going to change anything.

12:16PM

7 Q. What if we change it? What if we change the
8 person who is designated -- what if the Harris County
9 Elections Administrator decides that Rodney Ellis should
10 be the person who should return -- should be submitting
11 that, will the Secretary of State commit to accepting
12 that information?

12:16PM

13 A. I think that I would have to have a little more
14 facts than that. I think it depends on what -- why that
15 designation was changed, like to what individuals within
16 the office. And I think -- I mean, I think, yeah, it
17 would depend on who the change was -- like to who the
18 change was made.

12:16PM

19 Q. I guess I'm a little confused by your answer.
20 If the Harris County Elections Administrator, as of
21 right now, can change the designation of who has TEAMS
22 access or who can submit the vouchers under the Chapter
23 19 reimbursements, is that going to change on September
24 1st, 2023?

12:17PM

25 A. The example you gave was Rodney Ellis, which

12:17PM

1 is, I believe, not somebody that would be authorized to
2 perform election duties under the Election Code, so I
3 think that's what I mean it's a little fact specific
4 because of who they are changing that designation to.

12:17PM

5 Q. Right, but--

6 A. If it's another employee within the office,
7 then we're going to continue to process as we did
8 before.

12:17PM

9 Q. If it's another employee within the election
10 administrator office?

12:17PM

11 A. Sure, or the tax assessor-collector's office,
12 whatever is going on with that local transition -- I
13 assume that there would be some kind of transition
14 process in place, and -- I mean, that's -- that's up to
15 the county to determine what that process is going to
16 be. We're not going to stop providing funds or stop --
17 we're not going to prevent people from completing their
18 statutory duties because of a transition that's
19 happening locally.

12:18PM

20 Q. I guess I'm a little confused by your answer.
21 Why is -- why is it different for someone like Rodney
22 Ellis?

12:18PM

23 A. Well, because by law, there are certain offices
24 that are designated as those that can perform election
25 duties. There isn't anything in the law that says you

1 can transfer your election duties to a county
2 commissioner, a county judge. I mean, we're talking
3 about either the office of the elections administrator
4 or a tax assessor-collector when we're talking about
5 Chapter 19.

12:18PM

6 Q. Right. I understand that, but the election
7 administrator is the one who is in power to designate
8 and they can designate anyone, can't they?

9 A. If they are acting in their official capacity
10 for that office.

12:19PM

11 Q. Right, and after September 1, 2023, will the
12 Harris County Election Administrator be operating in
13 that capacity to be able to appoint whoever he wants?

14 A. I mean, I don't know. I think that's what
15 we're -- part of why we're here today is I think we're
16 trying to figure out what happens on September 1.

12:19PM

17 Q. Right. So you can't commit to -- to accepting
18 whoever Harris County elections administrator would
19 designate as having access to the TEAMS system or to
20 submit Chapter 19 vouchers.

12:19PM

21 A. I think when you're asking me in a very broad
22 way like that, I'm a little concerned because I want to
23 make sure if we're talking about the transfer of
24 government funds, that it's those individuals or there
25 is some authority in the law for them to receive those

12:19PM

1 funds on behalf of the county, but I don't think we're
2 going to -- I have no plans on cutting access to the
3 county on September 1 because there's a dispute as to
4 who is holding that authority under the law, with
12:20PM 5 respect to a tax assessor-collector or an elections
6 administrator. They are making legal requests. If they
7 are complying with Chapter 19 and submitting the right
8 documentation, as long as I don't have two different
9 offices competing for the same funds, then I think we
10 would make a distribution as we normally would.

11 Q. Are you familiar with Texas Election Code
12 18.061? It deals the statewide computer voter--

13 A. It's--

14 Q. --registration list.

12:21PM 15 A. Yes. Uh-huh.

16 Q. Okay. Under -- under Section C of that 18.061
17 of the Texas Election Code, it states that each voter
18 registrar shall provide to the Secretary of State on an
19 expedited basis the information necessary to obtain the
12:21PM 20 registration list.

21 Does that coincide with your
22 understanding of--

23 A. Yes, sir, it does. Uh-huh.

24 Q. If that information that the voter registrar's
12:21PM 25 supposed to submit is submitted by the Harris County

1 Elections Administrator, will the Secretary of State
2 commit to accepting that information?

3 A. As long as there's no competing data coming
4 from another office, like the County Clerk's Office or
5 the Tax Assessor-Collector Office, then absolutely, yes.

12:21PM

6 Q. Okay. So would the Secretary of State's Office
7 then commit to refraining from referring any submission
8 issues to the Attorney General under 18.065 as it
9 relates to the secretary of -- as it relates to the
10 voter registrar provision, the basis of which is that
11 the Harris County elections administrator had been
12 abolished under 1750?

12:22PM

13 A. I think as long as we're not getting competing
14 data from two different offices purporting to fulfill
15 the same role, we're going to take the data that the
16 county provides.

12:22PM

17 Q. Are you familiar with 1933 -- SB1933?

18 A. I am.

19 Q. Okay. And you're aware that under SB1933, the
20 Secretary of State can investigate complaints filed
21 against Harris County, correct?

12:23PM

22 A. That's correct .

23 Q. Okay, and you're also aware that under 1933,
24 the Secretary of State has the ability to impose
25 administrative oversight of Harris County elections?

12:23PM

1 A. That's correct.

2 Q. Will the -- is it fair to say that the
3 Secretary of State cannot commit to refraining to use
4 1750's abolishment as a basis for investigation under
5 1933?

12:23PM

6 A. If you look at 1933, they have a very discrete
7 list of individuals who can submit complaints. They
8 also have to establish a recurring pattern of problems
9 specific to election administration and voter
10 registration. I think an act of the legislature doesn't
11 necessarily conform to the requirements of 1933. So
12 that act of the legislature doesn't meet the
13 requirements for triggering 1933 in the administrative
14 oversight under 1933.

12:23PM

15 Q. Okay. So you would not use the abolition of
16 the EA's office under 1750 as a basis to investigate
17 Harris County under 1933.

12:24PM

18 A. That's correct. I don't see that as anything
19 that would be -- that 1933 would authorize.

20 Q. Okay. And is that the same for the -- as a
21 basis for administrative oversight of Harris County's
22 elections you wouldn't use abolishment under 1750?

12:24PM

23 A. I would agree with that. I don't think there
24 is anything in the law that says that that's something
25 that could be considered.

12:24PM

1 MR. MILLER: Okay. Pass the witness,
2 Your Honor.

3 THE COURT: Direct? How much time do you
4 need for direct?

12:24PM

5 MS. CELLA: Probably not very much, Your
6 Honor. Maybe five minutes or so, but I would request
7 the intervenor take testimony before the defendants.

8 THE COURT: Are there any cross-examination
9 questions from the intervenor? How much time do you
10 need?

12:25PM

11 MR. BIRNBERG: Yes, Your Honor.

12 THE COURT: We're almost at 12:30. I need
13 to provide a comfort break to everyone, including our
14 court reporter.

12:25PM

15 MR. BIRNBERG: I'd take a comfort break.

16 THE COURT: Why don't we take a 10-minute
17 recess. Court's in recess until 12:35. You may step
18 down. Thank you.

19 And you-all are excused. Please be back
20 and ready to go at 12:35. Thank you.

12:25PM

21 Court's in recess.

22 (Recess)

23 THE COURT: You may proceed.

24 MR. BIRNBERG: Thank you, Your Honor Gerald
25 Birnberg on behalf of the intervenor Cliff Tatum, by the

12:36PM

1 way.

2 CROSS-EXAMINATION

3 BY MR. BIRNBERG:

12:36PM

4 Q. Ms. Adkins, you are the Director of Elections
5 in the Elections Division of the Texas Secretary of
6 State's office; is that correct?

7 A. Yes, sir; that's correct.

8 Q. What does Director of Elections do?

12:36PM

9 A. So, my responsibility is to oversee the
10 elections division, which consists of several different
11 parts. We've got our team that manages the TEAM system,
12 the Texas Election Management System, which is voter
13 registration and management system provide support to
14 counties on utilizing that system to make sure that the
15 state has the data that we're required to have.

12:37PM

16 We have a team of attorneys that provide
17 advice and assistance to counties with respect to what
18 the laws are, pertaining to Texas elections. We've got
19 a training team that provides training for county
20 election officials on best practices, security issues,
21 chain of custody. We have our elections funds
22 management team that oversees the administration of
23 funds to the state or to the parties, applicable parties
24 to our counties when appropriate, so a lot of different
25 moving parts, and I oversee all of that.

12:37PM

12:37PM

1 Q. And how long have you been with the Elections
2 Division of the Texas Secretary of State's office?

3 A. I have been with the elections division since
4 2012.

12:37PM

5 Q. So have you and I dealt with one another? I
6 used to be the chair of Harris County Democratic party--

7 A. Yes, sir, I believe we have corresponded
8 before. Even spoken on the phone.

12:38PM

9 Q. We have, indeed. So your position now is the
10 director of elections is one basically of the overseeing
11 all election activities over of the 254 counties in the
12 State of Texas. Is that fair?

12:38PM

13 A. I think that's a little bit broad. I mean, my
14 obligations and duties, first and foremost, fulfilling
15 the statutory obligations that are placed on our office
16 and service to the counties. You know, we have a very
17 decentralized system of elections in Texas, and so there
18 is limitations on what I can do with respect to telling
19 the counties how to run their election.

12:38PM

20 Q. When a local county has any issue associated
21 with running of an election, they call you or your
22 office; is that correct?

23 A. We hope they do.

12:38PM

24 Q. And that includes approval of budgets for
25 running primaries is an example, correct?

1 A. That -- well, that is correct. Well, I would
2 say it's not so much on the county's part, but the state
3 does fund the primary election to a certain extent and
4 so there are funding mechanisms in place for
5 redistributing funds to local party chairs.

12:38PM

6 Q. And you only distribute them once you approve
7 the expenditure; isn't that correct?

8 A. Yes, sir.

12:39PM

9 Q. You, in fact, propose budgets of -- for the
10 running of elections. How many -- how much money can be
11 devoted to paying for voting sites and for equipment,
12 and rental equipment. Those sorts of thing?

13 A. Yes, sir. There are some rules that provide
14 some boundaries on how the primary funds can be spent.

12:39PM

15 Q. One of the things your office does is it
16 suggests how a bit more than suggests. Suggests by
17 regulatory suggestion, the -- the number of -- how to
18 predict the number of voters who will show up and vote
19 in any given voting location. Isn't that true?

12:39PM

20 A. I -- I believe you're referring to -- there's a
21 statutory provision in the Election Code that talks
22 about supplies and how much ballot paper -- how many
23 ballots you're supposed to provide at a given location;
24 that's correct.

12:39PM

25 Q. And in addition to how many -- you know, the

1 election workers should be assigned, your office
2 provides the guidance through the -- at least in primary
3 elections, the local parties in that regard?

4 A. Yes, sir, and that is what I was going to say.

12:40PM

5 With respect to the primary, we have more of a say in
6 the funding. A little bit more control there, but as
7 far as locally, most of those decisions are made by
8 local county commissioners or local entities, ordering
9 the election.

12:40PM

10 Q. And you mention the most of those decisions are
11 also made by the local commissioners. In fact, most of
12 the work that is undertaken by county elections
13 administrator has to be approved by the commissioner's
14 court. Isn't that true?

12:40PM

15 A. I would agree with that, yes, sir.

16 Q. So the elections administrator does receive
17 some significant control in supervision by the
18 commissioner's court. They control all the money?

19 A. They control the budget.

12:40PM

20 Q. They control who gets appointed to be precinct
21 -- presiding judges or alternate judges of election
22 sites, correct?

23 A. There are some statutory appointments they
24 make. Often times, with -- in conjunction with

12:41PM

25 information provided by political parties.

1 Q. They decide how many voting locations there
2 should be?

3 A. Yes, sir.

12:41PM

4 Q. Or at least they approve the decision -- the
5 recommendation in that regard in the elections?

6 A. Yes, sir, as long as it's compliant with the
7 law.

12:41PM

8 Q. Pretty much everything that the election
9 administrators does has to be approved by the elected
10 commissioners. Isn't that fair?

11 A. I wouldn't say everything that they do, but a
12 lot of the big decisions related to specific elections
13 have to go through that public process of being
14 validated by Commissioners Court.

12:41PM

15 Q. Okay. The Secretary of State's Office provides
16 guidance on how counties should predict how many people
17 that are going to appear at vote in any given election
18 at any given polling site. You got a formula
19 published--

12:41PM

20 A. Yes, sir.

21 Q. --in the Administrative Code.

22 A. Yes.

23 Q. So your office is at least making suggestions
24 as to how the number of voters is to be determined.

12:42PM

25 A. I would say that our office has a statutory

1 obligation to do two very large things in the election
2 process. We provide advice and assistance regarding the
3 application of laws in Texas and how they relate to
4 elections, and it's also our job to maintain uniformity
5 in the administration of elections in Texas and so we
6 issue a lot of guidance and directives to try to meet
7 the statutory obligation.

12:42PM

8 Q. And, by the way, your boss is the Secretary of
9 State; isn't that correct?

12:42PM

10 A. Yes, sir.

11 Q. The Secretary of State is the chief elections
12 officer of this -- of this state; isn't that right?

13 A. That's correct.

14 Q. What does that duty entail?

12:42PM

15 A. Well, I've given you a little preview of that.
16 If you look in the Texas Election Code, Chapter 31 of
17 the Election Code, it details many of the obligations
18 that are on the Office of Secretary of State's Office.
19 It provides the express statutory authority for the

12:43PM

20 creation of the elections division to help administer
21 those statutory obligations, such as: Providing advise
22 and assistance; obtain and maintain uniformity;
23 promulgation of official forms; administering certain
24 types of funding to the county; state funding or certain
25 types of federal grants that may come down. We

12:43PM

1 administer a voting rights hotline where people can call
2 in with questions, and then we do a number of other
3 things like the certification of electronic voting
4 systems. I mean, all of this is defined in the Texas
5 Election Code.

12:43PM

6 Q. You actually are the ones to certify the voting
7 equipment that the counties can purchase if they wish to
8 do so; is that right?

9 A. Yes, sir; that's correct.

12:43PM

10 Q. It sounds like relatively comprehensive
11 responsibility with the Secretary of State has to assure
12 that the elections in the state are secure and
13 efficiently and effectively performed. Would that be a
14 fair overview of the role of the Secretary of State
15 running elections?

12:43PM

16 A. I think that that is our intention to try to do
17 that. We can provide that information. We can provide
18 that guidance, and when appropriate, we can, you know,
19 meet certain statutory obligations, but it's up to the
20 county to take our guidance.

12:44PM

21 Q. And is your office accessible to the public?

22 A. I believe so.

23 Q. Is it transparent?

24 A. As much as we can be, yes, sir.

12:44PM

25 Q. Is it headed by an elected official?

1 A. No, it's a -- our secretary is appointed by the
2 governor.

3 Q. Appointed; is that correct?

4 A. Yes, sir.

12:44PM

5 Q. So apparently all of these -- Texas's elected
6 system in which the ultimate responsibility for its
7 elections so the smooth running of its elections is
8 placed upon an appointed official, not an elected
9 official; is that correct?

12:44PM

10 A. That's correct.

11 Q. Are you familiar with -- you are familiar,
12 you've already testified that you are, with Senate Bill
13 1750, right?

14 A. Yes, sir.

12:44PM

15 Q. What is the underlying theory or basis of 1750?
16 What's it about?

17 MS. CELLA: Objection, Your Honor; calls
18 for --

12:45PM

19 MR. BIRNBERG: That was -- I agree. That
20 was a poorly-worded question.

21 I'm sorry. Do you want to rule on that
22 or --

23 THE COURT: It sounds like you're going to
24 withdraw.

12:45PM

25 MR. BIRNBERG: I'm withdrawing that

1 question for sure.

2 THE COURT: So no ruling needed.

3 Q. (BY MR. BIRNBERG) Here's what I'm getting at:
4 Isn't the notion of 1750 -- we had some problems in
12:45PM 5 River City; we had some problem in Harris County, so we
6 think that the way to fix problems in big population
7 centers is to increase accessibility and transparency by
8 making the person who is in charge of the elections
9 accountable to the voters, and so we're going to move
12:45PM 10 those responsibilities -- by the way, moving the
11 personnel, we're just going to change who's ultimately
12 responsible for those two functions to an elected
13 official.

14 Isn't that the whole underlying notion
12:46PM 15 that 1750 seeks to achieve?

16 MS. CELLA: Objection, Your Honor; calls
17 for a legal conclusion.

18 THE COURT: Overruled.

19 A. I think 1750 is taking an appointed office and
12:46PM 20 moving it back to two elected official, and as for the
21 intention behind that, that's more a legislative
22 question.

23 Q. (BY MR. BIRNBERG) Well, isn't the reason for
24 that because that would increase transparency and
12:46PM 25 accessibility?

1 A. I think that was the argument that was made in
2 several hearings with respect to that bill, but putting
3 that -- putting the power of those positions back to
4 somebody that has accountability to voters.

12:46PM

5 Q. To voters.

6 A. Uh-huh.

12:46PM

7 Q. And I think the state argued that Harris County
8 is a super big county and; therefore, it needs an
9 elected head of each of the divisions, joining these
10 offices. But Texas is a super big state, isn't it?

11 A. I would agree with that.

12:47PM

12 Q. Can you explain to me why it's rational to say
13 that Harris County needs to have these functions being
14 performed by elected official as opposed to an appointed
15 official, but the entire State of Texas can have its
16 chief election official be an appointed official rather
17 than elected official.

12:47PM

18 A. Those are decisions that were made by the Texas
19 Legislature. I mean, those aren't decisions I can
20 really speak to.

12:47PM

21 Q. From your perspective, as the Director of
22 Elections in Texas, can you posit a rational explanation
23 why the Secretary of State can handle these as an
24 appointed official without being accountable to the
25 voters, but Harris County can't?

1 A. We have a decentralized nature of elections in
2 Texas. The State doesn't run elections; our counties
3 run election. When we have a large election, for
4 example, or general election for state and county
12:48PM 5 officers November of 2022 or 2024, we don't really have
6 one election that's taking place that day. We have 254
7 elections that are taking place. We coordinate the
8 dissemination of certain types of data. We have
9 statutory obligations related to voter registration
10 lists and collecting election returns.

11 Q. And auditing.

12 A. Correct. Now we have that obligation as well.
13 But the day-to-day operations of an election, actually
14 conducting the election, that's all done by counties.

12:48PM 15 Q. Except for 1933. 1933 -- Senate Bill 1933
16 becomes effective, then if there's a complaint at least
17 by any number of individuals, you have authority to --
18 -- not only authority, but an obligation to seize
19 supervisory control of how the elections are run in
12:48PM 20 those counties, if your investigation confirms the
21 allegations. Is that true?

22 A. I disagree with your characterization of that.

23 Q. Okay. Re- -- correct it.

24 A. I don't believe that the text of that bill has
12:49PM 25 anything to do with our office seizing control or

1 seizing decisionmaking from the county. If you look at
2 the text of the bill, administrative oversight involves
3 reviewing policies and procedures. It -- it involves
4 monitoring. It involves helping those -- that county
12:49PM 5 that may be impacted be compliant with the law. That's
6 not the same thing as taking over and making decisions
7 on their behalf. It's not the same thing as taking over
8 and stepping into that role. Running day-to-day
9 operations of the county. If you read the text of the
12:49PM 10 bill, it reads, to me, as though it's about ensuring
11 legal compliance.

12 Q. What about Section 31.021B, for example, and
13 Section 31.037, for example, both of which provide that
14 if at the conclusion of your audit, you determine that
12:49PM 15 an elections administrator in a county with more than
16 four million people hasn't performed the duties of the
17 office adequately, you terminate the office.

18 A. Well, I think that there's a lot of steps
19 between initiating administrative oversight, and that
12:50PM 20 part of the bill that leads to that point.

21 Q. But it -- but the bill does give you that
22 authority, doesn't it?

23 A. Eventually. After -- after a number of other
24 actions, and--

12:50PM 25 Q. And only--

1 A. Involvement.

2 Q. It only applies to a county of four million
3 population or greater, right?

4 A. That's how the bill reads.

12:50PM 5 Q. How many of those are there?

6 A. I'm not aware of any other in Texas that meet
7 the population threshold other than Harris County.

8 Q. Harris County, just that one.

9 So under 7 -- under 1933, the Secretary
12:50PM 10 of State will have the authority to terminate the
11 elections administrator after this investigation is
12 completed, right?

13 A. After an investigation and ongoing monitoring
14 and periodic reports. There's a number of transparency
12:50PM 15 measures in place in that bill that I think are
16 important to highlight.

17 Q. After that happens, the Secretary of State
18 could terminate the elections administrator in Harris
19 County, correct?

12:50PM 20 A. That's correct.

21 Q. How can that be if the elections administrator
22 has already been terminated by 1750?

23 A. You're right. If there is no elections
24 administrator in place and there's no election
12:51PM 25 administrator for our office to terminate.

1 Q. So those two sections from 1933 I mentioned are
2 inherently inconsistent with 1750, aren't they?

3 A. I believe there's some other provisions in 1933
4 speaking to elected officials in there too.

12:51PM

5 Q. Oh, there are additional 1933--

6 A. Uh-huh.

7 Q. --but the two provisions that I mentioned give
8 the Secretary of State the authority to terminate the
9 elections administrator in Harris County are meaningless
10 if 1750 is in effect, aren't they?

12:51PM

11 A. I would say the specific office of elections
12 administrator, but if you look at 1933, it addresses
13 potentially elected official as well.

14 Q. Not to be argumentative, but certainly that's
15 true with other sections of the bill that's specifically
16 with the regards to section 31.021B and 31.037B, those
17 apply only to the elections administrator, and the
18 ability to terminate and suspend, discipline that office
19 in Harris County.

12:51PM

20 A. I would agree that those particular provisions
21 that you're -- that you are referencing, specifically
22 mention the office -- office of elections administrator,
23 but I think if you're trying to characterize the bill,
24 you need to look at the rest of the provisions in that
25 subsection.

12:52PM

12:52PM

1 Q. Okay.

2 So the state was arguing earlier -- by
3 the way -- because -- well, first, if you didn't have
4 1750, you still have control over the office; control is
12:52PM 5 too strong of a term. If you have an ability to do
6 something to modify a misbehavior in the office, or
7 under the former office of elections administrator, if
8 you don't have 1750, you still have 1933 that gives the
9 Secretary of the State the ability to terminate those
10 offices after the investigation supervision, right?

11 A. I would agree that 1933, following that process
12 that's in place there, it does ultimately give the state
13 the ability to terminate elections administrator if 1750
14 weren't in place.

12:53PM 15 Q. So if 1750, for example, were temporarily
16 enjoined from going into effect, you still have 1933
17 that the Secretary of State could exercise some
18 supervisory authority over the Elections Administrator
19 based upon -- would that not be a fair statement?

12:53PM 20 A. I would agree assuming administrative oversight
21 is triggered. You know, there are things that would
22 have to have happen before administrative oversight is
23 ordered.

24 Q. Misconduct--

12:53PM 25 A. Assuming all of that were to happen, in this

1 hypothetical, yes, that ability for the Secretary of
2 State's Office to terminate Elections Administrator
3 exists.

12:54PM

4 Q. And earlier when 1933 was being discussed, the
5 State's objection was, well, wait a minute, that's not a
6 good enough remedy for us because the earliest the
7 Secretary of State could regulate by firing the
8 Elections Administrator, under 1933, would be December,
9 2024.

12:54PM

10 Do you recall that testimony of that
11 effect?

12 A. I recall that, yes, sir.

12:54PM

13 Q. What would be the earliest that the voter could
14 regulate the misperformance or under-performance by the
15 Tax Assessor-Collector of Harris County, about firing
16 that person by not reelected her?

17 A. The earliest?

18 Q. Yes.

19 A. 2024.

12:54PM

20 Q. Well--

21 A. I think.

22 Q. The election November 7, 2024, but that
23 wouldn't replace the office until January, 2025; isn't
24 that correct?

12:54PM

25 A. That's correct.

1 Q. All right. So on one hand, we could have 1933,
2 when we could get rid of somebody in December of 2024,
3 or on the other hand, we could have voters regulate by
4 firing the tax assessor, which would be effective in
5 2025.

12:55PM

6 A. Well, there's also another provision in the
7 local Government Code relating to removal of somebody
8 from office, and it could -- a voter that's within that
9 territory, if they find that -- if they think that
10 there's grounds for removal, it's dictated in the local
11 Government Code they could file suit to have somebody
12 removed prior to the end of their term.

12:55PM

13 Q. Correct, but if the premise of 1750 is we need
14 to give the voters the ability to basically get rid of
15 somebody who's not performing the election functions
16 properly, the earliest that could happen, that the
17 voters replacing the tax assessor-collector in Harris
18 County would be January 1st, 2025.

12:55PM

19 A. I would say the earliest that any action that
20 could occur as a result of election, that's correct, but
21 I don't want to discount the other provisions in law
22 that do provide for voters being able to initiate suits
23 for bad actions on the part of--

12:55PM

24 Q. What's the earliest date the voters could fire
25 the County Clerk in Harris County?

12:56PM

1 A. 2026.

2 Q. Pardon?

3 A. I think it's -- they were just elected in 2022,
4 so 2026.

12:56PM 5 Q. Well, actually -- yes?

6 A. Is that right?

7 Q. January 2026, so 1933 is not -- never mind.
8 Withdraw that. Let me move on.

9 Who was the last person who was in the
10 office of county clerk at the time of the county clerk
11 in Harris County was running elections?

12 A. I believe that was Chris Hollins.

13 Q. Yes, Mr. Hollands. During Mr. Hollins'
14 administration of elections in Harris County, how many
15 times did the State of Texas sue him?

16 A. Oh, I don't--

17 Q. Six-month period of time relating to 2020
18 election?

19 A. I don't know the answer to that question.
20 Several times, I believe.

21 Q. Several times. He was sued over issues
22 relating to mailing out ballot -- providing mail-in
23 ballot applications to all -- everybody in Harris
24 County, do you recall that?

12:57PM 25 A. I do recall that.

1 Q. He was sued over his willingness to accept a
2 fear of COVID as a disability. Do you remember that?

3 A. That sounds right.

12:57PM

4 Q. He was sued over 24-hour voting. Do you recall
5 that?

6 A. I do.

7 Q. He was sued over drive-through voting. Do you
8 recall that?

9 A. Yes.

12:57PM

10 Q. And, in fact, in 2020, he was sued because over
11 a dozen of the voting locations didn't open timely, and;
12 therefore, there was a lawsuit to extend the voting
13 hours by an hour in Harris County. Do you remember
14 that?

12:57PM

15 A. Yes.

16 Q. That was all when it was a county clerk who was
17 in charge of running the elections, right?

18 A. That's correct.

12:57PM

19 Q. Okay. So why -- never mind. I'll leave it at
20 that and deal with that.

12:58PM

21 The -- you made an observation that
22 moving from the elections administrator back to tax
23 assessor-collector and county clerk would be not -- not
24 unlike what happened previously when we moved from those
25 two offices to the elections administrator.

1 Do you recall that comment?

2 A. Yes, that the transition that we're talking
3 about is not entirely dissimilar from that.

12:58PM

4 Q. It's not dissimilar. And a point in fact there
5 is a statutory transition that's provided for to allow
6 several months for an elections administrator to become
7 acclimated to the job or the duties are turned over to
8 that person; isn't that right?

9 A. That's correct. They can institute that.

12:58PM

10 Q. And in fact?

11 A. That transition period.

12 Q. Sorry. The statute itself says that's an order
13 to facilitate a smooth transition, right?

14 A. That's correct.

12:59PM

15 Q. Would you agree that a smooth transition
16 requires something other than a sudden and instant
17 turning over. It requires several months and should not
18 be undertaken in the middle or near the end of an
19 ongoing election.

12:59PM

20 A. I would say that any transition like that that
21 has to occur, the parties need to plan and prepare for
22 that, so whenever that target date is for that
23 transition happening, they should work backwards to
24 figure out what they need to do to make that transition
25 happen.

12:59PM

1 Q. If the notion in 1750 is that voters can
2 basically pressure public officials to get better
3 results in the running of elections, how many public
4 officials supervise Clifford Tatum?

12:59PM

5 A. Well, the Office of Elections Administrator,
6 for the most part, it's county commissioners that handle
7 the budget issues related to that office.

8 Q. And that's five elected officials, isn't it,
9 right there?

01:00PM

10 A. That's correct.

11 Q. And he can be fired by the Elections
12 Commission, correct?

13 A. They can recommend termination, but they can't
14 actually fire him, if I recall.

01:00PM

15 Q. Well--

16 A. I believe it has to be ratified by commissioner
17 court.

01:00PM

18 Q. Yeah, not quibbling over terminology. I think
19 they actually pass a resolution to fire which has to be
20 approved by commissioners before--

21 A. Correct.

22 Q. --it becomes in effect. You would agree?

23 A. It's a two-part process.

01:00PM

24 THE COURT: Mr. Birnberg, you've gone well
25 over your requested time.

1 MR. BIRNBERG: This is going to be my last
2 question, Your Honor.

3 Q. (BY MR. BIRNBERG) So that ten elected
4 officials that he is answerable to, right? The five
01:00PM 5 elected officials on the commission of the -- on the
6 commissioners court.

7 A. Yes, I think the math is correct there.

8 MR. BIRNBERG: And the Court is correct,
9 and I apologize.

01:01PM 10 THE COURT: Thank you.

11 MR. BIRNBERG: I pass the witness.

12 THE COURT: Okay. Direct examination, if
13 the State chooses.

14 MS. CELLA: Thank you, Your Honor, I'll be
01:01PM 15 brief.

16 DIRECT EXAMINATION

17 BY MS. CELLA:

18 Q. Good afternoon. Can you explain how 1933
19 works.

01:01PM 20 A. Senate Bill 1933, this is the bill that we've
21 been discussing that involves administrative oversight.
22 In order for the state to institute any kind of
23 administrative oversight, there has to be something that
24 triggers that. What the bill outlines, the first part
01:01PM 25 of the bill discusses complaints that are filed by, you

1 know, discrete list of individuals, individuals that
2 typically have a little bit of a higher interaction with
3 the county with respect to elections, they can submit
4 this complaint.

01:01PM

5 If the complaints indicate a recurring
6 pattern of problems in the administration of elections
7 and voter registration activities, then the state can
8 initiate a process like an investigative process where
9 we go back and forth with the county to try to determine

01:01PM

10 the issue. If we're not able to obtain a resolution
11 through that process, then the state can place the
12 county under administrative oversight for a defined
13 period of time.

01:02PM

14 Q. So there has to be a complaint or can the
15 Secretary of State also initiate that action?

01:02PM

16 A. There's another provision in Senate Bill 1933
17 regarding auditing activities, and the state, based on
18 preliminary findings from some of the audits that we
19 have to conduct that by statute we have to conduct that
20 could be used as a vehicle also to place a county under
21 administrative oversight.

22 Q. We talked earlier, or you talked earlier about
23 competing claims for funds or competing returns came in.
24 Things of that nature. Has that ever happened?

01:02PM

25 A. To my knowledge, we have not had multiple

1 offices request funds on behalf of the same county.

2 Q. And how about for returns?

3 A. To my knowledge, we've never had that problem.

4 Q. Are you aware of any problems with Harris

01:03PM

5 County's elections during any of the time from 2020

6 through the current -- through the last election, I

7 should say, which is when they had the elections

8 administrative position?

9 A. I think there have been very public accounts of

01:03PM

10 some issues that have occurred, specifically in their

11 preliminary election and in their November 2022

12 election. Both elections in 2022, but the primary and

13 general election.

14 Q. And can you -- do you know -- do you personally

01:03PM

15 know of those issues or some of those problems?

16 A. There are some issues that I can speak to.

17 Q. Okay. Can you tell the Court what those issues

18 were.

19 A. With respect to the primary election, there was

01:03PM

20 an issue with respect to the accuracy of their returns.

21 The initial information that was reported on their

22 reconciliation form was missing some information that

23 had a discrepancy of about 10,000 votes. We worked with

24 the county over the next, you know, week or so to try to

01:04PM

25 help address that issue, but they did have to do some

1 things to fix the -- or address the 10,000 vote
2 discrepancy. In the primary, itself, they also had a
3 situation where the reporting of their returns were --
4 they were delays because they needed more time to count.
01:04PM 5 That was an issue that we worked with county, or
6 attempted to work with the county on prior to election
7 day, but subsequently became a problem on election
8 night, when they identified that they were not going to
9 be able to complete their returns by the statutory
01:04PM 10 timeframe.

11 In November of 2022, the two big problems
12 that were publicly known, there were some equipment
13 issues out in the field, during early voting and
14 election day. They were having problems with ballots
01:04PM 15 scanning properly, and so that was something that the
16 county I knew worked to address with their workers to
17 make sure that the right process was followed, and I
18 think there was some, you know, differing instructions
19 or processes that were followed with respect to that
01:05PM 20 issue, and then there were allegations of ballot paper
21 shortages in some locations that may have impacted the
22 ability for these locations to accept and process
23 voters.

24 Q. And were there any other issues that you're
01:05PM 25 aware of during those elections?

1 A. Those are the broad issues. With respect to
2 the primary, we had a lot of concern on the part of the
3 political parties from kind of on the administrative
4 side of elections with the assignment of workers and how
01:05PM 5 that information was being communicated, and whether
6 workers were being -- the proper workers provided by the
7 parties were being utilized. We did have to work with
8 the party chairs, both Republican and Democratic chair
9 on that issue to make sure the county was compliant in
10 that area.

11 And I think -- I think beyond that, just
12 the kind of day-to-day problems that you normally have
13 in an election where you may have difficulty opening a
14 location because of equipment problems in that location
01:06PM 15 or problems with individual places itself. Those are, I
16 think, the larger issues that we were involved in that I
17 have direct knowledge of those, and some of those
18 allegations.

19 Q. Thank you.

01:06PM 20 MS. CELLA: That's all the questions I
21 have, Your Honor.

22 THE COURT: Thank you.

23 Anything else?

24 MR. MILLER: Yes, very brief recross,
01:06PM 25 Your Honor.

1 THE COURT: Very brief, please.

2 RECROSS-EXAMINATION

3 BY MR. MILLER:

4 Q. Ms. Adkins, Texas Election Code 678.034
01:06PM 5 requires the county clerk to transmit election results
6 for the county unless county has lawfully transferred
7 election administrative duties to a tax assessor or a
8 county election administrator; is that right?

9 A. I believe that's what that code provision says.

01:06PM 10 Q. After September 1st, 2023, Harris County
11 Elections Administrator Clifford Tatum, will no longer
12 be the authorized elections administrator --
13 administration official in Harris County, right?

14 A. By law; that's correct.

01:07PM 15 Q. He will no longer legal -- be legally
16 authorized to submit election results; is that right?

17 A. Well, I would say that based on what you're
18 saying that the law says, there, it defines certain
19 individuals, but it's not uncommon for us to take
01:07PM 20 information from individuals other than that named
21 election official, for example that county clerk
22 administrator is not often the one that provides that
23 data. To us, it's usually other individuals in the
24 office that transmit the data.

01:07PM 25 Q. I don't really think that answers my question.

1 Clifford Tatum will no longer be the legally-authorized
2 person to submit election results; is that correct?

3 A. I think, by law, I would agree that that's what
4 that provision says.

01:07PM

5 Q. And your testimony is that despite that, you
6 will accept election results from Clifford Tatum in a
7 legally defunct office?

8 A. Absolutely. I'm not going to be in a position
9 where we're disenfranchising up to 2.5 million
10 registered voters.

01:08PM

11 Q. So you'll accept those, regardless of whether
12 accepting those results follows the Election Code.

13 A. Provided that we're not getting conflicting
14 data from another office, yes, I would take that data.
15 Again, I'm not going to jeopardize a statewide election.
16 I'm not going to jeopardize a mayoral race in Houston.
17 I'm not going to put those elections in jeopardy because
18 an administrative issue like this.

01:08PM

19 Q. And is it your testimony that the Secretary of
20 State will take no action if Mr. Tatum continues to run
21 elections despite being a legally defunct office?

01:08PM

22 A. I can't commit to that.

23 Q. You cannot commit.

24 A. I cannot commit to that because I don't know
25 what might happen in the next few months that might

01:08PM

1 warrant or necessitate some clarification.

2 Q. You would agree with me there would be no legal
3 authority for -- for example the Harris County
4 Commissioner Adrian Garcia to run elections in Harris
01:08PM 5 County, right?

6 A. I would agree with that.

7 Q. And if Commissioner Garcia were to submit
8 election results to the Secretary of State, it would run
9 afoul of that Section 68.034 and possibly other election
01:09PM 10 codes, correct?

11 A. That's possible.

12 Q. And for that reason, the Secretary of State
13 would not accept results submitted by Commissioner
14 Garcia, right?

01:09PM 15 A. Again, I think when you're looking at the plain
16 language of the law, considering what happens in
17 practice, the question for me as to whether or on I take
18 returns could be twofold. One, was the election
19 conducted properly, and under the laws of Texas? Do we
01:09PM 20 have competing elections going on, or do we know that
21 the county is operating and conducting election as they
22 should? And I think the second component to that is:
23 Is we're talking about county returns, we're talking
24 about canvas totals at the end of an election. These
01:09PM 25 have been canvassed by commissioners court. The

1 county's already signed off and authorized these
2 returns. I'm not going to reject returns that come from
3 the county, just because of who's submitting them.
4 There's a number of factors we're going to look at
01:09PM 5 there. Just as a matter law, I'm not going to
6 necessarily refuse it from somebody if there are other
7 things that have validated the accuracy and the
8 integrity of those returns.

9 Q. Is there a difference between Commissioner
01:10PM 10 Garcia submitting election returns despite having no
11 authority and Clifford Tatum doing so?

12 A. I think there's a difference. I think the
13 difference is that the law right now provides for
14 certain offices to perform those duties related to an
01:10PM 15 election. If we're talking about a transition that's
16 occurring, or with whatever's in place with the legal
17 proceedings that are going on, these are the individuals
18 that are performing the duties of that office. They are
19 not just doing an isolated act, but they are running the
01:10PM 20 election in the county, and if the county is providing
21 funding for those individuals to conduct that election,
22 the voters have voted. They are relying on those
23 results to know who their leaders are. Again, I'm not
24 going to disenfranchise the voters in Harris County
01:10PM 25 because we have a dispute as to who's submitting that

1 information to the state.

2 Q. Okay. So your binding testimony on the
3 Secretary of State's office is that you will accept
4 results in conflict with the Texas Election Code.

01:11PM

5 A. Possibly, yes.

6 Q. Okay.

7 MR. MILLER: No further questions.

8 THE COURT: Anything else for this witness?

9 Mr. Birnberg?

01:11PM

10 MR. BIRNBERG: Birnberg, Your Honor. It's
11 okay. I've heard worse.

12 We have nothing from the intervenor.

13 Nothing further for the intervenor.

14 THE COURT: Anything else?

01:11PM

15 MS. CELLA: No, Your Honor.

16 THE COURT: Thank you for your time and
17 your testimony. It's appreciated. You're excused as a
18 witness and free to step down.

19 Any other witnesses from Plaintiff's

01:11PM

20 side?

21 MR. FOMBONNE: No, Your Honor.

22 THE COURT: Thank you. Plaintiffs rest?

23 MR. FOMBONNE: Your Honor, I have a short

24 argument on the standing jurisdictional question still

01:11PM

25 haven't been addressed in rebuttal. I'm happy to do

1 that real quickly. I want to be mindful of the Court's
2 time, and so if you tell me you don't need to hear it, I
3 won't do it.

4 THE COURT: In terms of evidence though?

01:12PM

5 MR. FOMBONNE: No, in terms of evidence we
6 rest.

7 THE COURT: Mr. Tatum?

8 MR. BIRNBERG: No further from Mr. Tatum.

9 THE COURT: Okay. Thank you.

01:12PM

10 And the defendants?

11 MS. CELLA: Nothing, Your Honor.

12 THE COURT: Defendants rest?

13 Okay. Brief argument from plaintiffs,
14 please.

01:12PM

15 MR. FOMBONNE: Thank you, Your Honor and
16 again for the record Jonathan Fombonne for Harris
17 County.

01:12PM

18 We'll largely rely on the arguments in
19 our TI brief and also in the opposition to the Plea to
20 the Jurisdiction that we filed last night, but I want to
21 go briefly over what the rebuttal argument is to these
22 jurisdiction questions so the -- the defendants are
23 challenging the county's standing to sue the Secretary
24 of State, to sue the State and to sue the Attorney
01:12PM 25 General.

1 To go back to the base of the standing,
2 we have to plead an actual or threatening injury in fact
3 traceable to Defendant's conduct, re-addressable and
4 favorable decision, we think we've done that here.

01:13PM

5 Now, it is clear with respect to the
6 state that we're not seeking an injunction against the
7 state. That's not an issue here. What we're doing is
8 preserving arguments to -- to eventually get declaratory
9 judgment against the state. We acknowledge the Supreme
10 Court's decision in *MALC* from last year suggesting that
11 you can't do that anymore, but that's -- we think that
12 was wrongly decided, and can be limited in this
13 circumstance, and we'll address that as this case
14 proceeds.

01:13PM

15 With respect to the Harris County's
16 injury, you've heard testimony from Mr. Tatum about what
17 would happen, if, for example, the Attorney General's
18 Office files a lawsuit in the middle of September if he
19 continues to be the elections administrator. If that
20 happens -- it would cause the election to go to
21 disarray; would increase cost of the county. These are
22 bread and butter points of standing. I think there is
23 un-rebutted evidence today, and; therefore, we think
24 we've met that requirement and shown an injury in fact.

01:13PM

25 We also have pled a constitutional

1 injury, and, again, we briefed this in our response to
2 the plea to the jurisdiction, but if you -- the Court
3 could look at the case law from Texas Supreme Court in
4 *Neeley* and *Nootsie* where the Court specifically rejected
5 the idea of political subdivision standing depends on
6 the challenged law violating constitutional rights
7 belonging to that subdivision. The harm suffered by the
8 district in *Nootsie* in implementing the constitutional
9 law, itself, provided the district with sufficiency, and
10 the controversy to assure the presence of an actual
11 controversy. So again we think that we pled injury in
12 fact.

13 With respect to traceability, which is
14 what the evidence today was all about -- so first of
15 all, I'd like to again redirect the Court to the
16 stipulation that was entered into between the parties
17 regarding the Attorney General's Office, which is they
18 cannot commit that they will not follow a lawsuit
19 against Harris County on the basis that Harris County
20 has violated Senate Bill 1750, and they cannot commit
21 they will not seek civil penalties against county
22 officials, including its election official in Harris
23 County, election administrator continues to perform the
24 functions of the registering voters.

25 Now, all of the testimony you heard and

1 the exhibits that we've provided the Court all show a
2 pattern and practice by the Attorney General's Office of
3 suing Harris County whenever they think there is some
4 violation of the Election Code. Nobody disputes that if
01:15PM 5 Harris County continues to use elections administrator
6 after September 1st it will be in violation of the
7 Election Code.

8 We don't believe that *Abbott v. Harris*
9 *County*, which is what my friends on the other side have
01:15PM 10 cited, contradicts that requirement. *Abbott v. Harris*
11 *County* said that because the Attorney General said that
12 because the Attorney General had sent some letters that
13 was the enforcement of GA38 which was the governor's ban
14 on the local mask mandates, that was sufficient for
01:15PM 15 standing. It didn't set a clear test for what was
16 sufficient; however, and what we've seen here is
17 repeated pattern of practice -- pattern of practice of
18 taking legal action against Harris County whenever
19 there's a perceived violation of the Election Code. We
01:16PM 20 think that more than demonstrates a threatened action,
21 and that's all we have to show to connect the defendants
22 to the harm suffered by the county here.

23 Clearly redressability, if the Attorney
24 General is prevented from filing a lawsuit,
01:16PM 25 redressability will be met, so with respect to the AG's

1 Office, I think we've more than shown a threat to
2 enforce.

3 With respect to the Secretary of state's
4 office, now, we've heard the testimony here that the SOS
01:16PM 5 will apparently accept any election return, no matter
6 who provides them, as long as they think the election
7 was run -- well, it's not clear by what standard. That
8 doesn't provide Harris County with enough comfort.

9 Frankly, the Election Code does not seem
01:16PM 10 to give the SOS any discretion to do so. It may be that
11 the SOS is representing today that they will; however,
12 we have never seen the situation before. The SOS can
13 certainly not recall any situation that had happened in
14 the past, and what we are weighing that against --and
01:16PM 15 again the brief is the talk of the balance of equities--
16 is the possibility that an election would be thrown out.
17 That would be truly harmful to the county. It would be
18 harmful to the voters. It will be harmful to the many
19 contracts that govern some of the county elections that
01:17PM 20 are going to be happening in November.

21 So, again, I think with respect to the
22 SOS, we've also established traceability, and because we
23 have an injunction in place, the SOS wouldn't be able to
24 refuse to accept the county's returns or provide certain
01:17PM 25 funds. We think that we've been through redressability,

1 and with that, I would rest unless there are any
2 questions from the Court.

3 THE COURT: No questions from the Court at
4 this time. Thank you very much.

01:17PM

5 On behalf Mr. Tatum.

6 MR. BIRNBERG: Yes. Thank you, Your Honor.

01:17PM

7 It seems to me what our relief that we're
8 asking is temporary injunction that prohibits the county
9 from terminating Mr. Tatum solely on the base of 1750
10 until we have a final hearing, the ruling court can make
11 a final determination as to whether it's constitutional
12 or not. That's the relief we're seeking, and that's
13 what all we're here about. It seems to me, in that
14 regard, it's a relatively simple straightforward case.

01:18PM

15 There's no question about the fact that if the Court
16 doesn't grant this temporary injunction, Mr. Tatum loses
17 his job three weeks from now. The consequences of that
18 are not merely economic, but substantially noneconomic
19 as well, and he testified as to what those noneconomic
20 disabilities are to him, which would be irreparable.

01:18PM

21 The Court can't come back and put Humpty Dumpty together
22 six or eight or nine months from now -- something final
23 on the merits, so the question is: Is that
24 unconstitutional under the Texas Constitution? And the
25 answer to that is clearly it is a general or a special

01:18PM

1 law. We've briefed that. I'm not going to take the
2 Court's time in going over why it is, discussing that
3 any further. I think that's all relatively--

4 So here's the underlying question, here's
5 the really what it's all about for the Court, and that
6 is whether the classificatory criteria is rational or
7 irrational. That is, does the 3.5 million population on
8 September 1st, 2023 bear any rational relationship to
9 solving the problem that they are trying to solve? So

10 what's the problem they are trying to solve, and what's
11 the solution? They say, well, we've got all these
12 problems in Harris County, and so the solution is to
13 increase transparency and accessibility. That's in the
14 bill analysis, for example, that you have, and we

15 haven't heard any suggestion that's not what the bill is
16 all about. Increase accessibility and transparency by
17 making the administration elections answerable to the
18 voters, the person who is in charge of it, accountable
19 to the voters. At least you'll have some improvement in
20 the outcome.

21 Well, the -- the problem is that notion
22 is rebutted by amongst other things the very fact that
23 the chief elections officer of the State of Texas, the
24 -- super elections administrator, if you will, is an
25 appointed position, not an elected position. There is

1 no evidence whatsoever that suggests having an elected
2 official do it will improve conditions at all and
3 certainly not one that ties to the 3.5 million on
4 September 1st.

01:20PM

5 Look, Your Honor, if somehow or another,
6 Governor DeSantis moved in busloads of -- of unlawful
7 immigrants to Dallas on September the 10th, and now --
8 Dallas has a population of 3.5 notice, the population
9 --not voting age population, not registered voter, not

01:20PM

10 even just population-- if Dallas moved to 3.5 a week
11 after the September 1st or a year or five years after,
12 they still get to keep their elections administrator.

01:21PM

13 In any other of the 205 -- well, the 136 counties in
14 Texas that has election administrator reaches 3.5, they
15 can continue to have their elections administrator. The
16 only one that can't is Harris County. Why? What's the
17 rational explanation for that? Size? Well, no, the
18 fact that you could grow to the same size and still have
19 an elections administrator means it ain't about size.

01:21PM

20 Date? There's absolutely nothing magical
21 about the fact that September 1st, 2023 is the -- the
22 date in question here. So the -- our point is, it seems
23 to us that more likely than not, at the end of the day,
24 Mr. Tatum is going to prevail on -- and get an ultimate
25 finding, declaratory judgment from this Court that 1750

01:21PM

1 is a unconstitutional local law because the
2 classificatory criteria is not rationally related; it's
3 arbitrary. Just picked out of the air, and for that
4 reason we, think he's going to prevail on that issue.

01:21PM

5 So that's really what it's all about.
6 It's whether the Court will preserve the status quo and
7 say, Harris County, you can't fire Mr. Tatum yet until
8 I, the Court, can decide whether this law is
9 constitutional or not.

01:22PM

10 Balance the equities, there's going to be
11 a mess in the November election. The Court really knows
12 this, if there is some sudden change in transfer from
13 this office to two other offices in the middle of an
14 election, so the public interest is not going to be
15 served by failing to grant the temporary injunction.
16 Irreparable harm. The Court's heard testimony of that
17 and knows that it's clearly there.

01:22PM

18 For those reasons, we ask the Court to
19 grant the temporary injunction enjoining Harris County
20 during the pendency of this lawsuit from terminating
21 Mr. Tatum solely on the basis of 1750.

01:22PM

22 THE COURT: Thank you very much.

23 On behalf of the defendants?

24 MS. DOKUPIL: Thank you, Your Honor.

01:23PM

25 We've heard a lot today about population

1 brackets and reasonableness, and all of these different
2 ways that anyone might possibly coulda shoulda woulda
3 had intention to pass SB17. In the end, none of that
4 matters. The legislative history doesn't matter. The
01:23PM 5 populations brackets don't matter. What matters is
6 whether or not the legislative had a reasonable basis
7 and by reasonable basis, I mean anything that we could
8 possibly imagine might have been reasonable in passing
9 that statute. That's because the statements of
01:23PM 10 individual senators or even individual chambers of the
11 legislature do not embody the entire compromise as well
12 as the text.

13 So, in this case, Harris County elections
14 had problems. Our witnesses have both said so. Returns
01:24PM 15 were delayed; machines malfunctioned. Most importantly,
16 10,000 votes weren't counted in the final tally.

17 The legislature was very -- had a
18 reasonable basis for saying Harris County's problems are
19 fundamentally different than Dallas or Bexar or Tarrant.
01:24PM 20 Harris County's problems made the New York Times.
21 Harris County's problems were national news. So maybe
22 other counties with election administrators had issues
23 that didn't raise to the same level of Harris County's,
24 and for that reason, the legislature needed to single
01:24PM 25 out Harris County for a particular solution.

1 Could reasonable minds differ about was
2 this the correct solution? Absolutely, but is that what
3 we're here to do in determining constitutionality?
4 Absolutely not.

01:24PM

5 The legislature's prerogative is to
6 decide how to solve these problems. They heard
7 everybody's different ideas. I believe I heard
8 Mr. Tatum say he even spoke with the legislature about
9 it. And they decided, as a body, what the correct

01:25PM

10 answer was. It could be the case that one of the
11 reasonable bases underlying their new rule was that it
12 was better to have the accountability to the people of
13 an elected official.

01:25PM

14 Reasonable minds could disagree, but that
15 is not our place to question the legislature and
16 determine and overturn an otherwise constitutional rule
17 because someone could think a reasonable basis was not a
18 reasonable basis.

01:25PM

19 Couple of other quick points. The text
20 of 1750 says that the legislature is transferring the EA
21 from an appointed county official to an elected
22 official, and abolishing the Harris County Administrator
23 on September 1st. The other side has made much of the
24 fact that this could not never apply to any other

01:26PM

25 counties could potentially be grandfathered in. For

1 example, if Dallas County, which has a EA grew to the
2 three and a half million, then somehow -- but that's not
3 in the Texas statute. It's completely unclear of what
4 would -- in fact, what would happen.

01:26PM

5 We -- you know, and if that alone is a
6 reason to conclude the statute is unconstitutional,
7 then, we cannot do that because in a -- the statute must
8 be presumed constitutional if there are two possible
9 interpretations. Second, to the extent that people are

01:26PM

10 concerned that, well, wait a minute. What happened to
11 all the other counties. What if they have -- they grow
12 and have elections administrators, then to some degree,
13 the legislature doesn't address that with 1933. 1933
14 applies to very big counties. Clearly the legislature

01:26PM

15 is focused on the election administration problems of
16 very large counties, and so even if there are some
17 concerns that 1750 only targets Harris County now and
18 what's going to happen in the future. Well, the

01:27PM

19 legislature absolutely did have a reasonable basis in
20 thinking that there was a problem with large counties
21 because they had this other backup plan that they have
22 in place.

01:27PM

23 Further, let's talk about standing for a
24 minute. In light of the Secretary of State's testimony,
25 the Secretary of State's Office has repeatedly expressed

1 a willingness to take returns and validate every kind of
2 oath that they could possibly validate as long as it's
3 done according to the law. For that reason, we think
4 that Harris County has not proven any harm or
01:27PM 5 enforcement or traceability from the Secretary of
6 State's Office, and we would like to request that this
7 Court, as you're considering whether or not to grant
8 relief that you consider all of the different defendants
9 separately because the arguments against the Secretary
01:28PM 10 of State are slightly different than the arguments
11 against the state or the AG's Office.

12 And also, with regard to the AG, the AG,
13 as we said in the stipulation, we have not committed one
14 way or the other to enforcement, so they haven't proven
01:28PM 15 that we were -- that there's a link between their -- any
16 potential harm and enforcement by the AG's Office. As I
17 said before, this is done on provision by provision
18 basis, and SB1750 is a new statute, and there has been
19 no evidence that the AG has been out there advertising
01:28PM 20 enforcement on that, and, finally, we haven't heard any
21 opposition from Harris County today on Mr. Tatum's
22 temporary injunction. So it doesn't seem that the
23 parties are particularly adverse on that point.

24 So in conclusion, we do not think that
01:29PM 25 either Harris County nor Mr. Tatum have met their burden

1 to prove unconstitutionality or likelihood of success on
2 the merits for standing. Thank you.

3 THE COURT: The last thing you said: You
4 haven't heard any opposition from Harris County?

01:29PM

5 MS. DOKUPIL: Well, right. You know,
6 throughout the testimony and everything, I haven't
7 necessarily heard anybody from Harris County -- I'm
8 sorry, I haven't heard any testimony or arguments
9 saying, oh, Mr. Tatum shouldn't get an injunction
10 against Harris County.

01:29PM

11 MR. SCHECHTER: Your Honor, we just heard
12 the State of Texas make that argument for almost all
13 four hours.

14 MS. DOKUPIL: But from you.

01:29PM

15 MR. SCHECHTER: From you. You intervened
16 in Mr. Tatum's case. You're making the justiciable
17 issue before the Court.

18 THE COURT: Okay. I just wanted to make
19 sure I heard you correctly.

01:30PM

20 The Court has everything that the Court
21 needs in order to make all of the decisions before me.

22 I have, however, granted the parties some
23 leave to file a response to the following, and that is:
24 The Defendant's Motion to Strike Clifford Tatum's
25 Intervention; and pursuant to the agreement of the

01:30PM

1 parties, the Court has allowed briefing to be sent to
2 the Court through Thursday at 5:00 p.m.

3 Is that the agreement of the parties, and
4 that means that I'm going to receive the briefing from
01:30PM 5 you, Mr. Schechter, by tomorrow 5:00 p.m., and then the
6 -- the State defendants by Thursday 5 p.m.; is that
7 right?

8 MR. ELDRED: Yes, Your Honor.

9 THE COURT: Okay.

01:31PM 10 MR. SCHECHTER: Yes, Judge.

11 THE COURT: And to be clear, what I have
12 under advisement, and for which you will have rulings as
13 quickly as I can get them to you, in light of the fact
14 that time is obviously of the essence right now,
01:31PM 15 Defendant's Plea to the Jurisdiction and Plaintiff's
16 request or Application For Temporary Injunction,
17 Intervenor Clifford Tatum's Request For Injunctive
18 Relief.

19 Are there any other requests for relief
01:31PM 20 today that I did not just list?

21 MR. FOMBONNE: Not from Plaintiff Harris
22 County.

23 THE COURT: Okay. Thank you.

24 Mr. Tatum?

01:31PM 25 MR. SCHECHTER: Not from Mr. Tatum,

1 Your Honor.

2 THE COURT: And on behalf of defendants?

3 MR. ELDRED: We also have the PTJ against
4 the Intervenor's claims. We talked about a little
5 before we submitted the pleading filed last night.

01:32PM

6 Anyway at 7:45. The style does not say that, I agree
7 the paragraph says we are challenging both request for
8 temporary injunction and challenging the jurisdiction.

9 THE COURT: And do you now have that plea?

01:32PM

10 MR. SCHECHTER: Your Honor, that's in a
11 brief, but not in a pleading, entitled Challenge to the
12 Jurisdiction. I don't think that raises the issue. You
13 can't just throw something out in a brief. You've got
14 to plead it.

01:32PM

15 MR. ELDRED: It is just a miss- --

16 THE COURT: Where is your pleading?

17 MR. ELDRED: It's just a miss-title. The
18 style is -- the style does not reflect that we also
19 asked for that relief.

01:32PM

20 THE COURT: Can you direct me specifically
21 to where that request for relief may be found in a
22 briefing or a pleading?

23 MR. BIRNBERG: We think they are referring
24 to their brief in opposition to our plea and

01:33PM

25 intervention.

1 THE COURT: Okay.

2 MR. BIRNBERG: Cross-action. But there is
3 a paragraph somewhere in there that -- that might be
4 interpreted as -- as the question. That relief -- but
01:33PM 5 it's not even in a motion. Certainly not in a plea to
6 the jurisdiction.

7 THE COURT: Do you have a plea that's in
8 anywhere -- other than in a plea entitled Intervenor's
9 Office of the Attorney General's and State of Texas'
01:33PM 10 Brief in Opposition to Intervenor Clifford Tatum's
11 Application For Temporary Injunction?

12 MR. ELDRED: It's in the footer, actually,
13 Judge.

14 MS. DOKUPIL: It says just--

01:33PM 15 MR. ELDRED: And I'm sorry we didn't put it
16 in the title as well.

17 THE COURT: I cannot find that there's
18 sufficient notice of a request for hearing on plea that
19 is in a footer of a brief in opposition to an
01:34PM 20 application for temporary injunction, okay, so that's
21 not before the Court right now. Not properly before the
22 Court.

23 If you need it considered, then it has to
24 be set for hearing.

01:34PM 25 MR. ELDRED: Yes, Your Honor.

1 THE COURT: Okay. Anything else before I
2 excuse you-all? It is very late. It is 1:34, so I ask
3 for any very brief final requests of the Court at this
4 time, if you have any.

01:34PM

5 MR. FOMBONNE: None from us, and thank you
6 very much for indulging us and going above the three
7 hour.

8 THE COURT: I know some folks have long
9 distances to travel. Glad we could get it finished.

01:34PM

10 On behalf of Mr. Tatum?

11 MR. BIRNBERG: No, Your Honor, we do very
12 much appreciate the Court's indulgence for all of the
13 parties.

01:34PM

14 THE COURT: Certainly. Anything on behalf
15 of the defendants?

16 MR. ELDRED: No, Your Honor.

17 THE COURT: Thank you all very much.
18 You-all are excused. The Court will get you rulings as
19 quickly as I can. I'll look for your briefing as
20 discussed. Thank you. You're excused.

01:34PM

21 (Proceedings concluded)

22

23

24

25

REPORTER'S CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

I, Jamie Foley, Official Court Reporter in and for the 250th District Court of Travis County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of evidence and other proceedings requested in writing by counsel for the parties to be included in this volume of the Reporter's Record, in the above-styled and numbered cause, all of which occurred in open court or in chambers and were reported by me.

I further certify that this Reporter's Record of the proceedings truly and correctly reflects the exhibits, if any, offered in evidence by the respective parties.

WITNESS MY OFFICIAL HAND this the 10th day of August, 2023.

/s/ Jamie Foley
Jamie Foley, Texas CSR No. 8764
Expiration Date: 11/30/2023
Official Court Reporter
250th District Court
Travis County, Texas
P.O. Box 1748, Austin, Texas 78767
Telephone (512) 854-9321

\$
\$400,000 [1] - 23:11
'
'19 [1] - 139:5
'20 [2] - 81:11, 139:6
'87 [1] - 70:15
'98 [1] - 70:15
/
/s [1] - 207:21
0
00793681 [1] - 2:13
02342000 [1] - 2:21
1
1 [53] - 4:5, 5:22, 33:22, 34:5, 41:25, 42:4, 42:7, 42:8, 42:11, 42:15, 43:5, 43:8, 43:12, 46:21, 47:6, 47:10, 52:23, 57:13, 58:12, 62:1, 84:11, 85:17, 86:19, 96:23, 98:5, 98:7, 100:2, 100:6, 100:25, 101:11, 103:2, 109:24, 110:22, 124:6, 124:7, 124:18, 124:21, 124:23, 124:25, 127:5, 127:12, 127:16, 128:1, 128:13, 136:8, 136:24, 148:22, 149:23, 153:11, 153:16, 154:3
10 [2] - 4:14, 89:1
10,000 [4] - 14:25, 181:23, 182:1, 198:16
10-minute [1] - 157:16
100 [49] - 2:24, 4:5, 4:21, 4:22, 4:23, 4:24, 4:25, 5:2, 5:3, 5:4, 5:5, 5:6, 5:7, 5:8, 5:9, 5:10, 5:11, 5:12, 5:13, 5:14, 5:15, 5:16, 5:17, 5:18, 5:19
1019 [1] - 2:8
10:00 [1] - 54:1
10:16 [1] - 65:1

10:30 [1] - 65:5
10:34 [1] - 67:1
10th [2] - 196:7, 207:18
11 [2] - 4:15, 89:1
11/30/2023 [1] - 207:22
114 [1] - 3:15
11:00 [1] - 64:8
11:30 [1] - 111:15
12 [5] - 3:7, 4:16, 38:19, 52:13, 89:1
123 [1] - 3:15
124 [4] - 5:22, 5:23
12548 [1] - 2:17
12:09 [1] - 144:16
12:10 [1] - 145:21
12:30 [5] - 114:5, 114:10, 114:22, 157:12
12:35 [2] - 157:17, 157:20
13 [2] - 4:17, 89:1
13-and-a-half [1] - 14:21
135 [2] - 85:13, 102:22
136 [2] - 125:10, 196:13
14 [9] - 4:18, 15:18, 39:2, 61:19, 65:5, 88:16, 88:24, 89:1, 120:21
143 [2] - 3:15, 5:24
146 [1] - 3:17
15 [8] - 4:19, 62:4, 62:21, 62:23, 63:2, 63:5, 113:1, 114:1
158 [1] - 3:17
159 [1] - 71:5
15th [1] - 2:8
16 [8] - 4:20, 15:22, 62:4, 62:21, 62:23, 63:2, 63:5, 117:9
16th [1] - 125:4
17 [7] - 4:21, 62:2, 62:3, 98:6, 98:7, 100:2, 100:6
1748 [1] - 207:24
1750 [52] - 29:13, 30:3, 30:14, 30:16, 31:4, 33:20, 34:9, 37:21, 41:5, 41:13, 47:6, 47:7, 47:12, 52:22, 59:23, 62:8, 86:25, 96:17, 96:20, 98:16, 99:12, 125:13, 130:14, 141:19, 142:20, 143:20, 148:9, 149:7, 155:12, 156:16,

156:22, 165:13, 165:15, 166:4, 166:15, 166:19, 170:22, 171:2, 171:10, 172:4, 172:8, 172:13, 172:15, 174:13, 178:1, 191:20, 194:9, 196:25, 197:21, 199:20, 200:17
1750's [1] - 156:4
17735500 [1] - 2:24
179 [1] - 3:18
18 [3] - 4:22, 58:19, 100:6
18.061 [2] - 154:12, 154:16
18.065 [1] - 155:8
184 [1] - 3:17
189 [1] - 3:20
19 [10] - 4:23, 58:23, 92:22, 100:6, 150:10, 150:12, 151:23, 153:5, 153:20, 154:7
193 [1] - 3:21
1930s [1] - 19:17
1931 [1] - 45:6
1933 [37] - 33:19, 33:22, 34:8, 96:7, 96:18, 97:1, 141:23, 143:6, 155:17, 155:23, 156:5, 156:6, 156:11, 156:13, 156:14, 156:17, 156:19, 168:15, 170:9, 171:1, 171:3, 171:5, 171:12, 172:8, 172:11, 172:16, 173:4, 173:8, 174:1, 175:7, 179:18, 179:20, 180:16, 200:13
1968 [1] - 18:22
1969 [1] - 19:23
197 [1] - 3:22
1970s [1] - 19:17
1974 [1] - 45:10
1976 [1] - 57:13
1982 [1] - 54:13
1988 [1] - 39:24
1:34 [1] - 206:2
1st [17] - 31:10, 76:21, 76:23, 101:16, 107:14, 148:12, 150:6, 150:16, 151:24, 174:18, 184:10, 192:6,

195:8, 196:4, 196:11, 196:21, 199:23
2
2 [23] - 4:6, 5:23, 31:5, 38:14, 43:6, 46:10, 52:12, 52:23, 62:1, 88:15, 88:24, 88:25, 124:6, 124:12, 124:14, 124:19, 124:21, 124:23, 124:25, 128:10, 136:10, 137:1
2.5 [2] - 105:15, 185:9
20 [5] - 4:24, 58:24, 100:6, 127:4, 139:5
2002 [3] - 70:20, 70:22, 73:12
2006 [2] - 133:1, 133:12
2010s [1] - 133:19
2012 [1] - 159:4
2018 [3] - 14:22, 25:15, 99:3
2020 [14] - 14:21, 25:4, 59:25, 81:1, 81:4, 94:25, 95:1, 95:19, 99:3, 122:20, 140:1, 175:17, 176:10, 181:5
2021 [2] - 59:5, 99:3
2022 [43] - 4:22, 14:7, 14:24, 15:7, 15:13, 42:4, 42:8, 43:5, 43:8, 58:18, 59:13, 81:18, 81:19, 82:23, 83:18, 84:6, 85:17, 95:7, 99:4, 106:3, 106:4, 110:20, 118:3, 118:7, 118:10, 118:14, 118:18, 120:13, 120:17, 121:7, 121:20, 132:22, 133:11, 134:16, 134:20, 139:1, 139:16, 168:5, 175:3, 181:11, 181:12, 182:11
2023 [43] - 1:21, 3:3, 6:2, 31:10, 33:22, 34:5, 37:17, 41:25, 46:21, 47:6, 75:10, 75:13, 75:14, 85:18, 86:19, 90:23, 96:25, 102:25, 103:3, 103:7, 103:12, 107:25, 120:9,

127:5, 127:12, 127:16, 128:2, 128:13, 136:8, 136:10, 136:24, 137:1, 148:12, 148:22, 149:23, 150:6, 151:24, 153:11, 184:10, 195:8, 196:21, 207:19
2024 [6] - 34:7, 168:5, 173:9, 173:19, 173:22, 174:2
2025 [3] - 173:23, 174:5, 174:18
2026 [3] - 175:1, 175:4, 175:7
2027 [3] - 42:11, 43:12, 47:10
205 [1] - 196:13
206 [2] - 3:23, 3:24
207 [1] - 3:25
21 [3] - 4:25, 59:17, 100:7
22 [2] - 5:2, 100:7
22nd [2] - 81:17, 82:4
23 [2] - 5:3, 100:7
23rd [4] - 81:17, 103:13, 103:16, 104:1
24 [4] - 5:4, 14:19, 59:17, 100:7
24-hour [1] - 176:4
24034419 [1] - 2:15
24051959 [1] - 2:7
24088048 [1] - 2:5
24093106 [1] - 2:6
24102702 [1] - 2:4
24106199 [1] - 2:14
24106297 [1] - 2:16
25 [3] - 5:5, 59:18, 100:7
250 [2] - 66:23, 112:8
250.submission@traviscountytexas.gov [1] - 65:15
250th [3] - 7:16, 207:6, 207:23
254 [2] - 159:11, 168:6
26 [3] - 5:6, 21:22, 100:7
27 [2] - 5:7, 100:7
28 [2] - 5:8, 100:7
281 [1] - 2:23
29 [2] - 5:9, 100:7
29.3 [1] - 5:2
3
3 [9] - 4:7, 5:24, 46:17,

<p>155:25, 156:13, 156:21, 169:2, 169:19, 172:20, 172:22, 179:21, 179:23, 180:12, 180:21, 181:8, 183:3, 184:7, 185:18</p> <p>Administrative [2] - 89:19, 162:21</p> <p>administrator [98] - 14:9, 15:7, 15:12, 16:11, 16:16, 31:8, 33:21, 34:1, 37:22, 46:12, 46:15, 46:22, 47:8, 47:13, 47:14, 47:21, 52:24, 58:16, 59:5, 74:4, 74:6, 75:16, 75:19, 76:12, 76:24, 78:1, 78:8, 80:4, 80:6, 82:1, 83:18, 94:8, 96:21, 100:25, 101:15, 101:18, 105:7, 106:2, 108:8, 120:8, 121:16, 122:12, 122:17, 122:20, 125:3, 125:8, 125:20, 126:23, 127:15, 128:2, 128:6, 128:14, 129:22, 131:6, 136:9, 136:19, 136:25, 137:6, 137:18, 142:8, 149:7, 149:22, 150:25, 151:4, 152:10, 153:3, 153:7, 153:18, 154:6, 155:11, 161:13, 161:16, 169:15, 170:11, 170:18, 170:21, 170:24, 170:25, 171:9, 171:12, 171:17, 171:22, 172:7, 172:13, 176:22, 176:25, 177:6, 184:8, 184:12, 184:22, 190:19, 191:23, 192:5, 195:24, 196:12, 196:14, 196:15, 196:19</p> <p>Administrator [24] - 70:4, 79:6, 81:16, 84:23, 96:12, 102:12, 117:25, 122:25, 124:15, 129:2, 135:8, 147:19, 147:21, 148:24, 151:9,</p>	<p>151:20, 153:12, 155:1, 172:18, 173:2, 173:8, 178:5, 184:11, 199:22</p> <p>administrator's [4] - 35:13, 105:6, 132:21, 133:10</p> <p>Administrator's [7] - 80:23, 81:10, 82:24, 94:23, 94:24, 95:20, 150:18</p> <p>administrators [9] - 74:8, 74:14, 125:14, 134:3, 135:4, 138:21, 162:9, 198:22, 200:12</p> <p>Administrators [2] - 74:13, 87:10</p> <p>admissibility [1] - 48:21</p> <p>admit [2] - 60:23, 144:7</p> <p>ADMIT [3] - 4:4, 5:1, 5:21</p> <p>admitted [14] - 15:8, 49:18, 63:2, 63:4, 63:5, 88:24, 89:1, 100:2, 100:8, 100:18, 100:20, 124:24, 124:25, 140:25</p> <p>adopted [1] - 24:8</p> <p>Adrian [1] - 186:4</p> <p>advance [2] - 22:23, 137:4</p> <p>advanced [1] - 128:8</p> <p>adverse [4] - 115:17, 115:19, 116:23, 201:23</p> <p>advertising [1] - 201:19</p> <p>advice [4] - 74:25, 91:16, 158:17, 163:2</p> <p>advise [1] - 163:21</p> <p>advised [5] - 72:17, 72:25, 90:20, 91:9, 109:21</p> <p>advisement [3] - 12:17, 68:18, 203:12</p> <p>Advisement... [1] - 3:23</p> <p>advising [1] - 72:23</p> <p>advisories [6] - 89:18, 89:23, 90:3, 90:8, 90:9, 90:10</p> <p>advisory [2] - 73:8, 74:16</p> <p>advocacy [1] - 73:9</p> <p>affairs [6] - 38:16, 52:12, 70:21, 71:3,</p>	<p>72:17, 87:12</p> <p>Affairs [1] - 4:9</p> <p>affect [2] - 126:2, 130:12</p> <p>affected [5] - 20:9, 21:16, 23:2, 53:13, 126:18</p> <p>affects [4] - 22:16, 26:19, 125:13, 126:1</p> <p>affiliate [1] - 57:13</p> <p>Affiliation [1] - 5:19</p> <p>affordable [1] - 42:14</p> <p>afoul [1] - 186:9</p> <p>afraid [1] - 101:2</p> <p>afternoon [4] - 10:23, 11:15, 145:20, 179:18</p> <p>AG [11] - 29:24, 30:2, 35:10, 35:14, 35:18, 64:14, 97:5, 97:22, 201:12, 201:19</p> <p>AG's [7] - 8:10, 35:7, 35:22, 64:8, 192:25, 201:11, 201:16</p> <p>age [2] - 60:4, 196:9</p> <p>agencies [1] - 23:9</p> <p>agency [2] - 72:20, 89:6</p> <p>ago [1] - 66:22</p> <p>agree [28] - 10:4, 32:4, 39:20, 50:15, 61:8, 62:22, 63:3, 106:2, 117:12, 117:17, 117:21, 118:6, 120:3, 120:14, 149:5, 156:23, 161:15, 165:19, 167:11, 171:20, 172:11, 172:20, 177:15, 178:22, 185:3, 186:2, 186:6, 204:6</p> <p>agreed [2] - 9:16, 31:1</p> <p>agreement [8] - 9:11, 9:14, 32:5, 67:21, 133:17, 147:8, 202:25, 203:3</p> <p>ahead [6] - 50:14, 65:2, 75:6, 82:14, 103:9, 114:6</p> <p>aimed [1] - 125:25</p> <p>ain't [1] - 196:19</p> <p>air [1] - 197:3</p> <p>Airport [3] - 23:2, 23:5, 56:6</p> <p>airport [3] - 23:15, 56:24, 57:5</p> <p>airports [3] - 23:12, 23:18, 56:9</p>	<p>aisle [1] - 14:6</p> <p>al [1] - 22:16</p> <p>albeit [1] - 21:17</p> <p>allegations [11] - 51:10, 52:2, 131:19, 132:4, 132:14, 132:20, 133:6, 135:18, 168:21, 182:20, 183:18</p> <p>alleged [2] - 17:2, 53:8</p> <p>alleviate [1] - 24:2</p> <p>allocate [1] - 111:15</p> <p>allocated [2] - 119:1, 119:5</p> <p>allow [6] - 27:3, 46:1, 53:20, 97:1, 115:25, 177:5</p> <p>allowed [2] - 39:24, 203:1</p> <p>allowing [1] - 149:21</p> <p>allows [1] - 75:23</p> <p>almost [4] - 14:23, 106:8, 157:12, 202:12</p> <p>alone [1] - 200:5</p> <p>alpha [3] - 25:17, 25:23, 52:6</p> <p>alternate [1] - 161:21</p> <p>altogether [1] - 96:10</p> <p>altruism [1] - 130:2</p> <p>amendments [2] - 104:6, 104:7</p> <p>America [2] - 71:23, 71:24</p> <p>amount [3] - 67:24, 119:1, 119:5</p> <p>Analysis [1] - 5:24</p> <p>analysis [9] - 17:3, 18:2, 19:18, 21:3, 122:15, 143:13, 143:20, 144:7, 195:14</p> <p>AND [3] - 1:9, 1:19, 3:2</p> <p>Angela [1] - 6:6</p> <p>ANGELA [1] - 1:6</p> <p>angela [1] - 28:16</p> <p>annexed [1] - 26:25</p> <p>announcement [3] - 6:13, 8:21, 114:17</p> <p>Announcements..... [1] - 3:5</p> <p>answer [15] - 61:15, 66:2, 76:19, 116:18, 126:12, 126:13, 126:15, 127:8, 142:15, 142:16, 151:19, 152:20, 175:19, 194:25, 199:10</p>	<p>answerable [2] - 179:4, 195:17</p> <p>answers [1] - 184:25</p> <p>anticipate [1] - 104:10</p> <p>anticipating [2] - 113:23, 114:11</p> <p>anticipation [1] - 96:24</p> <p>Antonio [1] - 57:3</p> <p>anyway [1] - 204:6</p> <p>apologize [1] - 179:9</p> <p>apparatus [1] - 83:15</p> <p>Appeals [5] - 20:24, 25:25, 27:12, 54:13, 56:23</p> <p>appear [2] - 24:7, 162:17</p> <p>APPEARANCES [1] - 2:1</p> <p>applicability [2] - 26:12, 37:5</p> <p>applicable [1] - 158:23</p> <p>Application [3] - 64:4, 203:16, 205:11</p> <p>application [4] - 58:11, 66:12, 163:3, 205:20</p> <p>applications [4] - 60:3, 131:16, 132:6, 175:23</p> <p>applied [4] - 41:20, 45:18, 47:15, 48:5</p> <p>applies [11] - 16:4, 20:22, 28:5, 39:19, 39:22, 42:17, 43:7, 48:12, 141:23, 170:2, 200:14</p> <p>apply [8] - 22:18, 43:19, 44:21, 46:4, 47:5, 52:18, 171:17, 199:24</p> <p>applying [1] - 76:12</p> <p>appoint [1] - 153:13</p> <p>appointed [18] - 58:15, 75:20, 117:24, 118:10, 118:13, 143:4, 143:5, 143:8, 161:20, 165:1, 165:3, 165:8, 166:19, 167:14, 167:16, 167:24, 195:25, 199:21</p> <p>appointing [2] - 124:14, 138:19</p> <p>Appointing [1] - 5:23</p> <p>appointment [2] - 58:14, 138:11</p> <p>appointments [1] -</p>
--	--	---	--	--

<p>161:23 appreciate [1] - 206:12 appreciated [2] - 8:6, 188:17 approach [13] - 45:24, 51:14, 51:17, 51:19, 65:22, 69:7, 69:11, 96:21, 123:25, 126:9, 127:21, 145:21, 146:3 approaches [1] - 24:21 approaching [1] - 109:18 appropriate [5] - 56:1, 61:3, 100:3, 158:24, 164:18 approval [2] - 93:15, 159:24 approve [6] - 80:8, 93:14, 105:3, 138:22, 160:6, 162:4 approved [7] - 22:22, 80:11, 94:12, 94:14, 161:13, 162:9, 178:20 approves [2] - 138:11, 138:25 April [4] - 39:24, 42:11, 43:12, 47:10 AR [1] - 34:20 arbitrarily [1] - 18:24 arbitrary [3] - 19:1, 39:15, 197:3 area [8] - 16:23, 17:24, 18:3, 20:23, 57:16, 81:17, 128:7, 183:10 areas [4] - 38:10, 39:8, 55:4, 74:23 argue [8] - 13:13, 23:19, 24:14, 29:1, 29:6, 33:17, 35:1, 48:15 argued [4] - 9:4, 32:16, 40:2, 167:7 argues [1] - 20:8 arguing [5] - 36:25, 39:8, 40:7, 40:11, 172:2 argument [22] - 7:8, 11:8, 12:10, 12:24, 23:24, 28:5, 36:22, 40:6, 43:17, 50:3, 55:20, 56:19, 56:20, 68:1, 108:2, 112:2, 144:3, 167:1, 188:24, 189:13, 189:21, 202:12 Argument [5] - 3:7,</p>	<p>3:8, 3:20, 3:21, 3:22 argumentative [1] - 171:14 arguments [14] - 7:5, 12:11, 12:12, 12:15, 36:10, 36:11, 43:25, 112:9, 114:12, 189:18, 190:8, 201:9, 201:10, 202:8 array [1] - 78:17 article [1] - 128:7 Article [9] - 16:22, 18:1, 18:4, 19:5, 19:10, 20:19, 22:20, 24:15, 38:7 articles [2] - 120:16, 132:24 AS [2] - 1:7, 1:10 aspects [3] - 77:10, 78:22, 79:23 asserting [2] - 16:21, 25:5 assessing [1] - 84:1 assessment [2] - 83:3, 110:10 Assessor [21] - 77:3, 77:8, 78:19, 78:20, 79:4, 79:9, 79:12, 79:14, 79:15, 79:17, 79:18, 84:12, 86:12, 96:24, 97:3, 102:23, 107:24, 126:25, 128:23, 155:5, 173:15 assessor [28] - 16:17, 77:16, 108:9, 108:13, 110:23, 122:24, 123:4, 125:9, 128:16, 131:11, 131:15, 131:20, 132:18, 133:4, 142:9, 144:23, 147:24, 148:7, 150:9, 150:20, 151:2, 152:11, 153:4, 154:5, 174:4, 174:17, 176:23, 184:7 assessor's [1] - 133:7 Assessor's [2] - 77:9, 123:13 assessor-collect's [1] - 150:20 assessor-collector [12] - 123:4, 128:16, 132:18, 142:9, 144:23, 147:24, 150:9, 151:2, 153:4, 154:5, 174:17,</p>	<p>176:23 Assessor-Collector [7] - 84:12, 86:12, 107:24, 126:25, 128:23, 155:5, 173:15 assessor-collector's [3] - 122:24, 131:15, 152:11 assessor-collectors [2] - 131:11, 131:20 assessors [1] - 133:5 Assessors's [1] - 77:11 assigned [1] - 161:1 assignment [1] - 183:4 Assistance [2] - 72:6, 72:20 assistance [3] - 158:17, 163:2, 163:22 assistant [4] - 65:21, 70:20, 71:3, 72:17 assistants [1] - 72:24 associated [3] - 122:1, 135:17, 159:20 Association [2] - 74:12, 87:10 assume [6] - 16:2, 18:6, 18:9, 24:22, 150:23, 152:13 assuming [2] - 172:20, 172:25 assure [2] - 164:11, 191:10 attempt [2] - 23:24, 24:2 attempted [3] - 66:21, 97:24, 182:6 attention [3] - 85:8, 86:21, 96:1 attorney [4] - 31:20, 63:23, 95:21, 104:23 ATTORNEY [4] - 1:6, 1:8, 2:8, 2:16 Attorney [39] - 1:14, 6:6, 6:7, 6:11, 28:20, 30:12, 31:2, 31:5, 31:22, 32:17, 35:10, 52:17, 58:13, 58:17, 59:14, 59:25, 61:22, 62:5, 62:6, 62:10, 63:24, 64:2, 94:3, 94:16, 95:14, 95:22, 98:1, 98:24, 108:2, 131:4, 155:8, 189:24, 190:17, 191:17, 192:2,</p>	<p>192:11, 192:12, 192:23, 205:9 attorney's [1] - 135:18 Attorney's [4] - 6:16, 6:20, 6:24, 7:3 attorney-client [1] - 31:20 attorneys [2] - 71:17, 158:16 audit [5] - 94:25, 95:3, 95:4, 169:14 audited [1] - 95:7 auditing [4] - 95:6, 95:10, 168:11, 180:17 auditor [2] - 39:4, 39:5 audits [2] - 94:19, 180:18 AUGUST [1] - 6:2 August [8] - 3:3, 81:17, 103:20, 107:23, 110:20, 118:10, 125:4, 207:19 Austin [11] - 1:24, 2:18, 20:24, 26:25, 27:2, 27:4, 27:5, 27:11, 54:13, 57:3, 207:24 authenticity [2] - 67:22, 98:10 author [1] - 37:20 authority [30] - 17:10, 20:10, 28:14, 28:15, 28:18, 29:13, 32:10, 32:14, 32:21, 32:25, 33:15, 33:18, 33:23, 34:12, 34:15, 35:15, 35:23, 39:5, 96:10, 153:25, 154:4, 163:19, 168:17, 168:18, 169:22, 170:10, 171:8, 172:18, 186:3, 187:11 authorize [1] - 156:19 authorized [5] - 152:1, 184:12, 184:16, 185:1, 187:1 authorizing [2] - 38:9, 52:12 award [1] - 110:9 aware [37] - 14:2, 14:12, 15:20, 15:24, 31:19, 94:15, 95:13, 95:16, 95:18, 95:19, 96:2, 97:5, 109:16, 115:13, 120:15, 120:21, 121:3, 121:4, 121:14,</p>	<p>121:17, 121:18, 121:19, 127:19, 128:9, 131:19, 132:1, 132:3, 132:4, 133:13, 133:14, 133:21, 140:13, 155:19, 155:23, 170:6, 181:4, 182:25</p>
B				
<p>bachelor's [1] - 70:10 backdrop [1] - 92:4 backed [1] - 27:2 background [1] - 13:14 backing [1] - 103:17 backup [1] - 200:21 backwards [2] - 103:11, 177:23 bad [3] - 45:9, 117:18, 174:23 balance [2] - 193:15, 197:10 balances [1] - 13:19 ball [1] - 38:3 ballot [27] - 14:13, 15:15, 15:16, 60:2, 79:14, 103:14, 103:15, 103:18, 103:19, 104:5, 104:11, 104:16, 105:25, 118:23, 119:2, 119:6, 119:15, 119:18, 119:21, 122:9, 122:10, 160:22, 175:22, 175:23, 182:20 ballots [9] - 14:15, 14:25, 91:4, 103:16, 103:24, 103:25, 133:3, 160:23, 182:14 ban [1] - 192:13 bar [1] - 18:5 barred [1] - 128:3 base [4] - 13:2, 57:14, 190:1, 194:9 based [13] - 34:3, 40:17, 112:15, 117:15, 121:12, 127:8, 130:1, 130:10, 136:6, 139:10, 172:19, 180:17, 184:17 bases [4] - 21:13, 26:14, 41:5, 199:11 basis [62] - 17:22, 18:5, 18:6, 18:11,</p>				

18:15, 18:19, 18:20, 18:25, 19:6, 19:11, 20:8, 21:7, 22:2, 22:9, 23:1, 23:20, 24:6, 24:8, 24:22, 24:23, 26:2, 26:17, 27:12, 28:3, 30:10, 31:3, 34:13, 37:23, 40:12, 40:13, 40:21, 43:17, 44:18, 53:2, 53:4, 54:22, 54:23, 54:25, 55:3, 55:6, 55:9, 56:12, 93:1, 127:10, 136:15, 139:24, 154:19, 155:10, 156:4, 156:16, 156:21, 165:15, 191:19, 197:21, 198:6, 198:7, 198:18, 199:17, 199:18, 200:19, 201:18

beach [1] - 22:10

beaches [1] - 22:10

bear [2] - 123:15, 195:8

bears [1] - 25:6

beautiful [1] - 22:10

became [2] - 72:1, 182:7

become [2] - 147:25, 177:6

becomes [3] - 93:11, 168:16, 178:22

becoming [1] - 132:7

began [2] - 81:22, 84:7

begin [6] - 7:14, 12:23, 75:7, 81:2, 81:20, 82:8

beginning [2] - 6:14, 17:25

begins [1] - 77:17

begun [1] - 83:14

behalf [24] - 7:6, 7:19, 8:7, 8:13, 8:16, 8:19, 36:21, 51:8, 51:22, 63:23, 64:8, 64:13, 146:19, 147:5, 149:9, 154:1, 157:25, 169:7, 181:1, 194:5, 197:23, 204:2, 206:10, 206:14

behind [2] - 18:19, 166:21

Bell [2] - 44:23, 135:1

belonging [1] - 191:7

Ben [1] - 8:18

BEN [1] - 2:15

bench [3] - 69:7, 69:11, 145:21

benefit [1] - 90:25

benefits [6] - 24:17, 37:17, 75:15, 129:15, 129:18, 129:21

best [1] - 158:20

Bettencourt [4] - 47:24, 61:18, 61:20, 88:4

Bettencourt's [1] - 87:21

better [6] - 13:11, 55:12, 71:14, 71:18, 178:2, 199:12

between [10] - 29:22, 46:23, 57:6, 102:23, 113:23, 121:23, 169:19, 187:9, 191:16, 201:15

Bexar [2] - 55:24, 198:19

beyond [5] - 78:8, 78:13, 78:18, 78:21, 183:11

bifurcated [1] - 108:6

big [13] - 15:23, 15:25, 19:7, 44:13, 55:25, 56:1, 85:14, 162:12, 166:6, 167:8, 167:10, 182:11, 200:14

bigger [2] - 55:21, 55:22

bill [25] - 88:8, 98:18, 99:14, 129:10, 130:24, 143:13, 143:19, 144:6, 147:16, 147:17, 167:2, 168:24, 169:2, 169:10, 169:20, 169:21, 170:4, 170:15, 171:15, 171:23, 179:20, 179:24, 179:25, 195:14, 195:15

Bill [20] - 5:24, 31:4, 37:21, 41:5, 41:12, 42:7, 42:15, 43:6, 47:6, 47:12, 62:8, 86:25, 96:7, 125:13, 128:11, 165:12, 168:15, 179:20, 180:16, 191:20

binding [2] - 31:21, 188:2

Birnberg [8] - 3:17, 7:20, 51:22, 63:11,

157:25, 178:24, 188:9, 188:10

BIRNBERG [29] - 2:21, 7:18, 7:20, 8:23, 10:8, 10:20, 63:11, 63:17, 66:10, 114:11, 114:20, 157:11, 157:15, 157:24, 158:3, 165:19, 165:25, 166:3, 166:23, 179:1, 179:3, 179:8, 179:11, 188:10, 189:8, 194:6, 204:23, 205:2, 206:11

Birnberg..... [1] - 3:21

birth [2] - 78:16, 79:22

bit [18] - 48:25, 70:8, 70:17, 71:1, 71:14, 71:21, 77:5, 81:23, 89:5, 92:4, 92:18, 93:25, 112:16, 121:19, 159:13, 160:16, 161:6, 180:2

biweekly [1] - 74:17

blah [3] - 57:15

block [1] - 88:3

blow [1] - 130:7

Board [7] - 19:23, 19:25, 71:23, 72:1, 72:5, 72:8, 72:10

board [6] - 23:4, 23:10, 55:15, 71:9, 71:12, 72:7

boards [3] - 71:7, 73:9, 105:3

Bobbitt [3] - 45:5, 45:8, 45:11

body [3] - 80:16, 80:17, 199:9

boil [1] - 28:12

bond [1] - 104:8

bonds [2] - 27:1, 27:2

bone [1] - 74:21

bootstrap [2] - 96:17, 96:19

born [1] - 39:24

borne [1] - 37:13

boss [1] - 163:8

boundaries [1] - 160:14

Box [6] - 2:17, 49:5, 49:8, 99:23, 99:24, 207:24

box [3] - 48:20, 50:17, 50:22

bracket [18] - 17:24, 19:21, 21:1, 42:17,

43:10, 44:3, 44:8, 44:10, 45:12, 45:13, 45:18, 46:2, 55:16, 55:20, 56:7, 56:20, 57:1, 57:8

brackets [19] - 17:2, 19:9, 19:14, 37:6, 37:7, 40:4, 40:5, 42:10, 43:4, 43:15, 45:25, 54:10, 54:11, 54:19, 55:11, 55:13, 56:5, 198:1, 198:5

bread [1] - 190:22

break [7] - 65:2, 65:4, 67:18, 114:7, 114:8, 157:13, 157:15

Break [1] - 65:7

breaks [1] - 50:24

Brief [2] - 64:3, 205:10

brief [22] - 10:11, 11:1, 26:13, 41:4, 51:9, 53:22, 53:25, 56:4, 116:2, 116:5, 140:24, 179:15, 183:24, 184:1, 189:13, 189:19, 193:15, 204:11, 204:13, 204:24, 205:19, 206:3

briefed [2] - 191:1, 195:1

briefing [10] - 10:4, 11:18, 12:17, 19:13, 35:1, 40:3, 203:1, 203:4, 204:22, 206:19

briefings [1] - 28:11

briefly [16] - 51:21, 54:4, 70:6, 70:24, 72:12, 80:2, 89:13, 93:7, 103:5, 107:12, 108:5, 111:21, 112:9, 112:23, 122:16, 189:21

briefs [1] - 112:5

bring [7] - 34:19, 69:9, 69:10, 109:2, 109:6, 141:15

broad [4] - 89:5, 153:21, 159:13, 183:1

broader [1] - 149:11

broadly [1] - 84:22

brought [5] - 34:25, 53:14, 81:14, 95:2, 95:25

bucket [3] - 29:16, 38:17, 58:7

buckets [1] - 58:6

budget [8] - 85:14,

85:16, 122:23, 123:3, 138:6, 138:7, 161:19, 178:7

budgets [2] - 159:24, 160:9

bulk [1] - 50:10

bumps [1] - 110:25

bunch [2] - 37:19, 122:7

burden [3] - 10:1, 25:6, 201:25

business [2] - 10:12, 78:15

businesses [1] - 140:9

busloads [1] - 196:6

butter [1] - 190:22

button [1] - 36:19

BY [31] - 69:25, 71:20, 88:15, 89:4, 100:22, 101:20, 101:25, 102:11, 115:4, 117:2, 124:4, 125:1, 126:7, 126:17, 127:11, 127:24, 131:25, 132:13, 136:15, 137:24, 141:5, 142:18, 144:22, 146:11, 147:12, 158:3, 166:3, 166:23, 179:3, 179:17, 184:3

C

calculation [3] - 42:18, 43:11, 114:15

Cameron [4] - 22:5, 24:9, 44:7, 45:3

candidate [1] - 33:13

candidates [2] - 15:18, 120:21

cannons [1] - 13:23

cannot [14] - 26:2, 31:2, 31:6, 46:11, 128:3, 136:8, 136:24, 156:3, 185:23, 185:24, 191:18, 191:20, 200:7, 205:17

canvas [4] - 93:13, 93:14, 186:24

canvassed [1] - 186:25

canvassing [1] - 93:9

capable [2] - 130:4

capacities [1] - 28:17

CAPACITY [2] - 1:7, 1:10

Capacity [2] - 6:7,

<p>6:10</p> <p>capacity [3] - 146:24, 153:9, 153:13</p> <p>Capitol [1] - 2:17</p> <p>care [1] - 65:3</p> <p>career [5] - 73:11, 73:21, 86:8, 129:24, 130:1</p> <p>carrying [1] - 82:19</p> <p>case [47] - 11:9, 17:11, 18:11, 19:16, 19:20, 19:23, 22:13, 23:3, 23:23, 26:3, 26:22, 27:10, 37:13, 37:23, 39:10, 40:8, 40:15, 41:8, 44:2, 44:3, 44:4, 44:7, 45:3, 45:5, 45:9, 45:11, 45:12, 45:13, 45:16, 45:17, 53:8, 54:11, 56:6, 56:23, 56:25, 57:9, 61:8, 66:7, 127:7, 190:13, 191:3, 194:14, 198:13, 199:10, 202:16</p> <p>cases [15] - 10:11, 21:3, 21:8, 34:20, 34:25, 38:13, 38:18, 39:2, 39:12, 40:1, 44:5, 45:5, 47:16, 54:15, 56:20</p> <p>categories [1] - 48:23</p> <p>category [1] - 92:22</p> <p>causation [1] - 34:17</p> <p>CAUSE [1] - 1:1</p> <p>causes [1] - 26:5</p> <p>causing [2] - 10:1, 141:20</p> <p>cease [1] - 76:25</p> <p>Cella [3] - 3:15, 3:18, 8:13</p> <p>CELLA [53] - 2:13, 8:12, 9:15, 68:15, 68:22, 69:2, 87:22, 88:17, 98:11, 98:15, 99:9, 101:3, 101:22, 102:7, 111:8, 111:11, 113:10, 113:13, 113:19, 114:1, 114:9, 114:25, 115:2, 115:4, 115:21, 116:13, 116:20, 117:1, 117:2, 123:15, 123:18, 126:4, 127:1, 131:22, 132:9, 136:11, 137:20, 141:2, 142:10,</p>	<p>143:16, 144:2, 144:14, 144:18, 144:22, 145:4, 157:5, 165:17, 166:16, 179:14, 179:17, 183:20, 188:15, 189:11</p> <p>centers [5] - 83:6, 83:7, 106:9, 107:2, 166:7</p> <p>central [2] - 83:11, 91:7</p> <p>certain [23] - 38:25, 45:18, 45:19, 45:21, 57:16, 57:18, 92:6, 93:2, 108:12, 119:19, 119:21, 133:19, 148:2, 148:14, 152:23, 160:3, 163:23, 163:24, 164:19, 168:8, 184:18, 187:14, 193:24</p> <p>certainly [14] - 14:23, 15:20, 36:18, 59:9, 59:20, 61:8, 61:11, 77:25, 144:8, 171:14, 193:13, 196:3, 205:5, 206:14</p> <p>CERTIFICATE [1] - 207:1</p> <p>Certificate..... [1] - 3:25</p> <p>certificates [2] - 78:16, 79:22</p> <p>certification [1] - 164:3</p> <p>Certification [1] - 148:24</p> <p>certified [2] - 134:12, 134:13</p> <p>certify [4] - 148:19, 164:6, 207:7, 207:14</p> <p>chain [3] - 14:15, 34:17, 158:21</p> <p>chair [8] - 69:16, 71:12, 72:1, 140:17, 145:13, 146:2, 159:6, 183:8</p> <p>chairs [4] - 14:6, 79:5, 160:5, 183:8</p> <p>challenge [1] - 120:22</p> <p>Challenge [1] - 204:11</p> <p>challenged [1] - 191:6</p> <p>challenges [7] - 14:4, 15:11, 19:8, 83:22, 83:24, 96:25, 118:9</p> <p>challenging [8] - 17:13, 19:8, 46:12, 63:14, 105:9,</p>	<p>189:23, 204:7, 204:8</p> <p>chamber [1] - 25:12</p> <p>chambers [3] - 25:14, 198:10, 207:13</p> <p>chance [2] - 113:17, 116:6</p> <p>change [17] - 44:19, 86:15, 86:16, 94:9, 95:5, 127:17, 139:1, 148:17, 151:6, 151:7, 151:17, 151:18, 151:21, 151:23, 166:11, 197:12</p> <p>changed [3] - 90:13, 140:19, 151:15</p> <p>changes [22] - 40:25, 45:1, 75:2, 84:5, 84:13, 84:19, 84:21, 89:21, 89:24, 89:25, 90:1, 90:16, 90:18, 90:21, 91:11, 91:12, 94:11, 105:7, 110:22, 121:7, 121:12, 121:23</p> <p>changing [4] - 45:1, 57:21, 108:4, 152:4</p> <p>Chapter [7] - 92:22, 150:10, 151:22, 153:5, 153:20, 154:7, 163:16</p> <p>chapter [1] - 150:12</p> <p>characteristic [1] - 42:2</p> <p>characteristics [2] - 40:17, 40:22</p> <p>characterization [1] - 168:22</p> <p>characterize [1] - 171:23</p> <p>charge [4] - 80:19, 166:8, 176:17, 195:18</p> <p>Charles [2] - 8:9, 61:24</p> <p>CHARLES [1] - 2:12</p> <p>chief [4] - 72:9, 163:11, 167:16, 195:23</p> <p>choose [1] - 79:23</p> <p>chooses [1] - 179:13</p> <p>choreography [1] - 12:9</p> <p>chose [1] - 41:16</p> <p>chosen [1] - 18:18</p> <p>Chris [1] - 175:12</p> <p>christian [1] - 36:14</p> <p>Christian [3] - 6:19, 36:21, 39:23</p> <p>CHRISTIAN [1] - 2:5</p>	<p>Christina [5] - 8:12, 145:17, 145:25, 146:15, 147:4</p> <p>CHRISTINA [3] - 2:13, 3:16, 146:8</p> <p>Cindy [1] - 140:17</p> <p>Circuit [1] - 34:21</p> <p>circulated [2] - 112:7</p> <p>circumstance [1] - 190:13</p> <p>cited [6] - 20:11, 40:15, 44:5, 45:11, 58:10, 192:10</p> <p>cities [4] - 23:5, 24:2, 56:7, 104:14</p> <p>city [3] - 20:8, 20:9, 38:15</p> <p>City [8] - 26:25, 27:2, 27:4, 55:17, 104:8, 104:11, 106:12, 166:5</p> <p>city's [1] - 23:24</p> <p>Civil [1] - 59:13</p> <p>civil [3] - 31:6, 133:19, 191:21</p> <p>claim [9] - 12:6, 17:5, 17:6, 17:19, 19:5, 27:25, 36:2, 61:13, 66:19</p> <p>Claimant [1] - 1:13</p> <p>claimant [1] - 7:19</p> <p>claimed [1] - 53:15</p> <p>claiming [1] - 33:8</p> <p>claims [6] - 17:12, 17:15, 150:19, 150:22, 180:23, 204:4</p> <p>clarification [1] - 186:1</p> <p>clarify [1] - 76:19</p> <p>class [4] - 21:9, 39:16, 40:18, 54:16</p> <p>classification [26] - 16:24, 17:23, 18:2, 19:4, 19:25, 21:25, 22:7, 23:12, 24:8, 37:9, 39:15, 39:25, 40:14, 40:16, 40:22, 41:7, 41:11, 41:12, 41:15, 41:16, 41:21, 42:3, 46:20, 53:5, 56:22, 56:24</p> <p>classifications [1] - 26:9</p> <p>classificatory [2] - 195:6, 197:2</p> <p>classified [1] - 22:7</p> <p>clean [1] - 76:2</p> <p>clear [22] - 30:5, 33:2, 35:4, 36:24, 37:21,</p>	<p>37:23, 39:7, 39:10, 39:12, 40:8, 44:1, 46:3, 47:1, 47:2, 52:15, 80:3, 100:10, 143:24, 190:5, 192:15, 193:7, 203:11</p> <p>clearer [1] - 35:4</p> <p>clearinghouse [1] - 72:21</p> <p>clearly [11] - 21:20, 23:12, 24:1, 53:8, 96:17, 100:4, 115:19, 192:23, 194:25, 197:17, 200:14</p> <p>clerk [18] - 16:17, 78:12, 108:9, 108:13, 112:17, 125:8, 128:16, 136:17, 137:18, 142:9, 144:23, 148:8, 175:10, 176:16, 176:23, 184:5, 184:21</p> <p>Clerk [26] - 60:1, 77:2, 78:15, 79:3, 79:9, 79:12, 79:14, 79:15, 79:21, 84:12, 86:12, 95:19, 96:24, 97:2, 102:24, 107:24, 109:23, 123:12, 126:24, 128:23, 148:3, 148:13, 148:19, 174:25</p> <p>clerk's [1] - 110:23</p> <p>Clerk's [4] - 122:24, 123:4, 133:1, 155:4</p> <p>clerks [3] - 83:10, 107:5, 131:10</p> <p>client [1] - 31:20</p> <p>Cliff [1] - 157:25</p> <p>clifford [3] - 69:5, 70:2, 185:1</p> <p>Clifford [14] - 5:22, 6:10, 7:20, 8:24, 51:23, 64:4, 116:8, 178:4, 184:11, 185:6, 187:11, 202:24, 203:17, 205:10</p> <p>CLIFFORD [3] - 1:12, 3:14, 69:22</p> <p>close [4] - 10:12, 41:18, 95:2, 113:20</p> <p>closed [21] - 15:18, 19:13, 21:1, 21:10, 37:7, 40:5, 43:3, 43:10, 44:3, 44:7, 46:2, 46:4, 54:11,</p>
--	--	--	---	---

<p>54:16, 54:19, 56:20, 56:21, 57:7, 57:8, 119:25, 120:4</p> <p>Closing [3] - 3:20, 3:21, 3:22</p> <p>closing [6] - 14:20, 95:4, 114:12, 114:18, 114:20</p> <p>co [1] - 111:22</p> <p>co-counsel [1] - 111:22</p> <p>code [2] - 98:17, 184:9</p> <p>Code [29] - 71:5, 71:10, 89:19, 89:20, 90:1, 95:11, 97:25, 100:16, 102:4, 139:9, 148:15, 148:18, 152:2, 154:11, 154:17, 160:21, 162:21, 163:16, 163:17, 164:5, 174:7, 174:11, 184:4, 185:12, 188:4, 192:4, 192:7, 192:19, 193:9</p> <p>codes [1] - 186:10</p> <p>coincide [1] - 154:21</p> <p>colleague [1] - 48:15</p> <p>collect's [1] - 150:20</p> <p>collecting [4] - 72:21, 77:16, 78:21, 168:10</p> <p>collection [1] - 79:17</p> <p>collective [1] - 25:13</p> <p>collectively [2] - 53:21, 113:9</p> <p>Collector [8] - 78:19, 84:12, 86:12, 107:24, 126:25, 128:23, 155:5, 173:15</p> <p>collector [15] - 16:17, 123:4, 125:9, 128:16, 132:18, 142:9, 144:23, 147:24, 148:8, 150:9, 151:2, 153:4, 154:5, 174:17, 176:23</p> <p>collector's [3] - 122:24, 131:15, 152:11</p> <p>Collector's [1] - 78:23</p> <p>collectors [2] - 131:11, 131:20</p> <p>College [1] - 70:11</p> <p>Colmenero [2] - 6:7, 28:16</p> <p>COLMENERO [1] - 1:7</p> <p>color [1] - 38:2</p>	<p>combined [3] - 71:6, 76:5, 147:6</p> <p>comfort [4] - 65:4, 157:13, 157:15, 193:8</p> <p>comfortable [1] - 69:17</p> <p>coming [6] - 75:10, 76:1, 85:7, 107:12, 110:16, 155:3</p> <p>comment [1] - 177:1</p> <p>commission [5] - 72:24, 134:13, 138:10, 138:24, 179:5</p> <p>Commission [11] - 20:25, 54:14, 72:6, 72:20, 75:20, 79:2, 80:2, 80:5, 80:7, 80:11, 178:12</p> <p>commission's [1] - 80:11</p> <p>Commissioner [4] - 186:4, 186:7, 186:13, 187:9</p> <p>commissioner [3] - 109:21, 153:2, 178:16</p> <p>commissioner's [2] - 161:13, 161:18</p> <p>Commissioner's [5] - 35:12, 80:10, 80:13, 109:17, 135:13</p> <p>Commissioners [8] - 15:9, 15:12, 33:4, 58:15, 80:14, 80:15, 80:20, 162:14</p> <p>commissioners [12] - 72:23, 72:25, 93:13, 138:7, 138:24, 161:8, 161:11, 162:10, 178:6, 178:20, 179:6, 186:25</p> <p>commissions [1] - 138:13</p> <p>commit [17] - 31:2, 31:6, 32:1, 148:23, 149:5, 149:6, 149:20, 151:11, 153:17, 155:2, 155:7, 156:3, 185:22, 185:23, 185:24, 191:18, 191:20</p> <p>committed [2] - 31:15, 201:13</p> <p>committee [1] - 74:16</p> <p>communicated [1] - 183:5</p>	<p>communicating [1] - 88:8</p> <p>communications [5] - 75:18, 87:6, 87:13, 88:7, 132:22</p> <p>competent [2] - 130:5</p> <p>competing [7] - 150:19, 154:9, 155:3, 155:13, 180:23, 186:20</p> <p>complaint [5] - 33:24, 34:4, 168:16, 180:4, 180:14</p> <p>complaints [4] - 155:20, 156:7, 179:25, 180:5</p> <p>complete [3] - 97:16, 102:15, 182:9</p> <p>completed [3] - 14:18, 103:19, 170:12</p> <p>completely [4] - 33:20, 35:3, 102:15, 200:3</p> <p>completing [1] - 152:17</p> <p>compliance [4] - 58:23, 71:25, 95:10, 169:11</p> <p>compliant [3] - 162:6, 169:5, 183:9</p> <p>comply [4] - 29:4, 29:6, 29:8, 29:13</p> <p>comprising [1] - 154:7</p> <p>component [1] - 186:22</p> <p>comprehensive [1] - 164:10</p> <p>compromise [2] - 13:24, 198:11</p> <p>compromises [1] - 13:20</p> <p>computer [1] - 154:12</p> <p>concept [2] - 45:1, 57:20</p> <p>concern [7] - 10:6, 14:4, 55:22, 104:25, 107:19, 108:14, 183:2</p> <p>concerned [11] - 76:8, 102:14, 102:16, 102:18, 107:15, 107:21, 109:25, 111:2, 111:4, 153:22, 200:10</p> <p>concerns [3] - 14:5, 14:6, 200:17</p> <p>conclude [2] - 36:11, 200:6</p> <p>concluded [1] - 206:21</p>	<p>conclusion [7] - 126:5, 127:2, 136:12, 142:11, 166:17, 169:14, 201:24</p> <p>conditions [1] - 196:2</p> <p>conduct [7] - 38:12, 38:20, 110:10, 180:19, 187:21, 190:3</p> <p>conducted [4] - 73:20, 122:15, 139:2, 186:19</p> <p>conducting [9] - 38:21, 52:13, 75:21, 77:9, 85:1, 92:25, 105:6, 168:14, 186:21</p> <p>conducts [2] - 93:3, 93:13</p> <p>confer [3] - 9:13, 111:21, 113:13</p> <p>confirm [1] - 74:5</p> <p>confirms [1] - 168:20</p> <p>conflict [2] - 35:6, 188:4</p> <p>conflicting [2] - 23:7, 185:13</p> <p>conform [1] - 156:11</p> <p>confused [2] - 151:19, 152:20</p> <p>confusing [1] - 57:10</p> <p>confusion [1] - 110:1</p> <p>Congress [1] - 2:8</p> <p>conjunction [2] - 139:25, 161:24</p> <p>connect [2] - 96:16, 192:21</p> <p>connection [1] - 35:22</p> <p>cons [1] - 13:16</p> <p>consent [3] - 50:23, 51:2, 133:17</p> <p>consequences [2] - 110:19, 194:17</p> <p>consider [9] - 25:9, 59:21, 61:9, 68:20, 88:22, 144:8, 148:13, 150:7, 201:8</p> <p>considered [4] - 19:15, 66:12, 156:25, 205:23</p> <p>considering [8] - 12:18, 14:17, 24:6, 66:9, 74:24, 112:14, 186:16, 201:7</p> <p>consists [2] - 79:3, 158:10</p> <p>constituent [1] - 23:9</p> <p>constituents [1] - 15:3</p> <p>Constitution [10] -</p>	<p>16:22, 22:21, 37:2, 38:7, 46:5, 52:7, 52:19, 53:9, 53:12, 194:24</p> <p>constitution [2] - 39:25, 52:11</p> <p>constitutional [33] - 12:8, 17:5, 17:14, 17:20, 17:25, 18:16, 18:20, 21:2, 21:4, 21:11, 24:24, 24:25, 25:2, 26:21, 27:25, 28:2, 36:2, 39:17, 44:4, 52:9, 54:17, 54:20, 55:10, 77:5, 104:6, 104:7, 190:25, 191:6, 191:8, 194:11, 197:9, 199:16, 200:8</p> <p>constitutionality [4] - 17:21, 24:7, 129:10, 199:3</p> <p>construction [1] - 13:23</p> <p>consultant [2] - 71:24, 71:25</p> <p>consultants [1] - 108:21</p> <p>contains [1] - 207:8</p> <p>content [1] - 90:17</p> <p>contention [1] - 47:3</p> <p>contest [4] - 15:19, 90:23, 97:15, 133:3</p> <p>contests [6] - 15:19, 104:12, 104:16, 105:4, 105:24, 120:22</p> <p>context [4] - 22:3, 24:18, 30:9, 68:6</p> <p>contingent [1] - 12:21</p> <p>continue [7] - 100:24, 128:6, 149:21, 150:1, 151:2, 152:7, 196:15</p> <p>continues [5] - 31:9, 185:20, 190:19, 191:23, 192:5</p> <p>continuing [1] - 151:5</p> <p>continuous [1] - 85:21</p> <p>continuously [1] - 85:22</p> <p>contract [4] - 104:15, 105:8, 105:10</p> <p>contracting [1] - 104:17</p> <p>contractor [2] - 110:8, 110:10</p> <p>contracts [2] - 105:1, 193:19</p> <p>contradicts [1] -</p>
---	---	--	---	--

<p>192:10 contrary [1] - 26:21 contrast [1] - 14:20 control [17] - 29:19, 36:19, 138:5, 138:7, 142:6, 142:8, 142:20, 143:7, 161:6, 161:17, 161:18, 161:19, 161:20, 168:19, 168:25, 172:4 controls [4] - 92:12, 93:4, 138:6, 138:8 controversial [2] - 120:8, 120:12 controversy [2] - 191:10, 191:11 conversation [1] - 43:24 conversely [1] - 79:20 convert [2] - 26:2, 28:25 conviction [1] - 131:17 Cooley [1] - 70:12 coordinate [1] - 168:7 copied [1] - 67:3 copies [2] - 64:20, 99:15 copy [14] - 62:21, 63:19, 64:10, 65:11, 65:12, 65:19, 66:3, 66:9, 67:3, 67:4, 67:9, 67:15, 124:10, 124:16 correct [113] - 30:23, 34:2, 62:2, 73:4, 74:2, 74:6, 75:5, 81:13, 83:15, 83:16, 83:20, 85:19, 91:14, 93:6, 95:12, 98:12, 104:3, 104:4, 104:18, 104:19, 106:22, 109:11, 115:11, 118:1, 118:11, 118:12, 122:19, 124:10, 124:16, 125:5, 129:7, 129:10, 129:11, 131:2, 131:6, 133:3, 133:24, 133:25, 134:1, 135:10, 135:11, 135:25, 136:4, 137:10, 137:13, 139:3, 139:17, 139:18, 139:21, 141:18, 141:24, 141:25, 142:3, 142:9,</p>	<p>142:17, 142:22, 143:9, 144:24, 144:25, 145:2, 147:20, 147:23, 147:25, 148:1, 148:4, 148:5, 148:11, 148:20, 148:21, 149:16, 149:17, 150:14, 150:15, 155:21, 155:22, 156:1, 156:18, 158:6, 158:7, 159:22, 159:25, 160:1, 160:7, 160:24, 161:22, 163:9, 163:13, 164:9, 165:3, 165:9, 165:10, 168:12, 168:23, 170:19, 170:20, 173:24, 173:25, 174:13, 174:20, 176:18, 177:9, 177:14, 178:10, 178:12, 178:21, 179:7, 179:8, 184:14, 185:2, 186:10, 199:2, 199:9, 207:8 correctly [3] - 141:13, 202:19, 207:15 corresponded [1] - 159:7 cost [4] - 29:15, 97:6, 97:9, 190:21 costly [3] - 108:18, 110:7, 130:25 costs [2] - 109:7, 110:4 coulda [1] - 198:2 counsel [9] - 45:6, 46:16, 62:3, 63:10, 72:7, 72:13, 72:16, 111:22, 207:10 count [4] - 14:18, 103:11, 103:22, 182:4 counted [2] - 15:1, 198:16 counterclaim [1] - 65:23 counties [56] - 16:4, 16:9, 16:12, 19:14, 35:5, 38:16, 39:4, 42:5, 42:8, 42:12, 42:23, 42:24, 43:6, 43:7, 43:19, 47:7, 48:8, 52:13, 53:1, 55:21, 55:25, 56:3, 71:6, 92:6, 92:7,</p>	<p>92:8, 125:7, 125:11, 125:14, 125:18, 125:21, 134:2, 134:19, 134:25, 141:23, 143:22, 158:14, 158:17, 158:24, 159:11, 159:16, 159:19, 162:16, 164:7, 168:2, 168:14, 168:20, 196:13, 198:22, 199:25, 200:11, 200:14, 200:16, 200:20 counting [1] - 76:3 country [7] - 73:6, 73:17, 73:19, 117:3, 117:6, 129:23, 130:1 countrywide [1] - 73:3 counts [1] - 14:16 County [226] - 1:24, 6:5, 6:16, 6:17, 6:20, 6:24, 7:3, 7:6, 15:3, 15:21, 15:24, 16:4, 16:6, 16:14, 16:20, 16:25, 17:4, 19:2, 19:7, 19:12, 19:24, 20:1, 20:7, 21:25, 22:1, 22:5, 24:9, 24:10, 24:13, 26:18, 27:10, 27:11, 27:18, 27:23, 28:5, 28:6, 29:2, 30:1, 30:11, 31:3, 31:4, 31:7, 31:8, 32:8, 33:4, 33:17, 34:24, 34:25, 35:10, 35:12, 35:21, 35:24, 35:25, 36:21, 37:22, 39:4, 39:19, 39:21, 40:25, 41:10, 41:17, 42:13, 42:15, 42:16, 43:13, 43:14, 44:7, 44:22, 44:23, 45:3, 47:10, 47:13, 50:20, 53:17, 55:23, 55:24, 55:25, 56:2, 58:6, 58:15, 59:10, 59:14, 60:1, 60:3, 60:5, 62:3, 67:18, 69:4, 70:5, 72:11, 74:3, 74:5, 77:1, 78:15, 79:3, 79:4, 80:14, 80:15, 80:16, 80:17, 80:21, 81:14, 81:21, 82:12, 84:12, 84:23, 86:3, 86:10, 86:12, 92:20, 94:23, 95:6, 95:19, 96:11, 105:10, 107:23, 115:10, 115:13,</p>	<p>115:17, 116:22, 117:2, 117:8, 117:12, 117:18, 122:19, 124:15, 125:16, 125:17, 125:24, 126:1, 126:24, 128:23, 129:2, 131:5, 131:9, 132:23, 133:11, 133:18, 134:6, 134:8, 135:1, 135:8, 135:13, 137:6, 141:10, 141:21, 142:1, 142:20, 147:21, 148:3, 148:6, 148:13, 148:19, 148:23, 149:3, 149:6, 149:21, 150:8, 150:18, 151:8, 151:20, 153:12, 153:18, 154:25, 155:4, 155:11, 155:21, 155:25, 156:17, 159:6, 166:5, 167:7, 167:13, 167:25, 170:7, 170:8, 170:19, 171:9, 171:19, 173:15, 174:18, 174:25, 175:11, 175:14, 175:24, 176:13, 184:10, 184:13, 186:3, 186:5, 187:24, 189:17, 191:19, 191:23, 192:3, 192:5, 192:9, 192:11, 192:18, 193:8, 195:12, 196:16, 197:7, 197:19, 198:13, 198:25, 199:22, 200:1, 200:17, 201:4, 201:21, 201:25, 202:4, 202:7, 202:10, 203:22, 207:6, 207:23 county [154] - 15:9, 15:21, 15:23, 16:15, 16:17, 18:13, 19:7, 19:21, 27:18, 29:14, 29:15, 29:18, 29:19, 29:20, 33:25, 37:11, 38:14, 39:4, 39:5, 39:23, 41:1, 41:9, 41:23, 41:24, 42:17, 43:1, 43:2, 44:12, 44:14, 44:15, 44:17, 45:18, 46:10, 46:21,</p>	<p>47:13, 47:17, 47:19, 48:12, 52:24, 55:23, 59:3, 59:20, 73:8, 78:12, 91:4, 91:6, 93:13, 97:6, 97:9, 103:5, 104:22, 105:19, 105:21, 108:5, 108:19, 110:12, 110:17, 111:2, 115:19, 117:6, 117:15, 121:6, 123:7, 125:7, 126:2, 126:17, 126:22, 128:13, 128:14, 128:16, 129:5, 129:6, 131:10, 134:11, 134:15, 135:1, 135:17, 136:7, 136:9, 136:16, 136:17, 136:18, 136:23, 136:25, 137:18, 138:7, 138:24, 139:20, 140:17, 141:14, 142:7, 142:9, 142:25, 145:17, 148:8, 148:19, 149:1, 149:9, 149:25, 150:3, 152:15, 153:1, 153:2, 154:1, 154:3, 155:16, 158:19, 159:20, 161:8, 161:12, 163:24, 164:20, 167:8, 168:4, 169:1, 169:4, 169:9, 169:15, 170:2, 175:10, 176:16, 176:23, 178:6, 180:3, 180:9, 180:12, 180:20, 181:1, 181:24, 182:5, 182:6, 182:16, 183:9, 184:5, 184:6, 184:8, 184:21, 186:21, 186:23, 187:3, 187:20, 190:21, 191:21, 192:22, 193:17, 193:19, 194:8, 199:21 COUNTY [5] - 1:3, 1:10, 2:3, 2:8, 207:4 County's [17] - 14:3, 14:18, 17:17, 20:15, 21:21, 63:2, 87:11, 117:24, 149:4, 156:21, 181:5, 190:15, 198:18, 198:20, 198:21,</p>
---	--	--	--	--

<p>198:23 county's [6] - 116:15, 142:6, 160:2, 187:1, 189:23, 193:24 countywide [9] - 104:8, 105:14, 106:8, 106:13, 139:3, 139:5, 139:12, 139:17 couple [7] - 45:20, 51:11, 52:3, 58:20, 63:21, 141:6, 199:19 course [8] - 18:18, 68:2, 84:4, 86:8, 102:16, 102:18, 108:10, 113:18 Court [132] - 3:25, 8:24, 10:1, 10:4, 10:12, 10:14, 10:18, 10:22, 12:15, 13:20, 15:9, 15:12, 17:11, 19:17, 20:6, 20:14, 20:17, 20:21, 20:24, 21:2, 21:5, 21:8, 22:3, 22:6, 22:8, 22:13, 23:14, 23:23, 24:9, 25:3, 25:8, 25:10, 25:15, 25:25, 27:11, 27:16, 30:21, 33:4, 35:12, 36:3, 38:2, 40:9, 40:14, 40:16, 42:2, 42:22, 45:11, 45:14, 48:13, 49:17, 51:18, 52:8, 52:18, 53:11, 54:13, 56:22, 56:23, 57:2, 58:15, 59:16, 61:9, 67:2, 68:8, 68:19, 70:7, 71:1, 71:20, 76:19, 80:12, 80:13, 80:14, 80:15, 80:20, 88:22, 89:14, 90:7, 92:18, 93:7, 100:1, 100:2, 101:16, 109:17, 112:7, 112:19, 113:3, 113:5, 113:6, 114:11, 114:13, 124:7, 124:12, 129:20, 133:17, 135:13, 139:8, 144:3, 144:5, 144:8, 147:3, 162:14, 179:8, 181:17, 191:2, 191:3, 191:4, 191:15, 192:1, 194:2, 194:3, 194:15, 194:21, 195:5, 196:25, 197:6, 197:8,</p>	<p>197:11, 197:18, 201:7, 202:17, 202:20, 203:1, 203:2, 205:21, 205:22, 206:3, 206:18, 207:5, 207:6, 207:22, 207:23 court [18] - 7:15, 22:25, 33:14, 49:12, 51:4, 128:16, 130:17, 138:10, 138:13, 138:25, 157:14, 161:14, 161:18, 178:17, 179:6, 186:25, 194:10, 207:13 COURT [202] - 1:1, 1:3, 6:4, 6:18, 6:22, 7:1, 7:4, 7:12, 7:24, 8:11, 8:14, 8:17, 8:20, 9:1, 9:3, 9:18, 10:16, 10:24, 11:4, 11:11, 11:21, 12:14, 13:1, 13:4, 30:17, 30:20, 30:25, 32:2, 32:6, 32:13, 32:16, 32:24, 33:5, 33:10, 36:5, 36:13, 36:18, 48:16, 49:2, 49:5, 49:7, 49:10, 49:12, 49:23, 50:8, 50:10, 51:13, 51:16, 51:19, 53:19, 53:25, 56:14, 56:18, 57:8, 57:22, 60:7, 60:10, 60:19, 61:14, 61:25, 62:11, 62:15, 63:1, 63:7, 63:16, 63:21, 64:10, 64:17, 65:1, 65:8, 65:13, 65:17, 65:20, 66:8, 66:14, 66:25, 67:8, 67:14, 67:16, 68:5, 68:13, 68:17, 68:25, 69:6, 69:10, 69:14, 69:21, 71:13, 71:16, 87:24, 88:9, 88:13, 88:19, 88:24, 89:3, 98:3, 98:9, 98:13, 99:2, 99:8, 99:15, 99:21, 99:25, 100:12, 100:17, 101:6, 101:14, 101:24, 102:9, 111:7, 111:10, 111:13, 111:23, 112:11, 113:2, 113:7, 113:11, 113:14, 113:18, 113:25, 114:2, 114:16, 114:21,</p>	<p>115:1, 115:24, 116:7, 116:10, 116:16, 116:21, 123:17, 123:20, 123:24, 124:2, 124:20, 124:23, 126:6, 126:10, 126:14, 127:8, 127:23, 131:24, 132:11, 136:13, 137:22, 141:4, 142:14, 143:14, 143:18, 144:1, 144:5, 144:12, 144:16, 144:20, 145:5, 145:11, 145:15, 145:19, 145:24, 146:1, 146:4, 146:7, 147:2, 147:11, 157:3, 157:8, 157:12, 157:16, 157:23, 165:23, 166:2, 166:18, 178:24, 179:10, 179:12, 183:22, 184:1, 188:8, 188:14, 188:16, 188:22, 189:4, 189:7, 189:9, 189:12, 194:3, 197:22, 202:3, 202:18, 203:9, 203:11, 203:23, 204:2, 204:9, 204:16, 204:20, 205:1, 205:7, 205:17, 206:1, 206:8, 206:14, 206:17 Court's [20] - 3:23, 12:22, 13:6, 49:25, 50:18, 63:25, 64:11, 64:18, 65:4, 65:5, 67:1, 90:25, 112:16, 157:17, 157:21, 189:1, 190:10, 195:2, 197:16, 206:12 courtroom [3] - 8:4, 46:16, 145:19 Courts [4] - 39:14, 45:7, 45:24, 50:20 courts [6] - 21:12, 22:22, 38:9, 41:19, 54:9, 55:8 covering [1] - 45:21 COVID [2] - 60:5, 176:2 create [5] - 46:11, 76:16, 81:7, 85:24,</p>	<p>103:18 created [11] - 23:4, 27:6, 35:13, 72:6, 80:23, 90:15, 95:6, 95:20, 122:19, 122:22, 150:25 creates [1] - 46:19 creating [4] - 16:10, 94:9, 133:2, 142:21 creation [1] - 163:20 credibility [2] - 115:22, 116:14 criminal [2] - 131:17, 133:6 criteria [2] - 195:6, 197:2 critical [2] - 17:3, 141:7 Cross [1] - 3:13 cross [11] - 7:19, 65:23, 65:24, 111:7, 112:24, 113:17, 113:25, 144:13, 157:8, 205:2 CROSS [3] - 115:3, 146:10, 158:2 cross-action [2] - 65:24, 205:2 cross-claimant [1] - 7:19 cross-counterclaim [1] - 65:23 cross-examination [3] - 111:7, 112:24, 157:8 CROSS-EXAMINATION [3] - 115:3, 146:10, 158:2 cross-examine [1] - 113:17 Crump [1] - 1:23 CSR [1] - 207:21 current [8] - 59:19, 70:22, 123:3, 123:12, 135:7, 136:1, 146:17, 181:6 custody [2] - 14:15, 158:21 cut [1] - 92:15 cutting [1] - 154:2 CV [3] - 5:22, 124:9, 124:10 cycle [9] - 19:9, 73:14, 81:9, 85:8, 103:1, 104:1, 120:9, 120:13</p>	<p>D.C [7] - 71:21, 71:22, 72:1, 72:5, 72:8, 72:10, 72:14 Dallas [13] - 23:3, 23:15, 47:10, 47:12, 55:24, 56:6, 134:6, 134:8, 196:7, 196:8, 196:10, 198:19, 200:1 data [16] - 72:22, 76:1, 85:5, 92:9, 92:11, 93:14, 149:10, 155:3, 155:14, 155:15, 158:15, 168:8, 184:23, 184:24, 185:14 data's [1] - 149:8 database [1] - 91:18 Date [1] - 207:22 date [18] - 11:2, 11:16, 42:20, 43:8, 43:9, 47:9, 52:25, 57:18, 70:23, 101:13, 103:8, 128:1, 128:3, 128:5, 174:24, 177:22, 196:20, 196:22 dated [1] - 137:18 Davis [1] - 18:22 day-to-day [3] - 168:13, 169:8, 183:12 days [6] - 10:17, 10:21, 77:13, 96:23, 103:14, 110:21 days' [1] - 9:9 dead [1] - 103:9 deadline [1] - 103:15 deadlines [1] - 103:9 deal [3] - 57:15, 62:18, 176:20 dealing [5] - 35:1, 38:20, 42:5, 43:5, 47:7 deals [3] - 22:1, 45:13, 154:12 dealt [2] - 44:5, 159:5 debt [1] - 27:5 dec [1] - 46:13 December [4] - 34:7, 59:5, 173:8, 174:2 decentralized [2] - 159:17, 168:1 decide [4] - 144:3, 162:1, 197:8, 199:6 decided [4] - 35:7, 130:9, 190:12, 199:9 decides [1] - 151:9 decision [11] - 28:10, 30:8, 34:21, 80:9,</p>
D				
<p>D-1-GN-23-003523 [1] - 1:1</p>				

<p>80:11, 107:2, 111:18, 136:16, 162:4, 190:4, 190:10</p> <p>decisionmaking [1] - 169:1</p> <p>decisions [21] - 34:18, 48:3, 82:18, 82:19, 82:20, 93:18, 96:2, 106:19, 106:24, 107:9, 109:15, 112:20, 113:5, 130:1, 161:7, 161:10, 162:12, 167:18, 167:19, 169:6, 202:21</p> <p>declaratory [3] - 17:12, 190:8, 196:25</p> <p>declared [1] - 130:18</p> <p>declares [1] - 25:22</p> <p>declaring [2] - 21:9, 54:15</p> <p>declined [2] - 25:9, 27:12</p> <p>deduce [1] - 38:4</p> <p>deeds [1] - 78:16</p> <p>DEFENDANT [1] - 2:11</p> <p>defendant [3] - 10:22, 28:8, 30:6</p> <p>Defendant [1] - 1:3</p> <p>Defendant's [4] - 66:2, 190:3, 202:24, 203:15</p> <p>Defendant/ Intervenor [1] - 1:15</p> <p>Defendants [1] - 60:11</p> <p>defendants [21] - 1:11, 8:7, 8:13, 8:16, 8:19, 28:6, 36:3, 53:21, 53:22, 113:8, 115:14, 157:7, 189:10, 189:12, 189:22, 192:21, 197:23, 201:8, 203:6, 204:2, 206:15</p> <p>Defendants' [1] - 11:17</p> <p>defending [1] - 97:10</p> <p>deference [1] - 13:24</p> <p>define [1] - 103:18</p> <p>defined [2] - 164:4, 180:12</p> <p>defines [1] - 184:18</p> <p>defunct [2] - 185:7, 185:21</p> <p>degree [3] - 70:10, 70:12, 200:12</p> <p>degrees [1] - 70:14</p> <p>delay [1] - 78:3</p>	<p>delayed [2] - 81:6, 198:15</p> <p>delays [2] - 110:19, 182:4</p> <p>demand [1] - 22:16</p> <p>Democratic [2] - 159:6, 183:8</p> <p>demonstrate [2] - 61:20, 61:21</p> <p>demonstrates [1] - 192:20</p> <p>denial [1] - 12:22</p> <p>department [1] - 85:4</p> <p>departments [1] - 44:13</p> <p>deploy [1] - 71:24</p> <p>deployed [3] - 83:6, 83:7, 90:23</p> <p>deploying [2] - 75:12, 133:2</p> <p>DeSantis [1] - 196:6</p> <p>describe [1] - 106:14</p> <p>described [2] - 92:5, 137:8</p> <p>DESCRIPTION [1] - 68:9</p> <p>DESCRIPTION [3] - 4:4, 5:1, 5:21</p> <p>design [1] - 103:18</p> <p>designate [4] - 149:22, 153:7, 153:8, 153:19</p> <p>designated [3] - 44:17, 151:8, 152:24</p> <p>designation [3] - 151:15, 151:21, 152:4</p> <p>desire [1] - 61:23</p> <p>desk [3] - 8:3, 65:8, 65:14</p> <p>despite [4] - 15:11, 185:5, 185:21, 187:10</p> <p>destroying [1] - 131:16</p> <p>detail [3] - 26:15, 76:18, 77:21</p> <p>detailed [1] - 21:3</p> <p>details [1] - 163:17</p> <p>determination [1] - 194:11</p> <p>determine [7] - 26:7, 34:14, 55:5, 152:15, 169:14, 180:9, 199:16</p> <p>determined [7] - 21:6, 54:10, 59:20, 105:18, 105:20, 129:10, 162:24</p> <p>determining [5] - 21:18, 53:5, 61:10,</p>	<p>83:10, 199:3</p> <p>develop [2] - 22:9, 86:5</p> <p>developed [2] - 86:8, 108:10</p> <p>developer [2] - 57:13, 57:18</p> <p>development [3] - 22:8, 26:24, 27:1</p> <p>devices [1] - 8:5</p> <p>devoted [1] - 160:11</p> <p>DFW [3] - 23:2, 23:4, 23:23</p> <p>dictated [1] - 174:10</p> <p>differ [2] - 72:13, 199:1</p> <p>difference [5] - 18:24, 139:7, 187:9, 187:12, 187:13</p> <p>different [30] - 13:19, 22:11, 26:14, 26:23, 29:3, 29:14, 33:20, 35:2, 35:3, 38:23, 41:1, 44:23, 45:2, 57:20, 59:1, 73:9, 78:17, 84:15, 130:16, 143:8, 152:21, 154:8, 155:14, 158:10, 158:24, 198:1, 198:19, 199:7, 201:8, 201:10</p> <p>differently [5] - 22:12, 38:22, 45:8, 56:2, 84:3</p> <p>differing [1] - 182:18</p> <p>difficult [7] - 9:21, 27:20, 29:17, 34:16, 109:12, 130:25, 139:24</p> <p>difficulty [1] - 183:13</p> <p>dig [2] - 25:24, 54:24</p> <p>direct [9] - 22:17, 111:12, 121:6, 141:14, 157:3, 157:4, 179:12, 183:17, 204:20</p> <p>Direct [1] - 3:13</p> <p>DIRECT [3] - 69:24, 124:3, 179:16</p> <p>direction [1] - 91:16</p> <p>directives [1] - 163:6</p> <p>directly [3] - 22:21, 36:9, 53:13</p> <p>director [6] - 70:20, 71:3, 72:17, 73:8, 146:17, 159:10</p> <p>Director [4] - 147:5, 158:4, 158:8, 167:21</p> <p>directors [2] - 73:5,</p>	<p>73:8</p> <p>directs [2] - 33:4, 89:24</p> <p>disabilities [1] - 194:20</p> <p>disability [1] - 176:2</p> <p>disagree [5] - 18:17, 33:19, 54:23, 168:22, 199:14</p> <p>disarray [1] - 190:21</p> <p>disbursed [1] - 130:15</p> <p>disbursement [1] - 93:5</p> <p>discharge [1] - 135:14</p> <p>discharged [1] - 135:9</p> <p>discipline [1] - 171:18</p> <p>disclaiming [1] - 33:7</p> <p>discount [1] - 174:21</p> <p>discovered [1] - 14:25</p> <p>discrepancy [2] - 181:23, 182:2</p> <p>discrete [2] - 156:6, 180:1</p> <p>discretion [2] - 93:21, 193:10</p> <p>discussed [4] - 38:14, 56:25, 173:4, 206:20</p> <p>discusses [1] - 179:25</p> <p>discussing [6] - 75:3, 104:22, 147:18, 149:14, 179:21, 195:2</p> <p>discussion [2] - 22:22, 57:2</p> <p>discussions [1] - 31:18</p> <p>disenfranchise [1] - 187:24</p> <p>disenfranchising [1] - 185:9</p> <p>dismissed [1] - 17:8</p> <p>disorganization [1] - 110:1</p> <p>dispatch [1] - 138:21</p> <p>dispatching [1] - 138:19</p> <p>display [1] - 94:14</p> <p>dispositive [1] - 19:10</p> <p>dispute [8] - 22:24, 27:14, 46:9, 46:23, 48:11, 53:14, 154:3, 187:25</p> <p>disputes [1] - 192:4</p> <p>disrupting [1] - 141:9</p> <p>disruptive [2] - 50:24, 97:12</p> <p>dissemination [1] - 168:8</p> <p>dissimilar [2] - 177:3, 177:4</p>	<p>distances [1] - 206:9</p> <p>distinction [1] - 57:6</p> <p>distinguishable [1] - 44:9</p> <p>distinguishing [4] - 37:8, 40:17, 40:23, 42:1</p> <p>distraction [1] - 97:16</p> <p>distribute [1] - 160:6</p> <p>distributing [1] - 14:14</p> <p>distribution [1] - 154:10</p> <p>DISTRICT [2] - 1:3, 1:15</p> <p>district [7] - 26:4, 27:1, 27:3, 27:4, 104:12, 191:8, 191:9</p> <p>District [5] - 19:24, 27:11, 133:17, 207:6, 207:23</p> <p>districts [3] - 21:4, 21:24, 27:14</p> <p>Division [5] - 91:9, 91:24, 92:14, 158:5, 159:2</p> <p>division [6] - 70:21, 71:9, 89:17, 158:10, 159:3, 163:20</p> <p>divisions [1] - 167:9</p> <p>Divisions [1] - 87:9</p> <p>documentation [1] - 154:8</p> <p>documents [7] - 49:2, 49:24, 49:25, 50:3, 58:7, 58:9, 124:5</p> <p>DOKUPIL [20] - 2:14, 8:15, 13:3, 13:9, 30:19, 30:24, 31:13, 32:7, 32:15, 32:19, 33:1, 33:7, 33:11, 53:24, 54:3, 66:21, 197:24, 202:5, 202:14, 205:14</p> <p>Dokupil [2] - 8:15, 12:25</p> <p>Dokupil..... [1] - 3:10</p> <p>Dokupil..... [1] - 3:22</p> <p>Dokupil..... [1] - 3:7</p> <p>dollars [1] - 85:15</p> <p>done [11] - 14:19, 49:21, 50:6, 56:7, 94:22, 114:10, 141:6, 168:14, 190:4, 201:3, 201:17</p> <p>doubt [1] - 20:13</p> <p>down [7] - 18:25, 27:4, 28:12, 49:13,</p>
---	---	---	--	---

<p>157:18, 163:25, 188:18</p> <p>dozen [1] - 176:11</p> <p>drafted [1] - 99:12</p> <p>drew [1] - 22:7</p> <p>drive [2] - 91:6, 176:7</p> <p>drive-through [1] - 176:7</p> <p>driver's [1] - 78:22</p> <p>driving [1] - 10:9</p> <p>drop [4] - 90:24, 91:5, 91:6, 107:6</p> <p>drop-off [1] - 90:24</p> <p>drop-offs [1] - 107:6</p> <p>duly [2] - 69:23, 146:9</p> <p>Dumpty [3] - 130:20, 131:1, 194:21</p> <p>during [16] - 8:5, 9:21, 25:11, 60:5, 77:13, 77:15, 118:18, 120:9, 120:12, 121:14, 134:19, 175:13, 181:5, 182:13, 182:25, 197:20</p> <p>duties [28] - 39:3, 47:9, 52:23, 76:22, 77:22, 79:19, 84:22, 122:22, 123:2, 126:24, 128:13, 148:3, 148:7, 148:14, 150:21, 151:2, 151:3, 152:2, 152:18, 152:25, 153:1, 159:14, 169:16, 177:7, 184:7, 187:14, 187:18</p> <p>duty [3] - 9:19, 149:4, 163:14</p>	<p>105:18, 133:18, 182:13</p> <p>easier [4] - 7:15, 58:3, 60:21, 76:4</p> <p>East [1] - 41:23</p> <p>easy [1] - 130:16</p> <p>EBS [1] - 25:3</p> <p>economic [2] - 129:15, 194:18</p> <p>education [1] - 70:8</p> <p>effect [14] - 42:7, 43:7, 43:9, 81:11, 129:1, 130:15, 135:24, 136:3, 143:7, 143:22, 171:10, 172:16, 173:11, 178:22</p> <p>effective [2] - 168:16, 174:4</p> <p>effectively [2] - 137:16, 164:13</p> <p>effects [1] - 25:19</p> <p>efficiencies [2] - 85:25, 94:10</p> <p>efficient [4] - 60:11, 77:24, 77:25, 114:23</p> <p>efficiently [1] - 164:13</p> <p>eight [1] - 194:22</p> <p>either [17] - 32:10, 44:3, 45:14, 60:19, 60:22, 61:19, 62:5, 63:16, 64:18, 66:8, 71:6, 123:7, 128:22, 133:1, 142:7, 153:3, 201:25</p> <p>ELDRED [28] - 2:12, 8:9, 11:3, 11:5, 11:19, 12:25, 61:1, 61:16, 62:1, 62:21, 63:6, 64:7, 65:12, 65:16, 66:17, 66:23, 67:5, 67:11, 67:15, 147:10, 203:8, 204:3, 204:15, 204:17, 205:12, 205:15, 205:25, 206:16</p> <p>Eldred [3] - 8:10, 61:24, 65:20</p> <p>elect [1] - 79:23</p> <p>elected [29] - 13:15, 79:4, 79:10, 131:20, 132:17, 133:23, 142:24, 143:4, 144:24, 162:9, 164:25, 165:5, 165:8, 166:12, 166:20, 167:9, 167:14, 167:17, 171:4, 171:13,</p>	<p>175:3, 178:8, 179:3, 179:5, 195:25, 196:1, 199:13, 199:21</p> <p>Election [52] - 4:22, 70:4, 71:4, 71:10, 72:6, 72:19, 74:13, 75:20, 79:2, 79:6, 80:2, 80:10, 80:21, 80:22, 81:10, 82:12, 82:24, 86:25, 87:10, 89:19, 90:1, 91:8, 91:23, 94:24, 95:11, 95:20, 96:12, 97:25, 100:16, 102:4, 117:25, 122:25, 135:8, 139:9, 147:21, 148:18, 152:2, 153:12, 154:11, 154:17, 158:12, 160:21, 163:16, 163:17, 164:5, 184:4, 185:12, 188:4, 192:4, 192:7, 192:19, 193:9</p> <p>election [258] - 14:7, 14:8, 14:10, 14:12, 14:18, 15:12, 15:13, 15:18, 15:19, 16:10, 16:16, 19:9, 21:24, 27:21, 31:7, 34:12, 35:13, 35:16, 38:21, 43:6, 43:21, 46:12, 58:18, 58:23, 59:7, 59:9, 70:25, 71:8, 71:11, 71:12, 73:5, 73:7, 73:8, 73:14, 73:24, 74:13, 74:18, 74:20, 74:23, 75:1, 75:8, 75:9, 75:15, 75:19, 75:22, 76:12, 76:24, 77:14, 77:15, 77:18, 77:19, 78:1, 78:5, 78:8, 78:9, 78:13, 80:4, 80:6, 81:4, 81:9, 81:12, 82:5, 82:25, 83:4, 83:8, 83:10, 83:12, 83:17, 83:18, 83:21, 83:23, 85:1, 85:7, 86:7, 89:16, 89:21, 91:2, 91:20, 93:8, 93:10, 94:7, 95:1, 95:8, 95:17, 95:19, 96:10, 96:21, 96:23, 96:25, 97:12, 97:15, 98:17, 101:15, 101:17, 102:25, 103:3, 103:6, 103:10, 103:11,</p>	<p>103:12, 104:1, 104:9, 105:5, 105:6, 105:7, 105:13, 105:14, 105:16, 105:19, 106:1, 106:3, 106:4, 106:5, 106:8, 106:10, 106:11, 106:12, 106:13, 106:14, 106:16, 106:20, 107:5, 107:8, 107:25, 108:8, 108:23, 109:13, 110:21, 117:3, 118:14, 118:18, 118:19, 118:20, 120:8, 120:9, 120:13, 120:17, 120:18, 120:22, 120:23, 120:25, 121:7, 121:12, 121:15, 122:2, 122:6, 125:2, 125:19, 126:22, 129:22, 130:5, 132:14, 132:18, 132:21, 132:25, 133:10, 134:2, 134:10, 134:13, 134:15, 134:17, 135:4, 135:6, 136:6, 136:9, 136:19, 137:19, 138:2, 138:17, 138:20, 139:16, 140:24, 141:17, 141:21, 142:5, 142:6, 142:7, 143:8, 148:19, 149:4, 149:6, 149:12, 149:13, 152:2, 152:9, 152:24, 153:1, 153:6, 156:9, 158:20, 159:11, 159:19, 159:21, 160:3, 161:1, 161:9, 161:21, 162:8, 162:17, 163:1, 167:16, 168:3, 168:4, 168:6, 168:10, 168:13, 168:14, 170:24, 173:22, 174:15, 174:20, 175:18, 177:19, 181:6, 181:11, 181:12, 181:13, 181:19, 182:6, 182:7, 182:14, 183:13, 184:5, 184:7, 184:8, 184:16, 184:21,</p>	<p>185:2, 185:6, 185:15, 186:8, 186:9, 186:18, 186:21, 186:24, 187:10, 187:15, 187:20, 187:21, 190:20, 191:22, 191:23, 193:5, 193:6, 193:16, 196:14, 197:11, 197:14, 198:22, 200:15</p> <p>Elections [33] - 4:13, 71:23, 72:2, 72:5, 72:9, 72:10, 80:5, 80:7, 81:16, 84:23, 87:8, 92:13, 102:12, 124:15, 129:2, 147:5, 147:19, 148:15, 148:24, 151:9, 151:20, 155:1, 158:4, 158:5, 158:8, 159:1, 167:22, 172:18, 173:2, 173:8, 178:5, 178:11, 184:11</p> <p>elections [217] - 14:3, 14:9, 15:6, 16:1, 18:13, 21:21, 21:23, 22:1, 23:21, 27:8, 27:19, 29:20, 29:23, 31:8, 31:10, 33:21, 37:22, 38:22, 39:1, 41:11, 42:6, 42:23, 42:25, 46:14, 46:22, 47:8, 47:13, 47:14, 47:18, 47:20, 48:4, 52:13, 52:24, 53:2, 55:23, 58:16, 59:3, 59:5, 59:10, 70:18, 70:19, 70:21, 70:22, 71:2, 71:9, 72:1, 72:3, 72:15, 72:21, 72:24, 73:10, 73:13, 73:15, 73:17, 73:18, 73:21, 73:22, 74:3, 74:6, 74:8, 75:4, 75:6, 75:23, 75:25, 76:2, 76:15, 77:1, 77:17, 78:10, 78:18, 79:20, 79:25, 81:15, 81:25, 82:21, 84:9, 84:10, 84:25, 85:8, 85:9, 85:25, 86:2, 86:6, 89:6, 89:11, 89:12, 89:14, 89:17, 89:25, 90:10, 92:23, 93:16, 94:18, 96:9, 96:10, 97:2, 97:16, 100:25, 103:3, 104:14, 105:3,</p>
E				
<p>E-mail [5] - 5:14, 5:15, 5:16, 5:17, 5:18</p> <p>e-mail [3] - 9:16, 65:14, 112:8</p> <p>e-mails [3] - 58:17, 100:12, 100:13</p> <p>EA [7] - 76:7, 79:1, 79:2, 109:22, 148:6, 199:20, 200:1</p> <p>EA's [1] - 156:16</p> <p>EAC [1] - 72:19</p> <p>earliest [7] - 34:5, 173:6, 173:13, 173:17, 174:16, 174:19, 174:24</p> <p>early [6] - 83:6, 103:12, 105:17,</p>				

105:4, 107:16,
117:13, 117:16,
117:18, 117:22,
120:12, 121:16,
122:12, 122:17,
122:20, 125:7,
125:14, 127:4,
127:14, 128:2,
128:6, 128:14,
130:2, 130:3, 131:5,
131:6, 131:9,
131:11, 132:8,
133:23, 134:4,
136:17, 136:20,
136:24, 137:6,
137:17, 138:23,
139:2, 141:1, 141:9,
142:25, 146:17,
149:21, 150:25,
151:3, 153:3,
153:18, 154:5,
155:11, 155:25,
156:22, 158:10,
158:18, 158:21,
159:3, 159:10,
159:17, 160:10,
161:3, 161:12,
161:16, 162:5,
162:12, 163:4,
163:5, 163:11,
163:20, 164:12,
164:15, 165:7,
166:8, 168:1, 168:2,
168:7, 168:19,
169:15, 170:11,
170:18, 170:21,
170:23, 171:9,
171:11, 171:17,
171:22, 172:7,
172:13, 175:11,
175:14, 176:17,
176:22, 176:25,
177:6, 178:3, 180:3,
180:6, 181:5, 181:7,
181:12, 182:25,
183:4, 184:12,
185:17, 185:21,
186:4, 186:20,
190:19, 192:5,
193:19, 195:17,
195:23, 195:24,
196:12, 196:15,
196:19, 198:13,
200:12
electoral [1] - 148:2
electronic [4] - 49:25,
65:12, 149:15, 164:3
electronically [2] -
49:17, 99:23
electronics [2] - 8:2,
13:7

element [5] - 30:5,
39:14, 45:25, 76:9,
103:20
Elgin [1] - 58:21
eligible [2] - 105:15,
105:16
eliminated [1] - 76:21
Ellis [3] - 151:9,
151:25, 152:22
embodiment [1] -
13:18
embody [1] - 198:11
emergency [1] - 9:19
Emergency [1] - 5:3
employability [1] -
130:12
employee [7] - 81:20,
81:22, 82:3, 146:25,
152:6, 152:9
employees [11] -
16:18, 20:4, 20:5,
85:12, 102:19,
102:22, 108:21,
128:19, 131:15,
131:20, 132:5
employer [1] - 53:17
employment [1] -
102:16
enable [1] - 113:4
enacted [2] - 25:14,
26:11
enacting [1] - 17:22
enactment [1] - 26:10
enacts [1] - 25:21
encompassed [1] -
21:25
encounter [2] - 78:5,
83:21
encountered [1] -
83:22
end [11] - 10:19,
11:18, 11:21, 18:1,
50:4, 76:3, 174:12,
177:18, 186:24,
196:23, 198:3
endorse [1] - 52:5
enemies [1] - 24:17
enforce [13] - 30:2,
30:14, 31:16, 32:12,
32:25, 35:18, 61:23,
94:5, 97:23, 97:24,
98:25, 193:2
enforced [3] - 30:12,
33:12, 98:25
enforcement [54] -
28:13, 28:15, 28:17,
29:1, 30:9, 30:15,
31:18, 32:10, 32:11,
32:14, 32:21, 33:8,
33:15, 33:18, 34:9,

34:12, 34:15, 34:19,
34:24, 35:14, 35:19,
35:22, 35:25, 36:10,
36:12, 48:25, 58:8,
58:22, 59:8, 59:22,
61:5, 61:11, 62:8,
71:4, 71:10, 72:18,
89:5, 96:12, 97:18,
98:21, 98:22, 99:7,
99:10, 99:13,
100:15, 100:23,
103:4, 192:13,
201:5, 201:14,
201:16, 201:20
enforcing [2] - 29:25,
97:25
Engineering [1] -
34:21
engrafted [2] - 53:10,
53:11
enjoin [1] - 115:20
enjoined [1] - 172:16
enjoining [1] - 197:19
ensure [2] - 38:25,
78:2
ensuring [4] - 75:25,
85:3, 103:21, 169:10
entail [1] - 163:14
enter [1] - 60:16
entered [4] - 67:25,
85:6, 133:18, 191:16
entire [6] - 26:20,
39:9, 91:6, 105:21,
107:15, 198:11
entirely [1] - 177:3
entirety [1] - 33:16
entities [7] - 58:21,
104:13, 104:15,
105:2, 105:10,
105:24, 161:8
entitled [4] - 1:22,
64:2, 204:11, 205:8
entity [3] - 75:23,
117:3, 148:13
equipment [8] - 133:2,
138:1, 138:9,
160:11, 160:12,
164:7, 182:12,
183:14
equities [2] - 193:15,
197:10
equivalent [1] - 106:9
era [1] - 52:15
error [1] - 63:18
errors [1] - 15:11
essence [1] - 203:14
essentially [7] - 12:5,
23:17, 23:18, 24:16,
28:12, 59:15, 108:3
establish [4] - 29:21,

30:3, 36:1, 156:8
established [2] - 30:7,
193:22
Euless [1] - 23:6
evade [2] - 39:16,
39:25
event [1] - 103:10
events [1] - 26:10
eventually [4] - 23:5,
109:3, 169:23, 190:8
ever-changing [1] -
57:21
everybody's.. [1] -
144:17
evidence [37] - 7:10,
12:10, 12:20, 25:13,
36:9, 48:19, 49:3,
50:7, 51:9, 51:12,
54:2, 58:2, 60:16,
60:17, 60:18, 61:9,
66:12, 68:1, 68:7,
68:20, 88:22, 97:20,
98:22, 100:3,
112:25, 140:4,
140:12, 143:13,
144:7, 189:4, 189:5,
190:23, 191:14,
196:1, 201:19,
207:9, 207:16
exactly [9] - 38:19,
40:1, 54:9, 112:13,
112:18, 119:8,
119:9, 119:23,
139:22
examination [5] -
7:22, 111:7, 112:24,
157:8, 179:12
EXAMINATION [8] -
69:24, 115:3, 124:3,
144:21, 146:10,
158:2, 179:16, 184:2
examine [1] - 113:17
example [29] - 22:6,
33:13, 42:3, 42:7,
42:10, 43:4, 44:11,
44:22, 45:2, 45:16,
47:5, 47:10, 58:12,
59:4, 79:16, 90:22,
110:20, 131:14,
151:25, 159:25,
168:4, 169:12,
169:13, 172:15,
184:21, 186:3,
190:17, 195:14,
200:1
examples [2] - 90:11,
109:17
exceed [1] - 23:11
exceeds [1] - 125:19
except [2] - 125:23,

168:15
exception [4] - 50:21,
62:4, 77:12
exceptions [1] - 48:21
exchange [1] - 77:19
excluded [1] - 48:8
exclusive [2] - 23:11,
35:15
excuse [2] - 50:16,
206:2
Excuse [1] - 126:10
excused [4] - 157:19,
188:17, 206:18,
206:20
executive [1] - 65:21
exercise [3] - 62:10,
93:21, 172:17
exercises [1] - 62:7
EXHIBIT [1] - 4:1
Exhibit [14] - 58:12,
59:18, 88:15, 98:5,
98:7, 100:19, 124:6,
124:7, 124:12,
124:14, 143:12,
143:15
exhibit [4] - 49:16,
49:18, 50:11, 137:12
Exhibits [9] - 58:19,
58:23, 59:17, 63:5,
88:25, 100:1, 100:6,
100:17, 124:25
exhibits [29] - 48:20,
50:11, 50:15, 57:25,
58:6, 60:12, 60:13,
60:20, 60:21, 60:23,
60:24, 62:19, 62:23,
62:24, 63:3, 63:8,
64:22, 67:19, 67:25,
88:3, 88:10, 88:13,
88:20, 97:18, 98:3,
98:16, 99:19, 192:1,
207:16
exist [3] - 18:10,
30:14, 76:25
existed [3] - 18:7,
137:10, 137:12
existence [1] - 96:22
existing [3] - 73:1,
83:14, 109:4
exists [3] - 18:9, 57:7,
173:3
expanded [1] - 22:20
expansion [1] - 23:7
expect [3] - 11:1,
101:15, 102:13
expecting [1] - 112:19
expedited [1] - 154:19
expenditure [1] -
160:7
expenses [1] - 92:24

<p>experience [10] - 29:22, 70:18, 70:25, 71:1, 71:21, 76:8, 127:4, 127:9, 130:10, 136:6</p> <p>experiences [1] - 86:6</p> <p>expert [3] - 128:7, 140:24, 141:1</p> <p>expertise [2] - 76:14, 106:1</p> <p>Expiration [1] - 207:22</p> <p>explain [6] - 42:10, 58:4, 129:20, 139:7, 167:12, 179:18</p> <p>explained [1] - 21:5</p> <p>explanation [3] - 137:5, 167:22, 196:17</p> <p>explanations [1] - 19:4</p> <p>explore [1] - 17:1</p> <p>explores [1] - 24:19</p> <p>express [2] - 148:9, 163:19</p> <p>expressed [1] - 200:25</p> <p>expresses [2] - 25:21, 52:6</p> <p>extend [2] - 68:4, 176:12</p> <p>extending [1] - 135:2</p> <p>extent [8] - 30:11, 31:17, 34:19, 49:14, 113:16, 122:3, 160:3, 200:9</p> <p>extra [1] - 37:25</p> <p>extremely [1] - 130:25</p>	<p>190:2, 190:24, 191:12, 194:15, 195:22, 196:18, 196:21, 199:24, 200:4, 203:13</p> <p>factors [3] - 21:17, 45:20, 187:4</p> <p>facts [12] - 18:8, 19:3, 24:11, 28:1, 29:21, 30:22, 31:1, 35:21, 35:24, 36:1, 147:4, 151:14</p> <p>failing [1] - 197:15</p> <p>fair [11] - 73:16, 75:4, 115:16, 116:22, 120:7, 120:11, 156:2, 159:12, 162:10, 164:14, 172:19</p> <p>fairly [2] - 28:8, 30:6</p> <p>faith [1] - 15:4</p> <p>familiar [16] - 73:16, 73:18, 73:23, 74:8, 74:11, 80:22, 89:14, 94:19, 132:13, 132:16, 143:1, 150:10, 154:11, 155:17, 165:11</p> <p>far [5] - 15:21, 75:6, 76:7, 113:20, 161:7</p> <p>fashion [2] - 73:15, 90:16</p> <p>fast [1] - 42:11</p> <p>fast-forwarded [1] - 42:11</p> <p>favor [1] - 24:7</p> <p>favorable [3] - 28:10, 30:8, 190:4</p> <p>favorably [1] - 22:25</p> <p>fear [1] - 176:2</p> <p>federal [2] - 72:25, 163:25</p> <p>few [4] - 51:23, 83:22, 136:5, 185:25</p> <p>field [1] - 182:13</p> <p>Fifth [1] - 34:21</p> <p>figure [7] - 18:8, 42:13, 55:5, 85:16, 112:4, 153:16, 177:24</p> <p>file [12] - 10:23, 31:3, 54:4, 63:25, 64:11, 66:18, 101:21, 102:4, 102:13, 112:17, 174:11, 202:23</p> <p>filed [24] - 10:9, 15:19, 30:21, 49:7, 52:1, 59:2, 59:4, 59:13, 63:14, 63:15, 64:7,</p>	<p>64:15, 66:24, 95:18, 112:5, 112:13, 112:15, 112:17, 116:5, 120:21, 155:20, 179:25, 189:20, 204:5</p> <p>files [1] - 190:18</p> <p>filing [2] - 63:25, 192:24</p> <p>filings [1] - 66:1</p> <p>final [8] - 14:23, 78:24, 147:3, 194:10, 194:11, 194:22, 198:16, 206:3</p> <p>finalize [1] - 93:10</p> <p>finally [1] - 201:20</p> <p>financed [1] - 27:2</p> <p>findings [1] - 180:18</p> <p>fine [3] - 20:6, 71:16, 140:18</p> <p>finer [1] - 110:5</p> <p>finished [1] - 206:9</p> <p>fire [9] - 44:13, 44:16, 135:15, 135:20, 136:2, 174:24, 178:14, 178:19, 197:7</p> <p>fired [2] - 135:23, 178:11</p> <p>fires [1] - 80:6</p> <p>firing [5] - 30:9, 115:20, 173:7, 173:15, 174:4</p> <p>first [26] - 9:5, 9:6, 11:20, 12:3, 12:19, 13:14, 17:19, 29:1, 36:9, 39:13, 43:18, 51:25, 52:4, 57:23, 68:13, 69:23, 88:3, 96:20, 128:12, 139:16, 146:9, 159:14, 172:3, 179:24, 191:14</p> <p>five [10] - 112:1, 113:20, 113:23, 114:18, 114:20, 157:6, 178:8, 179:4, 196:11</p> <p>fix [5] - 23:24, 42:23, 55:17, 166:6, 182:1</p> <p>Floor [1] - 2:8</p> <p>focus [1] - 59:6</p> <p>focused [2] - 40:4, 200:15</p> <p>focusing [2] - 46:18, 85:8</p> <p>folder [1] - 49:18</p> <p>Foley [4] - 7:15, 207:5, 207:21, 207:21</p> <p>folks [8] - 48:10,</p>	<p>50:15, 57:17, 76:13, 107:17, 107:19, 109:2, 206:8</p> <p>follow [5] - 29:20, 87:2, 87:5, 90:9, 191:18</p> <p>followed [3] - 87:6, 182:17, 182:19</p> <p>following [11] - 1:21, 87:10, 87:15, 87:16, 87:18, 87:20, 87:21, 94:18, 132:1, 172:11, 202:23</p> <p>follows [3] - 69:23, 146:9, 185:12</p> <p>followups [1] - 97:6</p> <p>FOMBONNE [33] - 2:4, 6:15, 7:7, 12:2, 32:3, 36:7, 48:18, 49:4, 49:6, 49:9, 49:11, 49:20, 50:2, 50:9, 57:25, 60:9, 60:14, 61:4, 62:14, 64:25, 66:16, 67:17, 68:12, 99:18, 99:24, 111:21, 111:24, 188:21, 188:23, 189:5, 189:15, 203:21, 206:5</p> <p>Fombonne [5] - 6:15, 58:5, 62:14, 67:17, 189:16</p> <p>Fombonne..... [1] - 3:20</p> <p>foot [1] - 84:24</p> <p>footer [2] - 205:12, 205:19</p> <p>FOR [3] - 2:3, 2:11, 2:20</p> <p>forces [1] - 26:10</p> <p>forcing [1] - 59:7</p> <p>foregoing [1] - 207:7</p> <p>foremost [1] - 159:14</p> <p>forgive [1] - 130:19</p> <p>form [2] - 90:16, 181:22</p> <p>former [1] - 172:7</p> <p>forms [4] - 59:1, 90:14, 90:17, 163:23</p> <p>formula [1] - 162:18</p> <p>Fort [2] - 23:3, 56:6</p> <p>forth [3] - 16:18, 28:11, 180:9</p> <p>forums [1] - 90:18</p> <p>forward [8] - 9:11, 11:12, 76:17, 83:4, 83:12, 107:11, 114:6, 135:6</p> <p>forwarded [1] - 42:11</p> <p>four [11] - 42:5, 42:12,</p>	<p>43:6, 44:16, 72:8, 72:23, 79:10, 141:24, 169:16, 170:2, 202:13</p> <p>four-point [1] - 72:23</p> <p>four-year [1] - 79:10</p> <p>frankly [1] - 193:9</p> <p>free [2] - 145:12, 188:18</p> <p>freeze [1] - 109:18</p> <p>Friar [1] - 2:22</p> <p>Friday [1] - 11:18</p> <p>friend [1] - 61:6</p> <p>friends [3] - 24:17, 99:11, 192:9</p> <p>front [1] - 69:15</p> <p>fulfill [1] - 155:14</p> <p>fulfilling [1] - 159:14</p> <p>full [1] - 10:16</p> <p>function [2] - 78:10, 84:25</p> <p>functions [8] - 16:16, 31:9, 148:3, 148:14, 166:12, 167:13, 174:15, 191:24</p> <p>fund [1] - 160:3</p> <p>fundamentally [3] - 26:23, 27:9, 198:19</p> <p>funding [11] - 80:19, 80:20, 92:22, 138:1, 138:2, 138:8, 160:4, 161:6, 163:24, 187:21</p> <p>funds [16] - 72:22, 92:19, 93:5, 150:10, 150:12, 152:16, 153:24, 154:1, 154:9, 158:21, 158:23, 160:5, 160:14, 180:23, 181:1, 193:25</p> <p>furniture [1] - 140:9</p> <p>future [8] - 16:7, 21:10, 34:18, 54:16, 75:4, 99:5, 130:12, 200:18</p>
F				
<p>face [2] - 148:10, 148:16</p> <p>faced [1] - 22:15</p> <p>facial [2] - 17:19, 53:8</p> <p>facially [5] - 17:6, 17:15, 19:5, 27:24, 36:2</p> <p>facilitate [1] - 177:13</p> <p>facilitated [1] - 71:11</p> <p>fact [36] - 10:8, 14:5, 18:16, 20:12, 22:20, 26:4, 28:7, 31:1, 37:1, 45:10, 54:24, 55:19, 57:1, 61:7, 94:5, 130:5, 140:7, 141:13, 147:5, 152:3, 160:9, 161:11, 176:10, 177:4, 177:10,</p>				
G				
				<p>GA38 [1] - 192:13</p> <p>Galena [1] - 58:21</p> <p>Garcia [4] - 186:4, 186:7, 186:14, 187:10</p> <p>Gardens [1] - 26:1</p> <p>gather [1] - 133:7</p> <p>general [24] - 15:13, 18:16, 26:12, 34:12, 37:5, 55:10, 72:7, 72:13, 72:16, 72:19,</p>

117:16, 118:14,
118:18, 118:19,
120:17, 121:7,
121:12, 121:24,
125:6, 130:23,
138:20, 168:4,
181:13, 194:25
GENERAL [3] - 1:6,
1:8, 2:16
General [31] - 1:14,
4:22, 6:6, 6:8, 6:11,
28:21, 30:12, 31:2,
31:5, 31:23, 32:18,
52:17, 58:13, 59:15,
61:22, 62:5, 62:7,
62:10, 63:24, 94:3,
94:16, 95:14, 95:22,
98:1, 98:24, 131:4,
155:8, 189:25,
192:11, 192:12,
192:24
General's [8] - 58:17,
59:25, 64:2, 108:2,
190:17, 191:17,
192:2, 205:9
generally [4] - 22:17,
46:5, 76:11, 97:25
gentleman [1] - 140:8
geographic [1] - 44:18
geographical [3] -
20:23, 44:8, 44:21
geography [2] - 41:8,
45:2
Georgia [9] - 70:19,
71:1, 71:2, 71:5,
71:8, 71:22, 72:14,
74:15
gerald [1] - 63:11
GERALD [1] - 2:21
Gerald [2] - 7:20,
157:24
Gerry [1] - 51:22
given [10] - 65:19,
67:23, 76:5, 106:1,
110:25, 160:19,
160:23, 162:17,
162:18, 163:15
glad [1] - 206:9
GN-23-003523 [1] -
6:5
govern [1] - 193:19
governing [2] - 80:16,
80:17
government [5] - 48:3,
48:4, 48:6, 58:21,
153:24
Government [2] -
174:7, 174:11
government's [1] -
34:18

Governor [1] - 196:6
governor [1] - 165:2
governor's [1] -
192:13
grad [1] - 70:15
grandfathered [1] -
199:25
grant [7] - 23:9, 36:3,
72:22, 194:16,
197:15, 197:19,
201:7
granted [1] - 202:22
grants [1] - 163:25
Grapevine [1] - 23:6
graph [1] - 47:5
great [5] - 17:1, 26:15,
132:2, 135:5
greater [3] - 55:13,
106:11, 170:3
green [1] - 8:1
Greenway [1] - 2:24
grew [1] - 200:1
grounds [1] - 174:10
group [2] - 58:4, 74:13
groups [1] - 73:9
grow [4] - 45:22,
125:18, 196:18,
200:11
grows [1] - 136:18
gubernatorial [2] -
106:10, 139:16
guess [6] - 47:25,
62:24, 88:2, 94:2,
151:19, 152:20
guidance [7] - 90:2,
90:12, 161:2,
162:16, 163:6,
164:18, 164:20
Guilford [1] - 70:11

H

half [4] - 16:5, 16:9,
16:12, 200:2
hand [7] - 29:6, 29:8,
69:12, 124:5, 126:7,
174:1, 174:3
HAND [1] - 207:18
handle [6] - 12:25,
13:2, 68:11, 90:13,
167:23, 178:6
handling [3] - 79:17,
132:18, 136:25
hands [1] - 38:24
happy [5] - 48:13,
67:6, 79:11, 79:16,
188:25
hard [2] - 65:11, 65:19
harm [19] - 29:7,
29:12, 29:22, 30:3,

30:6, 35:24, 61:12,
103:5, 108:5,
108:18, 110:16,
111:3, 130:22,
130:23, 191:7,
192:22, 197:16,
201:4, 201:16
harmed [1] - 29:18
harmful [3] - 193:17,
193:18
harmonize [1] - 20:18
harms [1] - 107:11
HARRIS [3] - 1:3, 2:3,
2:8
Harris [208] - 6:5, 6:16,
6:20, 6:24, 7:3, 7:6,
14:3, 14:18, 15:3,
15:20, 15:24, 16:4,
16:6, 16:13, 16:20,
16:25, 17:4, 17:17,
19:2, 19:7, 19:12,
19:24, 20:1, 20:7,
20:15, 21:21, 21:24,
21:25, 24:10, 24:13,
26:18, 27:10, 27:18,
27:23, 28:5, 29:2,
30:1, 30:11, 31:3,
31:4, 31:7, 31:8,
32:8, 33:17, 34:24,
34:25, 35:10, 35:21,
35:23, 35:25, 36:21,
37:22, 39:4, 39:19,
39:21, 40:25, 41:10,
41:16, 42:16, 43:14,
44:22, 47:16, 48:12,
53:17, 55:23, 56:2,
58:6, 58:15, 59:9,
59:14, 60:3, 60:5,
62:3, 63:1, 63:8,
67:18, 69:4, 70:4,
72:11, 74:3, 74:5,
80:14, 80:15, 80:16,
80:17, 80:21, 81:14,
81:20, 82:12, 84:23,
86:2, 86:10, 87:11,
92:20, 94:23, 95:6,
96:11, 105:9,
115:10, 115:13,
115:17, 116:22,
117:2, 117:8,
117:12, 117:17,
117:24, 122:19,
124:15, 125:16,
125:17, 125:23,
125:25, 126:1,
126:19, 129:1,
131:5, 131:9,
132:23, 133:1,
133:11, 133:18,
135:3, 135:7,

135:12, 137:6,
141:10, 141:21,
142:1, 142:19,
142:20, 147:21,
148:6, 148:13,
148:23, 149:3,
149:6, 149:21,
150:8, 150:18,
151:8, 151:20,
153:12, 153:18,
154:25, 155:11,
155:21, 155:25,
156:17, 156:21,
159:6, 166:5, 167:7,
167:13, 167:25,
170:7, 170:8,
170:18, 171:9,
171:19, 173:15,
174:17, 174:25,
175:11, 175:14,
175:23, 176:13,
181:4, 184:10,
184:13, 186:3,
186:4, 187:24,
189:16, 190:15,
191:19, 191:22,
192:3, 192:5, 192:8,
192:10, 192:18,
193:8, 195:12,
196:16, 197:7,
197:19, 198:13,
198:18, 198:20,
198:21, 198:23,
198:25, 199:22,
200:17, 201:4,
201:21, 201:25,
202:4, 202:7,
202:10, 203:21
hat [1] - 95:7
HCEA [1] - 5:23
head [4] - 45:15,
104:18, 104:21,
167:9
headed [1] - 164:25
health [1] - 129:16
hear [12] - 12:15,
12:20, 13:16, 48:14,
60:14, 60:20, 71:15,
71:16, 71:17,
114:19, 141:13,
189:2
heard [37] - 1:22, 9:6,
9:20, 15:2, 32:2,
36:22, 43:25, 71:14,
108:2, 113:4,
114:14, 114:18,
122:8, 122:11,
127:25, 131:4,
131:9, 131:14,
137:4, 140:2, 140:4,

140:6, 188:11,
190:16, 191:25,
193:4, 195:15,
197:16, 197:25,
199:6, 199:7,
201:20, 202:4,
202:7, 202:8,
202:11, 202:19
hearing [11] - 11:10,
12:18, 31:22, 49:13,
61:14, 67:24, 68:4,
114:2, 194:10,
205:18, 205:24
hearings [1] - 167:2
Hegar [1] - 25:4
held [5] - 1:23, 20:14,
20:24, 44:3, 134:23
help [6] - 95:2, 120:10,
121:1, 121:17,
163:20, 181:25
Help [2] - 71:23, 71:24
helpful [2] - 64:21,
99:21
helping [2] - 71:24,
169:4
HER [2] - 1:7, 1:9
hereby [1] - 207:7
herself [1] - 146:23
Hidalgo [1] - 15:9
hiding [1] - 38:3
high [4] - 25:6, 89:15,
93:12, 106:23
higher [2] - 79:7,
180:2
highlight [1] - 170:16
highly [2] - 46:9,
47:17
hill [1] - 45:11
hire [3] - 108:21,
108:24, 109:5
hired [5] - 79:2, 83:10,
107:4, 107:5, 123:6
hires [1] - 80:4
hiring [3] - 108:24,
109:8, 109:9
HISD [1] - 104:12
historical [1] - 139:24
history [20] - 13:21,
13:22, 17:1, 20:18,
20:20, 24:14, 25:8,
25:25, 26:1, 37:24,
43:11, 49:1, 55:1,
55:2, 55:14, 87:23,
88:18, 126:2,
126:18, 198:4
hit [1] - 125:20
hits [2] - 42:17, 43:1
holding [1] - 154:4
Hollands [1] - 175:13
Hollins [1] - 175:12

Hollins' [1] - 175:13
home [1] - 139:14
homeowner [1] - 23:10
Honor [120] - 7:7, 7:18, 8:23, 9:15, 10:8, 11:19, 31:14, 43:4, 48:24, 49:6, 51:7, 51:15, 51:17, 51:21, 51:25, 52:16, 53:7, 53:12, 53:18, 56:13, 56:17, 56:25, 57:25, 58:5, 61:16, 63:6, 63:12, 64:12, 65:16, 66:11, 66:17, 67:11, 67:19, 68:12, 68:15, 68:22, 69:2, 69:3, 69:8, 87:22, 88:1, 88:12, 88:23, 89:2, 97:17, 98:11, 98:15, 98:19, 99:9, 99:18, 99:24, 100:21, 101:3, 101:5, 101:22, 111:5, 111:8, 112:23, 113:19, 114:25, 115:18, 115:21, 116:5, 116:9, 116:14, 117:1, 123:16, 123:22, 124:1, 124:18, 124:22, 126:4, 127:1, 127:3, 127:22, 131:22, 132:20, 134:10, 136:11, 137:20, 139:9, 141:2, 143:10, 143:16, 143:19, 144:2, 144:10, 144:15, 144:19, 145:4, 145:8, 145:14, 147:9, 147:10, 157:2, 157:6, 157:11, 157:24, 165:17, 166:16, 179:2, 179:14, 183:21, 183:25, 188:10, 188:15, 188:21, 188:23, 189:11, 189:15, 194:6, 196:5, 197:24, 202:11, 203:8, 204:1, 204:10, 205:25, 206:11, 206:16
Honorable [1] - 1:23
hook [1] - 36:16
hope [2] - 108:24, 159:23

hopefully [1] - 13:6
hoping [2] - 84:14, 106:14
Hospital [2] - 19:24, 45:16
hospital [2] - 20:3, 55:15
hospitals [1] - 45:19
host [1] - 24:1
hotline [1] - 164:1
hour [4] - 114:3, 176:13, 206:7
hours [9] - 14:19, 14:20, 14:21, 14:22, 109:4, 111:16, 135:2, 176:13, 202:13
house [1] - 37:20
House [1] - 4:13
housekeeping [4] - 11:25, 65:3, 66:10, 112:3
Houston [11] - 2:9, 2:22, 2:25, 20:9, 55:17, 55:19, 55:25, 104:8, 106:12, 140:8, 185:16
Humpty [3] - 130:20, 131:1, 194:21
hundred [1] - 44:16
hypothetical [2] - 34:20, 173:1
hypothetically [1] - 123:10

I

idea [2] - 82:9, 191:5
ideas [3] - 110:23, 110:24, 199:7
identified [6] - 16:4, 83:24, 84:3, 86:10, 110:9, 182:8
identify [2] - 124:7, 124:12
Ill [9] - 16:22, 18:1, 18:4, 19:5, 19:10, 20:19, 22:21, 24:15, 38:7
imagine [3] - 55:8, 57:3, 198:8
immediately [2] - 36:24, 94:8
immigrants [1] - 196:7
imminent [1] - 32:10
immunity [3] - 12:7, 17:12, 17:14
impact [7] - 15:25, 21:23, 27:19, 43:21, 47:18, 106:20,

107:13
impacted [4] - 20:2, 47:11, 169:5, 182:21
impacts [1] - 42:8
impending [1] - 109:10
implement [10] - 81:7, 84:5, 84:8, 84:14, 84:19, 89:23, 90:9, 121:7, 121:11, 121:23
implementation [2] - 81:6, 86:18
implementing [3] - 75:12, 85:23, 191:8
importance [1] - 148:17
importance [1] - 23:14
important [16] - 21:17, 23:15, 23:18, 23:21, 24:18, 37:7, 38:13, 39:2, 40:24, 103:9, 117:13, 126:20, 127:6, 134:9, 142:24, 170:16
importantly [4] - 14:15, 38:18, 40:2, 198:15
impose [1] - 155:24
improperly [1] - 17:8
improve [1] - 196:2
improvement [1] - 195:19
IN [3] - 1:7, 1:9, 1:3
inches [1] - 71:19
include [5] - 16:13, 65:23, 104:16, 129:21, 146:22
included [6] - 47:22, 50:11, 57:14, 57:19, 114:15, 207:10
includes [4] - 19:21, 31:1, 100:10, 159:24
including [4] - 31:7, 45:5, 157:13, 191:22
inconsistent [1] - 171:2
increase [6] - 60:6, 166:7, 166:24, 190:21, 195:13, 195:16
increased [1] - 43:13
increasing [1] - 107:6
incredibly [3] - 40:23, 44:12, 57:10
indeed [2] - 18:22, 159:9
independently [1] - 34:10
INDEX [2] - 3:1, 4:1
indicate [1] - 180:5

indicated [3] - 83:5, 85:2, 121:5
individual [4] - 25:11, 183:15, 198:10
individuals [13] - 149:24, 151:1, 151:15, 153:24, 156:7, 168:17, 180:1, 184:19, 184:20, 184:23, 187:17, 187:21
indulgence [1] - 206:12
indulging [1] - 206:6
industry [1] - 73:22
inform [2] - 55:1, 55:2
information [20] - 72:9, 72:21, 77:19, 103:18, 104:25, 111:17, 133:7, 149:4, 149:13, 151:12, 154:19, 154:24, 155:2, 161:25, 164:17, 181:21, 181:22, 183:5, 184:20, 188:1
informed [2] - 14:23, 111:17
inherently [1] - 171:2
initial [1] - 181:21
initiate [3] - 174:22, 180:8, 180:15
initiating [1] - 169:19
INJUNCTION [2] - 1:18, 3:2
Injunction [6] - 64:4, 68:20, 69:1, 88:20, 203:16, 205:11
injunction [22] - 9:7, 12:5, 46:14, 46:19, 53:15, 58:11, 66:13, 112:25, 129:9, 130:11, 133:16, 190:6, 193:23, 194:8, 194:16, 197:15, 197:19, 201:22, 202:9, 204:8, 205:20
Injunctive [1] - 203:17
injunctive [2] - 12:21, 115:11
injury [8] - 28:7, 28:9, 30:7, 190:2, 190:16, 190:24, 191:1, 191:11
instance [3] - 35:23, 75:10, 94:12
instant [1] - 177:16
instead [3] - 32:23, 48:22, 58:4

institute [2] - 177:9, 179:22
instructed [1] - 109:2
instructions [1] - 182:18
insufficient [1] - 140:3
insurance [1] - 129:16
integrity [3] - 15:5, 58:18, 187:8
intend [1] - 98:24
intended [3] - 34:8, 39:16, 91:9
intending [1] - 60:18
intent [15] - 13:18, 13:22, 17:2, 24:15, 24:18, 25:13, 25:20, 25:21, 39:13, 45:25, 54:7, 54:9, 55:4, 61:21, 88:8
intention [3] - 164:16, 166:21, 198:3
intentionally [1] - 132:7
intents [1] - 52:6
inter [1] - 66:6
interact [1] - 73:5
interacted [1] - 73:7
interaction [1] - 180:2
interactions [1] - 94:4
interest [14] - 10:20, 21:14, 21:20, 22:2, 22:5, 22:14, 22:23, 26:18, 27:6, 27:9, 27:13, 27:17, 27:21, 197:14
interested [1] - 13:16
interests [1] - 13:19
intergovernmental [1] - 87:11
Interim [1] - 6:7
internal [1] - 31:18
international [1] - 57:5
internet [1] - 37:18
interleader [1] - 65:24
interpretation [2] - 25:2, 25:19
interpretations [2] - 24:25, 200:9
interpreted [1] - 205:4
interpreting [1] - 25:16
interpretive [1] - 25:17
interrupt [1] - 65:18
intervened [3] - 59:15, 64:5, 202:15
Intervener [1] - 6:11
intervenor [14] - 7:19, 24:10, 24:19, 27:24,

<p>36:1, 63:12, 66:11, 143:14, 145:10, 157:7, 157:9, 157:25, 188:12, 188:13</p> <p>INTERVENOR [1] - 2:20</p> <p>Intervenor [9] - 8:25, 9:16, 16:20, 16:25, 17:5, 51:10, 64:3, 203:17, 205:10</p> <p>INTERVENOR'S [1] - 5:21</p> <p>Intervenor's [5] - 26:13, 124:20, 124:25, 204:4, 205:8</p> <p>intervenor's [2] - 64:2, 124:23</p> <p>Intervenor/Cross [1] - 1:13</p> <p>intervention [10] - 9:8, 59:11, 63:15, 63:23, 64:7, 65:24, 65:25, 66:6, 67:6, 204:25</p> <p>Intervention [3] - 64:19, 116:8, 202:25</p> <p>interventions [2] - 64:14, 67:12</p> <p>Interview [1] - 5:4</p> <p>interviewing [1] - 76:14</p> <p>introduced [1] - 8:24</p> <p>invalid [4] - 17:6, 17:15, 27:24, 36:2</p> <p>investigate [2] - 155:20, 156:16</p> <p>investigation [6] - 34:1, 156:4, 168:20, 170:11, 170:13, 172:10</p> <p>investigative [1] - 180:8</p> <p>invited [1] - 50:17</p> <p>involved [6] - 34:3, 72:23, 73:11, 73:13, 76:10, 183:16</p> <p>involvement [1] - 170:1</p> <p>involves [4] - 169:2, 169:3, 169:4, 179:21</p> <p>irrational [1] - 195:7</p> <p>irrelevant [5] - 13:22, 25:8, 88:18, 99:13, 143:17</p> <p>irreparable [4] - 130:22, 130:23, 194:20, 197:16</p> <p>Irving [1] - 23:5</p> <p>Isabel [2] - 117:25, 121:15</p>	<p>ISD [2] - 58:21, 58:22</p> <p>islands [1] - 22:10</p> <p>isolated [2] - 42:19, 187:19</p> <p>issue [33] - 9:24, 10:14, 19:10, 26:5, 26:22, 27:13, 27:16, 27:17, 32:13, 45:7, 46:8, 47:16, 55:15, 55:22, 57:16, 116:2, 116:4, 134:15, 134:17, 135:5, 159:20, 163:6, 180:10, 181:20, 181:25, 182:5, 182:20, 183:9, 185:18, 190:7, 197:4, 202:17, 204:12</p> <p>issued [4] - 89:18, 125:3, 129:9, 130:11</p> <p>issues [30] - 12:4, 12:18, 15:17, 26:4, 63:21, 65:3, 78:4, 83:21, 112:2, 121:14, 121:20, 121:25, 132:25, 133:13, 134:11, 134:20, 155:8, 158:20, 175:21, 178:7, 181:10, 181:15, 181:16, 181:17, 182:13, 182:24, 183:1, 183:16, 198:22</p> <p>issuing [2] - 72:22, 79:22</p> <p>IT [1] - 85:4</p> <p>itself [13] - 21:6, 21:15, 28:25, 29:18, 30:16, 71:12, 92:7, 103:3, 110:7, 177:12, 182:2, 183:15, 191:9</p>	<p>jeopardy [1] - 185:17</p> <p>job [14] - 53:13, 76:20, 79:8, 79:24, 101:9, 101:19, 129:1, 129:9, 129:12, 135:23, 136:3, 163:4, 177:7, 194:17</p> <p>join [1] - 82:10</p> <p>joined [3] - 71:22, 72:5, 94:23</p> <p>joining [1] - 167:9</p> <p>joint [5] - 23:9, 30:18, 30:21, 30:25, 31:11</p> <p>jointly [2] - 23:4, 57:5</p> <p>Jonathan [4] - 6:15, 58:5, 67:17, 189:16</p> <p>JONATHAN [1] - 2:4</p> <p>judge [7] - 9:19, 12:2, 48:18, 66:16, 71:7, 138:16, 153:2</p> <p>Judge [24] - 1:23, 8:9, 8:12, 11:5, 15:9, 36:15, 36:20, 36:24, 37:6, 37:15, 37:23, 38:13, 39:7, 39:13, 41:20, 42:4, 43:24, 47:3, 47:15, 47:23, 48:15, 79:3, 203:10, 205:13</p> <p>judges [13] - 83:9, 91:3, 91:5, 107:4, 138:3, 138:11, 138:18, 138:19, 138:20, 138:21, 138:25, 161:21</p> <p>judgment [3] - 17:12, 190:9, 196:25</p> <p>judicial [2] - 65:21, 144:6</p> <p>JUDICIAL [1] - 1:15</p> <p>judicially [1] - 53:11</p> <p>juggle [1] - 10:2</p> <p>juggling [1] - 9:22</p> <p>July [6] - 1:21, 81:1, 81:22, 82:3, 82:4, 82:23</p> <p>jurisdiction [26] - 9:4, 11:8, 12:1, 12:3, 12:16, 12:24, 13:13, 17:9, 23:17, 36:4, 38:25, 47:1, 48:2, 52:1, 54:5, 61:10, 63:14, 64:16, 112:6, 117:6, 129:23, 189:22, 191:2, 204:8, 205:6</p> <p>JURISDICTION [3] - 1:19, 3:2, 3:6</p> <p>Jurisdiction [7] - 50:4, 64:19, 68:18, 68:21,</p>	<p>189:20, 203:15, 204:12</p> <p>jurisdictional [6] - 11:7, 12:12, 17:15, 27:14, 112:2, 188:24</p> <p>jury [1] - 50:17</p> <p>Justice [1] - 70:11</p> <p>justiciable [1] - 202:16</p> <p>juxtapose [1] - 43:3</p>	<p>27:21, 183:16</p> <p>largest [6] - 15:21, 15:23, 27:18, 117:3, 117:5, 129:23</p> <p>last [15] - 62:13, 64:1, 66:24, 100:23, 103:11, 108:10, 112:6, 116:5, 175:9, 179:1, 181:6, 189:20, 190:10, 202:3, 204:5</p> <p>late [5] - 82:23, 103:20, 110:21, 116:5, 206:2</p> <p>laundry [1] - 38:10</p> <p>law [95] - 13:17, 14:19, 16:21, 17:22, 18:15, 18:16, 19:16, 20:12, 20:15, 20:21, 20:22, 21:2, 22:4, 22:6, 24:3, 25:22, 26:5, 26:6, 26:8, 26:11, 26:14, 26:20, 26:22, 29:4, 29:7, 29:8, 29:21, 29:25, 34:12, 35:7, 35:16, 35:18, 36:8, 37:4, 37:13, 38:2, 38:9, 39:10, 39:15, 39:18, 39:19, 40:8, 40:13, 40:14, 42:6, 42:16, 43:6, 43:7, 43:9, 43:13, 43:14, 43:17, 44:15, 45:9, 46:2, 47:20, 48:5, 48:11, 52:11, 55:10, 59:9, 61:8, 70:11, 70:15, 98:20, 101:10, 135:8, 148:10, 148:16, 148:17, 150:9, 152:23, 152:25, 153:25, 154:4, 156:24, 162:7, 169:5, 174:21, 184:14, 184:18, 185:3, 186:16, 187:5, 187:13, 191:3, 191:6, 191:9, 195:1, 197:1, 197:8, 201:3</p> <p>Law [1] - 70:12</p> <p>lawfully [1] - 184:6</p> <p>laws [15] - 21:11, 22:23, 38:23, 39:17, 54:18, 58:23, 72:25, 73:1, 94:5, 97:23, 97:24, 99:1, 158:18, 163:3, 186:19</p> <p>lawsuit [10] - 31:3, 59:25, 101:21,</p>
			K	
			<p>Karin [1] - 1:23</p> <p>keep [1] - 196:12</p> <p>keeping [1] - 29:5</p> <p>keeps [1] - 114:21</p> <p>Ken [1] - 59:19</p> <p>kept [1] - 15:13</p> <p>key [2] - 107:11, 127:7</p> <p>Kimbrell [1] - 25:10</p> <p>kind [16] - 23:10, 36:22, 37:20, 38:17, 41:19, 42:10, 45:24, 47:4, 82:14, 94:1, 134:8, 152:13, 179:22, 183:3, 183:12, 201:1</p> <p>knowledge [3] - 180:25, 181:3, 183:17</p> <p>known [1] - 182:12</p> <p>knows [3] - 142:12, 197:11, 197:17</p>	
			L	
			<p>lack [4] - 17:8, 17:17, 28:2, 137:15</p> <p>lacks [1] - 28:6</p> <p>Lane [1] - 2:22</p> <p>language [9] - 42:21, 46:25, 52:18, 52:21, 53:9, 53:10, 53:11, 89:24, 186:16</p> <p>laptops [1] - 13:7</p> <p>large [19] - 18:13, 19:7, 27:9, 38:17, 41:7, 42:23, 42:24, 43:19, 43:20, 44:12, 55:21, 57:4, 58:7, 106:14, 163:1, 168:3, 200:16, 200:20</p> <p>largely [2] - 12:6, 189:18</p> <p>larger [12] - 21:14, 21:20, 21:22, 22:2, 22:5, 22:23, 26:18, 27:6, 27:13, 27:16,</p>	
	J			
	<p>Jamie [3] - 207:5, 207:21, 207:21</p> <p>jams [2] - 134:15, 134:16</p> <p>JANE [1] - 1:9</p> <p>Jane [3] - 6:9, 28:16, 146:23</p> <p>January [6] - 75:11, 106:16, 107:23, 173:23, 174:18, 175:7</p> <p>jeopardize [2] - 185:15, 185:16</p>			

<p>116:15, 176:12, 190:18, 191:18, 192:24, 197:20</p> <p>lawsuits [7] - 58:25, 59:2, 62:5, 95:18, 97:9, 97:10, 102:4</p> <p>lawyer [2] - 70:10, 115:23</p> <p>lay [1] - 39:12</p> <p>leaders [1] - 187:23</p> <p>leading [8] - 52:16, 78:5, 131:17, 131:22, 132:9, 137:20, 140:9, 141:3</p> <p>leads [5] - 107:3, 107:4, 107:5, 107:7, 169:20</p> <p>least [15] - 12:6, 12:18, 12:22, 75:9, 82:10, 88:3, 104:9, 104:10, 105:18, 131:17, 161:2, 162:4, 162:23, 168:16, 195:19</p> <p>leave [5] - 25:24, 27:4, 112:12, 176:19, 202:23</p> <p>leaving [2] - 71:22, 100:11</p> <p>led [2] - 26:10, 26:11</p> <p>left [3] - 67:24, 72:5, 72:10</p> <p>legal [19] - 70:21, 71:3, 72:17, 95:14, 95:16, 97:4, 115:24, 126:5, 127:2, 136:12, 142:10, 144:2, 154:6, 166:17, 169:11, 184:15, 186:2, 187:16, 192:18</p> <p>legally [5] - 135:23, 184:15, 185:1, 185:7, 185:21</p> <p>legally-authorized [1] - 185:1</p> <p>legislation [10] - 19:1, 21:17, 22:16, 22:19, 40:20, 53:6, 87:11, 87:12, 141:19, 142:20</p> <p>legislative [30] - 13:21, 13:22, 13:24, 17:1, 24:14, 25:7, 25:12, 25:14, 25:20, 25:25, 26:1, 37:24, 37:25, 38:8, 48:25, 54:9, 55:1, 55:2, 55:4, 61:21, 75:2, 87:7, 87:9, 87:23,</p>	<p>88:18, 89:20, 147:17, 166:21, 198:4, 198:6</p> <p>legislator [2] - 39:8, 39:11</p> <p>legislators [1] - 25:12</p> <p>Legislature [1] - 167:19</p> <p>legislature [44] - 14:1, 14:2, 14:11, 14:17, 14:22, 15:2, 15:20, 15:23, 16:3, 17:22, 18:7, 18:12, 18:14, 18:23, 21:19, 23:8, 23:19, 24:9, 25:21, 26:17, 27:3, 27:5, 27:20, 34:8, 36:25, 38:24, 41:16, 44:15, 44:20, 48:9, 52:6, 52:9, 87:3, 156:10, 156:12, 198:11, 198:17, 198:24, 199:8, 199:15, 199:20, 200:13, 200:14, 200:19</p> <p>legislature's [4] - 13:18, 18:18, 24:2, 199:5</p> <p>legislatures [3] - 13:15, 24:16, 133:8</p> <p>legitimate [1] - 23:1</p> <p>legitimately [3] - 40:17, 40:23, 42:1</p> <p>length [2] - 17:1, 29:22</p> <p>lengthy [1] - 20:20</p> <p>less [1] - 46:11</p> <p>Letter [4] - 4:5, 4:21, 4:23, 4:24</p> <p>letter [4] - 35:9, 35:11, 35:16, 58:13</p> <p>letters [6] - 58:20, 62:1, 95:21, 95:25, 97:23, 192:12</p> <p>level [13] - 79:7, 84:24, 89:15, 90:18, 92:2, 93:12, 95:6, 96:1, 105:11, 106:23, 108:15, 137:1, 198:23</p> <p>levels [1] - 76:14</p> <p>license [3] - 78:21, 78:22, 79:17</p> <p>life [2] - 7:14, 101:11</p> <p>light [3] - 8:1, 200:24, 203:13</p> <p>likelihood [2] - 99:5, 202:1</p> <p>likely [5] - 12:16, 28:9, 31:19, 83:9, 196:23</p>	<p>limitations [1] - 159:18</p> <p>limited [5] - 20:23, 39:9, 50:21, 53:1, 190:12</p> <p>limits [1] - 143:23</p> <p>Lina [1] - 15:9</p> <p>line [1] - 133:9</p> <p>link [3] - 49:8, 49:14, 201:15</p> <p>list [11] - 38:10, 49:6, 49:7, 50:12, 92:25, 107:6, 154:14, 154:20, 156:7, 180:1, 203:20</p> <p>listed [1] - 28:20</p> <p>listen [1] - 52:16</p> <p>lists [1] - 168:10</p> <p>litigation [4] - 23:8, 97:8, 97:15, 110:4</p> <p>live [6] - 42:14, 48:19, 50:5, 50:6, 52:15, 122:2</p> <p>lived [1] - 39:23</p> <p>living [1] - 110:3</p> <p>local [52] - 16:21, 16:23, 17:24, 18:3, 18:15, 20:12, 20:22, 21:11, 22:4, 22:24, 23:13, 23:16, 23:17, 23:25, 24:1, 26:6, 26:8, 26:19, 27:14, 27:15, 27:17, 33:14, 35:19, 37:1, 37:3, 37:4, 38:8, 38:23, 38:24, 39:17, 48:2, 48:3, 48:4, 48:5, 50:19, 52:11, 54:18, 55:9, 58:20, 139:20, 152:12, 159:20, 160:5, 161:3, 161:8, 161:11, 174:7, 174:10, 192:14, 197:1</p> <p>locale [1] - 45:21</p> <p>locales [1] - 45:22</p> <p>locality [2] - 22:18, 83:11</p> <p>locally [2] - 152:19, 161:7</p> <p>located [1] - 83:11</p> <p>location [17] - 39:6, 90:24, 91:7, 94:14, 119:2, 119:4, 119:7, 134:22, 138:15, 138:18, 139:11, 139:15, 139:23, 160:19, 160:23, 183:14</p> <p>locations [22] - 15:17,</p>	<p>91:4, 91:7, 91:8, 105:19, 105:21, 118:24, 119:12, 119:15, 119:17, 119:22, 119:25, 120:4, 122:9, 134:21, 134:24, 138:3, 138:12, 162:1, 176:11, 182:21, 182:22</p> <p>logic [1] - 103:20</p> <p>logical [3] - 13:10, 19:8, 55:22</p> <p>logistics [1] - 85:9</p> <p>logrolling [1] - 48:8</p> <p>Longoria [2] - 117:25, 121:15</p> <p>look [25] - 7:25, 10:25, 11:21, 24:18, 35:17, 38:6, 52:21, 52:22, 53:3, 55:1, 55:2, 55:4, 55:13, 99:22, 99:23, 128:10, 156:6, 163:16, 169:1, 171:12, 171:24, 187:4, 191:3, 196:5, 206:19</p> <p>Look [1] - 57:2</p> <p>looked [2] - 45:7, 55:16</p> <p>looking [8] - 35:5, 40:21, 54:8, 72:15, 73:3, 76:14, 94:25, 186:15</p> <p>looks [4] - 52:8, 64:1, 65:20, 67:8</p> <p>lose [7] - 108:15, 129:1, 129:8, 129:12, 129:15, 129:18, 136:2</p> <p>loses [1] - 194:16</p> <p>losing [2] - 15:4, 129:12</p> <p>loss [1] - 53:13</p> <p>low [1] - 18:5</p> <p>lunch [1] - 114:6</p>	<p>9:16, 14:25, 60:2, 65:14, 103:14, 103:15, 112:8, 175:22</p> <p>mail-in [3] - 14:25, 60:2, 175:22</p> <p>mailed [1] - 103:25</p> <p>mailing [1] - 175:22</p> <p>mails [3] - 58:17, 100:12, 100:13</p> <p>main [2] - 11:8, 58:7</p> <p>mainland [1] - 22:11</p> <p>maintain [2] - 163:4, 163:22</p> <p>maintaining [1] - 29:19</p> <p>maintenance [3] - 77:12, 85:6, 92:25</p> <p>major [1] - 117:19</p> <p>majorities [1] - 25:13</p> <p>MALC [2] - 17:10, 190:10</p> <p>malfunctioned [1] - 198:15</p> <p>malfunctions [2] - 14:13, 15:17</p> <p>manage [3] - 76:16, 108:22, 108:25</p> <p>management [6] - 27:15, 27:17, 91:20, 107:16, 158:13, 158:22</p> <p>Management [1] - 158:12</p> <p>Managers [1] - 19:24</p> <p>managers [2] - 55:15, 85:3</p> <p>manages [1] - 158:11</p> <p>managing [4] - 85:5, 92:23, 107:16, 108:18</p> <p>Mandamus [1] - 4:25</p> <p>mandamus [2] - 59:2, 59:4</p> <p>mandates [2] - 35:1, 192:14</p> <p>manner [1] - 98:25</p> <p>Maple [7] - 20:18, 21:14, 22:25, 26:21, 26:24, 40:15, 54:21</p> <p>maple [1] - 26:22</p> <p>mark [1] - 41:4</p> <p>marked [2] - 62:23, 124:6</p> <p>marker [1] - 126:21</p> <p>marshals [1] - 44:16</p> <p>mask [2] - 35:1, 192:14</p> <p>masks [1] - 59:7</p> <p>Mass [5] - 5:14, 5:15,</p>
M				
		<p>ma'am [4] - 118:21, 121:10, 122:21, 123:1</p> <p>machine [3] - 1:25, 14:13, 15:17</p> <p>machines [2] - 103:21, 198:15</p> <p>magical [2] - 127:17, 196:20</p> <p>mail [13] - 5:14, 5:15, 5:16, 5:17, 5:18,</p>		

<p>5:16, 5:17, 5:18 materials [3] - 51:18, 91:3, 149:13 math [1] - 179:7 mat [1] - 146:6 Matt [1] - 7:2 matter [18] - 9:20, 18:21, 21:16, 41:22, 41:24, 43:1, 61:18, 66:11, 108:7, 108:9, 108:11, 112:4, 113:15, 115:11, 187:5, 193:5, 198:4, 198:5 matters [7] - 9:22, 11:25, 74:18, 74:20, 113:12, 198:4, 198:5 MATTHEW [1] - 2:7 mayoral [2] - 104:9, 185:16 McGee [1] - 66:22 McIngvale [1] - 140:8 me.. [1] - 113:10 mean [17] - 28:24, 33:3, 33:14, 57:3, 90:8, 96:19, 102:18, 105:7, 151:16, 152:3, 152:14, 153:2, 153:14, 159:13, 164:4, 167:19, 198:7 meaning [5] - 75:11, 75:20, 83:5, 105:14, 130:7 meaningless [1] - 171:9 means [8] - 24:19, 29:9, 83:17, 89:24, 109:3, 139:10, 196:19, 203:4 meant [1] - 46:24 meantime [1] - 49:23 measure [2] - 24:4, 24:5 measures [1] - 170:15 meat [1] - 74:21 mechanics [1] - 93:8 mechanism [2] - 33:20, 34:9 mechanisms [2] - 83:12, 160:4 media [3] - 50:17, 87:16 meet [4] - 156:12, 163:6, 164:19, 170:6 member [2] - 74:12, 135:12 members [3] - 21:10, 50:16, 54:16 memory [1] - 14:8</p>	<p>MENDELSON [2] - 2:15, 8:18 Mendelson [1] - 8:18 Menefee [6] - 6:20, 7:8, 36:14, 36:21, 39:23, 51:24 menefee [3] - 36:8, 52:4, 52:14 MENEFEE [7] - 2:5, 6:19, 36:14, 36:20, 56:16, 56:19, 57:10 Menefee..... [1] - 3:11 Menefee..... [1] - 3:8 mention [4] - 45:15, 109:8, 161:10, 171:22 mentioned [19] - 15:6, 21:19, 45:6, 46:1, 48:18, 55:14, 76:7, 76:18, 78:25, 80:1, 90:2, 93:25, 97:4, 104:14, 106:15, 107:1, 107:22, 171:1, 171:7 mentions [1] - 21:15 mere [2] - 18:24, 26:3 merely [3] - 20:22, 21:17, 194:18 merits [5] - 12:6, 12:11, 36:23, 194:23, 202:2 mess [2] - 130:19, 197:11 met [4] - 15:8, 190:24, 192:25, 201:25 method [1] - 58:14 Michigan [1] - 70:13 microphone [4] - 13:2, 69:15, 71:14, 71:19 microphones [1] - 7:25 middle [5] - 81:9, 82:3, 177:18, 190:18, 197:13 midterm [1] - 106:10 might [12] - 29:22, 33:13, 48:21, 58:3, 78:5, 97:20, 102:6, 185:25, 198:2, 198:8, 205:3 miles [2] - 41:9, 44:16 military [2] - 103:16, 103:24 MILLER [11] - 2:7, 7:2, 145:17, 146:3, 146:6, 146:11, 147:9, 157:1,</p>	<p>183:24, 184:3, 188:7 Miller [6] - 3:17, 7:2, 7:10, 146:5, 146:6, 147:12 million [35] - 16:5, 16:9, 16:12, 42:9, 42:18, 43:8, 46:11, 46:20, 47:11, 52:25, 85:15, 85:16, 105:15, 125:19, 125:20, 126:20, 126:22, 127:6, 127:13, 127:16, 128:5, 128:15, 136:8, 136:19, 136:23, 141:24, 142:25, 143:22, 143:24, 169:16, 170:2, 185:9, 195:7, 196:3, 200:2 mind [8] - 36:16, 44:6, 49:24, 60:8, 60:22, 62:23, 175:7, 176:19 mindful [1] - 189:1 minds [3] - 18:17, 199:1, 199:14 minute [4] - 94:3, 173:5, 200:10, 200:24 minutes [10] - 51:11, 65:5, 111:25, 112:1, 113:1, 113:20, 113:23, 113:24, 114:1, 157:6 misbehavior [1] - 172:6 misconduct [1] - 172:24 misperformance [1] - 173:14 miss [3] - 66:18, 204:15, 204:17 miss-styled [1] - 66:18 miss-title [1] - 204:17 misses [1] - 41:3 missing [1] - 181:22 misunderstanding [2] - 40:6, 40:11 mitigate [2] - 111:3, 135:6 mix [1] - 7:7 modify [1] - 172:6 Molinet [1] - 25:9 moment [7] - 7:25, 32:3, 66:22, 113:13, 126:10, 135:22, 141:7 Monaghan [1] - 20:18 money [6] - 29:15,</p>	<p>29:16, 97:6, 97:9, 160:10, 161:18 monitoring [2] - 169:4, 170:13 month [1] - 175:17 Monthly [1] - 14:7 monthly [1] - 93:1 months [11] - 75:9, 77:17, 77:18, 118:13, 118:15, 121:24, 130:17, 177:6, 177:17, 185:25, 194:22 morning [29] - 6:18, 6:19, 6:22, 6:23, 7:1, 7:2, 7:4, 7:6, 7:17, 7:18, 8:6, 8:8, 8:9, 8:11, 8:12, 8:14, 8:22, 9:1, 9:2, 9:24, 11:3, 36:20, 49:9, 49:14, 69:6, 108:3, 115:5, 115:6, 145:20 most [14] - 14:15, 22:21, 25:3, 38:13, 42:5, 44:4, 50:2, 68:7, 151:1, 161:7, 161:10, 161:11, 178:6, 198:15 mostly [1] - 48:24 motion [9] - 9:12, 9:14, 9:17, 10:9, 11:10, 11:12, 12:5, 63:19, 205:5 Motion [4] - 5:2, 5:3, 116:7, 202:24 move [11] - 28:4, 42:15, 58:1, 67:20, 76:17, 83:4, 114:6, 135:6, 135:19, 166:9, 175:8 moveable [1] - 69:16 moved [5] - 19:18, 82:2, 176:24, 196:6, 196:10 moves [1] - 84:7 moving [9] - 29:16, 50:7, 82:21, 83:12, 85:7, 158:25, 166:10, 166:20, 176:22 MR [177] - 6:15, 6:19, 6:23, 7:2, 7:7, 7:18, 8:9, 8:18, 8:23, 9:2, 10:8, 10:20, 11:3, 11:5, 11:19, 12:2, 12:25, 32:3, 36:7, 36:14, 36:20, 48:18, 49:4, 49:6, 49:9, 49:11, 49:20, 50:2, 50:9, 51:7, 51:14,</p>	<p>51:17, 51:21, 56:16, 56:19, 57:10, 57:25, 60:9, 60:14, 61:1, 61:4, 61:16, 62:1, 62:14, 62:21, 63:6, 63:11, 63:17, 64:7, 64:12, 64:25, 65:12, 65:16, 65:18, 66:5, 66:10, 66:16, 66:17, 66:23, 67:5, 67:11, 67:15, 67:17, 68:12, 69:3, 69:8, 69:20, 69:25, 71:20, 88:1, 88:12, 88:15, 88:23, 89:2, 89:4, 97:17, 98:5, 98:19, 99:6, 99:17, 99:18, 99:24, 100:9, 100:13, 100:21, 100:22, 101:5, 101:7, 101:20, 101:25, 102:11, 111:5, 111:21, 111:24, 112:22, 113:3, 113:15, 114:11, 114:20, 115:18, 116:4, 116:9, 116:11, 123:21, 123:22, 123:25, 124:4, 124:18, 124:22, 125:1, 126:7, 126:9, 126:17, 127:3, 127:11, 127:21, 127:24, 131:25, 132:10, 132:13, 136:15, 137:24, 141:5, 142:12, 142:18, 143:10, 143:19, 144:10, 145:7, 145:9, 145:17, 146:3, 146:6, 146:11, 147:9, 147:10, 157:1, 157:11, 157:15, 157:24, 158:3, 165:19, 165:25, 166:3, 166:23, 179:1, 179:3, 179:8, 179:11, 183:24, 184:3, 188:7, 188:10, 188:21, 188:23, 189:5, 189:8, 189:15, 194:6, 202:11, 202:15, 203:8, 203:10, 203:21, 203:25, 204:3, 204:10, 204:15, 204:17, 204:23,</p>
---	---	---	--	---

205:2, 205:12,
205:15, 205:25,
206:5, 206:11,
206:16
MS [71] - 8:12, 8:15,
9:15, 13:3, 13:9,
30:19, 30:24, 31:13,
32:7, 32:15, 32:19,
33:1, 33:7, 33:11,
53:24, 54:3, 66:21,
68:15, 68:22, 69:2,
87:22, 88:17, 98:11,
98:15, 99:9, 101:3,
101:22, 102:7,
111:8, 111:11,
113:10, 113:13,
113:19, 114:1,
114:9, 114:25,
115:2, 115:4,
115:21, 116:13,
116:20, 117:1,
117:2, 123:15,
123:18, 126:4,
127:1, 131:22,
132:9, 136:11,
137:20, 141:2,
142:10, 143:16,
144:2, 144:14,
144:18, 144:22,
145:4, 157:5,
165:17, 166:16,
179:14, 179:17,
183:20, 188:15,
189:11, 197:24,
202:5, 202:14,
205:14
MUD [1] - 27:13
MUDs [2] - 104:12,
104:14
multiple [3] - 118:24,
120:15, 180:25
municipal [3] - 20:4,
23:12, 23:17
municipalities [2] -
23:10, 104:11
must [8] - 24:7, 24:24,
26:20, 30:1, 33:25,
40:16, 136:17, 200:7
MY [1] - 207:18
mystical [1] - 127:17

N

name [6] - 7:13, 62:13,
70:1, 145:24,
146:14, 146:15
named [6] - 33:24,
39:23, 63:17, 140:8,
140:17, 184:20
national [2] - 14:5,

198:21
nature [3] - 122:10,
168:1, 180:24
navigating [1] - 110:7
Neal [2] - 6:23, 69:3
NEAL [1] - 2:6
near [2] - 13:2, 177:18
nearby [1] - 23:5
necessarily [6] -
35:16, 59:8, 112:15,
156:11, 187:6, 202:7
necessary [2] - 83:4,
154:19
necessitate [1] - 186:1
necessity [1] - 9:5
need [35] - 10:11,
11:1, 22:15, 31:25,
48:10, 57:4, 60:16,
60:25, 64:18, 64:23,
67:3, 67:9, 68:6,
68:9, 68:11, 82:8,
96:2, 104:24,
108:21, 109:15,
111:10, 111:17,
111:20, 113:9,
114:8, 141:15,
157:4, 157:10,
157:12, 171:24,
174:13, 177:21,
177:24, 189:2,
205:23
needed [10] - 19:2,
19:3, 22:10, 31:24,
122:4, 137:16,
140:19, 166:2,
182:4, 198:24
needing [1] - 63:19
needs [5] - 41:15,
42:3, 167:8, 167:13,
202:21
Neeley [1] - 191:4
NELSON [1] - 1:9
Nelson [3] - 6:9,
28:16, 146:23
never [10] - 56:20,
56:21, 126:1,
134:10, 149:7,
175:7, 176:19,
181:3, 193:12,
199:24
new [8] - 15:12, 26:24,
42:6, 43:6, 85:23,
109:2, 199:11,
201:18
New [1] - 198:20
news [3] - 14:5, 87:17,
198:21
newspaper [2] -
120:16, 132:24
next [9] - 11:3, 15:23,

36:11, 56:1, 103:6,
116:25, 135:6,
181:24, 185:25
night [9] - 64:1, 66:24,
91:2, 112:6, 116:5,
149:5, 182:8,
189:20, 204:5
nine [4] - 75:9, 77:13,
77:18, 194:22
NO [14] - 1:1, 2:4, 2:5,
2:6, 2:7, 2:13, 2:14,
2:15, 2:16, 2:21,
2:24, 4:4, 5:1, 5:21
nobody [3] - 38:3,
150:3, 192:4
noise [1] - 8:4
nominate [1] - 138:18
none [6] - 17:2,
125:23, 126:19,
127:19, 198:3, 206:5
noneconomic [4] -
129:18, 129:21,
194:18, 194:19
nonetheless [2] -
52:1, 134:14
nonpartisan [2] -
75:19, 75:21
nonspeculative [1] -
29:2
Nootsie [2] - 191:4,
191:8
normally [2] - 154:10,
183:12
North [1] - 41:23
not.. [1] - 116:3
note [1] - 134:9
notebook [1] - 128:10
noted [2] - 45:12,
66:14
nothing [5] - 53:1,
188:12, 188:13,
189:11, 196:20
notice [8] - 9:8, 9:10,
11:13, 33:25, 144:6,
196:8, 205:18
noticed [1] - 9:9
notices [1] - 65:21
notification [2] - 65:9,
66:1
notified [1] - 149:25
notion [4] - 166:4,
166:14, 178:1,
195:21
November [32] -
41:25, 59:13, 75:10,
75:11, 75:14, 81:4,
81:11, 83:18, 84:6,
95:1, 96:23, 96:25,
102:25, 103:3,
103:7, 103:8,

103:12, 104:5,
105:12, 106:9,
106:16, 106:20,
107:25, 122:6,
134:19, 141:9,
168:5, 173:22,
181:11, 182:11,
193:20, 197:11
nullifying [1] - 22:20
number [22] - 21:16,
26:14, 58:25, 67:25,
83:5, 83:7, 83:8,
84:15, 88:13, 107:2,
107:3, 107:4, 107:7,
137:13, 160:17,
160:18, 162:24,
164:2, 168:17,
169:23, 170:14,
187:4
numbered [2] - 1:22,
207:12
numbers [1] - 43:20
numerous [1] - 26:11

O

o'clock [1] - 54:1
OAG [5] - 4:5, 4:21,
4:23, 4:24, 62:2
oath [2] - 140:4, 201:2
object [12] - 11:6,
11:9, 23:6, 61:16,
61:17, 62:24, 62:25,
68:23, 88:17, 98:15,
116:11, 143:16
objection [33] - 10:6,
10:14, 58:2, 60:20,
62:17, 62:20, 67:23,
68:5, 68:10, 87:22,
87:24, 88:21, 98:10,
101:3, 101:22,
102:7, 115:18,
116:21, 116:24,
126:4, 126:12,
127:1, 131:22,
132:9, 132:11,
136:11, 137:20,
141:2, 142:10,
143:14, 165:17,
166:16, 173:5
objection's [2] -
87:25, 116:16
objections [6] - 50:12,
60:12, 60:15, 60:22,
63:9, 98:14
objective [1] - 25:18
obligation [4] - 163:1,
163:7, 168:12,
168:18
obligations [7] -

149:11, 159:14,
159:15, 163:17,
163:21, 164:19,
168:9
observation [1] -
176:21
obtain [3] - 154:19,
163:22, 180:10
obtaining [1] - 78:3
obviously [8] - 7:22,
18:2, 44:9, 46:15,
58:3, 59:8, 59:19,
203:14
occur [5] - 101:15,
103:2, 141:8,
174:20, 177:21
occurred [6] - 121:25,
132:17, 132:23,
133:11, 181:10,
207:12
occurring [1] - 187:16
October [4] - 85:17,
99:4, 103:13
OF [9] - 1:5, 1:6, 1:6,
1:8, 1:9, 1:10, 2:16,
207:3, 207:4
offer [11] - 13:12, 49:3,
49:16, 50:11, 60:13,
60:18, 60:24, 62:18,
97:20, 124:18,
143:12
OFFER [3] - 4:4, 5:1,
5:21
offered [3] - 61:4,
61:17, 207:16
offering [4] - 60:15,
88:10, 88:20, 99:4
offers [2] - 61:2, 64:23
Office [55] - 6:6, 6:8,
6:20, 6:24, 7:3, 8:10,
31:2, 31:5, 32:17,
32:18, 35:7, 58:13,
63:23, 64:2, 74:18,
77:10, 77:11, 78:23,
80:21, 80:23, 81:11,
82:13, 82:24, 87:1,
87:9, 94:24, 95:20,
98:2, 122:24,
122:25, 123:4,
123:13, 133:2,
147:19, 148:23,
150:7, 150:18,
155:4, 155:5, 155:6,
162:15, 163:18,
173:2, 178:5,
190:18, 191:17,
192:2, 193:1,
200:25, 201:6,
201:11, 201:16,
205:9

<p>OFFICE [4] - 1:6, 1:8, 2:8, 2:16</p> <p>office [113] - 6:16, 16:19, 28:13, 28:20, 29:14, 29:23, 32:22, 49:15, 59:15, 73:21, 77:21, 77:23, 79:15, 79:19, 79:23, 79:24, 80:18, 81:2, 81:8, 82:17, 85:20, 85:25, 87:12, 88:7, 92:23, 93:2, 93:12, 93:16, 94:10, 94:18, 95:23, 98:1, 100:14, 102:17, 103:1, 103:17, 104:18, 107:13, 108:4, 108:16, 110:6, 119:1, 119:5, 120:8, 122:24, 123:3, 123:12, 129:25, 130:6, 130:9, 130:14, 130:15, 130:17, 130:25, 131:15, 132:21, 133:7, 133:11, 133:16, 135:18, 140:18, 146:20, 147:1, 147:6, 147:7, 149:1, 149:10, 150:17, 150:20, 150:21, 150:25, 151:16, 152:6, 152:10, 152:11, 153:3, 153:10, 155:4, 156:16, 158:6, 159:2, 159:15, 159:22, 160:15, 161:1, 162:23, 162:25, 164:21, 166:19, 168:25, 169:17, 170:25, 171:11, 171:18, 171:22, 172:4, 172:6, 172:7, 173:23, 174:8, 175:10, 178:7, 184:24, 185:7, 185:14, 185:21, 187:18, 188:3, 193:4, 197:13</p> <p>office's [3] - 33:5, 120:12, 147:7</p> <p>Office's [2] - 58:17, 59:25</p> <p>officer [3] - 72:10, 163:12, 195:23</p> <p>officers [2] - 39:3, 168:5</p> <p>offices [15] - 32:24,</p>	<p>77:5, 77:6, 77:24, 94:4, 123:7, 152:23, 154:9, 155:14, 167:10, 172:10, 176:25, 181:1, 187:14, 197:13</p> <p>Offices [1] - 109:17</p> <p>official [28] - 7:15, 89:11, 130:5, 142:24, 143:8, 146:24, 147:7, 153:9, 163:23, 164:25, 165:8, 165:9, 166:13, 166:20, 167:14, 167:15, 167:16, 167:17, 167:24, 171:13, 184:13, 184:21, 191:22, 196:2, 199:13, 199:21, 199:22</p> <p>Official [4] - 6:7, 6:9, 207:5, 207:22</p> <p>OFFICIAL [3] - 1:7, 1:10, 207:18</p> <p>officials [16] - 31:7, 31:8, 35:19, 38:25, 79:10, 95:17, 133:23, 144:24, 158:20, 171:4, 178:2, 178:4, 178:8, 179:4, 179:5, 191:22</p> <p>offline [1] - 92:7</p> <p>offs [1] - 107:6</p> <p>often [3] - 25:18, 161:24, 184:22</p> <p>omega [3] - 25:17, 25:24, 52:6</p> <p>onboard [2] - 48:10, 82:23</p> <p>once [7] - 26:15, 27:17, 49:18, 49:21, 50:5, 126:21, 160:6</p> <p>one [69] - 10:13, 15:16, 16:13, 19:21, 20:2, 20:4, 20:5, 20:16, 20:20, 21:12, 22:18, 24:25, 25:1, 26:3, 29:6, 29:11, 29:14, 29:16, 29:23, 33:24, 36:24, 37:16, 41:6, 43:23, 44:6, 48:22, 56:1, 66:3, 66:10, 66:24, 75:23, 76:5, 77:23, 77:25, 78:1, 78:24, 81:8, 100:23, 108:4, 109:21, 110:5, 112:3, 113:15, 123:7, 123:15,</p>	<p>125:15, 126:10, 128:3, 128:4, 131:17, 143:8, 143:22, 144:14, 153:7, 159:5, 159:10, 160:15, 168:6, 170:8, 174:1, 184:22, 186:18, 196:3, 196:16, 199:10, 201:13</p> <p>One [1] - 2:24</p> <p>one-time [2] - 20:2, 20:16</p> <p>ones [5] - 21:17, 28:19, 99:20, 150:22, 164:6</p> <p>ongoing [4] - 94:25, 140:25, 170:13, 177:19</p> <p>online [2] - 92:5</p> <p>open [20] - 19:13, 29:5, 31:16, 37:6, 37:11, 40:4, 41:18, 42:9, 45:13, 45:17, 57:1, 57:7, 107:3, 120:5, 134:25, 138:15, 139:10, 139:12, 176:11, 207:13</p> <p>open/closed [1] - 43:15</p> <p>Opening [3] - 3:9, 3:10, 3:11</p> <p>opening [4] - 51:9, 51:24, 106:8, 183:13</p> <p>operate [2] - 34:9, 91:10</p> <p>operating [2] - 153:12, 186:21</p> <p>operation [3] - 22:17, 76:17, 96:9</p> <p>operations [9] - 72:2, 81:2, 82:11, 82:12, 84:2, 85:25, 110:11, 168:13, 169:9</p> <p>opinion [2] - 18:25, 130:10</p> <p>opportunity [3] - 9:13, 34:2, 100:4</p> <p>opposed [3] - 125:8, 139:14, 167:14</p> <p>Opposition [2] - 64:3, 205:10</p> <p>opposition [6] - 66:2, 189:19, 201:21, 202:4, 204:24, 205:19</p> <p>options [2] - 29:5, 33:17</p> <p>order [12] - 19:4,</p>	<p>81:25, 105:4, 124:14, 124:16, 125:3, 133:8, 135:1, 150:13, 177:12, 179:22, 202:21</p> <p>Order [1] - 5:23</p> <p>ordered [1] - 172:23</p> <p>ordering [1] - 161:8</p> <p>orders [1] - 105:4</p> <p>ordinances [1] - 23:7</p> <p>original [1] - 24:15</p> <p>otherwise [5] - 12:8, 24:21, 26:2, 52:10, 199:16</p> <p>outcome [2] - 21:5, 195:20</p> <p>outlines [1] - 179:24</p> <p>outsized [1] - 21:23</p> <p>overcome [2] - 24:11, 28:1</p> <p>overlap [1] - 21:24</p> <p>overlapped [1] - 12:6</p> <p>overruled [10] - 45:10, 87:25, 88:21, 102:9, 116:17, 126:6, 136:13, 137:22, 142:14, 166:18</p> <p>oversaw [4] - 71:10, 72:2, 72:18, 72:24</p> <p>oversee [4] - 84:24, 104:3, 158:9, 158:25</p> <p>overseeing [2] - 78:1, 159:10</p> <p>oversees [4] - 78:15, 89:6, 103:16, 158:22</p> <p>oversight [11] - 155:25, 156:14, 156:21, 169:2, 169:19, 172:20, 172:22, 179:21, 179:23, 180:12, 180:21</p> <p>overtime [1] - 109:5</p> <p>overtown [1] - 199:16</p> <p>overview [1] - 164:14</p> <p>own [5] - 92:8, 101:9, 110:24, 127:8, 138:14</p>	<p>119:21, 134:15, 134:16, 134:20, 134:21, 140:3, 160:22, 182:20</p> <p>papers [5] - 118:24, 119:2, 119:6, 122:9, 122:10</p> <p>paragraph [2] - 204:7, 205:3</p> <p>pardon [1] - 175:2</p> <p>park [1] - 22:11</p> <p>Park [1] - 58:21</p> <p>part [14] - 7:8, 7:9, 39:13, 41:14, 46:18, 151:1, 153:15, 160:2, 169:20, 174:23, 178:6, 178:23, 179:24, 183:2</p> <p>participate [1] - 74:14</p> <p>participated [1] - 87:7</p> <p>participating [1] - 7:21</p> <p>participation [1] - 60:6</p> <p>particular [19] - 23:13, 34:15, 35:8, 44:7, 46:7, 61:23, 74:4, 75:8, 78:4, 79:22, 86:9, 87:18, 94:11, 99:13, 122:3, 134:25, 139:11, 171:20, 198:25</p> <p>particularly [4] - 34:16, 79:11, 114:12, 201:23</p> <p>parties [36] - 9:7, 9:11, 10:3, 13:17, 15:4, 19:6, 28:19, 28:24, 30:23, 31:12, 32:17, 32:20, 46:24, 64:5, 67:2, 67:4, 67:15, 122:1, 138:17, 138:19, 147:8, 158:23, 161:3, 161:25, 177:21, 183:3, 183:7, 191:16, 201:23, 202:22, 203:1, 203:3, 206:13, 207:10, 207:17</p> <p>partisanship [1] - 76:7</p> <p>parts [2] - 158:11, 158:25</p> <p>Party [1] - 5:19</p> <p>party [13] - 14:5, 25:5, 28:12, 28:15, 28:18, 39:1, 53:16, 65:25, 75:22, 79:4, 159:6, 160:5, 183:8</p>
P				
		<p>p.m [4] - 11:22, 203:2, 203:5, 203:6</p> <p>p.O [1] - 2:17</p> <p>P.O [1] - 207:24</p> <p>Page [2] - 3:4, 3:19</p> <p>page [1] - 54:22</p> <p>paper [17] - 14:13, 15:15, 15:16, 119:5, 119:15, 119:18,</p>		

<p>Pasadena [1] - 104:11</p> <p>pass [13] - 37:3, 37:4, 38:8, 39:14, 39:18, 46:2, 48:5, 52:11, 111:6, 157:1, 178:19, 179:11, 198:3</p> <p>passed [7] - 13:17, 41:6, 45:21, 141:20, 143:21, 147:16, 149:7</p> <p>passes [2] - 42:6, 44:15</p> <p>passing [4] - 14:3, 40:13, 45:15, 198:8</p> <p>password [2] - 92:2, 92:10</p> <p>past [9] - 30:12, 94:17, 97:22, 99:1, 102:3, 117:18, 117:22, 147:16, 193:14</p> <p>pasted [1] - 58:10</p> <p>pattern [5] - 156:8, 180:6, 192:2, 192:17</p> <p>Paxton [1] - 59:19</p> <p>paying [1] - 160:11</p> <p>peer [1] - 128:7</p> <p>peer-reviewed [1] - 128:7</p> <p>peers [1] - 130:3</p> <p>penalties [2] - 31:6, 191:21</p> <p>pendency [1] - 197:20</p> <p>pending [1] - 113:5</p> <p>Pension [1] - 19:24</p> <p>pension [6] - 20:2, 20:3, 20:4, 55:15, 55:17, 55:18</p> <p>people [21] - 22:16, 33:24, 42:14, 125:19, 125:20, 126:20, 126:22, 127:14, 132:7, 133:4, 133:5, 139:19, 141:15, 142:25, 151:5, 152:17, 162:16, 164:1, 169:16, 199:12, 200:9</p> <p>per [4] - 21:10, 54:17, 73:13, 119:2</p> <p>perceived [1] - 192:19</p> <p>percent [3] - 15:22, 117:9, 125:11</p> <p>perfect [1] - 134:10</p> <p>perfectly [3] - 20:6, 23:16, 24:21</p> <p>perform [6] - 31:9, 151:3, 152:2, 152:24, 187:14,</p>	<p>191:23</p> <p>performance [1] - 173:14</p> <p>performed [6] - 73:20, 79:20, 150:21, 164:13, 167:14, 169:16</p> <p>performing [6] - 79:8, 79:12, 82:20, 151:1, 174:15, 187:18</p> <p>perhaps [2] - 96:9, 114:22</p> <p>period [5] - 82:2, 119:19, 175:17, 177:11, 180:13</p> <p>periodic [1] - 170:14</p> <p>permanent [2] - 108:25, 109:15</p> <p>permission [1] - 112:24</p> <p>perpetuity [1] - 42:19</p> <p>person [13] - 32:23, 53:12, 138:15, 140:18, 149:22, 151:8, 151:10, 166:8, 173:16, 175:9, 177:8, 185:2, 195:18</p> <p>personal [1] - 28:17</p> <p>personally [1] - 181:14</p> <p>personnel [1] - 166:11</p> <p>persons [2] - 21:16, 143:22</p> <p>perspective [1] - 167:21</p> <p>pertaining [2] - 147:18, 158:18</p> <p>Petition [2] - 4:25, 5:4</p> <p>petition [6] - 37:16, 58:10, 59:4, 59:11, 65:25, 67:5</p> <p>petitions [1] - 59:1</p> <p>phase [1] - 96:20</p> <p>phone [3] - 2:9, 2:18, 159:8</p> <p>Phone [2] - 2:23, 2:25</p> <p>photo [1] - 51:3</p> <p>photographs [2] - 50:23, 51:1</p> <p>physical [2] - 49:24, 99:15</p> <p>picked [1] - 197:3</p> <p>picture [1] - 50:23</p> <p>piece [2] - 93:9, 100:23</p> <p>pieces [1] - 17:3</p> <p>pinnacle [1] - 129:24</p> <p>place [27] - 24:3, 42:19, 43:18, 77:12,</p>	<p>85:6, 103:22, 107:13, 107:23, 110:22, 133:1, 135:2, 139:5, 140:1, 152:14, 160:4, 168:6, 168:7, 170:15, 170:24, 172:12, 172:14, 180:11, 180:20, 187:16, 193:23, 199:15, 200:22</p> <p>placed [3] - 49:18, 159:15, 165:8</p> <p>places [3] - 38:23, 130:16, 183:15</p> <p>plain [5] - 52:18, 52:21, 53:9, 53:11, 186:15</p> <p>PLAINTIFF [1] - 2:3</p> <p>plaintiff [2] - 56:15, 63:1</p> <p>Plaintiff [7] - 6:16, 6:21, 6:25, 36:21, 40:4, 69:5, 203:21</p> <p>Plaintiff's [8] - 63:5, 88:25, 100:1, 100:6, 100:17, 100:19, 188:19, 203:15</p> <p>PLAINTIFFS [3] - 3:12, 4:3, 5:1</p> <p>Plaintiff/Cross [1] - 1:3</p> <p>Plaintiff/Cross-Defendant [1] - 1:3</p> <p>plaintiffs [7] - 6:14, 68:19, 88:19, 111:19, 145:15, 188:22, 189:13</p> <p>Plaintiffs [1] - 113:22</p> <p>plan [6] - 12:14, 101:11, 107:8, 112:12, 177:21, 200:21</p> <p>planned [1] - 43:22</p> <p>planning [6] - 60:13, 75:3, 75:7, 106:16, 107:22, 107:25</p> <p>plans [1] - 154:2</p> <p>plates [2] - 78:22, 79:17</p> <p>Plaza [1] - 2:24</p> <p>PLEA [3] - 1:19, 3:2, 3:6</p> <p>plea [28] - 9:4, 11:25, 12:3, 12:4, 12:15, 12:16, 12:22, 12:23, 12:24, 36:3, 46:25, 51:25, 54:4, 61:10, 63:14, 63:22, 64:16, 65:10, 66:6, 112:6,</p>	<p>191:2, 204:9, 204:24, 205:5, 205:7, 205:8, 205:18</p> <p>Plea [7] - 50:3, 64:19, 68:17, 68:21, 88:21, 189:19, 203:15</p> <p>plead [5] - 19:3, 31:25, 190:2, 204:14</p> <p>pleaded [8] - 17:5, 24:10, 27:24, 28:1, 29:21, 35:21, 35:24, 36:1</p> <p>pleading [4] - 204:5, 204:11, 204:16, 204:22</p> <p>pleadings [4] - 11:14, 61:19, 67:9, 67:12</p> <p>pled [4] - 12:7, 17:8, 190:25, 191:11</p> <p>plenty [1] - 61:8</p> <p>plug [1] - 13:7</p> <p>plus [1] - 107:8</p> <p>podium [3] - 13:5, 13:11, 51:14</p> <p>point [22] - 22:22, 29:5, 32:11, 35:14, 36:24, 37:5, 43:23, 47:3, 47:14, 56:5, 57:4, 72:23, 78:24, 79:5, 103:4, 108:6, 110:5, 122:3, 169:20, 177:4, 196:22, 201:23</p> <p>pointed [2] - 35:9, 52:14</p> <p>points [5] - 27:10, 52:3, 112:10, 190:22, 199:19</p> <p>policies [1] - 94:1</p> <p>policies [2] - 13:19, 169:3</p> <p>policy [1] - 34:25</p> <p>political [3] - 161:25, 183:3, 191:5</p> <p>poll [1] - 14:20</p> <p>polling [20] - 15:17, 94:13, 105:20, 118:24, 119:2, 119:4, 119:6, 119:11, 119:14, 119:17, 119:21, 119:24, 120:4, 122:9, 134:21, 134:22, 134:24, 135:2, 139:10, 162:18</p> <p>poorly [1] - 165:20</p> <p>poorly-worded [1] - 165:20</p> <p>popular [1] - 19:16</p>	<p>population [80] - 15:22, 16:5, 16:9, 17:2, 17:24, 19:9, 19:14, 19:25, 21:22, 23:10, 37:9, 37:10, 37:12, 40:24, 40:25, 41:1, 41:11, 41:21, 41:22, 41:25, 42:1, 42:18, 43:2, 43:4, 43:10, 43:13, 43:18, 44:3, 44:8, 44:10, 44:25, 45:4, 45:12, 45:14, 45:18, 45:19, 45:25, 46:2, 46:11, 47:19, 52:25, 54:10, 55:11, 55:13, 55:16, 55:18, 55:20, 56:5, 56:7, 56:8, 56:9, 56:21, 56:24, 57:7, 57:20, 117:9, 125:18, 127:6, 127:13, 127:15, 128:5, 128:14, 136:8, 136:10, 136:16, 136:18, 136:23, 137:1, 141:24, 143:23, 166:6, 170:3, 170:7, 195:7, 196:8, 196:9, 196:10, 197:25</p> <p>populations [1] - 198:5</p> <p>populous [2] - 42:5, 47:17</p> <p>portal [1] - 92:3</p> <p>portions [2] - 108:12, 207:9</p> <p>portrayed [2] - 140:23</p> <p>pose [1] - 115:22</p> <p>posit [2] - 127:25, 167:22</p> <p>position [30] - 11:6, 16:10, 16:11, 20:11, 28:22, 32:1, 33:19, 35:13, 46:12, 75:19, 76:24, 101:18, 102:12, 115:17, 115:19, 116:23, 122:16, 122:20, 122:22, 125:2, 125:21, 126:23, 146:16, 147:7, 148:7, 159:9, 181:8, 185:8, 195:25</p> <p>positions [4] - 29:3, 108:8, 128:20, 167:3</p> <p>possibility [1] - 193:16</p> <p>possible [11] - 19:3, 24:25, 33:11, 82:10,</p>
--	---	--	---	---

<p>114:24, 123:2, 123:6, 123:9, 123:11, 186:11, 200:8</p> <p>possibly [10] - 24:11, 32:12, 34:6, 56:11, 66:18, 186:9, 188:5, 198:2, 198:8, 201:2</p> <p>Post [13] - 4:7, 4:11, 4:12, 4:14, 4:16, 4:17, 4:18, 5:5, 5:7, 5:8, 5:10, 5:11, 5:12</p> <p>post [1] - 101:11</p> <p>post-September [1] - 101:11</p> <p>posted [1] - 140:10</p> <p>potential [3] - 21:13, 141:9, 201:16</p> <p>potentially [7] - 19:15, 30:13, 33:3, 33:12, 130:12, 171:13, 199:25</p> <p>potion [1] - 12:23</p> <p>power [4] - 23:11, 62:7, 153:7, 167:3</p> <p>powers [3] - 39:3, 52:23, 128:13</p> <p>practice [4] - 186:17, 192:2, 192:17</p> <p>practices [1] - 158:20</p> <p>pre [1] - 60:23</p> <p>pre-admit [1] - 60:23</p> <p>precedent [1] - 55:14</p> <p>precedents [1] - 20:19</p> <p>precinct [6] - 139:4, 139:10, 139:11, 139:14, 139:20, 161:20</p> <p>precinct-based [1] - 139:10</p> <p>precincts [1] - 139:12</p> <p>precipitating [2] - 26:5, 26:9</p> <p>precise [1] - 38:12</p> <p>preclude [2] - 21:8, 54:15</p> <p>predated [1] - 137:17</p> <p>predecessor [1] - 118:3</p> <p>predict [2] - 160:18, 162:16</p> <p>prediction [1] - 139:22</p> <p>preference [1] - 49:25</p> <p>preliminary [2] - 180:18, 181:11</p> <p>premise [1] - 174:13</p> <p>prep [1] - 85:6</p> <p>preparation [1] - 75:2</p> <p>preparations [2] - 82:8, 103:2</p>	<p>prepare [5] - 77:19, 105:17, 106:13, 110:12, 177:21</p> <p>prepared [2] - 48:23, 68:2</p> <p>preparing [3] - 46:6, 82:25, 106:7</p> <p>prepping [1] - 108:23</p> <p>prerogative [1] - 199:5</p> <p>prescribing [1] - 39:3</p> <p>presence [2] - 21:7, 191:10</p> <p>present [3] - 7:8, 7:9, 36:8</p> <p>presentation [1] - 47:23</p> <p>presented [1] - 44:2</p> <p>presenting [3] - 7:5, 7:14, 10:14</p> <p>preserve [1] - 197:6</p> <p>preserving [1] - 190:8</p> <p>Presiding [1] - 1:23</p> <p>presiding [4] - 83:9, 91:3, 107:3, 161:21</p> <p>press [5] - 58:16, 59:24, 62:5, 87:17, 88:4</p> <p>Press [5] - 4:6, 4:8, 4:10, 4:15, 5:6</p> <p>pressure [1] - 178:2</p> <p>presumably [1] - 101:11</p> <p>presumed [3] - 18:23, 26:20, 200:8</p> <p>presumption [3] - 24:6, 24:12, 28:1</p> <p>pretended [1] - 39:16</p> <p>pretty [5] - 38:16, 39:10, 41:19, 46:3, 162:8</p> <p>prevail [2] - 196:24, 197:4</p> <p>prevails [1] - 25:2</p> <p>prevent [3] - 24:16, 110:16, 152:17</p> <p>prevented [1] - 192:24</p> <p>preventing [1] - 132:7</p> <p>prevents [1] - 16:8</p> <p>preview [1] - 163:15</p> <p>previously [1] - 176:24</p> <p>pricing [1] - 57:16</p> <p>primaries [1] - 159:25</p> <p>primarily [1] - 45:3</p> <p>primary [20] - 14:7, 14:24, 15:7, 15:10, 40:9, 118:4, 118:7, 121:15, 121:20, 121:23, 122:1, 138:18, 160:3,</p>	<p>160:14, 161:2, 161:5, 181:12, 181:19, 182:2, 183:2</p> <p>principle [2] - 37:8, 43:15</p> <p>priorities [5] - 85:20, 85:21, 86:5, 86:11, 86:18</p> <p>priority [2] - 98:1, 100:15</p> <p>privilege [1] - 31:20</p> <p>privileged [1] - 104:24</p> <p>probate [1] - 71:7</p> <p>problem [22] - 14:1, 18:12, 23:13, 23:25, 24:1, 24:3, 26:19, 37:1, 37:3, 37:10, 137:17, 141:20, 142:4, 142:18, 142:21, 166:5, 181:3, 182:7, 195:9, 195:10, 195:21, 200:20</p> <p>problematic [1] - 39:21</p> <p>problems [46] - 13:15, 14:14, 14:16, 15:14, 15:15, 16:3, 22:4, 26:19, 35:12, 37:4, 41:10, 42:25, 48:2, 48:4, 53:2, 117:19, 117:21, 118:6, 120:16, 120:23, 131:5, 131:9, 134:3, 134:6, 134:8, 134:14, 137:8, 156:8, 166:4, 166:6, 180:6, 181:4, 181:15, 182:11, 182:14, 183:12, 183:14, 183:15, 195:12, 198:14, 198:18, 198:20, 198:21, 199:6, 200:15</p> <p>procedure [1] - 10:7</p> <p>procedures [13] - 74:23, 76:16, 82:17, 84:2, 85:23, 85:24, 86:9, 90:10, 90:19, 90:22, 91:11, 135:20, 169:3</p> <p>proceed [7] - 36:13, 66:15, 69:18, 89:2, 89:3, 115:1, 157:23</p> <p>proceeding [3] - 59:12, 59:23, 116:12</p> <p>Proceedings [2] - 1:25, 206:21</p> <p>proceedings [5] -</p>	<p>1:21, 8:5, 187:17, 207:9, 207:15</p> <p>proceeds [1] - 190:14</p> <p>process [57] - 15:5, 16:15, 25:11, 25:17, 27:22, 34:3, 75:23, 75:25, 76:2, 76:15, 77:1, 77:2, 77:17, 78:6, 78:18, 82:17, 82:22, 83:3, 84:1, 84:9, 84:10, 84:25, 85:3, 87:7, 89:16, 89:22, 89:25, 90:16, 90:19, 90:22, 92:6, 93:21, 94:18, 95:3, 97:2, 97:13, 97:16, 107:16, 130:2, 132:5, 132:19, 140:1, 142:7, 151:4, 152:7, 152:14, 152:15, 162:13, 163:2, 172:11, 178:23, 180:8, 180:11, 182:17, 182:22</p> <p>processes [13] - 43:21, 74:23, 76:16, 78:2, 82:18, 84:2, 85:22, 85:24, 86:9, 90:10, 90:20, 91:11, 182:19</p> <p>processing [1] - 150:23</p> <p>produced [1] - 87:17</p> <p>professionalism [1] - 76:9</p> <p>prohibited [3] - 18:15, 20:22, 38:10</p> <p>prohibition [2] - 39:17, 54:17</p> <p>prohibits [2] - 50:20, 194:8</p> <p>Project [1] - 59:14</p> <p>projected [1] - 105:22</p> <p>promulgation [1] - 163:23</p> <p>pronouncement [1] - 31:22</p> <p>proper [11] - 9:10, 28:11, 28:15, 28:18, 28:19, 28:23, 32:17, 32:20, 34:17, 91:10, 183:6</p> <p>properly [8] - 85:5, 95:24, 103:22, 111:14, 174:16, 182:15, 186:19, 205:21</p> <p>property [2] - 16:18, 57:12</p>	<p>propose [1] - 160:9</p> <p>proposed [3] - 40:19, 94:17, 107:6</p> <p>proposing [2] - 60:2, 133:9</p> <p>pros [1] - 13:16</p> <p>prosecute [1] - 35:7</p> <p>prove [1] - 202:1</p> <p>proven [2] - 201:4, 201:14</p> <p>provide [15] - 63:19, 84:8, 154:18, 157:13, 158:13, 158:16, 160:13, 160:23, 163:2, 164:17, 169:13, 174:22, 193:8, 193:24</p> <p>provided [11] - 52:10, 114:18, 148:25, 149:9, 149:10, 161:25, 177:5, 183:6, 185:13, 191:9, 192:1</p> <p>provides [13] - 26:13, 80:20, 89:20, 89:23, 96:7, 155:16, 158:19, 161:2, 162:15, 163:19, 184:22, 187:13, 193:6</p> <p>providing [6] - 27:1, 149:1, 152:16, 163:21, 175:22, 187:20</p> <p>provision [22] - 20:10, 21:11, 30:10, 34:13, 34:15, 34:24, 35:8, 35:15, 52:9, 52:21, 52:22, 155:10, 160:21, 174:6, 180:16, 184:9, 185:4, 201:17</p> <p>PROVISIONAL [1] - 1:8</p> <p>provisions [5] - 171:3, 171:7, 171:20, 171:24, 174:21</p> <p>PSA [1] - 4:22</p> <p>PTJ [8] - 61:2, 61:3, 61:12, 61:17, 66:19, 68:24, 112:2, 204:3</p> <p>Public [3] - 20:25, 54:13, 56:23</p> <p>public [13] - 22:23, 23:9, 23:15, 40:18, 42:21, 42:22, 130:23, 162:13, 164:21, 178:2, 178:3, 181:9, 197:14</p>
--	--	---	---	--

<p>publicly ^[1] - 182:12 published ^[1] - 162:19 publishing ^[1] - 76:3 PUC ^[1] - 57:9 pull ^[1] - 69:16 punishing ^[1] - 24:17 purchase ^[1] - 164:7 purporting ^[1] - 155:14 purpose ^[11] - 37:21, 40:19, 42:20, 42:21, 42:22, 63:2, 64:18, 143:20, 143:21, 143:25, 144:8 purposes ^[3] - 13:10, 31:24, 32:22 pursuant ^[3] - 133:17, 149:11, 202:25 push ^[1] - 36:19 put ^[12] - 7:10, 12:10, 15:12, 37:17, 48:19, 74:20, 110:5, 112:24, 130:20, 185:17, 194:21, 205:15 putting ^[4] - 7:11, 94:13, 167:2, 167:3</p>	<p style="text-align: center;">R</p> <p>race ^[1] - 185:16 raise ^[2] - 69:12, 198:23 raised ^[2] - 14:6, 116:12 raises ^[1] - 204:12 raising ^[1] - 95:22 rally ^[5] - 90:24, 90:25, 91:2, 91:10, 107:6 ran ^[3] - 48:4, 119:18, 131:6 range ^[1] - 44:22 rate ^[1] - 57:14 rather ^[3] - 10:17, 115:23, 167:16 ratified ^[1] - 178:16 rational ^[14] - 126:21, 127:5, 127:10, 127:25, 136:7, 136:15, 136:23, 137:4, 143:25, 167:12, 167:22, 195:6, 195:8, 196:17 rationality ^[1] - 197:2 re ^[3] - 67:20, 168:23, 190:3 re-addressable ^[1] - 190:3 re-urge ^[1] - 67:20 reached ^[1] - 126:22 reaches ^[5] - 37:12, 136:10, 136:18, 137:1, 196:14 read ^[7] - 10:10, 12:17, 24:23, 57:11, 147:3, 169:9 readdressing ^[1] - 78:4 reading ^[1] - 33:2 reads ^[2] - 169:10, 170:4 ready ^[5] - 57:23, 66:15, 69:19, 146:12, 157:20 real ^[1] - 189:1 realized ^[1] - 112:4 really ^[23] - 10:1, 18:5, 19:7, 19:8, 19:16, 42:1, 44:13, 46:13, 47:25, 55:5, 55:13, 55:18, 62:9, 62:22, 66:17, 75:10, 130:6, 167:20, 168:5, 184:25, 195:5, 197:5, 197:11 realm ^[1] - 24:3 reason ^[23] - 17:4, 34:7, 35:20, 42:12,</p>	<p>45:23, 46:3, 47:22, 61:13, 88:18, 110:18, 126:21, 127:5, 128:1, 128:8, 135:22, 136:6, 150:23, 166:23, 186:12, 197:4, 198:24, 200:6, 201:3 reasonable ^[55] - 17:22, 18:5, 18:6, 18:9, 18:11, 18:14, 18:17, 18:20, 19:3, 19:11, 20:8, 21:7, 21:13, 22:2, 22:9, 22:12, 23:20, 24:6, 24:8, 24:22, 24:23, 26:2, 26:16, 26:17, 27:12, 28:2, 40:7, 40:10, 40:12, 40:13, 40:21, 43:16, 43:17, 44:18, 53:4, 54:21, 54:23, 54:25, 55:1, 55:3, 55:6, 55:9, 56:2, 56:12, 198:6, 198:7, 198:8, 198:18, 199:1, 199:11, 199:14, 199:17, 199:18, 200:19 reasonableness ^[3] - 21:18, 26:6, 198:1 reasoning ^[1] - 47:16 reasons ^[3] - 27:23, 115:22, 197:18 reassemble ^[2] - 130:17, 131:1 reassembling ^[1] - 130:24 reassess ^[1] - 85:21 rebuttal ^[4] - 12:11, 53:22, 188:25, 189:21 rebutted ^[2] - 190:23, 195:22 receive ^[7] - 90:3, 93:1, 111:17, 126:14, 153:25, 161:16, 203:4 received ^[9] - 9:8, 49:8, 49:17, 64:13, 64:15, 67:2, 105:23, 132:24, 132:25 receives ^[1] - 33:23 recent ^[5] - 14:8, 19:19, 25:9, 90:22, 140:25 recently ^[2] - 20:17, 25:3 recess ^[6] - 65:4, 65:6, 157:17, 157:21,</p>	<p>157:22 recognize ^[2] - 21:20, 130:4 recognized ^[2] - 21:12, 122:4 recommending ^[2] - 94:9, 178:13 recommendation ^[1] - 162:5 reconciliation ^[2] - 76:4, 181:22 Record ^[2] - 207:11, 207:14 record ^[16] - 7:14, 8:21, 11:6, 11:9, 36:15, 50:1, 58:6, 61:24, 66:11, 67:18, 70:1, 75:18, 80:3, 124:19, 145:24, 189:16 RECORD ^[1] - 1:1 recorded ^[1] - 14:24 recording ^[1] - 50:19 recordings ^[1] - 50:20 records ^[2] - 67:22, 78:16 recross ^[2] - 144:13, 183:24 RECROSS ^[2] - 144:21, 184:2 RECROSS-EXAMINATION ^[2] - 144:21, 184:2 recruited ^[1] - 83:9 recruiting ^[1] - 76:13 recurring ^[2] - 156:8, 180:5 redesignate ^[1] - 150:4 redirect ^[4] - 112:1, 123:20, 123:21, 191:15 redistributing ^[1] - 160:5 redistricting ^[1] - 139:25 redressability ^[4] - 30:3, 192:23, 192:25, 193:25 redressed ^[2] - 28:10, 30:8 reelected ^[1] - 173:16 reevaluated ^[1] - 30:15 refer ^[2] - 96:3, 149:19 reference ^[1] - 97:8 referencing ^[2] - 98:4, 171:21 referred ^[2] - 20:1, 90:23</p>	<p>referring ^[6] - 86:22, 86:24, 96:4, 155:7, 160:20, 204:23 reflect ^[1] - 204:18 reflects ^[1] - 207:15 refraining ^[2] - 155:7, 156:3 refuse ^[2] - 187:6, 193:24 refused ^[1] - 148:6 regard ^[5] - 114:13, 161:3, 162:5, 194:14, 201:12 regarding ^[10] - 34:18, 54:6, 58:14, 59:24, 131:4, 132:14, 133:19, 163:2, 180:17, 191:17 regardless ^[5] - 75:22, 79:19, 79:24, 149:1, 185:11 regards ^[2] - 149:3, 171:16 regional ^[1] - 91:7 registered ^[7] - 105:15, 125:9, 131:16, 132:6, 132:7, 185:10, 196:9 registering ^[4] - 31:9, 133:4, 133:5, 191:24 registrar ^[5] - 147:25, 150:7, 150:13, 154:18, 155:10 registrar's ^[1] - 154:24 registration ^[31] - 72:3, 74:1, 77:2, 77:9, 77:11, 77:16, 78:8, 78:9, 78:11, 78:21, 85:1, 85:2, 85:4, 91:20, 92:9, 92:19, 92:21, 92:24, 131:12, 132:14, 132:19, 133:25, 136:22, 136:25, 150:20, 154:14, 154:20, 156:10, 158:13, 168:9, 180:7 registrations ^[1] - 85:5 regulate ^[3] - 173:7, 173:14, 174:3 regulating ^[2] - 38:16, 52:12 regulation ^[3] - 38:11, 75:25, 76:1 regulatory ^[1] - 160:17 reimbursed ^[1] - 150:13 reimbursements ^[2] - 93:2, 151:23</p>
<p style="text-align: center;">Q</p> <p>qualifications ^[1] - 70:7 quarterly ^[1] - 93:1 question's ^[1] - 102:2 questioning ^[1] - 17:25 questions ^[30] - 48:13, 48:16, 80:3, 82:16, 84:1, 88:2, 95:22, 114:13, 114:16, 123:18, 123:23, 125:6, 131:3, 131:8, 136:5, 136:22, 137:25, 141:6, 143:11, 144:11, 144:18, 145:7, 145:9, 157:9, 164:2, 183:20, 188:7, 189:22, 194:2, 194:3 quibbling ^[1] - 178:18 quick ^[5] - 52:3, 66:10, 110:5, 111:11, 199:19 quickly ^[7] - 10:18, 37:15, 82:10, 107:10, 189:1, 203:13, 206:19 quite ^[1] - 64:11 quo ^[1] - 197:6 quote ^[2] - 15:10, 26:3</p>				

<p>reimburses [1] - 92:23 reiterate [1] - 116:13 reject [1] - 187:2 rejected [2] - 23:24, 191:4 relate [1] - 163:3 related [14] - 55:18, 55:20, 59:3, 59:8, 94:13, 98:16, 98:17, 98:18, 149:11, 162:12, 168:9, 178:7, 187:14, 197:2 relates [7] - 75:24, 82:5, 82:21, 90:19, 92:20, 155:9 relating [6] - 89:18, 97:18, 109:17, 174:7, 175:17, 175:22 relation [2] - 40:8, 43:16 relationship [3] - 40:10, 40:12, 195:8 relatively [3] - 164:10, 194:14, 195:3 release [1] - 59:24 Release [5] - 4:6, 4:8, 4:10, 4:15, 5:6 releases [4] - 58:16, 62:5, 87:17, 88:4 relevance [9] - 61:19, 68:1, 68:10, 87:23, 88:21, 98:16, 116:11, 141:3, 143:18 relevancy [3] - 61:18, 67:23, 68:5 relevant [2] - 46:13, 144:4 relied [1] - 18:7 Relief [2] - 5:3, 203:18 relief [10] - 12:21, 115:11, 115:14, 194:7, 194:12, 201:8, 203:19, 204:19, 204:21, 205:4 rely [2] - 45:4, 189:18 relying [2] - 125:8, 187:22 remaining [1] - 111:15 remedy [1] - 173:6 remember [2] - 176:2, 176:13 removal [3] - 34:6, 174:7, 174:10 remove [4] - 77:14, 96:9, 96:21, 97:2 removed [2] - 79:8, 174:12</p>	<p>render [3] - 21:2, 23:25, 26:6 renders [1] - 20:12 rental [1] - 160:12 repeated [1] - 192:17 repeatedly [1] - 200:25 replace [1] - 173:23 replacing [1] - 174:17 reply [2] - 11:1, 11:18 reported [4] - 1:25, 14:4, 181:21, 207:13 reportedly [3] - 15:10, 119:16, 119:18 reporter [3] - 7:15, 49:13, 157:14 REPORTER [2] - 126:8, 126:11 Reporter [2] - 207:5, 207:22 REPORTER'S [2] - 1:1, 207:1 Reporter's [3] - 3:25, 207:11, 207:14 reporting [1] - 182:3 reports [10] - 14:12, 15:16, 121:3, 121:4, 121:20, 122:9, 122:11, 122:13, 140:2, 170:14 represent [1] - 10:22 represented [1] - 46:16 representing [1] - 193:11 represents [1] - 117:8 republican [1] - 140:17 Republican [1] - 183:8 reputational [1] - 130:6 request [16] - 9:6, 9:7, 9:20, 10:19, 12:20, 12:21, 36:3, 62:12, 112:24, 157:6, 181:1, 201:6, 203:16, 204:7, 204:21, 205:18 Request [1] - 203:17 requested [3] - 144:9, 178:25, 207:9 requests [4] - 66:11, 154:6, 203:19, 206:3 require [2] - 109:3, 150:12 required [2] - 98:20, 158:15 requirement [2] - 190:24, 192:10 requirements [2] -</p>	<p>156:11, 156:13 requires [8] - 33:20, 46:5, 147:20, 147:24, 148:18, 177:16, 177:17, 184:5 requiring [1] - 96:22 research [1] - 10:11 researching [1] - 132:23 resend [1] - 67:3 reserved [1] - 111:16 resident [1] - 82:2 residents [3] - 42:9, 60:3, 60:4 resign [1] - 107:20 resigned [5] - 14:10, 15:7, 107:17, 117:25, 118:3 resolution [2] - 178:19, 180:10 respect [28] - 40:18, 50:19, 64:20, 64:22, 71:2, 80:18, 86:13, 90:11, 91:13, 92:20, 94:2, 104:13, 154:5, 158:17, 159:18, 161:5, 167:2, 180:3, 181:19, 181:20, 182:19, 183:1, 190:5, 190:15, 191:13, 192:25, 193:3, 193:21 respectfully [1] - 40:7 respective [1] - 207:16 respond [8] - 56:17, 63:20, 101:5, 101:14, 113:11, 115:25, 116:6, 126:16 responding [1] - 97:10 response [8] - 36:6, 60:19, 66:2, 98:19, 99:8, 112:5, 191:1, 202:23 responsibilities [8] - 76:23, 77:23, 78:7, 78:17, 78:20, 79:13, 110:6, 166:10 responsibility [4] - 33:8, 158:9, 164:11, 165:6 responsible [7] - 71:4, 75:21, 77:8, 77:10, 89:11, 148:14, 166:12 rest [7] - 60:17, 112:8, 171:24, 188:22,</p>	<p>189:6, 189:12, 194:1 restart [1] - 98:7 restate [1] - 126:13 restricted [1] - 22:20 result [4] - 110:1, 120:22, 132:20, 174:20 results [19] - 15:19, 76:4, 93:8, 93:19, 93:23, 93:24, 109:5, 120:22, 149:6, 178:3, 184:5, 184:16, 185:2, 185:6, 185:12, 186:8, 186:13, 187:23, 188:4 retirement [1] - 129:16 return [7] - 16:16, 91:3, 126:23, 126:24, 145:12, 151:10, 193:5 returning [1] - 143:6 returns [2] - 143:7, 145:2, 148:19, 148:25, 149:2, 149:14, 168:10, 180:23, 181:2, 181:20, 182:3, 182:9, 186:18, 186:23, 187:2, 187:8, 187:10, 193:24, 198:14, 201:1 review [4] - 11:14, 26:8, 100:4, 112:19 reviewed [2] - 128:7, 132:24 reviewing [2] - 26:6, 169:3 revoked [1] - 150:1 reward [2] - 140:10, 140:14 Richard [4] - 7:21, 51:7, 51:22, 64:12 RICHARD [1] - 2:23 rid [3] - 137:5, 174:2, 174:14 rights [3] - 133:19, 164:1, 191:6 Rights [1] - 59:13 River [1] - 166:5 road [3] - 10:9, 39:12, 110:25 Robinson [1] - 45:11 Rodney [3] - 151:9, 151:25, 152:21 role [22] - 70:7, 72:2, 72:7, 72:12, 72:14, 72:16, 72:17, 73:20, 74:4, 78:7, 84:13,</p>	<p>93:10, 100:24, 101:14, 107:24, 120:7, 120:11, 120:12, 155:15, 164:14, 169:8 roles [6] - 73:24, 78:13, 82:21, 89:16, 108:4, 151:6 room [2] - 25:24, 39:20 roughly [7] - 77:17, 85:10, 96:23, 103:13, 105:22, 110:21, 125:10 round [2] - 77:12, 85:2 rubbing [1] - 8:3 rule [9] - 21:8, 50:19, 54:15, 54:19, 56:11, 165:21, 199:11, 199:16 Rule [1] - 5:2 rules [4] - 18:18, 39:12, 51:4, 160:13 Ruling [1] - 3:23 ruling [6] - 68:23, 68:24, 68:25, 69:1, 166:2, 194:10 rulings [4] - 50:18, 60:25, 203:12, 206:18 Run [8] - 20:18, 21:15, 22:25, 26:21, 26:22, 26:24, 40:15, 54:21 run [18] - 14:8, 38:22, 81:14, 86:2, 86:6, 104:14, 136:17, 136:19, 137:17, 141:16, 159:19, 168:2, 168:3, 168:19, 185:20, 186:4, 186:8, 193:7 running [2] - 85:9, 86:7, 92:8, 119:15, 122:10, 127:4, 131:11, 133:23, 137:19, 141:21, 142:24, 159:21, 159:25, 160:10, 164:15, 165:7, 169:8, 175:11, 176:17, 178:3, 187:19 runs [3] - 91:22, 103:13, 140:9 Ryan [4] - 35:9, 35:11, 35:16, 35:17</p>
S				
salary [1] - 129:13				

<p>San [1] - 57:3</p> <p>SARKAR [29] - 2:6, 6:23, 69:3, 69:20, 69:25, 71:20, 88:1, 88:12, 88:15, 88:23, 89:2, 89:4, 97:17, 98:5, 98:19, 99:6, 99:17, 100:9, 100:13, 100:21, 100:22, 101:5, 101:7, 101:20, 101:25, 102:11, 111:5, 123:21, 145:7</p> <p>Sarkar [6] - 3:14, 6:23, 7:10, 50:5, 69:3, 69:18</p> <p>Sarkar.. [1] - 49:22</p> <p>saw [4] - 18:13, 37:16, 49:7, 94:8</p> <p>SB17 [3] - 128:11, 144:7, 198:3</p> <p>SB1750 [31] - 4:20, 5:13, 13:25, 14:3, 16:2, 16:4, 16:8, 17:6, 17:7, 17:20, 17:21, 27:25, 31:23, 36:2, 36:23, 37:20, 38:1, 86:21, 86:22, 87:2, 96:16, 98:21, 98:25, 128:25, 135:24, 136:3, 147:12, 147:16, 147:20, 147:24, 201:18</p> <p>SB1780 [1] - 5:24</p> <p>SB1933 [7] - 4:19, 33:17, 96:3, 96:6, 96:15, 155:17, 155:19</p> <p>SBOT [10] - 2:4, 2:5, 2:6, 2:7, 2:13, 2:14, 2:15, 2:16, 2:21, 2:24</p> <p>scanning [1] - 182:15</p> <p>SCHECHTER [45] - 2:23, 51:7, 51:14, 51:17, 51:21, 64:12, 65:18, 66:5, 112:22, 113:3, 113:15, 115:18, 116:4, 116:9, 116:11, 123:22, 123:25, 124:4, 124:18, 124:22, 125:1, 126:7, 126:9, 126:17, 127:3, 127:11, 127:21, 127:24, 131:25, 132:10, 132:13, 136:15, 137:24,</p>	<p>141:5, 142:12, 142:18, 143:10, 143:19, 144:10, 145:9, 202:11, 202:15, 203:10, 203:25, 204:10</p> <p>Schechter [7] - 3:15, 7:21, 51:22, 64:13, 112:22, 115:25, 203:5</p> <p>Schechter..... [1] - 3:9</p> <p>schedule [1] - 107:7</p> <p>scheduled [2] - 10:3, 26:24</p> <p>Schlechter [1] - 112:21</p> <p>School [1] - 70:12</p> <p>school [2] - 70:15, 104:12</p> <p>scope [3] - 22:19, 72:14, 105:12</p> <p>screen [1] - 13:8</p> <p>scrutiny [1] - 96:1</p> <p>se [2] - 21:10, 54:17</p> <p>seat [1] - 146:2</p> <p>second [14] - 25:7, 36:16, 37:5, 37:14, 46:17, 85:11, 103:23, 103:24, 117:2, 117:4, 123:16, 144:14, 186:22, 200:9</p> <p>seconds [1] - 56:16</p> <p>Secretary [110] - 6:9, 29:24, 30:2, 30:13, 32:9, 32:12, 32:18, 33:18, 33:22, 34:4, 34:5, 34:11, 34:14, 34:23, 61:22, 70:20, 71:11, 72:18, 72:19, 74:15, 74:18, 74:24, 87:8, 89:8, 89:10, 89:20, 89:22, 90:12, 90:15, 90:19, 91:8, 91:13, 91:15, 91:23, 92:13, 92:15, 92:19, 93:3, 93:4, 93:9, 93:15, 93:18, 94:1, 94:2, 94:12, 94:15, 94:16, 94:22, 95:13, 95:21, 96:8, 96:13, 98:2, 98:24, 100:14, 100:15, 113:21, 142:5, 142:19, 143:3, 143:5, 146:18, 146:20, 146:22, 146:25, 147:6, 148:12, 148:22, 149:5,</p>	<p>149:15, 149:20, 150:7, 150:16, 151:11, 154:18, 155:1, 155:6, 155:20, 155:24, 156:3, 158:5, 159:2, 162:15, 163:8, 163:11, 163:18, 164:11, 164:14, 167:23, 170:9, 170:17, 171:8, 172:9, 172:17, 173:1, 173:7, 180:15, 185:19, 186:8, 186:12, 188:3, 189:23, 193:3, 200:24, 200:25, 201:5, 201:9</p> <p>secretary [2] - 155:9, 165:1</p> <p>SECRETARY [2] - 1:9, 1:10</p> <p>Section [17] - 16:22, 18:1, 18:4, 19:5, 19:10, 20:19, 22:21, 24:15, 38:7, 38:14, 38:19, 39:2, 46:17, 154:16, 169:12, 169:13, 186:9</p> <p>section [7] - 20:10, 46:10, 46:17, 46:19, 85:4, 128:12, 171:16</p> <p>sections [3] - 46:9, 171:1, 171:15</p> <p>secure [1] - 164:12</p> <p>security [2] - 72:9, 158:20</p> <p>see [19] - 19:21, 27:6, 27:20, 38:14, 38:18, 40:1, 51:1, 56:4, 63:24, 63:25, 64:5, 64:18, 65:8, 65:22, 66:5, 66:25, 82:9, 128:17, 156:18</p> <p>see.. [1] - 116:19</p> <p>seeing [1] - 45:14</p> <p>seek [4] - 31:6, 53:16, 121:22, 191:21</p> <p>seeking [6] - 53:15, 61:13, 74:25, 115:20, 190:6, 194:12</p> <p>seeks [1] - 166:15</p> <p>seem [6] - 24:20, 29:4, 34:8, 48:11, 193:9, 201:22</p> <p>seize [4] - 142:5, 142:8, 142:19, 168:18</p> <p>seizing [2] - 168:25,</p>	<p>169:1</p> <p>selected [3] - 83:5, 95:7, 138:16</p> <p>selects [1] - 138:22</p> <p>Senate [20] - 31:4, 37:21, 41:5, 41:12, 42:7, 42:15, 43:6, 47:5, 47:11, 62:8, 86:25, 96:7, 125:13, 128:11, 140:19, 165:12, 168:15, 179:20, 180:16, 191:20</p> <p>Senator [4] - 47:24, 61:20, 87:21, 88:4</p> <p>senator [1] - 48:2</p> <p>senator's [1] - 26:4</p> <p>senators [1] - 198:10</p> <p>send [6] - 60:2, 65:13, 66:22, 66:23, 67:12, 108:12</p> <p>send.. [1] - 67:7</p> <p>sending [3] - 93:8, 103:14, 103:15</p> <p>sense [13] - 12:9, 36:7, 38:21, 39:18, 42:20, 44:9, 44:21, 44:24, 48:22, 97:20, 101:10, 105:12, 133:12</p> <p>sent [7] - 49:14, 65:20, 66:25, 67:5, 88:7, 192:12, 203:1</p> <p>sentence [1] - 128:12</p> <p>separate [2] - 77:4, 77:24</p> <p>separately [2] - 62:18, 201:9</p> <p>September [56] - 31:10, 33:21, 34:5, 41:25, 42:4, 42:8, 43:5, 43:8, 46:21, 47:6, 52:23, 57:13, 76:21, 76:23, 84:11, 85:17, 86:19, 96:22, 100:25, 101:11, 101:16, 103:2, 103:16, 103:23, 103:25, 104:1, 107:14, 109:23, 110:22, 127:5, 127:12, 127:16, 128:1, 128:13, 136:8, 136:10, 136:24, 137:1, 148:12, 148:22, 149:23, 150:6, 150:16, 151:23, 153:11, 153:16, 154:3, 184:10,</p>	<p>190:18, 192:6, 195:8, 196:4, 196:7, 196:11, 196:21, 199:23</p> <p>series [3] - 45:4, 88:3, 97:18</p> <p>serious [1] - 141:9</p> <p>served [2] - 72:7, 197:15</p> <p>service [4] - 57:12, 57:17, 65:9, 159:16</p> <p>services [1] - 22:11</p> <p>Services [2] - 21:1, 54:14</p> <p>session [1] - 147:17</p> <p>set [12] - 9:7, 9:23, 15:8, 20:3, 24:11, 77:14, 91:5, 91:7, 95:24, 138:3, 192:15, 205:24</p> <p>setting [1] - 8:3</p> <p>setup [1] - 35:4</p> <p>several [10] - 38:4, 38:11, 75:17, 90:14, 158:10, 167:2, 175:20, 175:21, 177:6, 177:17</p> <p>sewer [1] - 57:11</p> <p>shall [5] - 38:8, 44:16, 52:10, 57:14, 154:18</p> <p>share [3] - 13:8, 101:12, 104:24</p> <p>Shechter [1] - 51:8</p> <p>shipping [1] - 127:13</p> <p>ship [1] - 76:5</p> <p>short [2] - 112:1, 188:23</p> <p>shortages [4] - 14:13, 15:15, 118:23, 182:21</p> <p>shorthand [1] - 1:25</p> <p>shortly [2] - 84:6, 95:3</p> <p>shoulda [1] - 198:2</p> <p>show [18] - 25:6, 29:1, 30:1, 34:17, 35:22, 35:24, 37:25, 58:8, 62:6, 62:7, 62:9, 98:20, 99:4, 127:20, 138:14, 160:18, 192:1, 192:21</p> <p>showing [1] - 100:14</p> <p>shown [3] - 32:10, 190:24, 193:1</p> <p>shows [2] - 38:2, 98:23</p> <p>shut [1] - 27:4</p> <p>side [10] - 11:13, 44:5, 45:16, 61:6, 67:22, 99:11, 183:4, 188:20, 192:9,</p>
--	--	--	---	--

<p>199:23</p> <p>sides [4] - 14:6, 30:22, 30:23, 40:15</p> <p>Siegel [2] - 140:18, 140:22</p> <p>signage [1] - 94:13</p> <p>signed [2] - 30:23, 187:1</p> <p>significance [1] - 21:15</p> <p>significant [3] - 15:25, 27:19, 161:17</p> <p>significantly [2] - 19:18, 35:14</p> <p>silenced [1] - 8:5</p> <p>silver [1] - 36:19</p> <p>similar [3] - 22:4, 72:16, 97:22</p> <p>similarly [2] - 20:25, 23:19</p> <p>simple [2] - 92:2, 194:14</p> <p>simply [3] - 108:7, 143:7, 144:4</p> <p>single [8] - 21:3, 42:19, 43:11, 44:1, 44:4, 45:1, 45:13, 198:24</p> <p>sit [2] - 50:17, 50:22</p> <p>site [5] - 90:24, 91:1, 91:2, 107:6, 162:18</p> <p>sites [4] - 91:5, 91:10, 160:11, 161:22</p> <p>sitting [2] - 84:18, 96:11</p> <p>situation [7] - 13:25, 18:8, 20:16, 150:24, 182:3, 193:12, 193:13</p> <p>six [5] - 75:9, 77:17, 130:17, 175:17, 194:22</p> <p>six-month [1] - 175:17</p> <p>size [5] - 41:7, 117:15, 196:17, 196:18, 196:19</p> <p>slash [3] - 65:23, 65:24</p> <p>slide [2] - 46:7, 47:23</p> <p>slightly [1] - 201:10</p> <p>slow [2] - 131:21, 132:5</p> <p>slow-walking [2] - 131:21, 132:5</p> <p>small [1] - 104:10</p> <p>smaller [3] - 55:23, 106:3, 106:4</p> <p>smallest [1] - 56:1</p> <p>Smith [1] - 18:22</p> <p>smooth [3] - 165:7,</p>	<p>177:13, 177:15</p> <p>so-called [1] - 41:5</p> <p>social [1] - 87:16</p> <p>sole [2] - 41:12, 78:10</p> <p>solely [2] - 194:9, 197:21</p> <p>solution [4] - 195:11, 195:12, 198:25, 199:2</p> <p>Solutions [1] - 25:3</p> <p>solve [7] - 13:15, 14:1, 16:3, 18:12, 195:9, 195:10, 199:6</p> <p>solving [2] - 22:23, 195:9</p> <p>someone [6] - 49:15, 65:11, 79:16, 130:9, 152:21, 199:17</p> <p>sometimes [5] - 35:18, 62:6, 62:10, 112:14, 112:15</p> <p>somewhere [3] - 57:3, 81:17, 205:3</p> <p>sorry [17] - 49:11, 58:5, 60:4, 61:24, 62:12, 65:18, 66:18, 67:6, 68:16, 97:7, 98:6, 120:10, 126:8, 165:21, 177:12, 202:8, 205:15</p> <p>sort [22] - 12:12, 23:17, 23:21, 26:19, 68:7, 72:13, 81:8, 88:6, 89:15, 92:3, 93:7, 93:8, 93:10, 95:1, 95:16, 97:22, 102:23, 105:17, 106:23, 134:11, 134:14</p> <p>sorting [1] - 50:14</p> <p>sorts [2] - 107:9, 160:12</p> <p>SOS [7] - 97:23, 193:4, 193:10, 193:11, 193:12, 193:22, 193:23</p> <p>sought [1] - 40:19</p> <p>sound [2] - 50:25, 114:4</p> <p>sounds [9] - 11:15, 13:4, 67:8, 75:3, 109:25, 112:11, 164:10, 165:23, 176:3</p> <p>Southwest [3] - 21:1, 27:11, 54:14</p> <p>sovereign [1] - 12:7</p> <p>SP1750 [1] - 24:5</p> <p>speaking [5] - 8:2, 25:19, 76:11, 84:22,</p>	<p>171:4</p> <p>special [11] - 20:12, 21:11, 24:4, 24:16, 26:6, 26:8, 38:9, 52:11, 54:18, 55:10, 194:25</p> <p>specific [15] - 16:23, 26:10, 33:16, 57:1, 57:16, 67:10, 75:6, 77:20, 90:11, 109:16, 128:1, 152:3, 156:9, 162:12, 171:11</p> <p>specifically [13] - 23:23, 26:1, 59:22, 98:3, 99:22, 102:1, 116:1, 116:2, 171:15, 171:21, 181:10, 191:4, 204:20</p> <p>speculate [1] - 84:18</p> <p>speculation [4] - 101:4, 101:8, 101:23, 102:8</p> <p>speculative [5] - 28:9, 29:10, 29:12, 34:18, 101:9</p> <p>speed [2] - 82:11, 95:2</p> <p>spend [4] - 24:13, 43:22, 47:2, 109:4</p> <p>spending [1] - 97:14</p> <p>spent [2] - 19:12, 160:14</p> <p>split [1] - 110:7</p> <p>splitting [1] - 110:6</p> <p>spoken [1] - 159:8</p> <p>sponsor [1] - 37:20</p> <p>square [2] - 41:9, 44:16</p> <p>stability [1] - 102:25</p> <p>staff [10] - 94:10, 94:15, 107:15, 108:25, 109:4, 109:15, 109:21, 123:11, 133:6, 138:2</p> <p>stake [1] - 21:14</p> <p>stand [1] - 64:24</p> <p>standard [1] - 193:7</p> <p>standards [2] - 15:8, 28:7</p> <p>standing [20] - 17:18, 28:4, 28:6, 28:7, 28:24, 28:25, 31:24, 32:9, 33:13, 35:23, 36:10, 61:12, 188:24, 189:23, 190:1, 190:22, 191:5, 192:15, 200:23, 202:2</p> <p>start [8] - 47:23,</p>	<p>51:11, 70:8, 70:25, 81:23, 82:6, 85:7, 125:2</p> <p>started [14] - 23:6, 63:4, 64:21, 68:8, 70:19, 81:3, 82:3, 83:3, 83:13, 84:1, 106:15, 126:11, 132:22</p> <p>starting [3] - 75:8, 75:11, 109:23</p> <p>starts [1] - 103:13</p> <p>STATE [4] - 1:5, 1:9, 1:10, 207:3</p> <p>State [138] - 4:9, 6:5, 6:8, 6:9, 6:10, 6:11, 28:14, 28:21, 29:9, 29:24, 30:2, 30:13, 32:9, 32:12, 32:18, 32:23, 33:18, 33:22, 34:4, 34:6, 34:11, 34:14, 34:23, 40:2, 42:6, 44:19, 46:1, 51:10, 52:2, 52:5, 52:17, 59:12, 61:22, 63:13, 63:24, 64:3, 64:9, 65:25, 70:1, 70:20, 71:8, 71:11, 71:22, 72:18, 72:19, 74:9, 74:14, 74:19, 74:24, 82:1, 87:8, 89:8, 89:10, 89:12, 89:20, 90:12, 90:15, 90:20, 91:8, 91:13, 91:15, 91:23, 92:13, 92:15, 92:19, 93:3, 93:4, 93:15, 93:18, 94:1, 94:3, 94:12, 94:15, 94:16, 94:22, 95:13, 95:17, 95:22, 96:8, 96:13, 97:1, 98:2, 98:24, 100:14, 100:15, 101:20, 101:25, 102:3, 102:13, 126:2, 142:1, 142:5, 142:19, 143:3, 143:5, 146:18, 146:22, 147:6, 148:13, 149:5, 149:20, 151:11, 154:18, 155:1, 155:20, 155:24, 156:3, 159:12, 163:9, 163:11, 164:11, 164:14, 167:15, 167:23, 168:2, 170:10, 170:17, 171:8, 172:9, 172:17,</p>	<p>173:7, 175:15, 179:13, 180:15, 185:20, 186:8, 186:12, 189:24, 195:23, 201:10, 202:12, 203:6, 205:9, 207:6</p> <p>state [68] - 7:13, 22:9, 22:17, 23:16, 26:20, 27:9, 27:18, 35:7, 38:15, 39:9, 39:10, 39:18, 39:22, 41:3, 43:25, 44:2, 45:6, 46:25, 47:19, 53:3, 53:20, 53:22, 63:9, 64:14, 70:21, 71:5, 71:9, 72:25, 73:1, 73:7, 74:25, 75:1, 82:12, 89:6, 89:11, 89:17, 90:18, 92:22, 93:3, 101:1, 104:6, 134:14, 142:4, 145:24, 146:14, 150:14, 158:15, 158:23, 160:2, 163:12, 163:24, 164:12, 167:7, 167:10, 168:4, 172:2, 172:12, 179:22, 180:7, 180:11, 180:17, 188:1, 190:6, 190:7, 190:9, 201:11</p> <p>State's [21] - 74:15, 74:18, 93:9, 113:21, 146:20, 146:25, 148:23, 149:15, 150:7, 150:17, 155:6, 158:6, 159:2, 162:15, 163:18, 173:2, 173:5, 188:3, 200:24, 200:25, 201:6</p> <p>state's [1] - 193:3</p> <p>statement [6] - 22:14, 51:9, 51:24, 63:13, 119:13, 172:19</p> <p>Statement [3] - 3:9, 3:10, 3:11</p> <p>statements [6] - 25:11, 37:19, 37:25, 47:24, 114:12, 198:9</p> <p>States [3] - 73:2, 133:17, 140:10</p> <p>states [5] - 21:22, 72:22, 73:2, 140:23, 154:17</p> <p>statewide [17] - 15:25, 21:14, 21:20, 21:23, 22:2, 22:5, 22:14,</p>
---	---	--	--	---

26:18, 27:6, 27:9,
27:13, 27:16, 27:19,
27:21, 91:19,
154:12, 185:15
Station [1] - 2:17
statures [1] - 17:13
stature [1] - 129:22
status [3] - 59:19,
135:7, 197:6
statute [40] - 18:20,
22:1, 23:1, 23:25,
24:20, 24:23, 24:24,
25:5, 25:14, 25:16,
26:7, 26:9, 26:16,
32:25, 33:1, 33:3,
33:15, 33:24, 34:4,
35:3, 35:5, 38:6,
46:8, 46:10, 53:4,
61:23, 76:25,
125:25, 130:18,
142:13, 143:23,
143:24, 177:12,
180:19, 198:9,
200:3, 200:6, 200:7,
201:18
statutes [6] - 26:11,
32:11, 60:15, 62:22,
89:22, 89:23
statutory [19] - 21:9,
25:18, 52:21, 52:22,
54:16, 95:5, 149:11,
152:18, 159:15,
160:21, 161:23,
162:25, 163:7,
163:19, 163:21,
164:19, 168:9,
177:5, 182:9
stay [1] - 59:15
step [4] - 69:14,
108:14, 157:17,
188:18
stepped [2] - 23:8,
83:25
stepping [1] - 169:8
steps [5] - 38:4, 84:7,
110:12, 110:15,
169:18
still [13] - 29:19,
50:23, 66:5, 102:10,
106:12, 111:19,
114:21, 172:4,
172:8, 172:16,
188:24, 196:12,
196:18
stip [1] - 53:13
stipulate [1] - 31:13
stipulation [8] - 30:22,
30:25, 31:15, 32:4,
33:5, 147:3, 191:16,
201:13

stipulations [2] -
30:18, 31:11
stop [5] - 60:7, 109:8,
109:9, 152:16
stopped [1] - 77:13
story [1] - 135:4
straightforward [1] -
194:14
strategic [2] - 76:16,
86:7
streamline [1] - 85:24
Street [1] - 2:8
strike [3] - 9:8, 11:10,
76:21
Strike [2] - 116:7,
202:24
striking [1] - 18:25
strong [2] - 24:6,
172:5
stronger [1] - 55:19
strongest [1] - 46:24
stuff [3] - 13:10,
41:14, 83:14
style [3] - 204:6,
204:18
styled [2] - 66:18,
207:12
subchapter [1] -
128:15
subdivision [2] -
191:5, 191:7
subject [7] - 21:16,
31:19, 42:16, 43:14,
58:2, 63:8, 68:1
submission [6] - 10:5,
10:15, 11:14, 66:24
67:1, 155:7
submit [12] - 10:4,
10:13, 149:4,
150:13, 151:22,
153:20, 154:25,
156:7, 180:3,
184:16, 185:2, 186:7
submitted [4] -
149:14, 154:25,
186:13, 204:5
submitting [5] -
151:10, 154:7,
187:3, 187:10,
187:25
subsection [1] -
171:25
subsequently [1] -
182:7
subset [1] - 21:12
substance [1] - 36:8
substantially [1] -
194:18
substantive [2] -
98:13, 128:7

success [1] - 202:1
successful [1] - 39:1
sudden [2] - 177:16,
197:12
sue [10] - 28:6, 28:13,
32:9, 32:22, 33:13,
175:15, 189:23,
189:24
sued [7] - 28:19,
133:5, 175:21,
176:1, 176:4, 176:7,
176:10
suffer [1] - 103:5
suffered [2] - 191:7,
192:22
sufficiency [1] - 191:9
sufficient [16] - 9:25,
11:12, 12:7, 18:19,
18:25, 35:24, 36:1,
110:16, 135:9,
135:14, 135:19,
135:24, 136:1,
192:14, 192:16,
205:18
sufficiently [1] - 35:21
suggest [1] - 94:5
suggested [2] - 67:19,
109:2
suggesting [2] -
97:24, 190:10
suggestion [3] - 45:8,
160:17, 195:15
suggestions [3] -
90:3, 90:5, 162:23
suggests [4] - 160:16,
196:1
suing [3] - 115:10,
115:13, 192:3
suit [4] - 11:8, 17:14,
53:15, 174:11
Suite [1] - 2:24
suits [1] - 174:22
super [4] - 19:7,
167:8, 167:10,
195:24
superintendent [1] -
71:8
supervise [2] - 85:12,
178:4
supervision [2] -
161:17, 172:10
supervisory [2] -
168:19, 172:18
supplies [2] - 14:14,
160:22
support [2] - 20:11,
158:13
supported [1] - 20:11
suppose [1] - 74:16
supposed [4] - 14:19,

39:5, 154:25, 160:23
Supreme [19] - 13:20,
17:11, 19:17, 20:14,
20:17, 22:3, 25:3,
25:8, 25:10, 25:15,
40:9, 40:16, 42:2,
42:22, 45:10, 53:10,
59:16, 190:9, 191:3
SUSANNA [1] - 2:14
Susanna [1] - 8:15
suspect [1] - 109:6
suspend [1] - 171:18
sustained [6] -
101:24, 116:24,
131:24, 132:11,
132:12, 141:4
swearing [1] - 82:15
sweeping [1] - 22:14
sworn [12] - 69:7,
69:12, 69:13, 69:20,
69:21, 69:23, 81:16,
82:4, 140:4, 145:22,
145:23, 146:9
synch [1] - 77:7
synchronization [3] -
75:24, 78:3, 108:15
System [1] - 158:12
system [22] - 15:13,
20:3, 20:4, 55:16,
55:17, 55:18, 75:16,
91:20, 92:7, 92:10,
93:15, 108:6,
134:17, 149:18,
149:19, 153:19,
158:11, 158:13,
158:14, 159:17,
165:6
systems [14] - 84:2,
84:8, 85:23, 86:9,
92:9, 108:9, 108:11,
108:12, 122:4,
134:12, 149:15,
164:4

T

T-e-a-m [1] - 91:19
tab [3] - 52:8, 52:22,
128:10
tabulate [1] - 103:22
tabulated [1] - 91:4
talks [3] - 54:21,
55:23, 160:21
tally [1] - 198:16
target [10] - 18:3, 21:6,
22:4, 23:16, 26:18,
37:1, 39:8, 55:11,
56:10, 177:22
targeted [1] - 22:8
targeting [7] - 19:9,

20:7, 20:15, 21:3,
23:13, 37:2, 59:9
targets [4] - 16:23,
17:24, 37:4, 200:17
Tarrant [1] - 198:19
Tatum [60] - 5:22,
6:10, 7:20, 8:24,
9:10, 14:9, 16:20,
16:25, 17:5, 19:2,
51:8, 51:23, 52:1,
53:8, 54:5, 64:13,
64:16, 64:20, 67:10,
69:5, 69:6, 70:2,
70:3, 70:16, 72:4,
73:10, 75:15, 80:1,
89:4, 97:19, 97:21,
98:23, 100:23,
101:10, 124:5,
125:1, 127:24,
135:7, 157:25,
178:4, 184:11,
185:1, 185:6,
185:20, 187:11,
189:7, 189:8,
190:16, 194:5,
194:9, 194:16,
196:24, 197:7,
197:21, 199:8,
201:25, 202:9,
203:24, 203:25,
206:10
TATUM [5] - 1:12,
3:14, 9:2, 69:8,
69:22
Tatum's [12] - 9:8,
64:4, 66:7, 100:14,
101:8, 112:25,
116:8, 201:21,
202:16, 202:24,
203:17, 205:10
tax [30] - 16:17, 77:15,
108:8, 108:13,
110:23, 122:23,
123:4, 125:9,
128:16, 131:11,
131:15, 131:20,
132:17, 133:3,
133:4, 133:6, 142:9,
144:23, 147:24,
148:7, 150:9,
150:19, 151:2,
152:11, 153:4,
154:5, 174:4,
174:17, 176:22,
184:7
Tax [25] - 77:3, 77:8,
77:9, 77:11, 78:19,
78:20, 78:22, 79:4,
79:9, 79:11, 79:13,
79:15, 79:16, 79:18,

84:12, 86:12, 96:24, 97:2, 102:23, 107:24, 123:13, 126:24, 128:23, 155:5, 173:15 taxes [2] - 78:21, 79:18 taxpayers [1] - 27:5 teaching [1] - 45:19 team [10] - 58:18, 87:6, 87:13, 106:15, 106:20, 132:22, 158:11, 158:16, 158:19, 158:22 Team [2] - 4:22, 91:19 TEAM [8] - 91:18, 91:19, 92:5, 92:10, 149:18, 149:19, 149:25, 158:11 TEAMS [2] - 149:23, 151:21 TEAMS [2] - 92:7, 153:19 tease [1] - 76:6 tech [1] - 36:17 technical [2] - 35:11, 93:11 technically [1] - 95:24 technology [5] - 137:8, 137:9, 137:12, 137:15, 137:16 Telephone [1] - 207:24 temporaries [3] - 108:24, 108:25, 109:6 temporarily [1] - 172:15 temporary [15] - 9:6, 12:5, 46:14, 46:18, 58:11, 66:13, 109:5, 112:25, 194:8, 194:16, 197:15, 197:19, 201:22, 204:8, 205:20 TEMPORARY [2] - 1:18, 3:2 Temporary [6] - 64:4, 68:20, 69:1, 88:20, 203:16, 205:11 ten [5] - 103:14, 111:25, 113:23, 179:3 term [3] - 79:10, 172:5, 174:12 terminate [10] - 79:5, 169:17, 170:10, 170:18, 170:25, 171:8, 171:18,	172:9, 172:13, 173:2 terminated [3] - 130:8, 170:22 terminating [2] - 194:9, 197:20 termination [1] - 178:13 terminology [1] - 178:18 terms [11] - 9:5, 12:9, 21:9, 32:4, 48:22, 54:16, 130:22, 139:2, 148:9, 189:4, 189:5 territorial [1] - 22:24 territory [1] - 174:9 test [12] - 17:21, 18:5, 24:22, 26:15, 26:16, 40:3, 40:6, 40:8, 40:10, 54:23, 55:7, 192:15 testified [7] - 69:23, 121:18, 140:18, 141:11, 146:9, 165:12, 194:19 testifying [5] - 97:21, 115:16, 116:22, 146:19, 146:24 testimony [28] - 48:20, 50:5, 50:6, 58:9, 60:24, 68:6, 77:22, 78:25, 98:23, 121:5, 140:11, 142:23, 143:1, 145:12, 147:4, 157:7, 173:10, 185:5, 185:19, 188:2, 188:17, 190:16, 191:25, 193:4, 197:16, 200:24, 202:6, 202:8 Testing [1] - 34:21 testing [1] - 85:22 TEXAS [7] - 1:3, 1:5, 1:6, 1:9, 1:10, 1:10, 207:3 texas [1] - 126:3 Texas [107] - 1:15, 1:24, 2:9, 2:18, 2:22, 2:25, 6:5, 6:6, 6:8, 6:10, 6:11, 6:12, 6:17, 13:20, 14:7, 15:21, 16:22, 17:11, 19:17, 20:14, 22:3, 25:2, 25:8, 25:10, 25:15, 28:14, 32:23, 37:2, 38:7, 40:9, 40:16, 41:23, 41:24, 42:2, 42:6, 42:22, 44:19, 45:10, 52:17,	59:13, 63:24, 64:9, 65:25, 74:9, 74:12, 74:14, 74:15, 74:19, 82:1, 82:2, 87:8, 87:9, 89:7, 89:8, 89:10, 89:12, 89:18, 89:19, 95:11, 100:16, 101:17, 102:4, 117:9, 117:13, 126:18, 142:2, 143:3, 146:18, 147:5, 147:6, 148:15, 148:18, 154:11, 154:17, 158:5, 158:12, 158:18, 159:2, 159:12, 159:17, 163:3, 163:5, 163:16, 164:4, 167:10, 167:15, 167:18, 167:22, 168:2, 170:6, 175:15, 184:4, 186:19, 188:4, 191:3, 194:24, 195:23, 196:14, 200:3, 202:12, 207:7, 207:21, 207:23, 207:24 Texas' [2] - 64:3, 205:9 Texas's [1] - 165:5 text [16] - 25:16, 25:23, 38:1, 52:5, 52:15, 52:16, 52:20, 53:3, 54:7, 54:8, 168:24, 169:2, 169:9, 198:12, 199:19 textual [1] - 52:15 THE [212] - 1:5, 1:6, 1:8, 1:3, 2:3, 2:11, 2:20, 6:4, 6:18, 6:22, 7:1, 7:4, 7:12, 7:24, 8:11, 8:14, 8:17, 8:20, 9:1, 9:3, 9:18, 10:16, 10:24, 11:4, 11:11, 11:21, 12:14, 13:1, 13:4, 30:17, 30:20, 30:25, 32:2, 32:6, 32:13, 32:16, 32:24, 33:5, 33:10, 36:5, 36:13, 36:18, 48:16, 49:2, 49:5, 49:7, 49:10, 49:12, 49:23, 50:8, 50:10, 51:13, 51:16, 51:19, 53:19, 53:25, 56:14, 56:18, 57:8, 57:22,	60:7, 60:10, 60:19, 61:14, 61:25, 62:11, 62:15, 63:1, 63:7, 63:16, 63:21, 64:10, 64:17, 65:1, 65:8, 65:13, 65:17, 65:20, 66:8, 66:14, 66:25, 67:8, 67:14, 67:16, 68:5, 68:13, 68:17, 68:25, 69:6, 69:10, 69:14, 69:21, 71:13, 71:15, 71:16, 87:24, 88:9, 88:13, 88:19, 88:24, 89:3, 98:3, 98:9, 98:13, 99:2, 99:8, 99:15, 99:21, 99:25, 100:12, 100:17, 101:6, 101:14, 101:24, 102:9, 111:7, 111:10, 111:13, 111:23, 112:11, 113:2, 113:7, 113:11, 113:14, 113:18, 113:25, 114:2, 114:16, 114:21, 115:1, 115:24, 116:7, 116:10, 116:16, 116:21, 123:17, 123:20, 123:24, 124:2, 124:20, 124:23, 126:6, 126:8, 126:10, 126:11, 126:14, 127:8, 127:23, 131:24, 132:11, 136:13, 137:22, 141:4, 142:14, 143:14, 143:18, 144:1, 144:5, 144:12, 144:16, 144:20, 145:5, 145:11, 145:14, 145:15, 145:19, 145:24, 145:25, 146:1, 146:4, 146:7, 147:2, 147:11, 157:3, 157:8, 157:12, 157:16, 157:23, 165:23, 166:2, 166:18, 178:24, 179:10, 179:12, 183:22, 184:1, 188:8, 188:14, 188:16, 188:22, 189:4, 189:7, 189:9, 189:12, 194:3, 197:22, 202:3, 202:18, 203:9,	203:11, 203:23, 204:2, 204:9, 204:16, 204:20, 205:1, 205:7, 205:17, 206:1, 206:8, 206:14, 206:17 theme [1] - 19:16 themselves [3] - 35:20, 89:22, 90:1 theory [1] - 165:15 thereafter [1] - 95:3 therefore [3] - 167:8, 176:12, 190:23 they've [2] - 105:5, 117:21 thinking [1] - 200:20 thinks [2] - 59:21, 101:12 third [6] - 65:24, 103:24, 117:4, 117:5, 117:7, 129:23 Third [1] - 56:23 Thomas [1] - 70:12 thousands [1] - 132:5 threat [10] - 32:10, 36:12, 48:24, 58:8, 59:21, 61:5, 61:11, 62:8, 99:6, 193:1 threatened [2] - 95:14, 192:20 threatening [2] - 58:22, 190:2 threats [2] - 98:21, 99:10 three [17] - 9:9, 10:17, 10:21, 16:5, 16:9, 16:12, 65:21, 71:18, 86:4, 108:11, 108:16, 111:16, 118:13, 118:15, 194:17, 200:2, 206:6 three-and-a-half [3] - 16:5, 16:9, 16:12 threshold [4] - 37:12, 43:2, 47:11, 170:7 threw [1] - 52:2 throughout [7] - 44:17, 77:16, 84:4, 89:7, 105:19, 105:21, 202:6 throw [1] - 204:13 thrown [1] - 193:16 Thursday [6] - 11:14, 11:20, 11:21, 11:22, 203:2, 203:6 Ti [6] - 61:2, 61:13, 66:3, 68:16, 68:23, 189:19 tie [4] - 38:24, 41:13,
---	---	--	--	---

<p>41:14, 100:22 tied [1] - 41:15 ties [1] - 196:3 timeframe [1] - 182:10 timely [1] - 176:11 timing [1] - 34:3 title [3] - 70:3, 204:17, 205:16 TO [3] - 1:19, 3:2, 3:6 to.. [1] - 116:20 today [17] - 9:3, 16:6, 40:25, 46:15, 49:16, 84:18, 113:4, 113:9, 146:19, 147:18, 153:15, 190:23, 191:14, 193:11, 197:25, 201:21, 203:20 together [2] - 130:20, 194:21 tomorrow [4] - 10:12, 10:19, 10:23, 203:5 took [8] - 14:20, 14:21, 16:3, 59:16, 107:23, 133:15, 139:5, 140:1 topic [1] - 89:5 total [2] - 114:3, 117:9 totals [1] - 186:24 touch [4] - 38:11, 43:23, 70:24, 107:10 towards [2] - 75:11, 102:1 towns [1] - 21:4 traceability [5] - 30:4, 34:16, 191:13, 193:22, 201:5 traceable [3] - 28:8, 30:6, 190:3 tracking [1] - 87:12 traditional [1] - 12:12 traditionally [1] - 119:11 traffic [1] - 10:20 train [1] - 107:8 trained [1] - 70:10 training [3] - 107:7, 158:19 transaction [1] - 92:24 Transcript [2] - 4:9, 4:13 transcription [1] - 207:8 transfer [6] - 16:18, 20:2, 47:9, 153:1, 153:23, 197:12 transferred [8] - 20:5, 122:23, 123:3, 123:12, 128:15, 128:20, 128:22,</p>	<p>184:6 transferring [3] - 29:23, 108:7, 199:20 transfers [1] - 29:13 transition [23] - 81:8, 96:22, 102:23, 107:12, 107:13, 109:1, 109:10, 110:2, 110:13, 110:22, 141:8, 152:12, 152:13, 152:18, 177:2, 177:5, 177:11, 177:13, 177:15, 177:20, 177:23, 177:24, 187:15 transmit [2] - 184:5, 184:24 transparency [5] - 166:7, 166:24, 170:14, 195:13, 195:16 transparent [1] - 164:23 travel [1] - 206:9 traversed [1] - 73:21 TRAVIS [2] - 1:10, 207:4 Travis [9] - 1:24, 42:13, 42:15, 42:16, 43:13, 50:20, 55:24, 207:6, 207:23 treat [5] - 22:12, 44:22, 56:2, 90:2, 90:4 trial [1] - 140:25 TRIAL [1] - 1:1 tried [2] - 14:1, 20:18 triggered [1] - 172:21 triggering [1] - 156:13 triggers [1] - 179:24 TRO [2] - 59:12, 59:16 true [18] - 52:7, 66:20, 119:11, 119:13, 119:14, 119:17, 119:20, 119:24, 121:2, 121:3, 122:14, 124:10, 124:16, 160:19, 161:14, 168:21, 171:15, 207:8 truly [2] - 193:17, 207:15 try [8] - 10:23, 82:11, 95:2, 114:23, 163:6, 164:16, 180:9, 181:24 trying [15] - 9:23, 10:2, 18:12, 38:24, 56:4, 57:15, 84:19, 112:4,</p>	<p>114:9, 130:20, 131:1, 153:16, 171:23, 195:9, 195:10 Tuck [1] - 2:22 turf [1] - 23:18 turn [4] - 48:14, 74:3, 86:21, 122:16 turned [3] - 119:20, 140:2, 177:7 turning [1] - 177:17 turnout [4] - 105:17, 105:22, 106:11, 139:23 turns [2] - 34:17, 85:8 Tweet [1] - 59:18 Tweets [5] - 58:17, 59:22, 62:6, 88:4, 88:6 twice [3] - 15:22, 55:25, 59:16 Twitter [15] - 4:7, 4:11, 4:12, 4:14, 4:16, 4:17, 4:18, 5:5, 5:7, 5:8, 5:9, 5:10, 5:11, 5:12, 87:18 two [28] - 16:8, 24:24, 32:17, 46:9, 52:14, 67:12, 71:18, 73:13, 77:4, 77:24, 79:4, 89:11, 97:5, 108:16, 129:24, 144:18, 154:8, 155:14, 163:1, 166:12, 166:20, 171:1, 171:7, 176:25, 178:23, 182:11, 197:13, 200:8 two-part [1] - 178:23 two-state [1] - 89:11 twofold [1] - 186:18 type [4] - 19:18, 34:6, 79:19, 133:9 types [5] - 22:11, 74:21, 163:24, 163:25, 168:8 typically [2] - 74:17, 180:2</p>	<p>un-rebutted [1] - 190:23 unable [2] - 140:5, 141:14 unanimous [1] - 25:12 uncertainty [2] - 105:11, 141:16 unclear [1] - 200:3 uncommon [1] - 184:19 unconstitutional [16] - 16:21, 17:7, 19:22, 23:25, 24:4, 25:1, 25:6, 26:7, 26:23, 36:23, 38:1, 130:18, 130:24, 194:24, 197:1, 200:6 unconstitutionality [2] - 25:7, 202:1 Under [1] - 3:23 under [52] - 12:16, 16:22, 18:1, 27:25, 32:20, 33:23, 52:8, 52:22, 68:18, 70:15, 75:23, 77:23, 77:24, 83:14, 97:1, 98:20, 128:11, 128:15, 133:16, 135:8, 139:9, 139:12, 140:4, 141:23, 143:6, 148:14, 151:2, 151:3, 151:22, 152:2, 154:4, 154:16, 155:8, 155:12, 155:19, 155:23, 156:4, 156:14, 156:16, 156:17, 156:22, 170:9, 172:7, 173:8, 173:14, 180:12, 180:20, 186:19, 194:24, 203:12 under-grad [1] - 70:15 under-performance [1] - 173:14 underlying [4] - 165:15, 166:14, 195:4, 199:11 undermine [1] - 24:21 undermines [1] - 43:16 understood [6] - 50:2, 51:5, 64:25, 68:12, 68:18, 81:10 undertaken [2] - 161:12, 177:18 undue [1] - 10:1 unforced [1] - 15:11 uniformity [2] - 163:4,</p>	<p>163:22 uniformly [2] - 41:20, 45:24 unintended [1] - 110:19 unique [1] - 127:11 United [3] - 73:2, 133:16, 140:9 universe [4] - 21:13, 55:8, 63:8, 127:12 unlawful [1] - 196:6 unless [5] - 11:24, 33:23, 44:19, 184:6, 194:1 unlike [2] - 150:24, 176:24 unreasonable [5] - 18:24, 19:1, 24:20, 26:3, 26:14 unsolicited [1] - 60:2 unwinding [1] - 108:11 up [28] - 8:3, 9:19, 10:18, 15:22, 20:14, 34:25, 36:16, 36:24, 49:21, 50:12, 75:10, 78:5, 85:7, 88:5, 91:5, 91:7, 95:2, 95:24, 100:22, 105:22, 107:12, 114:5, 138:14, 140:14, 152:14, 160:18, 164:19, 185:9 upcoming [1] - 110:2 updates [2] - 87:9, 89:21 upgraded [1] - 122:4 upheld [7] - 20:6, 22:4, 22:6, 23:14, 54:12, 54:15, 56:22 upholding [1] - 23:1 upload [6] - 49:16, 92:9, 92:11, 93:14, 93:23 uploaded [2] - 49:2, 58:1 upwards [1] - 23:7 urge [2] - 67:20, 67:25 utilities [1] - 27:1 Utilities [2] - 54:14, 56:23 Utility [1] - 20:25 utility [4] - 57:12, 57:14, 57:16, 57:17 utilized [2] - 90:15, 183:7 utilizing [1] - 158:14</p>
U				
<p>UDJA [6] - 17:12, 28:12, 28:20, 28:24, 32:20, 32:22 ultimate [3] - 40:9, 165:6, 196:24 ultimately [4] - 21:7, 34:16, 166:11, 172:12 ultra [1] - 95:23</p>				

V				
<p>valid [1] - 19:5 validate [2] - 201:1, 201:2 validated [2] - 162:14, 187:7 validity [1] - 17:13 varied [1] - 119:7 various [1] - 73:23 vehicle [1] - 180:20 vein [2] - 88:6, 97:22 Versus [4] - 6:5, 20:18, 21:1, 54:14 versus [13] - 18:22, 20:3, 22:6, 25:4, 25:10, 37:7, 38:15, 40:5, 57:7, 74:25, 116:15, 139:3 vi [1] - 100:25 via [1] - 9:15 view [7] - 41:19, 79:1, 96:12, 96:15, 101:8, 101:12, 137:16 Vince [4] - 35:9, 35:11, 35:16, 35:17 violate [1] - 148:8 violated [2] - 31:4, 191:20 violating [1] - 191:6 violation [8] - 12:8, 21:10, 53:8, 54:17, 133:19, 192:4, 192:6, 192:19 violations [2] - 98:17, 102:4 vires [1] - 95:23 visa [1] - 100:25 visibility [1] - 84:9 vision [2] - 76:17, 86:7 volume [1] - 207:11 vote [22] - 14:16, 15:16, 77:15, 79:14, 79:18, 79:23, 83:5, 103:12, 105:16, 106:9, 107:2, 133:4, 133:5, 138:15, 139:3, 139:14, 139:19, 140:5, 140:11, 160:18, 162:17, 182:1 Vote [2] - 71:23, 71:25 voted [1] - 187:22 voter [43] - 72:3, 74:1, 75:25, 76:1, 77:2, 77:9, 77:11, 77:16, 78:8, 78:9, 78:10, 78:21, 84:25, 85:2, 85:4, 91:19, 92:8, 92:18, 92:20, 92:24,</p>	<p>125:9, 131:11, 131:16, 132:6, 132:18, 133:25, 136:22, 136:25, 139:13, 147:25, 150:7, 150:12, 154:12, 154:17, 154:24, 155:10, 156:9, 158:12, 168:9, 173:13, 174:8, 180:7, 196:9 voter's [1] - 139:11 voters [37] - 15:4, 31:9, 42:24, 43:20, 47:18, 77:14, 94:14, 103:15, 105:15, 119:12, 119:20, 125:9, 132:8, 133:20, 140:2, 140:4, 145:1, 160:18, 162:24, 166:9, 167:4, 167:5, 167:25, 174:3, 174:14, 174:17, 174:22, 174:24, 178:1, 182:23, 185:10, 187:22, 187:24, 191:24, 193:18, 195:18, 195:19 votes [5] - 14:24, 76:3, 103:22, 181:23, 198:16 voting [30] - 83:6, 83:7, 103:13, 105:17, 105:19, 105:21, 133:2, 134:11, 134:12, 138:3, 138:12, 138:15, 139:10, 139:12, 139:14, 139:17, 139:23, 149:4, 160:11, 160:19, 162:1, 164:1, 164:3, 164:6, 176:4, 176:7, 176:11, 176:12, 182:13, 196:9 vouchers [4] - 150:13, 150:17, 151:22, 153:20</p>	<p>walk [2] - 70:6, 97:19 walking [2] - 131:21, 132:5 wants [2] - 126:13, 153:13 war [1] - 23:18 warrant [1] - 186:1 was.. [1] - 100:11 Washington [1] - 71:21 water [6] - 27:15, 27:17, 57:11, 57:17, 69:9, 69:10 Water [3] - 21:1, 27:11, 54:14 ways [1] - 198:2 wear [1] - 59:7 week [9] - 9:19, 9:21, 9:25, 10:2, 41:1, 103:23, 103:24, 181:24, 196:10 weekly [2] - 74:17, 87:7 weeks [1] - 194:17 weigh [1] - 13:15 weighing [1] - 193:14 weight [2] - 88:22, 100:3 welcome [3] - 6:4, 13:5, 65:22 West [1] - 41:23 Western [1] - 70:12 whatever's [1] - 187:16 whatsoever [2] - 33:23, 196:1 whole [7] - 13:18, 34:1, 78:16, 86:1, 143:20, 143:21, 166:14 widely [1] - 14:4 willing [1] - 61:6 willingness [2] - 176:1, 201:1 Wilson [1] - 22:6 window [3] - 76:4, 77:15, 122:5 wish [9] - 10:17, 13:5, 13:8, 32:2, 49:3, 49:16, 53:22, 68:19, 164:7 wishes [1] - 8:21 withdraw [2] - 165:24, 175:8 withdrawing [1] - 165:25 withdrawn [1] - 102:2 witness [26] - 7:23, 57:24, 60:24, 64:24, 67:20, 68:10, 68:14,</p>	<p>69:13, 69:20, 111:6, 111:25, 113:21, 115:23, 123:25, 126:9, 126:11, 126:15, 131:23, 137:21, 145:12, 145:23, 146:2, 157:1, 179:11, 188:8, 188:18 WITNESS [4] - 71:15, 145:14, 145:25, 207:18 witness' [1] - 116:14 WITNESSES [1] - 3:12 witnesses [6] - 7:22, 68:3, 113:16, 145:16, 188:19, 198:14 wondering [1] - 63:18 word [1] - 127:18 worded [1] - 165:20 words [4] - 25:21, 49:13, 52:7, 119:4 workers [9] - 59:7, 83:8, 107:8, 120:25, 161:1, 182:16, 183:4, 183:6 works [3] - 35:18, 118:22, 179:19 worse [2] - 55:12, 188:11 worst [1] - 14:8 Worth [2] - 23:4, 56:6 woulda [1] - 198:2 wrap [1] - 114:4 writ [1] - 59:1 Write [1] - 4:25 writing [1] - 207:10 written [1] - 143:21 wrongly [1] - 190:12</p>	<p>66:15, 111:15, 112:12, 112:13, 114:4, 114:17, 114:19, 114:23, 157:19, 206:2, 206:18 yourself [2] - 69:17, 102:14</p>
<p>wait [3] - 79:13, 173:5, 200:10 waiting [1] - 109:23 waived [1] - 17:14 waiver [1] - 33:9 waives [1] - 17:12</p>	<p>W</p>	<p>year [12] - 34:22, 37:17, 70:14, 77:12, 77:17, 79:10, 84:5, 85:2, 85:18, 108:23, 190:10, 196:11 year-round [1] - 85:2 year/odd [1] - 73:14 years [9] - 19:19, 25:9, 72:8, 73:14, 108:11, 108:16, 127:4, 137:13, 196:11 yesterday [2] - 54:5, 64:8 York [1] - 198:20 you-all [18] - 7:24, 9:13, 9:23, 13:6, 42:13, 49:25, 65:3,</p>	<p>Y</p>	

APPENDIX C

RETRIEVED FROM DEMOCRACYPOCKET.COM



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 25, 2020

VIA E-MAIL

Vince Ryan
Harris County Attorney
1019 Congress, 15th Floor
Houston, TX 77002
713-755-5101
vince.ryan@cao.hctx.net

Dear Mr. Ryan:

We are in receipt of the attached letter, dated November 20, 2020, from Director of Elections Keith Ingram with the Texas Secretary of State's Office, which identified multiple deficiencies concerning the appointment of Isabel Longoria as Harris County Election Administrator. *See* Exhibit A. After investigating the matter, we concur that Harris County officials failed to follow proper procedures under Sections 31.031(d) and 31.032(c) of the Texas Election Code, thereby exceeding their statutory authority. The purported creation of the Office of Election Administrator and subsequent appointment of Ms. Longoria to the position therefore constitute *ultra vires* actions and are both unlawful and null and void.

This letter is to inform you that Harris County must take corrective action to cure the deficiencies identified by the Secretary of State. Should Harris County fail to comply within fourteen days of receiving this letter, the State will pursue appropriate legal remedies.

The Election Code lays out in clear and precise terms the procedure that a Texas county must adhere to should it decide to create the office of county election administrator and appoint someone to the position. As part of that procedure, the Election Code requires the county to timely notify the Secretary of State when it completes certain milestones. Specifically, the Election Code states, "Not later than the third day after the date the order [establishing the office of county elections administrator] is adopted, the county clerk shall deliver a certified copy of the order to: (1) the secretary of state; and (2) each member of the county election commission." TEX. ELEC. CODE § 31.031(d). The Election Code continues, "Not later than the third day after the date an administrator is appointed, the officer who presided at the meeting shall file a signed copy of the resolution or order with the county clerk. Not later than the third day after the date the copy is filed, the county clerk shall deliver a certified copy of the resolution or order to the secretary of state." *Id.* § 31.032(c).

It is apparent from the information raised by the Secretary of State that Harris County violated these two provisions.

As per Director Ingram's letter, the Secretary of State received documentation from the Harris County Clerk's office on July 28, 2020. The documentation included an order, ratified by the Harris County

Commissioners Court on July 14, 2020, purportedly “establishing the Office of Election Administrator.” Exhibit B. According to the order, the “effective date for the office to begin operations shall be November 18, 2020.” The order specified, however, that the process for instituting and appointing an election administrator would not proceed until the Commissioners Court voted on and approved of a study—prepared by several elected officials—which detailed the budget, facilities, equipment, and personnel needed to maintain the office. The Secretary of State has since learned from news reports that the Commissioners Court received the study and approved it at a meeting on August 11, 2020.¹

Because the Commissioners Court conditioned the July 14, 2020 order on a subsequent vote, the County Clerk’s office had an obligation under Section 31.031(d) to inform the Secretary of State of the study’s receipt and adoption within three days of the August 11, 2020 meeting. It failed to do so. In addition, even if Section 31.031(d) only applied to the July 14, 2020 order, the Secretary of State did not receive any communication from County Clerk’s office concerning the creation of an election administrator until fourteen days after its ratification. Thus, under either interpretation, Harris County is in violation of its obligations under the Election Code.

Shortly after the Commissioners Court approved of the requisite study, the Harris County Election Commission moved to appoint Ms. Longoria to the position of Harris County Elections Administrator. According to the resolution, as well as multiple outside sources,² the vote took place on October 30, 2020. See Exhibit C. The Election Commission, however, did not file the resolution pertaining to Ms. Longoria’s appointment with the County Clerk’s office until November 20, 2020, based on the receipt stamp. This is a violation of Section 31.032(c), which requires the presiding officer to file a signed copy of the resolution within three days of its passage. As a result of the delay, the Secretary of State was not timely informed of the Election Commission’s actions. The Secretary of State instead received notice of Ms. Longoria’s purported appointment on November 20, 2020, when County Clerk’s office emailed the attached resolution. *Id.*

In neglecting its obligations under Sections 31.031(d) and 31.032(c), Harris County failed to meet the requisites stipulated in the Election Code. As a result, neither the Commissioners Court’s July 14, 2020 order nor the Election Commission’s October 30, 2020 appointment of Ms. Longoria to the position holds any legal weight. In short, the Harris County Office of Election Administrator does not exist. And the duties that would typically be delegated to it pursuant to Sections 31.043, 31.044, and 31.045 remain with the County Clerk and County Tax Assessor-Collector.

It has come to the State’s attention that as of November 18, 2020, Ms. Longoria assumed the role and responsibilities of Election Administrator in violation of the Texas Election Code. As a result, her appointment is a nullity and should be rescinded. Please take corrective action to remedy this matter within fourteen days of receipt of this letter. Otherwise, the State will proceed with appropriate legal action to address her unlawful appointment.

¹ See, e.g., Hannah Zedaker, *Harris County Moves Forward With Creation of Elections Administrator Office*, Community Impact (Aug. 12, 2020), <https://communityimpact.com/houston/spring-klein/vote/2020/08/12/harris-county-moves-forward-with-creation-of-elections-administrator-office/>.

² See, e.g., Zach Despart, *Harris County Appoints Isabel Longoria as First Elections Administrator as Hollins Prepares to Step Down*, Houston Chronicle (Oct. 30, 2020), <https://www.houstonchronicle.com/politics/houston/article/Harris-County-appoints-Isabel-Longoria-as-first-15689377.php>.

Respectfully,

/s/ Kathleen Hunker

Kathleen T. Hunker
Special Counsel
Special Litigation Unit
Office of the Texas Attorney General
209 W. 14th Street
Austin, Texas 78701
512-936-2275

CC: C. Robert Heath
Bickerstaff Heath Delgado Acosta LLP
3711 S. Mo-Pac,
Building One, Suite 300
Austin, TX 78746
512-404-7821
bheath@bickerstaff.com

RETRIEVED FROM DEMOCRACYDOCKET.COM

Press Release**FOR IMMEDIATE RELEASE**

November 30, 2020

Contact: Robert Flanagan

(318) 349-3993

Robert.Flanagan@senate.texas.gov

Sen Bettencourt Joins in Call for Harris County Elections Administrator Appointment to be Rescinded

Texas Attorney General letter gives Harris County until December 10th to take action or face legal action

Houston, TX – Senator Bettencourt (R-Houston) is joining the call for the appointment of the Harris County Elections Administrator to be rescinded. A recent letter from Texas Attorney General Ken Paxton's (R-Texas) office to County Attorney Vince Ryan (D-Harris County) stated, ***"...Ms. Longoria assumed the role and responsibilities of Election Administrator in violation of the Texas Election Code. As a result, her appointment is a nullity and should be rescinded."***

This process was started when a letter from the Texas Secretary of State highlighted multiple **"deficiencies"** surrounding the process in which Harris County created this office and appointed Isabel Longoria as their first Elections Administrator. (See [attached letters](#))

"Harris County voters deserve an open and transparent process and unfortunately these letters from the Secretary of State and the Attorney General show that the Election Code was violated," said Senator Bettencourt. **"Therefore, I am calling for the appointment of the Harris County Elections Administrator to be rescinded."**

Some of the "deficiencies" noted by the Texas Secretary of State in their November 20th letter:

1. Harris County did not send notice to the Texas Secretary of State in accordance with Section 31.031(d) of the Texas Election Code regarding their actions on August 11th.
2. Harris County did not provide a notice of appointment to the Texas Secretary of State as required by Section 31.032(c) when Isabel Longoria was appointed as Elections Administrator.

In their November 25th letter, the Attorney General's office notes, *"In neglecting its obligations under Section 31.031(d) and 31.032(c), Harris County failed to meet the requisites stipulated in the Election Code. As a result, neither the Commissioner's Court July 14, 2020 order nor the Election Commission's October 30, 2020 appointment of Ms. Longoria to the position holds any legal weight. In short, the Harris County Office of Elections Administrator does not exist."*

"Appointing an administrator of elections in the nation's third largest county should have been made by following the prescribed legal process to the letter," continued Senator Bettencourt. **"The Attorney General's letter is specific that the duties of that office should be returned to the elected County Clerk and Tax Assessor-Collector,"** he added.

###

RETRIEVED FROM DEMOCRACYDOCKET.COM



Explore

Settings

Tweet

 **Team Bettencourt** 
@TeamBettencourt

Harris Co EA @LongoriaTx resigns during Harris Co Comm mtg, upon by agenda item by @TomSRamsey2. @kanthonyscott testifies that EA election costs went up 270% in 4 years. Voters cannot take another "tested and ready" @LinaHidalgoTX EA! Send elections back to CC & TAC #txlege @TPPF

Senator Bettencourt Reacts to Harris County Election Administrator Longoria's Resignation Effective July 1, 2022

Senator Bettencourt was the first elected official to call for Longoria's resignation or firing after mismanagement and incompetence in Tuesday's Primary Election

Houston, TX – Senator Paul Bettencourt (R-Houston) makes further comments on Harris County Election Administrator Isabel Longoria's resignation effective July 1, 2022. Senator Bettencourt was the first elected official to call for Election Administrator Longoria's firing the night of the Primary Elections, then again with Harris County Republican Party Chair Cindy Siegel and State Representative Briscoe Cain at a Thursday press conference last week.

"The resignation of County Judge Lina Hidalgo's handpicked Election Administrator is just the first step in the process to restore the public's trust in elections in the nation's third-largest county. The finding of 10,000 plus missing Absentee Ballots after initial counting is just the capstone to all of the multiple problems, equipment malfunctions, ballot misuse, and coding errors that occurred in Tuesday's Primary Election for both parties," stated Senator Bettencourt.

The passage of SB1 was instrumental in finding the missing 10,000 ballots because of its requirement for a reconciliation form showing the omission. In addition, SB1 provided civil penalties for the termination of election officials which at this point is redundant.

"With the resigned Election Administrator staying in place until July 1st, Harris County Republican Party Chair Cindy Siegel is correct that the office will require independent oversight during this time," said Senator Bettencourt.

The Harris County Commissioners Court agenda item by Commissioner Ramsey was instrumental in listening to the public's "horror stories" of what happened in the primaries of both parties. Former Lone Star College Trustee, Kyle Scott, testified that the cost of elections in 2018 was \$1.48 per registered voter is now up to \$5.48 in 2022 in the new Election Administrator's department.

"This 270% increase in election cost is intolerable to taxpayers. This is another reason why the Harris County Commissioners Court should abolish the Election Administrator position and return elections to the Democrat elected officials, the county clerk and tax assessor collector. I am not sure the voters can handle another County Judge Hidalgo "tested and ready" nominee for Election Administrator!" concluded Senator Bettencourt.

<https://senate.texas.gov/press.php?id=7-20220308a>


Harris County GOP and 9 others

4:30 PM · Mar 8, 2022

26 Retweets 4 Quotes 75 Likes



Sign up now to get your own per:

 Sign up with G

 Sign up with A

Create account

By signing up, you agree to the [Twitter Privacy Policy](#), including [Cookie I](#)

Relevant people

 **Team Bettencourt** 
@TeamBettencourt
Texas State Senator

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#)
[Accessibility](#) [Ads info](#) [More ..](#)

Don't miss what's happening

People on Twitter are the first to know.

Log in

S

Press Release**FOR IMMEDIATE RELEASE**

March 7, 2023

Contact: Michael Geary

(512) 463-0107

michael.geary@senate.texas.gov

Sen Bettencourt & Rep Cain file bills to return Management of Elections back to Elected Officials!

SB 1750 & HB 3876 returns Election Administrator duties & power back to the County Tax Assessor & County Clerk for Counties with populations of more than one million

Austin, TX – Senator Paul Bettencourt (R-Houston) and Representative Briscoe Cain (R-Deer Park) filed SB 1750 & HB 3876 to restore voter trust, accountability, and transparency in large county elections by returning the management of elections back to elected officials. **“Voters should have confidence in their elections, and when they see Harris County Elections Administrators botch election after election in 2022 that confidence is shaken.”** Said Senator Bettencourt. **“Let’s return Harris County Elections to the way it used to work with the County Clerk and Tax Assessor Collector!”** He added.

Currently, Harris, Dallas, Tarrant, Bexar, and Collin County elections are run by appointed Election Administrators (EA). There is nearly no oversight from County Election Commissions. SB 1750 & HB 3876 will return power and duties of the EA to the County Tax Assessor-Collector and County Clerk in counties with populations over one million. Under SB 1750 & HB 3876 the County Tax Assessor-Collector will serve as the voter registrar and the election administration duties will revert to the County Clerk. With elections under two different elected officials, the cost of an independent department will go away and the broad support from the rest of the office will provide professionalism, consistency, and stability to the election staff. Former House Election Committee Chair Representative Briscoe Cain had this to say:

“The Elections Administrator experiment in Harris County has failed. It doesn’t matter which election or Election Administrator – Texans know that Harris County will have issues and won’t report returns accurately or on time. As larger counties try to use this position as another bureaucrat meant to grow government, it’s important that voters have a say in who is running their elections. These counties have had ample opportunities to justify this position. The only thing they have done is dodge questions and find a way to blame someone else.” Said Representative Cain.

On November 8, 2022, Harris County's EA failed to deliver enough paper ballots to over 120 voting centers, as reported by KHOU 11 (<https://www.khou.com/video/news/investigations/khou-11-analysis-election-ballot-paper-shortage-bigger-than-estimated/285-3806ba23-a4f5-4ed2-8b41-cc0ad4c18861>), despite having millions of paper ballots available for distribution in an EA office warehouse. Now, the EA and the County Judge who appointed him are refusing to answer questions from the public despite the thousands of Election Irregularities that occurred, which led to a record 21 election challenges filed in Harris County.

“In 2022 the former Harris County Election Administrator ‘found’ 10,000 votes and released a statement at 10:30 p.m. on a Saturday night that led to her resignation. Then the current Elections Administrator either wouldn’t or couldn’t get millions of paper ballots out of the warehouse and to the polls with thousands of voters being turned away for lack of ballots. The Nation’s third largest county cannot have third world elections anymore! Bring back accountability and elected officials running elections.” Concluded Senator Bettencourt.

SB 1750 is the latest Election Integrity legislation Senator Bettencourt filed this session. He will file more Election Integrity legislation soon. See previous press releases for more information.

- [Senator Bettencourt reacts to record number of election challenges filed in Harris County](#)
- [Senator Bettencourt Reacts to Harris County Election Administrator Longoria's Resignation Effective July 1, 2022](#)

###

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN RE: SENATE BILL 1750
SENATE COMMITTEE ON STATE AFFAIRS (PART II) -
MAR 30TH, 2023
03:48:00 to 04:25:33

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 author, Senator Bettencourt, to explain the bill.

2 SENATOR BETTENCOURT: Thank you, Ms. Chairman and
3 the Members. We do have a committee substitute
4 presented, Bill 750. I'll explain it very --

5 MADAM CHAIR: Chair sends up the committee
6 substitute for Senate Bill 1750.

7 SENATOR BETTENCOURT: Thank you.

8 I think we've talked about the problems in Harris
9 County. This bill would effectively transition the
10 Election Administrator back to the Harris County Clerk
11 and Tax Assessor Collector from the appointed position
12 of Elections Administrator.

13 The -- the bill as originally filed had actually
14 had other counties involved. We sent out a survey
15 request to the other major election administrators,
16 received positive responses from three of them. I
17 think a fourth was verbal or came in that we use the
18 four category -- or five major categories of issues.

19 The information came back there were not problems
20 in the other major counties using an Election
21 Administrator, but there is in Harris County.

22 So as a result, we got a committee substitute
23 that basically says we'd abolish the role of Elections
24 Administrator in counties with a population of over
25 three and a half million.

C E R T I F I C A T E

I, Robin L. Deal, Florida Professional Court Reporter and Transcriptionist, do hereby certify that I was authorized to and did listen to and transcribe the foregoing recorded proceedings and that the transcript is a true record to the best of my professional ability.

Dated this 15th day of June, 2023.



ROBIN L. DEAL

RETRIEVED FROM DEMOCRACYDOCKET.COM

Press Release**FOR IMMEDIATE RELEASE**

April 18, 2023

Contact: Michael Geary

(512) 463-0107

michael.geary@senate.texas.gov

Senator Bettencourt's bill returns Harris County Elections back to Elected Officials!

SB 1750 returns Harris County EA duties & power back to the County Tax Assessor & County Clerk

Austin, TX – Senator Paul Bettencourt (R-Houston) passed SB 1750 out of the Texas Senate on Tuesday, April 18, 2023. SB 1750 will restore voter trust, accountability, and transparency in Harris County elections by returning the management of elections back to elected officials. **“Voters should have confidence in their elections, and when they see Harris County Elections Administrators botch election after election in 2022 that confidence is shaken. Let's return Harris County Elections to the way it used to work with the County Clerk and Tax Assessor Collector!”** Said Senator Bettencourt. **“It passed with Bipartisan support 20-11,”** he added.

SB 1750 will return power and duties of the Harris County Elections Administrator to the County Tax Assessor-Collector and County Clerk. Under SB 1750 the County Tax Assessor-Collector will serve as the voter registrar and the election administration duties will revert to the County Clerk. With elections under two different elected officials, the cost of an independent department will go away and the broad support from the rest of the office will provide professionalism, consistency, and stability to the election staff. Senator Bettencourt served as the Tax Assessor-Collector with County Clerk Kaufman for 10 years.

On November 8, 2022, Harris County's EA failed to deliver enough paper ballots to over 120 voting centers, as reported by KHOU 11 (<https://www.khou.com/video/news/investigations/khou-11-analysis-election-ballot-paper-shortage-bigger-than-estimated/285-3806ba23-a4f5-4ed2-8b41-cc0ad4c18861>), despite having millions of paper ballots available for distribution in an EA office warehouse. Now, the Harris County EA and the County Judge who appointed him are suing the Attorney General's Office to block the release of the election records that will shed light on why the November 8 election in Harris County turned into a fiasco. Currently, there are a record 21 election challenges filed in Harris County. County Officials refuse to answer media questions on the matter.

“In 2022 the former Harris County Election Administrator ‘found’ 10,000 votes and released a statement at 10:30 p.m. on a Saturday night that led to her resignation. Then the current Elections Administrator either wouldn’t or couldn’t get millions of paper ballots out of the warehouse and to the polls with thousands of voters being turned away for lack of ballots. The Nation’s third largest county cannot have third world elections anymore! Bring back accountability with elected officials running elections.” Concluded Senator Bettencourt.

Senator Bettencourt has passed 10 election and voter integrity bills out of the Texas Senate so far, and expects to pass more out in the next couple of weeks.

- [Senator Bettencourt passes best election audit bill in the USA per Heritage Foundation, SB 1039](#)
- [Two more important bills to fix what ails Harris County Elections pass out of Texas Senate!](#)

###

RETRIEVED FROM DEMOCRACYDOCKET.COM



Explore

Settings

EXHIBIT 7
New to Twitter?

Sign up now to get your own per:

Sign up with G

Sign up with A

Create account

By signing up, you agree to the [Twitter Privacy Policy](#), including [Cookie I](#)

Relevant people

Team Bettencourt [@TeamBettencourt](#)
Texas State Senator

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#)
[Accessibility](#) [Ads info](#) [More](#)

← Tweet

Team Bettencourt [@TeamBettencourt](#)

House Elections Committee Chairman [@Reggie4Tx](#) posts my SB 1750 which will eliminate the Harris County Elections Administrator office in Harris County for Thursday! The bill returns all election duties BACK to the elected County Clerk and Tax-Assessor. Ag Chair [@BriscoeCain](#) will lay out the bill, which passed the Texas Senate with a bipartisan 20-11 vote. The Senate State Affairs Committee (Chair [@SenBryanHughes](#)) took testimony on botched Harris County elections in 2022. The former Harris County EA had to resign due to a primary election fiasco and the current EA either couldn't or wouldn't get ballot paper to the polls for thousands of voters to vote on in the Nov. 8th election. Importantly, this is the ONLY time I've ever seen the [@HarrisCountyRP](#) & [@TexasGOP](#) testify for returning election duties to elected officials...OH that's Republicans returning elections to Democrat Elected Officials!! Interesting hearing at [#txlege](#) [@ValoreeforTexas](#) [@ManoForStateRep](#) [@Burrows4TX](#) [@VoteGiovanni](#) [@BucyForTexas](#) [@EddieMoralesJr](#) [@Christian4Texas](#) [@HubertVo149](#)

RETRIEVED FROM [OPEN-COURT-CRACYDOCKET.COM](#)

```

** REVISION **
HOUSE OF REPRESENTATIVES
OFFICE OF PUBLIC HEARINGS

COMMITTEE: Elections
TIME & DATE: 10:30 AM on upon final adoption/recess or bill referral if
public hearing
Thursday, April 27, 2023
PLACE: H2-104
CHAIR: Rep. Reggie Bush

** PUBLIC TESTIMONY will be limited to two (2) minutes. The order in which bills are heard is at the discretion of the chair. **

SB_161 Hughes
Relating to the withdrawal of a candidate in a runoff primary election.
SB_161 Bettencourt
Relating to requirements for certain petitions requesting an election and ballot propositions.
SB_162 Bettencourt
Relating to the deadline for submitting certain recount petitions.
SB_170 Bettencourt
Starting Rule Suspended
Relating to abolishing the county elections administrator position in certain counties.
SB_188 Schermer ( or a)
Relating to the declaration of a candidate's ineligibility on the basis of failure to pay a filing fee to receive a petition in lieu of a filing fee.
SB_165 Hughes
Relating to a ballot scan system used in a central counting station.
SB_170 Bush
Relating to electioneering conducted near a polling place.

For those persons who will be testifying, information for in-person witness registration can be found here: https://portal.legis.texas.gov/0000Public/About.aspx
A live video broadcast of this hearing will be available here: https://house.legis.texas.gov/committees/public-access-hours-committee-meetings/
Instructions related to public access to the meeting location are available here: https://house.legis.texas.gov/committees/public-access-hours-committee-meetings/
Those witnesses who wish to electronically submit comments related to agenda items in this notice without testifying in person can do so until the hearing is adjourned by visiting: https://comments.house.legis.texas.gov/submitcomment/

Bills added after last posting:
SB_170
** See Committee Order/minutes for previous versions of this notice.

```

Holly Hansen and 9 others

10:31 AM · Apr 26, 2023 · 14.4K Views

38 Retweets 6 Quotes 110 Likes



Don't miss what's happening
People on Twitter are the first to know.

Log in



Explore

Settings

Tweet



Team Bettencourt @TeamBettencourt

DEBATE HAS STARTED!! @BriscoeCain lays out my SB 1750 that eliminates the Election Administrator position in Harris County, and returns all election duties to the elected County Clerk and Tax Assessor. First major witness, Chris Russo, a presiding judge during the Nov. 8 botched election, testified that he called @HarrisVotes at 2:30 pm telling them he was short on ballot paper. EA office told him ballots were on the way and they never came! He ran out of ballots at 6pm and 40 people were in line. He didn't get more ballot paper until 9pm and he estimated 100 people were turned away from his location alone. I suspect House Election Committee Chair @Reggie4Tx and his committee will hear many more stories like this tonight, but that's what happens when the nations 3rd largest county EA couldn't or wouldn't get millions of sheets of ballot paper out of the warehouse and to polls. As a result, that's REAL voter suppression! @tppf @tfrw @cindySiegel5 @TexasSenateGOP @HarrisCountyRP @TexasGOP @kwteaparty @TXGOPCaucus

10:26 PM · Apr 27, 2023 · 1,898 Views

13 Retweets 3 Quotes 27 Likes



RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 8

New to Twitter?

Sign up now to get your own per:

Sign up with G

Sign up with A

Create account

By signing up, you agree to the [Twitter Privacy Policy](#), including [Cookie Policy](#)

Relevant people



Team Bettencourt @TeamBettencourt Texas State Senator

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#) [Accessibility](#) [Ads info](#) [More](#)

Don't miss what's happening

People on Twitter are the first to know.

Log in

S

EXHIBIT 9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN RE: SENATE BILL 1750
ELECTIONS - APR. 27th, 2023
02:05:00 to 03:37:41

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 * Start of Recording *

2 CHAIRMAN SMITH: The Chair lays out Senate Bill
3 1750 and recognizes Representative Cain to explain the
4 bill. Chairman Cain.

5 CHAIRMAN CAIN: Chairman Smith, Vice Chair Bucy,
6 and committee members of -- normally, I have really
7 short layouts, but I'm going to go through this full
8 one.

9 In 2020, shortly after the November election,
10 Harris County changed the leadership of the elections
11 operations from the elected office of the Harris
12 County Clerk and Tax Assess Collector to the pointed
13 position of Elections Administrators.

14 (Indecipherable) subsequent administrators
15 appointed had little to no experience of Texas
16 election laws and, obviously, multiple action
17 disasters including equipment malfunctions and
18 incorrect ballots.

19 First Elections Administrator point has little
20 over five months of experience administrating
21 elections for the second largest election entity in
22 the nation.

23 After resignation, she was replaced by someone
24 who had zero experience with Texas election laws and
25 no experience with Harris County, moving from

1 Washington DC to Houston only three months before the
2 second largest election in -- you know, in the
3 country.

4 Since the implementation of an EA elections,
5 elections -- each election has been a disaster in
6 Harris County. Each election results with more votes
7 than voters, malfunctioning equipment, inadequate
8 training, counter-effective election work or
9 replacement, poor polling place acquisition, incorrect
10 ballots, poorly maintained voter rolls, and more.

11 The Harris County leadership has done nothing to
12 remedy -- remedy this embarrassingly poor quality of
13 operation of the election department.

14 I believe it's time for Harris County elections to
15 return the accountability of elected officials, the
16 Harris County Clerk and Harris County Tax Assessor
17 Collector.

18 Yes, two people that are on opposite parties of
19 mine, but I believe because of who they are, because
20 they're elected, they'll be more accountable to
21 voters.

22 In fact, one of those reasons the bill relates to
23 Harris County only is because Senator Bettencourt's
24 office conducted a survey of other large counties in
25 Texas and found that while each of those counties

1 VICE CHAIR BUCY: Thank you, Mr. Chairman.

2 Chairman Cain, I just want to -- I just -- I
3 think there was a version -- and I know this is
4 Bettencourt's bill -- Senator Bettencourt's bill. But
5 at one point, it was a million threshold. I think
6 it's been changed to three and a half million. Was
7 there a reason for that change?

8 CHAIRMAN CAIN: Yeah. So my bill is filed -- it
9 only was for Harris County, but this was a committee
10 substitute in the Senate. Look, after they talked to
11 all of the other counties, those large counties, they
12 found that they didn't have the problems Harris County
13 did. They had problems. They corrected them very
14 efficiently. They haven't had the constant issues.
15 And so for that reason, they decided to settle it only
16 on the county that seems not to be able to get their
17 act together.

18 VICE CHAIR BUCY: Who did that survey?


19 CHAIRMAN CAIN: Bettencourt's office.

20 VICE CHAIR BUCY: Senator Bettencourt's office.
21 I just -- I've heard about some issues on the -- in
22 the November election in Bell County. Just curious
23 what the feedback was there, where a Court had to step
24 in to keep elections open. 20 percent of Election Day
25 polling places required a court order to keep the

C E R T I F I C A T E

I, Robin L. Deal, Florida Professional Court Reporter and Transcriptionist, do hereby certify that I was authorized to and did listen to and transcribe the foregoing recorded proceedings and that the transcript is a true record to the best of my professional ability.

Dated this 16th day of June, 2023.



ROBIN L. DEAL

RETRIEVED FROM DEMOCRACYDOCKET.COM



Explore

Settings

EXHIBIT 10
New to Twitter?

← Tweet

 **Team Bettencourt** 
@TeamBettencourt

The @HoustonChron Editorial Board recognizes the obvious, "Bettencourt election bill swipes at Harris County leaders, not at democracy"! YES, my SB 1750, that returns the management of Harris County elections to the county clerk and tax assessor-collector, is about performance, not politics!

The Harris County Elections Administrator experiment has been a disaster that's only led to election fiascos in Harris County. Because when government puts on an election and the Elections Administrator either couldn't or wouldn't get paper ballots from the warehouse to the polls for voters to vote on, that's real voter suppression! It's time for the Texas House to pass SB 1750 and SB 1933 to restore the confidence of the Harris County voters in the election system. #txlege

 **Houston Chronicle**  @HoustonChron · May 22
Bettencourt election bill swipes at Harris County leaders, not at democracy (Editorial) trib.al/TIIVf2M

11:22 AM · May 22, 2023 · 13.2K Views

26 Retweets 4 Quotes 78 Likes



Sign up now to get your own per:

 Sign up with G


 Sign up with A

Create account

By signing up, you agree to the [Twitter Privacy Policy](#), including [Cookie Policy](#)

Relevant people

 **Team Bettencourt** 
@TeamBettencourt
Texas State Senator

 **Houston Chronicle**
@HoustonChron
Documenting life in and beyond.

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#)
[Accessibility](#) [Ads info](#) [More ..](#)

RETRIEVED FROM DEMOCRACYDOCKET.COM

Don't miss what's happening

People on Twitter are the first to know.

Log in

S

Press Release**FOR IMMEDIATE RELEASE**

May 24, 2023

UPDATED

Contact: Michael Geary

(512) 463-0107

michael.geary@senate.texas.gov

Sen. Bettencourt's bills return Harris County Elections from EA back to Elected Officials passes!

SB 1750 passes Texas House & returns EA duties & power back to the County Tax-Assessor & County Clerk

SB 1933 passes TX House and Texas SOS has oversight of Elections back to Texas Senate

Austin, TX – Senator Paul Bettencourt's (R-Houston) SB 1750, sponsored by Representative Briscoe Cain (R-Deer Park) in the Texas House of Representatives, passed out of the Texas House on Tuesday, May 23, 2023. SB 1750 will restore voter trust, accountability, and transparency in Harris County elections by returning the management of elections back to elected officials. **“An appointed Elections Administrator that either couldn't or wouldn't get millions of sheets of ballot paper from the warehouse to the polls for voters to vote on, on November 8th, will be gone by September 1st,”** said Senator Bettencourt. **“Now voters in Harris County can be assured that the officials running their elections are elected and accountable to the public, with expected final passage of SB 1750,”** added Senator Bettencourt.

SB 1750 will return power and duties of the Harris County Elections Administrator to the County Tax Assessor-Collector and County Clerk. Under SB 1750, the County Tax Assessor-Collector will serve as the voter registrar and the election administration duties will revert to the County Clerk. With elections under two different elected officials, the cost of an independent department will be spread among the two offices providing professionalism, consistency, stability, and better customer service for elections. Senator Bettencourt served as the Tax Assessor-Collector with County Clerk Kaufman for 10 years.

“Both Elections Administrators that were appointed by the Harris County Judge bombed their elections. In 2022, the former Harris County Election Administrator ‘found’ 10,000 votes and released a statement at 10:30 p.m. on a Saturday night that led to her resignation. Then, the current EA either wouldn't or couldn't get millions of paper ballots out of the warehouse and to the polls with thousands of voters being turned

away for lack of ballots. And after six months, the current EA still hasn't publicly explained what happened," stated Senator Bettencourt.

SB 1933, sponsored by House Rep. Tom Oliverson, grants authority of administrative oversight over a county. This will allow the Secretary of State's office to review complaints from candidates, county state party chairs, presiding or alternate judges, and the head of a specific-purpose political committee. In the complaint, if they find merit SOS can investigate using the authority of administrative oversight. An amendment limited this to Harris County only.

"SB 1933 will ensure the failures, or the fiasco of the general election never occurs again with the Texas Secretary of State oversight of the election process, if necessary," Senator Bettencourt concluded with. **"A late amendment was added to SB 1933 in the Texas House limiting it to Harris County, this will be reviewed in the Texas Senate."**

SB 1750 now heads back to the Texas Senate for Senator Bettencourt's review and or concurrence. Please see previous press releases below for more information.

- [Senator Bettencourt's bill returns Harris County Elections back to Elected Officials!](#)
- [Sen Bettencourt & Rep Cain file bills to return Management of Elections back to Elected Officials!](#)

###

RETRIEVED FROM DEMOCRACYDOCKET.COM




Explore

Settings

Tweet

 **Team Bettencourt** 
@TeamBettencourt

 Breaking news! Public Information Request revealed by @WayneDolcefino, show 115 Harris County polls turned away voters in the Nov. 8th 2022 election!!

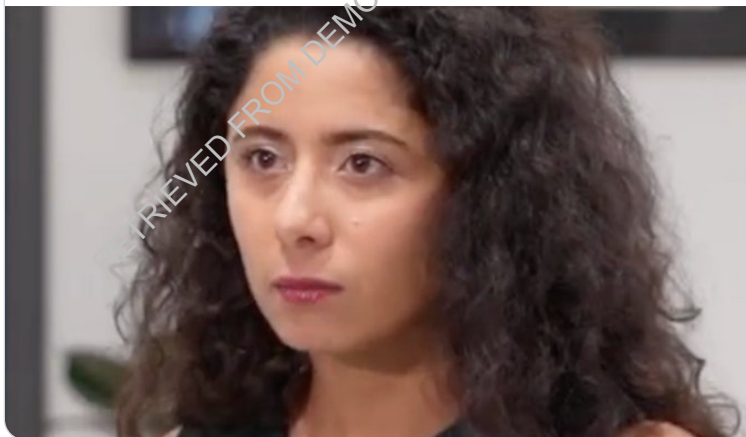
Late openings, lack of ballot paper, election machine failures, you name it... it happened and that's why Judge @LinaHidalgoTX wouldn't tell the public what really happened. Now that her hand-picked Elections Administrator Office is "adios" per, my Senate Bill 1750 and elections are being returned to the Elected County Clerk or County Tax Assessor, the truth is coming out, finally! 60 plus Election Judges of both parties said they ran out of paper per the @HarrisVotes EA info. It could be 10K plus voters suppressed or higher, big difference for election contests! Shocking, even though "Uncle Paul" and "Aunt Cindy" @cindySiegel5 predicted this in November and December repeatedly! See the report now! #txlege @TPPF @HarrisCountyRP @TexasGOP

 **Dolcefino Consulting**  @WayneDolcefino · Jun 1
Hidalgo's Latest Meltdown...

Shocking new internal Harris County election records show voters at more than 115 polling locations were turned away when they tried to vote last November.

WATCH/SHARE to spread the word.

LINK -- > youtube.com/watch?v=7T-jns...



6:14 PM · Jun 2, 2023 · 41K Views

180 Retweets 18 Quotes 333 Likes 7 Bookmarks



EXHIBIT 12
New to Twitter?

Sign up now to get your own per:

 Sign up with G


 Sign up with A

Create account

By signing up, you agree to the [Twitter Privacy Policy](#), including [Cookie I](#)

Relevant people

 **Team Bettencourt** 
@TeamBettencourt
Texas State Senator

 **Dolcefino Consulting**
@WayneDolcefino
Houston-based inve company led by awa investigative reporte Dolcefino.

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#)
[Accessibility](#) [Ads info](#) [More ..](#)

Don't miss what's happening

People on Twitter are the first to know.

Log in

S



Explore

Settings

← Tweet

 **Team Bettencourt** 
@TeamBettencourt

Once again the Leftist Progressive Majority on the Harris County Commissioners Court authorized a lawsuit against the State of Texas @TXAG. This time without even waiting for Governor @GregAbbott_TX to even sign my SB 1750, (House sponsor @BriscoeCain) & SB 1933, (House sponsor @TomOliverson), the needed election reforms in Harris County! These bills replace the failed Elections Administrations Office with two Elected Officials, @harriscotxclerk and @HarrisCountyTAC and provide @TXsecofstate oversight over @HarrisVotes administration. Debated, amended, and passed by #txlege, these bills will soon be law and Harris County should comply with them, so, the election fiascos of 2022 are never repeated in the Nation's 3rd largest county. It was the "gang of 4" versus @TomSRamsey2 LOL!!

@GeraldHarrisTV @jen_rice_ @KPRC2Mario @JRogalskiKHOU @TPPF @HarrisCountyRP @TexasGOP



 Holly Hansen and 9 others


5:22 PM · Jun 6, 2023 · 7,208 Views


33 Retweets 3 Quotes 70 Likes 1 Bookmark



EXHIBIT 13
New to Twitter?

Sign up now to get your own per...

 Sign up with G

 Sign up with A

Create account

By signing up, you agree to the [Twitter Terms of Service](#) and [Privacy Policy](#), including [Cookie Policy](#).

Relevant people

 **Team Bettencourt** 
@TeamBettencourt
Texas State Senator

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#)
[Accessibility](#) [Ads info](#) [More ..](#)

Don't miss what's happening

People on Twitter are the first to know.

Log in

S

- X
- Explore
- Settings

EXHIBIT 14
New to Twitter?



Major progress on Election Reform for Harris County! My pair of two bills that return the County Election Administration back to the elected County Clerk and Tax Assessor-Collector with @TXsecofstate oversight, SB 1750 and SB 1933, were signed by Governor @GregAbbott_TX and go into effect no later than September 1st, 2023..!

It means that an appointed @HarrisVotes Elections Administrator's office, which either couldn't or wouldn't get millions of sheets of ballot paper out of the County Warehouse to the polls for voters to vote on Nov. 8th, will be replaced by two Democrat Elected Officials.

I want to thank both @HarrisCountyRP and @TexasGOP for supporting these bills, as about half the counties in Texas use their two elected officials to run their elections successfully, like what used to happen in Harris County!

See the links below showing the bills and their House sponsors, Rep. @BriscoeCain and Rep. @TomOliverson, plus all those who voted for these critical reforms in #txlege!

SB 1750: capitol.texas.gov/BillLookup/His...
(capitol.texas.gov/BillLookup/His...)

SB 1933: capitol.texas.gov/BillLookup/His...
(capitol.texas.gov/BillLookup/His...)

Thanks to everyone who came and testified in committee on these "good government" bills. The last bill was named for Al Vera, who testified for them. His and everyone's voice was loud and clear helping to bring back accountability, transparency, and performance to Harris County elections. It's time for the Harris County Commissioners Court to look forward, support the County Clerk and Tax Assessor-Collector, and drop their political frivolous lawsuits against SB 1750 and SB 1933. Elections matter! #txlege

The screenshot shows a legislative tracking page for SB 1750 and SB 1933. It includes sections for 'Overview', 'History', 'Actions', and 'Tracking'. The 'Actions' section is highlighted and contains a table with columns for 'Action', 'Date', and 'Status'. The table lists various legislative actions such as 'Introduction', 'Committee Report', and 'Floor Vote' with corresponding dates and statuses.

Gerald Harris and 9 others

5:47 PM · Jun 19, 2023 · 15.2K Views

46 Retweets 10 Quotes 163 Likes 2 Bookmarks

Sign up now to get your own per:

- Sign up with G
- Sign up with A
- Create account

By signing up, you agree to the T Privacy Policy, including Cookie I

Relevant people



Trends are unavailable.

Terms of Service Privacy Policy Accessibility Ads info More..

Don't miss what's happening
People on Twitter are the first to know.

Log in S



Explore

Settings

New to Twitter?

Sign up now to get your own per:

Sign up with A

Create accou

By signing up, you agree to the [T](#)
[Privacy Policy](#), including [Cookie I](#)

Relevant people



Team Bettencourt |
@TeamBettencourt
Texas State Senator

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#)
[Accessibility](#) [Ads info](#) [More ··](#)

RETRIEVED FROM DEMOCRACYDOCKET.COM

Don't miss what's happening

People on Twitter are the first to know.

Log in

S

APPENDIX D

RETRIEVED FROM DEMOCRACYPOCKET.COM

CAUSE NO. D-1-GN-23-003523

HARRIS COUNTY, TEXAS	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
v.	§	
THE STATE OF TEXAS, OFFICE OF THE ATTORNEY GENERAL OF TEXAS, ANGELA COLMENERO, in her Official Capacity as Interim Attorney General of Texas, OFFICE OF THE TEXAS SECRETARY OF STATE, JANE NELSON, in her Official Capacity as Texas Secretary of State	§ § § § § § §	TRAVIS COUNTY, TEXAS
<i>Defendants.</i>	§	345TH JUDICIAL DISIRICT

**PLAINTIFF’S VERIFIED SECOND AMENDED PETITION AND APPLICATION FOR
 TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

Plaintiff Harris County, Texas files this Verified Second Amended Petition and Application for Temporary Injunction and Permanent Injunction against the State of Texas; Office of the Attorney General of Texas; Angela Colmenero, in her Official Capacity as Interim Attorney General of Texas; Office of the Texas Secretary of State; and Jane Nelson, in her Official Capacity as Texas Secretary of State (collectively, “Defendants”) and states as follows:

INTRODUCTION

The State has singled out Harris County, to the exclusion of the other 253 Texas counties, to disrupt its local control over elections. Senate Bill 1750¹ (“SB1750”), which abolishes the Harris County elections administrator, can never apply to any other county because its relevant provision

¹ TEXAS LEGISLATURE ONLINE, SENATE BILL 1750, available at: <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB01750F.pdf#navpanes=0>.

applies only to counties the size of Harris County on a single date. This intentional targeting violates the Texas Constitution, as interpreted by clear Supreme Court of Texas precedent. Harris County seeks declaratory and injunctive relief protecting its local control over elections from this unconstitutional interference.

To prevent legislators from “granting [] special privileges and to secure the uniformity of law throughout the State as far as possible,”² Article III, section 56 of the Texas Constitution bars the legislature from passing local or special laws targeting certain jurisdictions (including counties) and subject matters (including elections). That prohibition exists to “stop the legislature from meddling in local matters” and to prevent legislators from “trading votes to advance personal rather than public interests.”³

Elections for every public office in Texas—from Governor to Justice of the Peace to city council—are run by county governments. In every Texas county, volunteers and county officials work in tandem to run polling sites, educate voters on the process, and tabulate results. For nearly 50 years, Texas has given *every* county the power to create an elections administrator position to manage voter registration and elections. This structure is designed to add professionalism and remove partisanship from a county’s management of elections and voter registration, placing these duties in the hands of a nonpartisan official who is prohibited from making campaign contributions, publicly supporting candidates, or any similar political activity. Creating distance between elections and partisan officials has become increasingly important to protect the electoral process from bad faith actors and conspiracy theorists who have, in many instances, targeted

² *Miller v. El Paso Cnty.*, 136 Tex. 370, 150 S.W.2d 1000, 1001 (1941).

³ *City of Austin v. City of Cedar Park*, 953 S.W.2d 424, 432 (Tex. App.—Austin 1997, no writ) (quoting 1 George D. Braden, *The Constitution of the State of Texas: An Annotated and Comparative Analysis* 276 (1977) and citing *Miller*, 150 S.W.2d at 1001).

election officials with baseless claims of fraud and issued death threats to people who are providing the public service of administering an election. Nearly half of Texas counties—including nine of the ten largest, representing nearly 40% of registered voters—use an elections administrator system.

Since November 2020, Harris County’s election administrator’s office has run the County’s elections. The current elections administrator, Clifford Tatum, is an experienced election official recruited to the County from out of state. He runs an office of more than 170 employees with a budget of more than \$30 million.

SB1750 will abolish that office in Harris County—and only Harris County. This surgical targeting of Harris County’s elections operations was the express intention of the bill’s drafter, its House sponsor, and other legislators who supported it. The Legislature prohibits counties with a population of 3.5 million or greater—a category that describes Harris County alone—from creating the office of elections administrator. But crucially, SB1750’s provision abolishing existing elections administrator positions will apply exactly once: to a county that has a population over 3.5 million on September 1, 2023. The provision thus applies to Harris County on that date, and then it will never apply again.

The Texas Constitution’s plain text prohibits this sort of legislative meddling in a single county’s local affairs. Harris County therefore requests that this Court declare that SB1750 violates the Texas Constitution and enjoin state officials from enforcing it.

PARTIES

1. Harris County, Texas is the largest county in Texas and operates through the Harris County Commissioners Court, the County’s principal governing body.
2. Defendant, the State of Texas, may be served with process through the Texas Secretary of State, 1019 Brazos Street, Austin, TX 78701.

3. Defendant, Office of the Attorney General of Texas (“Attorney General’s Office”), may be served at 300 West 15th Street, Austin, Texas, 78701.

4. Defendant Angela Colmenero (the “Attorney General” or “Attorney General Colmenero”) is the Interim Attorney General of Texas and is sued in her official capacity. She may be served at 300 West 15th Street, Austin, Texas, 78701.

5. Defendant, Office of the Texas Secretary of State (“Secretary of State’s Office”), may be served at 1019 Brazos Street, Austin, TX 78701.

6. Defendant Jane Nelson (the “Secretary of State” or “Secretary of State Nelson”) is the Texas Secretary of State and is sued in her official capacity. She may be served at 1019 Brazos Street, Austin, TX 78701.

DISCOVERY CONTROL PLAN

7. Pursuant to Rule 190.4 of the Texas Rules of Civil Procedure, Plaintiff intends that discovery be conducted under Level 3.

JURISDICTION AND VENUE

8. This Court has personal jurisdiction over each Defendant because Defendants reside in Texas.

9. This Court has jurisdiction over the subject matter pursuant to article V, section 8, of the Texas Constitution and Section 37.004 of the Civil Practice and Remedies Code.

10. Venue is appropriate in Travis County pursuant to sections 15.002(a)(1), 15.014, and 65.023 of the Texas Civil Practice and Remedies Code.

FACTUAL BACKGROUND

I. Harris County created its elections administrator office in 2020 over the objection of state officials.

11. The Texas Election Code charges counties with managing voter registration and

election administration under one of three systems.

12. The default system places the county's tax assessor-collector in charge of voter registration, and the county's clerk in charge of administering elections. *See, e.g.*, Tex. Elec. Code §§ 12.001, 43.002, 67.007, 83.002. These are both elected positions.

13. A county commissioners court may decide to place both voter registration and election administration duties under either the tax assessor-collector or county clerk, if those two officials agree. Tex. Elec. Code §§ 12.031, 31.071.

14. Finally, counties have a third option: a county commissioners court may create an elections administrator position to administer both voter registration and elections. Tex. Elec. Code § 31.031-.049. This is the option chosen by nearly half of Texas's 254 counties, including nine of the State's ten largest. This structure is designed to add professionalism and remove partisanship from a county's management of elections and voter registration, placing these duties in the hands of a nonpartisan official who is prohibited from making campaign contributions, publicly supporting candidates, or any similar political activity. Tex. Elec. Code § 31.035. This structure also has the added benefit of consolidating all elections-related duties in a single official, rather than splitting those duties between two offices that may not always be in sync.


15. When a commissioners court creates the elections administrator position, a statutorily created five-person "election commission" is responsible for hiring and firing the county's elections administrator. Tex. Elec. Code § 31.032. The election commission consists of (1) the county judge, (2) the county clerk, (3) the county tax assessor-collector, and (4) the county chair of each political party. *Id.* A commissioners court continues to control the funding for voter registration and election administration through its funding of the elections administrator.

16. In July 2020, the Harris County Commissioners Court created the Harris County

Elections Administrator position (the “Harris County EA”), transferring voter registration and election administration duties to that office. The order provided the office would begin operations on November 18, 2020, so as not to interrupt the then-ongoing November 2020 general election. Following that election, Harris County completed the transition, with the office receiving more than 100 employees and an eight-figure budget.

17. Republican state officials—including Senator Paul Bettencourt, the author of SB1750—immediately began working to abolish the Harris County EA. In November 2020, the Texas Secretary of State alleged Harris County violated the election code in creating the Harris County EA and appointing an individual to that position. Then-Attorney General Ken Paxton then sent Harris County a letter asserting that due to a minor paperwork error, the Harris County EA was “null and void” and “[did] not exist,” threatening legal action if the office continued operating and the County refused to rescind the appointment of its first elections administrator.⁴ That same day, Senator Bettencourt publicly⁵ called on Harris County to abolish the office and rescind the administrator’s appointment:

**State of Texas
Texas Senate**



Paul Bettencourt
DISTRICT 7

Paul.Bettencourt@senate.texas.gov

P.O. Box 12068
AUSTIN, TEXAS 78711-2068
(512) 463-0107
FAX (512) 463-8810

11451 KATY FREEWAY, SUITE 209
HOUSTON, TEXAS 77079
(713) 464-0282
FAX (713) 461-0108

For Immediate Release
Monday, November 30, 2020

Contact Information
Robert Flanagan | (318) 349-3993
Robert.Flanagan@senate.texas.gov

Sen Bettencourt Joins in Call for Harris County Elections Administrator Appointment to be Rescinded
Texas Attorney General letter gives Harris County until December 10th to take action or face legal action

⁴ Letter from Ken Paxton, Att’y Gen. of Tex. to Vince Ryan, Harris County Att’y (Nov. 25, 2020) <https://s3.documentcloud.org/documents/20418715/states-letter-to-harris-county.pdf>.

⁵ Press Release, Paul Bettencourt, Sen Bettencourt Joins in Call for Harris County Elections Administrator Appointment to be Rescinded (Nov. 30, 2020), <https://senate.texas.gov/press.php?id=7-20201130a&ref=1>.

18. The current Harris County EA is Clifford Tatum, who the election commission appointed in August 2022.

19. Following the November 2022 general election, 22 losing candidates filed election contests to overturn the results of those elections, alleging issues with how the Harris County EA ran the election. Senator Bettencourt encouraged them, expressed his support for the suits, and started the process of leveraging those allegations to achieve his longstanding goal of abolishing the Harris County EA.

II. By Senator Bettencourt’s design, SB1750 abolishes the elections administrator in only Harris County.

20. Unable to bully the Harris County Commissioners Court to undo its decision to create the elections administrator position, Senator Bettencourt devised a new plan: use the Texas Legislature to do precisely what Harris County Commissioners Court would not.

21. As originally enacted in 1977, the elections administrator statute allowed “any county in this state” to transfer election duties to an election administrator.⁶ In the almost half century since, the Legislature has never diminished that equal treatment—until now. Senator Bettencourt’s SB1750 has two main provisions, both of which impact only Harris County—and one of which will *only* ever affect Harris County. Section 2(a) prohibits a county with more than 3.5 million residents—currently only Harris County—from creating an elections administrator for the county:

⁶ Act of May 28, 1977, 65th Leg., R.S., ch. 609, § 3, sec. 56a, 1977 Tex. Gen. Laws 1497, 1499.

8 SECTION 2. Section 31.031(a), Election Code, is amended to
9 read as follows:
10 (a) The commissioners court of a county with a population of
11 3.5 million or less by written order may create the position of
12 county elections administrator for the county.

22. This is an “open” bracket provision because although it will be binding on only Harris County when SB1750 goes into effect (because Harris County is the only county with a population greater than 3.5 million), it could be binding on other counties in the future. For example, if Travis County—which currently has a population of 1.3 million and does not have an elections administrator—reaches 3.5 million residents at some point in the future, Section 2 would preclude Travis County from “creat[ing]” a county elections administrator position.

23. Section 3 provides that if (1) a county has a population of more than 3.5 million on September 1, 2023, and (2) the county has an elections administrator, then (3) the administrator’s office is abolished, and the county’s voter registration and election administrator duties transfer to the county tax-assessor collector and clerk, respectively.

13 SECTION 3. Subchapter B, Chapter 31, Election Code, is
14 amended by adding Section 31.050 to read as follows:
15 Sec. 31.050. ABOLISHMENT OF POSITION AND TRANSFER OF DUTIES
16 IN CERTAIN COUNTIES. On September 1, 2023, all powers and duties of
17 the county elections administrator of a county with a population of
18 more than 3.5 million under this subchapter are transferred to the
19 county tax assessor-collector and county clerk. The county tax
20 assessor-collector shall serve as the voter registrar, and the
21 duties and functions of the county clerk that were performed by the
22 administrator revert to the county clerk, unless a transfer of
23 duties and functions occurs under Section 12.031 or 31.071.

24. This is a “closed” bracket provision—it will apply to Harris County on September 1, 2023, and then never again, even if some other county with an elections administrator passes

the 3.5 million threshold. This is because the abolishment and transfer occur only “[o]n September 1, 2023.” And on that date, Harris County will be the only county fitting the population criteria. Thus, other large counties will be able to avoid SB1750’s effect entirely by creating an elections administrator before passing the population threshold—as all but one of Texas’s large counties already have. Their existing elections administrators are grandfathered in, unlike Harris County’s.

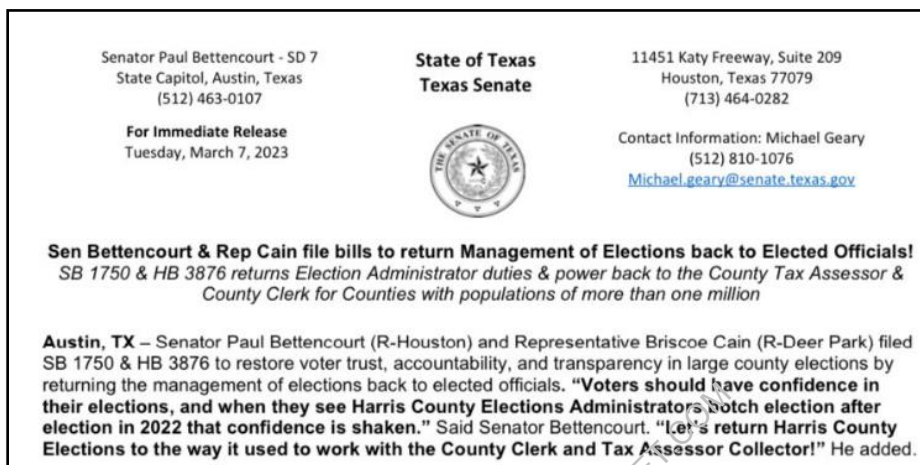
25. The plain text of SB1750 permits no other reading. The “On September 1, 2023” clause in Section 3 cannot be a mere effective-date provision because SB1750 explicitly already takes effect September 1, 2023. Thus, to create a broadly applicable abolishment/transfer provision taking effect on the law’s effective date, the Legislature could have stayed silent—as the Legislature did in Section 2.

26. That SB1750’s abolishment provision can only ever apply to Harris County is further apparent when read in combination with Senate Bill 1933⁷ (“SB1933”), another bill Senator Bettencourt sponsored this legislative session. SB1933 applies to only counties “with a population of more than 4 million,” and empowers the Secretary of State to “terminate the employment of a county elections administrator, in a county that has the position.” *See* Tex. Elec. Code §§ 31.017, 31.021 (effective September 1, 2023). This law would be superfluous if SB1750 automatically abolished the elections administrator position in any county that grows to a population of more than 3.5 million after September 1, 2023.

27. The Legislature’s decision to ensure that SB1750 applies only to Harris County, while offering other large counties an escape valve, shows the explicit intention of the bill’s sponsor and other officials. An early draft of SB1750 would have applied to counties with over

⁷ TEXAS LEGISLATURE ONLINE, SENATE BILL 1933, *available at*: <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB01933F.pdf#navpanes=0>.

one million residents. Yet Senator Bettencourt stated publicly that his intended target was the Harris County EA: “Let’s return Harris County Elections to the way it used to work with the County Clerk and Tax Assessor Collector!”⁸



28. Senator Bettencourt quickly revealed that the one million population bracket was a smoke screen. At the start of SB1750’s first and only senate committee hearing, Senator Bettencourt announced that the committee would not consider a bill with a one-million-person population bracket, but instead a committee substitute that increased the population threshold to 3.5 million. And at that hearing he made clear his reason for doing so: “This bill will effectively transition the election administrator back to the Harris County clerk and tax assessor-collector.”⁹

29. When the entire Senate passed SB1750 a few weeks after the hearing, Senator Bettencourt reaffirmed the goal of his bill in a press release, stating “[l]et’s return Harris County Elections to the way it used to work with the County Clerk and Tax Assessor Collector!”¹⁰

⁸ Press Release, Paul Bettencourt, Sen Bettencourt & Rep Cain file bills to return Management of Elections back to Elected Officials! (Mar. 7, 2023), <https://senate.texas.gov/press.php?id=7-20230307a&ref=1>.

⁹ Hearing on S.B. 1750 Before the Senate Committee on State Affairs, 88th Leg., R.S. (March 30, 2023) (tape available at https://tlcsenate.granicus.com/MediaPlayer.php?view_id=53&clip_id=17555) (quote at 4:09:41).

¹⁰ Press Release, Paul Bettencourt, Senator Bettencourt’s bill returns Harris County Elections back to Elected Officials! (Apr. 18, 2023), <https://senate.texas.gov/press.php?id=7-20230418a&ref=1>.

30. He did so again¹¹ a week later, when SB1750 was posted for hearing in the House Elections Committee:



31. In that hearing, Representative Briscoe Cain, the bill’s House sponsor, reaffirmed that SB1750 was intended to impact only Harris County:

CAIN: In 2020, shortly after the November election, Harris County changed the leadership of the elections operations, from the elected office of the Harris County Clerk and Tax Assessor-Collector to an appointed position of the elections administrator.

...

CAIN: I believe it’s time for Harris County elections to return the accountability of Harris County elected officials, the Harris County Clerk and the Harris County Tax Assessor-Collector ...

¹¹ Paul Bettencourt (@Team Bettencourt), Twitter (Apr. 26, 2023, 10:31 AM), <https://twitter.com/TeamBettencourt/status/1651247641987096578?s=20>.

...

BUCY: ... at one point it was a million threshold, I think it's been changed to three and a half million. Is there a reason for that change?

CAIN: *Yea, so, my bill was filed only for Harris County.* This is a committee substitute in the Senate.¹²

32. After the Texas House of Representatives passed SB1750, Senator Bettencourt publicly reaffirmed multiple times that the bill's goal was to abolish only the Harris County EA. On May 22, he tweeted "The @HoustonChron Editorial Board recognizes the obvious, 'Bettencourt election bill swipes at Harris County leaders, not at democracy'! YES, my SB1750, that returns the management of Harris County elections to the county clerk and tax assessor-collector, is about performance, not politics!"¹³ On May 24, he stated, "SB1750 will restore voter trust, accountability, and transparency in Harris County elections by returning the management of elections back to elected officials."¹⁴ On June 2, he tweeted the "[Harris County] Elections Administrator Office is 'adios' per, my Senate Bill 1750 and elections are being returned to the Elected County Clerk or County Tax Assessor."¹⁵ On June 6, he tweeted SB1750 "replace[s] the failed Elections Administrations Office with two Elected Officials, @harriscotxclerk and @HarrisCountyTAC."¹⁶

¹² Hearing on S.B. 1750 Before the House Committee on Elections, 88th Leg., R.S. (April 27, 2023) (tape available at https://tlchouse.granicus.com/MediaPlayer.php?view_id=78&clip_id=24729) (testimony at 2:05:35 – 2:08:32) (emphasis added).

¹³ Paul Bettencourt (@Team Bettencourt), Twitter (May 22, 2023, 11:22 AM), <https://twitter.com/TeamBettencourt/status/1660682439176355841?s=20>.

¹⁴ Press Release, Paul Bettencourt, Sen. Bettencourt's bills return Harris County Elections from EA back to Elected Officials passes! (May 24, 2023), <https://senate.texas.gov/press.php?id=7-20230524a&ref=1>.

¹⁵ Paul Bettencourt (@Team Bettencourt), Twitter (June 2, 2023, 6:14 PM), <https://twitter.com/TeamBettencourt/status/1664772385487085568>.

¹⁶ Paul Bettencourt (@Team Bettencourt), Twitter (June 6, 2023, 5:22 PM), <https://twitter.com/TeamBettencourt/status/1666209017322954759?s=20>.

33. Governor Abbott signed SB1750 on June 18, 2023. The next day, Senator Bettencourt took a victory lap over successfully passing a bill that targeted only Harris County¹⁷:



34. Senator Bettencourt’s SB1750 is even more harmful to Harris County when paired with SB1933. As previously discussed, SB1933 empowers the Secretary of State to terminate the elections administrator in only Harris County. The law also grants the Secretary of State the authority to oversee only Harris County’s elections and to initiate lawsuits to remove from office Harris County’s Clerk and Tax Assessor-Collector.¹⁸

III. Harris County will be harmed if SB1750 takes effect.

35. Pursuant to SB1750, the Harris County EA is set to be abolished effective September 1, 2023. Harris County will be harmed considerably, in a variety of ways.

¹⁷ Paul Bettencourt (@Team Bettencourt), Twitter (June 19, 2023, 5:47 PM), <https://twitter.com/TeamBettencourt/status/1670926247713439746>.

¹⁸ As SB1933 provides for different penalties for an elections administrator versus a county clerk and tax assessor, the courts’ rulings in this case will guide how SB1933 impacts Harris County. Harris County will challenge any potential action taken by the Secretary of State pursuant to SB1933.

36. First, because SB1750 is unconstitutional, Harris County will be harmed by having to implement a statute that it believes violates the Texas constitution. Harris County also suffers by being singled out by SB1750. Article III, section 56's intent is in part to protect counties from baseless attacks from legislators with a grudge. SB 1750 does just that, and thus deprives Harris County from a right granted by the Texas Constitution.

37. Beyond being required to implement an unconstitutional statute, Harris County would also suffer harm because implementing SB1750 would require massive transfers of employees and resources from the EA's office to the Harris County Clerk and the Harris County Tax Assessor-Collector just 6 weeks before voters will go to the polls in elections run by Harris County. Not only will this transfer lead to inefficiencies, disorganization, confusion, office instability, and increased costs to the County, but it will also disrupt an election the Harris County EA has been planning for months. The County is legally required to host a Texas constitutional amendment election as well as a countywide bond election and will also be conducting elections for the City of Houston and 50 other entities (e.g., other municipalities, municipal utility districts, other local government entities). The County anticipates providing around 700 polling sites to more than 2.5 million registered voters in the County. The deadline to finalize in person and absentee ballots is September 23, which is also the deadline to mail absentee ballots to Military and Overseas voters. The last day to register to vote is October 10, and early voting by personal appearance begins on October 23.

38. The county tax assessor and clerk have had no role in preparing for the November election. Transferring responsibility for that election just weeks before voting starts will therefore disrupt existing processes and risk the efficient administration of the election.

39. Over the next few months, the elections department will have to undertake a

multitude of tasks, including the following: inventorying election supplies, learning and implementing new election laws, training election workers, testing voting equipment, designing and proofing ballots, mailing ballots to overseas military voters, preparing a mass mail out of voter registration cards, submitting appointment lists for presiding and alternate judges, making emergency appointments of presiding and alternate judges, serving as early voting clerk, ensuring a sufficient number of facilities to use as polling locations, and allocating election supplies among the polling places.

40. Harris County will be forced to hire additional permanent and temporary workers, as well as consultants, at a great cost to ensure it can meet its many obligations and to navigate the management structure to be used, the personnel to be retained, and the numerous decisions that need to be made in hopes of orderly administering the county as well as this November's election.

41. Harris County seeks court intervention because it does not wish to comply with an unconstitutional law. But should Harris County run the November 2023 election and March 2024 primary elections through its elections administrator's office without a court order related to SB1750's constitutionality, the full weight of the Election Code and the Secretary of State's mandatory rules are set to come crashing down on the County. Dozens of provisions in the code and rules require that counties manage voter registration and administer elections through the proper, statutorily authorized elections officials. Harris County running elections through a legally defunct office would jeopardize not only the results of those elections, but the validity of voter lists, polling locations, thousands of financial transactions, and contracts with other entities (including the City of Houston, the Harris County Republican Party, and the Harris County Democratic party). Funds for registering voters owed by the Secretary of State to the Harris County EA under Tex. Elec. Code § 19.002 would be withheld. The County's voter registration activities

would be impacted if the Secretary of State refuses to check voter registration applications against the state's TEAM (Texas Election Administration Management) system, which is an essential part of the voter registration process. In all facets of the upcoming election (e.g., voter outreach, voter registration, ballot language, candidate verification, election technology, election administration, vote tallying), to ensure positive outcomes, the Secretary of State's Office must work hand-in-hand with the Harris County EA; without an injunction, Harris County's entire election apparatus is plunged into uncertainty. Ultimately, without court intervention, the public's selection of their elected representatives—the core process on which our democracy rests—will be risked in Harris County.

42. The County is at immediate risk of harm through enforcement actions by Defendants. The Attorney General's Office has explicitly made enforcement of the Election Code a priority in recent years.¹⁹ Harris County is at significant risk of suit, including civil penalties, by the Attorney General's Office for its refusal to follow an unconstitutional law.

43. In fact, there is a clear precedent for such action. As referenced above, the Secretary of State's Office referred the creation of the Harris County EA to the Attorney General's Office.²⁰ The Attorney General's Office demanded the rescission of the EA's appointment and threatened legal action. The Attorney General's Office has made a cottage industry out of suing

¹⁹ See, Texas Attorney General (@TXAG), Twitter (Aug. 22, 2022, 9:06 AM), <https://twitter.com/TXAG/status/1561716384794542081?s=20>; Attorney General Ken Paxton (@KenPaxtonTX), Twitter (Nov. 4, 2021, 4:38 PM), <https://twitter.com/KenPaxtonTX/status/1456375255530889225?s=20>. The Attorney General's Office has sent out cease and desist letters based on perceived election code violations and provided legal advice on criminal liability for third parties providing mail-in ballots. The Attorney General's Office formed an Election Integrity Unit to litigate election laws. See <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-announces-formation-2021-texas-election-integrity-unit>.

²⁰ Letter from Ken Paxton, Att'y Gen. of Tex. to Vince Ryan, Harris County Att'y (Nov. 25, 2020) <https://s3.documentcloud.org/documents/20418715/states-letter-to-harris-county.pdf>.

Harris County for any perceived violation of state law or regulation.²¹ Even while suspended, Ken Paxton has noted his interest in litigation involving SB1750 and Harris County elections.²²

44. Harris County is also under threat of enforcement by the Secretary of State. After September 1, 2023, SB1933 provides the Secretary of State with the power to order administrative oversight of a “county office administering elections or voter registration.” *See* Tex. Elec. Code § 31.017(a) (effective September 1, 2023). This grant of authority includes the authority to demand responses from county election officials, conduct investigations of county election officials, impose administrative oversight over county elections, and remove county election officials. *See id.* §§ 31.017(b), 31.019, 31.020, 31.021. The Secretary of State may also take action to harm Harris County by actively refusing to take part in the process for the November election, including by: refusing to accept from the Harris County Elections Administrator the results of any Harris County election; refusing to coordinate with, and approve election action taken by, the Harris County Elections Administrator; refusing to provide official election reporting forms and voting by mail forms; refusing to provide funds entitled under Tex. Elec. Code § 19.002; refusing to check voter registration applications against the state’s TEAM system; taking any actions under SB1933 on the sole basis that the Harris County Elections Administrator position is abolished; and refusing

²¹ *See* Texas Attorney General (@TXAG), Twitter (Aug.31, 2020, 3:06 PM) <https://twitter.com/TXAG/status/1300525513237245954?s=20>; Press Release, Texas Attorney General’s Office, AG Paxton Sues Harris County Clerk to Prevent Him from Unlawfully Sending Out Millions of Unsolicited Mail-In Ballot Applications (August 31, 2020), <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-sues-harris-county-clerk-prevent-him-unlawfully-sending-out-millions-unsolicited-mail>; Texas Attorney General (@TXAG), Twitter (Sep. 12, 2020, 10:58 AM), <https://twitter.com/TXAG/status/1304811527250350080?s=20>; Texas Attorney General (@TXAG), Twitter (Sep. 15, 2020, 5:36 PM), <https://twitter.com/TXAG/status/1305998951448031237?s=20>; Petition in Intervention by the State of Texas, *Texas Organizing Project v. Harris County, Texas, et al.*, Cause No. 2022-73765 in the 295th Judicial District; Appellants’ Emergency Motion for Temporary Order, *Abbott, et al. v. Harris County, Texas, et al.*, Cause No. 03-21-00429-CV, Third Court of Appeals; Relator’s Emergency Motion for Temporary Relief, *In re Greg Abbott*, Cause No. 21-0923, Texas Supreme Court.

²² *See* Attorney General Ken Paxton (@KenPaxtonTX), Twitter (July 29, 2023, 7:27 PM), <https://twitter.com/KenPaxtonTX/status/1685446868933709825?s=20>.

to cooperate with the Harris County Elections Administrator to perform election-related responsibilities.

CAUSES OF ACTION

DECLARATORY JUDGMENT: SB1750 VIOLATES ARTICLE III, SECTION 56 OF THE TEXAS CONSTITUTION

45. Plaintiff incorporates by reference and re-alleges the facts and allegations contained in the foregoing paragraphs, as if set forth verbatim herein

46. Under the Uniform Declaratory Judgments Act (“UDJA”), a person “whose rights, status, or other legal relations are affected by a statute . . . may have determined any question of construction or validity arising under [] statute . . . and obtain a declaration of rights, status, or other legal relations thereunder.” Tex. Civ. Prac. & Rem. Code § 37.004(a). The UDJA is properly used to “settle and afford relief from uncertainty and insecurity with respect to rights, and [is] to be liberally construed.” *City of Waco v. Tex. Nat. Res. Conservation Comm’n*, 83 S.W.3d 169, 177 (Tex. App.—Austin 2002, pet. denied). The State, the Attorney General’s Office, Interim Attorney General Colmenero, the Secretary of State’s Office, and Secretary of State Nelson, believe that SB1750 is constitutional and that Harris County must abolish its elections administrator’s office on September 1, 2023, creating a live controversy between the parties. The UDJA is thus a proper vehicle for challenging the constitutionality of SB1750.

47. Article III, section 56(a) of the Texas Constitution provides that “[t]he Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing,” and then lists 30 prohibited subject matters, including:

- “(2) regulating the affairs of counties, cities, towns, wards or school districts”;
- “(12) for the opening and conducting of elections, or fixing or changing the places of voting”;

- “(14) creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts”; and
- “(30) relieving or discharging any person or set of persons from the performance of any public duty or service imposed by general law”.

TEX. CONST., art. III, § 56(a).

48. Similarly, Article III, section 56(b) of the Texas Constitution provides “[t]he Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law ... where a general law can be made applicable, no local or special law shall be enacted”

TEX. CONST., art. III, § 56(b).

49. Although the Legislature may pass laws that apply to a class more limited than all of Texas, courts have consistently held unconstitutional laws that apply to only one locality and make it impossible for other localities to later be subject to the law. *See, e.g., City of Fort Worth v. Bobbitt*, 36 S.W.2d 470, 471-72 (Tex. 1931) (“the act is so constructed that it is absolutely impossible for any other city in the state to ever be included within the terms or under the provisions of the act. It is therefore our opinion that this act is confined in its application to the city of Fort Worth only, just as clearly, and just as effectively as if the stipulation with reference to population had been omitted and the name ‘Fort Worth’ written therein in its stead. The Constitution in plain and simple terms prohibits the enactment of any local or special law regulating the affairs of cities, or changing their charters”). Courts have similarly struck down laws that exempt one locality from a law that applies to all of Texas. *See, e.g., Hall v. Bell Cnty.*, 138 S.W. 178 (Tex. App.—Austin 1911), *aff’d*, 105 Tex. 558 (1913) (holding unconstitutional a law that abolished the county auditor’s office in only Bell County).

50. Laws that apply to a limited class pass constitutional muster only if there is a “reasonable basis” for the classification—*i.e.*, the classification must be broad enough to include a substantial class and must be based on characteristics legitimately distinguishing such class from

others with respect to the public purpose sought to be accomplished by the law. *Maple Run at Austin Mun. Util. Dist. v. Monaghan*, 931 S.W.2d 941, 945 (Tex. 1996).

51. SB1750 cannot withstand constitutional scrutiny. By setting a population threshold of 3.5 million, the law abolishes the elections administrator office in only Harris County, and in no other locality in this state. *See* Tex. Elec. Code § 31.050 (effective September 1, 2023). Moreover, it is impossible for SB1750's abolition of the elections administrator's office to be binding on counties other than Harris County in the future because the provision applies only to counties that have a population of 3.5 million on September 1, 2023, and not to counties that grow to a population above 3.5 million residents after September 1, 2023.

52. The law's population bracket is thus permanently closed, no different than if the statute purported to apply to "Harris County and only ever Harris County" or only "counties with a population of more than 3.5 million people according to the United States Census of 2020." The law is not creating a classification that happens to capture only Harris County; it is instead using a sham classification to evade the constitutional ban on local laws and make Harris County the only county to which it applies.

53. Accordingly, pursuant to the UDJA, Harris County seeks the following prospective declaratory judgment from the Court:

- SB1750 violates article III, section 56(a) of the Texas Constitution by abolishing the elections administrator office in only counties that have a population of more than 3.5 million on September 1, 2023.
- SB1750 violates article III, section 56(b) of the Texas Constitution by abolishing the elections administrator office in only counties that have a population of more than 3.5 million on September 1, 2023.
- SB1750 violates article III, section 56(a) of the Texas Constitution by prohibiting counties with a population of more than 3.5 million from creating an elections administrator position.

- SB1750 violates article III, section 56(b) of the Texas Constitution by prohibiting counties with a population of more than 3.5 million from creating an elections administrator position.

INJUNCTIVE RELIEF

54. Harris County expressly incorporates by reference each of the foregoing paragraphs of the pleading as if fully set forth herein.

55. Harris County intends to seek temporary and permanent injunctive relief to enjoin state officials from enforcing SB1750 against the County.

56. Harris County has properly pleaded a cause of action for declaratory judgment.

57. Harris County has a probable right to relief because, for the reasons set forth above, SB1750 violates article III, section 56 of the Texas Constitution.

58. If the Court does not grant temporary relief in this case pending a decision on a permanent injunction and declaratory judgment, Harris County will suffer imminent and irreparable harm. Should Harris County run the November 2023 election through its elections administrator's office without a court order declaring SB1750 unconstitutional, it will run afoul of the dozens of provisions in the Election Code and Secretary of State rules requiring that counties manage voter registration and administer elections through the proper, statutorily authorized elections officials. The Attorney General's Office, the Attorney General, the Secretary of State's Office, and the Secretary of State will be the lead agents enforcing SB1750, putting the County at risk of a suit to remove its EA, civil penalties, the disruption of election processes for the November 2023 election, the invalidation of contracts and financial transactions, and the potential rejection of results for the November election.

59. A temporary injunction maintains the *status quo* for the upcoming November election.

60. Harris County has no other adequate remedy at law.

CONDITIONS PRECEDENT

61. All conditions precedent have been performed or have occurred.

REQUEST FOR HEARING

62. Plaintiff requests that upon the filing of its application for temporary injunction, the Court set it for hearing, and after hearing the application, issue a temporary injunction against Defendants enjoining them from the acts described above. Plaintiff further requests that the Court set this matter for trial and, upon final hearing, issue the foregoing declarations and permanently enjoin Defendants from the acts described above.

BOND

63. Harris County is exempt by law from the requirement to file a bond for a request for an injunction. *See* Tex. Civ. Prac. & Rem. Code § 6.001(c).

PRAYER

64. For these reasons, Harris County asks that Defendants be cited to appear and answer and, on final trial, that Harris County have judgment against Defendants for:

- A declaration that SB1750 violates article III, section 56(a) of the Texas Constitution by abolishing the elections administrator office in only counties that have a population of more than 3.5 million on September 1, 2023.
- A declaration that SB1750 violates article III, section 56(b) of the Texas Constitution by abolishing the elections administrator office in only counties that have a population of more than 3.5 million on September 1, 2023.
- A declaration that SB1750 violates article III, section 56(a) of the Texas Constitution by prohibiting counties with a population of more than 3.5 million from creating an elections administrator position.
- A declaration that SB1750 violates article III, section 56(b) of the Texas Constitution by prohibiting counties with a population of more than 3.5 million from creating an elections administrator position.

- Temporary and permanent injunctions preventing the Office of the Texas Secretary of State and the Secretary of State from refusing to recognize the Harris County Elections Administrator's Office as a lawful elections office on account of SB1750's purported efficacy after SB1750's effective date, including by, on the basis of SB1750: refusing to accept from the Harris County Elections Administrator the results of any Harris County election; refusing to coordinate with, and approve election action taken by, the Harris County Elections Administrator; refusing to provide official election reporting forms and voting by mail forms; refusing to provide funds entitled under Tex. Elec. Code § 19.002; refusing to check voter registration applications against the state's TEAM system; taking any actions under SB1933 on the sole basis that the Harris County Elections Administrator position is abolished; refusing to cooperate with the Harris County Elections Administrator to perform election-related responsibilities.
- Temporary and permanent injunctions preventing the Office of the Attorney General of Texas and the Attorney General from enforcing SB1750 by seeking civil penalties against the County or its elections officials.

65. Plaintiff requests such other and further relief, general or special, whether in law or equity, to which it may be justly entitled.

[SIGNATURE PAGE BELOW]

Dated: August 4, 2023

Respectfully submitted,

/s/ Christian D. Menefee

Christian D. Menefee

Harris County Attorney
Texas Bar No. 24088049
Christian.Menefee@harriscountytexas.gov

Jonathan Fombonne

First Assistant County Attorney
Texas Bar No. 24102702
Jonathan.Fombonne@harriscountytexas.gov

Tiffany S. Bingham

Managing Counsel
Texas Bar No. 24012287
Tiffany.Bingham@harriscountytexas.gov

Neal Sarkar

Special Assistant County Attorney
Texas Bar No. 24093106
Neal.Sarkar@harriscountytexas.gov

Christopher Garza

Senior Assistant County Attorney
Texas Bar No. 24078543
Christopher.Garza@harriscountytexas.gov

Matthew Miller

Senior Assistant County Attorney
Texas Bar No. 24051959
Matthew.Miller@harriscountytexas.gov

Moustapha Gassama

Assistant County Attorney
Texas Bar No. 24083058
Moustapha.Gassama@harriscountytexas.gov

Neeharika Tumati

Assistant County Attorney
Texas Bar No. 24101168
Neeharika.Tumati@harriscountytexas.gov

Office of Harris County Attorney

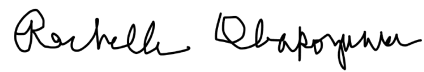
1019 Congress, 15th Floor
Houston, Texas 77002
Office: 713-755-5101
Fax: 713-755-8924

ATTORNEYS FOR PLAINTIFF

VERIFICATION

My name is Rachelle Obakojuwa. I am an employee of the following governmental agency: Harris County Elections Administration Office. I am executing this declaration as part of my assigned duties and responsibilities as the Director of Logistics. Based on my experience, my assigned duties and responsibilities, and my review of County documents, I have personal knowledge of the facts contained in the **Plaintiff's Verified Second Amended Petition and Application for Temporary Injunction and Permanent Injunction**. I declare under penalty of perjury that the facts stated therein are true and correct.

Executed in Harris County, State of Texas on August 4, 2023.



Rachelle Obakojuwa

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, a copy of this Plaintiff's Verified Second Amended Petition and Application for Temporary Injunction and Permanent Injunction was transmitted in accordance with the Texas Rules of Civil Procedure to all parties of record as follows:

Lief Olson, Chief Litigation Division

Leif.Olson@oag.texas.gov

Susanna Dokupil

Susanna.Dokupil@oag.texas.gov

Office of the Attorney General

P.O. Box 12548 (MC-009)

Austin, Texas 78711-2548

Phone: (512) 463-4139

Attorneys for Defendants

/s/ Neal A. Sarkar

Neal A. Sarkar

RETRIEVED FROM DEMOCRACYDOCKET.COM

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Andrea Mintzer on behalf of Christian Menefee

Bar No. 24088049

andrea.mintzer@harriscountytexas.gov

Envelope ID: 78238142

Filing Code Description: Amended Filing

Filing Description: PLAINTIFF'S VERIFIED SECOND AMENDED PETITION AND APPLICATION FOR TEMPORARY INJUNCTION AND PERMANENT INJUNCTION

Status as of 8/11/2023 3:22 PM CST

Associated Case Party: HARRIS COUNTY, TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Christian D.Menefee		Christian.Menefee@harriscountytexas.gov	8/4/2023 6:16:45 PM	SENT
Andrea Mintzer		andrea.mintzer@harriscountytexas.gov	8/4/2023 6:16:45 PM	SENT
Jonathan Fombonne		Jonathan.Fombonne@harriscountytexas.gov	8/4/2023 6:16:45 PM	SENT
Neal Sarkar		Neal.Sarkar@harriscountytexas.gov	8/4/2023 6:16:45 PM	SENT
Tiffany Bingham		Tiffany.Bingham@harriscountytexas.gov	8/4/2023 6:16:45 PM	SENT
Christopher Garza		Christopher.Garza@harriscountytexas.gov	8/4/2023 6:16:45 PM	SENT
Matthew Miller		Matthew.Miller@harriscountytexas.gov	8/4/2023 6:16:45 PM	SENT
Moustapha Gassama		Moustapha.Gassama@harriscountytexas.gov	8/4/2023 6:16:45 PM	SENT
Neeharika Tumati		Neeharika.Tumati@harriscountytexas.gov	8/4/2023 6:16:45 PM	SENT

Associated Case Party: CLIFFORD TATUMS

Name	BarNumber	Email	TimestampSubmitted	Status
Alyce Young		alyce@rs-law.com	8/4/2023 6:16:45 PM	SENT
Richard Schechter		richard@rs-law.com	8/4/2023 6:16:45 PM	SENT
Gerald Birnberg		gbirnberg@wba-law.com	8/4/2023 6:16:45 PM	SENT

Associated Case Party: THE STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Charles Kenneth Eldred	793681	Charles.Eldred@oag.texas.gov	8/4/2023 6:16:45 PM	SENT
Sharron Lee		sharron.lee@oag.texas.gov	8/4/2023 6:16:45 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Andrea Mintzer on behalf of Christian Menefee

Bar No. 24088049

andrea.mintzer@harriscountytexas.gov

Envelope ID: 78238142

Filing Code Description: Amended Filing

Filing Description: PLAINTIFF'S VERIFIED SECOND AMENDED PETITION AND APPLICATION FOR TEMPORARY INJUNCTION AND PERMANENT INJUNCTION

Status as of 8/11/2023 3:22 PM CST

Associated Case Party: THE STATE OF TEXAS

Christina Cella		christina.cella@oag.texas.gov	8/4/2023 6:16:45 PM	SENT
Leif Olson		leif.olson@oag.texas.gov	8/4/2023 6:16:45 PM	SENT
Jessica Yvarra		Jessica.Yvarra@oag.texas.gov	8/4/2023 6:16:45 PM	SENT
Susanna Dokupil		Susanna.Dokupil@oag.texas.gov	8/4/2023 6:16:45 PM	SENT

Associated Case Party: JANE NELSON TEXAS SECRETARY OF STATE

Name	BarNumber	Email	TimestampSubmitted	Status
Charles Kenneth Eldred	793681	Charles.Eldred@oag.texas.gov	8/4/2023 6:16:45 PM	SENT
Christina Cella	24106199	christina.cella@oag.texas.gov	8/4/2023 6:16:45 PM	SENT

APPENDIX E

RETRIEVED FROM DEMOCRACYPOCKET.COM

Moustapha Gassama
Assistant County Attorney
State Bar No. 24083058
Moustapha.Gassama@harriscountytexas.gov

Neeharika Tumati
Assistant County Attorney
State Bar No. 24101168
Neeharika.Tumati@harriscountytexas.gov

Office of Harris County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002
Office: 713-755-5101
Fax: 713-755-8924

**COUNSEL FOR HARRIS COUNTY,
TEXAS**

RETRIEVED FROM DEMOCRACYDOCKET.COM

TABLE OF CONTENTS

Table of Contents iii

Table of Authoritiesv

Statement of Facts.....3

 I. Until SB1750, the Election Code afforded every county in Texas the same options for administering elections.....3

 II. State officials have sought to undermine Harris County’s elections administrator’s office since it was created in 2020.....4

 III. By Senator Bettencourt’s design, SB1750 abolishes the elections administrator only ever in Harris County.....5

 IV. SB1933 builds on SB1750 to further regulate elections in only Harris County.....11

 V. Harris County will be harmed if it is forced to comply with SB1750 on September 1 because the transfer of duties from the Harris County EA to two departments that have not prepared for a massive November election will cause confusion, instability, inefficiencies, and increased costs.....12

Legal Standard.....13

Argument and Authorities.....14

 I. Harris County has alleged a valid cause of action for Declaratory Judgment.....15

 II. Harris County has shown a probable right to relief.....16

 A. Article III, Section 56 of the Texas Constitution prohibits local and special laws.....17

 B. Courts have consistently held that laws targeting a specific locality are most likely to violate Section 56, even if they do not name the target. No Texas court has ever upheld a population classification that is in effect limited to one locale.....19

 C. SB1750 violates Section 56 because it is based on a closed population

classification that will only ever apply to Harris County.....22

III. Harris County has shown probable, imminent, and irreparable injury if
it cannot secure temporary injunctive relief.....26

IV. The public interest and balance of the equities favors injunctive relief.....32

Conclusion and Prayer.....33

Certificate of Service.....35

RETRIEVED FROM DEMOCRACYDOCKET.COM

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Anderson v. Wood</i> , 152 S.W.2d 1084 (Tex. 1941).....	25
<i>Bexar County v. Tynan</i> , 128 Tex. 223 (Comm’n App. 1936).....	25, 26
<i>Brownfield v. Tongate</i> , 109 S.W.2d 352 (Tex. Civ. App.—Amarillo 1937, no writ)	26
<i>Butnaru v. Ford Motor Co.</i> , 84 S.W.3d 198 (Tex. 2002).....	13, 14, 15, 30
<i>City of Austin v. City of Cedar Park</i> , 953 S.W.2d 424 (Tex. App.—Austin 1997, no writ)	1
<i>City of Fort Worth v. Bobbitt</i> , 121 Tex. 14 (Comm’n App. 1931).....	20
<i>City of San Antonio v. State ex rel. Criner</i> , 270 S.W.2d 460 (Tex. App.—Austin 1954, writ ref’d)	24
<i>City of Waco v. Tex. Nat. Res. Conservation Comm’n</i> , 83 S.W.3d. 169 (Tex. App.—Austin 2002, pet. denied).....	15
<i>Creps v. Bd. Of Firemen’s Relief & Ret. Fund Trs. Of Amarillo</i> , 456 S.W.2d 434 (Tex. Civ. App. —Amarillo 1970, writ ref’d n.r.e.).....	25
<i>Culberson County v. Holmes</i> , 513 S.W.2d 126 (Tex. Civ. App. El Paso 1974)	25
<i>Ex parte Heiling</i> , 82 S.W.2d 644.....	26
<i>Fitzgerald v. Advanced Spine Fixation Sys. Inc.</i> , 996 S.W.2d 864 (Tex. 1999).....	22
<i>Garrett v. Mercantile Nat. Bank at Dallas</i> , 140 Tex. 394 (1943).....	23
<i>Gould v. City of El Paso</i> , 440 S.W.2d 696 (Tex. App.—El Paso 1969, writ ref’d n.r.e.).....	25

<i>Hall v. Bell Cnty.</i> , 138 S.W. 178 (Tex. App.—Austin 1911)	17, 18, 24, 25
<i>In re Newton</i> , 146 S.W.3d 648 (Tex. 2004).....	13
<i>Int’l Paper Co. v. Harris County</i> , 445 S.W.3d 379 (Tex. App.—Houston [1st Dist.] 2013, no pet.).....	30
<i>Janus Films, Inc. v. City of Fort Worth</i> , 358 S.W.2d 589 (Tex. 1962).....	13
<i>Juliff Gardens, L.L.C. v. Tex. Comm’n on Env’tl. Quality</i> , 131 S.W.3d 271 (Tex. App.—Austin 2004, no pet.).....	19, 24
<i>Kelly v. State</i> , 724 S.W.2d 42 (Tex. Crim. App. 1987).....	17
<i>Maple Run at Austin Mun. Util. Dist. v. Monaghan</i> , 931 S.W.2d.....	17, 18, 19
<i>Miller v. El Paso Cnty.</i> , 136 Tex. 370, 150 S.W.2d 1000 (Tex. 1941).....	1, 17, 18
<i>Morris v. City of San Antonio</i> , 572 S.W.2d 831 (Tex. Civ. App. 1978, no writ).....	25
<i>Reliant Hosp. Partners, LLC v. Cornerstone Healthcare Grp. Holdings, Inc.</i> , 374 S.W.3d 488 (Tex. App.—Dallas 2012, pet. denied)	14, 30
<i>Smith v. Decker</i> , 312 S.W.2d 632 (Tex. 1958).....	19
<i>Spradlin v. Jim Walter Homes, Inc.</i> , 34 S.W.3d 578 (Tex. 2000).....	24
<i>Suburban Util. Corp. v. State</i> , 553 S.W.2d 396 (Tex. App.—Houston [1st Dist.] 1977, writ ref’d n.r.e.....	19, 21, 25
<i>Sw. Travis Cnty. Water Dist. v. City of Austin</i> , 64 S.W.3d 25 (Tex. App.—Austin 2000, pet. withdrawn)	18
<i>Tex. Boll Weevil Eradication Found., Inc. v. Lewellen</i> , 952 S.W.2d 454 (Tex. 1997).....	16

<i>Topheavy Studios, Inc. v. Doe</i> , 2005 WL 1940159 (Tex. App.—Austin 2005, no pet.)	16
<i>Tri-Star Petroleum Co. v. Tipperary Corp.</i> , 101 S.W.3d 583 (Tex. App. —El Paso 2003, pet. denied)	14
<i>Troutman v. Traeco Bldg. Sys., Inc.</i> , 724 S.W.2d 385 (Tex. 1987).....	15
<i>Walling v. Metcalfe</i> , 863 S.W.2d 56 (Tex. 1993).....	13
<i>Womack v. Carson</i> , 65 S.W.2d 485.....	26
<i>Wright v. Sport Supply Grp., Inc.</i> , 137 S.W.3d 289 (Tex. App.—Beaumont 2004, no pet.).....	13
 Constitutional Provisions, Statutes, and Rules	
Tex. Const., Article III, Section 56.....	passim
Tex. Elec. Code § 18.065(f).....	29
Tex. Elec. Code § 31.001(a)	27
Tex. Elec. Code § 31.017.....	11, 28
Tex. Elec. Code § 31.021(a)	12
Tex. Elec. Code § 31.031.....	3
Tex. Elec. Code § 31.032.....	3
Tex. Elec. Code § 31.035.....	4
Tex. Elec. Code § 68.001(a)	27
Tex. Elec. Code § 12.001, 43.002, 67.007, 83.002.....	3
Tex. Elec. Code § 12.031, 31.071.....	3
Tex. Elec. Code § 31.017, 31.021.....	23
Tex. Elec. Code § 67.013, 68.001(a)	27
Tex. Elec. Code § 68.002-68.004	27
Tex. Elec. Code § 19.002.....	28
 Other Authorities	
Horack and Welsh, <i>Special Legislation: Another Twilight Zone</i> , 12 IND. L. J. 183 (1937)	18
<i>Population Bills in Texas</i> , 28 Texas L. Rev. 829 (1950).....	18
SB1750.....	passim
SB1933.....	passim
<i>State Constitutional Prohibitions on Special Laws</i> , 60 Clev. St. L. Rev. 719 (2012)	18

Under Texas law, county governments run elections. Volunteers and county officials work in tandem to run polling sites, register voters, and calculate election results. For nearly 50 years, Texas has given every county the authority to take elections and voter registration duties away from the elected county clerks and tax-assessor collectors who by default run elections and transfer them to an appointed elections administrator position who may be removed at any time. More than half of Texas's 254 counties have chosen to create an elections administrator position, including nine out of the ten largest counties in the state. But in enacting Senate Bill 1750 ("SB1750") just a few months ago, Texas has taken this option away from Harris County—and only Harris County. Harris County therefore seeks a temporary injunction to prevent state officers from enforcing and implementing the provisions of SB1750 because it (i) plainly violates the Texas Constitution's prohibition on laws that apply only to one locality and (ii) will cause Harris County financial harm, throw its elections into disarray, and disrupt normal governmental operations less than 53 days before a major election.

To prevent legislators from "granting [] special privileges and to secure the uniformity of law throughout the State as far as possible," Article III, section 56 of the Texas Constitution bars the legislature from the passing of any "local or special law" that: (1) regulate the affairs of counties; (2) regulate the conducting of elections; (3) prescribe the powers and duties of officers in counties; and (4) relieve or discharge any person from the performance of any public duty or service. *Miller v. El Paso Cnty.*, 136 Tex. 370, 150 S.W.2d 1000, 1001 (Tex. 1941). SB1750 manages to accomplish all the above, thereby violating a constitutional provision that seeks to "stop the legislature from meddling in local matters" and to prevent legislators from "trading votes to advance personal rather than public interests." *City of Austin v. City of Cedar Park*, 953 S.W.2d 424, 431 (Tex. App.—Austin 1997, no writ) (citations omitted).

Courts have repeatedly declared unconstitutional laws that can only ever apply to a specific locality, even when the legislature does so without naming its target. SB1750 does just that. On paper, it abolishes the position of elections administrator in a county that has a population over 3.5 million on September 1, 2023. In practice Harris County is the only county to which that law will ever apply because it is the only county that will have over 3.5 million on September 1 of this year. Designed to disrupt Harris County's elections to settle personal scores, this surgical targeting was the express intention of the bill's drafter, its House sponsor, and other legislators who supported it. And that is precisely the kind of law that has never withstood constitutional scrutiny because it does exactly what Article III, Section 56 was designed to avoid.

Abolishing Harris County's Elections Administrator's Office on September 1, 2023 will drastically alter the status quo and could have serious consequences for the county's ability to conduct elections in November, which include statewide constitutional amendments, countywide bond propositions, and municipal races for the City of Houston, the largest city in Texas. The Harris County Elections Administrator has been planning the November election since January, and SB1750 forces a transfer of duties to leadership that has not been able to prepare adequately for this election. This issue is of urgent concern as early voting begins in October and logistics and operations are currently managed by an office which may cease to exist in short order.

Because SB1750 violates the Texas Constitution, and because Harris County is at risk of imminent, irreparable harm, Harris County respectfully requests that this Court (i) enjoin the Office of the Texas Secretary of State, including Secretary of State Nelson from refusing to recognize the Harris County Elections Administrator in connection with her duties as the state's top election officer, and (ii) enjoin the Office of the Attorney General of Texas, including Interim

Attorney General Colmenero from taking any action to enforce SB1750.

STATEMENT OF FACTS

I. **Until SB1750, the Election Code afforded every county in Texas the same options for administering elections.**

Under Texas law, counties are tasked with administering elections and registering voters. The Texas Election Code sets forth three systems under which a county may administer elections and register voters.

The default system places the County Clerk in charge of administering elections and the County Tax Assessor-Collector in charge of voter registration. *See, e.g.*, Tex. Elec. Code §§ 12.001, 43.002, 67.007, 83.002. Both positions are created by the Texas Constitution and are elected countywide. Alternatively, a county commissioners court may decide to place both election administration and voter registration duties under either the County Clerk or the Tax Assessor-Collector, as long as those two officials agree to the chosen allocation of duties. Tex. Elec. Code §§ 12.031, 31.071.

Counties also have a third option. A county commissioners court may create an elections administrator position to both administer elections and oversee voter registration. Tex. Elec. Code § 31.031–.049. When a commissioners court creates the elections administrator position, a statutorily created “election commission” is responsible for hiring that individual. Tex. Elec. Code § 31.032. The election commission consists of: (1) the County Judge, (2) the County Clerk, (3) the County Tax Assessor-Collector, and (4) County Chair of each major political party. *Id.* At any time, an elections administrator may be suspended or terminated on a four-fifths vote of the county election commission and ratification by commissioners court. *Id.* § 31.037.

Nearly half of Texas’s 254 counties have chosen the elections administrator model, including nine of the ten largest. This structure adds professionalism and removes partisanship

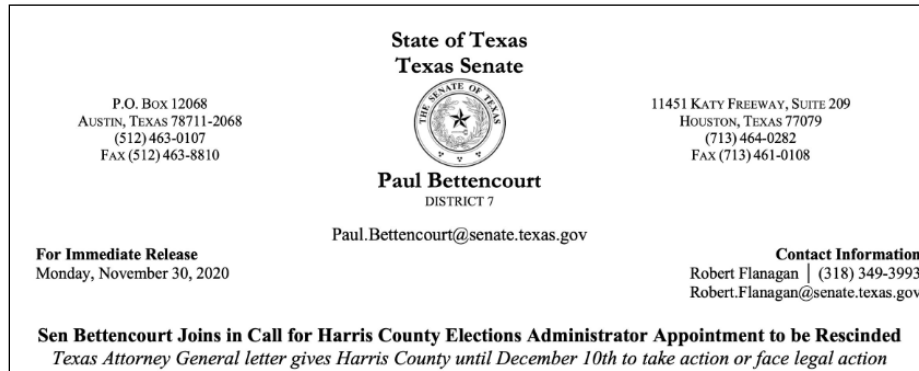
from a county's management of elections and voter registration, placing these duties in the hands of a nonpartisan official who is prohibited from making campaign contributions, publicly supporting candidates, or any similar political activity. Tex. Elec. Code § 31.035. These regulations reduce bias and conflicts of interest for the individual in the role, minimize risks to fair election results, and bolster public confidence in elections. Elections administrators also take on all election-related duties, rather than splitting those duties between two separately-elected offices that may not always be in sync, allowing for smoother elections. Finally, an elections administrator position allows for immediate accountability: rather than having to wait until the next election to hold a County Clerk or County Tax Assessor-Collector accountable, the bipartisan election commission can take immediate action to suspend or terminate an elections administrator.

II. State officials have sought to undermine Harris County's elections administrator's office since it was created in 2020.

In July 2020, the Harris County Commissioners Court created the Harris County Elections Administrator position (the "Harris County EA"), transferring voter registration and election administration duties to that office. The Commissioners Court order provided that the office would begin operations on November 18, 2020, so as not to disrupt preparations for the November 2020 general election. Following that election, Harris County completed the transition, with the elections administrator's office receiving more than 10 employees and an eight-figure budget.

Republican state officials—including Senator Paul Bettencourt, the author of SB1750—immediately began working to abolish the Harris County EA. In November 2020, the Texas Secretary of State alleged Harris County violated the election code by creating the Harris County EA and appointing an individual to that position. Then-Attorney General Ken Paxton sent Harris County a letter asserting that due to a minor paperwork error, the Harris County EA was "null and void" and "[did] not exist," threatening legal action if the office continued operating and the

County refused to rescind the appointment of its first elections administrator.¹ That same day, Senator Bettencourt publicly² called on Harris County to abolish the office and rescind the administrator's appointment:



Senator Bettencourt has never wavered in his quest for his white whale. In March 2022, after the primary election, Senator Bettencourt called for sending “elections back to [the County Clerk] and [the Tax Assessor-Collector].”³ Following the November 2022 general election, 22 losing candidates filed election contests to overturn the results of those elections, alleging issues with how the Harris County EA ran the election. Senator Bettencourt encouraged them, expressed his support for the suits, and aggressively attempted to leverage those allegations to achieve his longstanding goal of abolishing the Harris County EA.

III. By Senator Bettencourt’s design, SB1750 abolishes the elections administrator only ever in Harris County.

Unable to bully Harris County Commissioners Court (or the Harris County electorate) to

¹ Exhibit 1, Letter from Ken Paxton, Att’y Gen. of Tex. to Vince Ryan, Harris County Att’y (Nov. 25, 2020) <https://s3.documentcloud.org/documents/20418715/states-letter-to-harris-county.pdf>.

² Exhibit 2, Press Release, Paul Bettencourt, Sen Bettencourt Joins in Call for Harris County Elections Administrator Appointment to be Rescinded (Nov. 30, 2020), <https://senate.texas.gov/press.php?id=7-20201130a&ref=1>.

³ Exhibit 3, Paul Bettencourt (@Team Bettencourt), Twitter (Mar. 8, 2022, 4:30 PM), <https://twitter.com/TeamBettencourt/status/1501324577846087687>.

undo its decision to create the elections administrator position, Senator Bettencourt devised a new plan: use the Texas Legislature to do precisely what Harris County Commissioners Court would not.

Senator Bettencourt's SB1750 has two main provisions, both of which impact only Harris County today—and one of which will only *ever* affect Harris County. Section 2(a) prohibits a county with more than 3.5 million residents—currently only Harris County—from creating an elections administrator for the county.

This is what courts refer to as an “open” population bracket provision because although it will apply only to Harris County when SB1750 goes into effect (because Harris County is the only county with a population greater than 3.5 million), it will apply to other counties in the future when their populations exceed 3.5 million residents. For example, when Travis County, which currently has a population of 1.3 million and does not have an elections administrator, reaches a population of 3.5 million, Section 2 will preclude Travis County from “creat[ing]” a county elections administrator position. Until it reaches that 3.5 million threshold, Travis County remains free to create the county elections administrator position.

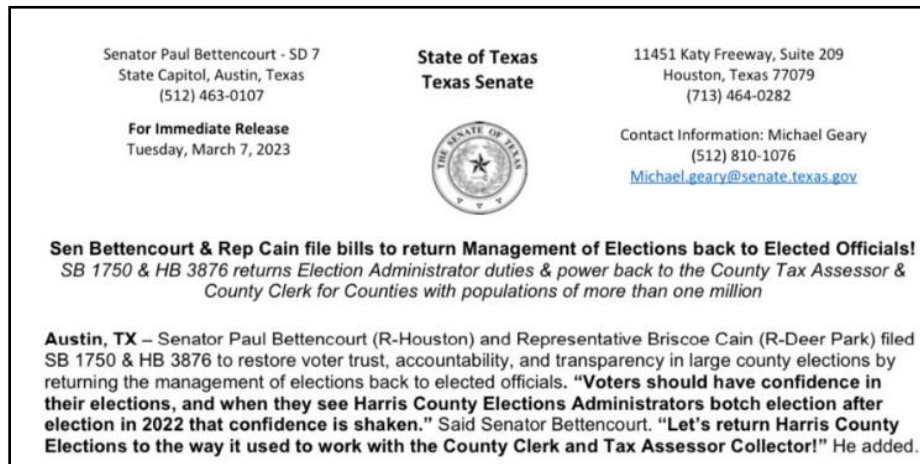
Section 3, in meaningful contrast to Section 2, provides that if (1) a county has a population of more than 3.5 million on September 1, 2023, and (2) the county has an elections administrator, then (3) the administrator's office is abolished, and the county's voter registration and election administrator duties transfer to the county tax-assessor collector and clerk, respectively.

13 SECTION 3. Subchapter B, Chapter 31, Election Code, is
14 amended by adding Section 31.050 to read as follows:
15 Sec. 31.050. ABOLISHMENT OF POSITION AND TRANSFER OF DUTIES
16 IN CERTAIN COUNTIES. On September 1, 2023, all powers and duties of
17 the county elections administrator of a county with a population of
18 more than 3.5 million under this subchapter are transferred to the
19 county tax assessor-collector and county clerk. The county tax
20 assessor-collector shall serve as the voter registrar, and the
21 duties and functions of the county clerk that were performed by the
22 administrator revert to the county clerk, unless a transfer of
23 duties and functions occurs under Section 12.031 or 31.071.

This is what courts refer to as a “closed” population bracket provision—it will apply on September 1, 2023, and then never again, even if some other county with an elections administrator later passes the 3.5 million threshold. On September 1, 2023 Harris County will be the only county with more than 3.5 million residents, meaning that it will be the only county forced to abolish its elections administrator. Other counties will be able to avoid SB1750’s effect entirely by creating an elections administrator before passing the population threshold. Counties that already have elections administrators are unaffected because, unlike Harris County’s elections administrator, their elections administrators are grandfathered in.

The Legislature’s decision to ensure that SB1750 applies only to Harris County, while providing other large counties an escape valve, shows the explicit intention of the bill’s sponsor and other officials. An early draft of SB1750 would have applied to counties with over one million residents, which would have both broadened the universe of counties the law would have applied to on September 1, 2023 (Harris, Dallas, Tarrant, Bexar, Travis, and Collin). Yet, on March 7, Senator Bettencourt stated publicly that his intended target was the Harris County EA: “Let’s return Harris County Elections to the way it used to work with the County Clerk and Tax Assessor

Collector!”⁴



Just three weeks later, when the relevant senate committee met for its first and only hearing, Senator Bettencourt distilled his mission into a revised bill, announcing that the committee would instead consider a committee substitute that increased the population threshold to 3.5 million. At that hearing, he made clear his reason for doing so: “This bill will effectively transition the election administrator back to the Harris County clerk and tax assessor-collector.”⁵

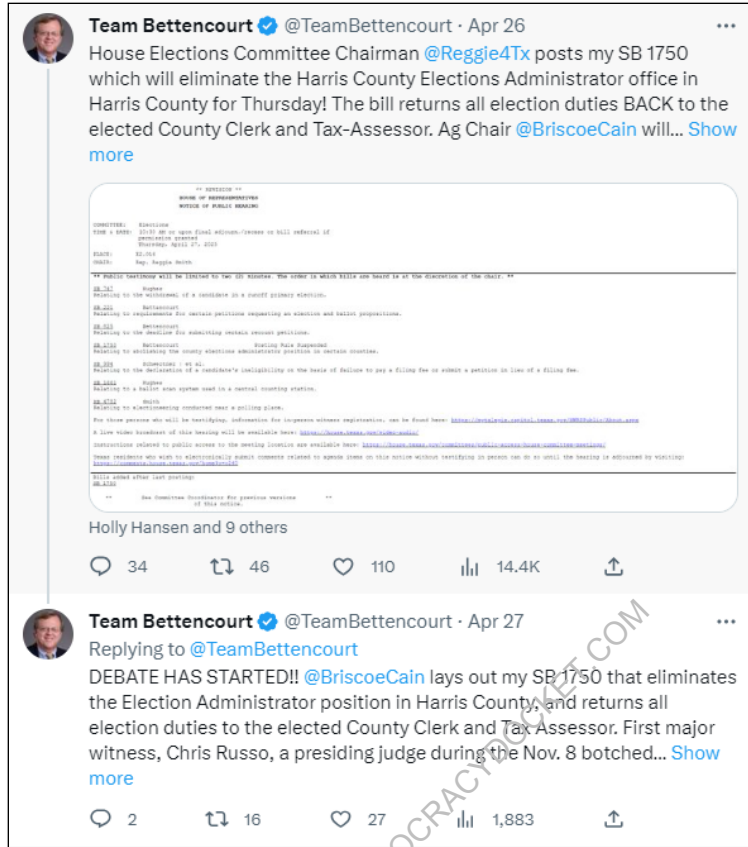
When the entire Senate passed SB1750 a few weeks after the hearing, Senator Bettencourt reaffirmed the goal of his bill in a press release, stating “[I]et’s return Harris County Elections to the way it used to work with the County Clerk and Tax Assessor Collector!”⁶ He did so again⁷ a week later, when SB1750 was posted for hearing in the House Elections Committee:

⁴ Exhibit 4, Press Release, Paul Bettencourt, Sen Bettencourt & Rep Cain file bills to return Management of Elections back to Elected Officials! (Mar. 7, 2023), <https://senate.texas.gov/press.php?id=7-20230307a&ref=1>.

⁵ Exhibit 5, Transcript of Senate Committee on State Affairs, 18:8-12.

⁶ Exhibit 6, Press Release, Paul Bettencourt, Senator Bettencourt’s bill returns Harris County Elections back to Elected Officials! (Apr. 18, 2023), <https://senate.texas.gov/press.php?id=7-20230418a&ref=1>.

⁷ Exhibit 7, Paul Bettencourt (@Team Bettencourt), Twitter (Apr. 26, 2023, 10:31 AM), <https://twitter.com/TeamBettencourt/status/1651247641987096578?s=20>; Exhibit 8, Paul Bettencourt (@Team Bettencourt), Twitter (Apr. 27 10:26 PM), <https://twitter.com/TeamBettencourt/status/1651789858233282561?s=20>.



In that hearing, Representative Briscoe Cain, the bill’s House sponsor, reaffirmed that SB1750 was intended to impact only Harris County:

CAIN: In 2020, shortly after the November election, Harris County changed the leadership of the elections operations, from the elected office of the Harris County Clerk and Tax Assessor-Collector to an appointed position of the elections administrator.

...

CAIN: I believe it’s time for Harris County elections to return the accountability of Harris County elected officials, the Harris County Clerk and the Harris County Tax Assessor-Collector ...

...

BUCY: ... at one point it was a million threshold, I think it’s been changed to three and a half million. Is there a reason for that change?

CAIN: *Yea, so, my bill was filed only for Harris County.* This is a

committee substitute in the Senate.⁸

After the Texas House of Representatives passed SB1750, Senator Bettencourt publicly reaffirmed multiple times that the bill's goal was to abolish only the Harris County EA. On May 22, he tweeted "The @HoustonChron Editorial Board recognizes the obvious, 'Bettencourt election bill swipes at Harris County leaders, not at democracy'! YES, my SB1750, that returns the management of Harris County elections to the county clerk and tax assessor-collector, is about performance, not politics!".⁹ On May 24, he stated, "SB1750 will restore voter trust, accountability, and transparency in Harris County elections by returning the management of elections back to elected officials."¹⁰ On June 2, he tweeted the "[Harris County] Elections Administrator Office is 'adios' per, my Senate Bill 1750 and elections are being returned to the Elected County Clerk or County Tax Assessor."¹¹ On June 6, he tweeted SB1750 "replace[s] the failed Elections Administrations Office with two Elected Officials, @harriscotxclerk and @HarrisCountyTAC."¹²

Governor Abbott signed SB1750 on June 18, 2023. The next day, Senator Bettencourt took

⁸ Exhibit 9, Transcript of House Elections Hearing, 2:9-13, 3:14-17, 5:4-10 (emphasis added)

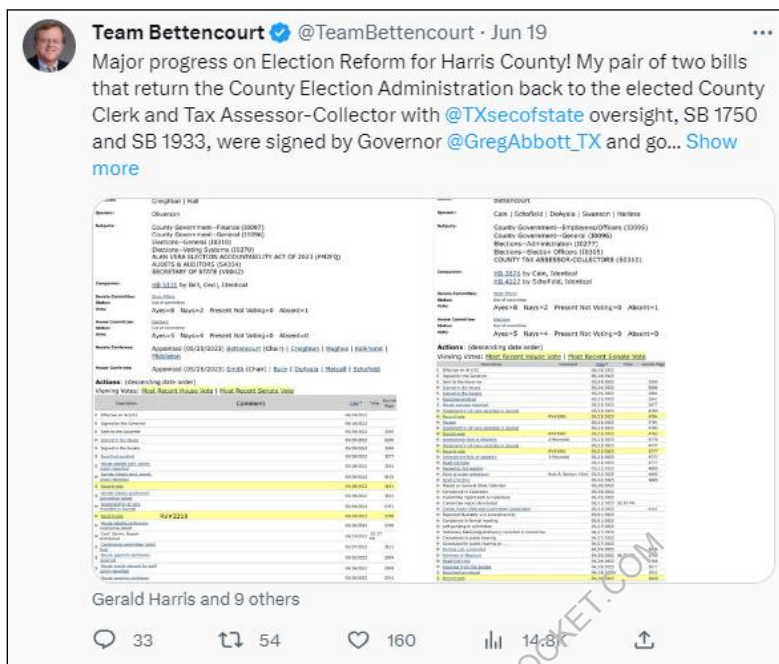
⁹ Exhibit 10, Paul Bettencourt (@Team Bettencourt), Twitter (May 22, 2023, 11:22 AM), <https://twitter.com/TeamBettencourt/status/1660682439176355841?s=20>

¹⁰ Exhibit 11, Press Release, Paul Bettencourt, Sen. Bettencourt's bills return Harris County Elections from EA back to Elected Officials passes! (May 24, 2023), <https://senate.texas.gov/press.php?id=7-20230524a&ref=1>.

¹¹ Exhibit 12, Paul Bettencourt (@Team Bettencourt), Twitter (June 2, 2023, 6:14 PM), <https://twitter.com/TeamBettencourt/status/1664772385487085568>

¹² Exhibit 13, Paul Bettencourt (@Team Bettencourt), Twitter (June 6, 2023, 5:22 PM), <https://twitter.com/TeamBettencourt/status/1666209017322954759?s=20>

a victory lap:¹³



IV. SB1933 builds on SB1750 to further regulate elections in only Harris County.

Senate Bill 1933 (“SB1933”) passed during the same legislative session as SB1750 and also covers the administration of elections and voter registration. Broadly speaking, SB1933 grants the Secretary of State the authority to oversee elections and to take steps to remove elections officials in only Harris County.

SB1933 applies to any county with more than four million residents.¹⁴ See Tex. Elec. Code § 31.017 (effective September 1, 2023). It currently applies only to Harris County, but, unlike SB1750, it is written to apply to counties as they break the 4 million population threshold—an

¹³ Exhibit 14, Paul Bettencourt (@TeamBettencourt), Twitter (June 19, 2023, 5:47 PM), <https://twitter.com/TeamBettencourt/status/1670926247713439746>.

¹⁴ Exhibit 15, TEXAS LEGISLATURE ONLINE, SENATE BILL 1933, available at: <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB01933F.pdf#navpanes=0>. As SB1933 provides for different penalties for an Elections Administrator versus a County Clerk and County Tax Assessor-Collector, the courts’ rulings in this case will guide how SB1933 impacts Harris County. Harris County will challenge any potential action taken by the Secretary of State pursuant to SB1933.

“open” bracket. SB1933 grants the Secretary of State a role in removing election officials, depending on the manner chosen by the county to run its elections. If a county uses its clerk and/or tax assessor-collector to run its elections, then the Secretary of State “may file a petition for the removal under Section 87.015, Local Government Code, of the applicable county officer with authority over election administration or voter registration.” *See* Tex. Elec. Code § 31.021(a) (effective September 1, 2023). If a county has an elections administrator, then the Secretary of State “may enter a written order to terminate the employment of a county elections administrator.” *See id.* at §§ 31.021(b), 31.037(b) (effective September 1, 2023).

SB1933’s grant of authority to the Secretary of State to remove elections administrators in counties with a population of over four million means that, even though SB1750 prohibits Harris County from having an elections administrator, other counties with over four million residents, whenever that time comes, will continue to have elections administrators.

V. Harris County will be harmed if it is forced to comply with SB1750 on September 1 because the transfer of duties from the Harris County EA to two departments that have not prepared for a massive November election will cause confusion, instability, inefficiencies, and increased costs.

SB1750 will severely harm Harris County if it is forced to transfer duties away from the Harris County EA on September 1. Abolishing the Harris County EA will require massive transfers of employees and resources from the Harris County EA’s office to the Harris County Clerk and the Harris County Tax Assessor-Collector just six weeks before voters go to the polls in elections run by Harris County.¹⁵ Not only will this transfer lead to inefficiencies, office instability, and increased costs to the County, but it will also disrupt an election the Harris County EA has been planning for months. The County is legally required to host a Texas constitutional amendment election, a countywide bond election, and municipal elections through a contract with the City of

¹⁵ The last day to register to vote is October 10, and the first day of voting in these elections is October 23.

Houston (the largest city in Texas) and other entities. The County anticipates providing around 700 polling sites to more than 2.5 million registered voters in the County.

If Harris County refuses to comply with this unconstitutional law without this Court's protection, the Secretary of State and Attorney General are highly likely to take action throwing Harris County's November election into disarray. As described further below, the Secretary of State will likely enforce this law by refusing to recognize the Harris County EA's election activities, calling into question the entire election and potentially opening the County up to election challenges and suits from the entities that contract with the County. The Attorney General is also likely to bring a civil action against the County and its officers to seek civil penalties and other remedies. This is untenable for Harris County and would also cause great harm to its residents.

LEGAL STANDARD

A temporary injunction's purpose is to preserve the status quo of the litigation's subject matter pending a trial on the merits. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). The status quo is the "last, actual, peaceable, non-contested status which preceded the pending controversy." *In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004) (quoting *Janus Films, Inc. v. City of Fort Worth*, 358 S.W.2d 589 (Tex. 1962)).

"The decision to grant or deny a temporary injunction lies in the sound discretion of the trial court." *Walling v. Metcalfe*, 863 S.W.2d 56, 58 (Tex. 1993). "A reviewing court should reverse an order granting injunctive relief only if the trial court abused that discretion." *Butnaru*, 84 S.W.3d at 204. "The trial court does not abuse its discretion if some evidence reasonably supports the trial court's decision." *Id.* at 211. More specifically, the trial court does not abuse its discretion when it bases its decision on conflicting evidence, or when some evidence of substantive and probative character exists to support its decision. *Wright v. Sport Supply Grp., Inc.*, 137 S.W.3d 289, 292 (Tex. App.—Beaumont 2004, no pet.). An abuse of

discretion arises when the trial court misapplies the law to the established facts of the case or when it concludes that the movant has demonstrated a probable injury or a probable right to recovery, and the conclusion is not reasonably supported by the evidence. *Tri-Star Petroleum Co. v. Tipperary Corp.*, 101 S.W.3d 583, 587 (Tex. App. —El Paso 2003, pet. denied).

“To obtain a temporary injunction, the applicant must plead and prove three specific elements: (1) a cause of action against the defendant; (2) a probable right to relief sought; and (3) a probable, imminent, and irreparable injury in the interim.” *Butnaru*, 84 S.W.3d at 204. In evaluating these elements, courts also balance the equities and consider the public interest. *Reliant Hosp. Partners, LLC v. Cornerstone Healthcare Grp. Holdings, Inc.*, 374 S.W.3d 488, 503 (Tex. App.—Dallas 2012, pet. denied). For the reasons set forth below, Harris County has established all these elements, and the Court should enter a temporary injunction.

ARGUMENT AND AUTHORITIES

SB1750’s intent is clear: it abolishes the Elections Administrator position in only Harris County (the only county in the State with over 3.5 million people on September 1, 2023), and it will never result in the abolishment of another Elections Administrator position (because, forever, Harris County will be the only county that will have had over 3.5 million people on September 1, 2023). This is exactly the type of law that is prohibited by Article III, Section 56 of the Texas Constitution. This law targets a specific county to meddle in its affairs and does not even pretend otherwise by using a classification that could withstand constitutional scrutiny.

Harris County has also established probable, imminent, irreparable harm. The abolishment of the Harris County EA will require massive transfers of employees and resources from the Harris County EA’s office to the Harris County Clerk and the Harris County Tax Assessor-Collector just six weeks before voters go to the polls. Moreover, the chaos that would be caused by the Secretary of State’s refusal to recognize the Harris County EA after September 1 risks putting the entire

voter certification process, as well as the proper administration of the upcoming election, in Harris County in jeopardy—democracy itself is at risk in Harris County. Likewise, the threat of enforcement by the Attorney General could also upend the election process in the weeks before the largest municipal election in the state. Finally, the balance of equities overwhelmingly favors the granting of the temporary injunction.

Temporary injunctive relief is necessary here to preserve the status quo prior to a trial on the merits. The status quo—the last, actual, peaceable, non-contested status preceding the pending controversy—is that Harris County conducts its elections through an elections administrator.

I. Harris County has alleged a valid cause of action for Declaratory Judgment.

Plaintiffs have properly pleaded a cause of action for declaratory judgment. *Butnaru*, 84 S.W.3d at 204. This cause of action is well pleaded and sufficient because it gives “fair and adequate notice of the facts upon which the pleader bases [its] claim.” *Troutman v. Traeco Bldg. Sys., Inc.*, 724 S.W.2d 385, 387 (Tex. 1987). Under the Uniform Declaratory Judgments Act (“UDJA”), a person “whose rights, status, or other legal relations are affected by a statute . . . may have determined any question of construction or validity arising under [] statute . . . and obtain a declaration of rights, status, or other legal relations thereunder.” Tex. Civ. Prac. & Rem. Code § 37.004(a). The UDJA is properly used to “settle and afford relief from uncertainty and insecurity with respect to rights, and [is] to be liberally construed.” *City of Waco v. Tex. Nat. Res. Conservation Comm’n*, 83 S.W.3d. 169, 177 (Tex. App.—Austin 2002, pet. denied). The State, the Attorney General’s Office, Interim Attorney General Colmenero, the Secretary of State’s Office, and Secretary of State Nelson, believe that SB1750 is constitutional, and that Harris County must abolish its elections administrator’s office on September 1, 2023, creating a live controversy between the parties.

II. Harris County has shown a probable right to relief.

Harris County has a probable right to relief and recovery against Defendants because SB1750's provision abolishing the elections administrator in only Harris County violates the Texas Constitution's prohibition on local laws.¹⁶ To satisfy this element, Harris County "need not prove that [it] will ultimately prevail in the litigation; rather, the applicant must show [it] has a cause of action for which relief may be granted." *Topheavy Studios, Inc. v. Doe*, 2005 WL 1940159, at *3 (Tex. App.—Austin 2005, no pet.). However, in this case, Harris County can prove it will prevail in this litigation because the case turns on a straightforward matter of constitutional and statutory interpretation.

Article III, Section 56 of the Texas Constitution prohibits the passing of any "local or special law"¹⁷ that: (1) regulates the affairs of counties; (2) regulates the conducting of elections; (3) prescribes the powers and duties of officers in counties; and (4) discharges any person from the performance of any public duty. SB1750 accomplishes all four, and it does so in a way that will only ever impact Harris County. Not only is such a law contrary to plain-as-day constitutional language, but it also contravenes decades of Texas precedent forbidding local laws that can only ever apply to one locale or those that contain wholly arbitrary classifications. Moreover, SB1750 is the type of law that Section 56's language was designed to remedy: allowing a particular legislator to punish a particular locale, destroying uniformity of law throughout the state, and

¹⁶ Though not the basis of its temporary injunction application, Harris County also seeks a declaration that Section 2 of SB1750 is an unconstitutional local law. While recognizing that open bracket provisions have fared better in the courts, Harris County will argue that there is no reasonable basis to barring counties above 3.5 million people from creating an elections administrator position. Of course, should this court (and any appellate court having jurisdiction) grant (and uphold) Harris County's temporary injunction application, Harris County's Section 2 claim will be temporarily moot unless and until Harris County fails to obtain a final, nonappealable judgment on its Section 3 claim because it will not need to create an elections administrator. For that reason, Harris County will not address its Section 2 arguments in this brief but reserves its right to challenge Section 2 at a later time in this litigation.

¹⁷ "A local law is limited to a specific geographic region of the State, while a special law is limited to a particular class of persons distinguished by some characteristic other than geography." *Tex. Boll Weevil Eradication Found., Inc. v. Lewellen*, 952 S.W.2d 454, 465 (Tex. 1997).

discouraging the legislature from devoting its time to interests of the state at large. Accordingly, Harris County is likely to succeed on the merits.

A. Article III, Section 56 of the Texas Constitution prohibits local and special laws.

Article III, Section 56(a) of the Texas Constitution provides that “[t]he Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law” in approximately 30 prohibited subject matters. TEX. CONST., art. III, § 56(a). Several of those prohibited categories capture SB1750’s abolishment of the Harris County EA, including “(2) *regulating the affairs of counties*, cities, towns, wards or school districts”¹⁸; “(12) *for the opening and conducting of elections*, or fixing or changing the places of voting”; “(14) creating offices, or *prescribing the powers and duties of officers, in counties*, cities, towns, election or school districts”; and “(30) relieving or discharging any person or set of persons from the performance of any public duty or service imposed by general law.” *Id.* (emphasis added).¹⁹

“The purpose of Section 56 is to ‘prevent the granting of special privileges and to secure uniformity of law throughout the State as far as possible.’” *Maple Run at Austin Mun. Util. Dist. v. Monaghan*, 931 S.W.2d 941, 945 (Tex. 1996) (quoting *Miller v. El Paso Cnty.*, 136 Tex. 370, 374 (1941)). Section 56 also works to “prevent[] lawmakers from engaging in the reprehensible practice of trading votes for the advancement of personal rather than public interests.” *Id.* (internal citations omitted); *see also Kelly v. State*, 724 S.W.2d 42, 47 (Tex. Crim. App. 1987) (“The intent

¹⁸ *See Hall v. Bell Cnty.*, 138 S.W. 178, 183 (Tex. App.—Austin 1911), *aff’d*, 105 Tex. 558 (1913) (“The word ‘regulating,’ as used in [Section 56], should not be given a narrow or technical signification. If the result of legislation is to repeal or materially change any law controlling or affecting the collection, safe-keeping, or disbursement of county funds, such legislation, within the purview of the Constitution, is a law regulating county affairs.”).

¹⁹ Similarly, Article III, section 56(b) of the Texas Constitution provides “[t]he Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law ... where a general law can be made applicable, no local or special law shall be enacted ...” *Id.* at § 56(b). “While the terms ‘local law’ and ‘special law’ have at times been used interchangeably, a local law is one limited to a specific geographic region of the State, while a special law is limited to a particular class of persons distinguished by some characteristic other than geography.” *Maple Run at Austin Mun. Util. Dist.*, 931 S.W.2d at 945.

of Art. III, Section 56, of the Constitution ... was ‘to combat corruption, personal privileges, and meddling in local affairs—or, conversely, to prevent a group from dashing to the Capitol to get something their local government would not give them.’”) (quoting George D. Braden, *The Constitution of the State of Texas: An Annotated and Comparative Analysis* 273 (1977)). Prohibitions on local and special laws found their way into various state constitutions to prevent “special legislation which either deprived the citizens of local autonomy, or permitted local prejudice to nullify state-wide policy.” See Herman I. Morris, *Population Bills in Texas*, 28 Texas L. Rev. 829, 830 (1950) (citing Horack and Welsh, *Special Legislation: Another Twilight Zone*, 12 IND. L. J. 183, 194 (1937)); see also Justin R. Long, *State Constitutional Prohibitions on Special Laws*, 60 Clev. St. L. Rev. 719, 728 (2012) (citations omitted) (noting that a contemporaneous commentator explained that such constitutional changes evinced a “belief that legislatures are by nature utterly careless of the public welfare, if not hopelessly corrupt.”).

For more than a century, Texas courts have held that laws that target a specific locale violate Section 56. See, e.g., *Hall*, 138 S.W. at 183 (holding law that abolished the county auditor position in only Bell County violated Section 56); *Sw. Travis Cnty. Water Dist. v. City of Austin*, 64 S.W.3d 25 (Tex. App.—Austin 2000, pet. withdrawn) (holding law that applied only to certain municipality utility districts violated Section 56). Section 56 does not bar the legislature from designing laws to apply to a group or class smaller than the entire state of Texas, however. The legislature may limit a law’s applicability based on certain characteristics, including geographic area or population. But “the classification must be broad enough to include a substantial class and must be based on characteristics legitimately distinguishing such class from others with respect to the public purpose sought to be accomplished by the proposed legislation.” *Maple Run at Austin Mun. Util. Dist.*, 931 S.W.2d at 945 (quoting *Miller*, 136 Tex. at 372). Thus, “[t]he primary and

ultimate test of whether a law is general or special is whether there is a reasonable basis for the classification made by the law, and whether the law operates equally on all within the class.” *Maple Run at Austin Mun. Util. Dist.*, 931 S.W.2d at 945.

B. Courts have consistently held that laws targeting a specific locality are most likely to violate Section 56, even if they do not name the target. No Texas court has ever upheld a population classification that is in effect limited to one locale.

Texas courts have consistently ruled that laws that use “pretended” or “arbitrary” classifications fail this test because such laws would give the legislature carte blanche to circumvent Section 56’s ban on local laws. *See, e.g., Smith v. Decker*, 312 S.W.2d 632, 636 (Tex. 1958) (holding that law imposing special bail bond rules in counties with population between 73,000 and 100,000 violated Section 56 because “[t]he portion of the Act[limiting its application to that population range] provides an arbitrary classification of counties and cities to be affected by the law”). Courts have been highly skeptical of “closed” population classifications—*i.e.*, classifications that apply to locales that meet the population threshold on the day the law goes effective but are *closed* to other locales in the future. *Suburban Util. Corp. v. State*, 553 S.W.2d 396, 399 (Tex. App.—Houston [1st Dist.] 1977, writ ref’d n.r.e.) (“The statute is unconstitutional as a special or local law if at the time of its enactment, the classification by population is based entirely upon existing circumstances and the application of the statute is ‘closed’ to other local units in the future”).²⁰ That is because a closed classification undermines any contention that the law was intended to apply to a “substantial class” based on objective characteristics, rather than merely serving as a numerical workaround for Section 56’s ban on local laws. *See Maple Run at Austin Mun. Util. Dist.*, 931 S.W.2d at 946 (“Here, there is no dispute that

²⁰ “Open” classifications are those that apply not only to those locales that meet the population threshold on the day the law goes effective, but also those that may later grow into the threshold. *Juliff Gardens, L.L.C. v. Tex. Comm’n on Envtl. Quality*, 131 S.W.3d 271, 284 (Tex. App.—Austin 2004, no pet.).

the Legislature singled out Maple Run for special treatment. No one contends that the brackets selected by the Legislature have anything to do with the purpose of the statute; rather, these brackets serve solely to restrict section 43.082 to the District without actually identifying it by name”). For example, a law applying to all cities with a population of at least 2 million people on a specific date or as measured by a specific census constitutes a “closed” classification because other cities that may later grow to over 2 million would not be subject to that law.

When a law uses a closed classification, constitutional scrutiny is at its apex. In fact, counsel for Harris County has not identified a single case upholding a population classification that would only ever apply to one locale. Indeed, courts have consistently held these types of laws violate Section 56.

In *City of Fort Worth v. Bobbitt*, the court held unconstitutional a bond law that applied to “cities in the State of Texas having not less than 106,000 inhabitants and not more than 110,000 inhabitants, *according to the United States Census of 1920*,” which would only ever include the city of Fort Worth. 121 Tex. 14, 19 (Comm’n App. 1931) (emphasis added). The court reasoned that a law applying a population bracket that captured only a single city and was tied to a single census and no future census was indistinguishable from the law simply naming the city as the sole locale to which it applied—both violate Section 56:

We think, however, that an act which is so drawn that by its plain and explicit provisions it is made to apply to one city only in the state, and can never in any contingency apply to any other city, is just as repugnant to the constitutional provisions under discussion as though the name of the city to which the act does apply had been written into the act in the first instance. In other words, we think that a city can be designated by description just as effectively as it can be named.

Id. at 22.

Similarly, in *State v. Hall*, the court held that Section 56 barred a law that curbed anticompetitive milk practices in only Harris County by limiting its applicability to “a county

having a population in excess of 350,000 inhabitants according to the last preceding Federal census.” 76 S.W.2d 880, 881 (Tex. App.—Galveston 1934, writ dismissed). Despite Harris County being the only county exceeding 350,000 at the time the law was passed, the state argued other locales could become subject to the law if they grew into the population threshold after a future census. *Id.* The court rejected that argument, noting that (1) the law expired by its own terms after “a period of two years from and after its passage on March 6, 1934,” (2) federal censuses are conducted decennially, and thus (3) “it is self-evident that [Harris County] is the only such county that ever can have during the brief lifetime of this law [350,000] people according to the census already so held”. *Id.*

And in *Suburban Utility Corp. v. State*, the court held unconstitutional a utilities law that applied to counties with a “population of more than 1,500,000, according to the last preceding federal census,” which included only Harris County. 553 S.W.2d 396 (Tex. App.—Houston [1st Dist.] 1977, writ refused n.r.e.). The court reasoned that “when population is used as a basis for classification, the population bracket must not be based on existing circumstances only, and other local units of the state should be able to come within the application of the act upon meeting the qualifications of the population bracket.” *Id.* at 399. That was not the case with the utilities law, given that the legislature passed another law that repealed the utilities law effective one year later. *Id.* at 400. Since those two laws were passed during “the same session of the legislature,” they had to be “construed together as if embodied in a single act”—the utilities law was “limited in its application to Harris County for the one year period of its duration, and [] it, therefore, must be declared unconstitutional.” *Id.*

These cases highlight two important principles. First, when the legislature uses a population classification ensuring that a law will only ever apply to one locale, that is strong

evidence that the legislature intended to pass a local law. These laws violate Section 56 because even if they do not identify the locality at issue, they have the same effect as a law naming that locality. Second, laws employing such population classifications generally fail the reasonable basis test courts apply in Section 56 challenges. If there were really a reasonable basis for a law that applies to a specific population bracket, the law would need to apply to any county that enters that bracket.

C. SB1750 violates Section 56 because it is based on a closed population classification that will only ever apply to Harris County.

All roads lead to the conclusion that SB1750 is an unconstitutional local law because its closed population classification cannot have a reasonable basis. Like in *Bobbitt, Hall, Suburban Utility*, and all other cases to address closed population brackets, SB1750 violates Section 56 because it will only ever apply to Harris County.

SB1750 is unambiguous: Section 3 provides that if (1) a county has a population of more than 3.5 million on September 1, 2023, and (2) the county has an elections administrator, then (3) the administrator's office is abolished, and the county's voter registration and election administrator duties transfer to the county tax-assessor collector and clerk.²¹ It will apply to Harris County on September 1, 2023, and then never again, even if some other county with an elections administrator passes the 3.5 million threshold. This is because the abolishment and transfer occur only "[o]n September 1, 2023," and whether a county fits that statute's population criteria is evaluated only on that date. Other counties will be able to avoid SB1750's effect entirely by creating an elections administrator before passing the population threshold. And those counties that already have elections administrators are unaffected because, unlike Harris County's elections

²¹ Exhibit 16, TEXAS LEGISLATURE ONLINE, SENATE BILL 1750, available at: <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB01750F.pdf#navpanes=0>.

administrator, their elections administrators are grandfathered in.

The plain text of SB1750 permits no other reading. *See Fitzgerald v. Advanced Spine Fixation Sys. Inc.*, 996 S.W.2d 864, 865 (Tex. 1999) (“If the meaning of the statutory language is unambiguous, we adopt, with few exceptions, the interpretation supported by the plain meaning of the provision’s words and terms.”). The “[o]n September 1, 2023” clause in Section 3 cannot merely be an effective-date provision because that already exists in Section 5 (“This Act takes effect September 1, 2023”).²² Indeed, given that SB1750’s effective date is September 1, 2023, had the legislature simply omitted the date from Section 3, the statute would have unambiguously abolished elections administrator offices in counties that eclipse the 3.5 million population threshold *after* September 1, 2023:

Sec. 31.050. ABOLISHMENT OF POSITION AND TRANSFER OF DUTIES
IN CERTAIN COUNTIES. ~~On September 1, 2023,~~ All powers and duties
of the county elections administrator of a county with a population
of more than 3.5 million under this subchapter are transferred to
the county tax assessor-collector and county clerk. The county tax
assessor-collector shall serve as the voter registrar, and the
duties and functions of the county clerk that were performed by the
administrator revert to the county clerk, unless a transfer of
duties and functions occurs under Section 12.031 or 31.071.

The only reason to include September 1, 2023 in Section 3 is to establish, in no uncertain terms, that the 3.5 million threshold is to only ever to be calculated on that date.

SB1750’s unambiguous application to only Harris County is further illuminated when the law is read together with SB1933, which also amends Chapter 31 of the Texas Election Code and

²² Exhibit 16, Texas Legislature Online, Senate Bill 1750, available at: <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB01750F.pdf#navpanes=0>.

will also go into effect September 1, 2023.²³ SB1933 applies to counties “with a population of more than 4 million,” and empowers the Secretary of State to “terminate the employment of a county elections administrator, in a county that has the position.” *See* Tex. Elec. Code §§ 31.017, 31.021 (effective September 1, 2023). This law would be superfluous if SB1750 automatically abolished the elections administrator position in any county that grows to a population of more than 3.5 million after September 1, 2023. *See Spradlin v. Jim Walter Homes, Inc.*, 34 S.W.3d 578, 580 (Tex. 2000) (rejecting statutory interpretation that would render provision superfluous). Put another way: if SB1750 applied to all counties that reach 3.5 million, there would never be a county that could reach 4 million with an elections administrator in place.

Because SB1750 will only ever apply to Harris County, the law fails the reasonable basis test because its population classification is mere subterfuge for a law that applies to only one locality. *Hall*, 138 S.W. at 184 (“If it is meant by that that the Legislature cannot evade the prohibition of the Constitution as to special laws by making a law applicable to a pretended class which is, in fact, no class, we concur in the proposition.”). This makes sense. If SB1750 bars counties larger than 3.5 million people from creating an elections administrator because such counties are innately unable to run elections through an elections administrator, the law should apply equally to counties that grow to over 3.5 million after September 1. *Cf. City of San Antonio v. State ex rel. Criner*, 270 S.W.2d 460, 462 (Tex. App.—Austin 1954, writ ref’d) (noting that “if the classification made by the law ‘is not based upon a reasonable and substantial difference in kind, situation or circumstance bearing a proper relation to the purpose of the statute,’ it is [a]

²³ SB1750 and SB1933 must be read in harmony together since they were passed during the same legislative session. *See Garrett v. Mercantile Nat. Bank at Dallas*, 140 Tex. 394, 397 (1943) (“The two Acts...were enacted at the same session of the Legislature, and consequently, under well-established principles of law, they are in *pari materia*, and it is presumed that they were actuated by the same policy and imbued with the same spirit; and accordingly, in ascertaining the legislative intent, they will be read together, each in the light of the other, as though they were embraced in one Act or were supplemental to each other”).

special law” and finding that the statute at issue did not violate Article III, Section 56 because it “is not closed but it is one into which cities not only may but have grown”). But it does not. That is because SB1750 is merely an attempt to displace Harris County Commissioners Court members and make the decision to abolish the Harris County EA for them.

The legislative history of SB1750 further supports this reading. *See Juliff Gardens, L.L.C. v. Tex. Comm’n on Env’tl. Quality*, 131 S.W.3d 271, 282 n.7 (Tex. App.—Austin 2004, no pet.) (“In determining whether a statute is a local or special law, it is appropriate to examine the statute’s legislative history.”). SB1750’s Senate author expressed his intent to abolish the position in Harris County since Harris County created the position. Both SB1750’s Senate author and House sponsor testified at committee hearings that Harris County was the law’s intended target. *See* Exhibit 5, Transcript of Senate Committee on State Affairs, 18:8-12; Exhibit 9, Transcript of House Elections Hearing, 2:9-13, 3:14-17, 5:4-10. And the Senate author publicly expressed that intent on at least 10 different occasions between the bill’s filing and the filing of this brief. This is the exact type of meddling in local affairs Section 56 is designed to prevent.

SB1750’s place in the Election Code’s greater framework for elections administrators further shows that it violates Section 56. Courts have routinely struck down laws that exempt only one locale from a law that more broadly applies to jurisdictions across the state. *See Anderson v. Wood*, 152 S.W.2d 1084, 1087 (Tex. 1941) (holding unconstitutional a law that exempted Tarrant County, through a population bracket, from a general law setting a cap on the number of traffic officers a county could hire); *Bexar County v. Tynan*, 128 Tex. 223, 228 (Comm’n App. 1936) (holding unconstitutional a law that, through a population bracket, reduced compensation for county officers in only Bexar County, despite a law that set a compensation schedule for counties throughout the state based on population); *Hall*, 138 S.W. at 183 (holding unconstitutional a law

that exempted only Bell County from a law that created the office of county auditor).²⁴ The Election Code authorizes *all* counties to create an elections administrator role, but SB1750 would exempt only Harris County from that framework.

For these reasons, SB1750 is an unconstitutional local law in violation Section 56 of the Texas Constitution.

III. Harris County has shown probable, imminent, and irreparable injury if it cannot secure temporary injunctive relief.

Harris County will show probable, imminent, and irreparable injuries absent injunctive relief prior to a trial on the merits.

Abolishing the Harris County EA on September 1, 2023 will require massive transfers of employees and resources from the Harris County EA's office to the Harris County Clerk and the

²⁴ See also *Morris v. City of San Antonio*, 572 S.W.2d 831, 833-34 (Tex. Civ. App. 1978, no writ) (“Not only must a legislative classification of municipalities be broad enough to include a substantial class based on characteristics legitimately distinguishing that class from others, but the legislation must be intended to apply uniformly to all the municipalities that may in the future come within the classification designated.” (internal citation omitted)); *Suburban Util. Corp.*, 553 S.W.2d at 399 (“The fact that a statute may have application to only one county at time of its passage does not compel a determination that it is a special or local law if it is framed so as to apply to other counties in future.” (internal citation omitted)); *Culberson County v. Holmes*, 513 S.W.2d 126, 127-28 (Tex. Civ. App. El Paso 1974) (statute abolishing the office of county auditor of Culberson County, and providing that abolishment should take effect when and if an election was called and held by the Commissioners Court of Culberson County, violated constitutional section providing that the legislature shall not pass a local or special law regulating the affairs of counties); *Creps v. Bd. Of Firemen's Relief & Ret. Fund Trs. Of Amarillo*, 456 S.W.2d 434, 437 (Tex. Civ. App. —Amarillo 1970, writ ref'd n.r.e.) (“The legislature may properly enact laws pertaining to cities by population classification so long as the law does not by its terms limit application to one city with no possible application to others of a like classification or population.” (internal citations omitted)); *Gould v. City of El Paso*, 440 S.W.2d 696, 700 (Tex. App.—El Paso 1969, writ ref'd n.r.e.) (“[W]e believe the law to be well established that when a statute relating to cities is passed, even though there is only one city that could qualify, such statute is constitutional and not repugnant to any constitution if it is possible for other cities to enter the classification[;] it is only unconstitutional when it can never apply to any but one city in any possible event.”); *Ex parte Heiling*, 82 S.W.2d 644, 644-45 (Tex. Crim. App. 1935) (Statute was not applicable to arrest made within incorporated limits of city or town having population of less than 10,000 by federal census of 1920 was unconstitutional as “local” or “special law.”); *Brownfield v. Tongate*, 109 S.W.2d 352, 354 (Tex. Civ. App.—Amarillo 1937, no writ) (“Under the authorities of this state it is apparently settled that a classification of counties, cities, or school districts based on population, in order to be valid, must not exclude counties, cities, and school districts which thereafter acquire the specified population.”); *Tynan*, 97 S.W.2d at 469-70 (1936) (“The Legislature may, on proper and reasonable classification, enact general law, which at time of enactment is applicable to only one county provided application is not so inflexibly fixed as to prevent it ever being applicable to other counties.”); *Womack v. Carson*, 65 S.W.2d 485, 488-89, *rehearing denied*, 70 S.W.2d 416 (Tex. Comm'n App. 1933, judgment adopted) (statute fixing county commissioners' salaries, classifying counties according to population based on 1920 census area, and assessed valuation, and excluding nine counties, was invalid as “special” or “local” legislation).

Harris County Tax Assessor-Collector just six weeks before voters go to the polls in elections run by Harris County. Not only will this transfer lead to inefficiencies, office instability, and increased costs to the County, but it will also disrupt an election the Harris County EA has been planning for months. The County is legally required to host a Texas constitutional amendment election, a countywide bond election, and municipal elections for the City of Houston (the largest city in Texas) and other local entities. The last day to register to vote is October 10; the first day of voting is October 23. The County anticipates providing around 700 polling sites to more than 2.5 million registered voters in the County.

Clearly, transferring the duties to the Harris County Clerk and Harris County Tax Assessor-Collector will upend this process and risks jeopardizing the November election. That is why Harris County does not intend to comply with SB1750 and seeks a declaration that the statute is unconstitutional. But Harris County is caught between a rock and a hard place. Without an injunction, the Secretary of State and the Attorney General will likely cause a different type of harm through their roles in applying the Election Code and enforcing state law.

The Secretary of State is the state's "chief election officer," Tex. Elec. Code § 31.001(a), and is authorized and required by several provisions of the Election Code to oversee elections throughout Texas. Importantly, the Secretary of State's office is at the center of vote tabulation and canvassing results for statewide elections, like the constitutional amendment election Harris County is hosting this November. Tex. Elec. Code §§ 67.013, 68.001(a). For constitutional amendment elections, the "secretary of state shall tabulate the unofficial results." Tex. Elec. Code § 68.001(a). First, the "county clerk shall transmit periodically, by telephone or other electronic means, to the secretary of state the results for the races." *Id.* § 68.034. This transmission can only be made by an official other than the county clerk if the county has lawfully created an elections

administrator and the county has lawfully transferred the clerk's duties to the administrator. *Id.* §§ 31.043-31.044. The Election Code then requires that the Secretary of State tabulate those results, while providing display terminals of the tabulation to the news media and state officers, and periodic reports to the public. Tex. Elec. Code §§ 68.002-68.004. The county clerk "prepare[s] county election returns," certifies them, and delivers them to the Secretary of State. *Id.* § 67.007. The Governor acts as the "final canvassing authority," with the Secretary of State serving as the "presiding officer" of that authority. *Id.* § 67.010. The Secretary of State sets the time of the canvass, gives the public notice, prepares the tabulation, and provides the tabulation to the Governor for his certification. *Id.* §§ 67.012-67.013. Finally, after September 1, 2023, SB1933 provides the Secretary of State with the power to order administrative oversight of a "county office administering elections or voter registration. *See* Tex. Elec. Code § 31.017(a) (effective September 1, 2023). This grant of authority includes the authority to demand responses from county election officials, conduct investigations of county election officials, impose administrative oversight over county elections, and remove county election officials. *See id.* §§ 31.017(b), 31.019, 31.020, 31.021.

This entire vote certification process falls apart if Harris County proceeds with hosting the November 2023 constitutional amendment election and processing the results through a legally defunct elections administrator's office (instead of the county clerk's office). If a person with no legal authority to oversee county elections attempts to submit returns, the Secretary of State is fully authorized—and, arguably legally required—to reject those returns. Without court intervention, this disastrous scenario will come to a head in Harris County's November 2023 elections. The county runs the risk of running an election for which its residents' votes will not be included in the final statewide count. That harm will impact not just the county and its voters, but the entire state

of Texas—the public’s participation in our democracy will be at risk. Harris County running elections through a legally defunct office could also jeopardize the validity of voter lists, polling locations, thousands of financial transactions, and contracts with entities (including but not limited to the City of Houston and other local government entities) relying on the county to run their elections.

Harris County is also under threat of enforcement by the Secretary of State. After September 1, 2023, SB1933 provides the Secretary of State with the power to order administrative oversight of a “county office administering elections or voter registration.” *See* Tex. Elec. Code § 31.017(a) (effective September 1, 2023). This grant of authority includes the authority to demand responses from county election officials, conduct investigations of county election officials, impose administrative oversight over county elections, and remove county election officials. *See id.* §§ 31.017(b), 31.019, 31.020, 31.021. The Secretary of State may use Harris County’s refusal to comply with SB1750 as the basis for invoking the takeover of Harris County’s elections office.

The Secretary of State may also withhold funds due to the Harris County EA under Texas Election Code § 19.002, which provides additional funding to county voter registrars for increased voter registrations activities. The County’s voter registration activities would also be impacted if the Secretary of State refuses to check voter registration applications against the state’s TEAM (Texas Election Administration Management) system, which is an essential part of the voter registration process. In all facets of the upcoming election (e.g., voter outreach, voter registration, ballot language, candidate verification, election technology, election administration, vote tallying), to ensure positive outcomes, the Texas Secretary of State’s Office must work hand-in-hand with the Harris County EA; without an injunction, Harris County’s entire election apparatus is plunged into uncertainty. Ultimately, without court intervention, the public’s selection of their elected

representatives—the core process on which our democracy rests—will be risked in Harris County.

Finally, the Attorney General is likely to enforce SB1750. If Harris County continues to run its elections through the Harris County EA after September 1, 2023, the Attorney General will almost certainly file suit against the County to enforce SB1750 and remove the Harris County EA. That lawsuit would have grave consequences for the County’s November 2023 election—the courts would likely not weigh in on SB1750’s enforceability until after the Harris County EA has already administered important parts of the election, including finalizing the voter roll, recommending polling locations to commissioners court, sending out mail ballots, and conducting logic and accuracy testing on voting machines. Should the courts rule that the Harris County EA is indeed a legally defunct office after these events have already taken place, the county’s elections could be called into question.

Moreover, the Attorney General’s Office has explicitly made enforcement of the Election Code a priority in recent years and there is clear precedent for its targeting of Harris County.²⁵ As referenced above, the Secretary of State’s Office referred the creation of the Harris County EA to the Attorney General’s Office.²⁶ The Attorney General’s Office demanded the rescission of the EA’s appointment and threatened legal action. The Attorney General’s Office has generally made

²⁵ See, Texas Attorney General (@TXAG), Twitter (Aug. 22, 2022, 9:06 AM), <https://twitter.com/TXAG/status/1561716384794542081?s=20>; Attorney General Ken Paxton (@KenPaxtonTX), Twitter (Nov. 4, 2021, 4:38 PM), <https://twitter.com/KenPaxtonTX/status/1456375255530889225?s=20>. The Attorney General’s Office has sent out cease and desist letters based on perceived election code violations and provided legal advice on criminal liability for third parties providing mail-in ballots. The Attorney General’s Office formed an Election Integrity Unit to litigate election laws. See <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-announces-formation-2021-texas-election-integrity-unit> .

²⁶ Letter from Ken Paxton, Att’y Gen. of Tex. to Vince Ryan, Harris County Att’y (Nov. 25, 2020) <https://s3.documentcloud.org/documents/20418715/states-letter-to-harris-county.pdf>.

a cottage industry out of suing Harris County for any perceived violation of election law.²⁷

The Attorney General may enforce SB1750 by seeking civil penalties against Harris County under the Election Code. The Attorney General is empowered to seek civil penalties from Harris County after the Secretary of State completes an audit of the County's voter registration list. Tex. Elec. Code § 18.065(f). Harris County could be liable to the state if it persists with using its elections administrator—under SB 1750's terms—as its voter registrar because it will be noncompliant with “Sections 15.083, 16.032, [...] 18.061 and with rules implementing the statewide computerized voter registration list.” *Id.* § 18.65(a). The Attorney General is also empowered to seek penalties against election officials and election employees for Election Code violations—violations which would necessarily follow from Harris County running its elections through an elections administrator after September 1, 2023. *Id.* §§ 31.006, 31.049, and 31.129.

“An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by any certain pecuniary standard.” *Butnaru*, 84 S.W. 3d at 204. Harris County is unlikely to be able to recover any damages from the Attorney General or the Secretary of State for their unlawful actions, so Harris County's injuries are necessarily irreparable. The harms are also irreparable because there is no adequate remedy at law that will give Harris County complete, final, and equitable relief from the effects of the state's unlawful

²⁷ See Texas Attorney General (@TXAG), Twitter (Aug.31, 2020, 3:06 PM) <https://twitter.com/TXAG/status/1300525513237245954?s=20>; Press Release, Texas Attorney General's Office, AG Paxton Sues Harris County Clerk to Prevent Him from Unlawfully Sending Out Millions of Unsolicited Mail-In Ballot Applications (August 31, 2020), <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-sues-harris-county-clerk-prevent-him-unlawfully-sending-out-millions-unsolicited-mail>; Texas Attorney General (@TXAG), Twitter (Sep. 12, 2020, 10:58 AM), <https://twitter.com/TXAG/status/1304811527250350080?s=20>; Texas Attorney General (@TXAG), Twitter (Sep. 15, 2020, 5:36 PM), <https://twitter.com/TXAG/status/1305998951448031237?s=20>; Petition in Intervention by the State of Texas, *Texas Organizing Project v. Harris County, Texas, et al.*, Cause No. 2022-73765 in the 295th Judicial District; Appellants' Emergency Motion for Temporary Order, *Abbott, et al. v. Harris County, Texas, et al.*, Cause No. 03-21-00429-CV, Third Court of Appeals; Relator's Emergency Motion for Temporary Relief, *In re Greg Abbott*, Cause No. 21-0923, Texas Supreme Court.

interference with its elections.

Because the County will suffer probable, imminent, and irreparable harm, the Court should enjoin SB1750 from taking effect.

IV. The public interest and balance of the equities favors injunctive relief.

The Court should consider the relative effects on an injunction on the parties and the public at large. *See Reliant Hosp. Partners*, 374 S.W.3d at 503. “Because an injunction is an equitable remedy, the trial court weighs the respective conveniences and hardships of the parties and balances the equities.” *Int’l Paper Co. v. Harris County*, 445 S.W.3d 379, 395 (Tex. App.—Houston [1st Dist.] 2013, no pet.). Given that the democratic process is at stake here, the court must “weigh[] the public interest against the injury to the parties from the grant or denial of injunctive relief.” *Id.* “The harm to the public includes public convenience and necessity.” *Id.* The public interest and the balance of equities between Harris County and Defendants favors issuing temporary injunctive relief.

If the injunction is not issued, a severe and rapid change in Harris County’s election structure will occur a mere month and a half before a major election. Such upheaval is not warranted, especially considering the repeal of Harris County’s EA is unconstitutional. Should Harris County run the November 2023 election through its EA’s office without a court order declaring SB1750 unconstitutional, it will run afoul of the dozens of provisions in the Election Code and Secretary of State rules requiring that counties manage voter registration and administer elections through the proper, statutorily authorized elections officials. This could jeopardize the election results, expose the county to liability (including from the more than 50 entities for which it is conducting local elections), and throw local government into disarray.

When compared to the harm the County will be subject to without an injunction, the state defendants risk no equivalent injury—indeed, no injury at all. The defendants will suffer no

pecuniary loss or deprivation of rights if SB1750 is enjoined pending a final decision on its constitutionality.

CONCLUSION AND PRAYER

The evidence presented to the Court will show that Harris County and the public will suffer irreparable harm absent a temporary injunction. On the merits, Plaintiffs have demonstrated a probable right to relief on its claim that that SB 1750 is unconstitutional. Plaintiffs pray the Court grant its application for a temporary injunction in the above-captioned cause and order

- Temporary injunctions preventing the Office of the Texas Secretary of State and the Secretary of State from refusing to recognize the Harris County Elections Administrator's Office as a lawful elections office on account of SB1750's purported efficacy after SB1750's effective date, including by, on the basis of SB1750: refusing to accept from the Harris County Elections Administrator the results of any Harris County election; refusing to coordinate with, and approve election action taken by, the Harris County Elections Administrator; refusing to provide official election reporting forms and voting by mail forms; refusing to provide funds entitled under Tex. Elec. Code § 19.002; refusing to check voter registration applications against the state's TEAM system; taking any actions under SB1933 on the sole basis that the Harris County Elections Administrator position is abolished; refusing to cooperate with the Harris County Elections Administrator to perform election-related responsibilities.
- Temporary injunctions preventing the Office of the Attorney General of Texas and the Attorney General from enforcing SB1750 by seeking civil penalties against the County or its elections officials.

Plaintiff requests such other and further relief, general or special, whether in law or equity, to which it may be justly entitled.

[SIGNATURE PAGE FOLLOWS]

August 7, 2023

Respectfully submitted,

/s/ Jonathan Fombonne

Christian D. Menefee

Harris County Attorney
Texas Bar No. 24088049
Christian.Menefee@harriscountytexas.gov

Jonathan Fombonne

First Assistant County Attorney
Texas Bar No. 24102702
Jonathan.Fombonne@harriscountytexas.gov

Tiffany S. Bingham

Managing Counsel
Texas Bar No. 24012287
Tiffany.Bingham@harriscountytexas.gov

Neal Sarkar

Special Assistant County Attorney
Texas Bar No. 24093106
Neal.Sarkar@harriscountytexas.gov

Christopher Garza

Senior Assistant County Attorney
Texas Bar No. 24078543
Christopher.Garza@harriscountytexas.gov

Matthew Miller

Senior Assistant County Attorney
Texas Bar No. 24051959
Matthew.Miller@harriscountytexas.gov

Moustapha Gassama

Assistant County Attorney
Texas Bar No. 24083058
Moustapha.Gassama@harriscountytexas.gov

Neeharika Tumati

Assistant County Attorney
Texas Bar No. 24101168
Neeharika.Tumati@harriscountytexas.gov

Office of Harris County Attorney

1019 Congress, 15th Floor
Houston, Texas 77002
Office: 713-755-5101
Fax: 713-755-8924

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2023, a true and correct copy of the foregoing document was served via the Court's electronic filing system to all counsel of record.

/s/Neal A. Sarkar
Special Assistant County Attorney

RETRIEVED FROM DEMOCRACYDOCKET.COM



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 25, 2020

VIA E-MAIL

Vince Ryan
Harris County Attorney
1019 Congress, 15th Floor
Houston, TX 77002
713-755-5101
vince.ryan@cao.hctx.net

Dear Mr. Ryan:

We are in receipt of the attached letter, dated November 20, 2020, from Director of Elections Keith Ingram with the Texas Secretary of State's Office, which identified multiple deficiencies concerning the appointment of Isabel Longoria as Harris County Election Administrator. *See* Exhibit A. After investigating the matter, we concur that Harris County officials failed to follow proper procedures under Sections 31.031(d) and 31.032(c) of the Texas Election Code, thereby exceeding their statutory authority. The purported creation of the Office of Election Administrator and subsequent appointment of Ms. Longoria to the position therefore constitute *ultra vires* actions and are both unlawful and null and void.

This letter is to inform you that Harris County must take corrective action to cure the deficiencies identified by the Secretary of State. Should Harris County fail to comply within fourteen days of receiving this letter, the State will pursue appropriate legal remedies.

The Election Code lays out in clear and precise terms the procedure that a Texas county must adhere to should it decide to create the office of county election administrator and appoint someone to the position. As part of that procedure, the Election Code requires the county to timely notify the Secretary of State when it completes certain milestones. Specifically, the Election Code states, "Not later than the third day after the date the order [establishing the office of county elections administrator] is adopted, the county clerk shall deliver a certified copy of the order to: (1) the secretary of state; and (2) each member of the county election commission." TEX. ELEC. CODE § 31.031(d). The Election Code continues, "Not later than the third day after the date an administrator is appointed, the officer who presided at the meeting shall file a signed copy of the resolution or order with the county clerk. Not later than the third day after the date the copy is filed, the county clerk shall deliver a certified copy of the resolution or order to the secretary of state." *Id.* § 31.032(c).

It is apparent from the information raised by the Secretary of State that Harris County violated these two provisions.

As per Director Ingram's letter, the Secretary of State received documentation from the Harris County Clerk's office on July 28, 2020. The documentation included an order, ratified by the Harris County

Commissioners Court on July 14, 2020, purportedly “establishing the Office of Election Administrator.” Exhibit B. According to the order, the “effective date for the office to begin operations shall be November 18, 2020.” The order specified, however, that the process for instituting and appointing an election administrator would not proceed until the Commissioners Court voted on and approved of a study—prepared by several elected officials—which detailed the budget, facilities, equipment, and personnel needed to maintain the office. The Secretary of State has since learned from news reports that the Commissioners Court received the study and approved it at a meeting on August 11, 2020.¹

Because the Commissioners Court conditioned the July 14, 2020 order on a subsequent vote, the County Clerk’s office had an obligation under Section 31.031(d) to inform the Secretary of State of the study’s receipt and adoption within three days of the August 11, 2020 meeting. It failed to do so. In addition, even if Section 31.031(d) only applied to the July 14, 2020 order, the Secretary of State did not receive any communication from County Clerk’s office concerning the creation of an election administrator until fourteen days after its ratification. Thus, under either interpretation, Harris County is in violation of its obligations under the Election Code.

Shortly after the Commissioners Court approved of the requisite study, the Harris County Election Commission moved to appoint Ms. Longoria to the position of Harris County Elections Administrator. According to the resolution, as well as multiple outside sources,² the vote took place on October 30, 2020. See Exhibit C. The Election Commission, however, did not file the resolution pertaining to Ms. Longoria’s appointment with the County Clerk’s office until November 20, 2020, based on the receipt stamp. This is a violation of Section 31.032(c), which requires the presiding officer to file a signed copy of the resolution within three days of its passage. As a result of the delay, the Secretary of State was not timely informed of the Election Commission’s actions. The Secretary of State instead received notice of Ms. Longoria’s purported appointment on November 20, 2020, when County Clerk’s office emailed the attached resolution. *Id.*

In neglecting its obligations under Sections 31.031(d) and 31.032(c), Harris County failed to meet the requisites stipulated in the Election Code. As a result, neither the Commissioners Court’s July 14, 2020 order nor the Election Commission’s October 30, 2020 appointment of Ms. Longoria to the position holds any legal weight. In short, the Harris County Office of Election Administrator does not exist. And the duties that would typically be delegated to it pursuant to Sections 31.043, 31.044, and 31.045 remain with the County Clerk and County Tax Assessor-Collector.

It has come to the State’s attention that as of November 18, 2020, Ms. Longoria assumed the role and responsibilities of Election Administrator in violation of the Texas Election Code. As a result, her appointment is a nullity and should be rescinded. Please take corrective action to remedy this matter within fourteen days of receipt of this letter. Otherwise, the State will proceed with appropriate legal action to address her unlawful appointment.

¹ See, e.g., Hannah Zedaker, *Harris County Moves Forward With Creation of Elections Administrator Office*, Community Impact (Aug. 12, 2020), <https://communityimpact.com/houston/spring-klein/vote/2020/08/12/harris-county-moves-forward-with-creation-of-elections-administrator-office/>.

² See, e.g., Zach Despart, *Harris County Appoints Isabel Longoria as First Elections Administrator as Hollins Prepares to Step Down*, Houston Chronicle (Oct. 30, 2020), <https://www.houstonchronicle.com/politics/houston/article/Harris-County-appoints-Isabel-Longoria-as-first-15689377.php>.

Respectfully,

/s/ Kathleen Hunker

Kathleen T. Hunker
Special Counsel
Special Litigation Unit
Office of the Texas Attorney General
209 W. 14th Street
Austin, Texas 78701
512-936-2275

CC: C. Robert Heath
Bickerstaff Heath Delgado Acosta LLP
3711 S. Mo-Pac,
Building One, Suite 300
Austin, TX 78746
512-404-7821
bheath@bickerstaff.com

RETRIEVED FROM DEMOCRACYDOCKET.COM

Press Release**FOR IMMEDIATE RELEASE**

November 30, 2020

Contact: Robert Flanagan

(318) 349-3993

Robert.Flanagan@senate.texas.gov

Sen Bettencourt Joins in Call for Harris County Elections Administrator Appointment to be Rescinded

Texas Attorney General letter gives Harris County until December 10th to take action or face legal action

Houston, TX – Senator Bettencourt (R-Houston) is joining the call for the appointment of the Harris County Elections Administrator to be rescinded. A recent letter from Texas Attorney General Ken Paxton's (R-Texas) office to County Attorney Vince Ryan (D-Harris County) stated, ***"...Ms. Longoria assumed the role and responsibilities of Election Administrator in violation of the Texas Election Code. As a result, her appointment is a nullity and should be rescinded."***

This process was started when a letter from the Texas Secretary of State highlighted multiple **"deficiencies"** surrounding the process in which Harris County created this office and appointed Isabel Longoria as their first Elections Administrator. (See [attached letters](#))

"Harris County voters deserve an open and transparent process and unfortunately these letters from the Secretary of State and the Attorney General show that the Election Code was violated," said Senator Bettencourt. **"Therefore, I am calling for the appointment of the Harris County Elections Administrator to be rescinded."**

Some of the "deficiencies" noted by the Texas Secretary of State in their November 20th letter:

1. Harris County did not send notice to the Texas Secretary of State in accordance with Section 31.031(d) of the Texas Election Code regarding their actions on August 11th.
2. Harris County did not provide a notice of appointment to the Texas Secretary of State as required by Section 31.032(c) when Isabel Longoria was appointed as Elections Administrator.

In their November 25th letter, the Attorney General's office notes, *"In neglecting its obligations under Section 31.031(d) and 31.032(c), Harris County failed to meet the requisites stipulated in the Election Code. As a result, neither the Commissioner's Court July 14, 2020 order nor the Election Commission's October 30, 2020 appointment of Ms. Longoria to the position holds any legal weight. In short, the Harris County Office of Elections Administrator does not exist."*

"Appointing an administrator of elections in the nation's third largest county should have been made by following the prescribed legal process to the letter," continued Senator Bettencourt. **"The Attorney General's letter is specific that the duties of that office should be returned to the elected County Clerk and Tax Assessor-Collector,"** he added.

###

RETRIEVED FROM DEMOCRACYDOCKET.COM



Explore

Settings

Tweet

 **Team Bettencourt** 
@TeamBettencourt

Harris Co EA @LongoriaTx resigns during Harris Co Comm mtg, upon by agenda item by @TomSRamsey2. @kanthonyscott testifies that EA election costs went up 270% in 4 years. Voters cannot take another "tested and ready" @LinaHidalgoTX EA! Send elections back to CC & TAC #txlege @TPPF

Senator Bettencourt Reacts to Harris County Election Administrator Longoria's Resignation Effective July 1, 2022

Senator Bettencourt was the first elected official to call for Longoria's resignation or firing after mismanagement and incompetence in Tuesday's Primary Election

Houston, TX – Senator Paul Bettencourt (R-Houston) makes further comments on Harris County Election Administrator Isabel Longoria's resignation effective July 1, 2022. Senator Bettencourt was the first elected official to call for Election Administrator Longoria's firing the night of the Primary Elections, then again with Harris County Republican Party Chair Cindy Siegel and State Representative Briscoe Cain at a Thursday press conference last week.

"The resignation of County Judge Lina Hidalgo's handpicked Election Administrator is just the first step in the process to restore the public's trust in elections in the nation's third-largest county. The finding of 10,000 plus missing Absentee Ballots after initial counting is just the capstone to all of the multiple problems, equipment malfunctions, ballot misuse, and coding errors that occurred in Tuesday's Primary Election for both parties," stated Senator Bettencourt.

The passage of SB1 was instrumental in finding the missing 10,000 ballots because of its requirement for a reconciliation form showing the omission. In addition, SB1 provided civil penalties for the termination of election officials which at this point is redundant.

"With the resigned Election Administrator staying in place until July 1st, Harris County Republican Party Chair Cindy Siegel is correct that the office will require independent oversight during this time," said Senator Bettencourt.

The Harris County Commissioners Court agenda item by Commissioner Ramsey was instrumental in listening to the public's "horror stories" of what happened in the primaries of both parties. Former Lone Star College Trustee, Kyle Scott, testified that the cost of elections in 2018 was \$1.48 per registered voter is now up to \$5.48 in 2022 in the new Election Administrator's department.

"This 270% increase in election cost is intolerable to taxpayers. This is another reason why the Harris County Commissioners Court should abolish the Election Administrator position and return elections to the Democrat elected officials, the county clerk and tax assessor collector. I am not sure the voters can handle another County Judge Hidalgo "tested and ready" nominee for Election Administrator!" concluded Senator Bettencourt.

<https://senate.texas.gov/press.php?id=7-20220308a>

Harris County GOP and 9 others

4:30 PM · Mar 8, 2022

26 Retweets 4 Quotes 75 Likes



New to Twitter?

Sign up now to get your own per:

Sign up with G

Sign up with A

Create account

By signing up, you agree to the T Privacy Policy, including Cookie I

Relevant people

 **Team Bettencourt** 
@TeamBettencourt
Texas State Senator

Trends are unavailable.

Terms of Service Privacy Policy Accessibility Ads info More..

Don't miss what's happening

People on Twitter are the first to know.

Log in

S

Press Release**FOR IMMEDIATE RELEASE**

March 7, 2023

Contact: Michael Geary

(512) 463-0107

michael.geary@senate.texas.gov

Sen Bettencourt & Rep Cain file bills to return Management of Elections back to Elected Officials!

SB 1750 & HB 3876 returns Election Administrator duties & power back to the County Tax Assessor & County Clerk for Counties with populations of more than one million

Austin, TX – Senator Paul Bettencourt (R-Houston) and Representative Briscoe Cain (R-Deer Park) filed SB 1750 & HB 3876 to restore voter trust, accountability, and transparency in large county elections by returning the management of elections back to elected officials. **“Voters should have confidence in their elections, and when they see Harris County Elections Administrators botch election after election in 2022 that confidence is shaken.”** Said Senator Bettencourt. **“Let’s return Harris County Elections to the way it used to work with the County Clerk and Tax Assessor Collector!”** He added.

Currently, Harris, Dallas, Tarrant, Bexar, and Collin County elections are run by appointed Election Administrators (EA). There is nearly no oversight from County Election Commissions. SB 1750 & HB 3876 will return power and duties of the EA to the County Tax Assessor-Collector and County Clerk in counties with populations over one million. Under SB 1750 & HB 3876 the County Tax Assessor-Collector will serve as the voter registrar and the election administration duties will revert to the County Clerk. With elections under two different elected officials, the cost of an independent department will go away and the broad support from the rest of the office will provide professionalism, consistency, and stability to the election staff. Former House Election Committee Chair Representative Briscoe Cain had this to say:

“The Elections Administrator experiment in Harris County has failed. It doesn’t matter which election or Election Administrator – Texans know that Harris County will have issues and won’t report returns accurately or on time. As larger counties try to use this position as another bureaucrat meant to grow government, it’s important that voters have a say in who is running their elections. These counties have had ample opportunities to justify this position. The only thing they have done is dodge questions and find a way to blame someone else.” Said Representative Cain.

On November 8, 2022, Harris County's EA failed to deliver enough paper ballots to over 120 voting centers, as reported by KHOU 11 (<https://www.khou.com/video/news/investigations/khou-11-analysis-election-ballot-paper-shortage-bigger-than-estimated/285-3806ba23-a4f5-4ed2-8b41-cc0ad4c18861>), despite having millions of paper ballots available for distribution in an EA office warehouse. Now, the EA and the County Judge who appointed him are refusing to answer questions from the public despite the thousands of Election Irregularities that occurred, which led to a record 21 election challenges filed in Harris County.

“In 2022 the former Harris County Election Administrator ‘found’ 10,000 votes and released a statement at 10:30 p.m. on a Saturday night that led to her resignation. Then the current Elections Administrator either wouldn’t or couldn’t get millions of paper ballots out of the warehouse and to the polls with thousands of voters being turned away for lack of ballots. The Nation’s third largest county cannot have third world elections anymore! Bring back accountability and elected officials running elections.” Concluded Senator Bettencourt.

SB 1750 is the latest Election Integrity legislation Senator Bettencourt filed this session. He will file more Election Integrity legislation soon. See previous press releases for more information.

- [Senator Bettencourt reacts to record number of election challenges filed in Harris County](#)
- [Senator Bettencourt Reacts to Harris County Election Administrator Longoria's Resignation Effective July 1, 2022](#)

###

RETRIEVED FROM DEMOCRACYDOCKET.COM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN RE: SENATE BILL 1750
SENATE COMMITTEE ON STATE AFFAIRS (PART II) -
MAR 30TH, 2023
03:48:00 to 04:25:33

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 * Start of Recording *

2 MADAM CHAIR: Senator Bettencourt, you are
3 recognized to lay out Senate Bill 1933.

4 SENATOR BETTENCOURT: Thank you, Ms. Chair --
5 Madam Chairman and Members. I do have a committee
6 (indecipherable) for Senate Bill 1933. As a result of
7 the 2021 legislature, the Secretary of State is
8 auditing four counties' elections every two years, two
9 large counties and two smaller counties.

10 The math of this, there's approximately 20 larger
11 counties, and so they're on a path of being audited
12 once every 10 years. However, the smaller counties
13 are 2 out of 234, which would mean they would be
14 audited once every 117 years, which seems to be an
15 extended period of time.

16 The -- this bill would allow the Secretary of
17 State to randomly select additional smaller counties
18 to audit during a two-year period to complete the
19 audit of the smaller counties.

20 Additionally, this bill would only require an
21 audit of all elections on uniform dates. The
22 committee (indecipherable) would allow the Secretary
23 of State to expand the audit on the uniform dates to
24 other elections if the results of the audit indicate
25 concerns.

1 The first SOS performed (indecipherable) in
2 Harris County of 2020 found a literally appalling
3 recordkeeping scenario where lack of documentation for
4 309,629 cast thousand cast votes. That 639 -- I mean
5 309,629 casted votes. 20 percent of the vote. Poor
6 training.

7 This was back when drive-thru voting was being
8 used, which was not supported by the Election Code.
9 Misplaced records including 46,000 mail ballots. And
10 lists can go on because records were un-retrieved
11 because the machines that they used were effectively
12 not able to reuse the data disk drives. So they
13 didn't have the software to be able to run the data
14 disks after -- after the election, so all that
15 information was lost.

16 So under the committee substitute, if an audit of
17 the Secretary of State identifies a pattern of
18 recurring problems with the Election Administrator,
19 they can impede free exercise of a citizen's vote.

20 The Secretary would be required to recommend the
21 County for administrative oversight. The committee
22 (indecipherable) would allow the Secretary to order
23 administrative oversight if there is an im -- an
24 administrative election complaint, and the Secretary
25 has good cause to believe for the same five or six

1 issues that we've seen in the last bill.

2 Oversight period would be for a stated period of
3 time, not shorter than a year. This conservatory
4 period is the same theory as the school district
5 conservators.

6 The oversight would be terminated
7 (indecipherable) the Secretary of State reports no
8 further oversight is required.

9 Additionally, Secretary of State determines the
10 free exercise of a substantial number of citizens'
11 voting rights were impeded during two countywide
12 elections during the preceding two years.

13 The Secretary of State may immediately appoint a
14 conservator. Secretary then would include
15 administrative oversight in conjunction with the
16 conservators.

17 So you have basically two steps here to go
18 through. One is as administrative oversight. The
19 second is a conservator. However, with Harris County
20 has suffered, you know, constant election issues for
21 the last two cycles, which demands immediate problem.

22 Harris County leadership has failed to respond,
23 and we'll talk about that in another bill because
24 we've requested information from -- from legislative
25 office. Still haven't gotten it.

1 So the committee substitute Senate Bill 1933
2 would put the responsibility of elections and voter
3 registration back in the responsible hands of the
4 County Clerk and Elections Administrator, and I don't
5 -- and at some point in time, we have one invited
6 speaker, Cindy Siegal, Harris County Republican Party
7 Chair.

8 MADAM CHAIR: Thank you, Senator Bettencourt.
9 Senator Bettencourt sends up the committee sub to
10 Senate Bill 1933.

11 Members, are there any questions? All right. If
12 not, the Chair calls Cindy Siegal. Please state your
13 name for the record. Welcome, again.
14 (Indecipherable).

15 CINDY SIEGAL: My name is Cindy Siegal. I'm the
16 chairman of the Harris County Republican Party here in
17 support of this bill.

18 Thank you, Vice Chair, Senators that are still
19 with us.

20 You know, Harris County is -- has become the
21 poster child of everything that you don't want, how an
22 election shouldn't be run. I felt a lot this last
23 year. The kids game that they call Whac-A-Mole, that
24 was the way we were dealing with the election in
25 Harris County.

1 There's no recourse for us other than to pursue
2 the Courts. That's why we need to have a mechanism.
3 When they fail an audit or they grossly mismanage an
4 election that there's a mechanism that the Secretary
5 of State, which is, I think, the obvious group, the
6 obvious entity to put this oversight with.

7 You know, people in prior testimony talked about
8 voter rights and voter suppression, and everyone
9 throws that around today. But, you know, my voter
10 rights were infringed upon when I went to vote in a
11 primary, and the EA had moved my judge and told her
12 that she couldn't work there. So they didn't have a
13 poll. My voter rights were infringed upon.

14 The people who went to vote, the soccer mom who,
15 you know, has the kids in the car, they're tired,
16 they've been at practice, they need to go home and do
17 homework and it's 6:00, and they go to vote. And
18 there's no voting -- you know, there's no ballot
19 paper. And they don't want to spend the next hour
20 driving around.

21 The voter rights -- the rights of my election
22 judge, you heard testimony from him, the woman who was
23 election judge and they ran out of paper and the voter
24 got so mad that they spit on her and it wasn't her
25 fault.

1 I mean, I would echo what Alan Vera said earlier.
2 When is enough enough? And you can sit and say this
3 is Harris County's problem, but the reality is it
4 could be everyone's problem.

5 There's nothing to stop for the same sort of
6 behavior, the same sort of mismanagement, whether it
7 was intentional or unintentional, happening in other
8 counties. There has to be a mechanism other than
9 suing or an election challenge to be able to get
10 elections that are run fairly and according to the
11 law.

12 You know, they talked about the Secretary of
13 State being an appointed position, and you have
14 someone overseeing a county. Well, the reality is our
15 county commissioners took away a few years ago my
16 right as a voter.

17 I voted for a County Clerk to run the elections.
18 They took that right away from the voters, and they
19 gave it to an Election Administrator who is appointed.
20 And now I serve on that Election Commission, but I'm
21 one of five people.

22 And what's happening in Harris County is they're
23 trying to shut down and not talk about it. They won't
24 shine the light on it, and that's why we're suing.
25 That's why there are 21 election challenges.

1 But it's ridiculous that we're -- we've gotten to
2 the point that that's the only way that we can get a
3 fair election in Harris County. Enough is enough. We
4 we need your help.

5 MADAM CHAIR: Thank you so much.

6 Senator Bettencourt, you're recognized.

7 SENATOR BETTENCOURT: Thank you. I want to
8 correct my record here because this -- there was a
9 line I read that this would put the responsibility to
10 election voters back into the responsible -- into the
11 county elected officials.

12 That's actually another bill that's coming up.
13 So I want to withdraw that because, see, when you make
14 a mistake, you need to be able to admit it.

15 The problem we've got in Harris County is they
16 make a mistake, and they won't admit it. And then
17 you've got multiple TV streams, the entire media
18 chasing the -- the county judge and chasing the
19 Election Administrator. And to your knowledge,
20 besides releasing one report that said that the Astros
21 were responsible for part of the problem because of
22 their parade, have they made any public statements, to
23 your knowledge?

24 CINDY SIEGAL: I mean, everything is we don't
25 know, we're looking at it. It'll be interesting next

1 Wednesday to see if (indecipherable) answers those
2 questions.

3 But the county commissioners, they won't let him
4 answer.

5 SENATOR BETTENCOURT: Right.

6 CINDY SIEGAL: County Commissioner Tom Ramsey
7 tried to get in an open meeting, a public meeting. I
8 mean, the voters deserve an answer, and they're
9 shutting them down.

10 And if we can't get our duly elected officials to
11 clean up the mess and -- and run fair elections,
12 you're left with pursuing an alternative through the
13 courts or legislatively, and that's why I'm here.

14 SENATOR BETTENCOURT: Right, and thank you
15 because you've consistently stood and for the truth,
16 just like the candidates that have filed because
17 they're really trying to find the truth and what
18 happened in the election.

19 So I just want to make it clear to the public
20 that this bill would -- would allow additional audits
21 for smaller counties plus allow the Secretary of State
22 to include administrative oversight in conjunction
23 with the conservator at that point in time. And so I
24 want to thank you for your testimony.

25 CINDY SIEGAL: Can I add one thing, Senator?

1 SENATOR BETTENCOURT: I would (indecipherable)
2 like to add, Ms. Siegal.

3 CINDY SIEGAL: The audit that came back, I mean,
4 what they were reporting -- and I think you've got
5 people from -- representing the Secretary of State.
6 But the Election Administrator at that time, Isabel
7 Longoria, didn't -- didn't -- wouldn't let any of her
8 staff speak to them.

9 The other thing was this election, the Secretary
10 of State said we're going to send in -- and I'm
11 probably not using the right term, but an observer. I
12 mean, the County Commissioner, the county Judge, the
13 Election Administrator, they went ballistic.

14 Why are you sending him in? They went to, I
15 think, the Department of Justice and were trying to
16 get them to come in and stop it, you know, which is
17 already in the law where the Secretary of State can
18 send someone in to observe the election. We need to
19 shine the light.

20 SENATOR BETTENCOURT: No, I agree, and thank you
21 for your testimony because this bill and Senate Bill
22 823 are looking at statewide issues and what happens
23 when you have an Election Administrator that either
24 couldn't or wouldn't or don't or simply cannot
25 function in their job.

1 We do have another bill that's going to be
2 specific to Harris County, a solution coming up
3 shortly.

4 MADAM CHAIR: Thank you for your testimony.
5 Thank you, Senator Bettencourt.

6 All right. The Chair opens public testimony and
7 calls Yasmine Smith, Lori Gallagher, Elizabeth Geretz,
8 Valerie De Bill, Ruei Tuo, and Alice Yee, Charles
9 Crews, Kimiya Factory, Marcia Strickler, Denita Jones,
10 Laura Pressley.

11 All right. And if anyone else is making their
12 way, go on and keep doing that, but we'll go on and
13 get started.

14 Thank you for being here. Please state your name
15 and -- for the record and then give us your testimony,
16 please.

17 KIMIYA FACTORY: Thank you. My name is Kimiya
18 Factory. I'm the Central Texas Regional Organizer for
19 Black Voters Matter Fund, and I'm here to oppose this
20 bill today.

21 I'm also going to be testifying on behalf of my
22 colleague unofficially because I understand it's
23 (indecipherable) my time.

24 My name is Denita Jones. I'm here today
25 representing Black Voters Matter and I live in

1 Garland, Texas. I'm here today to oppose Senate Bill
2 1933 because it is a blatant attempt to use baseless
3 evidence of problems during the 2022 general election
4 in Harris County to justify disenfranchising voters of
5 color for partisan gain.

6 Over 60 percent of Texans white population live
7 in the 248 counties not covered by this bill whose
8 election results cannot be canceled on baseless
9 claims.

10 On the other hand, around 66 percent of Texans of
11 color live in the six counties that will be covered by
12 this bill and can have their elections canceled on a
13 whim.

14 As an organizer in many of the affected counties,
15 I spend my time speaking with residents and grassroots
16 organizations on various ways to empower their
17 communities by utilizing their vote as their voice.

18 Bills like SB 1933 are written to silence these
19 voters. There is not one day that goes by that I do
20 not hear a resident state "Why bother to vote? They"
21 -- meaning you -- "will only find a way to silence
22 us," which is extremely ridiculous, and that's exactly
23 what this bill does.

24 As a mother to four eligible voters, I too have
25 this conversation with my children on the importance

1 of continuing to vote. But as young adults, they are
2 very honest with me, telling me, "Mom, you're fighting
3 for something they never wanted us to have to begin
4 with."

5 Because this bill will nullify the notion of one
6 person, one vote, on behalf of all Texas, black and
7 brown voters, please do not silence us. Let our vote
8 be our voice as it is guaranteed by the Constitution.
9 Please, vote no on this bill.

10 Thank you.

11 MADAM CHAIR: Thank you for your testimony.

12 Senator Bettencourt, you're recognized.

13 SENATOR BETTENCOURT: Ms. Jones, this bill is not
14 bracketed. This Bill 1933 applies to all 254
15 counties. It does not apply to the -- just to four or
16 six counties that you -- as alleged here. It is a
17 bill that applies in the entire state.

18 So I -- I respect everybody's -- that they have
19 an opinion, but it has to be based upon fact. So this
20 is not correct because this bill is a 254 county bill.
21 It's not bracketed to six counties. And I'm sorry,
22 this written testimony is incorrect and your verbal
23 testimony is. I just want to make sure you
24 understand.

25 KIMIYA FACTORY: I -- if I understand correctly,

1 you're saying that my individual experience as a black
2 woman in the state of Texas is incorrect?

3 SENATOR BETTENCOURT: No, ma'am. What I'm saying
4 exactly -- and I'm going to read it into the record.

5 KIMIYA FACTORY: I understand the factual claim
6 that you're making.

7 MADAM CHAIR: Thank you. Thank you for your
8 testimony.

9 SENATOR BETTENCOURT: Right. Is that over 60
10 percent of Texas white population lives in 248
11 counties not covered by this bill. Ms. Jones, this is
12 just not correct. The bill is 254 counties. It
13 applies to everywhere in Texas. Thank you.

14 KIMIYA FACTORY: Thank you.

15 MADAM CHAIR: Please state your name for the
16 record and give us your testimony.

17 LAURA PRESSLEY: Thank you, Madam Chairman. This
18 is Dr. Laura Pressley.

19 Thank you, Senator -- Senator Bettencourt for
20 this bill.

21 It really begs the question, should we -- with
22 regard to the Secretary of State audits, should we do
23 breadth versus depth? I think we really should
24 consider that.

25 I actually have read the 359-page audit that the

1 Secretary of State did for the 2020 elections, and I
2 want to let you know what the audit did not include.
3 The audit did not include auditing the physical
4 ballots versus the computerized vote results.

5 That was shocking to me, that there was no
6 looking at the physical ballots and double-checking if
7 that matched what the computer said.

8 The second thing it did not include -- and I've
9 got this in my attachment on the pages of the audit
10 where this is -- this is documented. The early vote
11 results tapes which document 70-- 65 to 70 percent of
12 the vote. It's a memorialization of the vote results.
13 They never compared those tapes to what the main
14 computer put out as a public result. I was a little
15 surprised, very surprised at that.

16 The third one that was very concerning to me, the
17 audit log that shows the number of ballots counted,
18 which is all done by polling location, was never
19 compared to the precinct level canvassed results
20 because the audit logs in vote center and the report
21 to the public and canvasses by precinct. You cannot
22 apples-to-apples compare that.

23 And there's one more thing I'd like to say if you
24 would ask me a question. I got four seconds, and two
25 of my people are not here, so you get that four

1 minutes.

2 MADAM CHAIR: Thank you for your testimony,
3 Dr. Pressley.

4 Members, any questions? All right.

5 Thank you so much. I appreciate you being here.
6 Go ahead and state your name, and I --

7 RUEI TUO: My name is Ruei Tuo.

8 MADAM CHAIR: Yeah, great.

9 RUEI TUO: Sorry, I apologize for interrupting
10 you.

11 My name is Ruei Tuo. I'm from Katy, Texas, and
12 I'm registering to -- against this bill. So I -- in
13 my previous two testimonies, I did not bring up that I
14 also worked as an election worker for several
15 elections. And the amount of work that we put in,
16 including the election office, is tremendous to make
17 sure that all the votes are counted, everybody gets to
18 vote.

19 I personally had -- I personally had -- being on
20 the phone with the Election Administration to make
21 sure that I -- that we find the voter registration
22 because sometimes the -- the machine doesn't -- is --
23 doesn't have all the election voter registrations. So
24 sometimes you call in, and they will find the voters.

25 And that's the extent of everybody. Everybody

1 trying to make sure that election is free and fair.
2 And for somebody to come in -- I don't know what
3 doctor she is, but I don't know what she's talking
4 about when she says all these things. Maybe she's
5 misunderstanding. Maybe it's just something she
6 heard. I don't know.

7 But I was on the ground. I was working the
8 elections. And the elections always have winners or
9 losers. And in a democracy, that's okay because, you
10 know, eventually some will win and some will lose.

11 And then you switch parties, and you turn around.
12 And that's how we voters keep parties in check. And
13 y'all's party have been in power for 30 years, and
14 look at where we are at right now.

15 And you're even doubling down on taking away our
16 voting rights using these voter suppression tactics.
17 I as an -- as an individual voter am very
18 disheartened.

19 MADAM CHAIR: Thank you for your testimony.
20 Appreciate you being here. Thank you, both.

21 Is there anyone else wishing to testify on, for,
22 or against the committee substitute to Senate Bill
23 1933? Seeing none, public testimony is closed.

24 The Chair recognizes Senator Bettencourt. The
25 Chair lays out Senate Bill 1750 and recognizes the

1 author, Senator Bettencourt, to explain the bill.

2 SENATOR BETTENCOURT: Thank you, Ms. Chairman and
3 the Members. We do have a committee substitute
4 presented, Bill 750. I'll explain it very --

5 MADAM CHAIR: Chair sends up the committee
6 substitute for Senate Bill 1750.

7 SENATOR BETTENCOURT: Thank you.

8 I think we've talked about the problems in Harris
9 County. This bill would effectively transition the
10 Election Administrator back to the Harris County Clerk
11 and Tax Assessor Collector from the appointed position
12 of Elections Administrator.

13 The -- the bill as originally filed had actually
14 had other counties involved. We sent out a survey
15 request to the other major election administrators,
16 received positive responses from three of them. I
17 think a fourth was verbal or came in that we use the
18 four category -- or five major categories of issues.

19 The information came back there were not problems
20 in the other major counties using an Election
21 Administrator, but there is in Harris County.

22 So as a result, we got a committee substitute
23 that basically says we'd abolish the role of Elections
24 Administrator in counties with a population of over
25 three and a half million.

1 The County Clerk would assume, again, the role of
2 Election Administrator, and the Tax Assessor Collector
3 would again assume the role of a voter registrar.

4 I had the former County Clerk, Sam
5 (indecipherable), was here to speak. His wife became
6 ill so they've just left the building, apparently.

7 But I want to point out that this is a bill
8 that's designed to return elections to elected
9 representatives in Harris County. They happen to be
10 of a different party of mine, but I believe that the
11 incompetence shown by the Election Administrator in
12 both of them in 2022 demands (indecipherable).

13 This is a bill that was brought to me by
14 Representative Briscoe Cain. It is now bracketed to
15 Harris County only. And if this bill, if adopted,
16 would return elections to the elected officials who I
17 might say -- and with my experience of at least 30
18 years of having almost no problems compared to the
19 massive problems that we have here. So this bill
20 would return elections back to the elected
21 representatives, the County Clerk and the Tax
22 Assessor. That, I think, will have a -- Al Vera will
23 be, I think, replacing Mr. Standard.

24 MADAM CHAIR: Thank you, Senator Bettencourt.

25 Do you have any other questions for yourself?

1 SENATOR BETTENCOURT: No, but unless you would
2 like to ask them.

3 MADAM CHAIR: I think you did such a great job, I
4 do not have any questions for you, so thank you very
5 much.

6 So the Chair calls Alan Vera.

7 Thanks for being here, Mr. Vera, and please state
8 your name for the record and give us your testimony.

9 ALAN VERA: Alan Vera, Chairman, Harris County
10 Republican Party, Ballot Security Committee,
11 testifying in support of SB 1750.

12 We've kind of brought this bill on ourselves.
13 For decades in Texas, elections were well run by the
14 County Clerks. In midsize and larger counties, the
15 County Clerk had an employee whose primary
16 responsibility was to run the elections.

17 That person worked directly under the authority
18 and supervision of the elected County Clerk, and
19 things went pretty well.

20 But then, in statute, we established the
21 appointed office of Elections Administrator in Texas.
22 And when we established that office, we created
23 absolutely no requirements in terms of education,
24 experience, credentials, basic math skills, reading
25 comprehension, logistics, data analysis, nothing.

1 Look at the code and you'll see. The only
2 qualifications for this office are must be a
3 registered voter of the county served, cannot make
4 contributions to candidates or parties, cannot serve
5 as an officer of a party, and the office is not
6 accountable to the voters.

7 Well, that guarantees us the cream of the crop.
8 The qualifications in the code are no indication at
9 all of whether the individual can consistently plan
10 and execute an increasingly complex election process
11 in a large county. In Texas we've essentially
12 declared that anybody can be an Election
13 Administrator, anybody. Shame on us.

14 We've now seen two successive years of third
15 world elections run by an Elections Administrator in
16 the state's largest county, and there's nothing in
17 statute or practice that guarantees that blight might
18 not spread to other large counties as they continue to
19 grow and as the election process becomes even more
20 complex.

21 The problems are inherent in statute and in the
22 lack of accountability that we've engineered, we've
23 purposely engineered into the office. We need to step
24 back and rethink the entire concept. Band aids aren't
25 going to work.

1 While we're thinking about restructuring it, we
2 shouldn't expect the voters in our largest county to
3 suffer further because of our lack of foresight.

4 So we urge you to support SB 1750 or report
5 SB 1750 favorably to the full Senate. Thank you.

6 MADAM CHAIR: Thank you so much for your
7 testimony.

8 Senator Bettencourt, any questions?

9 SENATOR BETTENCOURT: Thank you, Al, for your
10 testimony. Al, you've been in elections for how long?
11 14 years?

12 ALAN VERA: Right.

13 SENATOR BETTENCOURT: The -- the election
14 division of the County Clerk was repeatedly
15 acknowledged as one of the premier election outfits in
16 the country. Tony Civello, you know, Beverly Kaufman,
17 I had a chance to work with them as the voter
18 registrar, but they were nationally recognized on
19 election methodology.

20 And -- and -- and, obviously, Beverly was a well
21 known elected official. True?

22 ALAN VERA: True.

23 SENATOR BETTENCOURT: Now, as voter registrar at
24 the time, I can remember handling 55,000 live phone
25 calls and answering them within four seconds. And if

1 we had an election judge on the line, we answered them
2 like that with the county attorney.

3 Do you remember that period?

4 ALAN VERA: I remember.

5 SENATOR BETTENCOURT: So 20 years later, we've
6 seen effectively a denouement of elections acumen that
7 has been accelerated by an Election Administrator that
8 resigned, fired many of the middle management, and
9 then a new Election Administrator appointed.

10 And after that appointment, we now have the first
11 ever major election in the country that had 127 -- 121
12 unsupport -- undersupplied polls of ballot paper.

13 Am I missing anything?

14 ALAN VERA: You're not. And what's frustrating
15 to me was I went and made a presentation to the
16 Election Commission while the search was on for a new
17 EA. And I laid out a very clear list of
18 qualifications and proven experiences that they should
19 look for in the next person. Unfortunately, they --
20 they ignored those and simply picked someone on the
21 basis of political connections.

22 SENATOR BETTENCOURT: And you're a Republican,
23 Al, (indecipherable) chairman?

24 ALAN VERA: That's correct.

25 SENATOR BETTENCOURT: And you're supporting a

1 bill that would return the elections to two Democrat
2 elected officials?

3 ALAN VERA: That's correct.

4 SENATOR BETTENCOURT: And you believe that's a
5 better solution than leaving it in the hands of the
6 current Election Administrator that either couldn't or
7 wouldn't get 4 million ballot sheets out of -- out of
8 the warehouse to the polls on Election Day?

9 ALAN VERA: Without question, if only because
10 they're accountable to the voters, I believe the two
11 Democrats currently holding the Offices of County
12 Clerk and Tax Assessor Collector voter registrar would
13 do a much better job than the current EA.

14 SENATOR BETTENCOURT: Thank you for your
15 testimony.

16 ALAN VERA: Thank you.

17 MADAM CHAIR: Thank you for your testimony.

18 Thank you, Senator Bettencourt.

19 And we will now open public testimony for Senate
20 Bill -- committee substitute to Senate Bill 1750.

21 The chair calls Susanna Carranza, Lori Gallagher,
22 Elizabeth Geretz, Valerie De Bill, Rueli Tuo, Alice
23 Yee, Charlie Crews, Lucy Trainor, Marcia Strickler,
24 Palwasha Sharwani, Laura Pressley, Cindy Siegal,
25 Charles Reed, James Keller.

1 All right. Thank you all for -- for coming. We
2 look forward to hearing your testimony. Please state
3 your name for the record and give us your testimony.

4 CHARLES REED: Hi, my name is -- excuse me. Hi,
5 my name is Charles Reed. I'm here on behalf of the
6 Dallas County Commissioners Court. I missed the
7 layout because I left at a very unfortunate time, but
8 I think I heard that the substitute changes the
9 bracket to a single county?

10 SENATOR BETTENCOURT: Three and a half million.

11 CHARLES REED: Great. I would like to change my
12 position to on this bill because --

13 MADAM CHAIR: So you're in your position to on?

14 CHARLES REED: Yes.

15 MADAM CHAIR: I've got it noted. Thank you.

16 CHARLES REED: We're no longer in it. We support
17 our Elections Administrator model. It's great
18 bipartisan model. And so I really appreciate Chairman
19 Bettencourt and his efforts on this.

20 SENATOR BETTENCOURT: Have a good week.

21 CHARLES REED: Thank you, sir. I'll see you on
22 Monday.

23 MADAM CHAIR: Thank you so much.

24 Please state your name for the record and give us
25 your testimony.

1 LUCY TRAINOR: Lucy Trainor, Republican Party in
2 Texas. I'm representing myself in this capacity.
3 Senate Bill 1750 offers an excellent solution to the
4 many problems we witnessed during the primary and the
5 general with unelected bureaucrats making important
6 decisions for our electorate that they don't even
7 represent.

8 We witnessed this time and again in our suburban
9 counties. Grassroots activists would walk away
10 feeling very disillusioned and discouraged when
11 serving as election workers and poll watchers when
12 they were dismissed with question -- when they had
13 legitimate questions about possible fraud and what
14 they had witnessed.

15 If this position is accountable to the public,
16 the chances of our workers who want to serve in the
17 election and getting placed are significantly higher.

18 So many people I personally know had wanted to
19 work but were told no. They served as a poll watcher
20 instead, but then were dismissed even in that capacity
21 by election officials who seemed -- which really
22 seemed like an exclusive club of longtime friends who
23 would not take input from new people.

24 1750 is a good solution to an embedded problem we
25 have witnessed in the running of elections. Thank

1 you.

2 MADAM CHAIR: Thank you for your testimony.

3 Please state your name for the record and give us
4 your testimony.

5 CINDY SIEGAL: My name is Cindy Siegal. I'm the
6 chairman of the Harris County Republican Party here in
7 support of this bill representing the Republican
8 Party.

9 I would just echo what Senator Bettencourt said.
10 This would return this -- the running of elections in
11 Harris County to elected County Clerk and Tax
12 Assessor.

13 I serve on the elections commission with both of
14 those women. They are on the other -- from the other
15 party, but they have experience. And I can tell you
16 that they would run an election a lot better than what
17 we've experienced in the last year or two years.

18 And furthermore, if they don't there isn't this
19 layer in between an Election Administrator and the
20 voter. They would be having to directly report to the
21 voters if they failed, as bad as the Election
22 Administrator has been doing. Thank you.

23 MADAM CHAIR: Thank you.

24 Senator Bettencourt, any questions?

25 SENATOR BETTENCOURT: Now, I just want to make

1 sure that I want everyone to hear this. Okay? I've
2 got the state Republican Party and the local County
3 Republican Party. And looking at the problems in
4 Harris County are so severe that a solution you would
5 consider is returning it back to elected officials
6 because they're, A, accountable to the public; and, B,
7 performance matters; and, C, the historical record is
8 clearly the elected officials had a much better
9 performance by any measurement humanly possible than
10 these last few Election Administrators.

11 And they do happen to be Democrats, even though
12 you two ladies are Republican. Just want to make
13 sure. Shocking, but true. But that tells you it's
14 not about politics. It's about performance.

15 Y'all want to comment? Both of -- either one?

16 CINDY SIEGAL: I would just -- I would agree with
17 that. I mean, and knowing both -- you know, basically
18 the last year getting to know both of those elected
19 officials, they would do a lot better job.

20 And they have the, you know, voters that are
21 going to hold them accountable. There's no in
22 between. There's no, you know, buffer that -- where
23 the voters with the EA --

24 SENATOR BETTENCOURT: Right, they don't have
25 to --

1 CINDY SIEGAL: -- (indecipherable) do anything.

2 SENATOR BETTENCOURT: Right. These elected
3 officials stand every two years. They -- while their
4 budgets are approved by commissioner's court, they're
5 not a complete thrall as the Elections Administrator
6 apparently is at this point, at least in my opinion.
7 And -- and they do have some independence, and they
8 are -- and they are responsible.

9 So I just wanted to make sure because this is,
10 again, Madam Chair and the audience that's listening,
11 this is about performance. It's about a lack of
12 performance. It's a catastrophic lack of performance
13 in Harris County.

14 And one more election -- and I'll ask both of you
15 this. One more election cycle like this where we have
16 thousands of people turned away from the polls, where
17 we have these type of total lack of transparency,
18 where we have 21 election challenges, in your opinion,
19 you know, what would happen to the public's belief in
20 elections in the nation's third largest county if we
21 take no action at all and leave the Elections
22 Administrator without a conservator, without a
23 replacement, without any oversight at all.

24 CINDY SIEGAL: People won't show up to vote.

25 SENATOR BETTENCOURT: I think that's a very good

1 chance.

2 CINDY SIEGAL: And I've been fighting that battle
3 for the last two years. When I took over in December
4 2020, you know, I heard from the voters saying -- you
5 know, people that I've known for a long time saying,
6 you know: I'm just really frustrated, I'm not sure my
7 vote is going to count.

8 And when things like this happen, that just
9 reinforces the belief, like why bother? I've heard it
10 from our election judges. I've heard it from our
11 precinct chairs. I've heard it from our activists. I
12 hear it from candidates.

13 They're not going to want to run because they
14 feel like, well, you know, was it -- was it fair?
15 What -- you know, it's one thing to lose and you know
16 that the election fairly reported the results. But
17 you wouldn't have 21 challenges if they -- if they
18 didn't believe that there's some question there.

19 SENATOR BETTENCOURT: I want to thank you all,
20 both, for coming because Harris County is not too big
21 to fail. It's already failed in 2022 miserably. But
22 it's too big to ignore because the State can't afford
23 this type of problem in Harris County, and neither can
24 the residents of Harris County because one more cycle
25 like this, there will be no -- absolutely no belief

1 that elections matter in Harris County, I don't think,
2 regardless of what party you're in. And I want to
3 thank you for your testimony.

4 CINDY SIEGAL: Thank you, Senator, for your work
5 on this.

6 SENATOR BETTENCOURT: Yeah.

7 MADAM CHAIR: Thank you both for your testimony.
8 Thank you, Senator Bettencourt.

9 Is there anyone else wishing to testify on, for,
10 or against the committee sub for Senate Bill 1750?

11 Seeing none, public testimony is now closed.

12 * End of Recording *
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Robin L. Deal, Florida Professional Court Reporter and Transcriptionist, do hereby certify that I was authorized to and did listen to and transcribe the foregoing recorded proceedings and that the transcript is a true record to the best of my professional ability.

Dated this 15th day of June, 2023.

RETRIEVED FROM DEMOCRACYDOCKET.COM

ROBIN L. DEAL

Press Release**FOR IMMEDIATE RELEASE**

April 18, 2023

Contact: Michael Geary

(512) 463-0107

michael.geary@senate.texas.gov

Senator Bettencourt’s bill returns Harris County Elections back to Elected Officials!

SB 1750 returns Harris County EA duties & power back to the County Tax Assessor & County Clerk

Austin, TX – Senator Paul Bettencourt (R-Houston) passed SB 1750 out of the Texas Senate on Tuesday, April 18, 2023. SB 1750 will restore voter trust, accountability, and transparency in Harris County elections by returning the management of elections back to elected officials. **“Voters should have confidence in their elections, and when they see Harris County Elections Administrators botch election after election in 2022 that confidence is shaken. Let’s return Harris County Elections to the way it used to work with the County Clerk and Tax Assessor Collector!”** Said Senator Bettencourt. **“It passed with Bipartisan support 20-11,”** he added.

SB 1750 will return power and duties of the Harris County Elections Administrator to the County Tax Assessor-Collector and County Clerk. Under SB 1750 the County Tax Assessor-Collector will serve as the voter registrar and the election administration duties will revert to the County Clerk. With elections under two different elected officials, the cost of an independent department will go away and the broad support from the rest of the office will provide professionalism, consistency, and stability to the election staff. Senator Bettencourt served as the Tax Assessor-Collector with County Clerk Kaufman for 10 years.

On November 8, 2022, Harris County’s EA failed to deliver enough paper ballots to over 120 voting centers, as reported by KHOU 11 (<https://www.khou.com/video/news/investigations/khou-11-analysis-election-ballot-paper-shortage-bigger-than-estimated/285-3806ba23-a4f5-4ed2-8b41-cc0ad4c18861>), despite having millions of paper ballots available for distribution in an EA office warehouse. Now, the Harris County EA and the County Judge who appointed him are suing the Attorney General’s Office to block the release of the election records that will shed light on why the November 8 election in Harris County turned into a fiasco. Currently, there are a record 21 election challenges filed in Harris County. County Officials refuse to answer media questions on the matter.

“In 2022 the former Harris County Election Administrator ‘found’ 10,000 votes and released a statement at 10:30 p.m. on a Saturday night that led to her resignation. Then the current Elections Administrator either wouldn’t or couldn’t get millions of paper ballots out of the warehouse and to the polls with thousands of voters being turned away for lack of ballots. The Nation’s third largest county cannot have third world elections anymore! Bring back accountability with elected officials running elections.” Concluded Senator Bettencourt.

Senator Bettencourt has passed 10 election and voter integrity bills out of the Texas Senate so far, and expects to pass more out in the next couple of weeks.

- [Senator Bettencourt passes best election audit bill in the USA per Heritage Foundation, SB 1039](#)
- [Two more important bills to fix what ails Harris County Elections pass out of Texas Senate!](#)

###

RETRIEVED FROM DEMOCRACYDOCKET.COM



Explore

Settings

Tweet

Team Bettencourt @TeamBettencourt

House Elections Committee Chairman @Reggie4Tx posts my SB 1750 which will eliminate the Harris County Elections Administrator office in Harris County for Thursday! The bill returns all election duties BACK to the elected County Clerk and Tax-Assessor. Ag Chair @BriscoeCain will lay out the bill, which passed the Texas Senate with a bipartisan 20-11 vote. The Senate State Affairs Committee (Chair @SenBryanHughes) took testimony on botched Harris County elections in 2022. The former Harris County EA had to resign due to a primary election fiasco and the current EA either couldn't or wouldn't get ballot paper to the polls for thousands of voters to vote on in the Nov. 8th election. Importantly, this is the ONLY time I've ever seen the @HarrisCountyRP & @TexasGOP testify for returning election duties to elected officials...OH that's Republicans returning elections to Democrat Elected Officials!! Interesting hearing at #txlege @ValoreeforTexas @ManoForStateRep @Burrows4TX @VoteGiovanni @BucyForTexas @EddieMoralesJr @Christian4Texas @HubertVo149

Committee: Elections
TIME & DATE: 10:00 AM on upon final adoption/recess or bill referral if
preliminary ground
Thursday, April 27, 2023
PLACE: H2-104
CHAIR: Rep. Reggie Smith
Public testimony will be limited to two (2) minutes. The order in which bills are heard is at the discretion of the chair.
SB_141 Hughes
SB_141 Bettencourt
SB_142 Bettencourt
SB_172 Bettencourt
SB_188 Schwegel (or al)
SB_144 Hughes
SB_172 Smith
For those persons who will be testifying, information for in-person witness registration can be found here:
A live video broadcast of this hearing will be available here:
Instructions related to public access to the meeting location are available here:
These facilities who wish to electronically submit comments related to agenda items in this notice without testifying in person can do so until the hearing is adjourned by visiting:
Bill added after last posting:
See Committee Order/minutes for previous versions of this notice.

Holly Hansen and 9 others

10:31 AM · Apr 26, 2023 · 14.4K Views

38 Retweets 6 Quotes 110 Likes



New to Twitter?

Sign up now to get your own per:

Sign up with G

Sign up with A

Create account

By signing up, you agree to the T Privacy Policy, including Cookie I

Relevant people

Team Bettencourt @TeamBettencourt Texas State Senator

Trends are unavailable.

Terms of Service Privacy Policy Accessibility Ads info More..

Don't miss what's happening

People on Twitter are the first to know.

Log in

S



Explore

Settings

Tweet



Team Bettencourt @TeamBettencourt

DEBATE HAS STARTED!! @BriscoeCain lays out my SB 1750 that eliminates the Election Administrator position in Harris County, and returns all election duties to the elected County Clerk and Tax Assessor. First major witness, Chris Russo, a presiding judge during the Nov. 8 botched election, testified that he called @HarrisVotes at 2:30 pm telling them he was short on ballot paper. EA office told him ballots were on the way and they never came! He ran out of ballots at 6pm and 40 people were in line. He didn't get more ballot paper until 9pm and he estimated 100 people were turned away from his location alone. I suspect House Election Committee Chair @Reggie4Tx and his committee will hear many more stories like this tonight, but that's what happens when the nations 3rd largest county EA couldn't or wouldn't get millions of sheets of ballot paper out of the warehouse and to polls. As a result, that's REAL voter suppression! @tppf @tfrw @cindySiegel5 @TexasSenateGOP @HarrisCountyRP @TexasGOP @kwteaparty @TXGOPCaucus

10:26 PM · Apr 27, 2023 · 1,898 Views

13 Retweets 3 Quotes 27 Likes



RETRIEVED FROM DEMOCRACYDOCKET.COM

New to Twitter?

Sign up now to get your own per:

Sign up with G

Sign up with A

Create account

By signing up, you agree to the T Privacy Policy, including Cookie I

Relevant people



Team Bettencourt @TeamBettencourt Texas State Senator

Trends are unavailable.

Terms of Service Privacy Policy Accessibility Ads info More ..

Don't miss what's happening

People on Twitter are the first to know.

Log in

S

RETRIEVED FROM DEMOCRACYDOCKET.COM



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN RE: SENATE BILL 1750
ELECTIONS - APR. 27th, 2023
02:05:00 to 03:37:41

RETRIEVED FROM DEMOCRACYDOCKET.COM

1 * Start of Recording *

2 CHAIRMAN SMITH: The Chair lays out Senate Bill
3 1750 and recognizes Representative Cain to explain the
4 bill. Chairman Cain.

5 CHAIRMAN CAIN: Chairman Smith, Vice Chair Bucy,
6 and committee members of -- normally, I have really
7 short layouts, but I'm going to go through this full
8 one.

9 In 2020, shortly after the November election,
10 Harris County changed the leadership of the elections
11 operations from the elected office of the Harris
12 County Clerk and Tax Assess Collector to the pointed
13 position of Elections Administrators.

14 (Indecipherable) subsequent administrators
15 appointed had little to no experience of Texas
16 election laws and, obviously, multiple action
17 disasters including equipment malfunctions and
18 incorrect ballots.

19 First Elections Administrator point has little
20 over five months of experience administrating
21 elections for the second largest election entity in
22 the nation.

23 After resignation, she was replaced by someone
24 who had zero experience with Texas election laws and
25 no experience with Harris County, moving from

1 Washington DC to Houston only three months before the
2 second largest election in -- you know, in the
3 country.

4 Since the implementation of an EA elections,
5 elections -- each election has been a disaster in
6 Harris County. Each election results with more votes
7 than voters, malfunctioning equipment, inadequate
8 training, counter-effective election work or
9 replacement, poor polling place acquisition, incorrect
10 ballots, poorly maintained voter rolls, and more.

11 The Harris County leadership has done nothing to
12 remedy -- remedy this embarrassingly poor quality of
13 operation of the election department.

14 I believe it's time for Harris County elections to
15 return the accountability of elected officials, the
16 Harris County Clerk and Harris County Tax Assessor
17 Collector.

18 Yes, two people that are on opposite parties of
19 mine, but I believe because of who they are, because
20 they're elected, they'll be more accountable to
21 voters.

22 In fact, one of those reasons the bill relates to
23 Harris County only is because Senator Bettencourt's
24 office conducted a survey of other large counties in
25 Texas and found that while each of those counties

1 encountered problems, the problems were recognized and
2 they were addressed.

3 But not Harris County, though. Each election
4 seems to bring a new and bigger disaster than the
5 last. Elected officials are in the public for --
6 elected officials are in the public. They make public
7 appearances and are much more available to the voters
8 than elected -- than the administrators.

9 Therefore, this proposal aims to restore
10 accountability to elected officials and provide more
11 experience overseeing the critical task of election
12 operations.

13 The bill would abolish the role of Election
14 Administrator in the counties with a population of
15 over three and a half million. The County Clerk would
16 assume the role of Election Administrator, and the Tax
17 Assessor Collector would assume the role of voter
18 registrar.

19 With that, Members, if you'd like to bring me
20 back up after for some questions, if you have
21 witnesses, I'd be happy to do so, but I'm finished
22 with my layout.

23 CHAIRMAN SMITH: Thank you.

24 Members, any questions?

25 Vice Chair Bucy.

1 VICE CHAIR BUCY: Thank you, Mr. Chairman.

2 Chairman Cain, I just want to -- I just -- I
3 think there was a version -- and I know this is
4 Bettencourt's bill -- Senator Bettencourt's bill. But
5 at one point, it was a million threshold. I think
6 it's been changed to three and a half million. Was
7 there a reason for that change?

8 CHAIRMAN CAIN: Yeah. So my bill is filed -- it
9 only was for Harris County, but this was a committee
10 substitute in the Senate. Look, after they talked to
11 all of the other counties, those large counties, they
12 found that they didn't have the problems Harris County
13 did. They had problems. They corrected them very
14 efficiently. They haven't had the constant issues.
15 And so for that reason, they decided to settle it only
16 on the county that seems not to be able to get their
17 act together.

18 VICE CHAIR BUCY: Who did that survey?

19 CHAIRMAN CAIN: Bettencourt's office.

20 VICE CHAIR BUCY: Senator Bettencourt's office.
21 I just -- I've heard about some issues on the -- in
22 the November election in Bell County. Just curious
23 what the feedback was there, where a Court had to step
24 in to keep elections open. 20 percent of Election Day
25 polling places required a court order to keep the

1 polling place open late in November. Did we get
2 feedback from that county?

3 CHAIRMAN CAIN: Was that for Bell County?

4 VICE CHAIR BUCY: Yeah.

5 CHAIRMAN CAIN: I'm not aware, but maybe the
6 Secretary of State's office might have answers for
7 that.

8 VICE CHAIR BUCY: So just to be clear, and I
9 think you said it pretty clearly, this is just for
10 Harris County? It's no other counties in the state?

11 CHAIRMAN CAIN: It's for any county over three
12 and a half million. Currently that's Harris County.

13 VICE CHAIR BUCY: Just Harris County. All right.
14 Thank you, Mr. Chairman.

15 CHAIRMAN CAIN: Thank you.

16 CHAIRMAN SMITH: Members, any questions? Okay.
17 Thank you.

18 The Chair calls Christina Adkins.

19 You are Christina Adkins. You're here on behalf
20 of the Texas Secretary of State's office, and you're
21 neutral on this bill, is that correct?

22 CHRISTINA ADKINS: Yes, sir.

23 CHAIRMAN SMITH: Do you have any comments
24 prepared or that you want to make concerning this
25 bill?

1 CHRISTINA ADKINS: No, sir.

2 CHAIRMAN SMITH: Okay. Members, do we have any
3 questions of our resource witness?

4 Representative Morales?

5 REPRESENTATIVE MORALES: Does the bill provide --
6 in addition to being an elected official, does the
7 bill provide for any sort of requisite background or
8 experience in the process -- in the -- in this field
9 of election?

10 CHRISTINA ADKINS: No, sir.

11 REPRESENTATIVE MORALES: So technically, we could
12 end up with the same exact problem that we currently
13 have or that was described?

14 CHRISTINA ADKINS: I suppose that's possible.
15 Yes, sir.

16 REPRESENTATIVE MORALES: What -- what is your
17 understanding or what is the percentage of folks that
18 -- within the state of Texas that actually use an
19 Elections Administrator.

20 CHRISTINA ADKINS: I believe it's a little less
21 than half of our counties or right around that halfway
22 mark that have an Elections Administrator. The
23 alternative is that those -- in the other counties,
24 those election duties and voter registration duties
25 remain with the elected officials by which that --

1 that's the default.

2 Texas law by default provides that elections are
3 run by your County Clerk, and your voter registration
4 activities are with your Tax Assessor Collector. So
5 many counties have opted not to move to an Elections
6 Administrator.

7 REPRESENTATIVE MORALES: How long have you been
8 working with Secretary of State?

9 CHRISTINA ADKINS: Almost 11 years.

10 REPRESENTATIVE MORALES: Okay. And in those 11
11 years, have you had to deal with issues related to
12 Harris County elections?

13 CHRISTINA ADKINS: Yes, sir.

14 REPRESENTATIVE MORALES: And in dealing with
15 those elections, do you believe that by virtue of just
16 having an elected official that's basically based on a
17 popularity contest, that that suffices to address the
18 core issues that have been the central focus not only
19 of this committee, but I think of many news articles?
20 Is that alone just having a popularity contest and
21 getting that person up there to do the work?

22 CHRISTINA ADKINS: I understand what you're
23 asking it. It -- that's a hard question to answer,
24 and I think it's a little bit more nuanced than that.
25 You know, I think that there -- Harris County is

1 always going to have challenges based on population
2 and geography. It's a large county, and there's
3 always going to be, you know, resource concerns.

4 You know, I know that I have been told that, you
5 know, when they converted to an Elections
6 Administrator office that there were some challenges.
7 I think very publicly the Elections Administrator
8 acknowledged some of the challenge and -- challenges
9 in converting based on not having access to as many --
10 as many resources as they would have had when they
11 were under the County Clerk's Office.

12 And -- and beyond that, I can't really speak to a
13 whole lot of details because I -- you know, I have
14 some anecdotal experience in dealing with Harris
15 County. I know there have been a large series of
16 complaints that were filed with respect to Harris
17 County. There's a number of election contests that
18 are pending.

19 And at some point here, you know, our office is
20 also conducting an audit of the 2022 election in
21 Harris County, but I've not been able to review that
22 data myself at this time.

23 REPRESENTATIVE MORALES: In a perfect world and
24 if we were to go down this route of using an
25 accounting clerk, what additional -- based on your

1 experience in the 11 years and based on the concerns
2 that you've seen and the complaints that have been
3 lodged with respect to Harris County elections, what
4 would you like to see in an individual that would be
5 running an election in a place like Harris County?
6 What type of background? What type of experience?
7 And should we include that in this bill?

8 CHRISTINA ADKINS: That's an interesting
9 question. I think when we're talking about our larger
10 elections, there's a couple of things that are really
11 critical for our -- for our Elections Administrator or
12 the folks that are running elections.

13 I think even those offices where they have an
14 elected official that's running elections, oftentimes
15 they're hiring or bringing in individuals to help with
16 the election process itself.

17 And there's really two key pieces that I think
18 are very critical that we don't talk enough about with
19 elections. One, our elections officials have to be
20 very good at logistics. They have to be logistics
21 managers.

22 I mean, it's -- it's a massive operation that
23 they're running, and there's a lot of moving pieces,
24 and so they do have to understand how those pieces
25 work together.

1 I think managing technology in a polling place
2 and in an election process is also important, so
3 understanding that on some level they are managing,
4 you know, an IT infrastructure is very important.

5 I think also having a knowledge and understanding
6 of our laws in Texas, you know, it's important. You
7 know, those are some broad categories that I think
8 having an understanding of those areas are the things
9 that I think oftentimes set, you know, certain
10 Election Administrators apart. You know, their
11 willingness to learn and engage in those areas or
12 bring in individuals that have the expertise in that
13 area to support them.

14 REPRESENTATIVE MORALES: I'm just noting some of
15 the issues here. You probably need a Fortune 500 CEO
16 that understands the dynamics of having to take care
17 of so many vol -- or assistants under you, right?

18 CHRISTINA ADKINS: I think for our larger
19 counties, you know, it's -- there's usually an entire
20 team of individuals, you know, that provide leadership
21 in the elections department.

22 REPRESENTATIVE MORALES: Probably you need
23 someone such as -- with the experience of an air
24 traffic controller where everything's hitting you at
25 once, right, with all the complaints coming in, the

1 calls, you know, these different ballot locations
2 either missing paper or needing more stuff or having
3 some irate, you know, person there that wants to vote
4 and there's issues.

5 You need somebody with like UPS, FedEx logistics
6 type experience, training, understanding how to get
7 their employees from one location to another to
8 address some of the concerns.

9 And also somebody that's -- probably has legal
10 experience, a lawyer, understands election law
11 forwards and backwards.

12 I'd venture to say that I think it's very hard to
13 find someone that would have all of that requisite
14 background.

15 And then we're dealing with a county that is many
16 times bigger than a number of US states as far as
17 total population.

18 And so considering all of that, where do you
19 think this falls in terms of -- I mean, it's -- it's
20 bigger than God knows how many US states just Harris
21 County alone.

22 Where do you think this falls in terms of the
23 issues? Now, when we compare it to that degree, are
24 we talking -- are the issues this big in relation to
25 comparing it to another state, or are they so

1 extensive and numerous and the complaints that bad
2 that it requires us to make all these changes?
3 Because it -- it almost feels like many times we're
4 here just having to deal with complaints and concerns
5 over Harris County.

6 CHRISTINA ADKINS: Yes, sir. I think that that's
7 -- that's a hard comparison to make because we do have
8 states -- we do have states that run elections from
9 the top down. And so there are large states that have
10 a top down model where the state controls everything
11 in the election process. They dictate the equipment,
12 they write the procedures, they manage the programming
13 of the ballots.

14 And so I think, you know, there are models out
15 there where you can look at large states that
16 successfully do that, and so that's just a different
17 way of running elections.

18 But I think large-scale operations -- running
19 them on a large scale, there are states that do that
20 so that there -- there are models out there where they
21 can be successful.

22 You know, I think with -- with the situation
23 right now, I think there -- there are some fair
24 questions that are being asked right now.

25 In the last couple of elections in Harris County,

1 I think it's very publicly known that there have been
2 some issues, that there have been some problems and
3 some hurdles. And I mean, I'm not saying anything
4 that's not already in the newspaper there. I think
5 that's well known, and I think that's why we're having
6 the discussion, and that's why these bills were filed,
7 because there has been a pattern of problems
8 repeatedly in large elections that have the potential
9 to be harmful to voters.

10 REPRESENTATIVE MORALES: But where -- where do
11 they fall in line comparing it to other states when
12 you're -- when you're actually comparing that somebody
13 like Harris County is so big that it's bigger than a
14 good number of US states? And if you don't have an
15 opinion, just let me know you don't have --

16 CHRISTINA ADKINS: I think that I'm not going to
17 have an opinion on that at the moment. I think -- I
18 think I have to -- my job here is to be a resource on
19 the law.

20 REPRESENTATIVE MORALES: I hear you.

21 CHRISTINA ADKINS: And just speak to --

22 REPRESENTATIVE MORALES: And I don't want to put
23 you in a situation.

24 CHRISTINA ADKINS: Yes, sir.

25 REPRESENTATIVE MORALES: Last question,

1 Mr. Chairman. Between an Elections Administrator and
2 a County Clerk, what's been your experience as far as
3 understanding who has the requisite knowledge,
4 background, experience to be able to conduct an
5 election such as this for Harris County?

6 CHRISTINA ADKINS: That -- I mean, there are some
7 excellent County Clerks out there that are elected and
8 that take that job very seriously. And so I don't
9 think -- I don't think that necessarily I can -- I can
10 quantifiably say one is better than the other, just
11 looking at the numbers of officials that are out
12 there.

13 It depends on the individual and it -- I mean, we
14 have some excellent County Clerks that do an amazing
15 job running elections, in addition to running the
16 courts, doing probate work, managing the records of
17 the county, you know, where elections is one piece of
18 what they do.

19 And I think, you know, we have to acknowledge
20 that some people do that quite well, even wearing all
21 of those other hats.

22 REPRESENTATIVE MORALES: Thank you.

23 CHRISTINA ADKINS: Yes, sir.

24 CHAIRMAN SMITH: Thank you, sir.

25 Vice Chair Bucy?

1 VICE CHAIR BUCY: Thank you, Mr. Chairman. Just
2 a few quick questions.

3 One, can you talk about -- because as part of
4 this layout we talked about going back to people that
5 are elected. Can you talk about how the EA is picked
6 in accounting?

7 CHRISTINA ADKINS: Yes, sir. So this is actually
8 defined in the election code. So right now, by law,
9 the default situation is that elections are with the
10 County Clerk.

11 Voter registration activities are with the Tax
12 Assessor Collector. It's Subchapter B, Chapter 31 of
13 the Texas Election Code that outlines the process for
14 appointing an Elections Administrator.

15 What's involved there is the County will create
16 the office. The County Election Commission convenes,
17 and the County Election Commission is made up of
18 certain individuals, the County Judge, the political
19 party chairs, the County Clerk, and then the Tax
20 Assessor Collector, those individuals that have those
21 responsibilities now.

22 VICE CHAIR BUCY: Just to catch on what you just
23 said, it's -- it's made up of a bunch of people that
24 are elected officials in their community including the
25 Republican and Democratic county party chairs; is that

1 correct?

2 CHRISTINA ADKINS: Yes, sir.

3 VICE CHAIR BUCY: So in every county that has an
4 EA, no matter what the make of the county is, we've
5 got a bipartisan group that is part of this board,
6 this small board that ASA, correct?

7 CHRISTINA ADKINS: Yes, sir. The County Election
8 Commission is the one that makes recommendations on
9 the appointment on Elections Administrator, yes.

10 VICE CHAIR BUCY: Let me -- thank you. Let me
11 transition for a second. One concern with this bill
12 is the enactment date is September, but that runs up
13 on the October registration deadline for the November
14 election.

15 Administering that election, not to mention the
16 2024 primaries, I'm just -- I'm a little concerned
17 about just the logistics of -- we stalked about how
18 big Harris County is. This takes effect -- this takes
19 effect September 1, and then we turn around and have
20 an election there in November.

21 Have you all thought through the logistics that
22 this would take effect and what that transition looks
23 like in making -- is the -- I guess I'm asking is the
24 timeline workable with an election right around the
25 corner?

1 CHRISTINA ADKINS: Honestly, sir, I think that's
2 a better question for Harris County. I mean, for the
3 folks that may be impacted by that. I can't really
4 speak to what would happen in that transition and how
5 they would navigate that.

6 VICE CHAIR BUCY: I appreciate that. I guess --
7 I guess my next question would be for them as well, so
8 thank you.

9 CHAIRMAN SMITH: Members, any other questions of
10 a resource witness?

11 Thank you.

12 REPRESENTATIVE DE AYALA: I just have one real --

13 CHAIRMAN SMITH: Yeah. Representative De Ayala.

14 REPRESENTATIVE DE AYALA: And just following up,
15 Mr. Chairman, if I will, on my colleague, Mr. Morales,
16 who -- who mentioned elected officials are elected by
17 a popularity contest. I hope I'm not sitting here
18 because of a popularity contest.

19 But I think that the folks that run for County
20 Clerk and Tax Assessor understand that that is part of
21 the role of their jobs when they run for those
22 offices, especially in Harris County.

23 And has it been your experience that those two
24 elected positions have more -- how can I say --
25 they're more closely tied to the voter? When they do

1 not do their jobs, it is more recognizable and
2 understood by the voters, and there's more
3 accountability to the voters when those officials
4 don't do their jobs, as opposed to an Election
5 Administrator. Has that been your experience?

6 CHRISTINA ADKINS: I think that -- again, I think
7 that's probably a question that's better posed to the
8 individuals within that community. I do know that --
9 you know, I -- what I can say is that -- that there
10 are many counties out there that feel like
11 accountability to voters is very important.

12 And that is why I -- I have been told by a good
13 handful of counties why they have not adopted an
14 Elections Administrator, because they want the persons
15 or the individuals in those roles being accountable to
16 voters.

17 But again, that's going to be a very
18 community-specific issue and, I think, a question that
19 should be directed to the individuals within that
20 community.

21 REPRESENTATIVE DE AYALA: And just very
22 generally, without going through this list of audits
23 and problems with Harris County since 2020, in your
24 experience have the complaints with respect to
25 elections in Harris County been more since 2018 or

1 less since 2018?

2 CHRISTINA ADKINS: You know, I don't have the
3 data in front of me to tell you. I mean, I can -- you
4 know, we do track our complaints that we receive,
5 official complaints that come in and our complaint
6 forms that we, you know, look to see if they're making
7 allegations of criminal conduct. I don't have those
8 numbers in front of me, so I couldn't tell you if
9 we've received more or less.

10 REPRESENTATIVE DE AYALA: But for the -- without
11 going into all of the details, they've been
12 considerable since 2018. Is that a true statement, te
13 complaints?

14 CHRISTINA ADKINS: Yes, sir. We have had
15 complaints about Harris County since 2018.

16 REPRESENTATIVE DE AYALA: Thank you.

17 CHAIRMAN SMITH: Members, any other questions?
18 Thank you, Ms. Adkins.

19 CHRISTINA ADKINS: Thank you.

20 CHAIRMAN SMITH: Now, we have a number of
21 witnesses on this particular bill besides Ms. Adkins,
22 okay.

23 The issues with Harris County's elections are
24 fairly well documented. I would ask you that you stay
25 factual on your testimony. We can get in here and

1 talk a bunch about subjective opinion to -- kind of
2 things, but we'll stay factual on it. If you find
3 yourself unable to do that, maybe we ought to think
4 about cutting our testimony short so we can move
5 through this and be respectful of everybody's time.

6 The Chair calls Elizabeth -- Elizabeth Baron.
7 Elizabeth Barron? Elizabeth Baron? I show her
8 testifying on behalf of Texas First and herself, and
9 she's for SB 1750 and not here to testify.

10 The Chair calls Wes Bowen.

11 Mr. Bowen, I show you're here on behalf of
12 yourself, and you're for SB 1750. Is that correct?

13 WES BOWEN: That is correct.

14 CHAIRMAN SMITH: Go ahead.

15 WES BOWEN: Well, I'll keep it short. So I can
16 relate. I'm not in Harris County, but I can
17 sympathize from 2010 to 2020. Dallas County had an
18 Election Administrator that was -- well, let's just
19 say she didn't seem to respect the nature of
20 bipartisan elections. She didn't seem to respect the
21 -- the need for transparent elections. And she was
22 hired and there was nothing that could be done about
23 it.

24 So I would think something needs to be done. I
25 would agree, it's not the be-all-end-all solution to

1 the problem. But I'll just leave it at that, and I
2 support the bill.

3 CHAIRMAN SMITH: Thank you.

4 Members, any questions?

5 Thank you.

6 The Chair calls Dr. Susana Carranza. She's a
7 frequent flyer here, folks, in elections.

8 SUSANA CARRANZA: Yes, I am.

9 CHAIRMAN SMITH: You're here on behalf of
10 yourself and you're against SB 1750. Is that correct?

11 SUSANA CARRANZA: Yes. And I'm going to avoid
12 talking about areas that I know other folks will
13 likely be talking about. I want to focus on a couple
14 of things.

15 First, you mentioned the size of Harris County.
16 There are 25 states that have populations smaller than
17 Harris County, so just for perspective.

18 There is no state with higher population density
19 than Harris County, and there are only two counties
20 that are bigger than Harris. One is in Los Angeles
21 County in California, and the other is Cook -- Cook
22 County in Illinois. So this is just for perspective.
23 It has nothing to do with my testimony.

24 On my test -- I want to focus on a couple of
25 things. One is this affects Harris County, clearly,

1 but the bill is being heard today by using a change of
2 the House rules and setting the bill like with 48
3 hours' notice, which means that it's very hard for
4 sufficient people from Harris County to be able to
5 come here, make plans, and have their voice heard.

6 So there might be some people from Harris County,
7 but not sufficient people because it's too short of a
8 notice.

9 The other thing is changing -- constantly
10 changing systems. It's just set places for failure.
11 Like thinking that all of a sudden magically by
12 removing the EA that barely had enough time to kind of
13 go from a system before of County Clerk to Elections
14 Administrators, it's like it's finally kind of
15 starting to get into the motion. Then go back to the
16 other system, think that will solve something.

17 It's a little bit to me illogical. If anything,
18 keep changing systems will set the County for failure.
19 So that is not the solution. If there are problems,
20 you need to address within the system. But every time
21 you change, especially as was mentioned before, the
22 short timeline just ahead of massive elections in
23 2024, it's -- we know what happens when we change
24 things too quickly, too drastically, and don't have
25 enough time to do that.

1 So I oppose this bill. Please don't set Harris
2 County for failure. Thank you.

3 CHAIRMAN SMITH: Thank you, ma'am.

4 Members, any questions?

5 Thank you, Doctor. I appreciate it.

6 Chair calls Russ Long. Mr. Long, I show you're
7 here on behalf of yourself, and you're for SB 1750.

8 Is that correct?

9 RUSS LONG: That is correct.

10 CHAIRMAN SMITH: Go ahead.

11 RUSS LONG: Okay. So the map for you is my
12 analysis of 121 polling locations that were short of
13 ballot paper. The map confirms a remarkably high
14 concentration between the undersupplied polling
15 locations and the historic home of Republican voters.

16 This region, that crimson red area on the map,
17 represents 208,000 Republicans. It's striking that
18 111 of the polls land inside that zone.

19 Mathematically, the probability of 111 out of 121 only
20 affecting Republican areas being a random occurrence
21 is less than 1 percent. In fact, it's exactly .00021
22 percent. So we're talking 2/1000 of a -- of 2/10,000s
23 of a percent, indicating that these predominantly
24 Republican polling locations were intentionally
25 disenfranchised.

1 Conversely, the math on that means that it's
2 99.99979 percent probability that this was
3 intentional. And with that, I'll take your questions.

4 CHAIRMAN SMITH: Representative Swanson.

5 REPRESENTATIVE SWANSON: Thank you, Mr. Chairman.

6 And thank you for coming, Mr. Long. I've seen
7 the map before here and find it very, very concerning,
8 very convincing.

9 And wanted to bring up on April 24th the Houston
10 Chronicle ran an article stating that Texas lawmakers
11 are using an imprecise map to pass this bill.

12 Is this map imprecise?

13 RUSS LONG: Heat maps, by their nature, are an
14 aggregate function. And so around the edges, it gets
15 fuzzy, okay, but it's not imprecise.

16 When you're dealing with engineering and data
17 science, you talk about tolerances. You don't -- you
18 know, using the term imprecise is imprecise. Okay?
19 So you set ranges and boundaries.

20 And I can tell you, since I'm the one that
21 generated this, these numbers are bulletproof. Okay?
22 That data that you're looking at, both the red heat
23 map area, that's generated from over 12 years and 15
24 million different voters records that have basically
25 just been filtered. No manipulation of any type.

1 And then the -- and all of this data comes
2 directly from the Harris County Election
3 Administration, as well as the dots, the polling
4 locations that are showing. That -- that came from
5 the Harris County Election Administration's report
6 that they issued here a couple months ago.

7 And KHOU Channel 11, Jeremy Rogalski, is the one
8 that processed that information originally. And so
9 the map you're looking at is accurate. There's --
10 it's not, quote/unquote, imprecise. It's exactly what
11 it's supposed to be.

12 You could take a police sketch artist, and the
13 result that he comes up with might be a little bit
14 fuzzy, but it definitely points to the perpetrator,
15 so...yeah.

16 REPRESENTATIVE SWANSON: Thank you. And I'm
17 certainly very familiar with you, that you're very
18 well respected in Harris County for, what, a decade,
19 decade and a half or more, on -- on your data and your
20 research.

21 The same article states that 121 polling
22 locations did not run out of paper, so how do you
23 respond to that?

24 RUSS LONG: Okay. First off, no one that's
25 involved with the data or any of the cases or Senator

1 Bettencourt is saying that 121 ran out of paper.

2 Okay?

3 There was 121 locations that were short of paper.
4 They were undersupplied. These 121 roughly received
5 half of what they would need from a normal election
6 cycle, the, you know, historic amount. So they were
7 undersupplied.

8 And what that undersupplying gets to is intent.
9 Okay? It's like a hammer. You can take a hammer and
10 you can build something or you can take 121 swipes at
11 somebody's head. Okay?

12 In this case, 26 of those swings were actual
13 blows. They're -- so I'm a very factual guy. I don't
14 normally try to go to intent because you're trying to
15 get into somebody's head.

16 But when you have actions like this where there's
17 only 10 outside that Republican area, okay, 111
18 inside, that does go directly to intent with the
19 probability of being so minuscule.

20 This is -- in a case like this, what you have is
21 either extreme incompetence or malfeasance. That's
22 all you're left with when you have this kind of
23 probability.

24 And looking at, you know, the way that this hit,
25 if it was incompetence then you would expect that it

1 would be all over the county. Okay? But this looks
2 to be directed, and mathematically it backs it up.

3 CHAIRMAN SMITH: Thank you.

4 Yes, ma'am. You have another question?

5 REPRESENTATIVE SWANSON: It does kind of all tie
6 together. Thank you.

7 So as I spent about 23 years being a -- an
8 Election Judge. And, of course, I'm not qualified now
9 being an elected official. And during the years way
10 back when we had the punch card system, I remember
11 being amazed, whether we had a Republican or a
12 Democrat running the elections as elections -- the
13 elections -- what do we call it, County Clerk.

14 The amazing number of extra punch card ballots
15 they gave us, we would bring back far more ballots
16 than -- than we used.

17 And I remember so many times saying: I don't
18 need all these. I don't need all -- I don't want to
19 lug these to the polling place. I don't want to lug
20 these -- these back.

21 And they go: We don't want you to run out.

22 They literally, I would say, gave us about three
23 times as much as we needed. And it didn't matter who
24 was in charge, Republicans, Democrats.

25 And so I find it very disturbing all the people

1 I've talked to and the -- the affidavits where people
2 -- well, and these stories, the actual articles where
3 they can look at four years ago and pretty much
4 predict. You take that yellow more for population
5 increase, and then I would say double that. This
6 ballot paper is pretty cheap.

7 And so we had many people who asked when they
8 picked up their supplies like: This isn't enough,
9 this isn't enough.

10 Didn't matter. They wouldn't give them any more.
11 So I found that really, really disturbing and just
12 wondered like why do you feel like this -- this bill
13 is important to more than just Harris County.

14 RUSS LONG: Well, as was pointed out, Harris
15 County is larger than a lot of states. And so what
16 happens in Harris County follows throughout the rest
17 of the state. Ever -- all portions of the state are
18 going to be impacted by what happens in Harris County.

19 But to your point about asking for paper, I was
20 an election -- the presiding judge on this and have
21 been the presiding judge for several years.

22 When I picked up my paper, I instantly recognized
23 that was not enough. That was not what we normally
24 got to go through an election.

25 So I requested additional paper, and they told me

1 that they couldn't give it to me. They would have to
2 -- I would have to call in on Election Day. So I
3 picked up the phone at 7:00 to let them know that my
4 poll was open, and there was no answer. Okay?

5 We went ahead and had people start to come in
6 that had different issues on casting their ballot.
7 And I attempted to call in. Okay? No answer. I was
8 not able to get a single soul from the Election
9 Administration Office there until after 1:00.

10 At that point, I asked for more paper because we
11 were already getting short, plus we were having other
12 issues with machines. Had three machines that were
13 breaking down, and we did have a tech come by to
14 repair one of the machines. The others were still
15 down.

16 CHAIRMAN SMITH: Mr. Long, I appreciate that.

17 RUSS LONG: Yeah, yeah.

18 CHAIRMAN SMITH: Like I said earlier, a lot of
19 these issues are well documented. Understand, I don't
20 want this to turn into just a gripe session about it.

21 RUSS LONG: Right.

22 CHAIRMAN SMITH: I appreciate your testimony of
23 your factual basis.

24 If there's no other questions of this witness,
25 Members, we're going to go to another witness.

1 Thank you, Mr. Long, for providing us with this
2 matter.

3 The Chair calls Alan Vera.

4 ALAN VERA: Mr. Morales, this is for you.

5 CHAIRMAN SMITH: You're Alan Vera. You're here
6 on behalf of the Harris County Republican Party Ballot
7 Security Committee, and you're for SB 1750. Is that
8 correct, sir?

9 ALAN VERA: All correct.

10 CHAIRMAN SMITH: Yes, sir. Go right ahead.

11 ALAN VERA: You don't need to hear anymore
12 testimony about how bad the elections are in Harris
13 County. What you need to know now is that the
14 leadership in Harris County will not fix the problem.
15 They had a chance to do so and refused to do it.

16 The handouts I've given you have three documents.
17 One, my testimony to the Harris County Elections
18 Commission on April 19th, 2022, as the commission was
19 beginning to search for a new Elections Administrator
20 to replace the one that was forced to resign for
21 totally botching the March 1st primary election.

22 Second document with the red ink on it. Our
23 revisions printed in red recommended to the County
24 Elections Commission for changes in the job
25 description versus what they were about to send out.

1 Three, a set of questions we recommended they ask
2 every finalist for the job. We told them that the
3 definition of insanity is doing the same thing over
4 and over again and expecting different results.

5 We handed them on a silver platter the roadmap to
6 avoid a repetition of the mistakes they made hiring
7 the first EA.

8 The county judge actually at that meeting made a
9 motion to incorporate our redline job description
10 changes into the job description given to the search
11 firm.

12 It passed five to nothing, and the search firm
13 completely ignored it, and the commission let them get
14 away with that.

15 2.55 million registered voters in Harris County.
16 No, account leadership is not going to do anything to
17 fix this problem. That's why we need you to step in.

18 When a school district fails year after year,
19 you're authorized -- you authorized TEA to step in.
20 We need you to step in now and report SB 1750
21 favorably to the full House. Thank you.

22 CHAIRMAN SMITH: Thank you.

23 Representative Swanson.

24 REPRESENTATIVE SWANSON: I only have one kind of
25 long question. Since, Mr. Vera, you represent the

1 Harris County Republican Party and I'm sure you
2 realize if this bill passes, then it'll be two
3 Democrats, so one's running the election. So the
4 Democrat elected as County Clerk and the Democrat
5 who's currently elected as the county Tax Assessor is
6 the voter -- would become back again the voter
7 register.

8 So my question is: Does that represent a problem
9 for you and the Republican Party?

10 ALAN VERA: Not at all. This addresses something
11 Mr. Bucy asked earlier. Ms. Hudspeth, the current
12 County Clerk, has seven years' experience running
13 elections in Harris County before the County flipped
14 to an EA. I have no concerns about her ability to
15 step in and properly run an election because of the
16 years of experience she's had prior to that.

17 CHAIRMAN SMITH: That's (indecipherable).

18 REPRESENTATIVE SWANSON: All right. Thank you.

19 CHAIRMAN SMITH: Members, any other questions?

20 All right. Thank you, Mr. Vera. I appreciate
21 that.

22 The Chair calls Christopher Russo. Mr. Russo, I
23 see you're here on behalf of yourself and that you're
24 for SB 1750. Is that correct?

25 CHRISTOPHER RUSSO: That correct, Mr. Chairman.

1 CHAIRMAN SMITH: Go right ahead.

2 CHRISTOPHER RUSSO: Mr. Chairman, Vice Chairman
3 Bucy, My name is Chris Russo. I'm representing
4 myself, and I am testifying in favor of SB 1750.

5 On Election Day last November, I was the
6 presiding judge at the City of El Lago City Hall
7 polling place in Harris County. What I experienced
8 should never happen in any election in our great
9 state.

10 After some initial equipment failures, we started
11 processing voters at a pretty steady clip. And I
12 realized at around 2:30 p.m. that at the pace that we
13 were going, we'd eventually run out of ballot paper.

14 I called the Elections Administration supply
15 line. And after a dropped call and a long hold, I was
16 eventually told that someone would be on their way
17 with additional supplies. These never materialized.

18 I called several more times throughout the
19 afternoon and was told at least one more time that
20 ballots were on their way.

21 They never came, however, and we ran out of
22 ballot paper in the middle of the afterwork rush
23 around 6:00 p.m. We had about 40 people in line at
24 the time, most of whom left to find another polling
25 place.

1 I told the people in line that if they stayed in
2 line, they would be able to vote, but I did not know
3 when we would receive more paper. I kept calling the
4 Elections Administration and was told my case had been
5 elevated and that ballot paper was on its way.

6 I finally received ballot paper at 9:05 p.m. By
7 that time, only four people remained in line. I would
8 estimate that approximately 100 people who came to the
9 polling place to vote left because of a lack of
10 supplies.

11 Even worse, two nearby polling places also ran
12 out of ballots making -- making it even more difficult
13 for people in my area to vote.

14 Many people that came while I had no ballots were
15 on their second or third polling place they had
16 attempted to vote at.

17 Whether by malfeasance or gross incompetence,
18 this Election Administration disenfranchised many
19 voters across the county at polling places like mine.

20 This can never be allowed to happen again in
21 Texas. Thanks for your -- thank you for your time,
22 and I urge swift passage for SB 1750.

23 CHAIRMAN SMITH: Thank you, Mr. Russo. It was
24 egregious, no question.

25 Members, any questions?

1 Thank you.

2 The Chair recalls Thomas Burrows.

3 Mr. Burrows, I show you're here on behalf of
4 yourself, and you're for SB 1750. Is that correct?

5 THOMAS BURROWS: Yes, sir. That's correct.

6 CHAIRMAN SMITH: Go right ahead.

7 THOMAS BURROWS: You know, this is not just
8 Harris County that this is happening in. Dallas
9 County does not -- it's basically a patronage thing.
10 They let the bridge and road crew people have vacation
11 so they can come in and work.

12 2020, I worked in Highland Hills. I had my life
13 threatened. I informed the person that threatened me
14 that, you know, one of my relatives is a Texas Ranger,
15 you know, One Riot One Ranger concept, so I'm not a
16 good person to kill.

17 CHAIRMAN SMITH: Mr. Burrows, we need you to
18 stick to the bill.

19 THOMAS BURROWS: You know, and so the -- I was
20 personally told -- I was being cussed out, yelled at,
21 screamed, had stuff thrown at my car. And on the last
22 day of voting, they -- they had so much -- many
23 ballots in the DS 200 that it wouldn't work anymore.

24 So the election judge told me: You have to leave
25 or I'm having you arrested.

1 Well, I didn't really want to take the ride to
2 Dallas County slammer, Lew Sterrett, you know? I
3 mean, I got better things to do than that.

4 And we had an incompetent -- I'll be honest with
5 you, an incompetent county chair at the time. And he
6 was having a birthday party with his wife.

7 CHAIRMAN SMITH: Mr. Burrows, I need you to stay
8 on the bill.

9 THOMAS BURROWS: So the point is this goes on air
10 a lot of places. It's not just Houston. Not just
11 Harris County. It's corrupt in Dallas too.

12 CHAIRMAN SMITH: Thank you.

13 Members, any questions?

14 The Chair calls Ken Moore.

15 Mr. Moore, I show you're testifying on behalf of
16 yourself, and you're for SB 1750. Is that correct?

17 KEN MOORE: That is correct.

18 CHAIRMAN SMITH: Go right ahead.

19 KEN MOORE: My name is Ken Moore, and I used to
20 be election judge in Harris County back before 2018
21 when things worked pretty well.

22 Over the years, I've watched things decay. I've
23 seen the election process fall apart. And one
24 (indecipherable) I want to give you is on April 5th I
25 was in the commissioner's court, and I was -- on this

1 occasion, Kim Ogg, the Harris County District
2 Attorney, came into the court and gave the
3 commissioners a good dressing down because she just
4 lost money that she was -- that they had taken money
5 out of her account that she planned to use to hire
6 more prosecuting attorneys.

7 Now, two observations. I've (indecipherable)
8 that, and I will apply this to the bill. Number one,
9 she could get away with it because she didn't work for
10 the commissioners. She worked for the voters, and the
11 commissioners could not fire her. She could say
12 whatever she wanted to.

13 And, number two, she was motivated because she
14 didn't want to go face a bunch of angry voters asking
15 her why rapists, murderers, and thieves are not being
16 prosecuted.

17 And so she had reason to go in there and argue to
18 get her money back, and my understanding is she got
19 just what she wanted. And that's the difference
20 between someone who is elected as amenable to the
21 voters and someone who is appointed and serves at the
22 pleasure of those who appointed them.

23 CHAIRMAN SMITH: Yes, sir.

24 Members, any questions?

25 Thank you, Mr. Moore. Appreciate it.

1 The Chair calls Emily Eby French.

2 Ms. French, you're here on behalf of the Texas
3 Civil Rights Project and against SB 1750. Yes, ma'am.
4 Is that correct?

5 EMILY EBY FRENCH: Despite the tone of surprise,
6 that is correct.

7 CHAIRMAN SMITH: Go ahead.

8 EMILY EBY FRENCH: Yes, sir. I'm here to testify
9 in opposition to SB 1750. This bill would effectively
10 rob the largest county in Texas of the ability to
11 determine who runs their own elections and force other
12 large counties to worry about coming under it -- this
13 bill's purview as Texas grows.

14 Currently, every county in Texas chooses whether
15 their elections are run by an appointed Elections
16 Administrator or the combination of a County Clerk and
17 Tax Assessor Collector.

18 There are notable note -- notable benefits to the
19 Elections Administrator system, including the fact
20 that they are a nonpartisan appointee who can spend
21 all of their time working to ensure a free and fair
22 election without worrying about their own upcoming
23 campaign.

24 Moreover, just because problems arose in an
25 election administered by an EA does not mean that the

1 solution is to revert back to the old County Clerk
2 system.

3 For instance, as TCRP documented in a report on
4 the 2018 election which was administered under a
5 former Harris County clerk, at least 18 polling places
6 in Harris County either opened late or were so plagued
7 by machine errors that they might as well have opened
8 late on Election Day.

9 This ultimately triggered Election Day litigation
10 that kept the polls open for an additional hour in
11 2018. The clerk at the time -- him -- the
12 clerk himself described these massive breakdowns as
13 typical.

14 Harris County has seen successes and problems
15 under both County Clerks and Election Administrators.
16 Like every other Texas County, they deserve the right
17 to exercise their own choice about how to run their
18 elections. We ask you not to report this bill
19 favorably.

20 CHAIRMAN SMITH: Members, any questions of
21 Ms. French?

22 I think the vice chair does.

23 VICE CHAIR BUCY: Thank you, Mr. Chairman.

24 Ms. French, as -- I know it's late, but I just --
25 we've been given this flyer here multiple times. It

1 references a KHOU article that is using the stats
2 based on initial paper sent out and how many votes
3 cast, not taking into account if more shipments of
4 paper were delivered.

5 I'm not excusing anybody ever getting turned
6 away. I think we could look around the entire state
7 and find hiccups and malfunctions, but that does not
8 justify why we would take over a local county.

9 I just think, though, as we have this
10 conversation, let's reference the Houston Chronicle
11 article. I did a deep dive into this.

12 Have you read that article where it talks about
13 actual numbers and -- and how many areas were the
14 original 121 based on a poor data point and where
15 reality is?

16 EMILY EBY FRENCH: I have. And what I'm about to
17 say I know sounds like I'm saying it just because
18 Chair Cain is here, but I have spent all day Tweeting
19 about this. So I'm sorry in advance, but I -- you
20 know, I'm on Twitter all of the time.

21 But I -- I -- only 26 of the locations -- I don't
22 even believe all 26 locations are included on that 121
23 map, but only 26 locations actually made it into the
24 lawsuit.

25 For paper shortages, I believe there are three

1 other locations that are in the -- the lawsuit as well
2 for machine malfunctions. But of those 121, only 26
3 even have enough proof to -- to be, you know, heard
4 and --

5 VICE CHAIR BUCY: This lawsuit was brought by the
6 Harris County Republican Party, correct?

7 EMILY EBY FRENCH: I believe --

8 VICE CHAIR BUCY: They didn't bring a lawsuit
9 against 121 sites. They brought it against 26 sites.

10 EMILY EBY FRENCH: Right. And I also -- I think
11 the map is a little misleading. I understand that
12 it's a heat map and heat is read on heat maps. But I
13 think that there are some places that were -- that
14 were more Democratic traditionally that also
15 experienced some of the shortages, which I think it --
16 it's a little misleading to just look at the map and
17 think, oh, red Republican, this was a conspiracy.

18 VICE CHAIR BUCY: I just think -- I think to
19 everyone's point here, we want to not have anybody
20 ever get turned away. I think everybody agrees with
21 that.

22 We also have to realize we live in reality.
23 There's going to be hiccups, there's going to be
24 malfunctions, there's going to be little things. And
25 let's talk about facts.

1 And I think when we talk about 121 versus maybe
2 20 and many of those for 15 minutes or less, we need
3 to live in reality when we have this conversation. I
4 appreciate it.

5 EMILY EBY FRENCH: Thanks.

6 CHAIRMAN SMITH: Thank you.

7 Yes, Representative Manuel.

8 REPRESENTATIVE MANUEL: So I have a quick
9 question, hopefully. There's been a lot of maps going
10 around, a lot of conversations. Have you seen any of
11 the maps from districts like Sunnyside, Third Ward,
12 Fifth Ward, and they were complaining that machines
13 were not even on, that they weren't functioning, that
14 there would be water shortages where machines would
15 get short circuited.

16 This was under different administrations. This
17 was way past the 12 years. Have you seen those maps?
18 Has anyone brought those maps forward anytime soon?
19 The complaints to the legislator during that time?

20 EMILY EBY FRENCH: Right. I have heard about a
21 lot of those problems especially happening in the
22 areas you cite and as well as happening all over
23 Texas.

24 We help run the 866-OUR-VOTE hotline, myself and
25 some of my colleagues in my testimony peanut gallery,

1 as well. But we -- we hear from counties all over
2 Texas, big, small, clerks, EAs, about problems like
3 that constantly. It's not just Harris County. It's
4 not just counties with Election Administrators.

5 REPRESENTATIVE MANUEL: So it's just currently
6 right now, Harris County just is the big target?

7 EMILY EBY FRENCH: We are hearing a lot about --

8 REPRESENTATIVE MANUEL: In your opinion?

9 EMILY EBY FRENCH: -- Harris County right now,
10 yes.

11 REPRESENTATIVE MANUEL: But there -- there are
12 problems that are happening throughout the state in
13 certain -- in different areas. Would you --

14 EMILY EBY FRENCH: I would say -- I don't say
15 this to put any county on blast. I think elections
16 are incredibly difficult. Sorry, a technical term
17 (indecipherable). I don't say this to bring any
18 county under an additional target.

19 REPRESENTATIVE MANUEL: My county, we're suing so
20 I get it. That's why I'm asking.

21 EMILY EBY FRENCH: Right. I think it's just
22 really, really hard to run an election. And when a
23 county does not receive institutional support from its
24 state, when a county comes under fire constantly, it
25 is harder to build an infrastructure that will run

1 better and better elections as opposed to an
2 infrastructure that faces a lot more problems.

3 REPRESENTATIVE MANUEL: So it could be a
4 multitude from the state, to state laws, to local
5 officials who are having to fund these elections, who
6 are having to make sure that the right person is
7 there. It could -- and I'm not -- again, I'm not
8 making an excuse for any county, but I'm saying could
9 it be more than one avenue that's causing a systematic
10 breakdown?

11 EMILY EBY FRENCH: Agree, yes. I think it
12 definitely could be more than one -- it definitely is
13 more than one avenue. And I, like you, don't want to
14 excuse any problems.

15 REPRESENTATIVE MANUEL: Of course.

16 EMILY EBY FRENCH: I work for -- the Texas Civil
17 Rights Project works for the voters, first and
18 foremost. I'm not here to defend any particular
19 county. I just want to make sure that counties get
20 the support they need to build something that serves
21 the voters.

22 REPRESENTATIVE MANUEL: Perfect. Thank you so
23 much.

24 EMILY EBY FRENCH: Thank you.

25 CHAIRMAN SMITH: Representative De Ayala.

1 REPRESENTATIVE DE AYALA: Couple of questions.
2 First, we talked about a subset of those polling
3 places on the heat map. And there was a -- 21
4 specific polling places that had substantial paper
5 shortages of which 19 of those were predominantly red
6 on the heat map, Republican places.

7 Are you familiar with that analysis as to
8 those -- the larger polling places where the biggest
9 discrepancies occurred? Are you familiar with that?

10 EMILY EBY FRENCH: If I had the -- the Houston
11 Chronicle map in front of me, I would be able to say
12 with more certainty. What I recall from looking at it
13 earlier today is that there are shades of blue and
14 shades of red, and especially in a countywide polling
15 county you'll get all types of voters at all types of
16 polling places.

17 REPRESENTATIVE DE AYALA: Are you following, with
18 respect to Harris County, the amount of money that has
19 been spent on elections over the past eight years or
20 so?

21 EMILY EBY FRENCH: I'm not following it
22 specifically. I assume it's comparable to other large
23 counties across the --

24 REPRESENTATIVE DE AYALA: Do you understand the
25 increase in spending on elections in Harris County has

1 been considerable in the last six years?

2 EMILY EBY FRENCH: I would assume it has, in
3 comparison with other similarly large counties across
4 the nation.

5 REPRESENTATIVE DE AYALA: And then, last thing,
6 you mentioned that the Election Administrator was a --
7 maybe I'm not using the right word, but I think you
8 said nonpartisan appointee. Did I say that right?

9 EMILY EBY FRENCH: Uh-huh.

10 REPRESENTATIVE DE AYALA: Would you consider the
11 Secretary of State to be that same type of appointee,
12 a nonpartisan appointee.

13 EMILY EBY FRENCH: That's a good question. I
14 think that the Elections Administrator is appointed by
15 a body of folks, whereas the Secretary of State is
16 only appointed by one. So it's easier to have a
17 nonpartisan appointee -- well, maybe more like a
18 bipartisan appointee for Election Administrators.

19 REPRESENTATIVE DE AYALA: And you understand that
20 in Harris County there may be one person on that
21 committee that might be of a different party than the
22 Democrat Party. And when we do a Secretary of State
23 appointee, there's a whole Senate that has to confirm
24 that.

25 EMILY EBY FRENCH: That's true, but that is a

1 different process.

2 REPRESENTATIVE DE AYALA: I understand. I just
3 didn't know if in -- in your mind you considered one
4 nonpartisan and one the other -- and one not partisan.

5 EMILY EBY FRENCH: It's a fair question, and I
6 think that the -- the processes are different than
7 that.

8 REPRESENTATIVE DE AYALA: Thank you.

9 CHAIRMAN SMITH: Members, any other questions of
10 Ms. French?

11 Thank you. Good to see you.

12 The Chair calls Cindy Siegel.

13 Good even, Ms. Siegel. Good to see you. I
14 understand you're with the Harris County Republican
15 Party, and you're -- you're testifying on behalf of
16 the Harris County Republican Party and yourself, and
17 you're for SB 1750.

18 CINDY SIEGEL: Correct.

19 CHAIRMAN SMITH: Is that correct? Go ahead.

20 CINDY SIEGEL: Good evening. Ensuring free and
21 fair access to the ballot is fundamental to our
22 election process. Voter suppression is when you go to
23 vote and your poll isn't open because equipment
24 doesn't work.

25 Voter suppression is when your ballot doesn't

1 reflect all the races you can vote in. Voter
2 suppression is when you get the wrong sized ballot
3 paper, and your vote for half the candidates isn't
4 recorded.

5 Voter suppression is when your ballot is not
6 secured, and it's one of many left in someone's truck,
7 and the EA's office tells the Judge, Just bring it in
8 in the morning.

9 And of course, voter suppression is when you go
10 to vote and there's not enough ballot paper. It
11 wasn't just ballot paper last year. There was a
12 series of events that went on of how they messed up
13 the elections from the primary on.

14 We're promised as Americans our right to vote,
15 and this right can only be preserved when elections
16 are secure and run according to the law.

17 As the Chair of the Harris County Republican
18 Party, I actually sit on the five-member elections
19 commission who has the right to hire and fire the EA.

20 However, this is the same commission that just a
21 few weeks ago in a vote of four-to-one voted to not
22 discuss the November election and what went wrong and
23 why.

24 This Commission reports to the Harris County
25 Commissioners Court, the same entity that just sued

1 the Attorney General using taxpayer dollars to avoid
2 releasing information regarding that November 8th
3 election.

4 So why should you all care about elections in
5 Harris County? Only three of you actually can vote in
6 Harris County. As the largest county in the state
7 with over two and a half million registered voters,
8 how elections are run in our county can potentially
9 impact statewide races.

10 It's time to give back to the Harris County
11 voters their voice and their right to vote on how
12 elections are run in our county versus a five-member
13 election commission.

14 It's time to put the -- the elections back in the
15 hands of the duly elected County Clerk and Tax
16 Assessor. So I respectfully ask your support for this
17 bill. Any questions?

18 CHAIRMAN SMITH: Thank you, ma'am, for being
19 here.

20 Members, any questions?

21 Representative De Ayala.

22 REPRESENTATIVE DE AYALA: Before today this
23 committee has heard a lot about Harris County and a
24 lot about the issues in Harris County. And I don't
25 want to go through those with you.

1 But I think you have a summary in writing from
2 some of the audits from 2020 that perhaps you could
3 share with the committee at some point.

4 CINDY SIEGEL: Yes, we can provide that.

5 REPRESENTATIVE DE AYALA: Thank you.

6 CHAIRMAN SMITH: Any other questions, Members?
7 Thank you, ma'am, for being here.

8 CINDY SIEGEL: Thank you.

9 UNIDENTIFIED SPEAKER: Thank you for coming.

10 CHAIRMAN SMITH: Appreciate it.

11 The Chair calls Katya Ehresman.

12 You're here on behalf of Common Cause Texas and
13 yourself, and you're against SB 1750. Is that
14 correct?

15 KATYA EHRESMAN: Still true, yeah. Thank you.

16 CHAIRMAN SMITH: You can go right ahead.

17 KATYA EHRESMAN: Yeah, thank you so much. I'll
18 try not to repeat. I think Emily did a really good
19 job of opposing -- or laying out some of the
20 opposition to this bill.

21 I think mechanically this bill is a really
22 dangerous precedent for the legislative body to set.
23 Abolishing the position of the Election Administrator
24 in the third biggest county in the country and the
25 biggest county in Texas as they've begun to gather

1 information on administering elections post SB 1 under
2 county -- now under countywide polling makes Senate
3 Bill 1750 a problem in search of a solution.

4 I think if we're talking about, you know, the way
5 that politics has been injected into our Elections
6 Administration and the accountability notion that
7 multiple witnesses have come up here and talked about,
8 under the kind of model outlined by 1750 there would
9 be 3.5 years until there's accountability under a form
10 of an elected official taking over these Election
11 Administration duties, whereas an Election
12 Administrator is more promised to be a
13 professionalized election.

14 And there is accountability through the way that
15 the officials on the Commission can be elected within
16 the time to oversee the responsibilities better.

17 The 2022 elections were a completely new baseline
18 for Harris County, and we're not going to get up here
19 and defend the administration of the -- of the, you
20 know, elections in Harris County.

21 But the fact that, you know, this bill is not
22 going to be setting guardrails to ensure better
23 elections are possible going forward, it doesn't
24 actually establish any, you know, new funding or new
25 resources for the ability for Harris County to

1 actually administer an election.

2 And what it does is it -- it asserts a punitive
3 solution as opposed to a productive solution in
4 administering elections going forward.

5 And so, you know, for a lot of reasons we oppose
6 this bill. We can talk more about the map and the
7 data that's been presented so far, but we, you know,
8 urge the committee to oppose 1750.

9 CHAIRMAN SMITH: Thank you, Ms. Ehresman.

10 Members?

11 Representative De Ayala.

12 REPRESENTATIVE DE AYALA: One question. First of
13 all, Chairman, thank you.

14 Ms. Ehresman, you are one of the fastest talkers.

15 KATYA EHRESMAN: So sorry.

16 REPRESENTATIVE DE AYALA: And in a very
17 understandable way. Some fast talkers you can't
18 understand. You're wonderful, so that's number one.

19 KATYA EHRESMAN: I've got a lot to pack in.

20 REPRESENTATIVE DE AYALA: Number two is when you
21 say there's no -- when there's no funding for this, do
22 you have any reason to believe that the problems in
23 Harris County is due to a lack of funding? Has that
24 been shared with you?

25 KATYA EHRESMAN: You know, I think that this is a

1 good question. I'm glad this is something that we're
2 able to talk about and multiple witnesses. I don't
3 think it's necessarily because of a lack of funding
4 but a lack of the like equitable funding for the
5 resources that we're seeing in multiple elections.

6 As I think Emily mentioned, you know, 2018 we saw
7 problems in administering elections. 2012 we saw
8 problems in administering elections in Harris County.
9 2008 we saw problems in administering elections in
10 Harris County. Those were all under the County Clerk
11 model.

12 But we saw uniquely in 2022, which this bill
13 seems to only be a backlash to, as opposed to a
14 productive solution for is the fact that this was now
15 under paper machines. This was now under countywide
16 voting. This was now under, you know, a new Election
17 Administrator that had a few months to adapt to that
18 role.

19 And, you know, I don't think that, you know,
20 spending in regards to the voter education or the new
21 machine adaptations is something that we necessarily
22 know what the line item allotment was for.

23 But it is something that, you know, when we've
24 seen these problems persist under an EA, under a
25 County Clerk (indecipherable) model, under a TAC

1 model, it seems like as the county continues to grow
2 massively in the context of the nation, maybe
3 continuing to allocate our resources when Texas is
4 noted by the nation to be the most chronically
5 underfunded system compared to most models seems to
6 be, you know, a -- you know, a solution that we should
7 be looking towards.

8 REPRESENTATIVE DE AYALA: Let me just cut into
9 the quick.

10 KATYA EHRESMAN: Sure.

11 REPRESENTATIVE DE AYALA: It's not that we didn't
12 have enough money for paper last cycle. That wasn't
13 the issue, was it?

14 KATYA EHRESMAN: You know, I didn't -- I don't
15 know what the line item for the paper allotment was.
16 We did see in 2018 that Euless and Dallas also had
17 paper, you know, jammings. And so I think --

18 REPRESENTATIVE DE AYALA: No, no, no. And that's
19 -- my question was very specific. I didn't want to
20 get into a lot. I just-- is there something specific
21 about funding in Harris County that you have been told
22 specifically, not in general but specifically, that
23 led to the problems that Harris County had in the last
24 two or three cycles?

25 KATYA EHRESMAN: I'm not privy to that specific

1 answer.

2 REPRESENTATIVE DE AYALA: That was my question.

3 Thank you.

4 CHAIRMAN SMITH: Thank you.

5 Members, any other questions?

6 If not, thank you, Ms. Ehresman.

7 KATYA EHRESMAN: Thank you.

8 CHAIRMAN SMITH: The Chair calls Marcia
9 Strickler.

10 Ms. Strickler, do you have anything to this
11 discussion you want to add?

12 MARCIA STRICKLER: Well, I have a little bit of a
13 different perspective here. I did --

14 CHAIRMAN SMITH: If you're going to, I need to
15 confirm that you are --

16 MARCIA STRICKLER: Williamson.

17 CHAIRMAN SMITH: No, that you're here on behalf
18 of yourself and you're for SB 1750. Is that correct?

19 MARCIA STRICKLER: I am for it. And I testified
20 in the Senate for it, but I did ask Senator
21 Bettencourt to think about changing the 1 million to
22 half a million so that it would encompass the top 12
23 counties, the top 12 (indecipherable) -- the top --
24 he's behind me. I better watch him.

25 So Williamson County is Number 11 in terms of

1 population, and we have an Election Administrator, and
2 we've had an Election Administrator for some time.
3 Not the same one always. You know, they do move in
4 and out. I think the one we have now, Bucy, what is
5 it, 12 years, something like that? Has he been with
6 us that long? I think. Rep. Bucy, I think it's 12
7 years.

8 I have an interesting thing I want to read to you
9 here. One in five Election Administrators across the
10 country said that they are very or somewhat unlikely
11 to remain in their positions through 2024, according
12 to the March 2022 survey from the Brennan Center for
13 Justice.

14 So these Election Administrators are hired by
15 five elected officials, and they may be Republicans,
16 they may be Democrats. In our case, there's one
17 Democrat. All the rest are Republicans.

18 But we still in our -- and I'm a Republican.
19 We're still in our county have a problem talking to
20 those five officials about problems that we have with
21 our Election Administrator.

22 So I do believe that all citizens, we the people,
23 would be served better to have a -- an elected
24 official running our elections because we then can
25 control whether or not we vote that elected official

1 in or not.

2 Now that this is a 3.5 million population, we're
3 not going to be there anytime close. I thought a
4 million, well, we're the fastest growing county right
5 now, so we will get to that million pretty quick. So
6 I would like it to go back to 1 million.

7 CHAIRMAN SMITH: Thank you, Ma'am.

8 MARCIA STRICKLER: Thank you.

9 CHAIRMAN SMITH: Members, any questions?

10 Thank you, Ms. Strickler.

11 Chair calls Susan Hays.

12 Good evening, Ms. Hays. I show you're here on
13 behalf of yourself, and you're against SB 1750. Is
14 that correct?

15 SUSAN HAYS: That is correct, Mr. Chairman.
16 Thank you for having me. My name is Susan Hays. I'm
17 an attorney. I'm board-certified in civil appellate
18 law, as well as legislative and campaign law. I've
19 been practicing election law for over 20 years in this
20 state.

21 In the 2020 election cycle, I represented Harris
22 County and the dozens of lawsuits that were filed
23 against it every time the then County Clerk tried to
24 make it easier and safer to vote during the pandemic.

25 I am currently representing Republican clients in

1 an election contest in Loving County where the County
2 Clerk runs the elections. And I came up here at this
3 late hour both because I believe in democracy, but
4 also to try to warn y'all of what happens if you force
5 a county to keep its Elections Administration out of
6 the hands of a professional, hired, focused Elections
7 Administrator and into the hands of a partisan elected
8 official.

9 And what I have seen on the other side of this in
10 the current litigation I'm involved in is a County Clerk
11 who printed their own ballots, did not keep tracking
12 audits of them because their deputy was in a second
13 election after a tie. And there's not much one can do
14 to fix that during the election.

15 You can -- you can't fix that between that and
16 the next election of that County Clerk. But an EA who
17 screws up can get fired right after the election.

18 I know we're all -- this whole state has been so
19 submerged in partisan bickering, but this is the
20 structure of our democracy. It's the structure of how
21 we function as a society.

22 Think twice when you react to this harshly to an
23 election that did not go well.

24 And Representative, you've had a lot of questions
25 about funding. Funding absolutely does matter. There

1 was a lot of private funds that came into our
2 Elections Administration during the 2020 cycle, and
3 that helped tremendously to help things go more
4 smoothly.

5 But this body chose to ban that. And that,
6 again, was perhaps not a wise thing for democracy, so
7 long as there's transparency on that sort of thing.

8 So if -- unless anyone has any questions, I've
9 had my say.

10 CHAIRMAN SMITH: Members?

11 Representative Manuel.

12 REPRESENTATIVE MANUEL: Hello.

13 SUSAN HAYS: Hello.

14 REPRESENTATIVE MANUEL: I have a question, and
15 I'm probably going to play devil's advocate for just a
16 second. We keep talking about funding. We keep
17 talking about we're targeting one county because the
18 bill specifically is addressed to one county.

19 Do you think the solution would be a centralized
20 voting system or a centralized funding and laws for
21 all 254 counties?

22 SUSAN HAYS: I think counties do need help, and
23 they need to make sure they have adequate funding.
24 And we also need to make sure there's professionalism
25 in the management of Elections Administration.

1 Some counties may have a superior County Clerk
2 who can run an election very well. The County Clerk
3 who served here for many years in Travis County, Dana
4 DeBeauvoir, was fantastic.

5 But in a -- that can turn on an election. You
6 might have a small rural county where somebody simply
7 needs help. They've got a lot of other
8 (indecipherable) responsibilities, and that's one
9 thing -- one reason why Elections Administrators are
10 so important.

11 I myself grew up in Brown County. It's a
12 medium-sized county, 40,000 people. Even they have an
13 Elections Administrator. It's not that big of a
14 county. It works wonderfully because there's someone
15 focused on that job and doing the planning.

16 And this has come up in the testimony earlier.
17 Running elections is not an easy thing. In Harris
18 County, there are 6,000 election workers for a general
19 election. That's a lot of people to manage. There
20 ain't no way that's going to go smoothly. There's
21 going to be problems.

22 It's how you respond to them. And if you don't
23 have the adequate funding to respond to them, to train
24 people to respond to them, to have -- one innovative
25 thing Harris County did in 2020 was send out sort of a

1 mid management strike force, and that's the wrong
2 phrase for it, to help support election judges who had
3 issues. Somebody they could text or call and come
4 right away and help them. But they were awash in cash
5 because of the extra funding during the pandemic in
6 that cycle. So that's -- absolutely would be
7 important.

8 REPRESENTATIVE MANUEL: How, in your opinion,
9 looking at Harris County, looking at the county that
10 you're representing because of an issue that has
11 happened, how has consistent laws changing either hurt
12 or -- or made voting -- the process for voting in any
13 county either worse or better?

14 SUSAN HAYS: Right. And to clarify one point,
15 I'm not representing Loving County. I'm representing
16 three candidates who were Republican nominees for
17 office.

18 And I will say, and please do not take offense to
19 this, I have joked for many years that the problem
20 with the election code in Texas is every member of the
21 legislature thinks they're an expert.

22 So every session, the laws change. And unless
23 there's a good reason for change, it's just more for
24 all of the staff to learn and figure out and change
25 the forms and change the training, and crotchety old

1 election workers might not like that.

2 So changing laws just to change them isn't always
3 the wisest thing. Adequate training is -- there's
4 never enough of. And also -- and I -- as just an
5 additional piece of my background, I was the
6 Democratic Party Chair in Dallas County 20 years ago.

7 It is no small thing to find enough election
8 workers to work a primary in a county that big or the
9 general election, and they are the full spectrum of
10 humanity. Some of them are lovely. Some of them are
11 not.

12 So that extra support to -- particularly in the
13 bigger counties or even the fast-growing suburban
14 counties, to have well-trained professional staff
15 would go a long way to avoiding the kinds of
16 inevitable problems in running an election.

17 REPRESENTATIVE MANUEL: So just -- and I -- this
18 really should be my last question. I'm just --
19 because I'm going to go off of what you were saying.

20 So there's 6,000 employees in Harris County just
21 for the election?

22 SUSAN HAYS: Uh-huh.

23 REPRESENTATIVE MANUEL: And every single time we
24 have a law or new laws that are put into effect, we
25 then, in effect, have to get people on a dime or in an

1 instant to learn these laws, understand these laws,
2 implement these laws across the board, not just from
3 Election Administrators, not just from County Clerks,
4 but from every single person every single time those
5 happen, and we have to expect they just have to get
6 it?

7 SUSAN HAYS: Absolutely. And across the board,
8 not just election law. And one of the unanticipated
9 matters for me I had to handle in 2020 was a sexual
10 harassment issue with election workers hitting on high
11 school clerks that were working the election.

12 And because during early vote the -- the Election
13 Judge is then the County Clerk or would be the
14 Elections Administrator, so there's a clear boss to
15 hire and fire.

16 But on Election Day, it's that precinct's
17 election judge. So the guy who was doing the
18 harassing got to come back and work on Election Day.

19 I mean, you're -- think about putting up a
20 corporation or a business and hiring 6,000 people and
21 expect them to execute it perfectly and not have any
22 problems. And are you putting the right power in the
23 right hands to make it an efficient operation.

24 REPRESENTATIVE MANUEL: Okay. Thank you so much.

25 SUSAN HAYS: You're welcome.

1 CHAIRMAN SMITH: Did you say earlier that you had
2 represented Harris County?

3 SUSAN HAYS: Uh-huh, during the 2020 election
4 cycle.

5 CHAIRMAN SMITH: In the 2020 election cycle?

6 SUSAN HAYS: Uh-huh.

7 CHAIRMAN SMITH: Okay. And did you represent
8 anyone in connection with Harris County elections in
9 the 2022 --

10 SUSAN HAYS: I did not during 2022.

11 CHAIRMAN SMITH: Did you --

12 SUSAN HAYS: So I -- what I know I read in the
13 papers.

14 CHAIRMAN SMITH: That's it?

15 SUSAN HAYS: Yeah. Including the Houston
16 Chronicle's very lovely series this last week
17 debunking the heat map.

18 CHAIRMAN SMITH: So would you -- in your -- from
19 what you've gleaned from your representation in 2020
20 and then what you have learned about the 2022, would
21 you say that the elections were worse -- handled worse
22 in 2022 or better?

23 SUSAN HAYS: I think they had more problems.
24 They also had a lot less money to run them because
25 there was, like I said, a lot of private money came in

1 2020, not just for Harris County, but for many
2 counties around the state. I particularly recall
3 Arnold Schwarzenegger giving poor Cameron County a
4 quarter of a million dollars to help them run their
5 election, something that's now against the law.

6 CHAIRMAN SMITH: Are you familiar at all with
7 whether or not Harris County reduced -- purposely
8 reduce the funding to its Elections Administrative
9 Office for the 2022 election cycle?

10 SUSAN HAYS: I do not know whether the amount of
11 money the county put in reduced. I know the total
12 budget reduced because that lack of private money.

13 CHAIRMAN SMITH: Okay.

14 SUSAN HAYS: So I've not studied the most recent
15 budgets on it.

16 CHAIRMAN SMITH: If it were revealed to you that
17 the County had, in fact, reduced the amount of money
18 that went into it, would that sound like that made
19 good sense?

20 SUSAN HAYS: Well, it wouldn't entirely surprise
21 me because we weren't in a pandemic, and it was a
22 different election to run. I mean, something
23 incredibly innovative Harris County did in 2020 was
24 they moved their whole offices to the Toyota Center so
25 their staff could socially distance. That wasn't

1 cheap.

2 They did the drive-through voting so voters could
3 socially distance. That's now been banned. All that
4 innovation costs money. All that extra rental space
5 costs money.

6 So it would not surprise me at all that the total
7 amount Harris County put it came down because we
8 weren't in an active pandemic at the time.

9 CHAIRMAN SMITH: Would you agree that there are
10 counties that are larger than Harris County that
11 handled the 2022 election cycle in a much better way?

12 SUSAN HAYS: I'm sure that's the case. And, you
13 know, I have been somewhat bemused by all of the
14 pearl-clutching over Harris County when I -- I mean,
15 I've got to tell you something. I'm older than I
16 look.

17 And I remembered many an election where polls
18 shut down back when we had all paper ballots. I'm
19 that old. Whether in Dallas County or you'd hear
20 rumors of Harris County during the election. There --
21 it always seemed to be a shortage and not enough.

22 And there are pros to electronic voting, there
23 are cons. I'm glad we have paper backups in the
24 systems now. I do believe Harris County was doing
25 their first election with the new election machine,

1 and that is always going to be rough road.

2 No matter what the county, the first cycle has
3 always got some problems. You've got to work the
4 kinks out. But I do not for a minute believe there
5 was any purposeful cutting of the budget to make it
6 more difficult to vote in a county with that political
7 makeup and with the political leanings of the county.
8 That's illogical.

9 CHAIRMAN SMITH: Members, any other questions
10 real quick?

11 REPRESENTATIVE SWANSON: I just wanted to correct
12 some misinformation that's been mentioned, that in
13 2018 the budget was \$12 million when we had
14 (indecipherable) running it as our County Clerk. Last
15 year, the budget was over \$30 million to run the
16 election. So it's not a funding problem.

17 CHAIRMAN SMITH: Thank you.
18 Members, any other questions?

19 Yes.

20 SUSAN HAYS: Yes, sir.

21 UNIDENTIFIED SPEAKER: The 2022 election, was it
22 -- in Harris County (indecipherable) consider that to
23 be a successful election?

24 SUSAN HAYS: I don't know enough --

25 UNIDENTIFIED SPEAKER: How would you define it?

1 SUSAN HAYS: Right. I do not know enough details
2 about it. I feel like it wasn't such a successful
3 election because the turnout was not what I would have
4 hoped. And I say that because I was a candidate for
5 Agriculture Commissioner. Right.

6 Like I said, there's -- there are always issues.
7 How do you deal with them? How quickly do you
8 mitigate the harm? And does the department have
9 adequate resources to do that?

10 And if somebody is screwing up in management,
11 fire them. You can't do that when accounting clerk is
12 running an election.

13 UNIDENTIFIED SPEAKER: Only the voters can.

14 SUSAN HAYS: The -- a couple of election cycles
15 later.

16 UNIDENTIFIED SPEAKER: Thank you.

17 SUSAN HAYS: Yeah.

18 CHAIRMAN SMITH: Members, any other questions?

19 Thank you, Ms. Hays, for being here.

20 SUSAN HAYS: All right. Thank you very much,
21 Mr. Chairman.

22 CHAIRMAN SMITH: Absolutely.

23 Chair calls Robert Kenney.

24 Mr. Kenney, I show you're here on behalf of
25 yourself, and you're for SB 1750. Is that all

1 correct?

2 ROBERT KENNEY: Yes, sir, that is.

3 CHAIRMAN SMITH: Go right ahead.

4 ROBERT KENNEY: I just want to say for the last
5 40 years I've run -- I've worked as a clerk, election
6 judge, and alternate judge in Harris County. So if
7 anybody has a question about this, and I'm not going
8 to answer -- well, repeat what all these other people
9 have been saying.

10 CHAIRMAN SMITH: When did you

11 ROBERT KENNEY: Pardon?

12 CHAIRMAN SMITH: -- were you employed there?

13 ROBERT KENNEY: I'm sorry?

14 CHAIRMAN SMITH: When were you employed there?

15 ROBERT KENNEY: Oh, gosh. The last time was
16 November the 8th of 2022. And then you go back 40
17 years before then. Carl Smith was the taxes -- Tax
18 Assessor Collector when I first worked the elections.
19 He -- he was followed by Paul Bettencourt.

20 CHAIRMAN SMITH: Members, any questions?

21 Thank you.

22 ROBERT KENNEY: Thank you, sir.

23 CHAIRMAN SMITH: Thank you, Mr. Kenney.

24 Chair calls Dr. Laura Pressley.

25 Dr. Pressley, you're here on behalf of True Texas

1 Elections, and you're for SB 1750?

2 LAURA PRESSLEY: Yes, sir.

3 CHAIRMAN SMITH: Go ahead.

4 LAURA PRESSLEY: Thank you. I'd like to take
5 what Mr. Vera said and maybe go a little further. The
6 real reason that you're looking at this bill is
7 because the system failed for how to correct the
8 problems that we're seeing in Harris County.

9 The Election Commission has a very high ceiling
10 for replacing the Election Administrator and to make a
11 decision to correct that issue. It's an 80 percent
12 ceiling. Four out of the five people have to vote and
13 agree to remove the Election Administrator, or the
14 County Commissioners Court has to vote in a majority
15 to remove the position. We are here because that
16 corrective action is not possible, and something's got
17 to be done.

18 What I want to present to you is that these
19 issues going on in Harris County are going on in other
20 counties. Bear County, Dallas, Bell County,
21 medium-sized county, Gillespie County where the
22 Elections Administrators are committing criminal --
23 what I would consider, I believe, to be criminal acts.
24 And the Election Commission doesn't have the political
25 will to do something.

1 We're in the same position that Harris County is
2 in. Harris County is just a leading indicator of this
3 Election Administrator problem where you can't get rid
4 of them unless they're under -- this position is under
5 a County Clerk where the voters at 50 -- over 50
6 percent can remove them.

7 So I would highly, highly recommend to this body
8 that you guys go back and just make this all counties
9 because this is a root cause problem that you can't
10 get rid of them, and this is no different in any other
11 county in the state. Okay? Any questions?

12 CHAIRMAN SMITH: Thank you, Ms. Pressley.

13 LAURA PRESSLEY: Thank you.

14 CHAIRMAN SMITH: Appreciate it.

15 The Chair calls Andrew Hendrickson.

16 Good evening, Mr. Hendrickson. I show you're
17 here on behalf of the ACLU of Texas and against
18 SB 1750. Is that right?

19 ANDREW HENDRICKSON: That's correct.

20 CHAIRMAN SMITH: Go right ahead.

21 ANDREW HENDRICKSON: I'm not going to repeat a
22 lot of what has already been said. I just want to
23 point to a couple of things.

24 We mentioned earlier that there were 29 locations
25 that were involved in the '22 election contest that

1 have been filed by Republican candidates. One thing I
2 want to highlight from the Houston Chronicle reporting
3 is that 55 percent of those precincts were won by
4 President -- Former President Donald Trump and 55
5 percent. And 45 percent were won by former -- by
6 current President Biden.

7 That's not a huge split that shows some sort of
8 intent to have a nefarious partisan scheme when you
9 have those located in, you know, districts that are
10 roughly split Democrat/Republican.

11 And I think the other thing I just want to add to
12 this conversation is I think a lot of the reasons for
13 having an EA is not only just to prevent that
14 partisanship, but also any appearance of partisan
15 impropriety, right.

16 You might feel as though the EA just has a little
17 more distance from the -- the election process because
18 they're not on the ballot. They're never running an
19 election that they're also a candidate in.

20 I think one thing we're seeing, you know, in
21 these hearings, we've -- we've now had -- I've been in
22 a lot of hours of hearings, and I know y'all have too.
23 And we -- we've talked about Harris County quite a
24 bit.

25 One thing we haven't heard yet in any of them is

1 a voter who was prevented from voting. We have heard
2 from election judges who have partisan affiliations.
3 We have heard from county party officials who have --
4 who have party affiliations.

5 We have yet to hear testimony from a voter who
6 was unable to cast a ballot because of the paper
7 shortage in either chamber on any of these bills.

8 That's not to say that we're okay with delays or
9 any issues that voters face. It should be easy. It
10 should be convenient for everyone to vote.

11 I think what we're seeing, though, is
12 partisanship bleed into the process of Election
13 Administration which should be a purely administrative
14 function. And the EA's office is one way to create
15 that distance to make sure that this administrative
16 function is running efficiently and in a nonpartisan
17 fashion. Thank you.

18 CHAIRMAN SMITH: Representative Morales?

19 REPRESENTATIVE MORALES: You may have said this.
20 I was checking something online. Would you prefer the
21 EA method or the -- what this bill does, the County
22 Clerk along with the Tax Assessor Collector?

23 ANDREW HENDRICKSON: I think that, as the
24 Secretary of State mentioned earlier -- a
25 representative mentioned earlier, that communities are

1 best positioned to decide for themselves which model
2 works for them.

3 But I think one thing they should definitely be
4 free to do is to choose the EA model where you do have
5 more of a professional, and you are moving towards a
6 nonpartisan system.

7 I'd also just note quickly that, you know, it's
8 -- it's inconsistent to suggest that the reason this
9 bill is necessary in Harris County is because they
10 have not addressed problems. Yet the EA was also only
11 there for three months before this selection started.

12 The current EA has not had another election since
13 the 2020 general election, which was the first
14 election that that EA was in charge of administering,
15 to actually address or correct any of these problems.

16 That's not a persistent pattern under the current
17 EA. And so I think, you know, it's an overreaction in
18 this case to target one county, to abolish one office,
19 under those circumstances.

20 REPRESENTATIVE MORALES: So how long has the
21 current EA been there in Harris County?

22 ANDREW HENDRICKSON: I believe it was three
23 months before the --

24 REPRESENTATIVE MORALES: Right now, since they
25 were appointed.

1 ANDREW HENDRICKSON: Since they were appointed,
2 so if my math is correct on that, it's a little under
3 a year, if I'm right about that. Anyway, it's -- it's
4 late. I'm trying to think back. So November would
5 have been -- yeah, under a year.

6 REPRESENTATIVE MORALES: So they were appointed
7 last year in 2022?

8 ANDREW HENDRICKSON: Yeah. So three months prior
9 to the November election. So that would have been, if
10 I am counting backwards, October. I think October,
11 September, or no, sorry, August. August. Anyway,
12 it's -- it's been a long day.

13 REPRESENTATIVE MORALES: The current EA -- just
14 to make it clear and on the record, the current EA was
15 appointed sometime in August --

16 ANDREW HENDRICKSON: Summer of 2022.

17 REPRESENTATIVE MORALES: Of 2022. And was given
18 only three months to prepare for an election in
19 November of 2022?

20 ANDREW HENDRICKSON: That's correct.

21 REPRESENTATIVE MORALES: That is the same EA that
22 is currently in place?

23 ANDREW HENDRICKSON: Correct.

24 REPRESENTATIVE MORALES: And there's been -- from
25 what you can tell, there's been no movement from, I'm

1 assuming -- is the commissioner's court?

2 ANDREW HENDRICKSON: The County Elections
3 Commission would be the ones to -- could appoint --
4 had appoint -- could appoint that person or fire that
5 person on a (indecipherable).

6 REPRESENTATIVE MORALES: And there's no agenda
7 item or anything to have him removed, him or her?

8 ANDREW HENDRICKSON: Not at this time. One thing
9 also highlighted in the Chronicle reporting is that
10 there have been plans proposed by the current EA in
11 Harris County to address some of these problems.
12 Better tracking systems.

13 There are plans in the works to make sure things
14 run smoothly in the future. I think it's appropriate
15 in this case to let those plans play out before we
16 identify a pattern that may not be supported by the
17 (indecipherable).

18 REPRESENTATIVE MORALES: And in those plans, has
19 he been specific to provide a specific budget as far
20 as what he or she would need in order to make sure
21 that they run an election smoothly?

22 ANDREW HENDRICKSON: I don't know about the --
23 the budget aspect of it. But so the four proposals
24 that I know have been mentioned as things that they
25 would -- they would want to be done, like

1 (indecipherable) has specifically identified is the
2 County would have one hotline operator for every three
3 locations in the upcoming May election, which is
4 underway now. A system that tracks calls and requests
5 from judges so that there is a timestamp for when the
6 requests come in, what the requests are. A log to
7 know when the issues are resolved. And monitors for
8 technicians in the field.

9 Those are four solutions. They are concrete and
10 that they are trying to implement now in the current
11 May election that is going on.

12 So you know, I think this is an overreaction in
13 some ways to a single election. I'm not saying that
14 it's okay. We sued Harris County to keep the polls
15 open an hour later because we were not okay with
16 people not being able to vote in this election.

17 That is never our position, that it should be
18 difficult for people to vote, that people should face
19 delays, should be turned away at the polls.

20 I think what we are seeing here is really
21 focusing in on one county that has problems that are
22 not inconsistent with what many on both for and
23 against this bill. That's what happens all over the
24 state and that, you know, the solution here is not
25 changing who is in charge of administering elections.

1 One other thing noted by the Chronicle article
2 was that the Harris County elections have been
3 administered by five different people in the last five
4 years. And so constantly changing leadership in this
5 way is not a good system for -- for having a cohesive
6 way to address the problem. Thank you.

7 CHAIRMAN SMITH: Thank you, Mr. Hendrickson.

8 Members, any other questions?

9 If not, thank you.

10 The Chair calls Charles Crews.

11 Mr. Crews, you're here on behalf of yourself, and
12 you're against SB 1750. Is that right?

13 CHARLES CREWS: That is correct.

14 CHAIRMAN SMITH: Go ahead.

15 CHARLES CREWS: Howdy, Chair Smith, Vice Chair
16 Bucy, Members of the Elections Commission. My name is
17 Chuck Crews, and I'm a Harris County Democratic
18 Precinct 0103 Chair on the eastern edge of Harris
19 County. I'm here to speak on my own behalf, not the
20 party.

21 I'm here to share my lived experience not as a
22 representative of any organization. I served as an
23 early vote presiding judge in 2020 and 2021 in which I
24 accumulated months of experience working 12 and 14
25 hour days as an election judge and witnessed firsthand

1 various problems in the Harris County Elections
2 Administration, both under Clerk Trotman, Temporary
3 Clerk Hollins, and then Election Administrator
4 Longoria.

5 The vast majority of problems encountered were
6 due to inadequate logistics and training. As a
7 retired chemical engineer with over a decade of
8 experience in plant maintenance and risk
9 (indecipherable), I have been severely disappointed by
10 the failures within the Harris County Election
11 Administrations precisely because those problems were
12 largely due to failures of logistics and training.

13 In the petrochemical industry, processing
14 facilities operate safely and profitably due to
15 successful logistics and training.

16 While initially hesitant at the creation of the
17 Election Administration Office in late 2020, I am
18 today convinced that the single focus of the Election
19 Administration Office is the superior method of
20 Election Administration in metropolitan counties.

21 The County Clerk core functions include property
22 records and personal records, which are massive tasks
23 in metropolitan counties. Similarly, the Texas Tax
24 Assessor Collector core functions are assessing and
25 collection of taxes. Neither County Clerk nor Tax

1 Assessor Collector core functions translates well to
2 Election Administration.

3 The commissioner's court of every major
4 metropolitan county in Texas, excluding Travis, has
5 seen the benefit of consolidating voter registration
6 and conduct of elections within an Election
7 Administrator role, an option first made available in
8 Texas well over 30 years ago.

9 Today, two-thirds of Texans vote in elections
10 conducted by an Election Administrator, each of which
11 operates under the authority of the state -- Texas
12 Secretary of State.

13 Now, SB 1750 seeks to revoke the power of the
14 Harris County Commissioners Court to choose the method
15 of Harris County elections and only Harris County.

16 State Senator Bettencourt plainly stated his
17 intent to punish Harris County. He wants to propagate
18 a new big lie, the multipurpose offices of County
19 Clerk and Tax Assessor Collector will somehow provide
20 smoother elections.

21 CHAIRMAN SMITH: Thank you.

22 Members, any questions?

23 Thank you, Mr. Crews.

24 The Chair calls Joanne Richards. Joanne
25 Richards. I show Joanne Richards testifying on behalf

1 of herself. I show Joanne Richards testifying on
2 behalf of herself and against SB 1750 and not here to
3 testify.

4 Is there anyone else who wishes to testify on,
5 for, or against House -- or Senate Bill 1750? If not,
6 the Chair recognizes Chairman Cain to close.

7 CHAIRMAN CAIN: (Indecipherable). All right.
8 Members, let's think about this for a moment. You've
9 got the Chair of the Republican Party of Harris
10 County. You've got Paul Bettencourt, a Republican,
11 myself, and others all here before you advocating that
12 you return control of the elections to elected
13 Democrats.

14 (Indecipherable) need to do. In fact, you want
15 to get away from this -- as someone recently said, we
16 had five in five years. Easy to stop that. Return it
17 to the elected officials.

18 The Clerk, of course, is not the one running it.
19 They hire people. In fact, it would be very similar
20 to exactly what the EA is doing right now, which be
21 (indecipherable) the clerk.

22 And when you take heed as yourselves as state
23 reps, you might have to fire somebody who messed it
24 up. It's not the clerk (indecipherable) from the
25 (indecipherable) operations of the Tax Assessor

1 Collector running from daily operations. They have
2 employees who do the exact same thing.

3 In fact, it would probably be the employees doing
4 it, but they're responsible and accountable to the
5 voters, and that's why this needs to be done.

6 So with that, I'll save any further time. I
7 close.

8 CHAIRMAN SMITH: Members, any questions?

9 Thank you, Chairman.

10 CHAIRMAN CAIN: Thank you, Members.

11 CHAIRMAN SMITH: If there is no objection, Senate
12 Bill 1750 will be left pending. There is no
13 objection. The Chair hears none, so Senate Bill 1750
14 is left pending.

15 I would just note for the record that no one in
16 leadership from Harris County came to defend
17 themselves. They had to rely on Mr. Hendrickson to
18 come up with some ideas that they might have to
19 replace things and to repair things and do things and
20 not Rodney Ellis and not the EA, and nobody else
21 showed up to defend them.

22 * End of Recording *


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Robin L. Deal, Florida Professional Court Reporter and Transcriptionist, do hereby certify that I was authorized to and did listen to and transcribe the foregoing recorded proceedings and that the transcript is a true record to the best of my professional ability.

Dated this 16th day of June, 2023.

RETRIEVED FROM DEMOCRACYDOCKET.COM



ROBIN L. DEAL

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM



ESQUIRE
DEPOSITION SOLUTIONS

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM

RETRIEVED FROM DEMOCRACYDOCKET.COM



Explore



Settings

Tweet

 **Team Bettencourt** 
@TeamBettencourt

The @HoustonChron Editorial Board recognizes the obvious, "Bettencourt election bill swipes at Harris County leaders, not at democracy"! YES, my SB 1750, that returns the management of Harris County elections to the county clerk and tax assessor-collector, is about performance, not politics!

The Harris County Elections Administrator experiment has been a disaster that's only led to election fiascos in Harris County. Because when government puts on an election and the Elections Administrator either couldn't or wouldn't get paper ballots from the warehouse to the polls for voters to vote on, that's real voter suppression! It's time for the Texas House to pass SB 1750 and SB 1933 to restore the confidence of the Harris County voters in the election system. #txlege

 **Houston Chronicle**  @HoustonChron · May 22
Bettencourt election bill swipes at Harris County leaders, not at democracy (Editorial) trib.al/TIIVf2M


11:22 AM · May 22, 2023 · 13.2K Views


26 Retweets 4 Quotes 78 Likes



New to Twitter?

Sign up now to get your own per:

 Sign up with G


 Sign up with A

Create account

By signing up, you agree to the [Twitter Terms of Service](#) and [Privacy Policy](#), including [Cookie Policy](#)

Relevant people

 **Team Bettencourt** 
@TeamBettencourt
Texas State Senator

 **Houston Chronicle**
@HoustonChron
Documenting life in and beyond.

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#) [Accessibility](#) [Ads info](#) [More ..](#)

RETRIEVED FROM DEMOCRACYDOCKET.COM

Don't miss what's happening

People on Twitter are the first to know.

Log in

S

Press Release**FOR IMMEDIATE RELEASE**

May 24, 2023

UPDATED

Contact: Michael Geary

(512) 463-0107

michael.geary@senate.texas.gov

Sen. Bettencourt's bills return Harris County Elections from EA back to Elected Officials passes!

SB 1750 passes Texas House & returns EA duties & power back to the County Tax-Assessor & County Clerk

SB 1933 passes TX House and Texas SOS has oversight of Elections back to Texas Senate

Austin, TX – Senator Paul Bettencourt's (R-Houston) SB 1750, sponsored by Representative Briscoe Cain (R-Deer Park) in the Texas House of Representatives, passed out of the Texas House on Tuesday, May 23, 2023. SB 1750 will restore voter trust, accountability, and transparency in Harris County elections by returning the management of elections back to elected officials. **“An appointed Elections Administrator that either couldn't or wouldn't get millions of sheets of ballot paper from the warehouse to the polls for voters to vote on, on November 8th, will be gone by September 1st,”** said Senator Bettencourt. **“Now voters in Harris County can be assured that the officials running their elections are elected and accountable to the public, with expected final passage of SB 1750,”** added Senator Bettencourt.

SB 1750 will return power and duties of the Harris County Elections Administrator to the County Tax Assessor-Collector and County Clerk. Under SB 1750, the County Tax Assessor-Collector will serve as the voter registrar and the election administration duties will revert to the County Clerk. With elections under two different elected officials, the cost of an independent department will be spread among the two offices providing professionalism, consistency, stability, and better customer service for elections. Senator Bettencourt served as the Tax Assessor-Collector with County Clerk Kaufman for 10 years.

“Both Elections Administrators that were appointed by the Harris County Judge bombed their elections. In 2022, the former Harris County Election Administrator ‘found’ 10,000 votes and released a statement at 10:30 p.m. on a Saturday night that led to her resignation. Then, the current EA either wouldn't or couldn't get millions of paper ballots out of the warehouse and to the polls with thousands of voters being turned

away for lack of ballots. And after six months, the current EA still hasn't publicly explained what happened," stated Senator Bettencourt.

SB 1933, sponsored by House Rep. Tom Oliverson, grants authority of administrative oversight over a county. This will allow the Secretary of State's office to review complaints from candidates, county state party chairs, presiding or alternate judges, and the head of a specific-purpose political committee. In the complaint, if they find merit SOS can investigate using the authority of administrative oversight. An amendment limited this to Harris County only.

"SB 1933 will ensure the failures, or the fiasco of the general election never occurs again with the Texas Secretary of State oversight of the election process, if necessary," Senator Bettencourt concluded with. **"A late amendment was added to SB 1933 in the Texas House limiting it to Harris County, this will be reviewed in the Texas Senate."**

SB 1750 now heads back to the Texas Senate for Senator Bettencourt's review and or concurrence. Please see previous press releases below for more information.

- [Senator Bettencourt's bill returns Harris County Elections back to Elected Officials!](#)
- [Sen Bettencourt & Rep Cain file bills to return Management of Elections back to Elected Officials!](#)

###

RETRIEVED FROM DEMOCRACYDOCKET.COM



Explore

Settings

Tweet

 **Team Bettencourt** 
@TeamBettencourt

 Breaking news! Public Information Request revealed by @WayneDolcefino, show 115 Harris County polls turned away voters in the Nov. 8th 2022 election!!

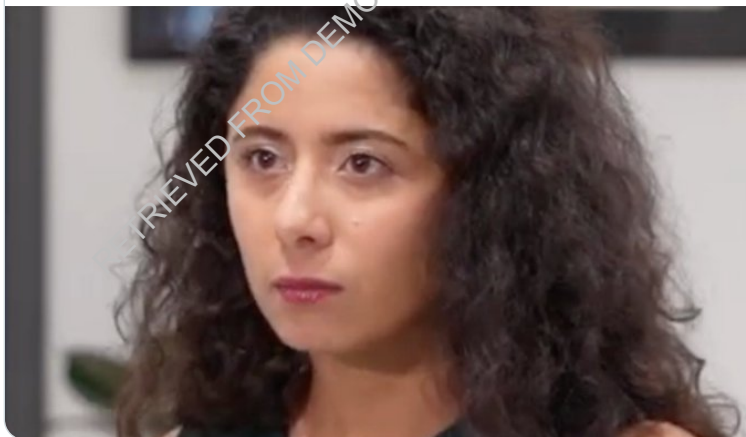
Late openings, lack of ballot paper, election machine failures, you name it... it happened and that's why Judge @LinaHidalgoTX wouldn't tell the public what really happened. Now that her hand-picked Elections Administrator Office is "adios" per, my Senate Bill 1750 and elections are being returned to the Elected County Clerk or County Tax Assessor, the truth is coming out, finally! 60 plus Election Judges of both parties said they ran out of paper per the @HarrisVotes EA info. It could be 10K plus voters suppressed or higher, big difference for election contests! Shocking, even though "Uncle Paul" and "Aunt Cindy" @cindySiegel5 predicted this in November and December repeatedly! See the report now! #txlege @TPPF @HarrisCountyRP @TexasGOP

 **Dolcefino Consulting**  @WayneDolcefino · Jun 1
Hidalgo's Latest Meltdown...

Shocking new internal Harris County election records show voters at more than 115 polling locations were turned away when they tried to vote last November.

WATCH/SHARE to spread the word.

LINK -- > youtube.com/watch?v=7T-jns...





6:14 PM · Jun 2, 2023 · 41K Views

180 Retweets 18 Quotes 333 Likes 7 Bookmarks



New to Twitter?

Sign up now to get your own per:

-  Sign up with G
-  Sign up with A
- Create account

By signing up, you agree to the [Twitter Privacy Policy](#), including [Cookie I](#)

Relevant people

-  **Team Bettencourt** 
@TeamBettencourt
Texas State Senator
-  **Dolcefino Consulti**
@WayneDolcefino
Houston-based inve company led by awc investigative reporte Dolcefino.

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#) [Accessibility](#) [Ads info](#) [More ..](#)

Don't miss what's happening

People on Twitter are the first to know.

Log in

S



Explore

Settings

Tweet

 **Team Bettencourt** 
@TeamBettencourt

Once again the Leftist Progressive Majority on the Harris County Commissioners Court authorized a lawsuit against the State of Texas @TXAG. This time without even waiting for Governor @GregAbbott_TX to even sign my SB 1750, (House sponsor @BriscoeCain) & SB 1933, (House sponsor @TomOliverson), the needed election reforms in Harris County! These bills replace the failed Elections Administrations Office with two Elected Officials, @harriscotxclerk and @HarrisCountyTAC and provide @TXsecofstate oversight over @HarrisVotes administration. Debated, amended, and passed by #txlege, these bills will soon be law and Harris County should comply with them, so, the election fiascos of 2022 are never repeated in the Nation's 3rd largest county. It was the "gang of 4" versus @TomSRamsey2 LOL!!

@GeraldHarrisTV @jen_rice_ @KPRC2Mario @JRogalskiKHOU @TPPF @HarrisCountyRP @TexasGOP



Holly Hansen and 9 others

5:22 PM · Jun 6, 2023 · 7,208 Views

33 Retweets 3 Quotes 70 Likes 1 Bookmark



New to Twitter?

Sign up now to get your own per:

Sign up with G

Sign up with A

Create account

By signing up, you agree to the T Privacy Policy, including Cookie I

Relevant people

 **Team Bettencourt** 
@TeamBettencourt
Texas State Senator

Trends are unavailable.

Terms of Service Privacy Policy Accessibility Ads info More ..

Don't miss what's happening

People on Twitter are the first to know.

Log in

S



Explore

Settings



Team Bettencourt @TeamBettencourt

Major progress on Election Reform for Harris County! My pair of two bills that return the County Election Administration back to the elected County Clerk and Tax Assessor-Collector with @TXsecofstate oversight, SB 1750 and SB 1933, were signed by Governor @GregAbbott_TX and go into effect no later than September 1st, 2023..!

It means that an appointed @HarrisVotes Elections Administrator's office, which either couldn't or wouldn't get millions of sheets of ballot paper out of the County Warehouse to the polls for voters to vote on Nov. 8th, will be replaced by two Democrat Elected Officials.

I want to thank both @HarrisCountyRP and @TexasGOP for supporting these bills, as about half the counties in Texas use their two elected officials to run their elections successfully, like what used to happen in Harris County!

See the links below showing the bills and their House sponsors, Rep. @BriscoeCain and Rep. @TomOliverson, plus all those who voted for these critical reforms in #txlege!

SB 1750: capitol.texas.gov/BillLookup/His... (capitol.texas.gov/BillLookup/His...)

SB 1933: capitol.texas.gov/BillLookup/His... (capitol.texas.gov/BillLookup/His...)

Thanks to everyone who came and testified in committee on these "good government" bills. The last bill was named for Al Vera, who testified for them. His and everyone's voice was loud and clear helping to bring back accountability, transparency, and performance to Harris County elections. It's time for the Harris County Commissioners Court to look forward, support the County Clerk and Tax Assessor-Collector, and drop their political frivolous lawsuits against SB 1750 and SB 1933. Elections matter! #txlege

The screenshot shows a legislative tracking page for bills SB 1750 and SB 1933. It lists sponsors like @BriscoeCain and @TomOliverson, and includes a table of actions with columns for bill number, date, and status. A watermark 'DEMOCRACYDOCKET.COM' is visible across the image.

Gerald Harris and 9 others

5:47 PM · Jun 19, 2023 · 15.2K Views

46 Retweets 10 Quotes 163 Likes 2 Bookmarks

New to Twitter?

Sign up now to get your own per:

Sign up with G

Sign up with A

Create account

By signing up, you agree to the T Privacy Policy, including Cookie I

Relevant people



Team Bettencourt @TeamBettencourt Texas State Senator

Trends are unavailable.

Terms of Service Privacy Policy Accessibility Ads info More..

Don't miss what's happening

People on Twitter are the first to know.

Log in



Explore

Settings

New to Twitter?

Sign up now to get your own per:

Sign up with A

Create accou

By signing up, you agree to the [T](#)
[Privacy Policy](#), including [Cookie I](#)

Relevant people



Team Bettencourt
@TeamBettencourt
Texas State Senator

Trends are unavailable.

[Terms of Service](#) [Privacy Policy](#)
[Accessibility](#) [Ads info](#) [More](#) · ·

RETRIEVED FROM DEMOCRACYDOCKET.COM

Don't miss what's happening

People on Twitter are the first to know.

Log in

S

S.B. No. 1933

AN ACT

relating to certain oversight procedures of the state over county elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Alan Vera Election Accountability Act of 2023.

SECTION 2. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021, and 31.022 to read as follows:

Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF COUNTY ELECTION. (a) In a county with a population of more than 4 million, the secretary of state's office may order administrative oversight of a county office administering elections or voter registration in the county if:

(1) an administrative election complaint is filed with the secretary of state by a person who participated in the relevant election as:

(A) a candidate;

(B) a county chair or state chair of a political party;

(C) a presiding judge;

(D) an alternate presiding judge; or

(E) the head of a specific-purpose political committee that supports or opposes a measure;

1 (2) the secretary of state has provided notice to the
2 county election official with authority over election
3 administration or voter registration under Section 31.018; and

4 (3) the secretary of state, after conducting an
5 investigation under Section 31.019, has good cause to believe that
6 a recurring pattern of problems with election administration or
7 voter registration exists in the county, including any recurring:

8 (A) malfunction of voting system equipment that
9 prevents a voter from casting a vote;

10 (B) carelessness or official misconduct in the
11 distribution of election supplies;

12 (C) errors in the tabulation of results that
13 would have affected the outcome of an election;

14 (D) violations of Section 66.053;

15 (E) discovery of properly executed voted ballots
16 after the canvass of an election that were not counted; or

17 (F) failure to conduct maintenance activities on
18 the lists of registered voters as required under this code.

19 (b) The secretary of state shall make a determination on
20 whether to implement administrative oversight under Subsection (a)
21 not later than the 30th day after the earliest of:

22 (1) the day a response by the county election official
23 with authority over election administration or voter registration
24 is received by the secretary of state under Section 31.018;

25 (2) the last day the county election official with
26 authority over election administration or voter registration could
27 provide a response to the secretary of state under Section 31.018;

1 or

2 (3) the day the report on the findings of an
3 investigation is provided to the county election official with
4 authority over election administration or voter registration under
5 Section 31.019.

6 Sec. 31.018. NOTICE OF COMPLAINT. (a) In a county with a
7 population of more than 4 million and not later than the 30th day
8 after receiving an administrative election complaint under Section
9 31.017(a)(1), the secretary of state shall provide notice of the
10 complaint to the applicable county election official with authority
11 over election administration or voter registration, including the
12 specific allegations against the election official in the
13 complaint.

14 (b) Subject to Subsection (c), not later than the 30th day
15 after receiving notice of the administrative election complaint
16 under Subsection (a), the county election official with authority
17 over election administration or voter registration may provide a
18 response with any supporting documentation relating to the
19 complaint or the allegations in the complaint to the secretary of
20 state.

21 (c) If the administrative election complaint filed under
22 Section 31.017(a)(1) concerns an election for which voting by
23 personal appearance has begun and the final canvass has not been
24 completed, the county election official with authority over
25 election administration or voter registration must provide a
26 response under Subsection (b) not later than 72 hours after
27 receiving notice of the complaint under Subsection (a).

1 Sec. 31.019. INVESTIGATION OF COMPLAINT. (a) In a county
2 with a population of more than 4 million, the secretary of state may
3 direct personnel in the secretary of state's office to conduct an
4 investigation on an administrative election complaint received
5 under Section 31.017(a)(1) and must consider any response or
6 supporting documentation provided by the county election official
7 with authority over election administration or voter registration
8 under Section 31.018, if applicable.

9 (b) If the secretary of state decides to conduct an
10 investigation under Subsection (a), the secretary must provide the
11 county election official with authority over election
12 administration or voter registration notice of the determination to
13 conduct the investigation.

14 (c) After completing an investigation under this section,
15 the secretary of state must provide a report on the findings of the
16 investigation to:

17 (1) the county election official with authority over
18 election administration or voter registration; and

19 (2) the individual who filed the administrative
20 election complaint under Section 31.017(a)(1).

21 Sec. 31.020. COUNTY ELECTION OFFICE OVERSIGHT BY SECRETARY.

22 (a) If the secretary of state implements administrative oversight
23 under Section 31.017, the secretary shall provide written notice to
24 the county election official with authority over election
25 administration or voter registration and the county judge of the
26 determination by the secretary to implement administrative
27 oversight in the county. The notice must include the specific

1 recurring pattern of problems with election administration or voter
2 registration identified by the secretary under Section
3 31.017(a)(3).

4 (b) The authority of administrative oversight over a county
5 granted to the secretary of state under this subchapter must
6 include:

7 (1) requiring the approval and review by the secretary
8 of state of any policies or procedures regarding the administration
9 of elections issued by the county; and

10 (2) authorizing all appropriate personnel in the
11 secretary of state's office to conduct in-person observations of
12 the county election office's activities, including any activities
13 related to election preparation, early voting, election day, and
14 post-election day procedures.

15 (c) The county election office being overseen by the
16 secretary of state shall provide sufficient access to the
17 appropriate personnel in the secretary of state's office to perform
18 their duties under Subsection (b).

19 (d) Once each quarter during the period when the secretary
20 of state is overseeing elections in a county under Subsection (a),
21 the secretary shall submit a report regarding the activities of the
22 oversight personnel to the members of the county election
23 commission and the county attorney.

24 (e) The secretary of state shall deliver the report required
25 by Subsection (d) in person to the county commissioners court if
26 requested by the commissioners court.

27 (f) The secretary of state shall conduct the administrative

1 oversight of a county until the earlier of:

2 (1) December 31 of the even-numbered year following
3 the first anniversary of the date the complaint was received under
4 Section 31.017(a)(1); or

5 (2) the date on which the secretary of state
6 determines that the recurring pattern of problems with election
7 administration or voter registration is rectified.

8 Sec. 31.021. REMOVAL OR TERMINATION OF COUNTY ELECTION
9 OFFICIAL AFTER ADMINISTRATIVE OVERSIGHT (a) At the conclusion of
10 administrative oversight under this subchapter, if the recurring
11 pattern of problems with election administration or voter
12 registration is not rectified or continues to impede the free
13 exercise of a citizen's voting rights in the county, the secretary
14 of state may file a petition for the removal under Section 87.015,
15 Local Government Code, of the applicable county officer with
16 authority over election administration or voter registration.

17 (b) At the conclusion of administrative oversight under
18 this subchapter, the secretary of state may enter a written order to
19 terminate the employment of a county elections administrator, in a
20 county that has the position, under Section 31.037(b).

21 Sec. 31.022. RULES. The secretary of state may adopt rules
22 necessary to implement the administrative oversight of a county as
23 provided under this subchapter.

24 SECTION 3. Section 31.037, Election Code, is amended to
25 read as follows:

26 Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. (a)
27 The employment of the county elections administrator may be

1 suspended, with or without pay, or terminated at any time for good
2 and sufficient cause on the four-fifths vote of the county election
3 commission and approval of that action by a majority vote of the
4 commissioners court.

5 (b) In a county with a population of more than 4 million, the
6 secretary of state may enter a written order to terminate the
7 employment of a county elections administrator at the conclusion of
8 administrative oversight of the county elections administrator's
9 office under Subchapter A if the recurring pattern of problems with
10 election administration or voter registration is not rectified or
11 continues to impede the free exercise of a citizen's voting rights
12 in the county.

13 SECTION 4. Section [127.351](#), Election Code, is amended by
14 amending Subsections (a) and (d) and adding Subsections (e) and (f)
15 to read as follows:

16 (a) Immediately after the uniform election date in November
17 of an even-numbered year, the secretary of state shall conduct an
18 audit of the elections held on the uniform election date in four
19 counties during the previous two years.

20 (d) If the secretary of state completes the audit of a
21 county under Subsection (b)(1) before the end of a two-year period,
22 the secretary may randomly select another county with a total
23 population of less than 300,000 to be audited.

24 (e) If not later than July 31 of the first odd-numbered year
25 following the commencement of an audit under this section, the
26 audit findings demonstrate to the secretary of state that a
27 recurring pattern of problems with election administration or voter

1 registration, as described under Section 31.017(a)(3), exists in an
2 audited county and the problems impede the free exercise of a
3 citizen's voting rights, the secretary:

4 (1) shall:

5 (A) publicly release the preliminary findings of
6 the audit; and

7 (B) recommend the county for administrative
8 oversight under Subchapter A, Chapter 31; and

9 (2) may conduct an audit of other elections held in the
10 county in the previous two years, as determined necessary by the
11 secretary.

12 (f) The secretary of state shall adopt rules as necessary to
13 implement this section.

14 SECTION 5. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1933 passed the Senate on April 13, 2023, by the following vote: Yeas 19, Nays 11; May 25, 2023, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2023, House granted request of the Senate; May 28, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 19, Nays 12.

Secretary of the Senate

I hereby certify that S.B. No. 1933 passed the House, with amendments, on May 23, 2023, by the following vote: Yeas 81, Nays 59, one present not voting; May 26, 2023, House granted request of the Senate for appointment of Conference Committee; May 28, 2023, House adopted Conference Committee Report by the following vote: Yeas 84, Nays 58, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S.B. No. 1750

AN ACT

relating to abolishing the county elections administrator position in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter B, Chapter 31, Election Code, is amended to read as follows:

SUBCHAPTER B. COUNTY ELECTIONS ADMINISTRATOR IN CERTAIN COUNTIES

SECTION 2. Section 31.031(a), Election Code, is amended to read as follows:

(a) The commissioner's court of a county with a population of 3.5 million or less by written order may create the position of county elections administrator for the county.

SECTION 3. Subchapter B, Chapter 31, Election Code, is amended by adding Section 31.050 to read as follows:

Sec. 31.050. ABOLISHMENT OF POSITION AND TRANSFER OF DUTIES IN CERTAIN COUNTIES. On September 1, 2023, all powers and duties of the county elections administrator of a county with a population of more than 3.5 million under this subchapter are transferred to the county tax assessor-collector and county clerk. The county tax assessor-collector shall serve as the voter registrar, and the duties and functions of the county clerk that were performed by the administrator revert to the county clerk, unless a transfer of duties and functions occurs under Section 12.031 or 31.071.

SECTION 4. On the effective date of this Act, a county that

1 has a county elections administrator and a population of more than
2 3.5 million shall transfer employees, property, and records as
3 necessary to accomplish the abolishment of the position of county
4 elections administrator under this Act.

5 SECTION 5. This Act takes effect September 1, 2023.

RETRIEVED FROM DEMOCRACYDOCKET.COM

S.B. No. 1750

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1750 passed the Senate on April 18, 2023, by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

I hereby certify that S.B. No. 1750 passed the House on May 23, 2023, by the following vote: Yeas 81, Nays 62, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Andrea Mintzer on behalf of Jonathan Fombonne

Bar No. 24102702

andrea.mintzer@harriscountytexas.gov

Envelope ID: 78263544

Filing Code Description: No Fee Documents

Filing Description: PLAINTIFF'S AMENDED BRIEF IN SUPPORT OF TEMPORARY INJUNCTIVE RELIEF

Status as of 8/9/2023 8:23 AM CST

Associated Case Party: HARRIS COUNTY, TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Christian D.Menefee		Christian.Menefee@harriscountytexas.gov	8/7/2023 12:27:38 PM	SENT
Andrea Mintzer		andrea.mintzer@harriscountytexas.gov	8/7/2023 12:27:38 PM	SENT
Jonathan Fombonne		Jonathan.Fombonne@harriscountytexas.gov	8/7/2023 12:27:38 PM	SENT
Neal Sarkar		Neal.Sarkar@harriscountytexas.gov	8/7/2023 12:27:38 PM	SENT
Tiffany Bingham		Tiffany.Bingham@harriscountytexas.gov	8/7/2023 12:27:38 PM	SENT
Christopher Garza		Christopher.Garza@harriscountytexas.gov	8/7/2023 12:27:38 PM	SENT
Matthew Miller		Matthew.Miller@harriscountytexas.gov	8/7/2023 12:27:38 PM	SENT
Moustapha Gassama		Moustapha.Gassama@harriscountytexas.gov	8/7/2023 12:27:38 PM	SENT
Neeharika Tumati		Neeharika.Tumati@harriscountytexas.gov	8/7/2023 12:27:38 PM	SENT

Associated Case Party: CLIFFORD TATUMS

Name	BarNumber	Email	TimestampSubmitted	Status
Alyce Young		alyce@rs-law.com	8/7/2023 12:27:38 PM	SENT
Richard Schechter		richard@rs-law.com	8/7/2023 12:27:38 PM	SENT
Gerald Birnberg		gbirnberg@wba-law.com	8/7/2023 12:27:38 PM	SENT

Associated Case Party: THE STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Charles Kenneth Eldred	793681	Charles.Eldred@oag.texas.gov	8/7/2023 12:27:38 PM	SENT
Sharron Lee		sharron.lee@oag.texas.gov	8/7/2023 12:27:38 PM	SENT
Christina Cella		christina.cella@oag.texas.gov	8/7/2023 12:27:38 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Andrea Mintzer on behalf of Jonathan Fombonne

Bar No. 24102702

andrea.mintzer@harriscountytexas.gov

Envelope ID: 78263544

Filing Code Description: No Fee Documents

Filing Description: PLAINTIFF'S AMENDED BRIEF IN SUPPORT OF TEMPORARY INJUNCTIVE RELIEF

Status as of 8/9/2023 8:23 AM CST

Associated Case Party: THE STATE OF TEXAS

Leif Olson		leif.olson@oag.texas.gov	8/7/2023 12:27:38 PM	SENT
Jessica Yvarra		Jessica.Yvarra@oag.texas.gov	8/7/2023 12:27:38 PM	SENT
Susanna Dokupil		Susanna.Dokupil@oag.texas.gov	8/7/2023 12:27:38 PM	SENT

Associated Case Party: JANE NELSON TEXAS SECRETARY OF STATE

Name	BarNumber	Email	TimestampSubmitted	Status
Charles Kenneth Eldred	793681	Charles.Eldred@oag.texas.gov	8/7/2023 12:27:38 PM	SENT
Christina Cella	24106199	christina.cella@oag.texas.gov	8/7/2023 12:27:38 PM	SENT

APPENDIX F

RETRIEVED FROM DEMOCRACYPOCKET.COM

Cause No: D-1-GN-23-003523

HARRIS COUNTY, TEXAS,
Plaintiffs,

v.

THE STATE OF TEXAS,
ANGELA COLMENERO, IN HER OFFICIAL
CAPACITY AS PROVISIONAL ATTORNEY
GENERAL, JANE NELSON, IN HER OFFICIAL
CAPACITY AS TEXAS SECRETARY OF STATE,
Defendants.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345TH JUDICIAL DISTRICT

DEFENDANTS' PLEA TO THE JURISDICTION

RETRIEVED FROM DEMOCRACYDOCKET.COM

TABLE OF CONTENTS

Introduction1

Facts.....1

Legal Background.....7

Argument10

I. Harris County has failed to plead facts sufficient to allege standing. 11

 A. Harris County has failed to plead an actual, concrete, imminent injury sufficient to establish standing. 11

 B. Harris County has failed to demonstrate that the alleged injury is “fairly traceable” to any of the named defendants; thus, the injury is also not redressable by the requested relief. 13

 1. The State of Texas is the wrong defendant. 13

 2. Provisional Attorney General Colmenero and Secretary Nelson are the wrong defendants.....14

 3. Even if Harris County had sued the Secretary of State’s office correctly, Harris County lacks standing to sue the Secretary of State. 15

 4. Harris County has not pleaded standing as to the Attorney General. 19

II. Immunity is not waived because Harris County has pleaded a facially invalid constitutional claim. 20

 A. SB 1750 has a reasonable basis for treating Harris County differently; therefore, it is a general law and outside the purview of Article III, section 56. 21

 1. A statute has a reasonable basis if any set of facts could exist that would justify the classification. 23

 2. Whether the law targets a single county is the beginning, not the end, of the analysis. 24

 3. Courts have held that laws targeting specific areas were constitutional when the classification was related to a larger statewide interest.....27

 4. In addition, SB 1750 could apply to other counties in the future. 30

 B. SB 1750’s legislative history is irrelevant, as the Texas Supreme Court does not consider it.....32

III. SB 1750 repeals a previous authorization, and as such, is valid regardless of Article III, section 56. 34

IV. Provisional Attorney General Colmenero and Secretary Nelson are the wrong defendants. 35
V. Conclusion.....36
VI. Prayer36

RETRIEVED FROM DEMOCRACYDOCKET.COM

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants the State of Texas, Angela Colmenero in her Official Capacity as Provisional Attorney General, and Jane Nelson in her Official Capacity as Texas Secretary of State file their Plea to the Jurisdiction in response to Plaintiff's Verified Amended Petition and Application for Temporary Injunction and Permanent Injunction.

Introduction

Harris County openly states that it will refuse to comply with a law duly passed in the Legislature last session. In so refusing, it has created a crisis for itself. On one hand, it claims irreparable injury from the operation of a law slated to take effect on September 1, 2023, but on the other, it renders that same injury hypothetical because it refuses to comply with the law that would allegedly injure it. Yet, Harris County asks this Court to save it from itself and declare that law unconstitutional.

Harris County has sued the wrong parties, failed to establish an injury, and failed to show that the injury is fairly traceable to the named Defendants. Furthermore, it has not pleaded facts sufficient to overcome immunity because it has not pleaded a viable claim that the challenged statute is facially invalid. This Court should dismiss the suit for lack of jurisdiction.

Facts

In the last legislative session, the Texas Legislature passed SB 1750, which eliminated the ability for counties of 3.5 million or more to create an administrative position whose officers only duty is to run elections:

The Commissioners Court *of a county with a population of 3.5 million or less*, by written order may create the position of a county elections administrator for the county.

...

On September 1, 2023, all powers and duties of the county elections administrator of a county with a population of more than 3.5 million under this subchapter are transferred to the county tax-assessor collector and county clerk.

SB 1750, amending TEX. ELEC. CODE § 31.031(a); 31.050, eff. Sept. 1, 2023 (emphasis added). It appears that only Harris County will have a population of 3.5 million or more on September 1, 2023, and it is one of several counties that has an elections administrator.¹ Other large counties like Bexar, Collin, Tarrant, and Dallas also have elections administrators, although Travis County does not. Senate Research Center, Committee Report, C.S.S.B. 1750 (Apr. 6, 2023).

The Legislature would have been aware that the history of the position of Elections Administrator in Harris County has been short and troubled. Harris County created the Elections Administrator position in 2020 pursuant to the authority of the County Commissioners Court, and the first elections administrator ever in Harris County took office after the November 2020 elections. *See* TEX. ELEC. CODE § 31.031-.049. During the 2022 election cycle, the role of the new elections administrator was publicly controversial in Harris County, leading to the abrupt resignation of Harris County's first Elections Administrator, Isabel Longoria, following the primary.² Although there is far from universal agreement regarding the precise cause of the problem, the Legislature would have been aware that the 2022 election cycle over which Ms. Longoria presided was called "one of the worst-run elections in recent memory."³

¹ Texas Secretary of State, *County Voter Registration Officials*, [County Voter Registration Officials \(state.tx.us\)](https://www.state.tx.us/elections/voterregistration/) (last visited July 31, 2023).

² *See Harris County Official to Resign after Problems with Primary*, NBCDFW (Mar. 8, 2022), <https://www.nbcdfw.com/news/local/texas-news/harris-county-official-to-resign-after-problems-with-primary/2909960/> (quoting Longoria as saying "Ultimately, the buck stops with me. I didn't meet my own standards.").

³ Michael Hardy, *Why Can't the Biggest County in Texas Run an Election*, TEX. MONTHLY (Mar. 10, 2022), at <https://www.texasmonthly.com/news-politics/harris-county-elections-2022/>; *see also, e.g.*, Amy Gardner, *A Texas county didn't count 10,000 ballots. Now the parties are at war over who's to blame*, THE WASHINGTON POST

The Legislature would have been further aware that, as has been widely reported, problems during the March 2022 primary included polling locations being closed when they should have been open, the website identifying polling locations being down, running out of paper for the ballot machines, having the wrong size paper, allowing people to vote in the wrong precinct's races by giving them the wrong ballot, malfunctioning voting machines which could (among other things) damage or blur the ballots as they were printed and scanned, and providing mail-in ballots to the wrong voters.⁴ And these issues could be more than inconvenient: having letter-size rather than legal-size paper to print the ballots means that about 15-20 races are left off the bottom of the ballot, thus invalidating those votes.⁵ One election judge reported—through a witness to Congress in written testimony—that at least 70 ballots were cast before he realized that he had been given the wrong sized paper.⁶

The Legislature would also have known that some critics of the 2022 primary laid at least some of the problems directly at the Elections Administrator's door. For example, according to later testimony, election judges were reassigned by the Elections Administrator without warning, such that multiple judges were showing up for the same polling location, or judges were told they were not needed when positions elsewhere were vacant. The situation was so bad that both

(Mar. 11, 2022), <https://www.washingtonpost.com/politics/2022/03/11/harris-county-primary-uncounted-votes-lawsuit/>.

⁴ *Id.*; see also Testimony of Cindy Siegel, Harris County Republican Party Chair, (Mar. 7, 2022), at <https://www.congress.gov/117/meeting/house/114504/witnesses/HHRG-117-HA08-Wstate-SiegelC-20220317.pdf> (“Siegel Testimony”); Alexa Ura, *Harris County's Election Missteps Fuel GOP Lawsuit and calls for investigation*, Texas Tribune (Nov. 15, 2022), <https://www.texastribune.org/2022/11/15/harris-county-election-complaints/> (reporting investigation by Harris County Attorney Kim Ogg).

⁵ Siegel Testimony, *supra* n. 3, at 4.

⁶ *Id.* at 4.

Republican and Democrat election judges stepped up in a bipartisan effort to staff vacant polling locations, even when they were helping the other party.⁷

The Legislature would have been aware of further concerns around the administration of the March 2022 primary election. On the weekend before the election, the elections administrator is supposed to distribute supplies to the election judges for the polling location at Supply Weekend. Part of the process is documenting the chain of custody to verify that the ballots were always under proper control from the time they leave the elections administrator until they are returned. None of this happened, either at pick up or at drop-off on election night.⁸

Harris County is required by law to complete the vote tally within 24 hours after the polls close on election day, but they took until Thursday morning to report the results—31 hours after the polls closed—and a petition had to be filed in court for a judge to extend the time.⁹ It took so long to report the votes that Harris County was the last in the State, in contrast with 13.5 hours to count the primary votes in 2020 and 9.5 hours in 2018—before Harris County had an elections administrator.¹⁰ And then, after taking until Thursday to report the results, on Saturday, the elections administrator announced that 10,081 mail-in ballots were not actually counted.¹¹

The Legislature would have been aware of the local concerns over the election administration during the March 2022 primary. The Elections Administrator resigned, telling the Commissioners Court that “I did not meet my own standard, nor the standard set by the

⁷ Siegel Testimony, *supra* n.3, at 10.

⁸ *Id.* at 10.

⁹ *Id.* at 4.

¹⁰ Hardy, *supra* note 1; Siegel testimony, *supra* note 3, at 5.

¹¹ Hardy, *supra* note 1; Siegel testimony, *supra* note 3, at 5.

Commissioners Court.”¹² Indeed, the election administration was so obviously incompetent that County Judge Lina Hidalgo, called the issues “unforced errors.”¹³ The Harris County Democratic Party chair also expressed concerns, calling for a post-election review to instill confidence in the process.¹⁴ The Republican county commissioners expressed willingness to return the job back to the Democrat county clerk, Teneshia Hudspeth, who had extensive experience running elections.¹⁵ Senator Paul Bettencourt said the same thing, calling on the Harris County Commissioners Court to “decide to return the office to the elected Democrat office holders that it was taken from.”¹⁶ But, despite these bipartisan concerns, the County Commissioners Court made clear that they were going to keep the position.¹⁷ The Legislature would have understood that voters were losing trust in the integrity of Harris County elections because they could not trust that the ballots they had cast were counted correctly. And without the chain of custody, they could not trust that every ballot counted was properly cast.

Nevertheless, after the primary election disaster, the Harris County Commissioners Court appointed a new elections administrator, Clifford Tatum, to run the 2022 general election. Again, there were problems with ballot paper shortages—and without paper to print the ballots, voters cannot vote. Allegations were made that thousands of voters had to be turned away, not only

¹² Caroline Love, *Harris County Republicans Sue the Elections Administrator*, HOUSTON PUBLIC MEDIA (Mar. 8, 2022) at [Harris County Republicans sue the elections administrator over her 2022 primary election management – Houston Public Media](#).

¹³ Hardy, *supra* note 1.

¹⁴ Caroline Love, *Harris County Republicans Sue the Elections Administrator*, HOUSTON PUBLIC MEDIA (Mar. 8, 2022) at [Harris County Republicans sue the elections administrator over her 2022 primary election management – Houston Public Media](#).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Mario Diaz, *It Is a Very Difficult Job*, CLICK2HOUSTON, (Mar. 4, 2022), at [‘It is a very difficult job’: Support and criticism continue amid fallout from Harris County primary election issues \(click2houston.com\)](#).

because of the paper, but also because of issues with the machines that closed polling locations.¹⁸ Two weeks after the fact, “officials struggle[d] to defend the county’s election from a barrage of criticism and litigation,” the county still couldn’t “describe how pervasive the problems were at its 782 polling places and whether any were severe enough to prevent people from voting.”¹⁹ Ultimately, fourteen candidates filed election contests to challenge the results as a result of the problems on Election Day.²⁰

The *New York Times* reported after the general election that “Democrats have not raised public challenges, but have privately complained that the repeated issues in the election process in Houston were not being adequately addressed”²¹ Ultimately, a post-election report by the elections administrator’s office recommended several needed changes, including simplifying voting-day setup, upgrading software, and improving tracking for problems at polling places.²²

The Legislature would also have known that Harris County represents about 16% of the total population of Texas.²³ By contrast, Dallas County accounts for 9%,²⁴ Tarrant County

¹⁸ Natalia Contreras, *Almost Two Months After Election Day, Harris County Still Doesn’t Know if Polling Site Problems Kept People From Voting*, TEXAS TRIBUNE (Dec. 30, 2022), at [Harris County’s review of voting problems on Election Day “inconclusive” | The Texas Tribune](#).

¹⁹ Natalia Contreras, *Here’s why we still don’t know what went wrong in Harris County on Election Day*, The Texas Tribune (Nov. 18, 2022), <https://www.texastribune.org/2022/11/18/harris-county-voting-problems/>.

²⁰ J. David Goodman, *After Election Problems in Houston, Republicans Seek to Overturn Results*, NYT (Jan. 6, 2023) at [After Election Problems in Houston, Republicans Seek to Overturn Results - The New York Times \(nytimes.com\)](#).

²¹ *Id.*

²² *Id.*

²³ According to the July 2021 Census, Harris County’s population was 4,728,030 out of 30,079,522 in the State of Texas. U.S. Census Bureau, *Quick Facts, Harris County, Texas*, www.census.gov, [U.S. Census Bureau QuickFacts: Harris County, Texas](#).

²⁴ *See id.* (population of Dallas County was 2,600,840).

accounts for 7%,²⁵ Bexar County accounts for 8%,²⁶ and Collin County accounts for 4%.²⁷ Harris County is nearly twice as big as the next largest county with an elections administrator.

This move neither affected the partisan makeup of election officials (as SB 1750 transferred control to Democrat elected officials) nor caused a sea change in how elections are run (because it transferred control back to the offices that had historically administered elections prior to 2022). Nevertheless, the County challenged the law as unconstitutional.

Legal Background

Defendants challenge this Court's subject-matter jurisdiction to hear the case on the grounds of standing and sovereign immunity.

Harris County lacks standing to sue the Secretary of State, the Attorney General, and the State of Texas. A plaintiff must show (1) an injury in fact that is concrete and particularized, actual or imminent, not conjectural or hypothetical; (2) the injury has to be "fairly traceable" to the challenged action of the defendant, not the result of the independent act of third parties not before the court, and (3) it must be "likely, not speculative, that the injury will be redressed by a favorable decision." *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992); see also *Heckman v. Williamson County*, 369 S.W.3d 137, 155 (Tex. 2012); *Good Shepherd Med. Ctr. v. State*, 306 S.W.3d 825 (Tex. App.—Austin 2010, no writ). Standing is a constitutional prerequisite to suit under both federal and Texas law, therefore, courts "look to the more extensive jurisprudential experience of the federal courts on this subject for any guidance it may yield." *Texas Ass'n of Business v. Tex. Air Control Bd.*, 852 S.W.2d 440, 444 (Tex. 1993).

²⁵ See *id.* (population of Tarrant County was 2,154,595).

²⁶ See *id.* (population of Bexar County was 2,059,530).

²⁷ See *id.* (population of Collin County was 1,066,465).

Harris County has alleged only a speculative, hypothetical injury that is not fairly traceable to the actions of any of the named defendants, and that speculative injury is therefore not redressable by the injunctive relief they seek. In the absence of either (1) an injury that is “concrete and particularized, actual or imminent, not hypothetical”; or (2) an injury that is “fairly traceable to the defendant’s conduct,” “not the injury that results from the independent action of some third party not before the court,” this Court must dismiss the suit for lack of jurisdiction. *Heckman v. Williamson County*, 369 S.W.3d 137, 155 (Tex. 2012).

Harris County has alleged three basic injuries: (1) the hypothetical injury from a disrupted election *if the county followed the statute* (which they have openly announced they will not do); (2) that the Secretary of State would somehow enforce SB 1750 against the County; and (3) that the AG would somehow enforce SB 1750 against the County. None of these injuries are actual or imminent. “Although imminence is a concededly elastic concept, it cannot be stretched beyond its purpose, which is to ensure that the alleged injury is not too speculative for Article III purposes—that the injury is certainly impending.” *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 409 (2013). The injury must be “certainly impending” and “allegations of possible future injury are not sufficient.” *Id.* at 409.

In this case, the legislation has not even taken effect yet. And even when it does, Harris County has not properly pleaded what authority the Secretary of State and the Attorney General may have to enforce SB1750, or that any type of enforcement is imminent. Harris County has pointed this Court to no statute allowing the Secretary or the Attorney General to enforce SB 1750, nor pleaded how enforcement is imminent. Thus, Harris County cannot manufacture standing by declaring that County officials will violate the law and that the Defendants will then injure them.

Harris County has not pleaded any facts showing that the Secretary of State or the Attorney General have threatened enforcement, so the County has not shown imminent injury. And again, Harris County has declared that it does not intend to follow the statute, so it will not suffer any hypothetical injury from having its election disrupted.

The State of Texas has immunity from suit, and none of Harris County's alleged injuries are fairly traceable to it, either. The "State is not automatically a proper defendant in a suit challenging the constitutionality of a statute merely because the Legislature enacted it." *Abbott v. MALC*, 647 S.W.3d 681, 697 (Tex. 2022). The "State itself has no enforcement authority with respect to election laws." *Id.* at 698. "Declaratory-judgment claims challenging the validity of a statute may be brought against the relevant governmental entity." *Id.* at 698. And for that reason, none of Harris County's alleged injuries are fairly traceable to the State itself. *Id.* at 698.

The Secretary and the Attorney General also retain sovereign immunity from suit because Harris County's constitutional claim is facially invalid. Harris County claims that SB 1750 is unconstitutional under Article III, section 56 of the Texas Constitution, specifically under the following provisions:

The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law authorizing:

(a)(2) regulating the affairs of counties . . .

(a)(12) for the opening and conducting of elections, or fixing or changing the places of voting;

(a)(14) creating offices, or prescribing the powers and duties of officers, in counties . . .

(a)(30) relieving or discharging any person or set of persons from the performance of any public duty or service imposed by general law.

. . .

(b) In addition to those laws described by Subsection (a) of this section, in all other cases where a general law can be made applicable, no local or special law shall be enacted.

TEX. CONST. Art. III, § 56 (a)-(b). The Texas Supreme Court has long recognized that the intent of this constitutional provision is to prevent legislatures from “granting special privileges,” and “trading votes for the advancement of personal rather than public interests.” *Maple Run at Austin Mun. Util. Dist. v. Monaghan*, 931 S.W.2d 941, 945 (Tex. 1996). The fact that the law applies only to Harris County at present (but could eventually apply to other counties in the future) does not render it unconstitutional: “A law is *not* a prohibited local law merely because it applies only in a limited geographical area. . . . *The primary and ultimate test of whether a law is general or special is whether there is a reasonable basis for the classification made by the law, and whether the law operates equally on all within the class.*” *Id.* (emphasis added).

Here, Harris County has made no argument that a reasonable basis for the classification does not, nor could not exist. For that reason, sovereign immunity is not waived as to the Secretary and the Attorney General. “Although the UDJA waives immunity for declaratory-judgment claims challenging the validity of statutes, we have held that immunity from suit is not waived if the constitutional claims are facially invalid.” *MALC*, 647 S.W.3d at 698. That in itself is a jurisdictional question. *Id.* at 699. “As in every Texas case involving sovereign immunity, this jurisdictional inquiry touches on the merits because . . . courts lack jurisdiction to proceed if the claim appears ‘facially invalid.’” *Id.* at 699.

Argument

Harris County has failed to plead facts either sufficient to establish standing or to waive sovereign immunity. It has both named the wrong parties and failed to show an injury fairly

traceable to the defendants that would be redressable by a favorable decision. And its challenge to the constitutionality of the statute is facially invalid.

I. Harris County has failed to plead facts sufficient to allege standing.

A. Harris County has failed to plead an actual, concrete, imminent injury sufficient to establish standing.

Harris County's real gripe in this action is that the Legislature has removed a power it previously had to have its elections run by an appointed Elections Administrator rather than an elected official such as the County Clerk. Harris County does not claim the diminution of that power as an injury, however, because one governmental actor typically does not have a justiciable injury based on a generalized claim that another actor's exercise of its own authority on behalf of the same government altered the distribution of power. *See United Presbyterian Church in the U.S.A. v. Reagan*, 738 F.2d 1375, 1381-82 (D.C. Cir. 1984) (collecting cases). The one exception is where the challenged action "totally deprive[s] the [complainant] of [a] right" granted by the Constitution—typically, the right of an individual legislator to vote on proposed legislation. *Chiles v. Thornburgh*, 865 F.2d 1197, 1206 (11th Cir. 1989) (discussing *Barnes v. Kline*, 759 F.2d 21 (D.C. Cir. 1984); *Kennedy v. Sampson*, 511 F.2d 430 (D.C. Cir. 1974)). Harris County does not claim that S.B. 1750 destroyed a right guaranteed by the Constitution to counties because it cannot. It is well established that as "a subordinate and derivative branch of state government," *Avery v. Midland County*, 406 S.W.2d 422, 426 (Tex. 1966), *vacated on other grounds*, 390 U.S. 474 (1968); *see* TEX. CONST. art. IX, § 1; TEX. CONST. art. XI, § 1, the County "possess[es] only such powers and privileges" as the State confers upon it. *Wasson Interests, Ltd. v. City of Jacksonville*, 489 S.W.3d 427, 430 (Tex. 2016); *e.g.*, *Guynes v. Galveston County*, 861 S.W.2d 861, 863 (Tex. 1993); *Quincy*

Lee Co. v. Lodal & Bain Engineers, Inc., 602 S.W.2d 262, 264 (Tex. 1980). The Legislature gave Harris County the right to appoint an elections administrator, and it could take it away.

Indeed, for similar reasons, it is dubious that counties can ever sue the State on a claim like the one presented here. “Texas counties are legal subdivisions of the State, subordinate and derivative branches of state government that represent no sovereignty distinct from the state and possess only such powers and privileges as have been expressly or impliedly conferred upon them.” *State v. Hollins*, 620 S.W.3d 400, 403-04 (Tex. 2020). As a result, it is well established that “the state may use, and frequently does use, a county as its agent in the discharge of the State’s functions and duties.” *Childress County v. State*, 92 S.W.2d 1011, 1015 (Tex. 1936). Because counties are subordinate components of the sovereign, it makes little sense to allow the county to sue the State because it disagrees with the choices the State makes about what powers the County may or may not exercise.

Instead of claiming a right to appoint an elections administrator in perpetuity, Harris County pleaded that it will be injured because compliance with SB 1750 will be difficult due to disruptions from “massive transfers of employees and resources from the EA’s office to the Harris County Clerk and Harris County Tax Assessor-Collector” and increased costs to the County. Plaintiff’s Application at 13-14. While compliance costs could potentially constitute an injury-in-fact, Harris County advertises that it “does not intend to comply” with the statute. *Id.* at 14, 18. Therefore, any alleged hypothetical injury from complying with SB 1750 is wholly irrelevant.

Harris County also asserts that if it fails to comply with SB 1750, it will “jeopardize not only the results of those elections, but the validity of voter lists, polling locations, thousands of financial transactions, and contracts with other entities Without court intervention, the public’s

selection of their elected representatives . . . will be risked in Harris County.” Plaintiff’s Application at 14. But this alleged injury assumes an enforcement action, and specifically one in which the remedy would be the invalidation of votes. Harris County has pointed this Court to no statute that would allow either the Secretary of State or the Attorney General to enforce SB 1750 against it, let alone in such a draconian manner. SB 1750 itself has no such enforcement provision, and election law typically goes to great lengths to *avoid* a circumstance where changes to election rules could result in the invalidation of votes. *See, e.g., Allen v. Milligan*, 143 S. Ct. 1487, 1517 (2023) (holding that Alabama’s redistricting maps violate the federal Voting Rights Act *without* invalidating the 2022 election). Therefore, Harris County has failed to plead an actual or imminent injury fairly traceable to the named defendants, and this Court should dismiss its claims for lack of jurisdiction.

B. Harris County has failed to demonstrate that the alleged injury is “fairly traceable” to any of the named defendants; thus, the injury is also not redressable by the requested relief.

Even if Harris County had an actual, imminent injury due to potential enforcement of SB 1750 against it, Harris County has not shown a connection between that injury and any of the named defendants. Therefore, it has failed to establish standing.

1. The State of Texas is the wrong defendant.

Under Texas law, the “State is not automatically a proper defendant challenging the constitutionality of a statute merely because the Legislature enacted it.” *MALC*, 647 S.W.3d at 697. Harris County has not shown—nor can it show—that its alleged injury is “fairly traceable” to the State of Texas because “the State itself does not enforce election laws.” *Id.* at 696. Because the “State itself has no enforcement authority with respect to election laws . . . [Harris County has] failed to meet the traceability element of standing” as to the State itself.” *Id.* at 698.

2. Provisional Attorney General Colmenero and Secretary Nelson are the wrong defendants.

Although the State is not a proper party, it is possible to challenge the validity of a statute by suing the entity that enforces it: “Declaratory-Judgment claims challenging the validity of a statute may be brought against the relevant governmental entity.” *Id.* at 698. But, Harris County did not name governmental entities. Rather, it confused *ultra vires* suits with declaratory judgment actions by naming the AG and Secretary of State in their official capacities, and not the Office of the Attorney General or the Office of the Secretary of State.

In an *ultra vires* suit, “because the rule that *ultra vires* suits are not suits against the State within the rule of immunity of the State from suit derives from the premise that the acts of officials which are not lawfully authorized are not acts of the State, it follows that these suits cannot be brought against the state, which retains immunity, but must be brought against the state actors in their official capacity. This is true even though the suit is, for all practical purposes, against the state.” *City of El Paso v. Heinrich*, 284 S.W.3d 366, 373 (Tex. 2009) (cleaned up); *Patel v. Texas Dep’t of Licensing and Reg.*, 469 S.W.3d 69, 77 (Tex. 2015) (“because the Threaders challenge the validity of the cosmetology statutes and regulations, rather than complaining that officials illegally acted or failed to act, the *ultra vires* exception does not apply. The Department and the Commission are not immune from the Threaders’ suit.”)

Harris County brought a declaratory judgment action, not an *ultra vires* suit. “For claims challenging the validity of ordinances or statutes, however, the Declaratory Judgment Act requires that the relevant governmental entities be made parties, and thereby waives immunity.” *Id.* at 373 n.6. Thus, Harris County should have sued the Office of the Attorney General and the Office of the Secretary of State as entities, not the state officials themselves.

3. Even if Harris County had sued the Secretary of State's office correctly, Harris County lacks standing to sue the Secretary of State.

Even if she could be a proper defendant in a UDJA action, the Secretary of State is not a proper defendant here because the Secretary of State does not generally enforce the entire election code. Harris County must show how the Secretary would enforce SB1750 against the County. Because it has not done so, it lacks standing to sue the Secretary.

The Texas Supreme Court and the Fifth Circuit agree that for traceability purposes, a plaintiff must demonstrate an enforcement connection between the official sued and the challenged statutory provision. Enforcement is directly related to traceability. *City of Austin v. Paxton*, 943 F.3d 993, 1002 (5th Cir. 2019). Although enforcement authority is often discussed in the context of sovereign immunity, “it may be the case that an officials’ connection to enforcement is satisfied when standing has been established.” *Id.* at 1002.

In any case, “the official must have the requisite enforcement connection of the particular statutory provision that is the subject of the litigation.” *Tex. Democratic Party v. Abbott*, 978 F.3d 168, 179 (5th Cir. 2020). When an officials’ connection to enforcement is *not* established, “the plaintiff [has] failed to allege sufficient facts to satisfy the traceability element of standing.” *MALC*, 647 S.W.3d at 697.

Here, Harris County has failed to establish that enforcement connection: “The Secretary’s general duties fail to make him the enforcer of specific election code provisions. More is needed—namely, a showing of the Secretary’s connection to the enforcement of the particular statutory provision that is the subject of the litigation.” *Lewis v. Scott*, 28 F.4th 659, 664 (5th Cir. 2022) (cleaned up). “That is especially true here because the Election Code delineates between the

authority of the Secretary of State and local officials.” *Id.* at 664; *Richardson v. Flores*, 28 F.4th 649, 654 (5th Cir. 2022).

Harris County cannot ask this Court to enjoin the Secretary of State’s alleged ability to enforce SB 1750. *See* Plaintiff’s Application at 18. On its face, SB 1750 has no enforcement provision, but merely retracts the ability of certain counties to create an elections administrator.

Instead, Harris County points to SB 1933, which provides that the Secretary may terminate an elections administrator under certain circumstances. Plaintiff’s Application at 8, 13, 18. But, Harris County misunderstands that statute and has not shown how it establishes traceability. SB 1933 does not empower the Secretary of State to remove the elections administrator at the moment SB 1750 takes effect.

SB 1933 only allows the Secretary of State to remove an elections administrator after a lengthy process of notice and oversight that must be initiated by a third-party complaint. Because SB 1933 cannot even begin to operate without the actions of third parties not before the Court, there is no traceability. *Heckman*, 369 S.W.3d at 154.

First, Texas Election Code § 31.017 (as amended by SB 1933) allows the Secretary of State to require administrative oversight over a county elections administrator only if (1) there is a complaint filed by someone who participated in the election; (2) the secretary gives notice to the election official; and (3) after an investigation, the secretary “has good cause to believe that a recurring pattern of problems with election administration or voter registration exists within the county” *Id.* If the Secretary decides to implement administrative oversight after the investigation, the Secretary can do that without removing the election official.

Second, after the administrative oversight period, Texas Election Code §31.037 (as amended by SB 1933) only allows for the Secretary to remove the elections administrator “*if the recurring pattern of problems with election administration or voter registration is not rectified . . .*” *Id.* (emphasis added). If the Secretary is not satisfied with the corrections, the oversight process lasts at least until “December 31 of the even-numbered year following the first anniversary of the date the complaint was received . . .” TEX. ELEC. CODE § 31.037(f)(1).²⁸ Thus, the soonest a Secretary of State could possibly remove an election official under this act (assuming the Secretary received an actionable complaint to start the process during this upcoming election) would be December 31, 2024. TEX. ELEC. CODE § 31.050(f)(1).

Because none of the procedures of SB 1933 that could result in the removal of an elections administrator will occur remotely close in time to the operation of SB 1750, Harris County has not shown traceability of its purported future injury to the Secretary of State. “Traceability is particularly difficult to show where the proffered chain of causation turns on the government’s speculative future decisions regarding whether and to what extent it will bring enforcement actions in hypothetical cases.” *A.R. Eng’g & Testing, Inc. v. Scott*, ___ F.4th ___ (5th Cir. July 10, 2023) (citing *Clapper v. Amnesty Int’l*, 568 U.S. 398, 412-14 (2013)).

Next, to the extent that Harris County has pleaded that the Secretary’s broad, general authority to oversee elections is sufficient to establish standing, that is incorrect. The Fifth Circuit has specifically rejected that proposition, stating that “our precedent has clarified that the

²⁸ The Secretary also has the option, after the oversight process has failed, to file a petition in the district court in the county where the administrator resides in accordance with Local Government Code § 87.015. TEX. ELEC. CODE § 31.021(a) (as amended by SB 1933).

Secretary's general duties under the Texas Election Code fail to make the Secretary the enforcer of specific election code provisions." *Richardson v. Flores*, 28 F.4th 649, 654 (5th Cir. 2022); *see also* TEX. ELEC. CODE § 31.001-.005; *Bullock v. Calvert*, 480 S.W.2d 367, 372 (Tex. 1972) (legislature did not write a "blank check" to the Secretary of State to enforce election laws).

Because Harris County has pleaded no mechanism by which the Secretary would enforce SB1750, Harris County has no standing to sue the Secretary. In order to have standing to sue, there must be an actual or threatened injury that is "fairly traceable" to the defendant, and it must be "likely, not merely speculative, that the injury will be redressed by a favorable decision." *Good Shepherd Med. Ctr. v. State*, 306 S.W.3d 825 (Tex. App.—Austin 2010, no writ) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)). Those requirements are not met here because the Secretary could not remove the Elections Administrator before the November 2023 elections in the first place under SB 1933.

Nor could the Secretary refuse to recognize the votes from Harris County merely on the grounds that the election was administered by the wrong official. The Texas Supreme Court settled this question back in 1887. A candidate alleged certain irregularities in the election rules, one of which was that "the managers of the election were not properly appointed and qualified." *Fowler v. State*, 68 Tex. 30, 34 (1887). The Court set forth a rule that "when it is shown that the irregularities of the officers have in no manner changed the result of the election, or its fair and honest character, the acknowledged rule is to count the returns or ballots, . . . in the same way as if the directory provisions of the statute had been rigorously pursued." *Id.* at 36. The rationale behind this rule is that "[e]lectors must not be deprived of their votes on account of . . . any misconduct on the part of its presiding officers, if these have not affected the true result of the

election.” *Id.* at 35. Thus, regardless of who administers the Harris County election in November, no voter risks being disenfranchised so long as their votes otherwise appropriately comply with state law.

For all these reasons, the Secretary of State should be dismissed from this suit for lack of jurisdiction.

4. Harris County has not pleaded standing as to the Attorney General.

Although Harris County has asked this Court to enjoin the Attorney General from enforcing SB 1750, it has pointed this court to no provision that would allow the Attorney General’s office to do so, nor has it pleaded facts to establish a credible threat of enforcement. Plaintiff’s Application at 19.

Again, as with the Secretary of State, Harris County must demonstrate that its alleged injury is fairly traceable to the Attorney General. In order to demonstrate traceability, Harris County must at least plead facts sufficient to point this Court to the Attorney General’s enforcement authority over SB 1750. *Whole Woman’s Health v. Jackson*, 142 S. Ct 522, 534-35 (2021); *see also MALC*, 647 S.W.3d at 697-98. It has not done so. The County has merely alleged that the Attorney General and the Secretary of State “will be the lead agents enforcing SB 1750.” Plaintiffs Application at 18. But this Court should dismiss this suit against the Attorney General because “plaintiff failed to allege sufficient facts to satisfy the traceability element of standing.” *Abbott v. MALC*, 647 S.W.3d 681, 687 (Tex. 2022).

The Texas Supreme Court requires that a county plead facts establishing standing to sue the Attorney General. *Abbott v. Harris County*, ___ S.W.3d ___, 2023 WL 4278763, at *6 (Tex. June 23, 2023). “A plaintiff seeking an injunction against a defendant’s enforcement of a governmental enactment may establish injury-in-fact by demonstrating a credible threat of

prosecution thereunder.” *Id.* at *5. In *Abbott*, the Court considered Harris County’s standing to sue the Attorney General, and it found standing because the Attorney General had sent a letter to Harris County officials threatening legal action in response to their violations of the executive order at issue in that case. *Id.* at *6. Here, Harris County has pleaded no facts regarding the AG’s intent to enforce SB 1750. Harris County’s attempt to rely on past actions before SB 1750 existed to predict future actions regarding a new law is hypothetical, speculative, and cannot substitute for an actual threat of enforcement. Therefore, it has not established standing. Again, “[t]raceability is particularly difficult to show where the proffered chain of causation turns on the government’s speculative future decisions regarding whether and to what extent it will bring enforcement actions in hypothetical cases.” *A.R. Eng’g & Testing, Inc. v. Scott*, ___ F.4th ___ (5th Cir. July 10, 2023) (citing *Clapper v. Amnesty Int’l*, 568 U.S. 398, 412-14 (2013)).

II. Immunity is not waived because Harris County has pleaded a facially invalid constitutional claim.

Harris County has pleaded a constitutional claim under Article III, Section 56 of the Texas Constitution. “Although the UDJA generally waives immunity for declaratory-judgment claims challenging the validity of statutes, we have held that ‘immunity from suit is not waived if the constitutional claims are facially invalid.’” *Abbott v. MALC*, 647 S.W.3d 681, 698 (Tex. 2022) (quoting *Klumb v. Houston Municipal Employees Pension System*, 458 S.W.3d 1, 13 (Tex. 2015)). “We also emphasize, however, that our analysis of these constitutional provisions arises as part of our consideration of *jurisdiction*.” (emphasis in original). *Id.* at 699. “As in every Texas case involving sovereign immunity, this jurisdictional inquiry touches the merits because, as noted, courts lack jurisdiction to proceed if the claim appears ‘facially invalid.’” *Id.*

Here, Harris County’s argument that SB 1750 is unconstitutional is not facially viable. The injunction application focuses entirely on whether the law is applicable only to Harris County, but that is the wrong test. *See* Plaintiff’s Application at 14-17. The test is not whether a law is only applicable to a single county, but whether there could have been any possible reasonable basis for the classification. Harris County has not even made the argument—much less alleged facts to demonstrate—that no reasonable basis could have existed for the classification.

Indeed, many reasonable bases exist for treating Harris County differently for election administration purposes. Harris County is the largest county in Texas with a larger population than 26 states. Its sheer size warrants special consideration, as does its outsized impact on statewide elections. Further, after the Harris County Commissioners Court changed the election administration system for the 2022 election cycle, new problems emerged in Harris County that made national news, created local controversy, and led to numerous election contests. Solving Harris County-specific issues could also provide a reasonable basis. But Harris County has not even addressed any of the reasonable bases that could exist – much less demonstrated that none of them could exist. Therefore, the constitutional claim is facially invalid, immunity is not waived, and this Court “lacks jurisdiction to proceed.” *MALC*, 647 S.W.2d at 699.

A. SB 1750 has a reasonable basis for treating Harris County differently; therefore, it is a general law and outside the purview of Article III, section 56.

Since 1899, the Texas Supreme Court has consistently stated that when a legislature has a reasonable basis for drawing a classification—even when that classification only affects a single county—the law is considered a general law, and therefore not prohibited by Article III, section 56. This principle was first stated in *Clark v. Finley*, in which the Court “adopt[ed] the rule that, in

order to make an act a general law, the classification adopted should be reasonable *Clark v. Finley*, 54 S.W. 343, 346 (Tex. 1899).

Over the last century, Texas courts have consistently evaluated Article III, section 56 claims based on the reasonable basis for the classification—even when a statute targets a single county or territory, the constitutional determination still rises and falls based on the reasonable basis test.²⁹ “The ‘primary and ultimate test’ of whether a law is an impermissible special or local law is whether the legislature has a reasonable basis for the classification used.” *Robinson v. Hill*, 507 S.W.2d 521, 525 (Tex. 1974) (emphasis added) (quoting *Smith v. Davis*, 426 S.W.2d 827, 830 (Tex. 1968)). More recently, the Texas Supreme Court reaffirmed that “Legislation does not violate Article III, Section 56, however, as long as there is a reasonable basis for its classifications.” *Texas Boll Weevil Eradication Foundation, Inc. v. Lewellen*, 952 S.W.2d 454, 465 (Tex. 1997).

²⁹ Even cases declaring statutes unconstitutional under Article III, section 56 have done so not only because a single county, territory, or small group was targeted, but also because there was no reasonable basis. See, e.g., *Anderson v. Wood*, 152 S.W.2d 1084, 1087 (Tex. 1941) (finding unconstitutional a limit on hiring of traffic officers targeting only Tarrant County when counties of both smaller and larger populations faced no such restrictions); *Miller v. El Paso County*, 136 Tex. 370, 374 (Tex. 1941) (finding unconstitutional a statute authorizing the El Paso Commissioners Court to levy a 5% tax for county development where other counties of similar size were not authorized); *Bexar County*, 97 S.W.2d at 470-71 (finding no reasonable basis to reduce Bexar County officials’ pay below the level of counties with similar population); *City of Fort Worth v. Bobbitt*, 36 S.W.2d 470, 471-72 (Tex. 1931) (noting that the need for a “fair basis” to support the classification); *Smith v. State*, 49 S.W.2d 739, 743-44 (Tex. Crim. App. 1932) (holding a jury rule targeting McClennan County unconstitutional because the population classification was not reasonably related to the rule); *Southwest County Water Dist. v. City of Austin*, 64 S.W.3d 25, 31-32 (Tex. App.—Austin 2000, no writ) (noting the need for a reasonable basis, but declining to find a reasonable basis in a broader statewide interest); *City of Austin v. City of Cedar Park*, 953 S.W.3d 424, 432-435 (Tex. App.—Austin 1997, no writ) (finding unconstitutional a statute with a single-county population bracket that annexed extraterritorial land from Austin to Cedar Park because there was no reasonable basis).

1. A statute has a reasonable basis if any set of facts could exist that would justify the classification.

Reasonable basis is a low bar: “If there could exist a state of facts justifying the classification or restriction complained of, we will assume that it existed.” *Scurlock Permian Corp. v. Brazos County*, 869 S.W.2d 468, 485 (Tex. App.—Houston [1st Dist.] 1993, reh’g denied)(citing *Inman v. R.R. Comm’n*, 478 S.W.2d 124, 126 (Tex. App.—Austin 1972, writ ref’d n.r.e.)); *see also Smith v. Davis*, 426 S.W.2d 827, 831 (Tex. 1968) (“It is to be presumed that the Legislature has not acted unreasonable or arbitrarily; and a mere difference of opinion . . . is not a sufficient basis for striking down legislation as arbitrary or unreasonable.”).

One reasonable basis that could exist is Harris County’s sheer size. As the *New York Times* reported, the size of Harris County created reasons why elections could be extra challenging: “The county’s size has been a challenge, covering an area nearly the size of Delaware with 2.5 million registered voters and over 700 polling places.”³⁰

As of the 2020 census, Harris County is the third most populous county in the nation,³¹ and it has a larger population than 26 states.³² Over a 17-year period, Harris County’s population has grown more than twice as fast as the nation’s population.³³ And it keeps growing -- Harris County added 45,000 residents in 2022, the second-most growth of any county in the United

³⁰ J. David Goodman, *After Election Problems in Houston, Republicans Seek to Overturn Results*, NYT (Jan. 6, 2023) at [After Election Problems in Houston, Republicans Seek to Overturn Results - The New York Times \(nytimes.com\)](https://www.nytimes.com/2023/01/06/us/politics/houston-election-problems-republicans.html).

³¹ United States Census Bureau, *2020 Population and Houston State Data*, www.census.gov (Aug. 12, 2021).

³² Harris County, *Population Report—February 2018*, budget.harriscountytexas.gov (Feb. 2018).

³³ *Id.*

States.³⁴ Harris County's sheer size and growth alone is a reasonable basis for the legislature to treat it individually on any number of issues, not just elections.

Another reasonable basis could be that the legislature observed that only Harris County had significant problems with its Elections Administrator. None of the other counties with an elections administrator made national news for how badly run their elections were. Harris County never had an elections administrator before the 2022 election cycle, and once the system changed, both Republicans and Democrats thought the administration was generally worse and needed correction. It would be reasonable for the legislature to make a change to the elections administrator in the one county that was experiencing difficulties while leaving the other counties' elections administrators alone.

In order to state a viable claim that fits within the UDJA's waiver of immunity, Harris County needed to plead facts that could defeat *all possible reasonable explanations* for the classification in order for its Article III, Section 56 claim to be facially valid. It has not; therefore, the Defendants are immune from suit.

2. Whether the law targets a single county is the beginning, not the end, of the analysis.

Harris County focuses on the fact that SB 1750 applies only to Harris County at the present time, then deduces that the law must therefore be unconstitutional under Article III, section 56. Plaintiff's Br. at 15-16. But this argument relies on an outdated precedent and ignores the main point of *Maple Run at Austin Municipal Utility District v. Monaghan*, 931 S.W.2d 941 (Tex. 1996).

³⁴ Kinder Institute for Urban Research, *Harris County Bounces Back in a Big Way in 2022 Population Estimate*, kinder.rice.edu (Mar. 23, 2023).

Harris County relies on *City of Fort Worth v. Bobbitt*, a 1931 Texas Supreme Court case with strong language that targeting a county is unconstitutional. See 36 S.W.2d 470 (Tex. 1931). But, assuming Harris County’s reading of *Bobbitt* is correct, *Bobbitt* would be an outlier: in the great weight of precedent, courts have viewed a statute’s classification of one as merely the beginning of the Article III, section 56 analysis, not the end of it. Even Texas Supreme Court cases of the same vintage as *Bobbitt* from the 1930s and 1940s relied on reasonable basis analysis to find that laws targeting a single county were unconstitutional—it was not the targeting alone that dictated the outcome.³⁵ And, *Bobbitt* itself notes that a “fair basis” should support the classification. *Bobbitt*, 36 S.W.2d at 471-72.

Resolving any doubt that a statute that targets a specific area can be constitutional, the Texas Supreme Court has previously upheld a population classification that singled out Harris County in a one-time pension fund transfer. *Harris County Hospital District v. Pension Board of the City of Houston*, 449 S.W.2d 33, 39 (Tex. 1969). The Court noted specifically that the “*City argues that no city other than Houston can ever be affected by the provisions of the Section No authority is cited in support of the position that this fact renders the Act a local or special law, and we doubt that any will be found.*” *Id.* at 38.

³⁵ Cases declaring statutes unconstitutional under Article III, section 56 have done so not only because a single county, territory, or small group was targeted, but also because there was no reasonable basis for doing so. See, e.g., *Anderson v. Wood*, 152 S.W.2d 1084, 1087 (Tex. 1941)(finding unconstitutional a limit on hiring of traffic officers targeting only Tarrant County when counties of both smaller and larger populations faced no such restrictions); *Miller v. El Paso County*, 136 Tex. 370, 374 (Tex. 1941) (finding unconstitutional a statute authorizing the El Paso Commissioners Court to levy a 5% tax for county development where other counties of similar size were not authorized); *Bexar County*, 97 S.W.2d at 470-71 (finding no reasonable basis to reduce Bexar County officials’ pay below the level of counties with similar population); *City of Fort Worth v. Bobbitt*, 36 S.W.2d 470, 471-72 (Tex. 1931)(noting that the need for a “fair basis” to support the classification); *Smith v. State*, 49 S.W.2d 739, 743-44 (Tex. Crim. App. 1932)(holding a jury rule targeting McClennan County unconstitutional because the population classification was not reasonably related to the rule).

The Texas Supreme Court in *Maple Run* went to great lengths to harmonize the mostly consistent, but sometimes inconsistent, precedent on Article III, section 56. In the years since *City of Fort Worth v. Bobbitt*, Texas courts have said explicitly what even *Bobbitt* did implicitly—that when a law targets a single county, Article III, section 56 comes into question, but that is not the end of the analysis. *Maple Run*, in fact, recognizes that the reasoning underlying *Bobbitt* and other early cases finding certain laws unconstitutional was not the targeting itself, but the lack of a reasonable basis for the classification. See *Maple Run*, 931 S.W.2d at 946. The Court says—exactly counter to the language Plaintiffs cite from *Bobbitt*—that “*A law is not a prohibited local law merely because it applies only in a limited geographical area.*” *Maple Run*, 931 S.W.2d at 945 (emphasis added).

The Austin Court of Appeals articulated this same understanding of the precedent over a decade before the *Maple Run* decision. In *Public Utility Commission v. Southwest Water Services, Inc.*, the court gave a detailed analysis of several cases targeting single counties or districts, some of which were constitutional and some of which were not. The Court then explained that the outcome was determined not by the targeting itself, but by the presence or absence of a reasonable basis for the classification. 636 S.W.2d 262, 264-66 (Tex. App.—Austin 1982, reh’g denied). Ultimately, the court concluded: “*These cases preclude . . . a rule that declaring a statutory class, which by its terms is closed to future members, to be a per se violation of the constitutional prohibition against local and special laws.*” *Id.* at 266.

Thus, whether the law targets a single county or creates a “closed class” is not dispositive—the reasonable basis is.

3. Courts have held that laws targeting specific areas were constitutional when the classification was related to a larger statewide interest.

Although the potential reasonable bases for a legislative classification are many, the Texas Supreme Court has specifically recognized a specific subset: a targeted classification that furthers a larger statewide interest. As the Court observed in *Maple Run*: “Where the operation or enforcement of a statute is confined to a restricted area, the question of whether it deals with a matter of general rather than purely local interest is an important consideration in determining its constitutionality.” 931 S.W.2d 941, 947 (Tex. 1996) (quoting *County of Cameron v. Wilson*, 326 S.W.2d 162, 165 (Tex. 1959)).³⁶

To be clear, a larger statewide interest is a sufficient, but not necessary, condition of constitutionality: “The significance of the subject matter and the number of persons affected by the legislation are merely factors, albeit important ones, in determining reasonableness.” *Maple Run*, 931 S.W.3d at 947.³⁷

That said, Harris County’s elections have a broad statewide impact. The County is larger than 26 states, and—with unquestionably the largest population in Texas—it has an outsized impact on statewide elections. It has a major impact on elections for seats whose district lines may encompass both parts of Harris County as well as neighboring counties. And, as the third-most populous county in the nation, Harris County is so significant that when problems with its elections administration arise, they become national news stories. The legislature has a reasonable basis in

³⁶ See also *Lower Colorado River Authority v. McCraw*, 83 S.W.2d 629, 636 (Tex. 1935) (“[A] statute is not local or special, within the meaning of [Article III, section 56], even though its enforcement is confined to a restricted area, if persons or things throughout the state are affected thereby, or if it operates upon a subject that the people at large are interested in.”).

³⁷ In *Maple Run* itself, the Court rejected environmental conservation as a larger state interest when the purpose of the statute was not environmental conservation but allowing a municipal district to dissolve and leave its debts to Austin taxpayers. 931 S.W.2d at 948.

treating Harris County differently than any other county in the State because its elections impact larger statewide interests than any other county in the State.

The legislature often targets a single locality for the greater public good. For example, in *County of Cameron v. Wilson*, the Texas Supreme Court found that a classification for park development that essentially targeted Padre Island was reasonable because the need for park infrastructure on an undeveloped island was different from that of mainland parks. 326 S.W.2d 162, 165-66 (Tex. 1959). Then, the Court made a sweeping endorsement of the need for targeted classifications in the service of a wider state interest:

Because of the breadth and territorial extent of the State, its varied climatic and economic interests, and the attendant problems of transportation, regulation, and general needs incident to a growing and active population, *we have been and will again be faced with the need and demand for legislation which affects all the people of the State generally, yet which, in its direct operation, will apply to one locality or to a comparatively small number of counties. Such legislation is not only common, but is generally for the public good, or at least has been so declared by the legislative branch of government. The scope of such legislation should not be restricted by expanding the nullifying effect of Article 3, s 56 of the Constitution.*

Id. at 167 (emphasis added).

Again, in *Smith v. Davis*, the Texas Supreme Court upheld a population classification that effectively gave two specific counties the ability to levy extra taxes to support teaching hospitals—the only two counties in the State with teaching hospitals. The Court reasoned that “the operation of teaching hospitals for state-supported medical schools . . . affects people throughout the State. . . . People throughout the State have a vital interest in medical education.” 426 S.W.2d. 827, 831-32 (Tex. 1968). The broader State interest in medical education was a reasonable basis for the two-county classification.

One court-approved form of promoting the larger public interest is in solving local jurisdictional/territorial disputes when a matter of high State importance is at stake. The *Maple Run* Court spoke favorably of the legitimate basis for upholding a statute that only affected the Dallas/Fort Worth International Airport. 931 S.W.2d at 948. Although Dallas and Fort Worth created a board to jointly administer the airport plans, eventually, the nearby cities of Irving, Euless, and Grapevine objected to its continued expansion, and a territorial war over zoning ordinances ensued. *City of Irving v. Dallas/Ft. Worth Int'l Airport Bd.*, 894 S.W.2d 456, 449-60 (Tex. App.—Fort Worth 1995, no writ). The legislature stepped in to grant “constituent public agencies of a joint board” who are “home rule municipalities whose populations exceed 400,000” the exclusive power to administer municipal airports regardless of whether all or part of the airport was located within another municipality, and it overruled any other municipality’s ability to enforce zoning ordinances in the airport territory. *Id.* at 460. Because the law clearly targeted Dallas and Fort Worth, the cities challenged its constitutionality, reasoning that there was no reasonable basis to treat D/FW differently than other airports, such as those in Houston. *Id.* at 465-66.

The Court upheld the statute on statewide public interest grounds:

There is no doubt about the significance of D/FW airport, not only statewide but also nationally and internationally. If ever a statute could be found not local or special even though its enforcement or operation is confined to a restricted area, because persons or things throughout the State are affected thereby or if it operates upon a subject in which people at large are interested, [this law] is such a measure.

Id. at 467 (internal citations omitted). The court also rejected the Cities’ argument that the legislative attempt to fix a local problem rendered the statute unconstitutional—it recognized that “there clearly is a local problem with the host cities,” but “the Legislature’s attempt to alleviate this problem does not place [the law] into the realm of an unconstitutional local or special

measure.” *Id.* Thus, a law targeting not only a local area but also a local problem can still have a reasonable basis that makes it a constitutional general law.

Here, the Legislature also saw that “there clearly is a local problem” with administering elections in the largest county in the State and the third-largest county in the country. In the one year that Harris County had an appointed elections administrator instead of elected officials from either party running the election, Harris County had “one of the worst-run elections in recent memory.”³⁸ Because of the challenges and controversies surrounding the 2022 elections run under the elections administrator system, the Legislature had a reasonable basis for restoring the system back to the local elected officials who had a history of running less controversial and challenge-ridden elections. Like the D/FW situation, the local problem was simply too important to leave unresolved, and the legislature stepped in. And the Texas Supreme Court spoke approvingly of this statewide interest as a reasonable basis. *Maple Run*, 931 S.W.2d at 948.

By any measure, SB 1750 has a reasonable basis. Considering that a statute has a strong presumption in favor of reasonableness and constitutionality, and “*it must clearly appear that there is no reasonable basis for the classification adopted by the Legislature*” in order to invalidate it, Harris County has pleaded no set of facts that could possibly overcome this presumption. *See Cameron County*, 326 S.W.3d at 167. As such, Harris County has pleaded a constitutional claim that is facially invalid, and immunity is not waived.

4. In addition, SB 1750 could apply to other counties in the future.

The Texas Supreme Court has consistently held that when a law targets a single locality, the reasonable basis for the law is the touchstone of its constitutionality, not the fact of a restricted

³⁸ Hardy, *supra* note 4.

application. That said, an alternative basis for upholding a law that targets a single locality is the possibility that it could apply to other counties in the future: a law that “may have applied to only one county in the state at the time of its passage . . . did not alone make it a special or local law, . . . [because it could] apply to other counties in the future.” *Bexar County v. Tynan*, 97 S.W.2d 467, 469 (Tex. 1936); accord *City of Fort Worth v. Bobbitt*, 36 S.W.2d 470, 471-72 (Tex. 1931); *Suburban Utility Corp. v. State*, 553 S.W.2d 396, 399 (Tex. App.—Houston 1977, reh’g denied).

SB 1750 could encompass another county in the future. Harris County admits this fact: “For example, if Travis County—which currently has a population of 1.3 million and does not have an elections administrator—reaches 3.5 million residents at some point in the future, Section 2 would preclude Travis County from ‘creat[ing]’ a county elections administrator position.” Plaintiff’s Application at 7. Given the substantial growth in Texas over the last few years, it is likely that SB 1750’s application would extend over time.

Even if it were unlikely that the population classification will ever encompass another county, the Texas Supreme Court has held that any doubt must be resolved in favor of the validity of the statute. *Bexar County*, 97 S.W.2d at 470. And, indeed, it would be the Legislature’s prerogative to determine that counties above a certain size should have a different scheme for elections administration because larger counties have different administrative needs than smaller counties.

Harris County believes that SB 1750 can never apply to any other county because counties with elections administrators today that exceed the 3.5 million population mark in the future will not have to abolish their elections administrator. Plaintiff’s Application at 8. But even if that is true, and it is not clear that it is, the statute states that counties with a population of 3.5 million or

less may create a county administrator. As Texas grows, other counties that currently have no elections administrator and later exceed the 3.5-million-person threshold will then be unable to create the position of county elections administrator. Such a scenario may happen in the future, and so the statute may be read as a general law on that basis as well.

Finally, if the statute *can* be read as constitutional, it *must* be:

When we evaluate the constitutionality of a statute, we start with the presumption that statutes enacted by the Legislature comply with both the United States and Texas Constitutions. In line with this presumption, if a statute is susceptible to two interpretations—one constitutional and the other unconstitutional—then the constitutional interpretation will prevail.

EBS Solutions, Inc. v. Hegar, 601 S.W.3d 744, 754 (Tex. 2020) (cleaned up). “The party asserting that the statute is unconstitutional bears a high burden to show unconstitutionality.” *Id.* at 754.

Harris County has not met its burden to plead facts demonstrating unconstitutionality, and immunity is not waived.

B. SB 1750’s legislative history is irrelevant, as the Texas Supreme Court does not consider it.

To avoid the clear import of the statute’s text when read in the light of well-established caselaw, Harris County relies heavily on legislative history, Twitter, and press releases to support its contention that the law unconstitutionally targeted Harris County. And even though the linchpin of the court’s analysis is whether the legislation has a reasonable basis—not whether a county was targeted—Harris County’s brief offers no argument against the reasonable basis, relying instead on the defunct closed-bracket analysis. Plaintiff’s Br. at 15-17.

Harris County’s reliance on Sen. Paul Bettencourt’s press releases and Twitter posts, as well as an interchange with Rep. Briscoe Cain, is misplaced. The Texas Supreme Court has rejected this approach as a means of statutory interpretation, and rightly so. Sen. Bettencourt’s

statements reflect only his own intent, but the text of the statute reflects the collective intent of all 181 members of the State legislature: “Statements made during the legislative process by individual legislators or even a unanimous legislative chamber are not evidence of the collective intent of the majorities of both legislative chambers that enacted a statute.” *Molinet v. Kimbrell*, 356 S.W.3d 407, 414-15 (Tex. 2011). Moreover, the legislators are not the “cat’s paw” of the bill sponsors: “Under our form of government, legislators have a duty to exercise their judgment and to represent their constituents. It is insulting to suggest that they are mere dupes or tools.” *Brnovich v. Democratic Nat’l Cmte.*, 141 S. Ct. 2321, 2350 (2021).

The statements of legislators are simply not relevant to statutory interpretation, especially in an Article III, section 26 claim:³⁹

[W]hen interpreting a statute, *the text is the alpha and the omega of the interpretive process*. While we have often stated that our objective in statutory interpretation is to give effect to the Legislature’s intent, we have also acknowledged that the Legislature expresses its intent by the words it enacts and declares to be the law.

Bosque Disposal Systems, LLC v. Parker Cnty. Appraisal Dist., 555 S.W.3d 92 94 (Tex. 2018) (cleaned up).

And, even if legislative history were relevant, the Austin Court of Appeals has already rejected Harris County’s reasoning that a law must be unconstitutional if the legislative history demonstrates that it is targeting a specific issue. In an identical argument to the one Harris County puts forth here, the plaintiff in *Juliff Gardens v. Tex. Comm. on Environmental Quality* argued that a colloquy between Senators in the legislative history that made clear that the purpose of the bill

³⁹ In *Bexar County v. Tynan*, the Texas Supreme Court even expressly declined to examine the legislative history, as it did not “deem it necessary.” 97 S.W.2d at 471.

was to stop Juliff's landfill from getting a permit. 131 S.W.3d 271, 284-85 (Tex. App.—Austin 2004, no writ). The Court emphatically emphasized that

the mere fact that issues in [the Senators'] district . . . were precipitating causes of [the law] does not render it a local or special law. . . . When reviewing a statute to determine whether it is an unconstitutional local or special law, *we review the reasonableness of the statute's classifications, . . . not the precipitating forces that led to its enactment. Specific events have led to numerous statutes that were enacted as laws of general applicability.*

Id. at 283. The Court held that the law had a reasonable basis in treating this particular landfill differently than others due to the special needs of larger populations in coastal areas and upheld its constitutionality. *Id.* at 284-85.

This Court should likewise ignore Harris County's walk through the legislative history because the legislature had a reasonable basis for the classifications in SB 1750. The "precipitating forces" are irrelevant to its constitutionality. *See Brnovich*, 141 S. Ct. at 2349 (noting that the "cat's paw" theory does not translate to legislators). Because they are irrelevant to constitutionality, any statements made by legislators are irrelevant to whether Harris County has pleaded facts that state a valid constitutional claim, and irrelevant to whether immunity has been waived. Harris County has still failed to plead facts that overcome immunity.

III. SB 1750 repeals a previous authorization, and as such, is valid regardless of Article III, section 56.

Even if Harris County had successfully pleaded facts that demonstrated that SB 1750 lacked any reasonable basis, it would still be valid regardless of Article III, section 56, because it operates to repeal a previous law. Texas courts have repeatedly construed Article III, section 56 as inapplicable to the repeal of the legislature's own statutes or grants of authority.

SB 1750 repeals a previous grant of authority because it removes the power from counties with populations of 3.5 million or more to create the position of elections administrator. As far

back as 1900, courts have exempted such repeals from the “local law” prohibition. For example, in *Central Wharf & Warehouse Co. v. City of Corpus Christi*, the appellate court upheld the legislature’s right to repeal a statute with the effect of repealing a city’s charter, even in the face of a provision virtually identical to Article III, section 56. 57 S.W. 982 (Tex. App.—Galveston 1900, writ ref’d). The court observed that the constitutional provision “certainly did not mean to take away from the legislature its inherent power of repealing any law theretofore passed by it, and we must hold that said repealing act is a valid law.” *Id.* at 983.

Similarly, the El Paso Court of Appeals upheld a law disincorporating a city’s charter in the face of an Article III, section 56 challenge. Although the legislative action clearly targeted a single city, the court also held that a repeal was always within the legislature’s power, regardless of Article III, section 56. It held that Article III, section 56 “does not expressly prohibit [the legislature] from repealing a statute of incorporation. In fact [the court] find[s] nothing in the entire provision which could be read as either expressly or impliedly limiting this inherent power of the legislature.” *Diaz v. State*, 68 S.W.3d 680, 685 (Tex. App.—El Paso 2000, no writ).

Therefore, because SB 1750 acts as a repeal, it is not subject to Article III, section 56 at all, and there is no set of facts that Harris County could plead to demonstrate its invalidity.

IV. Provisional Attorney General Colmenero and Secretary Nelson are the wrong defendants.

Although the State is not a proper party, it is possible to challenge the validity of a statute by suing the entity that enforces it: “Declaratory-Judgment claims challenging the validity of a statute may be brought against the relevant governmental entity.” *Id.* at 698. But, Harris County did not name governmental entities. Rather, it confused *ultra vires* suits with declaratory judgment actions

by naming the AG and Secretary of State in their official capacities, and not the Office of the Attorney General or the Office of the Secretary of State.

In an *ultra vires* suit, “because the rule that ultra vires suits are not suits against the State within the rule of immunity of the State from suit derives from the premise that the acts of officials which are not lawfully authorized are not acts of the State, it follows that these suits cannot be brought against the state, which retains immunity, but must be brought against the state actors in their official capacity. This is true even though the suit is, for all practical purposes, against the state.” *City of El Paso v. Heinrich*, 284 S.W.3d 366, 373 (Tex. 2009) (cleaned up); *Patel v. Texas Dep’t of Licensing and Reg.*, 469 S.W.3d 69, 77 (Tex. 2015) (“because the Threaders challenge the validity of the cosmetology statutes and regulations, rather than complaining that officials illegally acted or failed to act, the ultra vires exception does not apply. The Department and the Commission are not immune from the Threaders’ suit.”)

Harris County brought a declaratory judgment action, not an ultra vires suit. “For claims challenging the validity of ordinances or statutes, however, the Declaratory Judgment Act requires that the relevant governmental entities be made parties, and thereby waives immunity.” *Id.* at 373 n.6. Thus, Harris County should have sued the Office of the Attorney General and the Office of the Secretary of State as entities, not the state officials themselves.

V. Conclusion

The court should grant the plea to the jurisdiction and dismiss this case.

VI. Prayer

For the foregoing reasons, the Attorney General respectfully requests that this Court:

1. Dismiss the State of Texas for lack of jurisdiction.
2. Dismiss Angela Colmenero and Jane Nelson for lack of jurisdiction.

3. Dismiss Harris County's entire suit for lack of standing.
4. Find that sovereign immunity has not been waived.
5. Deny the temporary injunction because the court lacks jurisdiction to issue such relief.
6. Grant any other relief, in law or in equity, to which Defendants may be entitled.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dated: August 3, 2023

ANGELA COLMENERO
Provisional Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

RALPH MOLINA
Deputy Attorney General for Legal Strategy

RYAN D. WALTERS
Deputy Chief, Special Litigation Division

Respectfully submitted,

CHARLES ELDRED
Chief, Legal Strategy
Tex. State Bar No. 00793681

/s/ Susanna Dokupil

SUSANNA DOKUPIL
Special Counsel
Tex. Bar No. 24034419

Christina Cella
Assistant Attorney General
Tex. Bar No. 24106199

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548
Austin, Texas 78711-2548
Telephone: (512) 457-4110
Susanna.Dokupil@oag.texas.gov
Charles.Eldred@oag.texas.gov
Christina.Cella@oag.texas.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document, has been served on August 3, 2023, on the following attorney-in-charge, by e-service and/or e-mail:

/s/ Susanna Dokupil

SUSANNA DOKUPIL

APPENDIX G

RETRIEVED FROM DEMOCRACYPOCKET.COM

office. This is bread and butter standing, and Harris County’s claims against Defendants may proceed.

Defendants’ arguments on immunity are likewise unavailing. As detailed in Harris County’s Amended Brief in Support of Temporary Injunctive Relief, Defendants ignore decades of case law holding that closed population brackets cannot withstand constitutional scrutiny under Article III, Section 56.

For these reasons, Harris County respectfully requests that the Court deny Defendants’ Plea to the Jurisdiction.

I. Harris County has standing.

A. SB 1750 will cause Harris County a cognizable legal injury.

To have standing, Harris County must have an injury that is “both concrete and particularized and actual or imminent, not conjectural or hypothetical.” *Data Foundry, Inc. v. City of Austin*, 620 S.W.3d 692, (Tex. 2021). “An injury is ‘particularized’ for standing purposes if it ‘affects the plaintiff in a personal and individual way.’” *Id.* (quoting *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016)) (internal brackets omitted). An injury is “concrete” if it “actually exist[s]”—that is, if it is “‘real,’ and not ‘abstract.’” *Spokeo*, 578 U.S. at 340.

Harris County’s injuries easily meet this standard.

1. SB1750 directly injures Harris County in obvious and incontrovertible ways.

First, as Defendants admit (PTJ at 12), Harris County had claimed pecuniary harm from costs associated with compliance with SB1750. Defendants admit that this can constitute an injury in fact, but claim that because Harris County “does not intend to comply” with SB1750 it cannot actually be harmed. This of course misrepresents Harris County’s statement. Harris County will not comply with this law *if it can get a temporary injunction preventing enforcement actions by*

Defendants. Moreover, even if Harris County did not comply with SB1750, it would still face pecuniary harm if its officers may be sued by the Attorney General’s Office for civil penalties, among many other suits that may follow.

Second, Harris County has a statutory right to administer its elections using an election administrator. SB1750 would strip Harris County of that power. The loss of that authority is certainly particularized—by design, SB1750 affects Harris County alone. And the loss of power also “actually exists” and is not “abstract”: Harris County will be stripped of a meaningful and specific right of local self-governance that it has today. Tellingly, the State makes no effort to dispute the existence of concreteness or particularization, and the Court’s analysis should stop there.

Instead, the State makes a breathtaking argument: that a political subdivision like Harris County simply cannot sue the State for restricting its powers. PTJ at 11-12. The State can cite no authority for its rule, resorting instead to inapposite federal cases.¹

This is because Texas Supreme Court precedent flatly rejects the State’s rule. In *Neeley*, the Court explained that it had never “establish[ed] a broad rule that a governmental entity cannot sue to declare a statute unconstitutional.” *Neeley v. West Orange-Cove Consol. Indep. Sch. Dist.*, 176 S.W.3d 746, 772 (Tex. 2005). Instead, the Court held that political subdivisions may sue the State to declare a law unconstitutional when the subdivision “is charged with implementing a

¹ The State cites a decades-old federal decision for the proposition that “one governmental actor typically does not have a justiciable injury based on a *generalized* claim that another actor’s exercise of its own authority on behalf of the same government altered the distribution of power.” PTJ 11 (emphasis added). The case the State cites announces no such broad rule. Instead, it held that a congressman lacked standing because he asserted a generalized, not particularized, injury: an allegedly invalid executive order generally impinged upon congressional power, and thus upon the congressman’s; the congressman did not allege the loss of any specific statutory or constitutional right or authority. *United Presbyterian Church in the U.S.A. v. Reagan*, 738 F.2d 1375, 1381-82 (D.C. Cir. 1984). Harris County’s injury, by contrast, is particularized.

statute it believes violates the Texas Constitution.” *Id.* (quoting *Nootsie, Ltd. v. Williamson Cnty. Appraisal Dist.*, 925 S.W.2d 659, 662 (Tex. 1996)).

Likewise, in *Nootsie*, the Court specifically rejected the idea that the political subdivision’s standing depended on the challenged law “violat[ing] constitutional rights belonging to the [subdivision].” 925 S.W.2d at 662.² Instead, the harm suffered by the district in implementing an unconstitutional law *itself* “provide[d] the district with a sufficient stake in th[e] controversy to assure the presence of an actual controversy.” *Id.*³

Harris County alleges an identical injury. SB1750 requires Harris County to implement SB1750 by terminating the EA’s employment and shifting his duties, employees, and budget to the county clerk and tax assessor-collector. But Harris County believes that the law requiring it to perform these tasks is unconstitutional.

Under *Neeley* and *Nootsie*, that is a sufficient injury for standing purposes.

2. Harris County will also be injured by SB1750’s enforcement by the State Officer Defendants.

In *Abbott v. Harris County*, the Supreme Court held that a “credible threat” that the Attorney General would “bring enforcement actions against the County” gave the County “standing to pursue its claims against the Attorney General.” No. 22-0124, 2023 WL 4278763, at *6 (Tex. Jun. 30, 2023). Here, there is a similarly credible threat: the Attorney General has previously threatened enforcement actions aimed at abolishing the Harris County EA position. The

² *Nootsie* thus rejects the State’s contention—again based upon a decades-old federal case—that a political subdivision may sue the government of which it is a part only if the larger government “totally deprives the complainant of a right’ granted by the Constitution.” PTJ 11 (quoting *Chiles v. Thornburgh*, 865 F.2d 1197, 1206 (11th Cir. 1989)) (brackets omitted).

³ The State asserts that because counties sometimes act as the State’s agents, “it makes little sense to allow [a] county to sue the State because it disagrees with the choices the State makes about what powers the County may or may not exercise.” PTJ 12. But in *Neeley*, the State’s use of the school districts as its agents was part of why the districts *had standing* to sue the State.

State's coy demurrals do not diminish the likelihood that, if Harris County violated SB1750, the Attorney General would pursue similar actions with even greater vigor; tellingly, the State does not come close to denying this obvious reality, and the Court will consider evidence showing as much. As in *Abbott*, the Attorney General's enforcement threats give Harris County standing.

The Election Code also requires the Secretary of State to enforce SB1750 against Harris County in a variety of ways that will cause it harm. This is because numerous provisions of the Elections Code require the Secretary of State to interact with the proper county officials—which, after SB1750, the Harris County EA would not be. *See* Plaintiff's Br. in Support of Temporary Injunction at 27-29.

This argument also shows the fallacy in the State's assertion that Harris County's injury allegations "assume[] an enforcement action." PTJ 13. Because the duties the Elections Code imposes on the Secretary of State speak in terms of county elections officers, she will enforce SB1750 simply by performing her normal statutory duties after SB1750 takes effect.

3. Harris County would also be injured by complying with SB1750.

As the State concedes, Harris County alleges that SB1750 will harm its ability to effectively administer the November 2023 election, because the officers the law requires to run that imminent election have had no involvement in preparations. The State again does not dispute that this is a cognizable harm under *Neeley*, 176 S.W.3d 746, 772 (Tex. 2005)

The State instead asks this Court to ignore these allegations because "Harris County advertises that it 'does not intend to comply' with the statute," making "any alleged injury from complying with SB1750 . . . wholly irrelevant." PTJ 12. The State makes far too much of Harris County's statement. Harris County is not intending to ignore the law—that is why it filed this suit seeking a declaration that SB1750 was unconstitutional. And Harris County sought its injunction

because both compliance and noncompliance carry unacceptable risks in the absence of relief from this Court. The State can cite no precedent permitting this Court to ignore Harris County's injuries simply because Harris County forthrightly stated that it filed this lawsuit in an attempt to avoid compliance with an unconstitutional law.

B. Harris County's injuries are traceable to Defendants.

Traceability exists where a "plaintiff's alleged injury ... fairly can be traced to the challenged action of the defendant." *Heckman v. Williamson County*, 369 S.W.3d 137, 155 (Tex. 2012). Here, because the Attorney General and Secretary of State are authorized to enforce SB1750 and have accused the County of violating state law by creating the EA position, and because the Attorney General has threatened enforcement action, the County's injury is traceable to both Defendants.

1. Harris County may sue the Attorney General and Secretary of State under the UDJA.⁴

The State erroneously contends that the Attorney General and Secretary of State "are the wrong defendants" and that the County should instead have sued "the Office of the Attorney General" and "the Office of the Secretary of State." PTJ at 14. To dispel any argument on this issue, the County has amended its petition to assert claims against the "Office of" the Attorney General and the "Office of" the Secretary of State. However, the State's argument is incorrect and the Attorney General and Secretary of State are proper defendants in a UDJA suit challenging a statute's constitutionality.

⁴ The State raises this argument in the course of its standing argument, PTJ 14, but the jurisdictional defect it asserts is actually one of immunity, not standing.

The State says that Harris County “confused *ultra vires* suits with declaratory judgment actions.” PTJ 14. The State’s apparent contention is that an *ultra vires* claim is the sole means of waiving a state official’s sovereign immunity, while the UDJA does not. The State’s position derives from a passage in *City of El Paso v. Heinrich* explaining that the UDJA’s immunity waiver “requires that the relevant governmental entities be made parties.” 284 S.W.3d 366, 373 (Tex. 2009).

Implicit in the State’s argument is that a constitutional officer like the Attorney General or Secretary of State cannot be the “relevant governmental entit[y].” But the State cannot cite a single case adopting this nonsensical rule. Worse for the State, the Supreme Court recently suggested that the State’s rule is wrong. Immediately after noting that UDJA claims “challenging the validity of a statute may be brought against the relevant governmental entity,” the Supreme Court noted that its “case law is replete” with constitutional challenges to statutes “brought against proper defendants like the Governor and the Secretary of State.” *Abbott v. Mexican Am. Legislative Caucus, Texas House of Representatives*, 647 S.W.3d 681, 698 (Tex. 2022) (emphasis added).

Here, the relevant statutory provisions are enforced by the Attorney General and the Secretary State as officers, not by the “Offices of” those officers. In that circumstance, the officials themselves are the proper defendants for a UDJA claim.⁵ See *MALC*, 647 S.W.3d at 697 n.7 (“The identity of the relevant governmental entity for waiver purposes necessarily depends on the statute being challenged.”). And in any event, Defendants do not seriously claim that those offices would act contrary to the direction of their appointed or elected officers.

⁵ To be sure, in some cases there may be a meaningful difference between an agency (e.g., the Health and Human Services Commission) and the officials who govern that agency (e.g., the Executive Commissioner). Those differences do not apply here.

2. The County’s injury is fairly traceable to the Secretary of State.

If SB1750 is allowed to go into effect, the County will suffer injury fairly traceable to the Secretary of State. As Harris County explains above, a variety of statutes will require the Secretary of State to treat the Harris County EA as defunct and not a proper election officer for the County.

Unsurprisingly, the State does not address the many other provisions specifically charging the Secretary of State with electoral duties that currently involve the Harris County EA but, after SB1750, would exclude the Harris County EA. *See* Am. Pet. 15. The State’s traceability arguments thus fail with respect to the Secretary of State.⁶ Instead, it argues that the County’s injuries are not traceable to other statutory provisions—the Secretary of State’s general authority to maintain uniformity in the election laws, PTJ at 15, 17-18, or her specific authority to remove an elections administrator under certain conditions, *id.* at 16-17. The State also contends that, even if SB1750 were invalid, the law would not permit the Secretary of State to invalidate Harris County’s election results. *Id.* at 18-19. None of the State’s arguments pertain to other sections like Section 19.002, which could cost the County financial harm. That statute provides the “enforcement connection” required for traceability. *See MALC*, 647 S.W.3d at 698.

3. The County’s injury is fairly traceable to the Attorney General.

The requisite “enforcement connection” is also present with respect to the Attorney General.

The State relies heavily on the fact that SB1750 does not explicitly authorize the Attorney General to enforce it. PTJ at 19. But such explicit language is not necessary. For instance, the Supreme Court recently held that Harris County had standing to sue the Attorney General

⁶ Instead, the State argues at length that neither SB1933 nor the Secretary of State’s general authority over elections establish traceability. PTJ 15-19. But Harris County’s traceability arguments do not depend on these statutes.

regarding the Governor’s executive order forbidding local governments from enacting mask mandates; it made no mention of whether the executive order at issue, or the statute authorizing the executive order, explicitly provided the Attorney General with enforcement authority. *Abbott v. Harris Cnty.*, No. 22-0124, 2023 WL 4278763, at *5 (Tex. June 30, 2023). Indeed, neither statute provides such explicit authority.⁷

In *Abbott v. Harris County*, standing was satisfied because the Attorney General had threatened enforcement action under his broader law-enforcement authority. *Id.* Similarly, here, the Attorney General already threatened to sue Harris County for creating the EA position, calling it “*ultra vires* actions” that were “both unlawful and null and void.” Attorney General’s Letter to Harris County Attorney Vince Ryan at 1 (Nov. 25, 2020).⁸ After SB1750, the filing of an *ultra vires* suit to eliminate the Harris County EA has only grown more likely.

As for the State’s contention that the Attorney General’s threats can be ignored because they predate SB1750, PTJ 20, the State cites no authority requiring that enforcement threats be so specific. Harris County has alleged that SB1750 was a longstanding, politically motivated attack on the Harris County EA, in which the Attorney General participated. The Attorney General moreover threatened enforcement on the precise issue here—Harris County’s ability to utilize an Elections Administrator.

Traceability is therefore satisfied as to the Attorney General.⁹

⁷ The State cites both *MALC* and the United States Supreme Court’s decision in *Whole Woman’s Health v. Jackson*. PTJ at 19. Both cases held that the requisite enforcement connection was absent, but neither case held that a statute must *explicitly* grant enforcement authority to establish traceability. See *MALC*, 647 S.W.3d at 698; *Whole Woman’s Health*, 142 S. Ct 522, 534-35 (2021).

⁸ <https://s3.documentcloud.org/documents/20418715/states-letter-to-harris-county.pdf>.

⁹ Harris County acknowledges that, under *MALC*, its injuries are not traceable to the State itself. However, Harris County reserves the right to argue on appeal that *MALC* was wrongly decided insofar that it held that an injury directly

II. SB1750 is facially unconstitutional. Defendants therefore lack immunity from suit.

Harris County’s brief in support of its application for a temporary injunction lays out in detail the reasons why SB1750 is unconstitutional. The most glaringly local of its provisions, Section 3, is a closed bracket forcing Harris County—and only ever Harris County—to abolish its elections administrator’s office. Harris County refers the court to that brief, and will respond to some of the additional arguments raised by Defendants in their plea to the jurisdiction.

A. Harris County agrees that a reasonable basis test applies when analyzing laws that violate Article III, Section 56. But Defendants fundamentally misapply the reasonable basis test.

Harris County incorporates the arguments in its Amended Brief in Support of Temporary Injunctive Relief (“TI Brief”). As discussed in the TI Brief, pp. 15-26, Section 3 of SB1750 is a closed population bracket, and therefore fails the reasonable basis test applied by Texas courts for over a century. It bears repeating that counsel for Harris County has yet to find one case upholding a closed population bracket. Not surprisingly, counsel for Defendants appear to have also failed in this endeavor.

Defendants spend the bulk of their Plea to the Jurisdiction citing cases involving open population brackets, and making general allusions to their claimed reasonable basis for SB1750 as a whole. While Harris County acknowledges that case law applying Article III, Section 56 to open population brackets are more favorable to Defendants, Harris County reserves its right to challenge the basis for Section 2 because there is simply no reason why an elections administrator cannot run elections in a county above 3.5 million. In fact, SB1750 preserves the right of counties with

caused by a statute is not traceable to the State itself “in the absence of an ‘enforcement connection’ between the challenged provisions and the State itself.” *MALC*, 647 S.W.3d at 696-97. Harris County does not seek an injunction against the State itself, and the State’s dismissal would therefore have no effect on Harris County’s injunction claims.

existing elections administrators to continue using that structure once they reach 3.5 million (except for Harris County, of course).

Given the early stage in the proceedings, and the lack of factual record to support Defendants' plea as regards Section 2 of SB1750, Harris County respectfully requests that the Court refrain from ruling on Defendants' plea as regards Section 2. Waiting to rule on Defendants' arguments as to Section 2 will not subject Defendants to any litigation it would not otherwise have faced. Plaintiffs do not seek temporary relief or discovery related to Section 2 specifically. Defendants' plea must fail as regards Section 3 (and Section 4, which only applies if Section 3 applies), and Section 3 forms the basis of Plaintiff's pending temporary injunction application.

B. Statewide interest

Defendants misstate the law when they claim that “a larger statewide interest is a sufficient, but not necessary, condition of constitutionality.” Defs.’ PTJ at 27. As the Texas Supreme Court made clear in *Maple Run Utility District*, “our later cases have clarified that the ultimate question under Article III, Section 56 is whether there is a reasonable basis for the Legislature's classification. *The significance of the subject matter and the number of persons affected by the legislation are merely factors*, albeit important ones, in determining reasonableness.” *Maple Run at Austin Mun. Util. Dist. v. Monaghan*, 931 S.W.2d 941, 945 (Tex. 1996) (emphasis added)(internal citations omitted).

And in any event, SB 1750's closed bracket shows precisely why Defendants' reliance on a purported statewide interest falls flat. Far from supporting Defendants' claim of immunity, Defendants' argument that Harris County's “outsized impact on statewide elections” due to its current population gives the legislature a “reasonable basis [to treat] Harris County differently in the State” in fact shows precisely why SB1750 violates Article III, Section 56. After all, if any

county that grows above 3.5 million has an outsized impact on statewide elections, it should also become part of the class of counties that must abolish their elections administrators. Tellingly, Defendants identify no case where a court upheld a closed population bracket—let alone one where the court upheld a closed population bracket because that classification furthered a larger statewide interest. That makes sense, because any classification furthering a larger statewide interest would be wholly irrational if it did not allow other entrants into the class.

C. Legislative History

Defendants argue that legislative history is irrelevant and that this court should ignore statements made by SB1750's Senate and House sponsors proudly proclaiming that the law targets Harris County's elections administrator. Defs.' PTJ at 32-34. While Harris County agrees that legislative history generally does not trump the plain text of a statute and other canons of statutory construction, legislative history can be particularly instructive in cases involving Article III, Section 56. That is because the purpose of Article III, Section 56 is precisely to avoid a single legislator using the legislative process to "engag[e] in the reprehensible practice of trading votes for the advancement of personal rather than public interests." *Id.* (internal citations omitted); *see also Kelly v. State*, 724 S.W.2d 42, 47 (Tex. Crim. App. 1987) ("The intent of Art. III, Section 56, of the Constitution ... was 'to combat corruption, personal privileges, and meddling in local affairs—or, conversely, to prevent a group from dashing to the Capitol to get something their local government would not give them.'") (quoting George D. Braden, *The Constitution of the State of Texas: An Annotated and Comparative Analysis* 273 (1977)).

In fact, the case Defendants claim rejected an "identical argument to the one Harris County puts forth here" explicitly states that courts can consider legislative history in these types of cases. Defs.' PTJ at 33 (citing *Juliff Gardens, L.L.C. v. Tex. Comm. on Env. Quality*, 131 S.W.3d 271,

284-85 (Tex.App.—Austin 2004, no writ). In *Juliff*, the court started its analysis by noting that “[i]n determining whether a statute is a local or special law, it is appropriate to examine the statute’s legislative history.” *Juliff Gardens*, 131 S.W.3d at 282 n.7. The court went on to reject the consideration of a colloquy between two Senators discussing the bill, noting that “[s]pecific events have led to numerous statutes that were enacted as laws of general applicability.” *Id.* at 283.

But *Juliff* did not deal with a closed population bracket, and could therefore find that there was a reasonable basis for a law of general applicability that applied to an open bracket. As the court went on to note, “[t]he mere fact that *Juliff*’s proposed landfill, and the subsequent community opposition to the landfill, may have spurred Senator Brown to sponsor the amendment that became section 361.122 does not render this section a prohibited local or special law.” *Id.* However, *Juliff* said nothing about considering legislative history when evaluating a closed population, and reaffirmed that legislative history may be considered in analyzing Article III, Section 56 claims. *See also Bexar Metro. Water Dist. v. City of San Antonio*, 228 S.W.3d 887, 895 (Tex. App.—Austin 2007, no pet.) (considering legislative testimony in a challenge to a law under a different section of the Texas Constitution); *FM Properties Operating Co. v. City of Austin*, 22 S.W.3d 868, 873 (Tex. 2000) (noting that courts may consider legislative history in a facial challenge to a statute’s constitutionality).

In any event, because Section 3 of SB1750 is constitutionally invalid on its face as a closed population bracket, the legislative history is simply further evidence of that law’s intent.

D. Repeal

Finally, Defendants argue that SB1750 “repeals” a previous law and is therefore a permissible local law. However, this rule only applies if a “complete repeal of a statute, unlike this case’s purported partial repeal of an otherwise generally applicable statute, to remove its

application as to only one municipality.” *City of Tyler v. Liberty Utilities (Tall Timbers Sewer Corp.)*, 571 S.W.3d 336, 345 (Tex. App.—Houston [1st Dist.] 2018, no pet.) (citing *Central Wharf & Warehouse Co. v. City of Corpus Christi*, 57 S.W. 892). Citing the same authority Defendants rely on, the court in *City of Tyler* noted that “[t]he affirmative legislative act of excepting one locality from the effect of a generally applicable law is precisely what the general prohibition against enacting local laws is designed to prevent, and characterizing the statute as a partial repeal does not change its fundamental character as a prohibited local law.” *Id.*

Courts have frequently invalidated laws that purport to exempt one locality from a prior statutory authorization, like SB1750 does. *See Anderson v. Wood*, 152 S.W.2d 1084, 1087 (Tex. 1941) (holding unconstitutional a law that exempted Tarrant County, through a population bracket, from a general law setting a cap on the number of traffic officers a county could hire); *Bexar County v. Tynan*, 128 Tex. 223, 228 (Comm’n App. 1936) (holding unconstitutional a law that, through a population bracket, reduced compensation for county officers in only Bexar County, despite a law that set a compensation schedule for counties throughout the state based on population); *Hall v. Bell Cnty.*, 138 S.W. 178, 183 (Tex. App.—Austin 1911), *aff’d*, 105 Tex. 558 (1913) (holding unconstitutional a law that exempted only Bell County from an existing law that created the office of county auditor). Accordingly, the Court should ignore Defendants’ argument.

III. Conclusion

For the foregoing reasons, Defendants’ plea to the jurisdiction should be denied.

August 7, 2023

Respectfully submitted,

/s/ Jonathan Fombonne

Christian D. Menefee

Harris County Attorney
Texas Bar No. 24088049
Christian.Menefee@harriscountytexas.gov

Jonathan Fombonne

First Assistant County Attorney
Texas Bar No. 24102702
Jonathan.Fombonne@harriscountytexas.gov

Tiffany S. Bingham

Managing Counsel
Texas Bar No. 24012287
Tiffany.Bingham@harriscountytexas.gov

Neal Sarkar

Special Assistant County Attorney
Texas Bar No. 24093106
Neal.Sarkar@harriscountytexas.gov

Christopher Garza

Senior Assistant County Attorney
Texas Bar No. 24078543
Christopher.Garza@harriscountytexas.gov

Matthew Miller

Senior Assistant County Attorney
Texas Bar No. 24051959
Matthew.Miller@harriscountytexas.gov

Moustapha Gassama

Assistant County Attorney
Texas Bar No. 24083058
Moustapha.Gassama@harriscountytexas.gov

Neeharika Tumati

Assistant County Attorney
Texas Bar No. 24101168
Neeharika.Tumati@harriscountytexas.gov

Office of Harris County Attorney

1019 Congress, 15th Floor
Houston, Texas 77002
Office: 713-755-5101
Fax: 713-755-8924

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2023, a true and correct copy of the foregoing document was served via the Court's electronic filing system to all counsel of record.

/s/Neal A. Sarkar
Special Assistant County Attorney

RETRIEVED FROM DEMOCRACYDOCKET.COM

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Andrea Mintzer on behalf of Jonathan Fombonne

Bar No. 24102702

andrea.mintzer@harriscountytexas.gov

Envelope ID: 78290187

Filing Code Description: RESPONSE

Filing Description: PLAINTIFF'S RESPONSE TO DEFENDANTS' PLEA TO THE JURISDICTION

Status as of 8/8/2023 8:48 AM CST

Associated Case Party: HARRIS COUNTY, TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Christian D.Menefee		Christian.Menefee@harriscountytexas.gov	8/7/2023 10:02:11 PM	SENT
Andrea Mintzer		andrea.mintzer@harriscountytexas.gov	8/7/2023 10:02:11 PM	SENT
Jonathan Fombonne		Jonathan.Fombonne@harriscountytexas.gov	8/7/2023 10:02:11 PM	SENT
Neal Sarkar		Neal.Sarkar@harriscountytexas.gov	8/7/2023 10:02:11 PM	SENT
Tiffany Bingham		Tiffany.Bingham@harriscountytexas.gov	8/7/2023 10:02:11 PM	SENT
Christopher Garza		Christopher.Garza@harriscountytexas.gov	8/7/2023 10:02:11 PM	SENT
Matthew Miller		Matthew.Miller@harriscountytexas.gov	8/7/2023 10:02:11 PM	SENT
Moustapha Gassama		Moustapha.Gassama@harriscountytexas.gov	8/7/2023 10:02:11 PM	SENT
Neeharika Tumati		Neeharika.Tumati@harriscountytexas.gov	8/7/2023 10:02:11 PM	SENT

Associated Case Party: CLIFFORD TATUMS

Name	BarNumber	Email	TimestampSubmitted	Status
Alyce Young		alyce@rs-law.com	8/7/2023 10:02:11 PM	SENT
Richard Schechter		richard@rs-law.com	8/7/2023 10:02:11 PM	SENT
Gerald Birnberg		gbirnberg@wba-law.com	8/7/2023 10:02:11 PM	SENT

Associated Case Party: THE STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Charles Kenneth Eldred	793681	Charles.Eldred@oag.texas.gov	8/7/2023 10:02:11 PM	SENT
Sharron Lee		sharron.lee@oag.texas.gov	8/7/2023 10:02:11 PM	SENT
Christina Cella		christina.cella@oag.texas.gov	8/7/2023 10:02:11 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Andrea Mintzer on behalf of Jonathan Fombonne

Bar No. 24102702

andrea.mintzer@harriscountytexas.gov

Envelope ID: 78290187

Filing Code Description: RESPONSE

Filing Description: PLAINTIFF'S RESPONSE TO DEFENDANTS' PLEA TO THE JURISDICTION

Status as of 8/8/2023 8:48 AM CST

Associated Case Party: THE STATE OF TEXAS

Leif Olson		leif.olson@oag.texas.gov	8/7/2023 10:02:11 PM	SENT
Jessica Yvarra		Jessica.Yvarra@oag.texas.gov	8/7/2023 10:02:11 PM	SENT
Susanna Dokupil		Susanna.Dokupil@oag.texas.gov	8/7/2023 10:02:11 PM	SENT

Associated Case Party: JANE NELSON TEXAS SECRETARY OF STATE

Name	BarNumber	Email	TimestampSubmitted	Status
Charles Kenneth Eldred	793681	Charles.Eldred@oag.texas.gov	8/7/2023 10:02:11 PM	SENT
Christina Cella	24106199	christina.cella@oag.texas.gov	8/7/2023 10:02:11 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below:

Mandy Patterson on behalf of Wallace Jefferson

Bar No. 19

mpatterson@adjtlaw.com

Envelope ID: 78565235

Filing Code Description: Motion for Emergency Relief

Filing Description: Harris County's Emergency Motion for Temporary Relief

Status as of 8/15/2023 5:17 PM CST

Associated Case Party: Office of the Attorney General of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Susanna Dokupil		Susanna.Dokupil@oag.texas.gov	8/15/2023 5:02:30 PM	SENT

Associated Case Party: Harris County, Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Jonathan Fombonne	24102702	jonathan.fombonne@harriscountytexas.gov	8/15/2023 5:02:30 PM	SENT
Christian Menefee	24088049	christian.menefee@harriscountytexas.gov	8/15/2023 5:02:30 PM	SENT
Wallace B. Jefferson		wjefferson@adjtlaw.com	8/15/2023 5:02:30 PM	SENT
Ginger Grimm		ggrimm@adjtlaw.com	8/15/2023 5:02:30 PM	SENT
Nicholas Bacarisse		nbacarisse@adjtlaw.com	8/15/2023 5:02:30 PM	SENT
Matthew Miller	24051959	Matthew.Miller@harriscountytexas.gov	8/15/2023 5:02:30 PM	SENT
Neal Sarkar		neal.sarkar@harriscountytexas.gov	8/15/2023 5:02:30 PM	SENT