

CAUSE NO. 2022-73765

**TEXAS ORGANIZING
PROJECT,**

Plaintiff,

v.

**HARRIS COUNTY, TEXAS, et
al.**

Defendants.

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IN THE DISTRICT COURT
295th JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

AGREED ORDER

On this day, the Emergency Ancillary Court considered the parties’ request for entry of an agreed order, the purpose of which is to clarify how the Elections Administrator and the Early Voting Ballot Board for Harris County (“EVBB”) will process Early Voting and Election Day provisional ballots.

1. On Tuesday, November 8, 2022, in Cause No. 22-0997, styled *In re State of Texas*, the Texas Supreme Court issued a stay of a temporary restraining order (the “TRO”) issued by the ancillary judge for the Harris County district courts in the above captioned case. The TRO was issued earlier that day, and required all polling locations in Harris County to remain open one additional hour past 7:00 p.m.
2. In its stay order, the Texas Supreme Court stated that “[l]ater cast votes should be segregated.”

3. The Harris County provisional affidavit application lists eight (8) reasons why the voter is required to vote provisionally. One of the reasons that a voter may be required to vote provisionally is that the voter voted after 7:00 pm due to court order. This group of provisional ballots (the “Later Cast Provisional Ballots”) is the group of ballots that is referenced in the stay order issued by the Texas Supreme Court.

4. The following process shall be followed by the Elections Administrator and the EVBB.


Accordingly, the Court ORDERS the following:

5. All Later Cast Provisional Ballots shall be segregated from all other provisional ballots throughout the entire process of processing and counting such ballots.

6. The Later Cast Provisional Ballots shall be reviewed and processed by the Elections Administrator and the EVBB, consistent with Chapter 65 of the Texas Election Code. Once the EVBB has determined which of the Later Cast Provisional Ballots should be accepted, the Later Cast Provisional Ballot envelopes accepted for counting shall be opened and the security ballot envelope shall be removed and stored in a segregated bin. The envelopes for rejected Later Cast Provisional Ballots shall be stored in a separate, segregated bin. Throughout this process, the Later Cast Provisional Ballots shall not be comingled with any other provisional ballot.

7. The ballots from the Later Cast Provisional Ballots envelopes accepted for counting shall be scanned, and the images from those scans shall be stored onto a V-drive identifiable by its label. The label on the V-drive shall be recorded by the EVBB. This V-Drive will be a new V-Drive that has not been used in the November 2022 general election and contains no other images. The V-drive shall be placed in a separate envelope labeled “Later Cast Provisional Ballot – November 2022”.

8. Nothing in this Order is intended to determine the rights of the parties with respect to the claims in this action or to adjudicate such claims in any manner.

Signed:
11/14/2022
Signed and Dated: 3:45 PM 
Ancillary Judge

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