

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 Provisional Attorney General of Texas; OFFICE OF THE TEXAS SECRETARY OF STATE; and JANE NELSON, in her Official Capacity as Texas Secretary of State,	§	
<i>Defendants.</i>	§	
CLIFFORD TATUM,	§	
<i>Intervenor,</i>	§	TRAVIS COUNTY, TEXAS
THE ATTORNEY GENERAL OF TEXAS,	§	
<i>Intervenor.</i>	§	345TH JUDICIAL DISIRICT

PLAINTIFF’S AMENDED BRIEF IN SUPPORT OF TEMPORARY INJUNCTIVE RELIEF

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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

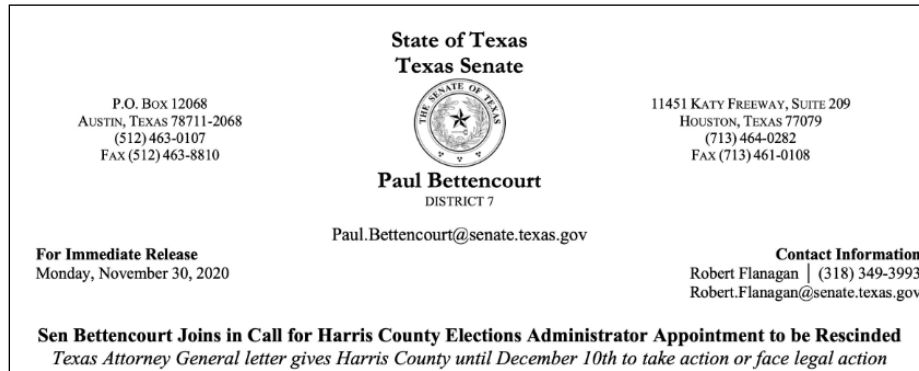
from a county's management of elections and voter registration, placing these duties in the hands of a nonpartisan official who is prohibited from making campaign contributions, publicly supporting candidates, or any similar political activity. Tex. Elec. Code § 31.035. These regulations reduce bias 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.

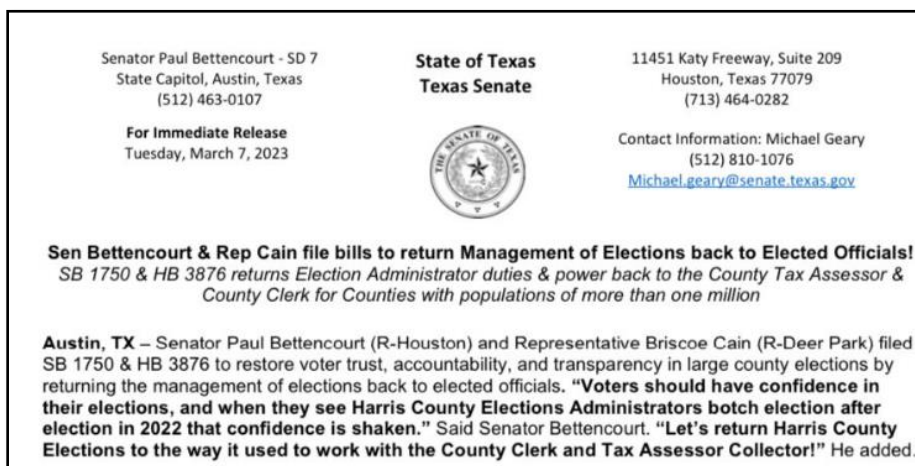
Section 3, in meaningful contrast to Section 2, provides that if (1) a county has a population of more than 3.5 million on September 1, 2023, and (2) the county has an elections administrator, then (3) the administrator’s office is abolished, and the county’s voter registration and election administrator 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

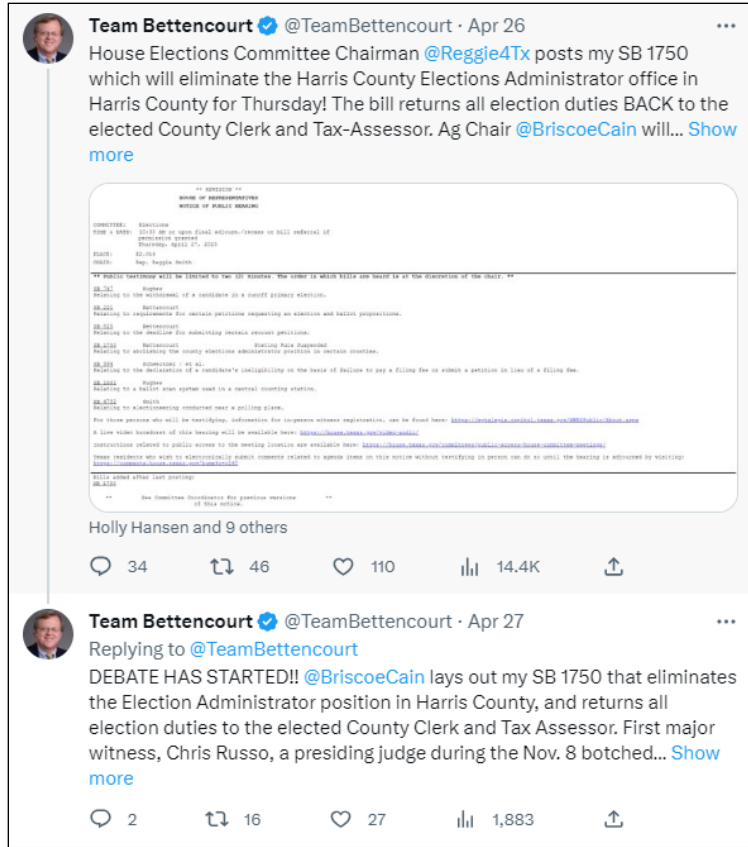
When the entire Senate passed SB1750 a few weeks after the hearing, Senator Bettencourt reaffirmed the goal of his bill in a press release, stating “[I]et’s return Harris County Elections to the way it used to work with the County Clerk and Tax Assessor Collector!”⁶ He did so again⁷ a week later, when 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 dism’d). 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 ref’d 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

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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



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 25, 2020

VIA E-MAIL

Vince Ryan
Harris County Attorney
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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

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Press Release**FOR IMMEDIATE RELEASE**

November 30, 2020

Contact: Robert Flanagan

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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.

###



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 **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>
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Harris County GOP and 9 others



4:30 PM · Mar 8, 2022

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Press Release**FOR IMMEDIATE RELEASE**

March 7, 2023

Contact: Michael Geary

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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](#)

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IN RE: SENATE BILL 1750
SENATE COMMITTEE ON STATE AFFAIRS (PART II) -
MAR 30TH, 2023
03:48:00 to 04:25:33

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 *
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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

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!](#)

###



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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

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** 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: H-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_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
Repealing the county elections administrator position in certain counties.
SB_188 Schwertner ( or a)
Relating to the declaration of a candidate's ineligibility on the basis of failure to pay a filing fee or submit 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 Smith
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.state.tx.us/000Public/About.aspx
A live video broadcast of this hearing will be available here: https://house.texas.gov/video/realtime
Instructions related to public access to the meeting location are available here: https://house.texas.gov/committees/public-access-house-committee-meetings/
Those witnesses who wish to electronically submit comments related to agenda items on this notice without testifying in person can do so until the hearing is adjourned by visiting: https://comments.house.texas.gov/submitcomment

Bill added after last posting:
SB_170
** See Committee Order/minutes for previous versions of this notice. **
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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

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IN RE: SENATE BILL 1750
ELECTIONS - APR. 27th, 2023
02:05:00 to 03:37:41

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 him -- 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 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 *

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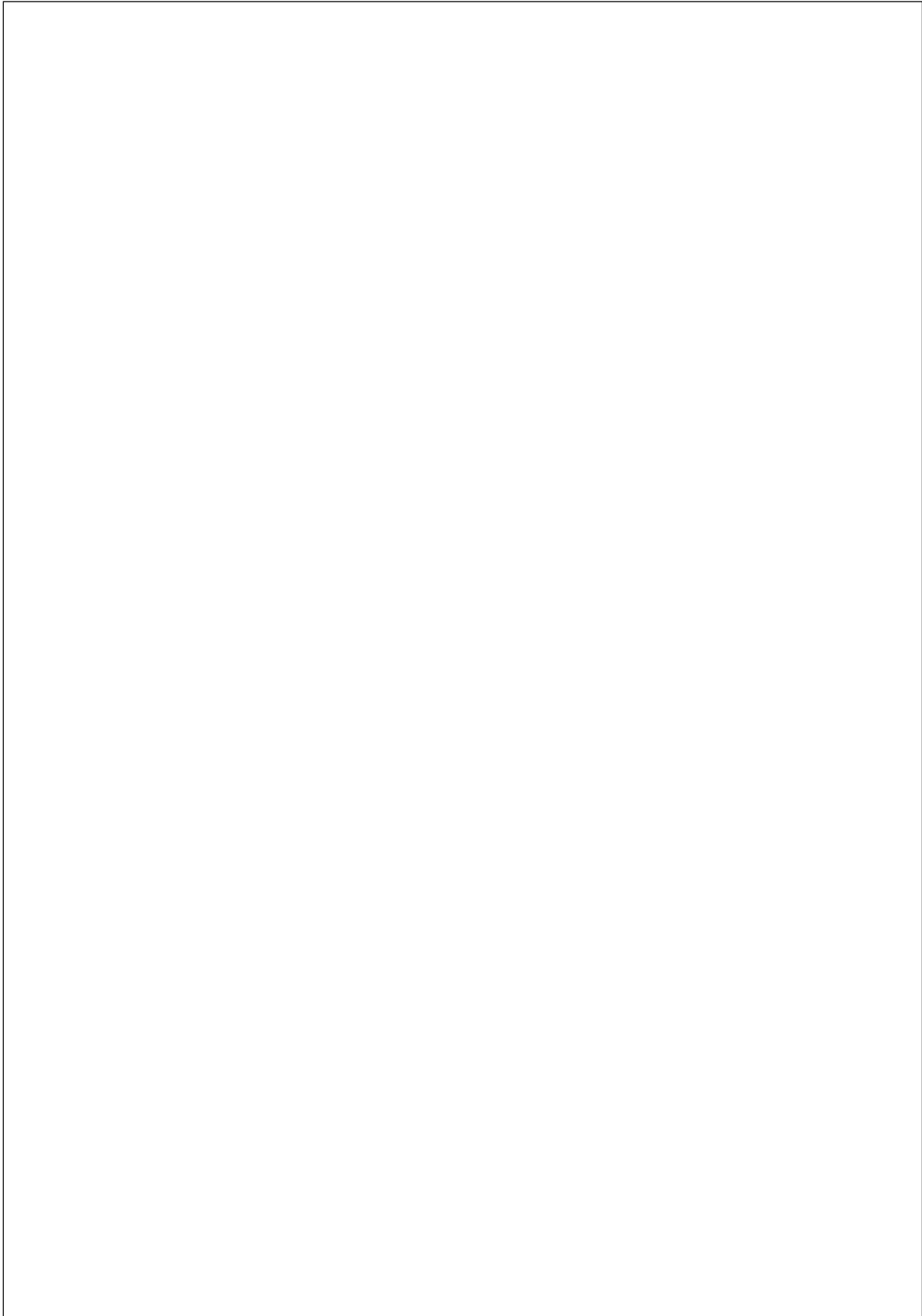
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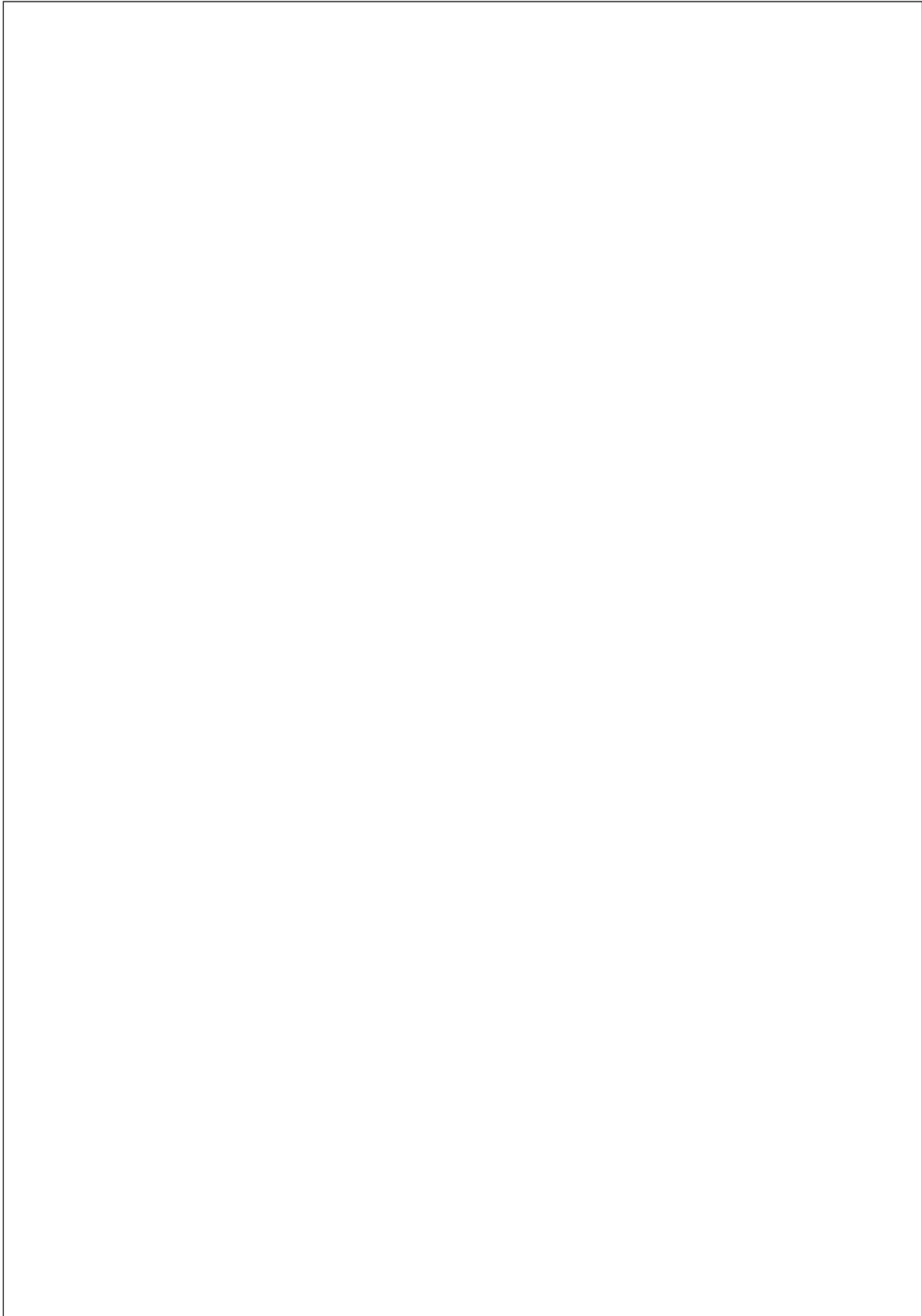
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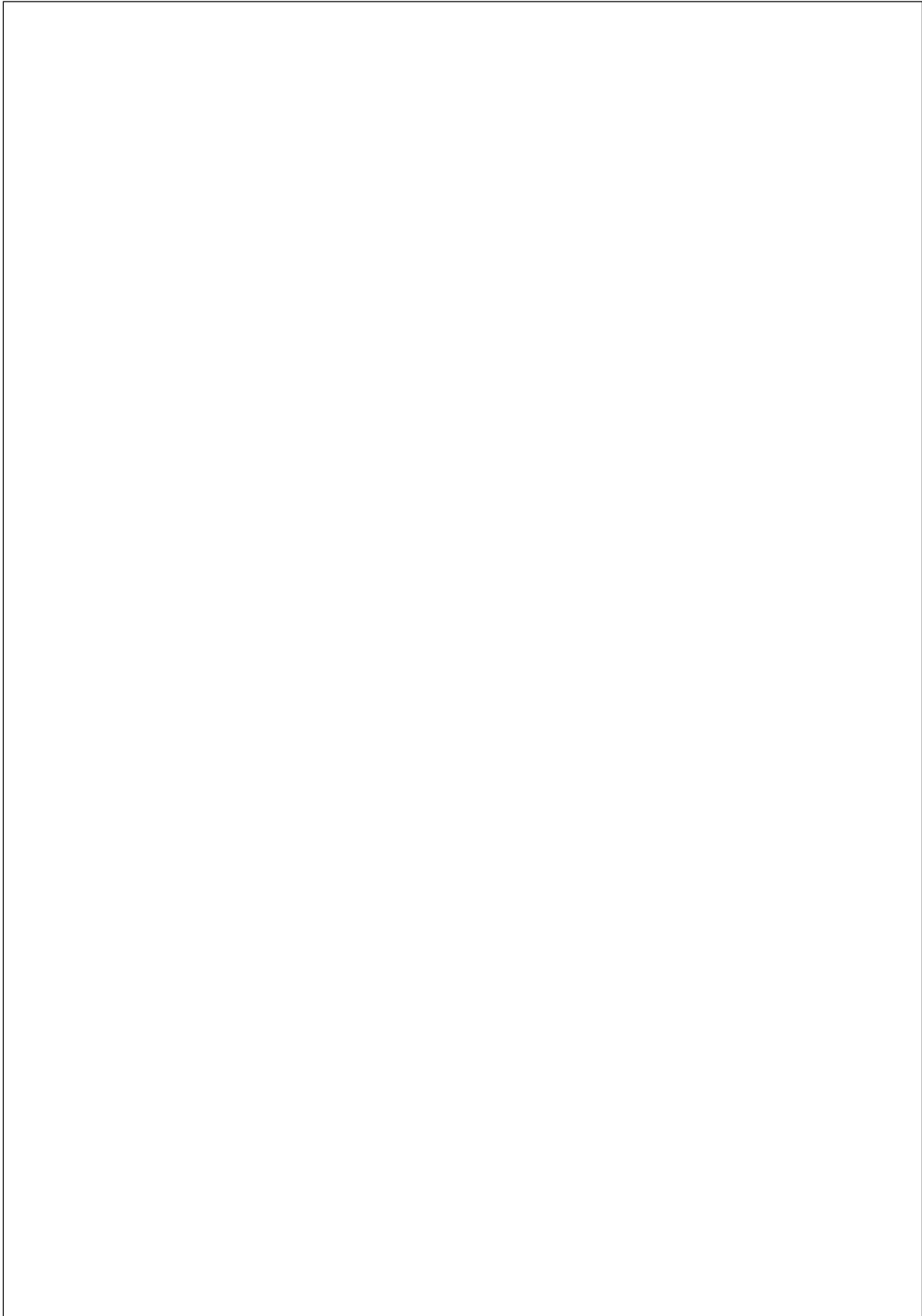
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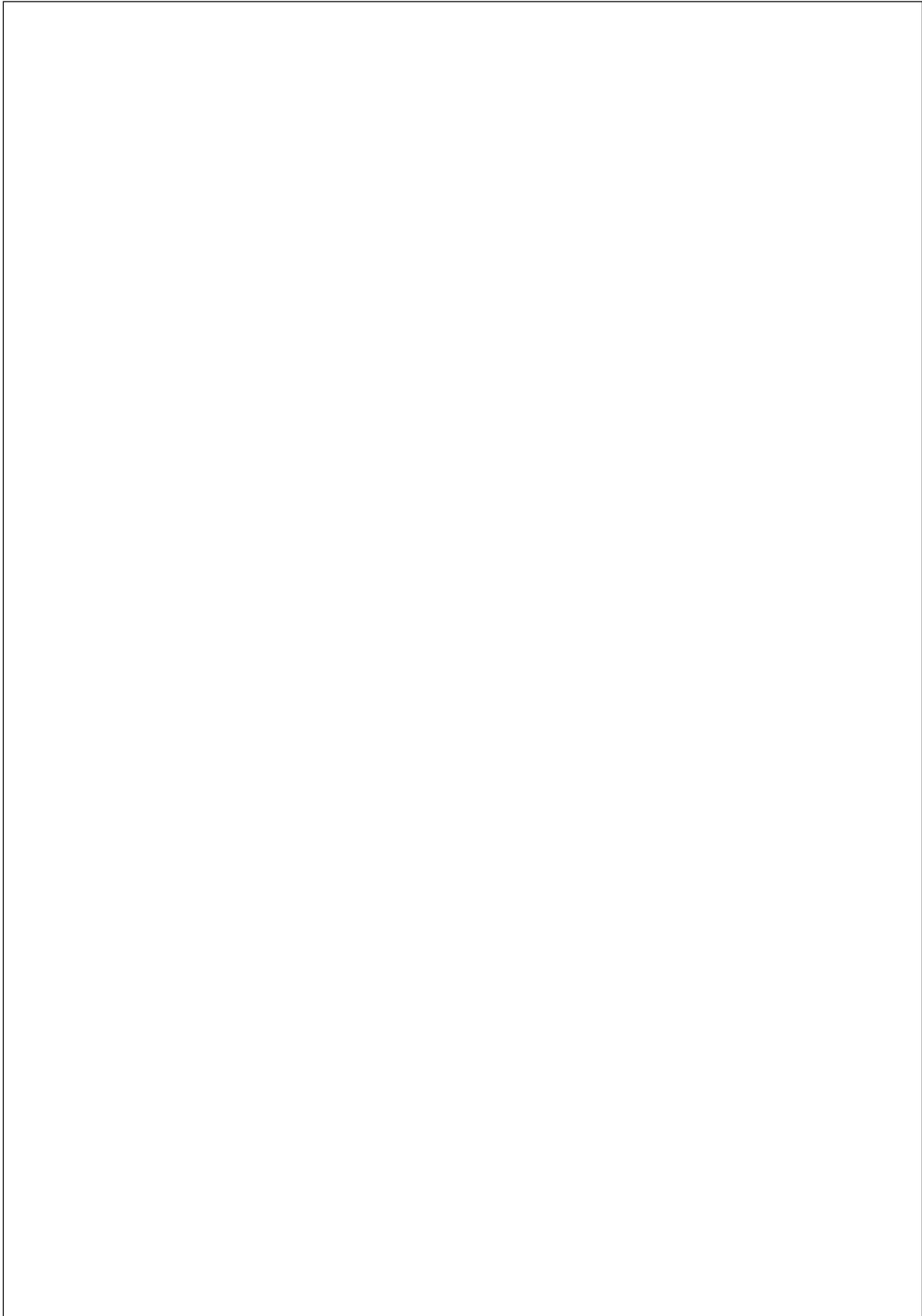


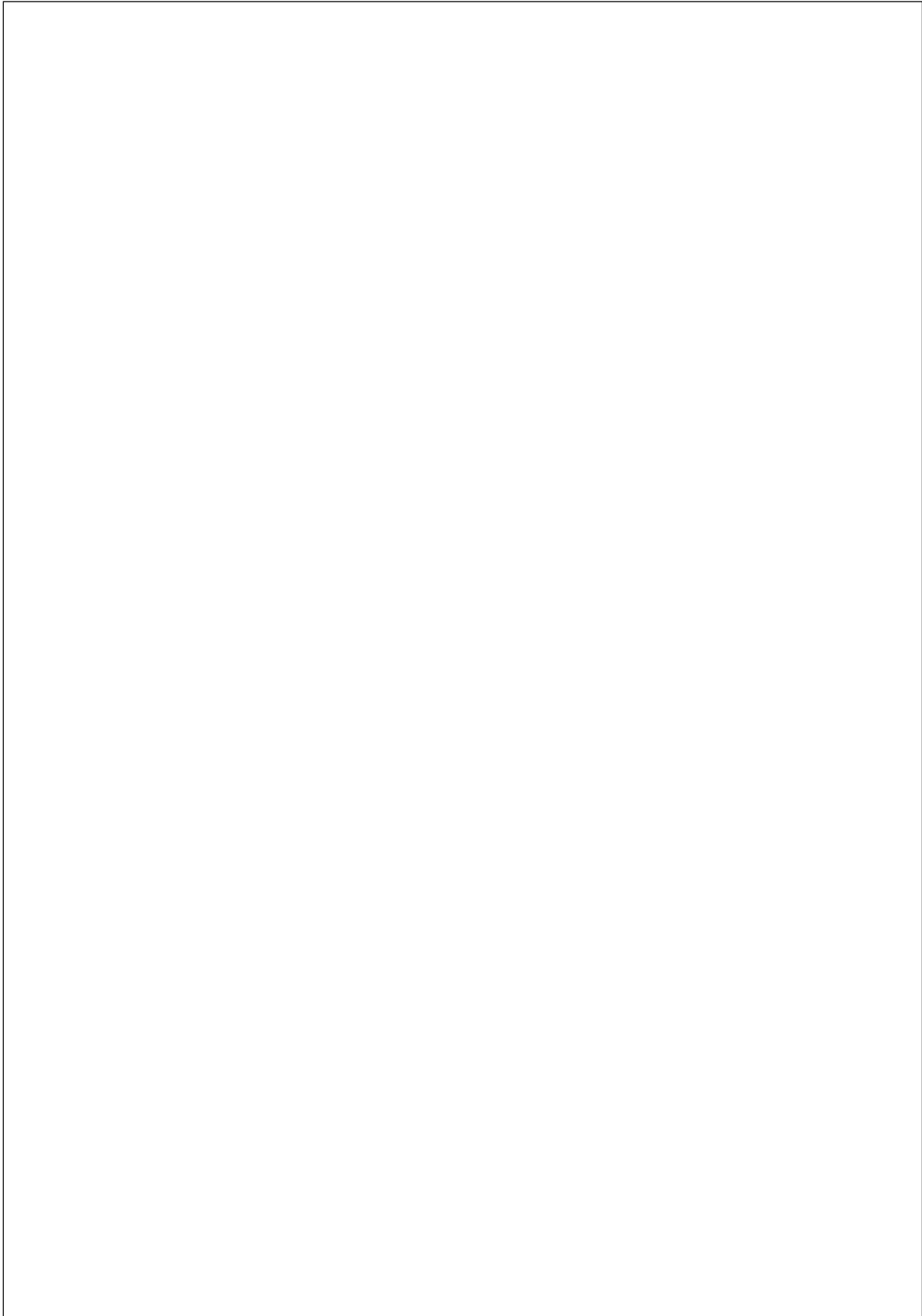




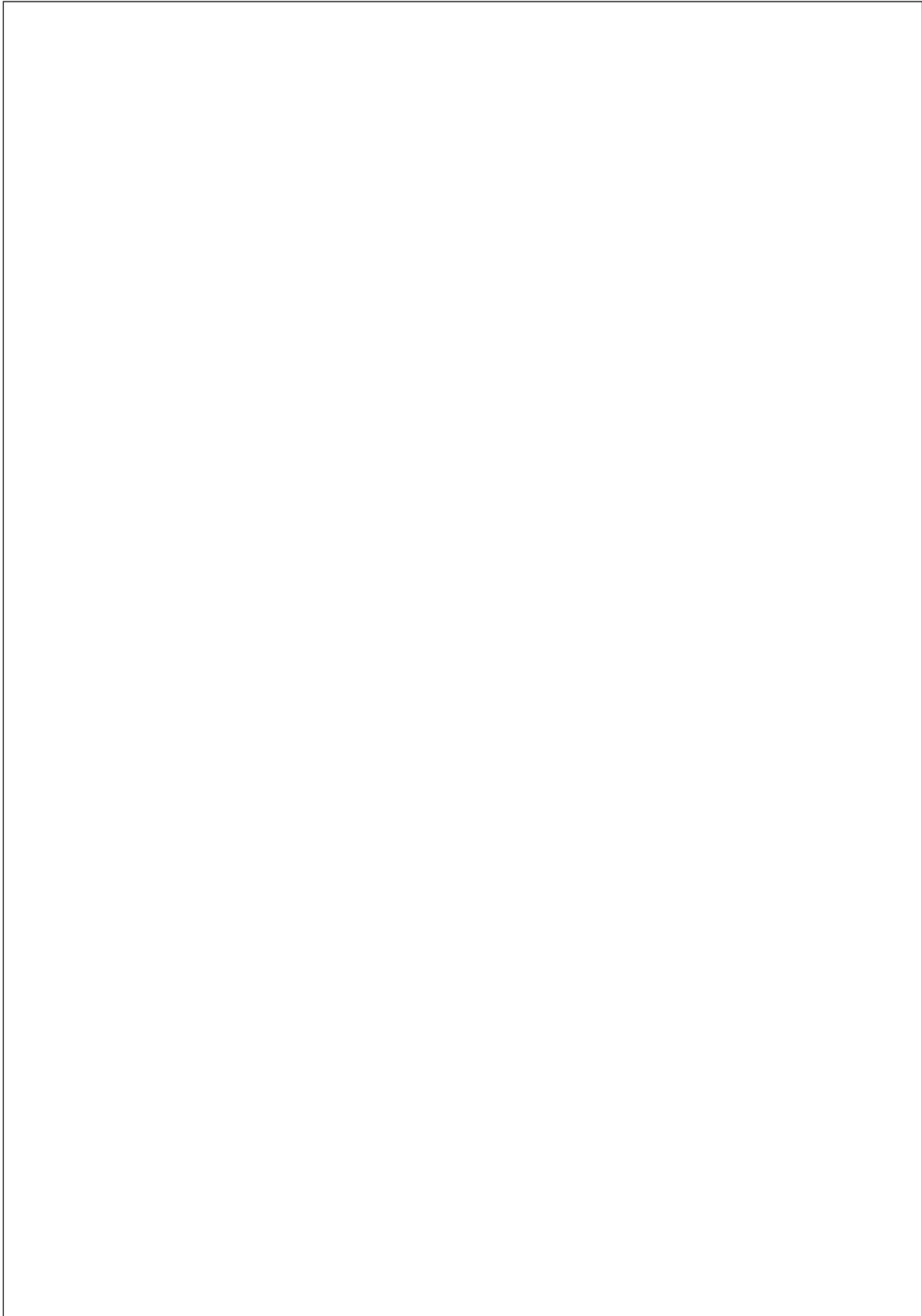


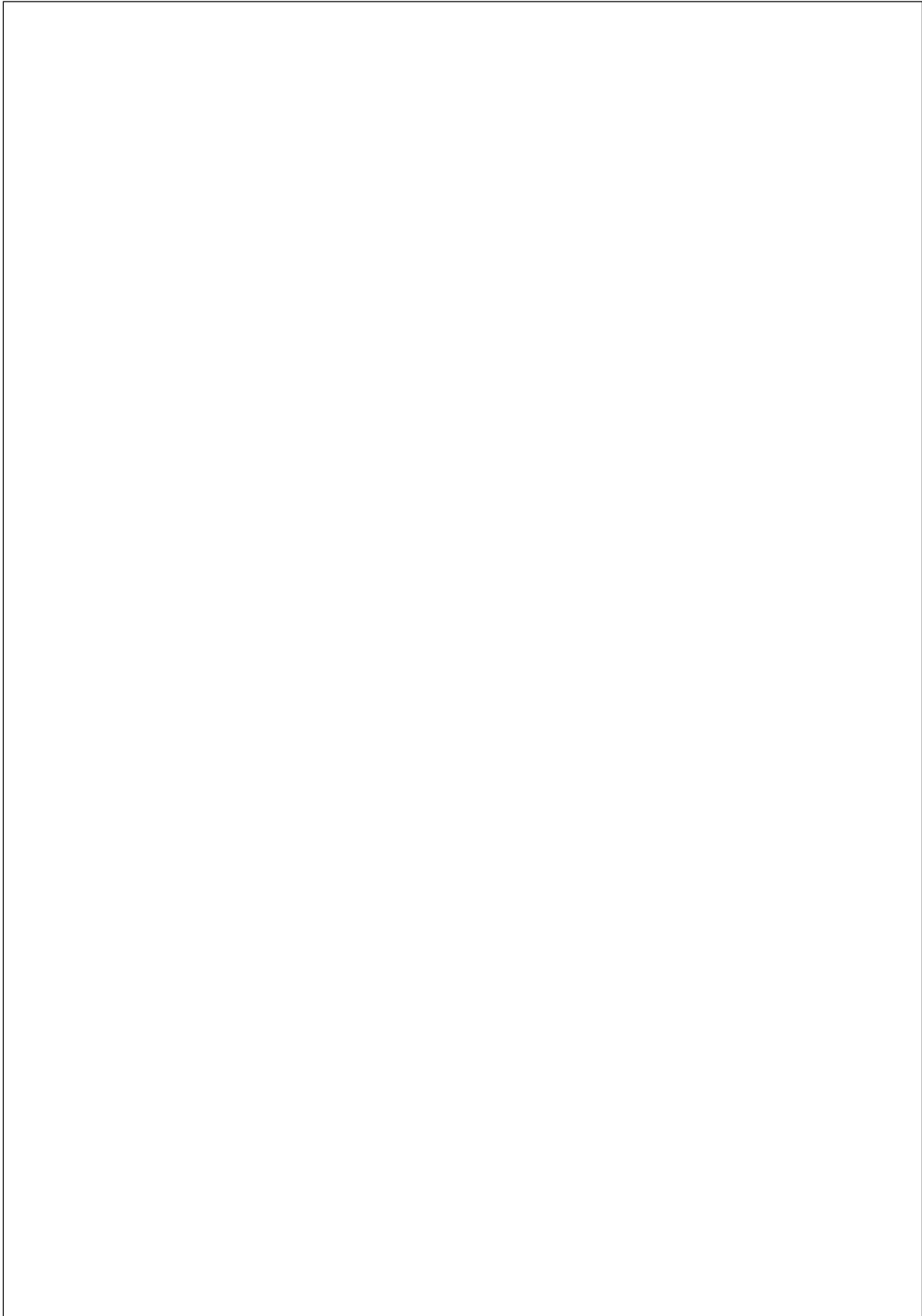








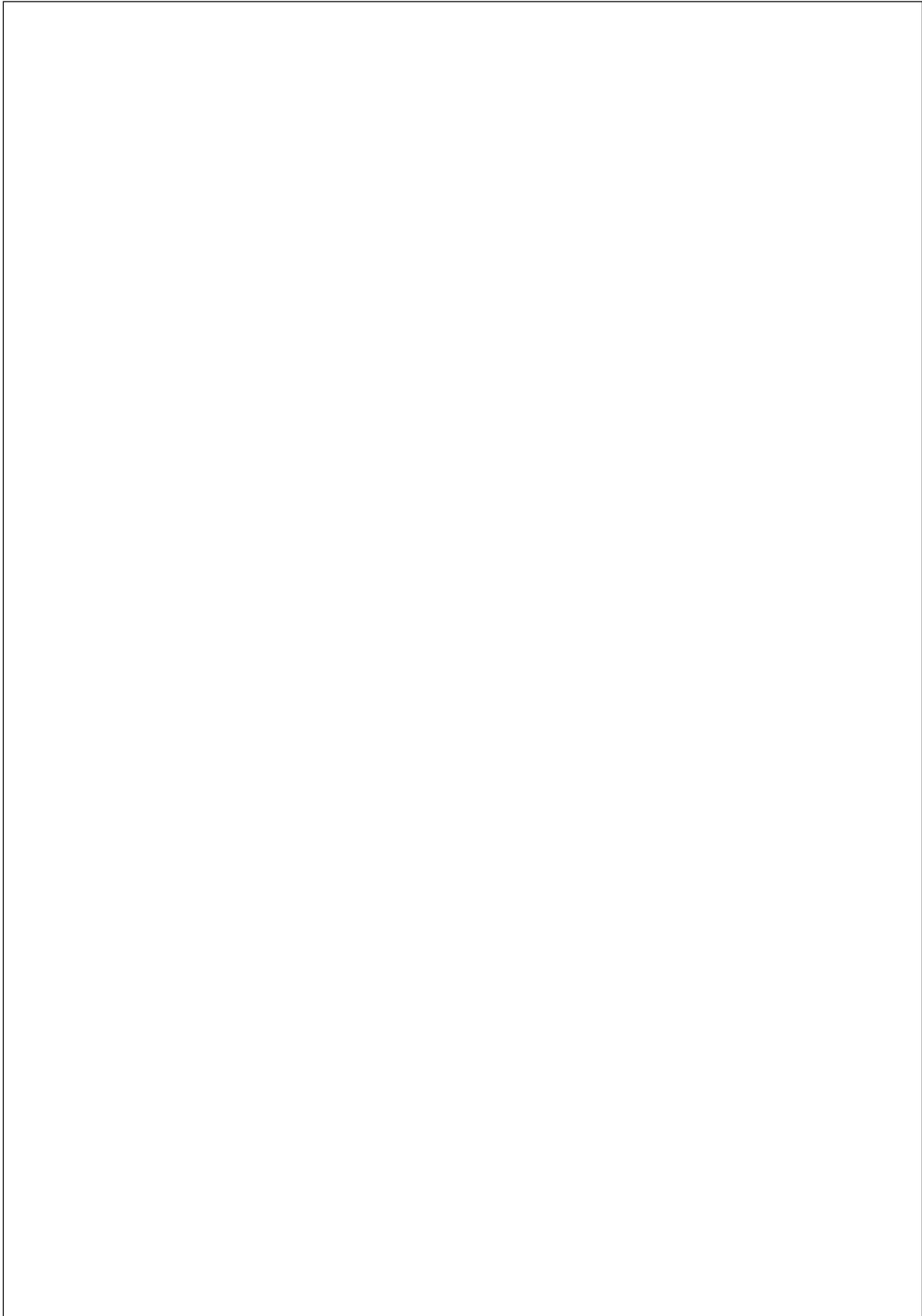


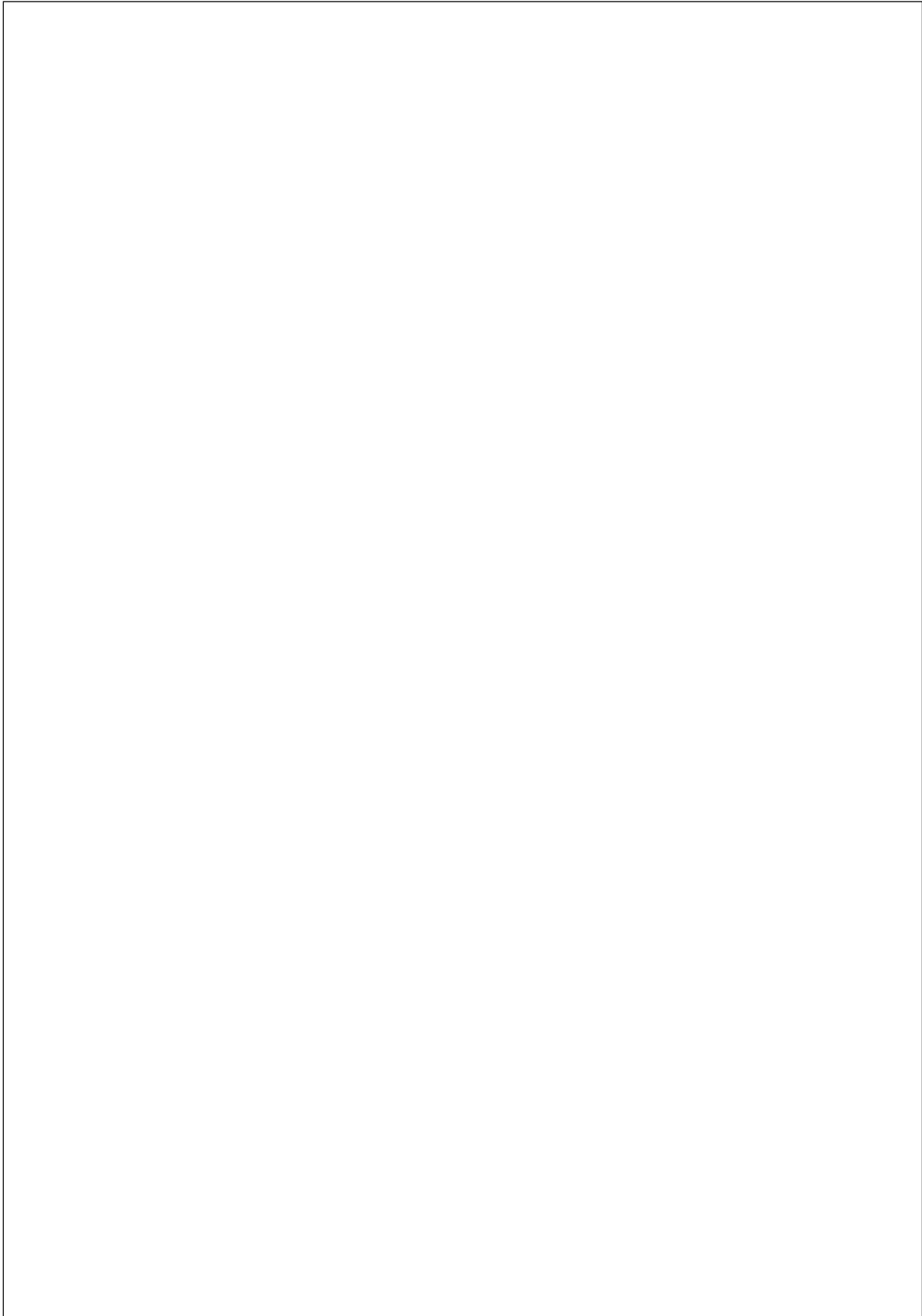




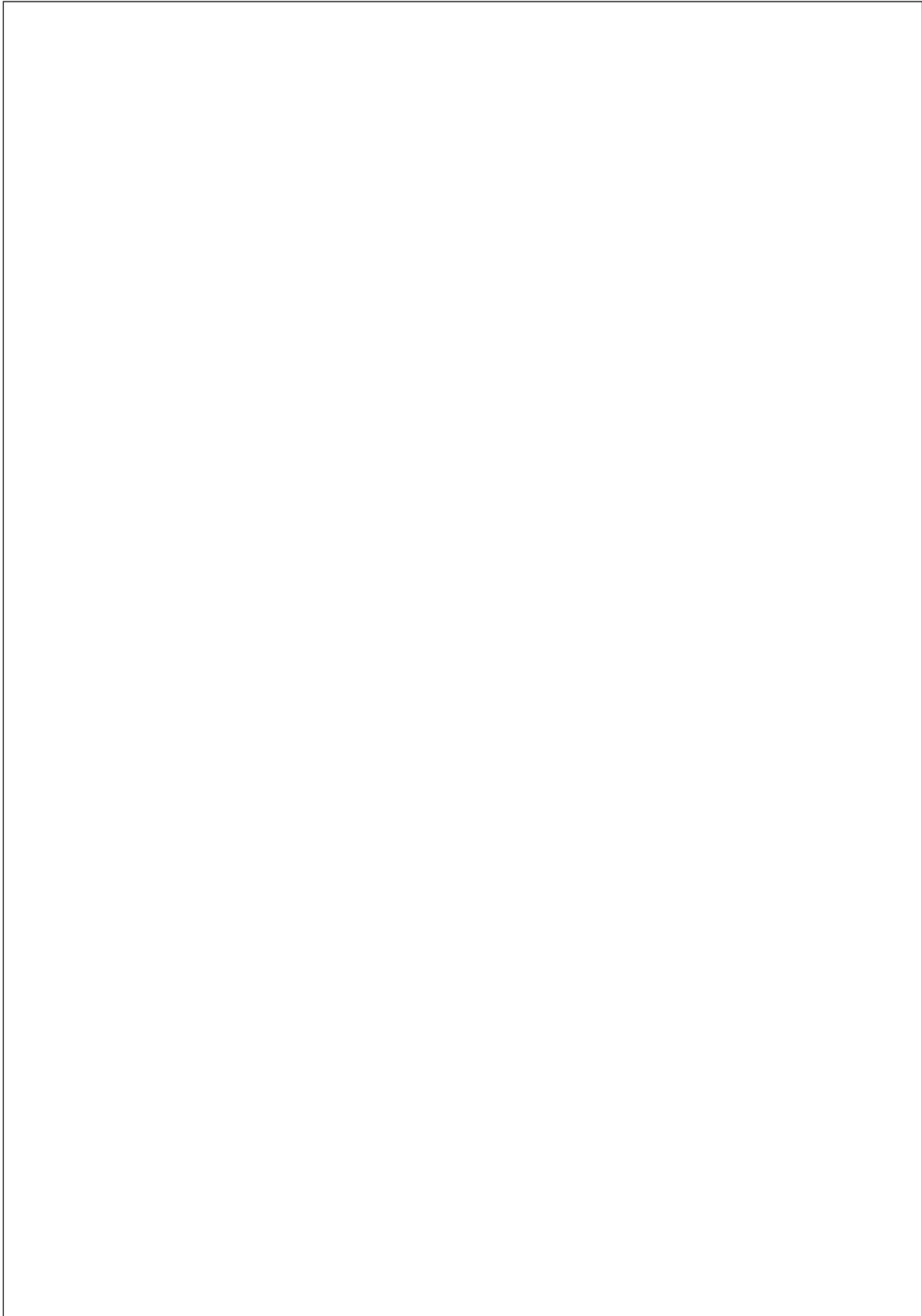


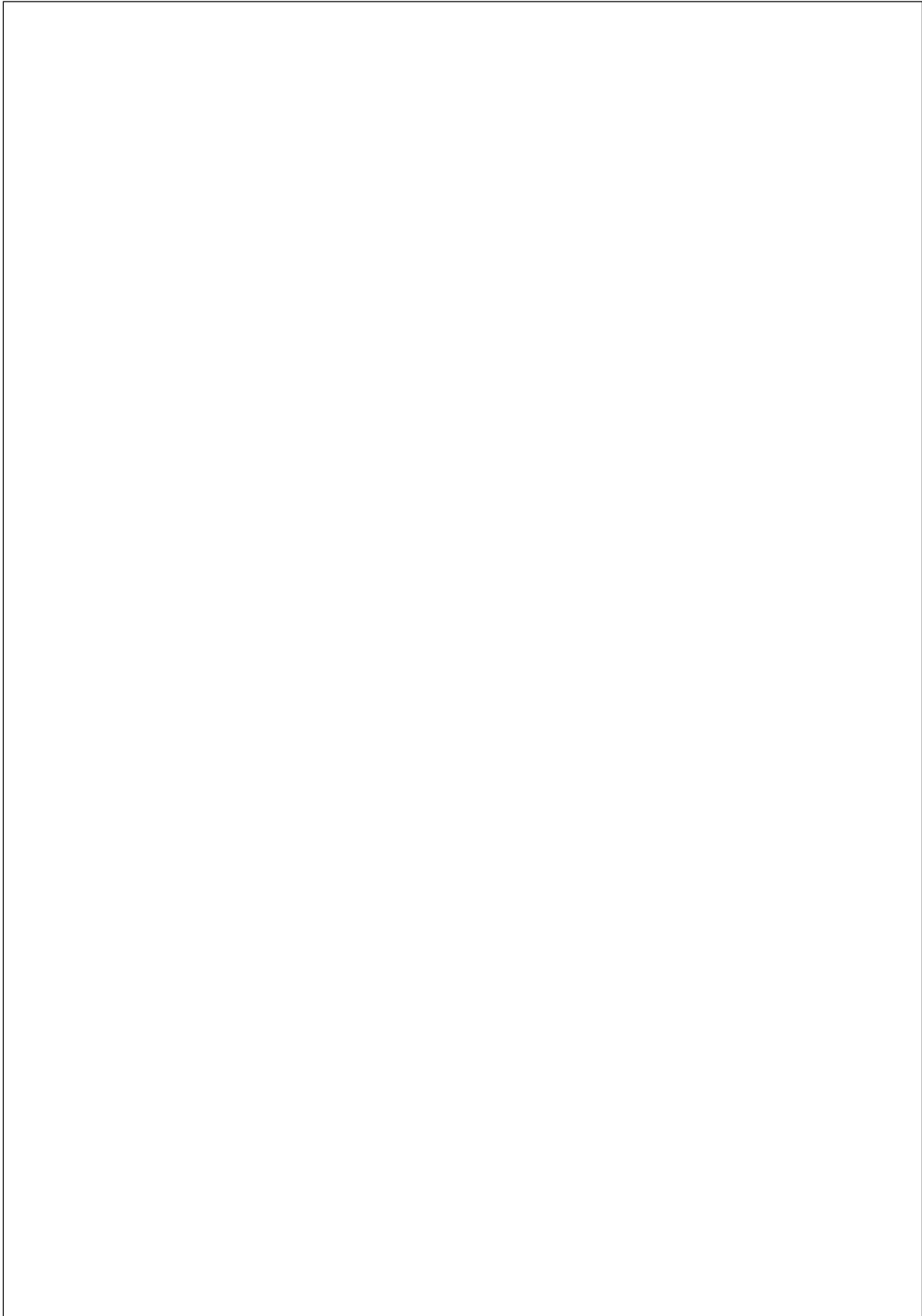








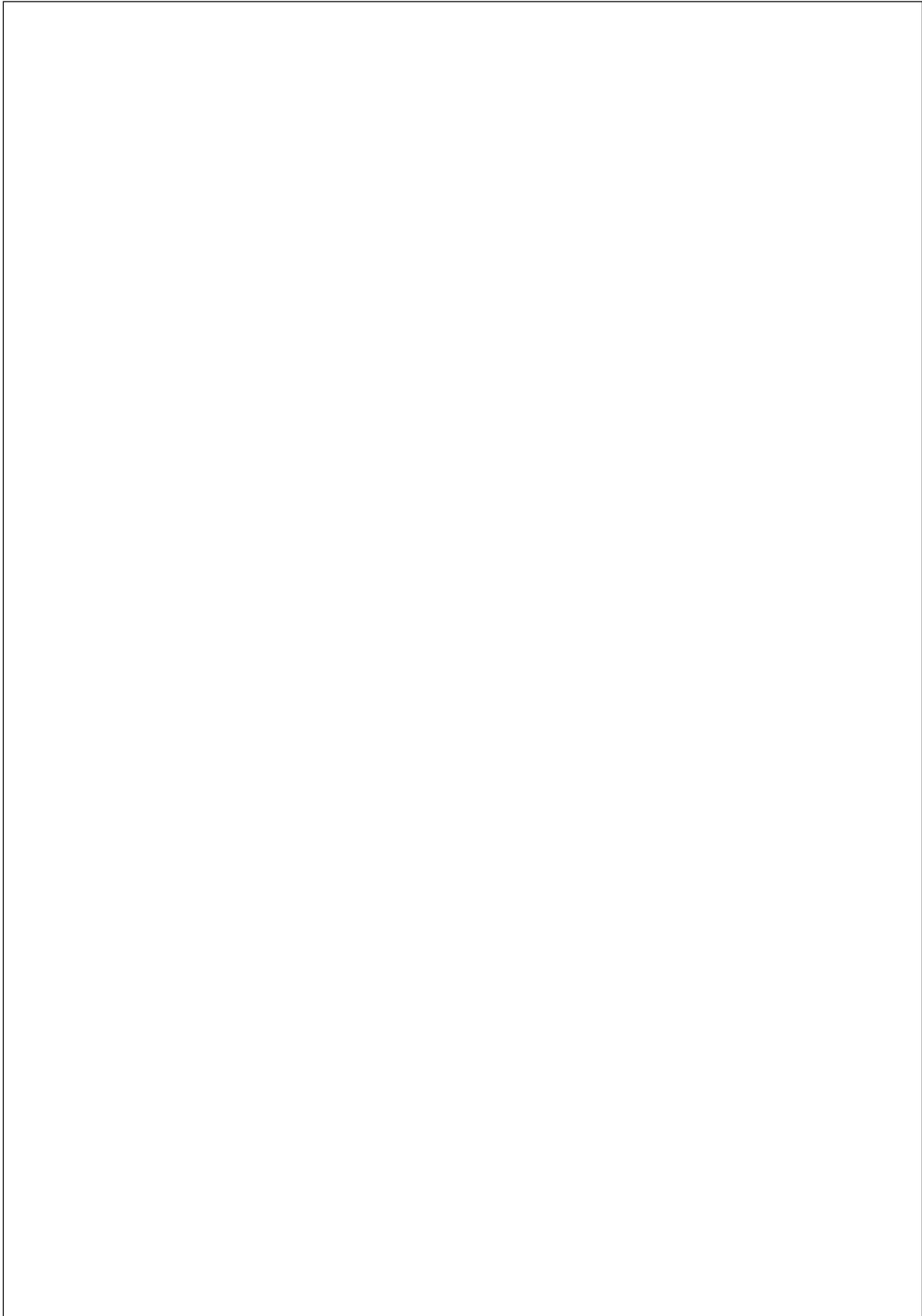


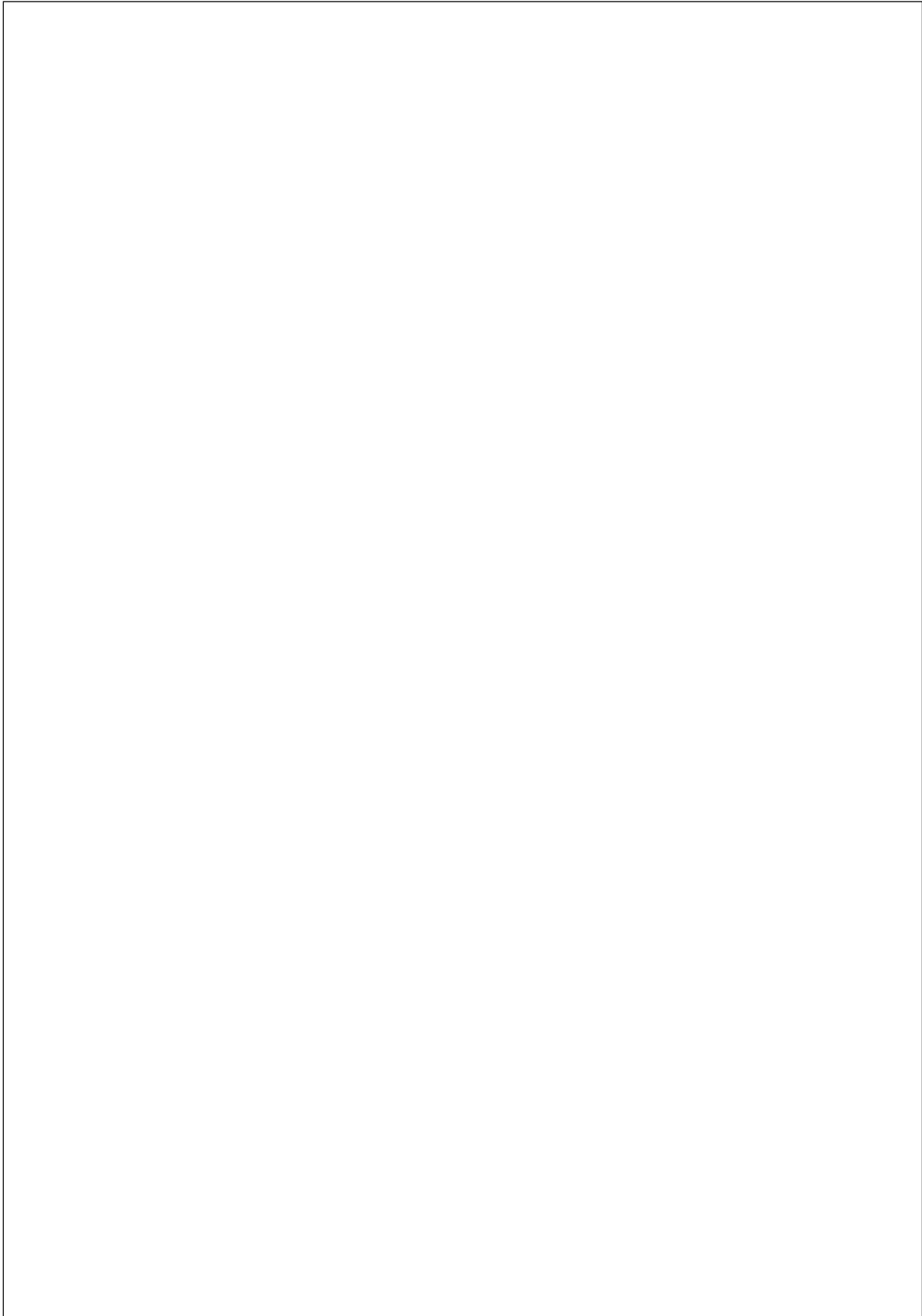




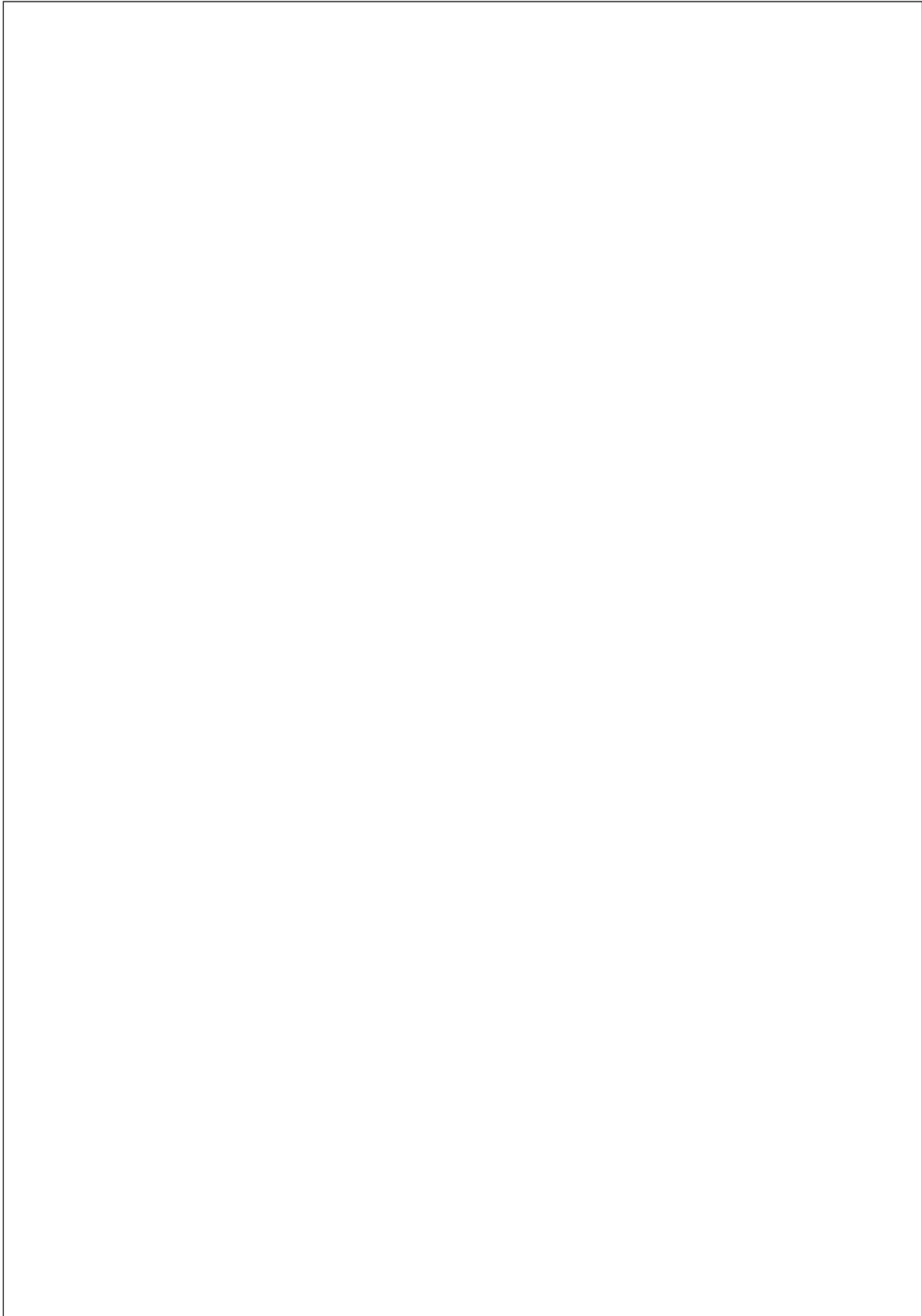


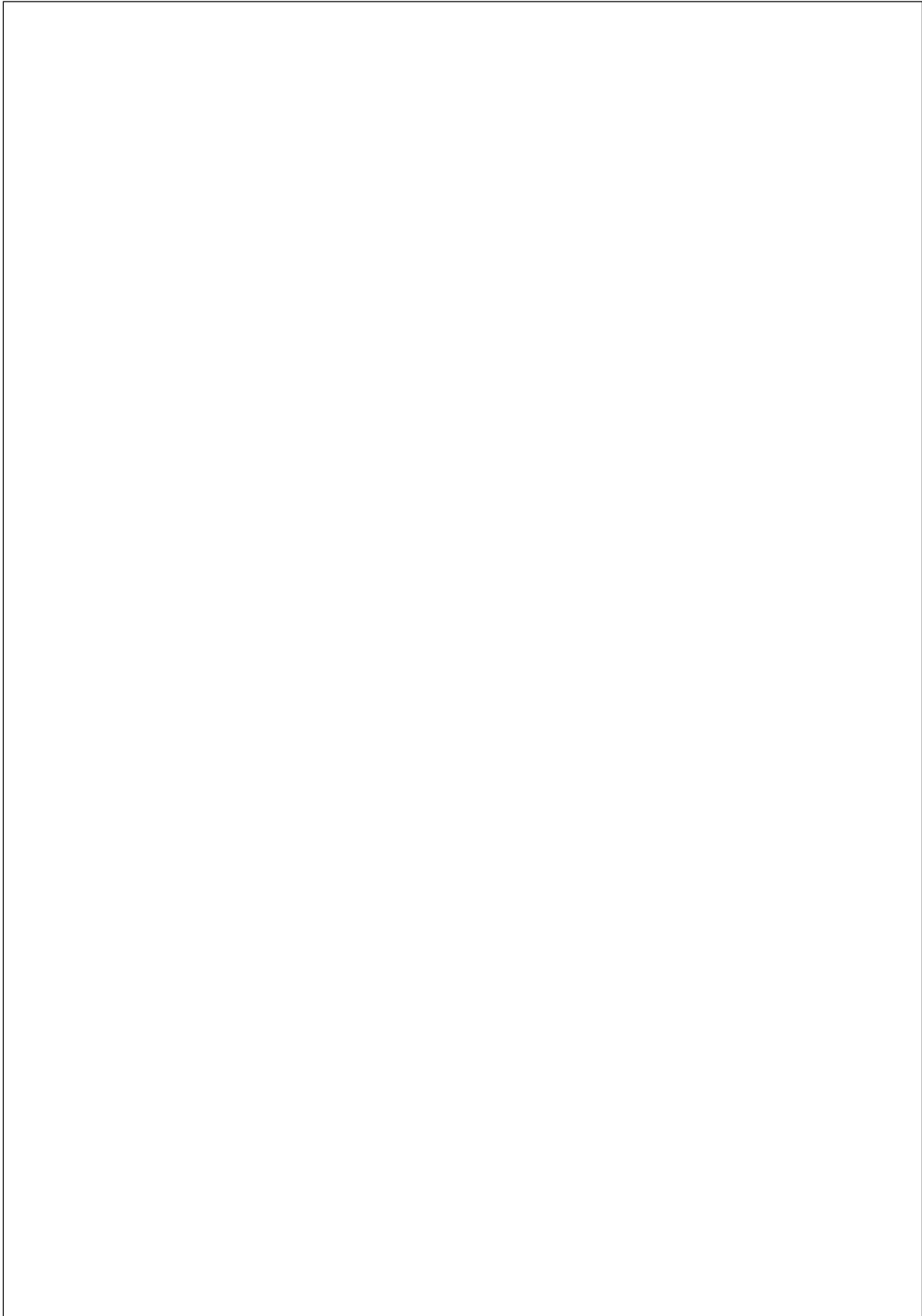


















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The @HoustonChron Editorial Board recognizes the obvious, "Bettencourt election bill swipes at Harris County leaders, not at democracy"! YES, my SB 1750, that returns the management of Harris County elections to the county clerk and tax assessor-collector, 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


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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!](#)

###




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 **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

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@TeamBettencourt
Texas State Senator

 **Dolcefino Consulting**
@WayneDolcefino
Houston-based investment
company led by award-winning
investigative reporter
Wayne Dolcefino.

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 **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


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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 tweet by Team Bettencourt with a link to a document titled "SB 1750 by Cain, Identical" and "SB 1933 by Schulhof, Identical". Below the tweet is a screenshot of a legislative website showing a list of House members who voted for the bills. The list includes names like Briscoe, Cain, Oliverson, and others, along with their party affiliations and the number of votes they cast.

Gerald Harris and 9 others

5:47 PM · Jun 19, 2023 · 15.2K Views

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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 commissioners 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.

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

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Andrea Mintzer on behalf of Jonathan Fombonne

Bar No. 24102702

andrea.mintzer@harriscountytexas.gov

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Status as of 8/9/2023 8:23 AM CST

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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

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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

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Sharron Lee		sharron.lee@oag.texas.gov	8/7/2023 12:27:38 PM	SENT
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Associated Case Party: JANE NELSON TEXAS SECRETARY OF STATE

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