

NO. _____

In the Supreme Court of Texas

IN RE STEVEN HOTZE, M.D., WENDELL CHAMPION, HON. STEVE TOTH,
AND SHARON HEMPHILL,

Relators,

On Petition for Writ of Mandamus to the Harris County Clerk

PETITION FOR WRIT OF MANDAMUS

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Identity of Parties and Counsel

1. Relators

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Dr. Hotze is a registered voter in Harris County and will be voting in the general election.

Hon. Steve Toth
[REDACTED]

Conroe, Texas 77384.

State Representative Toth is a member of the Texas House of Representatives, representing District 15. Representative Toth is on the November 3, 2020 ballot.

Wendell Champion
[REDACTED]

Houston, Texas 77002

Mr. Champion is the Republican nominee for Texas' 18th Congressional District, Texas. He is on the ballot in the general election on November 3, 2020.

Sharon Hemphill
[REDACTED]

Spring, Texas 77379

Sharon Hemphill is a registered voter in Harris County. Sharon Hemphill is the Republican nominee for judge of the Texas 80th District Court, Harris County, Texas. She is on the ballot in the general election on November 3, 2020. She advanced from the Republican primary on March 3, 2020.

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Statement of the Case

Nature of the Case

Respondent Harris County Clerk Chris Hollins' Offices created a new "manner" of voting in Harris County, "drive-thru" voting. Drive-thru voting is not recognized in the Texas Election Code. Hollins' drive-thru voting scheme allows any and all Harris County registered voters – regardless of whether they are permitted to do so under the Texas Election Code – to engage in early and election day "drive-thru" voting. Hollins who is a Democrat and currently serves as Deputy Vice-Chair of Finance for the Democratic Party of Texas, has identified ten (10) drive-thru voting locations and placed nine (9) of the locations in heavily Democratic areas. [App. ____]

Through the Texas Election Code, the Legislature chose not to recognize drive-thru voting; however, the Texas Legislature did expressly create a narrowly defined exception to voting in person for those who are physically unable to enter the polling place without personal assistance or likelihood of injuring the voter health - "curb-side voting." Tex. Elect. Code §§64.009, 82.02, and 104.001-104.005.

The Legislature restricted curbside voting to three distinct categories: (i) presents sick at the time of the vote; (ii) a voter has a physical condition requiring personal assistance (e.g., is physically handicapped); or (iii) voting inside the polling

location would create a likelihood of injuring the voter's health. *Id.* Additionally, if a voter qualifies as disabled under Texas Election Code § 82.002 the voter is eligible to vote by mail. This Court recently held that a voter's lack of immunity to COVID-19, without more, is not a "disability" as defined by the Election Code, and therefore, is not a sufficient basis to permit a voter to validly vote by mail. *In re State*, 602 S.W.3d 549, 550 (Tex. 2020) (a voter's general fear or lack of immunity from COVID-19 is not a "disability" as defined by the Election Code).

By indiscriminately encouraging and allowing any and all Harris County registered voters to cast their ballots curbside on this invalid basis, Respondent's ultra vires act regarding drive-thru voting is a violation of state and federal law and must be stopped. By circumventing the Texas Legislature and implementing a manner of voting not recognized in the Texas Election Code, Respondent is violating Art. I, section IV, clause 1 of the United States Constitution. Additionally, by adopting a manner of voting that is inconsistent with the Texas Election Code and not adopted by any other county in Texas, Respondent is violating the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

Accordingly, Relators seek mandamus relief to compel Respondent to perform his nondiscretionary, ministerial duties to restrict curbside voting to only those Harris County registered voters who have submitted sworn applications which

facially satisfy at least one of the specific categories permitting curbside voting under the Texas Election Code.

Respondent

Chris Hollins, in his official capacity as the Harris County Clerk, who, under Section 83.002 of the Texas Election Code (early voting) and Section 104.001 of the Texas Election Code (election day voting), is designated as the “Early Voting Clerk.”

Relief Requested

Respondent should be required to stop drive-thru voting and only allow curbside voting for registered voters in Harris County who have submitted the required sworn application to vote curbside or who submitted an application which facially satisfies any of the required criteria for curb-side voting.

On Saturday, October 31, 2020, all the Judge’s Booth Controllers (“JBC”) from early voting will be delivered to central count at NRG. [App. ____]. Seals will be broken and the memory cards - Mobile Ballot Box (“MBB”) will be accessed to count the number of ballots contained in each MBB-not tally the vote. [App. A]. On the morning of November 3, 2020, the same MBBs will be connected to the Tally machine to download the actual ballots contained. [App. A]. The Tally machine will then conduct the counting/tabulation process for early votes utilizing the drive thru process. [App. A]. After 7:00 p.m. on November 3, 2020, Respondent will enter

the MBBs from election day votes at drive thru location into the Tally machine to conducting the counting/tabulation of election day votes at drive-thru locations. [App. A]. Accordingly, Relators are asking this Court to require all memory cards from the ten (10) drive-thru voting locations be secured and not entered or downloaded into the Tally machine until this Court issues an order on Relators' Petition for Writ of Mandamus.

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Statement of Jurisdiction

Texas Election Code §273.061 gives the Court original jurisdiction to issue a writ of mandamus “to compel the performance of any duty imposed by law in connection with the holding of an election.” The Relators have a compelling reason to request mandamus from this Court in the first instance. *See* Tex. R. App. P. 52.3. The November 3rd, 2020 general election is quickly approaching and Respondent is allowing drive-thru voting for all voters regardless of whether the voter: (i) is sick at the time of the vote; (ii) has a physical condition requiring personal assistance (e.g., is physically handicapped); or (iii) voting inside the polling location would create a likelihood of injuring the voter’s health. Tex. Elec. Code §§ 64.009, 82.02 and 104.001-005.

This Court has stated "that an election in this state is not a single event, but a *process*, and that the entire *process* is subject to contest." *Dickson v. Strickland*, 265 S.W. 1012, 1018 (Tex. 1924). This case involves the enforcement by mandamus of duties involved with the "holding of an election," an election being the *entire process* including the date early voting begins and when a voter can deliver a marked ballot by mail in person to the early voting clerk’s office. *Grant v. Ammerman*, 437 S.W.2d 547, 548-49 (Tex. 1969). Mandamus will lie to enforce ministerial duties arising in connection with an election. *Id.*

In this Petition for Writ of Mandamus, Relators are challenging the *process* of the election, i.e., the manner in which the Respondent is implementing a drive-thru voting scheme that is not recognized under the Texas Election Code. Relators include federal and state candidates on the November 3, 2020 ballot in Harris County, Texas, (Wendell Champion, Hon. Steve Toth, and Sharon Hemphill) and a voter/activist (Dr. Steven Hotze).

Relators ask the Court to use the power granted by the Election Code “to compel the performance of any duty imposed by law in connection with the holding of an election.” Tex. Elec. Code § 273.061.

When time is of the essence, this Court has not hesitated to exercise its mandamus authority. *See, e.g., In re Woodfill*, 470 S.W.3d 473, 481 (Tex. 2015) (per curiam); *In re Carlisle*, 209 S.W.3d 93, 95-96 (Tex. 2006) (per curiam); *In re Tex. Senate*, 36 S.W.3d 119, 121 (Tex. 2000); *Sears v. Bayoud*, 786 S.W.2d 248, 250 & n.1 (Tex. 1990). The Court should exercise its original mandamus authority again in that Hollins illegal actions have begun and will continue through election day.

Statement of the Issues Presented

1. Does Respondent Hollins' drive-thru voting violate Article I, Section IV, Clause 1 of the United States Constitution in that Hollins redefines the manner of conducting elections in Harris County contrary to the Texas Election Code?
2. Does Respondent Hollins' drive-thru voting violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution?
3. Is Respondent failing to perform his nondiscretionary, ministerial duties by encouraging and permitting Harris County registered voters to cast their ballots curbside/drive-thru even though they do not satisfy any of the three specific categories permitting curbside voting under the Texas Election Code?

Introduction

Under Section 83.002 of the Texas Election Code, Respondent has the responsibility of enforcing the election laws to ensure a fair and honest election in Harris County. Despite the fact that the Texas Election Code restricts curbside voting to specific and narrowly defined categories of voters, and fails to recognize drive-thru voting, Respondent has implemented a drive-thru voting scheme that is violating the law. Respondent abusing the COVID-19 pandemic as his pretext – of permitting any and all Harris County registered voters to vote curbside or as Hollins terms it-drive-thru. On May 15, 2020, the Texas Supreme Court rejected Respondent’s contention that a voter’s lack of immunity from COVID-19 and concern about contracting it at a polling place constitutes a “disability” within the meaning of the statute permitting a voter to cast a ballot by mail. *In re State*, 602 S.W.3d 549, 550 (Tex. 2020). The exact same rationale applies with equal force to Respondent’s latest attempt to ignore the narrow confines of the carefully defined standards for the three types of situations where a voter may properly vote curbside under the Texas Election Code. None of those instances are satisfied by a voter’s lack of immunity to COVID-19, or by a generalized subjective fear of contracting a virus, or by a desire for “convenience” or to enjoy the “comfort” of one’s vehicle while voting. Unless stopped, illegal votes will be cast and counted in direct

violation of the Texas Election Code and the United States Constitution and result in the integrity of elections in Harris County being compromised.

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Statement of Facts

I. Respondent Hollins' Ministerial Duties Under the Texas Election Code

As the early voting clerk for Harris County, Respondent has the responsibility of enforcing the election laws to ensure a fair and honest election in Harris County. One of the statutory election mandates for which Respondent Hollins is responsible deals with curbside voting. This is a method of voting whereby a qualifying voter may vote from a vehicle in lieu of coming inside to vote at a polling location. In order to take advantage of curbside voting, a registered voter must prepare and sign a sworn application. The application is similar to the application for vote by mail, and a voter must affirmatively check specific boxes on the form in order to facially demonstrate to the Early Voting Clerk (Respondent Hollins) compliance with the curbside voting statutes under the Texas Election Code.

Under Texas Election Code, curbside voting is restricted to distinct categories: (i) the voter is sick at the time of the vote; (ii) the voter has a physical condition requiring personal assistance (e.g., is physically handicapped); or (iii) voting inside the polling location would create a likelihood of injuring the voter's health. Tex. Elec. Code §§ 64.009, 82.02 and 104.001-005.

Despite the fact that the Texas Election Code restricts curbside voting to specific and narrowly defined categories of voters, Respondent— using the COVID-

19 pandemic as his pretext – is permitting any and all Harris County registered voters to vote curbside or drive-thru and vote.

II. Respondent Hollins Is Permitting Countywide Drive-Thru Voting In Direct Violation of the Texas Election Code

Respondent Hollins has implemented a countywide “drive-thru” voting program for every registered voter in Harris County. A true and correct transcription of the pertinent excerpt from a press conference where Respondent Hollins identifies the program is attached to the Appendix to this Mandamus Petition. See App. B At 5-6. Beginning at the 4-minute mark, and continuing on to 4:33, Respondent Hollins said the following:

“Drive-thru voting is an option for all voters who would like to be able to vote from the safety and comfort of your vehicle. Drive-thru voting allows those who don’t qualify to vote by mail to minimize your exposure to other voters and to election workers. While we hope to have short lines across the county, drive-thru voters waiting in line will be able to wait in the comfort of your vehicle where you can listen to the radio or converse with loved ones until you are pointed to your drive-thru voting booth. We hope that Harris County voters will consider utilizing drive-thru voting.”

See App. B At 5-6. Hollins’ position is that anyone and everyone may vote curbside in Harris County should they wish to do so.

Because Respondent Hollins is allowing Harris County Registered voters to vote curbside (drive-thru) without regard to whether they are eligible to vote curbside, and because of the very clear threat of imminent harm which will result from ineligible curbside voting taking place in violation of the Texas Election Code and

the United States Constitution, Relators bring this Mandamus Petition to mandate compliance by the Respondent with his clear and non-discretionary ministerial duties.

Argument

I. Hollins is Violating the United States Constitution

Respondent Hollins' drive-thru voting scheme violates Article I, Section IV, Clause 1 of the United States Constitution in that Hollins redefines the manner of conducting elections in Harris County contrary to the Texas Election Code. Additionally, Hollins violates the Fourteenth Amendment's Equal Protection Clause by adopting a manner of voting in Harris County that has not been adopted by other Texas' counties.

A. The Election Clause Requires this Court to Uphold the Manner of Voting Defined by the Legislature in the Texas Election Code

The Constitution's Elections Clause directs that "[t]he Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof," subject to the directives of Congress. U.S. Const. Art. I, § 4, Cl. 1.

Because federal offices "arise from the Constitution itself," any "state authority to regulate election to those offices . . . had to be delegated to, rather than reserved by, the States." *Cook v. Gralike*, 531 U.S. 510, 522 (2001). The

Constitution effected such delegations to State Legislatures through the Electors and Elections Clauses. See U.S. Const. Art. II, § 1, Cl. 2; *id.* Art. I, § 4, Cl. 1. The Elections Clause vests State Legislatures, subject to Congress’s enactments, with authority “to provide a complete code for congressional elections.” *Smiley v. Holm*, 285 U.S. 355, 366 (1932); see also *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 826 (2015) (Roberts, C.J., dissenting) (noting that the Elections Clause “imposes a duty on States and assigns that duty to a particular state actor”). This “broad power to prescribe the procedural mechanisms for holding congressional elections,” *Cook v. Grantlike*, 531 U.S. 510, 523 (2001) (internal quotation marks omitted), includes authority to enact “the numerous requirements as to the procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved,” *Smiley*, 285 U.S. at 366; *Cook*, 531 U.S. at 523–24; see also *Storer v. Brown*, 415 U.S. 724, 730 (1974) (stating that state legislatures may enact election laws in order to ensure that elections are “fair and honest” and that “some sort of order, rather than chaos, is to accompany the democratic process”). This sweeping grant of authority means that “the text of [state] election law itself, and not just its interpretation by the courts of the States, takes on independent significance,” *Bush v. Gore*, 531 U.S. 98, 112–13 (2000) (Rehnquist, C.J., concurring), and the federal Constitution “operate[s] as a limitation upon the State in respect of any attempt to circumscribe the [delegated]

legislative power,” *Palm Beach Cnty.*, 531 U.S. at 76; *McPherson*, 146 U.S. at 25. The United States Supreme Court has made it clear that “[a] significant departure from the legislative scheme for electing U.S. Representatives—including when such departure is carried out by the state judiciary—thus presents a federal constitutional question.” *Bush*, 531 U.S. at 113 (Rehnquist, C.J., concurring); see also *Palm Beach Cnty.*, 531 U.S. at 76; *McPherson*, 146 U.S. at 25.

Here, the Texas Legislature has created a detailed statutory scheme related to curbside voting to govern the conduct of federal elections. Respondent Hollins has significantly departed from the legislative scheme regarding curbside voting. By allowing Hollins to significantly alter the manner of voting that has not been prescribed by the Legislature, Hollins’ drive-thru voting scheme violates the United States Constitution Art. I, § 4, Cl. 1. Relators request this Court stop Hollins from rewriting an integral part of the Texas Election Code’s comprehensive scheme for regulating the manner for conducting federal elections.

1. The Texas Election Code Should Be Strictly Construed

“This Court has stated in no uncertain terms that county election officials possess only those powers ‘granted in express words’ or ‘necessarily or fairly implied in an express grant.’” *In re Hotze*, No. 20-0819 (October 22, 2020) (Devine, J., dissenting, quoting *State v. Hollins*, No. 20-0729, 2020 WL 5919729, at *4 (Tex.

Oct. 7, 2020) (per curiam) (internal quotations omitted)). As Justice Devine writes in his dissent in *In re Hotze*, “These implied powers are themselves narrow—they must be ‘indispensable,’ ‘not simply convenient.’” *Id.* The powers are governed by a “lengthy, detailed, and comprehensive Election Code.” *Id.* at *2. Hollins acts are outside the scope of the Election Code and constitute ultra vires conduct that undermine the integrity of the election process. *See Richardson v. Hughs*, No. 20-50774, 2020 WL 6127721, at *1–2 (5th Cir. Oct. 19, 2020). “Though certain enumerated powers may create a narrow range of implied powers, the Legislature’s silence on an issue raises the presumption that it has not granted that power.” *In re Hotze*, No. 20-0819 (October 22, 2020) (Devine, J., dissenting). Nothing in the Texas Election Code allows for Hollins’ drive-thru voting.

2. Hollins Attempts to Redefine Polling Location

Under Respondent Hollins’ drive-thru voting scheme, a car is turned into a polling location. Specifically, to drive-thru vote, the voter never exits the vehicle. Instead, the voter sits in their car as the e-slate is hand delivered to the voter who then cast their vote within the confines of their vehicle. It should be noted that many times these votes are cast by numerous people in one car, eliminating the confidentiality surrounding one’s vote. The garages, tents, canopies, and other “coverings” the car drives into are not the actual polling location -the polling place is the car. The e-slate is physically placed in the car, the vote is cast in the car, and

the voter remains in the car. [App. C]. The voter never physically exits the car. [App. C]. A car is not a polling place. If a car is a polling place, Harris County now has millions of voting locations around the county that change locations throughout the day. Attached, as App. C, are photos of voters utilizing “drive-thru” voting.

The Election Code mandates that a registered voter cast a ballot in a “voting station” at a “polling place.” *See* TEX. ELEC. CODE §§ 64.001, .009(a). Qualified individuals may request their ballot curbside in a vehicle on election day and throughout the early voting period. *Id.* § 64.009(a). This exception applies only to those physically unable to enter the polling place without assistance or for whom a likelihood of injury exists. *Id.*; see also *In re State*, 602 S.W.3d 549, 550 (Tex. 2020) (a voter’s general fear or lack of immunity from COVID-19 is not a “disability” as defined by the Election Code). Otherwise, voting is to take place in a “polling place.” TEX. ELEC. CODE § 64.009(a). Respondent has previously argued that rows of semi-permanent tents where election officers stand awaiting dozens of cars, inside of which any voter may cast a ballot, qualify as a “polling place.” In his dissent in *In re Hotze*, Justice Devine rejects Hollins’ definition, stating, “I struggle to see how the Election Code contemplates such a novel concoction. Hollins stretches the text of the Code beyond its historical and common-sense understanding.” *In re Hotze*, No. 20-0819 (October 22, 2020) (Devine, J., dissenting).

The Texas Election Code states that polling locations “may be located in any stationary structure,” including a “movable structure.” *Id.* § 85.062(b). Hollins has previously argued that these “tents” satisfy the requirements of movable structure. However, as Justice Devine has stated, “[T]he Texas Election Code likely contemplates that ‘structure’ is a place one enters to get to the polling place; the structure itself is not the polling place.” *In re Hotze*, No. 20-0819 (October 22, 2020) (Devine, J. dissenting). The Texas Election Code prohibits electioneering “within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located.” Texas Elec. Code § 85.036(a) (emphasis added). As Justice Devine has previously identified, “The prepositional phrase ‘in which’ indicates that the polling place is to be inside of a building or structure. The structure itself cannot be the polling place and the voting station rolled into one. Even harder to understand is how one’s vehicle could qualify as a ‘polling place,’ as it is not a ‘structure’ as commonly understood. Nor can one’s vehicle be a ‘voting station,’ which is a specific location designated for voters to cast a ballot. Station, WEBSTER’S NEW COLLEGIATE DICTIONARY (1975) (“[A] place established to provide a public service.” (emphasis added)).” *Id.* Hollins’ expansion of the statute manifests itself in the absurd result that every voter’s vehicle is a “polling place” or “voting station.” *Id.*

3. Texas Attorney General Recently Addressed Drive-Thru Voting

On October 16, 2020, Attorney General Ken Paxton addressed the issue of “drive-thru” voting. [App. D]. In the letter General Paxton states, among other things, that Texas Election Code “makes no provision for ‘drive-thru’ voting centers at which any voter may cast a ballot from his or her vehicle.” [App. D].

4. The Texas Legislature has Rejected “Drive-Thru” Voting

Legislators have previously attempted to amend the Texas Election Code to allow a form of Respondent Hollins’ “drive-thru” voting scheme. During the 2019 legislative session, legislation was proposed to allow polling places to accommodate parents with young children, HB 2898. [App. E]. Because Texas law required curbside voting for people with disabilities, HB 2898 left it up to local election officials to decide whether to offer curbside voting for parents with young children. [App. E]. The bill also created a study to be performed by the Texas Secretary of State’s office that would evaluate the best practices for curbside voting for people with children and report it to the legislature by December 2020. [App. E]. The Texas House approved the bill that supporters believed would increase voter turnout by allowing parents with children younger than five (5) years old to participate in curbside voting. The argument is similar to that made by Respondent Hollins as a justification for his drive-thru voting scheme. On May 8, 2019, the House gave the bill final approval in a 90-52 vote. However, the Texas Senate failed to pass the bill.

Here, Hollins is asking this Court to implement a form of “drive-thru” voting that is much broader than one previously rejected by the Legislature. A pandemic should not be a license for this Court to turn into a super-legislature. If the Texas Legislature has effectively rejected Hollins’ scheme, so too should this Court.

5. Drive-Thru Voting Locations Placed in Democratic Strongholds

Nine of the ten “drive-thru” voting locations in Harris County are placed in areas that vote heavily Democratic. [App. G]. State Sen. Paul Bettencourt (R-Houston) recently noted nine of the 10 drive-thru voting locations are in Democrat areas of the county, adding that “nothing in the Texas election code allows Mr. Hollins to do this setup.” Erin Anderson, *Texas AG: Legal Action for Unlawful Drive-Thru Voting*, Texas Scorecard, October 20, 2020.

6. Over 100,000 Illegal Drive-Thru Votes Have Been Cast

Harris County accounts for nearly 15 percent of all registered voters in Texas. To date, over 100,000 “drive-thru” votes have been cast. [App. F].

B. Hollins’ Drive-Thru Voting Scheme Violates the Fourteenth Amendment

The Fourteenth Amendment to the United States Constitution provides, “No State shall... deny to any person... the equal protection of the laws.” USCS Const. Amend. 14, § 1. Harris County is the only Texas County that has adopted drive-thru voting. [App. A]. By using different criteria for voting and allowing a new form

of voting to occur in only in Harris County, Hollins is violating the Equal Protection Clause. *Bush v. Gore*, 531 U.S. 98 (2000). Hollins violates the Equal Protection Clause, in that Harris County, unlike other counties, surrenders the safeguards associated with curb-side voting while other counties maintain the integrity of the ballot box by complying with the strict requirements imposed by the Texas Legislature in §§ 64.009, 82.02, and 104.001-104.005 of the Texas Election Code.

The Supreme Court's per curiam majority opinion in *Bush v. Gore* eviscerated the distinction between nuts-and-bolts questions and big picture questions by holding that Florida law, at least as construed by the Florida Supreme Court, violated the Equal Protection Clause of the Fourteenth Amendment. 531 U.S. 98 (2000). The Court held that a state violates equal protection when it fails to have uniform standards for the recounting of votes during a statewide election contest. *Id.* at 109. The opinion makes it clear that disparity regarding the means of voting is a justiciable question. Here, Hollins has implemented a form of voting that is unique to Harris County and differs from the remaining 253 counties in the state of Texas.

II. Mandamus is Appropriate to Compel Compliance with a Non-Discretionary, Ministerial Duty.

“A writ of mandamus will issue to compel a public official to perform a ministerial act.” *Anderson v. Seven Points*, 806 S.W.2d 791, 793 (Tex. 1991) (citing *Womack v. Berry*, 156 Tex. 44, 291 S.W.2d 677, 682 (1956); *Turner v. Pruitt*, 161 Tex. 532, 342 S.W.2d 422, 423 (1961)). “An act is ministerial when the law clearly

spells out the duty to be performed by the official with sufficient certainty that nothing is left to the exercise of discretion.” *Anderson*, 291 S.W.2d at 793. That is the case here.

A. Respondent Hollins Has a Ministerial Duty to Review Each Sworn Application in Order to Verify that the Applicant Has Supplied All of the Required Information to Permit Curbside Voting.

Because Section 64.009 of the Texas Election Code permits curbside voting under limited circumstances during Early Voting, Respondent Hollins’ duties as the Early Voting Clerk include the enforcement of curbside voting during Early Voting. In order to enable an eligible voter to legally vote curbside, the registered voter must submit a sworn application for ballot similar to the application for a ballot by mail described in Section 84.001 (Eligible voter must make an application for an early voting ballot to be voted by mail).

The duty to review each application is not discretionary; it is mandatory. *In re Robinson*, 175 S.W.3d 824, 830 (Tex. App. 2005) (“The use of the word shall in a statute is generally construed as creating a nondiscretionary duty.”). This duty includes the specific obligation to ensure that each sworn application satisfies the criteria set forth in the Texas Election Code to permit a specific voter to vote curbside during both Early Voting and Election Day voting.

B. Respondent Hollins Has a Ministerial Duty to Reject an Application for Curbside Voting That does Not Contain the Required Information to Permit Curbside Voting.

Under Texas Election Code Sections 64.009, 82.02, and 104.001, curbside voting is restricted to three distinct categories: (i) a voter is presently sick at the time of the vote; (ii) a voter has a physical condition requiring personal assistance (e.g., is physically handicapped); or (iii) voting inside the polling location would create a likelihood of injuring the voter's health. Respondent Hollins, however, has announced his policy to permit ***any registered Harris County voter*** to cast their ballot via drive-thru voting. This illegal policy, which is grounded on the dubious notion that a lack of immunity from COVID-19 justifies a wholesale repudiation of the Texas Election Code, ***has already been expressly rejected by the Texas Supreme Court***. *In re State*, 602 S.W.3d 549 (Tex. 2020). Rejecting Respondent Hollins' argument in that case that a voter's lack of immunity from the disease and concern about contracting it at a polling place justifies a voter's choice to cast a ballot by mail, the Supreme Court made clear that a generalized fear of contracting a virus would not, standing alone, be sufficient to trigger a statutory right to vote by mail.

The Court's reasoning in *In re State*, 602 S.W.3d 549 (Tex. 2020), applies Respondent's allowing curbside voting for anyone who wants to vote curbside. The "disability" language contained in Section 82.002(a) regarding ballots by mail tracks the same language as is contained in Sections 64, 82, and 104 regarding curbside voting. Under Texas Election Code Sections 64.009, 82.02, and 104.001, curbside voting is restricted to three distinct categories: (i) a voter is presently sick at the time

of the vote; (ii) a voter has a physical condition requiring personal assistance (e.g., is physically handicapped); or (iii) voting inside the polling location would create a likelihood of injuring the voter's health. It is abundantly clear that Respondent Hollins may not, consistent with his ministerial duties to comply with the Texas Election Code, permit registered Harris County voters to engage in drive-thru voting who do not satisfy one or more of the statutorily prescribed exceptions to voting inside the polling place.

The obligation to reject insufficient applications to vote curbside is not discretionary; it is mandatory. *See In re Robinson*, 175 S.W.3d at 830. The duty to challenge ineligible curbside voting is not discretionary; it is mandatory. *Id.*

III. Respondent Hollins is Permitting Curbside Voting to Voters Not Entitled to Vote Curbside in Breach of His Ministerial Duties under the Texas Election Code.

Hollins is allowing curbside/drive-thru voting for all 2.37 million registered voters in Harris County. This is a clear and direct violation of his duties to enforce the Texas Election Code and the United States Constitution. Respondent Hollins has a non-discretionary, ministerial duty to limit curbside voting solely to those registered voters who submit facially valid sworn applications to vote curbside. All other requests to vote curbside must be denied. "Failure to perform his duty subjects [Respondent Hollins] to mandamus." *Bejarano v. Hunter*, 899 S.W.2d 346, 350 (Tex. App. 1995). Absent an order compelling Respondent Hollins to comply with

his ministerial duties under the Texas Election Code, ineligible applicants and/or facially invalid sworn applications will be approved.

IV. Relators Are Being Harmed, Have Standing, and Will Continue to be Harmed, Absent Relief.

Respondent Hollins' non-compliance with the law is harming the interests of Relators. With respect to Relator Hotze, he has standing because he is threatened with a violation of his right to vote. Relator Champion is the Republican nominee for the 18th District, Harris County, Texas. Hollins illegal vote scheme results in votes being illegally cast in his race for the United States Congress. Relator Hemphill is also on the November 3, 2020 general election ballot for District Judge in Harris County, Texas. Hollins illegal vote scheme results in votes being illegally cast in her race for the 80th Judicial District Court. Representative Steve Toth is a member of the Texas Legislature and is also on the November 3, 2020 general election ballot. As a member of the State Legislature, Hollins is usurping his authority as a lawmaker by creating a voting scheme that was not adopted by the Texas Legislature.

“Undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections.” *Reynolds v. Sims*, 377 U.S. 533, 554 (1964). This right “can neither be denied outright. . . nor destroyed by alteration of ballots. . . nor diluted by ballot-box stuffing.” *Id.* “The right to vote is ‘individual and personal in nature,’ and ‘voters who allege facts

showing disadvantage to themselves as individuals have standing to sue' to remedy that disadvantage.” *Gill v. Whitford*, 138 S. Ct. 1916, 1920 (2018) (quoting *Reynolds*, 377 U.S. at 561 and *Baker v. Carr*, 369 U.S. 186, 206 (1962)). Relators object to the casting and to the counting of any ineligible or illegal curbside voting, as the consequence of permitting such activity hurts not only the integrity and the reported outcomes of the election for all of the candidates and all of the voters who voted, but it could also dilute or otherwise diminish and cancel Relators casting of a legal vote for the candidates of their choice in the General Election.

V. Relators Have No Other Adequate Remedy.

Texas Election Code Section 273.081 allows “injunctive relief” to “prevent” violations from occurring. Relators seek injunctive relief prohibiting Respondent Hollins from engaging in his illegal “drive-thru” voting programs. Alternatively, Relators seek affirmative compliance with ministerial duties.

Prayer

For these reasons, Realtors respectfully request that the Court grant this Petition for Writ of Mandamus and enter an order compelling Respondent Hollins to do the following:

1. Relators request this Court to require all memory cards from the ten (10) drive-thru voting locations be secured and not entered or downloaded into

the Tally machine until this Court issues an order on Relators' Petition for Writ of Mandamus.

2. Relators request the Court reject any votes it finds were cast in violation of the Texas Election Code.
3. Review all curbside voting applications submitted by an person requesting to vote curbside during either Early Voting or Election Day Voting in Harris County for facial compliance with Texas Election Code sections 64.009, 82.002, and 1104.001-104.005, as required by the Texas Election Code Sections 83.002 and 014.001;
4. Reject all curbside voting applications submitted by any person requesting to vote curbside during either Early Voting or Election Day Voting in Harris County which lack facial compliance with Texas Election Code Sections 64.009, 82.002, and 104.001-104.005, as required by the Texas Election Code Sections 83.002 and 104.001; and
5. Reject any curbside voting efforts during either Early Voting or Election Day Voting in Harris County which are not in compliance with Texas Election Code Sections 64.009, 82.002, and 104.001-104.004, as required by the Texas Election Code Sections 83.002 and 104.001.

Dated: October 27, 2020

Respectfully submitted,

/s/ Jared R. Woodfill

JARED R. WOODFILL
State Bar No. 00788715
Woodfill Law Firm, P.C.
3 Riverway, Suite 750
Houston, Texas 77056
P:(713) 751-3080
Fax: (713) 751-3058
woodfillservice@gmail.com
Counsel for Relators

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CERTIFICATE OF SERVICE

By affixing my signature above, I , Jared Woodfill, hereby certify that a true and correct copy of the above Original Petition for Writ of Mandamus has been delivered via electronic mail to the parties below on the 27th day of October, 2020.

/s/Jared Woodfill

Jared Woodfill

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TRAP 52.3(J) CERTIFICATION

Pursuant to TRAP 52.3(j), the undersigned certifies that he has reviewed the above Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and or the record.

/s/ Jared Woodfill

Jared Woodfill

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CERTIFICATE OF COMPLIANCE

I, Jared Woodfill, Counsel for Relators certify that this document was generated by a computer using Microsoft Word which indicates that the word count of this document is 4,077. The typeset is Times New Roman 14 pt for text.

/s/ Jared Woodfill

Jared Woodfill

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APPENDIX

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APP. A

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AFFIDAVIT OF ALAN VERA

Alan Vera, appeared in person before me today and stated under oath:

"My name is Alan Vera. I am above the age of eighteen years and am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am Chairman of the Harris County Republican Party Ballot Security Committee.

"Respondent, Chris Hollins who is a Democrat and currently serves as Deputy Vice Chair of Finance for the Democratic Party of Texas has identified ten (10) drive-through voting locations. Nine (9) of the ten (10) locations are in heavily Democratic areas.

"On Saturday October 31, 2020, all the Judge's Booth Controllers ("JBC") from early voting will be delivered to central count at NRG. Seals will be broken and the memory cards - Mobile Ballot Box ("MBB") will be accessed to report the number of ballots contained in each MBB-not to tally the vote.

"On the morning of November 3, 2020, the same MBB's will be connected to the Tally machine to download the actual ballots contained, and count votes for each candidate and issue on the ballots. During this process, the Tally machine will also conduct the counting / tabulation process from the MBB's from the early voting drive-through vote centers..

"After 7:00p.m. on November 3, 2020, Respondent will enter the MBB's from election day votes at drive-through locations into the Tally machine to conduct the counting / tabulation of election day votes at drive-through locations.

"Specifically, in drive-through voting, the voter never exits the vehicle. Instead, the voter sits in his/her car as the e-slate is hand delivered to the voter who then cast his/her vote within the confines of the vehicle.

"It should be noted that many votes are cast by numerous people in the car, eliminating confidentiality surrounding one's vote. The garages, tents, canopies, and other "coverings" through which the car drives are not actual polling locations – the polling place is in the car.

"The e-slate is physically placed in the car, the vote is cast in the car, and the voter remains in the car. The voter never physically exits the car.

"To my knowledge, Harris County is the only county in Texas implementing drive-thru voting. I am familiar with the voting process in many counties across the state of Texas.

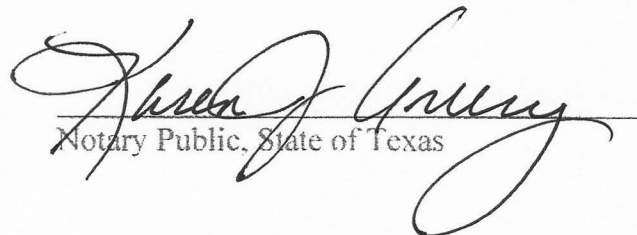
FURTHER AFFIANT SAYETH NOT.



Alan Vera

SIGNED under oath before me on October 27, 2020.




Notary Public, State of Texas

APP. B

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State of Texas §
 §
County of Travis §

BEFORE ME, the undersigned personally appeared Jennifer Anne Hall who, swore the following:

1. My name is Jennifer Anne Hall. I am over 18 years of age, of sound mind, and competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.

2. I am resident of Texas and Tarrant County.

3. I am the Organization Assistant for The Republican Party of Texas. .

4. We are committed to advancing limited government, lower taxes, less spending and individual liberty. Our specific goals are to grow the Republican Party by reaching new voters, advance the Platform, which is grounded in conservative principle, and to keep Texas prosperous and free. The Republican Party of Texas serves:

To promote a conservative philosophy of government:

By promoting conservative principles; and

By providing the infrastructure through which those who share our conservative principles can get involved in the political process, run for and be elected to public office, and govern according to our principles when elected.

5. Chris Hollins currently serves as the County Clerk of Harris County, Texas. Under the Texas Election Code, Mr. Hollins serves as the Early Voting Clerk for Harris County and is responsible for administering curbside voting in compliance with Sections 64.009, 83.002 and 104.001-104.005 of the Texas Election Code, for both Early Voting and Election Day Voting. This Petition for Writ of Mandamus names Mr. Hollins as the Respondent.

6. On September 10, 2020, Chris Hollins held a press conference to announce his office's implementation of a countywide "drive-thru" voting program for every registered voter in Harris County. The Texas Election Code does not use the term "drive-thru" voting. Rather, the term "curbside" voting is used instead. It is clear, however, that Respondent Hollins is using these terms interchangeably.

7. I have personally watched and listened to the press conference. I can personally swear that a true and correct transcription of what Respondent Hollins said in a 33 second segment of that press conference appears verbatim below in Paragraph 8. Beginning at the 4-minute mark of his press conference, and continuing on to 4:33, Respondent Hollins said the following:

8. "Drive-thru voting is an option for all voters who would like to be able to vote from the safety and comfort of your vehicle. Drive-thru voting allows those who don't qualify to vote by mail to minimize your exposure to other voters and to election workers. While we hope to have short lines across the county, drive-

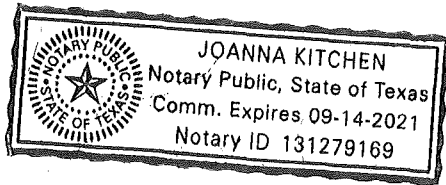
thru voters waiting in line will be able to wait in the comfort of your vehicle where you can listen to the radio or converse with loved ones until you are pointed to your drive-thru voting booth. We hope that Harris County voters will consider utilizing drive-thru voting.”

9. In addition to Respondent Hollins’ press conference, he also released a video on YouTube, which is also posted on the Harris County Clerk’s Office website, just this past Friday, October 9, 2020. This video is entitled “Drive-Thru Voting in five steps.” Nowhere in this demonstrative video of a voter voting curbside in his vehicle is there any discussion or caution or depiction about how a voter may determine his or her eligibility to vote curbside. Nor is there any mention or depiction that a voter desiring to vote curbside must fill out a sworn application to vote curbside. To the contrary, the clear impression of this video is that anyone and everyone may vote curbside in Harris County should they wish to do so. Finally, the video depicts curbside voting taking place outside of a polling location and that polling location is not inside of a building. Because Respondent Hollins is clearly requesting Harris County registered voters to vote curbside without regard to whether they are eligible to vote curbside, and because of the very clear threat of imminent harm which will result from ineligible curbside voting taking place in violation of the Texas Election Code, Relator RPT brings this Mandamus Petition to mandate compliance by the Respondent with his clear and non-discretionary ministerial duties.

SIGNED this 12th day of October 2020.

Jennifer Wall

SUBSCRIBED and SWORN TO before me, the undersigned authority, on the 12th day of October, 2020.



J. Kitchen

Notary in and for the State of Texas

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APP. C

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vote Drive Thru Voting - Election Divis x +

harrisvotes.com/dtv

CHRIS HOLLINS
HARRIS COUNTY CLERK

HOME VOTING INFO ELECTION RESULTS ...

Eligibility Voters with Disabilities only Open to all voters

Locations All polling sites Only 10 polling sites

Drive-Thru Voting in Harris County

Drive-Thru Voting in five steps

The 5 Steps of Drive Thru Voting

Provided by the Harris County Clerk's Office

0:03 / 1:36

YouTube

4:13 PM 10/20/2020

vote Drive Thru Voting - Election Divis x +

harrisvotes.com/dtv

CHRIS HOLLINS
HARRIS COUNTY CLERK

HOME VOTING INFO ELECTION RESULTS ...

Eligibility Voters with Disabilities only Open to all voters

Locations All polling sites Only 10 polling sites

Drive-Thru Voting in Harris County

Drive-Thru Voting in five steps

Upon arrival, a greeter will offer you optional hand sanitizer, wipe, and mask


0:08 / 1:36

YouTube

4:14 PM 10/20/2020

vote Drive Thru Voting - Election Divis x +

harrisvotes.com/dtv

 **CHRIS HOLLINS**
HARRIS COUNTY CLERK

HOME VOTING INFO ELECTION RESULTS ...

Eligibility	Voters with Disabilities only	Open to all voters
Locations	All polling sites	Only 10 polling sites

Drive-Thru Voting in Harris County

Drive-Thru Voting in five steps

1. Receive PPE and Wait for Next Available Spot

Upon arrival, a greeter will offer you optional hand sanitizer, wipe, and mask

The greeter will direct you to the next available parking spot

Each parking spot will have a printed number sign on the side of the tent

0:18 / 1:36


YouTube

Type here to search

4:14 PM 10/20/2020

vote Drive Thru Voting - Election Divis x +

harrisvotes.com/dtv

 **CHRIS HOLLINS**
HARRIS COUNTY CLERK

HOME VOTING INFO ELECTION RESULTS ...

Eligibility	Voters with Disabilities only	Open to all voters
Locations	All polling sites	Only 10 polling sites

Drive-Thru Voting in Harris County

Drive-Thru Voting in five steps

2. Receive PPE and Wait for Next Available Spot

Electioneering inside polls is forbidden

Staff will provide sticky notes to cover electioneering bumper stickers or other small signage

AUTO-SERVICIO VOTACION AQUI

0:25 / 1:36

YouTube

Type here to search

4:15 PM 10/20/2020

vote Drive Thru Voting - Election Divis x +

harrisvotes.com/dtv

CHRIS HOLLINS
HARRIS COUNTY CLERK

HOME VOTING INFO ELECTION RESULTS ...

Eligibility Voters with Disabilities only Open to all voters

Locations All polling sites Only 10 polling sites

Drive-Thru Voting in Harris County

Drive-Thru Voting in five steps

STEP 2: Turn Everything Off

Once in the parking spot, turn car engine off

Turn electronics including cell phones off

Remain silent while another person is voting

0:36 / 1:36

YouTube

4:16 PM
10/20/2020

vote Drive Thru Voting - Election Divis x +

harrisvotes.com/dtv

CHRIS HOLLINS
HARRIS COUNTY CLERK

HOME VOTING INFO ELECTION RESULTS ...

Eligibility Voters with Disabilities only Open to all voters

Locations All polling sites Only 10 polling sites

Drive-Thru Voting in Harris County

Drive-Thru Voting in five steps

STEP 3: Voter ID Check

Have your photo ID ready

Staff will confirm your address and eligibility to vote


0:47 / 1:36

YouTube

4:16 PM
10/20/2020

Drive Thru Voting - Election Divis x +

harrisvotes.com/dtv

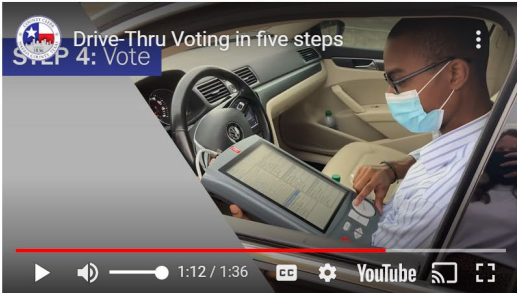
 **CHRIS HOLLINS**
HARRIS COUNTY CLERK

HOME VOTING INFO ELECTION RESULTS ...

Eligibility	Voters with Disabilities only	Open to all voters
Locations	All polling sites	Only 10 polling sites

Drive-Thru Voting in Harris County

Drive-Thru Voting in five steps
STEP 4: Vote




1:12 / 1:36 YouTube

4:17 PM 10/20/2020 27

Drive Thru Voting - Election Divis x +

harrisvotes.com/dtv


 **CHRIS HOLLINS**
HARRIS COUNTY CLERK

HOME VOTING INFO ELECTION RESULTS ...

Eligibility	Voters with Disabilities only	Open to all voters
Locations	All polling sites	Only 10 polling sites

Drive-Thru Voting in Harris County

Drive-Thru Voting in five steps
STEP 5: Exit



1:24 / 1:36 YouTube

4:18 PM 10/20/2020 27





APP. D

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KEN PAXTON

ATTORNEY GENERAL OF TEXAS

October 16, 2020

Dear Texas Elections Officials:

Some political subdivisions throughout Texas have expanded their use of "curbside" voting this election season to offer expansive "drive-thru" voting to all registered voters. This letter serves as a notice and reminder that the Election Code provides curbside voting as an option only to those who meet a certain, narrow set of criteria. Curbside voting is not, as some have asserted contrary to Texas law, an option for any and all voters who simply wish to vote from the comfort of their cars when they are physically able to enter the polling place.

The Texas Election Code provides that "[e]ach polling place shall be located inside a building." Tex. Elec. Code § 43.031(b). The Code makes no provision for polling places located outdoors, in parking lots, or in parking structures. More specifically, the Code makes no provision for "drive-thru" voting centers at which any voter may cast a ballot from his or her vehicle regardless of physical condition.

The Code does, however, provide a limited allowance for "curbside" voting for those who face certain barriers to entering established polling places. Specifically, an election official may provide a ballot to a registered voter "at the polling place entrance or curb" only if the voter is "physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health." Tex. Elec. Code § 64.009(a). But if a voter can enter the polling place on his or her own without a likelihood of injury, then it is unlawful for an election official to allow that voter to cast a ballot outside the polling place.

While election officials should not ordinarily question a voter's good-faith representation that the voter is physically unable to enter a polling place, officials should not actively encourage voters to engage in unauthorized curbside voting when they fail to meet the requisite legal criteria. Fear of COVID-19 does not render a voter physically unable to cast a ballot inside a polling place without assistance. Accordingly, election officials should not advise voters that such fear qualifies them to cast a curbside ballot.

Elections must be held in compliance with these Election Code provisions. Encouraging or facilitating election operations that violate these rules is unlawful and could result in legal liability for political subdivisions and their officials. My office is committed to enforcing our State's laws to ensure safe, free, and fair elections.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Paxton", with a stylized flourish at the end.

Ken Paxton
Attorney General of Texas

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APP. E

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86R24156 GRM-D

By: Fierro

H.B. No. 2898

Substitute the following for H.B. No. 2898:

By: Israel

C.S.H.B. No. 2898

A BILL TO BE ENTITLED

AN ACT

relating to voting outside of the polling place.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 64.009, Election Code, is amended to read as follows:

Sec. 64.009. VOTING OUTSIDE [~~VOTER UNABLE TO ENTER~~] POLLING PLACE FOR CERTAIN VOTERS.

SECTION 2. Section 64.009, Election Code, is amended by adding Subsections (a-1) and (e) to read as follows:

(a-1) The authority conducting the election may permit a voter who is a parent or legal guardian of a child who is five years of age or younger and is accompanied by that child to vote in the same manner as a voter under Subsection (a).(e) The secretary of state, in cooperation with county elections administrators, shall conduct a study to determine the best practices in conducting voting under Subsection (a-1). Not later than December 31, 2020, the secretary of state shall report the study's findings to the committees of each house of the legislature with jurisdiction over elections. This subsection expires on September 1, 2021.

SECTION 3. The heading to Section 85.034, Election Code, is amended to read as follows:

Sec. 85.034. VOTING OUTSIDE [~~VOTER UNABLE TO ENTER~~] POLLING PLACE FOR CERTAIN VOTERS.

SECTION 4. This Act takes effect September 1, 2019.

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Texas Legislature Online History

Bill: HB 2898**Legislative Session:** 86(R)**Council Document:** 86R 8878 GRM-D**Last Action:** 05/08/2019 S Received from the House**Caption Version:** Engrossed**Caption Text:** Relating to voting outside of the polling place.**Author:** Fierro

Subjects: Disabilities, Persons with (I0380)
 Elections--Administration (I0277)
 Elections--General (I0310)
 SECRETARY OF STATE (V0042)

House Committee: Elections**Status:** Out of committee**Vote:** Ayes=8 Nays=1 Present Not Voting=0 Absent=0**Actions:** (descending date order)

Viewing Votes: Most Recent House Vote

	Description	Comment	Date▼	Time	Journal Page
S	Received from the House		05/08/2019		1772
H	Reported engrossed		05/08/2019	03:42 PM	3468
H	Statement(s) of vote recorded in Journal		05/08/2019		3213
H	Record vote	RV#1145	05/08/2019		3213
H	Passed		05/08/2019		3213
H	Read 3rd time		05/08/2019		3212
H	Nonrecord vote recorded in Journal		05/07/2019		3147
H	Passed to engrossment		05/07/2019		3146
H	Read 2nd time		05/07/2019		3146
H	Placed on General State Calendar		05/06/2019		
H	Considered in Calendars		05/03/2019		
H	Committee report sent to Calendars		05/01/2019		
H	Committee report distributed		04/30/2019	07:48 PM	
H	Comte report filed with Committee Coordinator		04/30/2019		2645
H	Reported favorably as substituted		04/25/2019		
H	Committee substitute considered in committee		04/25/2019		
H	Considered in formal meeting		04/25/2019		
H	Left pending in committee		04/01/2019		
H	Testimony taken/registration(s) recorded in committee		04/01/2019		
H	Committee substitute considered in committee		04/01/2019		
H	Considered in public hearing		04/01/2019		
H	Scheduled for public hearing on . . .		04/01/2019		
H	Referred to Elections		03/12/2019	12:07 PM	682
H	Read first time		03/12/2019		682
H	Filed		03/01/2019		

APP. F

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DAILY RECORD OF EARLY VOTING - UNOFFICIAL TOTALS
November 3, 2020 General and Special Elections

Location	SRD	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday
		Oct. 13	Oct. 14	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21
County Attorney Conference Center	SRD001C	950	664	524	374	139	86	222	247	204
HCPL Barbara Bush Branch	SRD126C	1022	992	1084	1107	901	446	1053	1095	987
Fairfield Inn and Suites Houston NW Willowbrook	SRD126F	981	982	868	1023	501	308	548	555	457
Lakewood Residents Club	SRD126L	1160	1169	1150	1284	805	495	1011	945	816
ISGH Champions Community Center	SRD126M	1207	1391	1337	1355	775	437	847	813	726
Prairie View A&M University Northwest	SRD126P	966	968	1015	1059	1006	504	1131	1071	1008
Lake Houston Church of Christ	SRD127H	2293	2283	2129	2169	1118	546	1434	1274	1057
Victory Houston	SRD127V	438	448	315	307	244	114	251	255	189
Kingwood Community Center	SRD127Y	1623	1784	1895	2003	1764	1010	1873	1843	1774
Coady Baptist Church	SRD128B	768	742	625	678	359	205	436	453	355
La Porte Recreation and Fitness Center	SRD128F	1256	1150	1007	1016	536	321	698	576	485
San Jacinto Community Center	SRD128J	503	366	343	284	152	67	187	145	118
East Harris County Activity Center	SRD128P	1890	1939	1961	2028	1112	570	1474	1397	1114
Crosby Community Center	SRD128Z	1139	1164	1078	1040	518	318	853	763	554
El Franco Lee Community Center	SRD129E	1075	1039	869	847	463	288	554	514	454
Clear Lake Islamic Center	SRD129I	1254	1114	905	886	379	189	504	496	440
MultiCultural Center	SRD129M	413	280	268	256	120	86	146	102	108
Pipers Meadow Community Center	SRD129P	761	589	475	508	180	134	278	307	212
Harris County Scarsdale Annex	SRD129S	1237	1217	1171	1225	835	391	972	892	768
University of Houston Clear Lake	SRD129U	1534	1115	1227	1357	690	394	871	764	674
Webster Civic Center	SRD129W	858	672	602	591	289	155	388	349	313
Forest Bend Homeowners Association Inc	SRD129X	766	708	673	631	296	158	442	351	352
Juergens Hall Community Center	SRD130C	1305	1110	1356	1477	1396	766	719	770	1266
Hockley Community Center	SRD130H	800	857	919	930	421	220	540	580	434
Saint John Lutheran Church and School	SRD130S	1569	1454	1450	1498	1132	595	1235	1247	1126
Tomball Public Works Building	SRD130T	1258	1274	1245	1251	798	390	1055	916	843
Hiram Clarke Multi Service Center	SRD131	1376	1081	907	768	580	278	601	439	481
Alief Regional Library	SRD131I	753	719	697	723	740	387	727	714	696
Kingdom Builders Center	SRD131K	366	122	118	365	85	42	94	53	40
The Power Center	SRD131P	1052	760	583	650	371	173	395	359	342
Raindrop Turkish House	SRD131R	1036	811	714	603	450	218	505	432	420
Lakeland Activity Center	SRD132A	979	1250	1128	1195	780	441	869	791	684
James E Taylor High School	SRD132J	1402	1554	1336	1412	833	415	820	795	692
Katy Branch Harris County Public Library	SRD132K	758	793	881	877	791	379	819	796	747
Lone Star College Cypress Center	SRD132L	1226	1285	1240	1311	994	504	1152	1025	890

DAILY RECORD OF EARLY VOTING - UNOFFICIAL TOTALS
November 3, 2020 General and Special Elections

Location	SRD	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday
		Oct. 13	Oct. 14	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21
Harris County MUD 81 Building	SRD132M	997	1032	1062	1084	256	269	707	680	627
John Paul Landing Environmental Education Center	SRD132P	688	681	688	814	318	184	305	284	251
Morton Ranch High School	SRD132S	1529	1404	1336	1282	814	468	773	764	607
Nottingham Park Building	SRD133	1292	1255	1153	1221	1036	539	1166	1087	1005
Masjid El Farooq	SRD133C	512	525	511	540	241	120	273	258	215
Unity of Houston Annex	SRD133U	879	784	678	750	369	216	487	460	486
First Congregational Church	SRD133Z	1018	1145	1033	904	533	293	777	791	705
Crowne Plaza Houston Galleria	SRD134C	835	795	651	588	212	124	294	347	231
Hampton Inn Galleria	SRD134G	983	992	963	1045	545	331	810	725	690
Hampton Inn and Suites	SRD134I	919	756	585	650	283	166	412	345	351
Metropolitan MultiService Center	SRD134M	2356	2238	2315	2280	1345	638	1680	1525	1418
Rice University	SRD134R	961	968	1054	1117	754	456	785	827	768
John P McGovern Texas Medical Center Commons	SRD134T	1638	1487	1221	987	427	296	575	535	429
HCC West Loop South	SRD134W	1511	1055	1208	1334	523	288	706	620	511
City Jersey Village Municipal Government Center	SRD135	2226	2044	1925	1973	1239	651	1541	1485	1277
Richard and Meg Weekley Community Center	SRD135W	1964	2051	2074	2200	1817	904	2007	1894	1664
Bayland Park Community Center	SRD137B	1612	1538	1469	1445	913	428	1026	1063	977
Houston Community College Alief Hayes Campus	SRD137C	918	857	865	892	594	337	676	638	570
Tracy Gee Community Center	SRD137T	1669	1421	1243	1215	653	344	785	857	687
ISGH Bear Creek Community Center	SRD138I	1373	1235	1209	1401	744	441	574	731	636
John Knox Presbyterian Church	SRD138J	923	843	796	821	494	217	593	564	558
Katherine Tyra Branch Library	SRD138K	881	879	819	862	766	391	767	710	696
Trini Mendenhall Community Center	SRD138S	1966	1976	1775	1790	1004	493	1317	1183	1102
Encourager Church	SRD138Z	1060	1170	1154	1291	537	246	735	767	637
Acres Homes Multi Service Center	SRD139A	1925	1342	1055	891	618	300	661	512	491
Fallbrook Church	SRD139F	1422	986	603	788	305	148	466	304	275
New Destiny Praise and Worship Center	SRD139N	653	616	491	437	285	127	303	318	239
Lone Star College Victory Center	SRD139V	1013	843	774	797	654	331	600	519	416
Hardy Street Senior Citizens Center	SRD140	873	584	451	410	266	130	303	257	266
BakerRipley East Aldine Campus	SRD140B	471	336	271	250	153	85	238	189	166
Anclamars W Reception Hall A	SRD140X	636	330	220	170	117	42	112	140	104
Church of Christ on Bammel Road	SRD141B	942	941	857	810	285	145	427	395	289
Northeast Multi Service Center	SRD141C	873	802	635	428	335	166	387	271	266
Green House International Church	SRD141G	558	415	338	229	185	86	220	199	157
Holiday Inn Houston Intercontinental Airport Hotel	SRD141I	842	762	640	500	226	119	282	248	221

DAILY RECORD OF EARLY VOTING - UNOFFICIAL TOTALS

November 3, 2020 General and Special Elections

Location	SRD	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday
		Oct. 13	Oct. 14	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21
Lone Star College North Harris	SRD141L	725	628	501	484	337	203	398	383	365
HCC North Forest Campus	SRD141N	794	652	530	351	263	163	281	273	238
Humble Civic Center	SRD141U	1312	1241	1353	1147	1081	551	1221	1042	1019
C E King Middle School	SRD142C	868	699	520	558	327	145	330	302	270
Houston Food Bank	SRD142H	186	94	81	150	33	18	67	27	70
Kashmere MultiService Center	SRD142K	1036	886	665	459	346	199	427	321	270
North Channel Branch Library	SRD142W	663	663	662	698	588	286	638	583	550
Martin Flukinger Community Center	SRD142Z	805	631	442	410	176	70	194	170	137
Alvin D Baggett Community Center	SRD143A	668	405	308	288	178	80	158	131	116
Milton Lusk Activity Center	SRD143C	394	303	249	228	146	84	152	145	126
Neighborhood Centers Inc Ripley House Campus	SRD143R	1161	813	682	701	407	172	469	411	424
Harris County Cultural Arts Center	SRD143T	1165	928	679	541	292	124	404	291	238
Lee College	SRD144	1337	1099	1024	1008	557	295	673	544	494
John Phelps Courthouse	SRD144J	744	499	414	306	128	77	209	144	176
Iglesia Una Luz en Tu Camino	SRD144U	189	151	105	137	86	32	93	93	97
HCC Southeast College Building C Parking Garage	SRD145C	1313	830	679	743	559	284	541	474	426
Baker Ripley Cleveland Ripley Neighborhood Center	SRD145R	1173	983	840	878	462	257	541	568	455
Saint Philip Neri Catholic Church	SRD146C	798	556	535	392	307	88	296	218	231
NRG Arena	SRD146N	831	558	405	429	322	138	383	251	197
Sunnyside Multi Service Center	SRD146S	1266	1224	958	748	574	247	669	504	487
J J Roberson Family Life Center	SRD146Y	744	364	241	168	108	55	126	100	81
Toyota Center	SRD147C	550	351	334	193	222	101	126	155	115
West End Multi Service Center	SRD147E	1413	1305	994	1105	415	233	550	609	448
Marriott Houston South at Hobby Airport	SRD147M	514	373	310	254	174	81	182	211	163
Wheeler Avenue Baptist Church	SRD147S	1307	530	357	317	160	83	202	170	168
Texas Southern University- West Side Parking Garage	SRD147T	797	459	295	280	174	68	172	167	147
University of Houston Student Center South	SRD147U	686	513	439	392	176	73	250	239	211
Shrine of The Black Madonna Cultural & Event Center	SRD147Z	1027	572	449	363	192	77	219	215	182
Sheraton Houston Brookhollow Hotel	SRD148B	954	844	680	747	259	119	356	366	344
Clark Park Community Center	SRD148C	309	236	185	183	157	65	145	122	139
The Grand Tuscany Hotel	SRD148H	1050	803	746	716	374	224	436	465	357
Moody Park Community Center	SRD148M	974	1027	828	801	431	204	504	483	475
SPJST Lodge Num 88	SRD148S	1506	1546	1454	1613	574	326	935	856	790
Resurrection Metropolitan Community Church	SRD148Z	1166	937	593	839	279	117	421	255	287
Houston Community College Alief Center	SRD149H	760	630	527	602	360	176	515	383	343

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Location	SRD	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday
		Oct. 13	Oct. 14	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21
Mission Bend Islamic Center	SRD149X	666	593	532	500	351	220	386	334	280
Big Stone Lodge	SRD150B	866	839	870	783	510	299	558	509	501
Klein Multipurpose Center	SRD150K	1003	1043	1036	1184	1055	640	1196	1158	1083
Lone Star College Creekside	SRD150L	1348	1269	1261	1381	718	409	996	933	781
Samuel Matthews Park Community Center	SRD150M	584	646	618	663	218	115	343	270	224
Spring First Church	SRD150S	1786	1620	1482	1782	950	504	1140	1118	995
Hosanna Lutheran Church	SRD150X	813	729	537	489	250	110	303	308	273
Kingdom Builders Center	DTV131K	825	641	575	0	398	185	259	283	267
HCC West Loop South	DTV134W	1294	1420	1450	1610	1078	621	956	1107	1032
Fallbrook Church	DTV139F	1384	1504	1481	1087	1360	652	1052	1059	853
Humble Civic Center	DTV141U	1522	1824	1776	1805	1137	662	1048	952	798
Houston Food Bank	DTV142H	376	319	251	88	169	79	98	101	88
John Phelps Courthouse	DTV145C	653	610	538	641	421	192	438	406	303
NRG Arena	DTV146N	1904	1780	1709	1676	1198	583	843	1020	866
Toyota Center	DTV147C	1140	1131	907	1123	638	310	687	622	510
Resurrection Metropolitan Community Church	DTV148Z	825	808	893	940	584	317	475	540	521
Houston Community College Alief Center	DTV149H	1120	953	976	605	823	534	491	744	566
Early In Person Voters:		128,186	114,996	105,175	104,870	65,481	34,496	74,026	69,751	62,391
Mail Ballots Returned:		41,337	3,012	6,260	7,839	8,807	8,249	17,106	12,216	10,097
Total Early Voters:		169,523	118,008	111,435	112,709	74,288	42,745	91,132	81,967	72,488
Ballots Mailed:		238,062	962	954	1,585	885	1,175	736	737	820

DAILY RECORD OF EARLY VOTING - UNOFFICIAL TOTALS
November 3, 2020 General and Special Elections

Location	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Totals
	Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28	Oct. 29	Oct. 30	
County Attorney Conference Center	232	176	57	39	139					4,053
HCPL Barbara Bush Branch	885	980	538	406	786					12,282
Fairfield Inn and Suites Houston NW Willowbrook	416	486	215	243	403					7,986
Lakewood Residents Club	756	790	386	345	642					11,754
ISGH Champions Community Center	578	651	371	262	473					11,223
Prairie View A&M University Northwest	839	943	591	496	837					12,434
Lake Houston Church of Christ	948	994	502	354	747					17,848
Victory Houston	170	210	102	131	281					3,455
Kingwood Community Center	1548	1572	939	622	1238					21,488
Coady Baptist Church	285	399	195	159	374					6,034
La Porte Recreation and Fitness Center	427	515	253	187	448					8,875
San Jacinto Community Center	125	137	56	43	107					2,633
East Harris County Activity Center	1070	1271	556	407	992					17,781
Crosby Community Center	477	553	300	231	475					9,463
El Franco Lee Community Center	407	497	256	240	407					7,910
Clear Lake Islamic Center	377	447	318	127	299					7,735
MultiCultural Center	82	153	57	65	88					2,224
Pipers Meadow Community Center	235	287	140	110	249					4,465
Harris County Scarsdale Annex	754	747	453	328	713					11,703
University of Houston Clear Lake	648	865	421	241	555					11,356
Webster Civic Center	318	368	133	131	303					5,470
Forest Bend Homeowners Association Inc	295	353	177	142	271					5,615
Juergens Hall Community Center	1227	1327	958	616	1151					15,444
Hockley Community Center	317	400	181	128	278					7,005
Saint John Lutheran Church and School	965	1136	598	457	818					15,280
Tomball Public Works Building	694	804	503	211	642					11,884
Hiram Clarke Multi Service Center	377	412	303	183	431					8,217
Alief Regional Library	640	616	586	320	629					8,947
Kingdom Builders Center	48	87	47	15	50					1,532
The Power Center	250	303	199	129	301					5,867
Raindrop Turkish House	347	409	254	174	350					6,723
Lakeland Activity Center	580	752	340	327	435					10,551
James E Taylor High School	660	839	467	333	571					12,129
Katy Branch Harris County Public Library	606	722	449	293	578					9,489
Lone Star College Cypress Center	833	900	608	447	822					13,237

DAILY RECORD OF EARLY VOTING - UNOFFICIAL TOTALS

November 3, 2020 General and Special Elections

Location	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Totals
	Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28	Oct. 29	Oct. 30	
Harris County MUD 81 Building	563	597	297	206	470					8,847
John Paul Landing Environmental Education Center	172	227	146	128	164					5,050
Morton Ranch High School	493	710	465	381	467					11,493
Nottingham Park Building	915	999	598	386	845					13,497
Masjid El Farooq	203	252	253	77	131					4,111
Unity of Houston Annex	374	469	211	201	461					6,825
First Congregational Church	548	633	299	150	548					9,377
Crowne Plaza Houston Galleria	236	237	97	64	198					4,909
Hampton Inn Galleria	565	635	265	250	506					9,305
Hampton Inn and Suites	305	400	138	113	214					5,638
Metropolitan MultiService Center	1214	1415	652	452	974					20,502
Rice University	782	568	512	359	606					10,517
John P McGovern Texas Medical Center Commons	441	477	168	167	314					9,162
HCC West Loop South	493	569	376	206	366					9,766
City Jersey Village Municipal Government Center	1135	1182	700	526	900					18,804
Richard and Meg Weekley Community Center	1508	1712	1166	884	1375					23,220
Bayland Park Community Center	754	887	606	338	772					13,828
Houston Community College Alief Hayes Campus	553	659	617	273	405					8,854
Tracy Gee Community Center	653	615	333	216	603					11,294
ISGH Bear Creek Community Center	479	545	342	329	486					10,525
John Knox Presbyterian Church	485	520	284	201	473					7,772
Katherine Tyra Branch Library	653	715	502	349	649					9,639
Trini Mendenhall Community Center	892	1002	506	415	767					16,188
Encourager Church	465	669	247	170	460					9,608
Acres Homes Multi Service Center	337	446	253	224	392					9,447
Fallbrook Church	191	318	245	88	173					6,312
New Destiny Praise and Worship Center	215	187	180	124	263					4,438
Lone Star College Victory Center	361	441	318	250	421					7,738
Hardy Street Senior Citizens Center	251	287	173	113	305					4,669
BakerRipley East Aldine Campus	151	193	95	109	190					2,897
Anclamars W Reception Hall A	97	107	53	63	151					2,342
Church of Christ on Bammel Road	281	279	163	67	224					6,105
Northeast Multi Service Center	261	232	171	121	236					5,184
Green House International Church	173	150	108	82	185					3,085
Holiday Inn Houston Intercontinental Airport Hotel	187	241	87	90	176					4,621

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Location	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Totals
	Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28	Oct. 29	Oct. 30	
Lone Star College North Harris	312	299	178	216	290					5,319
HCC North Forest Campus	204	180	99	102	206					4,336
Humble Civic Center	796	1033	807	400	829					13,832
C E King Middle School	199	291	150	123	257					5,039
Houston Food Bank	29	42	30	13	37					877
Kashmere MultiService Center	250	238	167	128	307					5,699
North Channel Branch Library	522	592	440	273	509					7,667
Martin Flukinger Community Center	115	119	54	51	113					3,487
Alvin D Baggett Community Center	98	108	82	37	105					2,762
Milton Lusk Activity Center	115	131	97	73	158					2,401
Neighborhood Centers Inc Ripley House Campus	344	403	218	161	368					6,734
Harris County Cultural Arts Center	193	221	187	101	259					5,623
Lee College	459	525	318	241	546					9,120
John Phelps Courthouse	137	198	129	54	160					3,375
Iglesia Una Luz en Tu Camino	84	85	59	32	85					1,328
HCC Southeast College Building C Parking Garage	393	458	294	225	447					7,666
Baker Ripley Cleveland Ripley Neighborhood Center	418	573	296	257	556					8,257
Saint Philip Neri Catholic Church	193	196	138	84	170					4,202
NRG Arena	230	286	163	87	208					4,488
Sunnyside Multi Service Center	376	358	335	172	393					8,311
J J Roberson Family Life Center	86	61	34	30	92					2,290
Toyota Center	98	138	162	70	107					2,722
West End Multi Service Center	407	548	247	181	377					8,832
Marriott Houston South at Hobby Airport	147	191	108	103	190					3,001
Wheeler Avenue Baptist Church	134	142	99	40	123					3,832
Texas Southern University- West Side Parking Garage	104	93	100	36	128					3,020
University of Houston Student Center South	196	225	89	54	165					3,708
Shrine of The Black Madonna Cultural & Event Center	155	199	90	63	165					3,968
Sheraton Houston Brookhollow Hotel	332	406	180	99	247					5,933
Clark Park Community Center	139	139	69	80	129					2,097
The Grand Tuscany Hotel	368	364	209	164	305					6,581
Moody Park Community Center	419	453	306	208	443					7,556
SPJST Lodge Num 88	652	832	341	218	568					12,211
Resurrection Metropolitan Community Church	194	280	213	104	160					5,845
Houston Community College Alief Center	276	330	232	106	274					5,514

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Location	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Totals
	Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28	Oct. 29	Oct. 30	
Mission Bend Islamic Center	272	285	178	159	280					5,036
Big Stone Lodge	422	411	452	218	392					7,630
Klein Multipurpose Center	940	1015	680	558	955					13,546
Lone Star College Creekside	758	859	382	325	651					12,071
Samuel Matthews Park Community Center	192	259	108	106	178					4,524
Spring First Church	892	981	536	328	813					14,927
Hosanna Lutheran Church	246	261	146	105	249					4,819
Kingdom Builders Center	195	201	249	142	222					4,442
HCC West Loop South	807	865	774	485	787					14,286
Fallbrook Church	830	494	1058	482	939					14,235
Humble Civic Center	787	519	762	475	813					14,880
Houston Food Bank	106	94	127	62	103					2,061
John Phelps Courthouse	383	462	383	236	444					6,110
NRG Arena	700	836	684	265	732					14,796
Toyota Center	376	573	398	253	447					9,115
Resurrection Metropolitan Community Church	439	509	406	197	432					7,886
Houston Community College Alief Center	522	456	551	362	529					9,232
Early In Person Voters:	54,843	61,493	38,729	26,258	52,195					992,890
Mail Ballots Returned:	21,928	8,326	4,013	560	6,407					156,157
Total Early Voters:	76,771	69,819	42,742	26,818	58,602					1,149,047
Ballots Mailed:	1,518	1,048	0	1,166	90					249,738

APP. G

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State of Texas
County of Harris

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BEFORE ME, the undersigned personally appeared Keith Nielsen who swore the following:

1. My name is Keith Nielsen. I am over 18 years of age, of sound mind, and competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.

2. I am a resident of Texas and Harris County.

3. I am the duly elected Chairman of the Harris County Republican Party.

4. The Harris County Republican Party is committed to advancing limited government, lower taxes, less spending and individual liberty. Our specific goals are to grow the Republican Party by reaching new voters, advance the Platform, which is grounded in conservative principle, and to keep Texas prosperous and free. The Harris County Republican Party serves :

To promote a conservative philosophy of government:

By promoting conservative principles; and

By providing the infrastructure through which those who share our conservative principles can get involved in the political process, run for and be elected to public office, and govern according to our principles when elected.

5 Chris Hollins currently serves as the County Clerk of Harris County, Texas. Under the Texas Election Code, Mr. Hollins serves as the Early Voting Clerk for Harris County and is responsible for administering curbside voting in compliance with Sections 64.009, 83.002 and 104.001 -104-005 of the Texas Election Code, for both the Early Voting and Election Day Voting. This Petition for Writ of Mandamus names Mr. Hollins as the Respondent.

6. Beginning October 14, 2020, respondent Hollins began allowing voters to use the following drive-thru locations.

Kingdom Builders Center, 6011 West Orem Drive

HCC West Loop South, 5601 West Loop South

Fallbrook Church, 12512 Walters Road

Humble Civic Center, 8233 Will Clayton Parkway

Houston Food Bank, 535 Potwall Street

John Phelps Courthouse, 101 South Richey Street
NRG Arena, 1 NRG Parkway
Toyota Center, 1510 Polk Street
Resurrection Metropolitan Community Church, 2025 West 11th Street
Houston Community College Alief Center, 13803 Bissonnet Street

7. On September 10, 2020, Chris Hollins held a press conference to announce his office's implementation of countywide "drive-thru" voting program for every registered voter in Harris County. The Texas Election Code does not use the term "drive-thru" voting. Rather the term curbside" voting is used instead. It is clear, however, that Respondent Hollins is using these terms interchangeably.

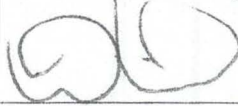
8. I have personally watched and listened to the press conference. I can personally swear that a true and correct transcript of what the Respondent Hollins in a 33 second segment of that press conference appears verbatim in Paragraph 8. Beginning at the 4-minute mark of his press conference, and continuing on to 4.33, Respondent Hollins said the following:

9. "Drive-thru" voting is an option for all voters who would like to be able to vote from the safety and comfort of your vehicle. Drive-thru voting allows those who don't qualify to vote by mail to minimize your exposure to other voters and election workers. While we hope to have short lines across the county, drive thru voters waiting in lines will be able to wait in the comfort of your vehicle where you can listen to the radio or converse with loved ones until you are pointed to your drive-thru waiting booth.

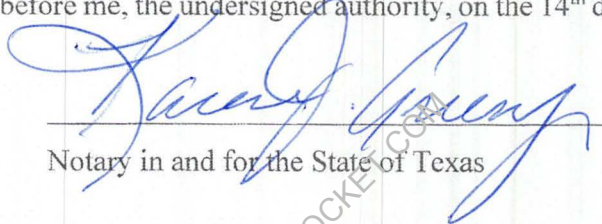
10. In addition to respondent Hollins' press conference, he also released a video on YouTube, which is also posted on the Harris County Clerk's Office website, just this past Friday, October 9, 2020. This video is entitled "Drive-Thru Voting in five steps." Nowhere in this demonstrative video of a voter voting curbside in his vehicle is there any discussion or caution or depiction about how a voter may determine his or her eligibility to vote curbside. Nor is there any mention or depiction that a voter desiring to vote curbside must fill out a sworn application to vote curbside. To the contrary, the clear impression of the video is that anyone and everyone may vote curbside in Harris County should they wish to do so. Finally, the video depicts curbside voting taking place outside of a polling location and that polling location is not inside a building. Because Respondent Hollins is clearly requesting Harris County registered voters to vote curbside without

regard to whether they are eligible to vote curbside, and because of a very clear threat of imminent harm which will result from the ineligible curbside voting taking place in violation of the Texas Election Code, Relator Harris County Republican Chairman brings this Mandamus Petition to mandate compliance by the Respondent with this clear and non-discretionary ministerial duties.

SIGNED this 14th day of October 2020



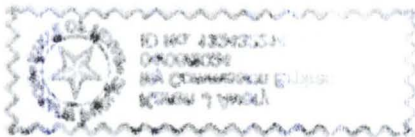
SUBSCRIBED and SWORN TO before me, the undersigned authority, on the 14th day of October 2020.



Notary in and for the State of Texas



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