

No. 22-1044

In the Supreme Court of Texas

IN RE STATE OF TEXAS,
Relator.

On Petition for Writ of Mandamus to the Harris County Commissioners Court, Judge Lina Hidalgo, in her official capacity as Harris County Judge, and Clifford Tatum, in his official capacity as Harris County Elections Administrator

RESPONSE TO RELATOR'S PETITION FOR WRIT OF MANDAMUS

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Dated: November 22, 2022

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Clifford Tatum, in his official capacity as Harris County Elections Administrator

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TO THE HONORABLE SUPREME COURT OF TEXAS:

COMES NOW, Respondents Harris County Commissioners Court, Judge Lina Hidalgo, in her official capacity as Harris County Judge and Clifford Tatum, in his official capacity as Harris County Elections Administrator, (collectively “Harris County Respondents”) respond to Relator’s Petition for Writ of Mandamus as follows.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

At the eleventh hour, Relator the State of Texas has filed a petition for writ of mandamus asking this Court to throw out votes cast pursuant to a district court order that extended polling hours in Harris County. While that order was later stayed, the ballots cast during the period the order was in effect are validly cast votes, and there is no basis in the Texas Election Code not to count and canvass them. For 10 days Relator has been aware that the Harris County Early Voting Ballot Board would comply with its statutory duties to count and present for canvass the provisional ballots at the center of this matter, yet it waited until the eve of the last day of the canvassing period to bring the issue to this Court’s attention. The Court should follow its clear precedent and reject this attempt to inject last-minute confusion into the election.

Relator’s petition also fails to identify a violation of a duty imposed by law. The Election Code clearly contemplates that state courts may keep polls open late,

the Code also requires all accepted provisional ballots to be counted and included in the canvass. Moreover, Relators' alleged violations of duties imposed by law having nothing to do with duties imposed by law on any Respondent, meaning this Court could not issue the requested relief in this matter. The Election Code does not impose a duty on any Respondent to count these later cast ballots or include them in the canvass. And the canvassing process itself does not permit the canvassing authority (Respondent Harris County Commissioners Court) to remove tabulated votes from the election returns. Accordingly, Relator's claims fail on the merits, and this Court lacks jurisdiction over Relator's petition.

RELEVANT BACKGROUND

On Election Day, November 8, 2022, certain Harris County polling locations opened late due to technical difficulties. In response, an organization called the Texas Organizing Project sought a Temporary Restraining Order ("TRO") to extend voting hours at Harris County Polling locations. *See* MR_002-MR_020¹, *Texas Organizing Project v. Harris County, Texas, et al.*, Case No. 2022-73765 (Harris Cnty. Dist. Ct.) (the "*Texas Organizing Project* Litigation"). Following a hearing

¹ Citations to Relator's mandamus record are cited using Relator's convention (MR_001 *et seq.*).

and the presentation of evidence, a Harris County district court judge granted the TRO.

The TRO extended voting for one hour, from 7:00 p.m. to 8:00 p.m. *See* MR_024-027. Accordingly, the Harris County Elections Administrator complied by keeping notifying all election judges to keep all Harris County polling locations open for an extra hour. However, pursuant to the TRO and applicable state and federal election law, voters who arrived at a polling location after 7:00 p.m. were required to vote by provisional ballot (the “Later Cast Provisional Ballots”). *See* Tex. Elec. Code § 63.011(e) (“A person who is permitted under a state or federal court order to cast a ballot in an election for a federal office after the time allowed by Subchapter B, Chapter 41, must cast the ballot as a provisional vote in the manner required by this section”); 52 U.S.C. § 21082(c). The Provisional Ballot Affidavit itself—which is promulgated by the Texas Secretary of State—lists a court order extending the polls as one of the reasons voters may choose for casting a provisional ballot. *See* Ex. A (Provisional Ballot Envelope Affidavit), *also available at* <https://www.sos.state.tx.us/elections/forms/pol-sub/7-15f.pdf>; *see also* 1 Tex. Admin. Code § 81.172(a)(7) (stating, in relevant part, “[a]t all elections, the following individuals shall be eligible to cast a provisional ballot. . . A voter who votes *during the polling hours that are extended by a state or federal court as described in § 63.011(e) of the Code*”) (emphasis added).

Subsequently, at 7:42 p.m. on Election Day, the State of Texas filed a Petition for a Writ of Mandamus in this Court to stay the district court's TRO.² This Court's resulting Order is short and specific. The Order, issued at 8:17 p.m. on Election Day, states:

The district court's temporary restraining order issued today in Cause No. 2022-73765, Texas Organizing Project v. Harris County, et al., is stayed. Voting should occur only as permitted by Texas Election Code Section 41.032. Later cast votes should be segregated.

In re State of Texas, Cause No. 22-0997 (Tex. Nov. 8, 2022). Notably, the Order says nothing whatsoever about whether or not the Later Cast Provisional Ballots should be tabulated—only that they “should be segregated.” *Id.*

And so, as it did with the district court's TRO, the Harris County Elections Administrator complied with this Court's Order. Specifically, it immediately notified election judges to close its polling locations and segregated the Later Cast Provisional Ballots cast by voters who arrived at the polls between 7:00 p.m. and 8:00 p.m., when the TRO was still in effect.

In the days that followed, Harris County worked with the parties to amicably address how to handle the Later Cast Provisional Ballots. *See generally* Ex. C (email chain). This exchange included the Harris County Republican and Democratic

² Curiously, the State did not file a similar writ of mandamus to close Bell County's polling locations, which were also ordered to stay open until 8:00 p.m. by a district court. *See* Ex. B (Bell County Extension Order).

parties to avoid, as much as possible, confusion and prevent additional litigation. *Id.* After a meet and confer on November 11, counsel for the Harris County Elections Administrator proposed an agreed order regarding the processing of the Later Cast Provisional Ballots, creating a process for keeping them segregated throughout the Early Voting Ballot Board's review and count of the provisional ballots. *See* Ex. D (original proposed order).

As relevant here, that proposed order also sought to address what the Elections Administrator believed to be a conflict between the State, the Harris County Republican Party, the Democratic Party, and the Texas Organizing Project: whether to tabulate the results of the Later Cast Provisional Ballots into the final count. To preempt that conflict and allow the parties to seek further relief from a court, the Elections Administrator proposed the following language in paragraph 8:

8. The V-drive containing images of the Later Cast Provisional Ballots shall not be tabulated as part of the November 2022 general election results until a court with jurisdiction over the proceedings in this case enters an order requiring that the Later Cast Provisional Ballots be tabulated.

See Ex. D. In response, the Harris County Republican Party's counsel stated: "I'm good with everything else but unsure about 8? AT." *See* MR_042. Following a conversation with the Harris County Republican Party's counsel, counsel for the Elections Administrator responded as follows: "I spoke to Andy [Taylor, the Harris County Republican Party's counsel]. We're ok with removing paragraph 8 based on

the understanding that the Texas Supreme Court's order does not prohibit the tabulating of those votes as long as the ballots themselves remain [segregated].” MR_041 (edited for later correction). Later, counsel for the State responded that “The State does not have an issue with the order **or the removal of Paragraph 8.**” MR_040 (emphasis added). The Texas Organizing Project's counsel likewise did not object to the removal of paragraph 8.

The trial court entered the agreed order on November 14. *See* Ex. E (Agreed Trial Court Order). And with this understanding, the Harris County Early Voting Ballot Board processed the Later Cast Provisional Ballots. The final count was completed on November 18, 2022.

On November 20, 2022, at 6:37 pm—nearly ten days after the State agreed to the Agreed Order and did not object the Harris County Elections Administrator's understanding of whether the Later Cast Provisional Ballots should be tabulated—the State's counsel emailed all other counsel in the *Texas Organizing Party* Litigation asking that counsel for the Harris County Elections Administrator provide a legal basis for the Harris County Elections Administrator's alleged representation that he would include the Later Cast Provisional Ballots in the final canvass. MR_036. An email exchange ensued over the course of the next day, and the State filed the instant petition around 4:00 pm on November 21, 2022. Harris County's canvass is scheduled for November 22, 2022 at 2:00pm, which by law is the last date

for the County to canvass its vote. Tex. Election Code § 67.003(c) (“In an election described by Section 65.051(a-1), the time for the local canvass may be set not later than the 14th day after election day”); *see also* Ex. F (Harris County Commissioners Court canvassing meeting notice). Other jurisdictions that contracted with Harris County to administer their elections have already canvassed their votes. *See* Ex. G (meeting notices).

STATEMENT OF JURISDICTION

This Court lacks jurisdiction over Relator’s writ of mandamus request under Section 273.061 of the Texas Election Code. Section 273.061 provides that the Supreme Court or a Court of Appeals “may issue a writ of mandamus” “in connection with the holding of an election” only “to compel the performance of any *duty imposed by law*[.]” Tex. Elec. Code § 273.061. (emphasis added). “[D]uty imposed by law’ in Section 273.061 is limited to a duty imposed by a constitution, statute, city charter, or city ordinance.” *In re Republican Party of Tex.*, 605 S.W.3d 47, 48 (Tex. 2020). Importantly, Section 273.061 does not create standing and Relator argues no facts to show a particularized injury beyond that of the general public. *In re Kherkher*, 604 S.W.3d 548, 553 (Tex. App.—Houston [14th Dist] 2020, orig. proceeding).

Even when a duty is imposed by law, mandamus remains “an extraordinary remedy, available only in limited circumstances.” *Walker v. Packer*, 827 S.W.2d

833, 840 (Tex. 1992). “Mandamus issues only to correct a clear abuse of discretion or the violation of a duty imposed by law when there is no other adequate remedy by law.” *Id.* (quotation omitted). Thus, to obtain a writ of mandamus under Election Code § 273.061, a relator must establish (1) “a clear abuse of discretion” by the respondent and (2) the lack of “a clear and adequate remedy at law, such as a normal appeal.” *Id.* (citations omitted).

Mandamus relief is meant for circumstances “involving manifest and urgent necessity and not for grievances that may be addressed by other remedies.” *In re Murrin Bros. 1885 Ltd.*, 603 S.W.3d 53, 57 (Tex. 2019) (citation omitted). Further, “[d]isputed facts . . . prevent the Court from resolving issues in a mandamus proceeding.” *In re Angelini*, 186 S.W.3d 558, 560 (Tex. 2006) (orig. proceeding). Thus, to obtain a mandamus from the Court, the petitioner must show a violation of the constitution, statute, city charter, or ordinance for which there are no disputed facts and the lack of another adequate remedy. As described below, Relator has failed to show any violation of a duty imposed by law or the lack of another adequate remedy.

ARGUMENT

I. RELATOR’S REQUEST TO REMOVE BALLOTS CAST BY VOTERS PURSUANT TO THE DISTRICT COURT’S TEMPORARY RESTRAINING ORDER KEEPING HARRIS COUNTY POLLS OPEN LATER IS UNTIMELY AND COULD DISRUPT THE CANVASSING PROCESS

As described in the Relevant Background section above, Relator has been on notice since November 11, 2022 that the Harris County Elections Administrator intended to tabulate the count of the Later Cast Provisional Ballots. *See* MR_040-MR_041. Relator chose to wait until 4:00 p.m. on November 21, 2022 to file this petition, less than 24 hours before the Harris County Commissioners Court meets to canvass the election results. This is negligent at best, and gamesmanship at worse, and Relator’s petition should be denied for this reason alone.

As this Court has noted, equitable principles “largely” control mandamus proceedings, including the principle that “equity aids the diligent and not those who slumber on their rights.” *In re Int’ Profit Assocs., Inc.*, 274 S.W.3d 672, 676 (Tex. 2009) (citing *In re Users Sys. Servs., Inc.*, 22 S.W.3d 331, 337 (Tex. 1999); *Rivercenter Assocs. v. Rivera*, 858 S.W.2d 366, 367 (Tex. 1993)). Accordingly, “delaying the filing of a petition for mandamus relief may waive the right to mandamus unless the relator can justify the delay.” *Id.* (citing *Rivercenter*, 858 S.W.2d at 367-68). Relator has done just that. Respondent engaged with Relator over the course of two days (November 10 and 11), encouraging Relator and other

parties to confer over the handling of the Later Cast Provisional Ballots. MR_036-045. Relator presumably reviewed the drafts of the agreed order exchanged by the parties, which removed paragraph 8's procedures for holding off on counting the Later Cast Provisional Ballots. Indeed, Relator's counsel represented that "The State does not have an issue with the [agreed] order or the removal of Paragraph 8." MR_040 (emphasis added). Relator has therefore waived its right to mandamus considering the timing of its request.

The Supreme Court of Texas has also clearly stated time and again that courts should not interfere with election processes in the late stages of the election, particularly when "any relief that [the Supreme Court] theoretically could provide here would necessarily disrupt the ongoing election process." *In re Khanoyan*, 637 S.W.3d 762, 766 (Tex. 2022). As this Court noted in *Khanoyan*:

Both because of where we are in the electoral calendar and because of the likelihood of substantial harm that would flow from any judicial action, the relief that Relators seek transgresses this Court's settled limits on judicial interference with elections.

In re Khanoyan, 637 S.W.3d at 767. Similar considerations apply here and should caution against judicial interference with the election at this stage. *See also Purcell v. Gonzalez*, 549 U.S. 1, 127 S. Ct. 5, 166 L. Ed. 2d 1 (2006). Requiring the Harris County Elections Administrator to run a new voting report could take hours (assuming there are no operational issues), and could delay the canvass beyond the

statutorily required deadline.³ This would cause Harris County to violate Texas Election Code § 67.003. Moreover, it could also cause a delay in reporting the Election Returns to the Texas Secretary of State, as required by Texas Election Code § 67.007(d), which are due today at 5:00 p.m. *See* Ex. H (email from Secretary of State). Finally, other canvassing authorities have already canvassed their returns, and any relief issued here could call into question those canvassed returns, throwing other local governments' election results into disarray. *See* Ex. G (meeting notices). This last-minute change in procedure should not be tolerated, especially considering Relator's delay in filing its petition.

II. RELATOR CANNOT SHOW THAT ANY HARRIS COUNTY RESPONDENTS FAILED TO PERFORM A DUTY IMPOSED BY LAW SUFFICIENT TO INVOKE THE COURT'S JURISDICTION UNDER TEXAS ELECTION CODE § 273.061

Relator relies on Texas Election Code § 273.061 to invoke this Court's jurisdiction. That section states that “[t]he supreme court or a court of appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election[.]” Tex. Elec. Code § 273.061. Relator fails to meet the specific requirements of this statute, as it cannot show that any of the Respondents has failed to perform “any duty imposed by law.”

³ Harris County Elections Administrator must run the final report prior to the Harris County Elections Commissioners Court's 2:00 p.m. canvassing meeting today.

Specifically, Relator cites this Court's previous Order and the Texas Election Code §§ 41.031 and 41.032 for the faulty premise that polling locations can never stay open after 7:00 p.m. From this, Relator wrongly concludes that Harris County is failing to comply with the Election Code by canvassing the Later Cast Provisional Ballots. That is not so.

First, this Court's stay order does not address what should happen to the Later Cast Provisional Ballots other than they "should be segregated." *In re State of Texas*, Cause No. 22-0997 (Tex. Nov. 8, 2022). Per the parties' Agreed Order in the *Texas Organizing Project* Litigation, the ballots and the votes they contain have been segregated (both physical and electronic scans). *See* Ex. E (Agreed Order). The stay order states nothing whatsoever about whether or not the Later Cast Provisional Ballots should be tabulated. *Id.* Accordingly, during that window of time between the issuing of the TRO and this Court's Order—about an hour—the TRO remained in effect, and all provisionally cast ballots were lawful and must be processed like any other provisional ballot. *See* Tex. Elec. Code § 63.011. Indeed, 1 Tex. Admin. Code § 81.172(a)(7) states that "[a] voter who votes during the polling hours that are extended by a state or federal court as described in § 63.011(e) of the Code . . . shall be eligible to cast a provisional ballot." Respondent is not aware of any authority saying a provisional ballot cast by an eligible voter must be excluded from the count and cannot be canvassed. *See generally* Tex. Elec. Code §§ 65.051 *et seq.* The Harris

County Early Voting Ballot Board was therefore required to count all accepted provisional ballots, and it “shall report the results to the local canvassing authority for the election.” Tex. Elec. Code § 65.057(a)(2), (b). The State’s reading—suggesting that conduct pursuant to a TRO issued by a court with jurisdiction can be later deemed illegal—also presents serious constitutional and due process concerns.

Second, Relator’s any mandamus order does not provide it with the relief it seeks. Even if Relator is correct that tabulating the Later Cast Provisional Ballots and including them in the returns is a violation of duty imposed by law (as discussed below, it is not), no Respondent is violating a duty imposed by the Election Code. As a threshold matter, the counting of the Later Cast Provisional Ballots is done by the Early Voting Ballot Board, and the Early Voting Ballot Board then must “report the results to the local canvassing authority for the election.” Tex. Elec. Code §§ 65.057(a)(2), (b). The local canvassing authority—Respondent Harris County Commissioners Court—has no discretion to then remove votes included in the returns by the Early Voting Ballot Board and delivered to the authority. The authority “shall open returns for each precinct and canvass them as provided by this section.” Tex. Elec. Code § 67.004(a). The authority then “shall prepare a tabulation stating for each candidate and for and against each measure: (1) the total number of votes received in each precinct; and (2) the sum of the precinct totals tabulated under Subdivision (1).” *Id.* § 67.004(b). That tabulation “must also include for each

precinct the total number of voters who cast a ballot for a candidate or for or against a measure in the election.” *Id.* § 67.004(b-1). Following a couple of discretionary matters (Tex. Election Code §§ 67.007(c)-(d)), the authority “shall deliver the tabulation to the custodian of the local election register unless it is entered directly in the election register.” *Id.* § 67.004(e). Accordingly, Respondent Harris County Commissioners Court will not be violating a duty imposed by law if it canvasses the returns as presented.

Likewise, Respondents Harris County Elections Administrator Clifford Tatum and County Judge Lina Hidalgo have no role in the counting of the Later Cast Provisional Ballots or their canvassing. They are limited to delivering the returns and serving as their custodian. *See* Tex. Election Code 67.004. Accordingly, the Court cannot issue mandamus relief, which is only available “to compel the performance of any duty imposed by law” against any Respondent that would cure Relator’s concerns, which are limited to the Early Voting Ballot Board’s actions, because the Early Voting Ballot Board is not a respondent.

Finally, the stay order is not precedential and was issued without the benefit of briefing from any Real Party in Interest. The State argues that Texas Election Code §§ 41.031 and 41.032 mandate that polls close at 7:00 p.m., and that is where the inquiry ends. Respectfully, reading §§ 41.031 and 41.032 that way improperly reads out other provisions of the Election Code, ignoring basic principles of statutory

interpretation. *See Interest of D.T.*, 625 S.W.3d 62, 71 (Tex. 2021) (courts “read the statute as a whole, giving meaning to the language consistent with other provisions in the statute”); *Odyssey 2020 Academy, Inc. v. Galveston Central Appraisal Dist.*, 624 S.W.3d 535, 540 (Tex. 2021) (“We give effect to all words of a provision and avoid constructions that would render any part of it meaningless.” (internal citation omitted)). Other Election Code provisions clearly contemplate that state courts may order polls to stay open past 7:00 p.m. Texas Election Code § 63.011, for example, states that “[a] person who is permitted ***under a state or federal court order to cast a ballot in an election for a federal office after the time allowed by Subchapter B, Chapter 41***, must cast the ballot as a provisional vote in the manner required by this section.” Tex. Elec. Code § 63.011 (emphasis added). Similarly, Texas Election Code § 43.007(b) mandates that “If a court orders any countywide polling place to remain open after 7 p.m., all countywide polling places located in that county shall remain open for the length of time required in the court order.” Tex. Elec. Code § 43.007(b).

The Election Code therefore contemplates that polls may stay open past 7:00 p.m. pursuant to a court order, as happened here. Limiting §§ 41.031 and 41.032 to their own terms, as Relator seeks to do, would read out other portions of the Election Code, a practice this Court has eschewed. *See, e.g., Odyssey 2020 Academy, Inc.*, 624 S.W.3d at 540. Respondents’ reading is further evidenced by the Secretary of

State's promulgated Provisional Ballot Affidavit and its relevant regulations and guidance for voting by provisional ballot. *See* Ex. A; *see also* 1 Tex. Admin. Code § 81.172(a)(7) (stating, in relevant part, “[a]t all elections, the following individuals shall be eligible to cast a provisional ballot... A voter who votes *during the polling hours that are extended by a state or federal court as described in § 63.011(e) of the Code*”) (emphasis added).

Accordingly, because there is clearly an exception to the normal polling hours required under §§ 41.031 and 41.032 and this Court's previous Order is silent on the matter, Relator's premise and conclusion are wrong—there has been no violation the Election Code. In fact, because they were lawful when cast, the inverse is true: applicable election laws would be violated if the Early Voting Ballot Board did not count the Later Cast Provisional Ballots and include them in the canvass. As such, Relator has failed to invoke this Court's jurisdiction under Texas Election Code § 273.061.

III. MANDAMUS IS INAPPROPRIATE BECAUSE THERE IS AN ADEQUATE REMEDY AT LAW

Mandamus relief is inappropriate “for grievances that may be addressed by other remedies.” *In re Murrin Bros. 1885 Ltd.*, 603 S.W.3d at 57 (quoting *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992) (orig. proceeding)). The relief specifically available to address the alleged wrongful inclusion of provisional ballots cast after 7 p.m. is an election audit or contest under Title 14 of the Election Code. An election

contest is a special proceeding to provide a remedy for elections allegedly tainted by fraud, illegality, or other irregularity. *Blum v. Lanier*, 997 S.W.2d 259, 262 (Tex. 1999); *Rossano v. Townsend*, 9 S.W.3d 357, 361 (Tex. App.—Houston [14th Dist.] 1999, no pet.); *Duncan v. Willis*, 302 S.W.2d 627, 630 (Tex. 1957). Indeed, Section 221.003(a) of the Election Code specifically provides that the scope of an election contest includes “ascertain[ing] whether the outcome of the contested election, as shown by the final canvass, is not the true outcome because: (1) illegal votes were counted[.]” An “illegal vote” under Title 14 is defined as “a vote that is not legally countable.” Tex. Elec. Code § 221.003 (b). An election contest may also generally address an election officer’s alleged “illegal conduct or [] mistake.” *Id.* at § 221.003 (a)(2)(C). Chapter 221 of the Election Code, therefore, directly addresses Relator’s complaints that Respondents should not count Later Cast Provisional Ballots.⁴

Title 14 provides a specific remedy. A court “can ascertain the candidate or side of a measure for which an illegal vote was cast, the tribunal shall subtract the vote from the official total for the candidate or side of the measure, as applicable.” *Id.* at § 221.011. Because the Later Cast Provisional Ballots are segregated, any alleged counting error about provisional ballots is easily remedied under § 221.011. To be sure, there is an adequate remedy at law to address the concerns raised in

⁴ Election contests are applicable to elections for public office, Tex. Elec. Code § 232.001, and elections on measures, Tex. Elec. Code § 233.001.

Relator's last-minute filing for exigent relief to this Court, to the extent they have any merit. Respondents submit that the remedy available under Title 14 of the Election Code is the very relief this Court intended when it issued its Order.⁵

Ironically, Relator's request that the Early Voting Ballot Board complete the final canvass without counting Later Cast Provisional Ballots thwarts Relator's stated goal of ensuring compliance with Texas laws and may generate election contests under § 221.003 (a)(2)(B), which allows a contest when an "election officer or other person officially involved in the administration of the election" "fail[s] to count legal votes[.]" The Election Code mandates that the legal challenge shall not disturb the counting of votes and completing the final canvass. *See* Tex. Elec. Code § 221.006 provides:

Except as otherwise provided by this title, the filing of an election contest before the canvass of the contested election is completed does not affect the canvassing process, and the result of the election shall be determined and certified as if the contest had not been filed.

There is simply no legitimate State interest in tossing citizens' cast votes or delaying the final canvass beyond the statutorily required deadline such that Harris County violates the Election Code.

⁵ Relator complains that the election contest is "unavailable to the State" and it therefore lacks an adequate remedy at law. Of course, while it may not initiate an election contest, the State can surely intervene in one to "protect its substantial rights and interest in ensuring the faithful application of state law" (Pet. at 6), as it has done with each proceeding related to Harris County's November 2022. *See, e.g.*, MR_021-MR_023.

Because Title 14 of the Election Code provides for that other, adequate relief, this Court must deny Relator's mandamus request.

PRAYER

Respondents respectfully requests that the court deny Relator's Petition for Writ of Mandamus as soon as possible so that Harris County election officials can prepare and provide the final canvass report prior to the Harris County Elections Commissioners Court's 2:00 p.m. canvassing meeting.

Date: November 22, 2022

Respectfully submitted,

/s/ Jonathan G.C. Fombonne

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CERTIFICATE OF SERVICE

On November 22, 2022, this document was served electronically on the following:

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/s/ Christopher Garza
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CERTIFICATE OF COMPLIANCE

Based on a word count run in Microsoft Word 365, this response contains 4478 words, excluding the portions exempt from the word count under Texas Rule of Appellate Procedure 9.4(i)(1).

/s/ Christopher Garza
Christopher Garza
Senior Assistant County Attorney

In the Supreme Court of Texas

IN RE STATE OF TEXAS,
Relator.

On Petition for Writ of Mandamus to the Harris County Commissioners Court, Judge Lina Hidalgo, in her official capacity as Harris County Judge, and Clifford Tatum, in his official capacity as Harris County Elections Administrator

RESPONDENTS EXHIBITS

1. Verification	
	Exhibit
2. Provisional Ballot Affidavit.....	A
3. Bell County Extension Order.....	B
4. Email Correspondence.....	C
5. Draft Agreed Proposed Order.....	D
6. Agreed Signed Order.....	E
7. Harris County Commissioners Court Canvassing Meeting Notice.....	F
8. Meeting Notices.....	G
9. Email from Secretary of State	H

VERIFICATION

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned notary, on this day personally appeared Jonathan G.C. Fombonne, the affiant, a person whose identity is known to me. After I administered the oath to affiant, he testified as follows:

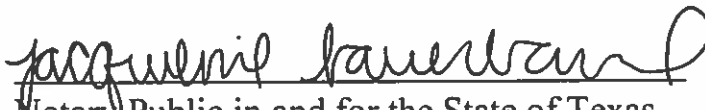
1. "My name is Jonathan G.C. Fombonne. I am over 18 years of age, of sound mind, and can make this affidavit. The facts in this affidavit are within my personal knowledge and are true and correct."

2. "I am a First Assistant County Attorney in the Office of the Harris County Attorney. I represent the Respondents in this original proceeding. The documents attached hereto contain true and correct copies of email correspondence, orders, and other document materials to Respondents' opposition to Petitioner's claim for relief."



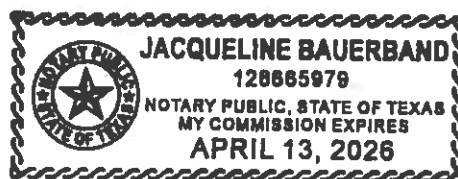
Jonathan G.C. Fombonne
First Assistant County Attorney
Harris County Attorney's Office

Subscribed and sworn to me on the 21st day of November 2022.



Notary Public in and for the State of Texas

My commission expires: 4-13-26



7-15, 12/2021 Prescribed by Secretary of State Election Code Sec. 63.011	Type of Election / Tipo de Elección	Precinct Number/Polling Location where voted Num. de Precincto-lugar de votación	Precinct Number where registered (if known) Num. de Precincto-inscrito para votar (si se sabe)	Date of Election / Fecha de la Elección	Authority Conducting Election / Autoridad Administrando la Elección
Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) (Ballot number if using DRE _____)					
TO BE COMPLETED BY VOTER: I am a registered voter of this political subdivision and in the precinct in which I'm attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I understand that giving false information under oath is a misdemeanor, and I understand that it is a Class A Misdemeanor to vote in an election for which I know I am not eligible. PARA QUE EL VOTANTE LO LLENE: Estoy inscrito como votante en esta subdivisión política y en el precinto en cual estoy intentando a votar y aun no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido definitivamente declarado culpable de un delito grave o si soy el autor de un delito grave, he cumplido toda mi condena inclusive el período de encarcelamiento, la libertad condicional, la libertad vigilada, o he sido indultado. No me han determinado por un juicio final de una corte de la legalización de un testimonio, ser totalmente incapacitado mentalmente o parcialmente incapacitado sin el derecho de votar. Entiendo que dar información falsa bajo juramento es un delito menor y entiendo que es un delito menor de clase A votar en una elección para la que sé que no soy elegible.					
Last Name (Include Suffix if any) / Apellido usual (Incluir sufijo si lo hay)		First Name / Su nombre de pila		Middle Name (if any) / Segundo nombre (si tiene)	Former Name / Nombre anterior
Residence Address: Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include P.O. Box, Rural Rt. Or Business Address) Domicilio: calle y número de apartamento, Ciudad, Estado, y Código Postal. A falta de estos datos, describa la localidad de su residencia. (No incluya el apartado de correos, camino rural, ni dirección comercial.)					
Mailing Address: City, State, and ZIP. If mail cannot be delivered to your residence address. / Dirección postal: Ciudad, Estado y Código Postal (si es imposible entregarle correspondencia a su domicilio):					
TX Driver's License No. or TX Personal I.D. No. (Issued by Dept. of Public Safety) (Número de su Licencia de Conducir de Texas o de su Cédula de Identidad de Texas expedida por el Departamento de Seguridad Pública de Texas). □□□□□□□□□□□□□□□□		Social Security No. (last 4 digits required if you do not have a TX Driver's License or TX Personal I.D. Number) / Número de Seguro Social. (Si no tiene Licencia de Conducir de Texas ni Cédula de Identidad Personal de Texas, se requiere los últimos 4 números de su seguro social) XXX-XX-□□□□□□□□			
Check appropriate box: ARE YOU A UNITED STATES CITIZEN? Marque el cuadro apropiado: Soy ciudadano/a de los Estados Unidos Yes <input type="checkbox"/> Si <input type="checkbox"/> No <input type="checkbox"/>		Signature of Voter / Firma del votante X			

TO BE COMPLETED BY ELECTION JUDGE:

VOTER PRESENTED ACCEPTABLE FORM OF IDENTIFICATION OR A SUPPORTING FORM OF IDENTIFICATION AND EXECUTED A REASONABLE IMPEDIMENT DECLARATION

☐ Yes ☐ No

REASON FOR VOTING PROVISIONALLY

1. _____ Failed to present acceptable form of photo identification, a supporting form of identification with an executed Reasonable Impediment Declaration, or voter registration certificate with exemption.
2. _____ Voter not on list of registered voters.
3. _____ Voter not on list, registered in another precinct.
4. _____ Voter on list of people who voted early by mail, and voter has not surrendered mail ballot, presented a Notice of Improper Delivery, or presented Notice of Surrendered Ballot.
5. _____ Voting after 7:00 p.m. due to court order.
6. _____ Voter on list, but registered residence address is outside the _____ political subdivision.
7. _____ Registered at Department of Public Safety (DPS): When: _____ Where: _____
8. _____ Other: _____ (Please explain)

Sworn and subscribed to before me this date: _____

Signature of Election Judge _____

TO BE COMPLETED BY THE COUNTY VOTER REGISTRAR FOR STATUS:

I, the voter registrar/deputy registrar, did research the records of my office and the following conclusion(s) was made:

FOR VOTERS WHO DID NOT PRESENT ACCEPTABLE PHOTO IDENTIFICATION AT THE POLLING PLACE

1. _____ Voter presented acceptable form of identification **OR** a supporting form of identification and executed a Reasonable Impediment Declaration within 6 calendar days of election day.
2. _____ Voter met disability exemption within 6 calendar days of election day.
3. _____ Voter executed religious objection affidavit within 6 calendar days of election day.
4. _____ Voter executed natural disaster affidavit within 6 calendar days of election day.
5. _____ Voter did not satisfy identification or affidavit requirements, listed in categories 1-4 above, within 6 calendar days of election day.

FOR VOTERS WHO VOTED PROVISIONALLY FOR OTHER REASONS

6. _____ Not a registered voter or registration not effective in time for this election.
7. _____ Registered to vote, erroneously listed in wrong precinct.
8. _____ Registered to vote in a different precinct within the county.
9. _____ Information on file indicating applicant completed a voter registration application, but it was never received in the voter registrar's office.
10. _____ Voter erroneously removed from the list.
11. _____ Voter is not registered to vote in _____ political subdivision.
12. _____ Other: _____ (Please explain)

Signature of Voter Registrar _____

_____ Date

Action taken by the Early Voting Ballot Board: ☐ ACCEPTED ☐ REJECTED

Signature of Ballot Board Judge: _____

Cause No. 22DCV335320

James E. Nichols	§	146 th District Court
County Attorney	§	of
Petitioner	§	Bell County, Texas

ORDER EXTENDING VOTING HOURS

It is ORDERED that the November 8, 2022, United States Midterm Election, shall proceed as required under state and federal law except that polling locations shall remain open until 8:00 p.m.

It is further ORDERED that this order shall be posted on Bell County's website and the County Clerk's website shall be updated to reflect the terms of this order.

It is further ORDERED that any vote cast after 7:00 p.m. by a voter who was not inside the polling place or waiting to enter the polling place by 7:00 p.m. shall be cast as a provisional ballot pursuant to Texas election laws.

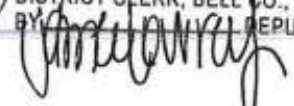
SIGNED on November 8, 2022


Honorable Jack Jones

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE & CORRECT COPY
OF THE ORIGINAL ON FILE

NOV 08 2022



JOANNA STATON
DISTRICT CLERK, BELL CO., TX
BY  DEPUTY

JOANNA STATON
DISTRICT CLERK
BELL COUNTY, TX

DEPUTY

From:

Fombonne, Jonathan (CAO)

Sent:

Friday, November 11, 2022 2:34 PM

To:

Christina Beeler; Kimberly Gdula; ataylor andytaylorlaw.com

C

hani@texascivilrightsproject.org; Nickolas Spencer; Christopher Hilton; Bingham, Tiffany (CAO); Tumati, Neeharika (CAO)

RE: Texas Organizing Project v. Harris County

Proposed Agreed Order 232pm.docx



We've spoken with Plaintiffs' counsel and they can agree to the attached language, which modifies the prior language in paragraph 3. Could everyone please sign off by 3pm? We're

hoping the ancillary will sign today.

Jonathan G. C. Fombonne

First Assistant County Attorney

E: jonathan.fombonne@harriscountytexas.gov

P: 713.274.5102

C: 346.354.7475

Office of the Harris County Attorney

Christian D. Menefee

1019 Congress, 15th Floor

Houston, Texas 77002

www.harriscountytexas.gov

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From: Christina Beeler <christinab@texascivilrightsproject.org>

Sent: Friday, November 11, 2022 2:25 PM

To: Kimberly Gdula <Kimberly.Gdula@oag.texas.gov>; Fombonne, Jonathan (CAO)

<Jonathan.Fombonne@harriscountytexas.gov>; ataylor andytaylorlaw.com <ataylor@andytaylorlaw.com>

Cc: hani@texascivilrightsproject.org; Nickolas Spencer <nas@naslegal.com>; Christopher Hilton

<Christopher.Hilton@oag.texas.gov>; Bingham, Tiffany (CAO) <Tiffany.Bingham@harriscountytexas.gov>; Tumati,

Neeharika (CAO) <Neeharika.Tumati@harriscountytexas.gov>

Subject: Re: Texas Organizing Project v. Harris County

All,

Attached is the proposed agreed order with a few edits. Thank you.

Christina Beeler (she/her)

Voting Rights Staff Attorney

Texas Civil Rights Project

C: 512-914-1249

www.texascivilrightsproject.org

[Facebook](#) | [Twitter](#) | [Instagram](#)

From: Kimberly Gdula <Kimberly.Gdula@oag.texas.gov>

Date: Friday, November 11, 2022 at 2:07 PM

To: Fombonne, Jonathan (CAO) <Jonathan.Fombonne@harriscountytexas.gov>, ataylor andytaylorlaw.com

<ataylor@andytaylorlaw.com>

Cc: Christina Beeler <christinab@texascivilrightsproject.org>, hani@texascivilrightsproject.org <hani@texascivilrightsproject.org>, Nickolas Spencer <nas@naslegal.com>, Christopher Hilton <Christopher.Hilton@oag.texas.gov>, Bingham, Tiffany (CAO) <Tiffany.Bingham@harriscountytexas.gov>, Tumati, Neeharika (CAO) <Neeharika.Tumati@harriscountytexas.gov>
Subject: Re: Texas Organizing Project v. Harris County

The State does not have an issue with the order or the removal of Paragraph 8.

Kimberly Gdula
Deputy Chief
General Litigation Division
(512) 241-9629 (Direct)

From: Fombonne, Jonathan (CAO) <Jonathan.Fombonne@harriscountytexas.gov>
Sent: Friday, November 11, 2022 1:39 PM
To: Kimberly Gdula <Kimberly.Gdula@oag.texas.gov>; ataylor andytaylorlaw.com <ataylor@andytaylorlaw.com>
Cc: Christina Beeler <christinab@texascivilrightsproject.org>; hani@texascivilrightsproject.org <hani@texascivilrightsproject.org>; Nickolas Spencer <nas@naslegal.com>; Christopher Hilton <Christopher.Hilton@oag.texas.gov>; Bingham, Tiffany (CAO) <Tiffany.Bingham@harriscountytexas.gov>; Tumati, Neeharika (CAO) <Neeharika.Tumati@harriscountytexas.gov>
Subject: RE: Texas Organizing Project v. Harris County

Correcting my typo below: should say "as the ballots themselves remain segregated"



Jonathan G. C. Fombonne
First Assistant County Attorney
E: jonathan.fombonne@harriscountytexas.gov
P: 713.274.5102
C: 346.354.7475

Office of the Harris County Attorney
Christian D. Menefee
1019 Congress, 15th Floor
Houston, Texas 77002
www.harriscountycao.org

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From: Kimberly Gdula <Kimberly.Gdula@oag.texas.gov>
Sent: Friday, November 11, 2022 1:36 PM
To: Fombonne, Jonathan (CAO) <Jonathan.Fombonne@harriscountytexas.gov>; ataylor andytaylorlaw.com <ataylor@andytaylorlaw.com>
Cc: Christina Beeler <christinab@texascivilrightsproject.org>; hani@texascivilrightsproject.org; Nickolas Spencer <nas@naslegal.com>; Christopher Hilton <Christopher.Hilton@oag.texas.gov>; Bingham, Tiffany (CAO) <Tiffany.Bingham@harriscountytexas.gov>; Tumati, Neeharika (CAO) <Neeharika.Tumati@harriscountytexas.gov>
Subject: Re: Texas Organizing Project v. Harris County

I'm out of pocket for the next hour, but I will review and respond shortly after that.

Kimberly Gdula
Deputy Chief
General Litigation Division
(512) 241-9629 (Direct)

From: Fombonne, Jonathan (CAO) <Jonathan.Fombonne@harriscountytexas.gov>

Sent: Friday, November 11, 2022 1:33:24 PM

To: ataylor andytaylorlaw.com <ataylor@andytaylorlaw.com>

Cc: Kimberly Gdula <Kimberly.Gdula@oag.texas.gov>; Christina Beeler <christinab@texascivilrightsproject.org>; hani@texascivilrightsproject.org <hani@texascivilrightsproject.org>; Nickolas Spencer <nas@naslegal.com>; Christopher Hilton <Christopher.Hilton@oag.texas.gov>; Bingham, Tiffany (CAO) <Tiffany.Bingham@harriscountytexas.gov>; Tumati, Neeharika (CAO) <Neeharika.Tumati@harriscountytexas.gov>

Subject: RE: Texas Organizing Project v. Harris County

I spoke to Andy. We're ok removing paragraph 8 based on the understanding that the Texas Supreme Court's order does not prohibit the tabulating of those votes as long as the ballots themselves remain tabulated.

Still need a response from the Plaintiff and the State.



Jonathan G. C. Fombonne

First Assistant County Attorney

E: jonathan.fombonne@harriscountytexas.gov

P: 713.274.5102

C: 346.354.7475

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From: ataylor andytaylorlaw.com <ataylor@andytaylorlaw.com>

Sent: Friday, November 11, 2022 12:07 PM

To: Fombonne, Jonathan (CAO) <Jonathan.Fombonne@harriscountytexas.gov>

Cc: Kimberly Gdula <Kimberly.Gdula@oag.texas.gov>; Christina Beeler <christinab@texascivilrightsproject.org>; hani@texascivilrightsproject.org; Nickolas Spencer <nas@naslegal.com>; Christopher Hilton <Christopher.Hilton@oag.texas.gov>; Bingham, Tiffany (CAO) <Tiffany.Bingham@harriscountytexas.gov>; Tumati, Neeharika (CAO) <Neeharika.Tumati@harriscountytexas.gov>

Subject: Re: Texas Organizing Project v. Harris County

I'm good with everything else but unsure about paragraph 8? AT

Sent from my iPhone

On Nov 11, 2022, at 12:01 PM, Fombonne, Jonathan (CAO) <Jonathan.Fombonne@harriscountytexas.gov> wrote:

All,

Please see the proposed agreed order and let us know if you have comments.

Jonathan G. C. Fombonne

First Assistant County Attorney

E: jonathan.fombonne@harriscountytexas.gov

P: 713.274.5102

C: 346.354.7475

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From: ataylor andytaylorlaw.com <ataylor@andytaylorlaw.com>

Sent: Friday, November 11, 2022 7:33 AM

To: Kimberly Gdula <Kimberly.Gdula@oag.texas.gov>

Cc: Christina Beeler <christinab@texascivilrightsproject.org>; Fombonne, Jonathan (CAO) <Jonathan.Fombonne@harriscountytexas.gov>; hani@texascivilrightsproject.org; Nickolas Spencer <nas@naslegal.com>; Christopher Hilton <Christopher.Hilton@oag.texas.gov>; Bingham, Tiffany (CAO) <Tiffany.Bingham@harriscountytexas.gov>; Tumati, Neeharika (CAO) <Neeharika.Tumati@harriscountytexas.gov>

Subject: Re: Texas Organizing Project v. Harris County

Works for me too

Sent from my iPhone

On Nov 11, 2022, at 7:20 AM, Kimberly Gdula <Kimberly.Gdula@oag.texas.gov> wrote:

The State is available then.

Kimberly Gdula
Deputy Chief
General Litigation Division
(512) 241-9629 (Direct)

From: Christina Beeler <christinab@texascivilrightsproject.org>

Sent: Friday, November 11, 2022 4:41:06 AM

To: Fombonne, Jonathan (CAO) <Jonathan.Fombonne@harriscountytexas.gov>; hani@texascivilrightsproject.org <hani@texascivilrightsproject.org>; ataylor@andytaylorlaw.com <ataylor@andytaylorlaw.com>; Nickolas Spencer <nas@naslegal.com>; Kimberly Gdula <Kimberly.Gdula@oag.texas.gov>; Christopher

Hilton <Christopher.Hilton@oag.texas.gov>

Cc: Bingham, Tiffany (CAO) <Tiffany.Bingham@harriscountytexas.gov>; Tumati, Neeharika (CAO) <Neeharika.Tumati@harriscountytexas.gov>

Subject: Re: Texas Organizing Project v. Harris County

All,

We're available to meet and confer today at 10 AM. Does that time work for others? Thanks.

Get [Outlook for iOS](#)

From: Fombonne, Jonathan (CAO) <Jonathan.Fombonne@harriscountytexas.gov>

Sent: Thursday, November 10, 2022 9:52 PM

To: Christina Beeler <christinab@texascivilrightsproject.org>;
hani@texascivilrightsproject.org <hani@texascivilrightsproject.org>;
ataylor@andytaylorlaw.com <ataylor@andytaylorlaw.com>; Nickolas Spencer
<nas@naslegal.com>; Gdula, Kimberly <kimberly.gdula@oag.texas.gov>; Hilton,
Christopher <christopher.hilton@oag.texas.gov>

Cc: Bingham, Tiffany (CAO) <Tiffany.Bingham@harriscountytexas.gov>; Tumati, Neeharika (CAO) <Neeharika.Tumati@harriscountytexas.gov>

Subject: Texas Organizing Project v. Harris County

All,

I'm circulating a proposed order from Andy Taylor to try and move forward with the processing of the provisional ballots cast after 7pm pursuant to the court's TRO (prior to the SCTX's stay). We will have significant changes to the language, although conceptually we think this is on the right track. We should likely meet and confer sometime tomorrow to discuss the order and next steps. To be clear, we (and I believe Andy agrees) do not take a position on whether those provisional ballots must be added to the final canvas of votes cast in Harris County. This order only allows the processing of those votes because the Election Code requires the EA to check eligibility of provisional voters by November 18, and the EVBB to count provisional ballots by the 21. For this process to be completed on time, we need to start quickly.

Please let us know whether you can meet and confer on this issue tomorrow.

Jonathan G. C. Fombonne

First Assistant County Attorney

E: jonathan.fombonne@harriscountytexas.gov

P: 713.274.5102

C: 346.354.7475

Office of the Harris County Attorney

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Houston, Texas 77002

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RETRIEVED FROM DEMOCRACYDOCKET.COM

CAUSE NO. 2022-73765

TEXAS ORGANIZING PROJECT,	§	IN THE DISTRICT COURT
	§	
	§	
	§	
Plaintiff,	§	295th JUDICIAL DISTRICT
v.	§	
	§	
HARRIS COUNTY, TEXAS, et	§	
al.	§	
Defendants.	§	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 this 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 permitted 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 subject to the stay issued by the Texas Supreme Court.

4. In order to maintain segregation in compliance with the Texas Supreme Court’s order, 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. The V-drive containing images of the Later Cast Provisional Ballots shall not be tabulated as part of the November 2022 general election results until a court with jurisdiction over the proceedings in this case enters an order requiring that the Later Cast Provisional Ballots be tabulated.

9. 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 and Dated : _____
Ancillary Judge

CAUSE NO. 2022-73765

**TEXAS ORGANIZING
PROJECT,**

Plaintiff,

v.

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

Defendants.

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

AGREED ORDER

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


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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

Automated Certificate of eService

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Andrea Mintzer on behalf of Jonathan Fombonne
Bar No. 24102702
andrea.mintzer@harriscountytexas.gov
Envelope ID: 70127285
Status as of 11/14/2022 1:51 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Hani Mirza		hani@texascivilrightsproject.org	11/14/2022 9:22:06 AM	SENT
Jonathan Fombonne	24102702	jonathan.fombonne@harriscountytexas.gov	11/14/2022 9:22:06 AM	SENT
Andrea Mintzer		andrea.mintzer@harriscountytexas.gov	11/14/2022 9:22:06 AM	SENT
Kimberly Gdula		Kimberly.Gdula@oag.texas.gov	11/14/2022 9:22:06 AM	SENT
Laura Kiick		laura.kiick@oag.texas.gov	11/14/2022 9:22:06 AM	SENT
Christopher Hilton		christopher.hilton@oag.texas.gov	11/14/2022 9:22:06 AM	SENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this November 21, 2022

Certified Document Number: 105120375 Total Pages: 4

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

NOTICE OF A SPECIAL MEETING

November 18, 2022

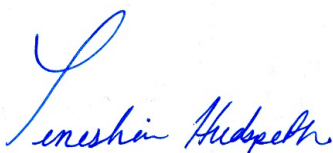
Notice is hereby given that a special meeting of the Commissioners Court of Harris County, Texas, will be held on Tuesday, November 22, 2022 at 2:00 p.m. in the Courtroom of the Commissioners Court of Harris County, Texas, on the ninth floor of the Harris County Administration Building, 1001 Preston Street, Houston, Texas. This meeting is also being held virtually to advance the public health goal of limiting face-to-face meetings and thus slow the spread of the Coronavirus (COVID-19).

Notice is hereby given that the meeting will be held for the purpose of: (1) conducting the local canvass of the November 8, 2022 General and Special Elections. Agendas may be obtained in the Commissioners Court's courtroom on the day of the meeting or via the internet at <https://agenda.harriscountytexas.gov>.

Members of the public may attend, participate and/or address Commissioners Court in-person or may virtually access the meeting through the following link: <https://agenda.harriscountytexas.gov>. Members of the public who attend the meeting in-person may make comments by signing up to speak in the Commissioners Court's courtroom before 2:00 p.m. on Tuesday, November 22, 2022, when the meeting begins. Members of the public who attend virtually may make comments by signing up to speak by no later than 12:00 p.m. on Tuesday, November 22, 2022, at <https://appearancerequest.harriscountytexas.gov/>. If you sign up to speak, you will be placed in a queue and will be called when it is your time to speak.

If more than 25 members of the public sign up to make comments, each speaker's comments will be limited to, at most, one (1) minute in total, notwithstanding how many agenda items the speaker signs up to comment on. If 25 members of the public or fewer sign up to make comments, each speaker's comments will be limited to, at most, three (3) minutes in total, notwithstanding how many agenda items the speaker signs up to comment on. Members of the public who have appeared before Commissioners Court on the same issue during any of the past three meetings will be limited to, at most, one minute in total to comment. Members of the public who sign up to speak about a topic that does not address a specific agenda item will be limited to, at most, one minute in total to comment, which will take place after all agenda item-related comments have been made. Members of the public are also invited to email their written comments to Commissioners Court at CommissionersCourt@hctx.net.

It is the intention of the Harris County Commissioners Court to provide open access to all members of the public of Harris County to express themselves on issues addressed by County government. However, members of the public are reminded that the Harris County Commissioners Court is a constitutional court, created by the State with judicial, administrative and legislative powers. As such, the Harris County Commissioners Court possesses the authority to issue Contempt of Court citations. Accordingly, persons shall conduct themselves with proper respect and decorum in addressing the Court, in participating in public discussions before the Court, and in all actions in the presence of the Court. Profane, insulting or threatening language, and racial, ethnic or gender slurs or epithets will not be tolerated. Those persons who do not conduct themselves in an orderly and appropriate manner will be ordered to leave the meeting and recognition to speak may be refused at subsequent meetings of the Court. Refusal to abide by the Court's Order may result in a Contempt of Court Citation.



Teneshia Hudspeth, County Clerk
and Ex-Officio Clerk of Commissioners Court
of Harris County, Texas



James E. Hastings Jr., Director
Commissioners Court Records



**Notice of Called Meeting
Board of Trustees
Huffman Independent School District
November 21, 2022 - 6:00 P.M.**

A G E N D A

By law, the District must canvass its election by the end of the day Tuesday, November 22, 2022.

The first day to canvass results is Friday, November 11 and the last day to canvass results is Tuesday, November 22.

Huffman ISD will be waiting for the release of the District's official election results from Harris County, which they predict will be November 20th or 21st.

A called meeting of the Board of Trustees of the Huffman Independent School District will be held on November 21, 2022, beginning at 6:00 p.m., in the Board Room of the Administration Building located at 24302 FM 2100, Huffman, Texas 77336.

The subjects to be discussed or considered, or upon which any formal action may be taken, are as follows: (Items do not have to be taken in the same order as shown on the meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.)

I. CALL TO ORDER / INVOCATION / PLEDGE

II. PUBLIC COMMENTS

III. ACCEPT HARRIS COUNTY CANVASS FOR BOARD OF TRUSTEE ELECTION

IV. BUSINESS AND DISCUSSION

1. Retention Stipend for Employees for 2022-2023

V. CLOSED SESSION (551.071, 551.072, 551.074, 551.076):

- A. Section 551.071 - Private consultation with the Board's Attorney on Subjects Authorized by Law;
Section 551.072 – Discussing purchase, exchange, lease, or value of real property;
Section 551.074 - Personnel Discussion: Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section
Section 551.076 – For the purpose of considering the deployment, specific occasions for, or implementation of, security personnel or devices.

1. Consult with Attorney
2. Ratify Resignations

3. Employ Personnel
4. Consider Purchase of Real Property
5. Review Information Regarding Security Personnel

VI. RECONVENE IN OPEN SESSION

- A. Action on Items Considered in Closed Session

VII. ADJOURNMENT

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E or Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See BEC(LEGAL)]

This notice was posted in compliance with the Texas Open Meetings act on November 17, 2022, by 3:00 p.m.



For the Board of Trustees

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Notice of Open Meeting
The Board of Trustees
Klein Independent School District



An Open Meeting of the Board of Trustees of Klein Independent School District will be held Monday, November 21, 2022, beginning at 3:00 p.m. in the Boardroom of the Frank A. Lemmon Administration Building, 7200 Spring Cypress Road, Klein, TX 77379.

1. Call to Order

2. Public Comment on Agenda Items

PUBLIC COMMENT ON AGENDA ITEMS: The Board of Trustees will hear public comment on agenda items at all open meetings in accordance with Texas Government Code Section 551.007. Persons who wish to participate in this portion of the meeting shall sign up by completing the appropriate form on the District website, in person, or by sending an e-mail to the address listed on the form which must be received no later than 10:30 am on the day of the meeting.

3. Open Meeting

An open meeting will be conducted to canvass the votes from the November 8, 2022, School Board election for positions 6 and 7 beginning at 3:00 p.m. or as soon thereafter as the district receives the canvass/election report from the Harris County Elections Office. As provided by law, a quorum of two trustees will be seated to conduct the canvass.

- A. Canvass of Election Results
- B. Issuance of Certificates of Elections
- C. Completion of Statement of Officer
- D. Administer Oath of Office

4. Adjournment

The notice for this meeting was posted in compliance with the Texas Open Meetings Act on November 18, 2022 in Klein, Texas.

For the Board of Trustees

AGENDA ITEM COVER MEMO



To: Mayor and City Council

Agenda Item: Consideration and Possible Action - An order of the City Council of the City of Missouri City, Texas, canvassing the returns of the General Election held on November 8, 2022, for the purpose of electing a Mayor and two At-Large Councilmembers; declaring the election of a Mayor and two At-Large Councilmembers, and providing for severability.

Meeting: City Council Special Meeting - Nov 21 2022

Department: General Government Department - City Secretary

Submitted by: Crystal Roan

APPROVAL(S):

Crystal Roan, City Secretary
Monica Garza, Assistant City Attorney
David Jordan, Chief Operations Officer
David Jordan, Chief Operations Officer

Approved - Nov 15 2022
Approved - Nov 17 2022
Approved - Nov 17 2022
Approved - Nov 17 2022

SYNOPSIS:

Canvass the returns for the November 8, 2022, General Municipal Election.

STRATEGIC PLAN GOALS ADDRESSED:



Create a Great Place
to Live



Maintain a Financially
Sound City
Government



Have High Quality
Development
Throughout Buildout



Grow Business
Investments in
Missouri City



Develop a High
Performance City
Team

BACKGROUND:

In accordance with the Texas Election Code, City Council canvasses the returns for all city elections. This item is to canvass the returns for the General Election on November 8, 2022, declaring: Robin J. Elackatt as the duly elected official in the City of Missouri City Mayoral race; Sonya Brown-Marshall as the duly elected official in the City of Missouri City At-Large Position 1 race; and, Lynn Clouser as the duly elected official in the City of Missouri City At-Large Position 2 race.

The order will be provided to City Council before the start of the special meeting on November 21, 2022. Harris County has informed jurisdictions that the official results will be provided around 2 p.m. on Monday, November 21, 2022.

SUPPORTING MATERIALS:

[Canvass Order 2022 General Election-Official Results - U](#)

STAFF'S RECOMMENDATION:

Consider canvassing the returns of the November 8, 2022 General Municipal Elections.

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ORDER NO. O-22-__

AN ORDER OF THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS, CANVASSING THE RETURNS OF THE GENERAL ELECTION HELD IN THE CITY OF MISSOURI CITY, TEXAS, ON NOVEMBER 8, 2022, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO AT-LARGE COUNCILMEMBERS; DECLARING THE ELECTION OF A MAYOR AND TWO AT-LARGE COUNCILMEMBERS; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, on August 15, 2022, the City Council of the City of Missouri City, Texas (the "City Council"), duly called a general city election to be held on November 8, 2022; and

WHEREAS, the election returns of the ballots cast in said general city election are hereby canvassed for the following officials: Mayor, Councilmember At-Large, Position 1, and Councilmember At-Large, Position 2; and

WHEREAS, after duly canvassing said returns from each precinct, the City Council finds that the sum of the total votes cast of all City precincts at said election for the candidates for said offices is as follows:

<u>Mayor</u>	<u>Number of Votes Received</u>	<u>Percentage of Votes Cast</u>
Robin J. Elackatt	13,709	54.28%
Yolanda Ford	11,546	45.72%

<u>Councilmember At-Large, Pos. 1</u>	<u>Number of Votes Received</u>	<u>Percentage of Votes Cast</u>
Sonya Brown-Marshall	13,847	60.10%
Vashaundra Edwards	9,193	39.90%

<u>Councilmember At-Large, Pos. 2</u>	<u>Number of Votes Received</u>	<u>Percentage of Votes Cast</u>
Bruce Zaborowski	4,867	21.19%
Lynn Clouser	18,098	78.81%

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. That the facts and recitations set forth in the preamble of this Order are hereby declared true and correct.

Section 2. That a tabulation of the results for each precinct within the City of Missouri City, Texas, for said general election and a tabulation of the results for each precinct for the measure for said special election is attached hereto as "Exhibit A" and made a part hereof.

Section 3. That the results of said general City election be and the same are hereby declared to have been as herein set out, and the following named persons are to serve in the respective positions listed subject to the taking of the oath of office as provided by the laws of the State of Texas:

Mayor: Robin J. Elackatt

Councilmember, At-Large, Position 1: Sonya Brown-Marshall

Councilmember, At-Large, Position 2: Lynn Clouser

Section 4. The official returns shall be delivered to the City Secretary, who is hereby directed to enter in the election register the tabulations of the votes cast for each candidate and each measure to preserve such tabulations as required by law.

Section 5. That notice of said elections was duly and properly given as required by law, and that said elections were duly held and returns thereof were made by the proper officials of said elections and in all things according to law.

Section 6. *Severability.* That if any section, subsection, sentence, clause, or phrase of this Order or the application of same to a particular person, or to a particular set of circumstances, should for any reason be held invalid, such invalidity shall in no way affect the remaining portions of this Order and to such end, the various portions and provisions of this Order are declared to be severable.

PASSED, APPROVED, and ADOPTED on this 21st day of November, 2022.

Robin J. Elackatt, Mayor

ATTEST:

APPROVED AS TO FORM:

Crystal Roan, City Secretary

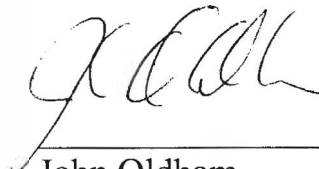
Monica Nunez-Garza, Assistant City
Attorney, for E. Joyce Iyamu, City
Attorney


Exhibit A

CANVASS

I, John Oldham, Elections Administrator for Fort Bend County Texas, do certify that in the election held on November 8, 2022 that 25,775 of 51,094 registered voters in the City of Missouri City cast ballots, and that the following are a true and accurate statement of the votes cast in the various precincts of the City of Missouri City in the General Election held on November 8, 2022 for the purpose of election municipal officers..

Dated: November 15, 2022


John Oldham
Elections Administrator
Fort Bend County, Texas



City of Missouri City Precinct Canvass
General and Joint Election

November 8, 2022

UNOFFICIAL RESULTS

Fort Bend County

	STATISTICS			
	Registered Voters - Total	Ballots Cast - Total	Ballots Cast - Blank	Voter Turnout - Total
2028 MC1	2,442	1,386	0	56.76%
2030 MC1	2,763	1,702	0	61.6%
2033 MC2	1,189	607	1	51.05%
2059 MC2	2,345	1,022	0	43.58%
2075 MC2	2,027	849	0	41.88%
2077 MC2	2,164	1,057	0	48.84%
2081 MC2	1,436	571	0	39.76%
2089 MC2	1,366	652	0	47.73%
2090 MC1	737	448	0	60.79%
2091 MC2	696	336	0	48.28%
2108 MC2	7,274	3,686	0	50.67%
2115 MC2	2,107	909	0	43.14%
2136 MC2	769	404	0	52.54%
3062 MC4	3,752	2,129	0	56.74%
3092 MC4	848	418	0	49.29%
3093 MC4	406	229	1	56.4%
3127 MC4	3,069	1,582	0	51.55%
2050 MC2	3,055	1,433	0	46.91%

City of Missouri City Precinct Canvass
General and Joint Election

November 8, 2022

UNOFFICIAL RESULTS

Fort Bend County

	STATISTICS			
	Registered Voters - Total	Ballots Cast - Total	Ballots Cast - Blank	Voter Turnout - Total
061 MC1	220	115	0	52.27%
109 MC3	86	50	0	58.14%
2118 MC3	525	318	0	60.57%
2151 MC2	2,703	1,429	0	52.87%
2171 MC1	268	130	0	48.51%
3049 MC4	3,698	1,778	0	48.08%
3064 MC5	43	26	0	60.47%
3065 MC6	4,193	2,154	0	51.37%
3078 MC4	641	227	0	35.41%
3112 MC4	3	0	0	0%
3157 MC6	269	128	0	47.58%
Totals	51,094	25,775	2	

City of Missouri City Precinct Canvass
General and Joint Election
November 8, 2022

UNOFFICIAL RESULTS

Fort Bend County

Page 9 of 14

	Mayor City of Missouri City						Councilmember At-Large, Position 1 City of Missouri City					
	VOTE FOR 1						VOTE FOR 1					
	29 of 29 Precincts Reporting						29 of 29 Precincts Reporting					
	Robin J. Elackatt	Yolanda Ford	Total Votes Cast	Overvotes	Undervotes	Contest Total	Sonya Brown- Marshall	Vashaundra Edwards	Total Votes Cast	Overvotes	Undervotes	Contest Total
2028 MC1	940	374	1,314	1	71	1,386	845	326	1,171	1	214	1,386
2030 MC1	1,283	308	1,591	0	111	1,702	1,028	344	1,372	0	330	1,702
2033 MC2	283	282	565	0	42	607	313	198	511	0	96	607
2050 MC2	414	949	1,363	0	70	1,433	687	729	1,316	0	117	1,433
2059 MC2	324	665	989	1	32	1,022	448	501	949	0	73	1,022
2061 MC1	77	20	97	0	18	115	49	29	78	0	37	115
2075 MC2	248	561	809	0	40	849	372	395	767	1	81	849
2077 MC2	341	661	1,002	0	55	1,057	465	483	948	0	109	1,057
2081 MC2	259	266	525	1	45	571	281	208	489	0	82	571
2089 MC2	210	417	627	0	25	652	284	320	604	0	48	652
2090 MC1	334	81	415	0	33	448	278	93	371	0	77	448
2091 MC2	186	134	320	0	16	336	175	110	285	0	51	336
2108 MC2	1,798	1,620	3,418	2	266	3,686	1,749	1,365	3,114	1	571	3,686
2109 MC3	9	37	46	0	4	50	19	16	35	0	15	50
2115 MC2	425	420	845	0	64	909	468	318	786	1	122	909
2118 MC3	129	128	257	0	61	318	152	84	236	0	82	318

City of Missouri City Precinct Canvass
General and Joint Election

November 8, 2022

UNOFFICIAL RESULTS

Fort Bend County

Page 10 of 14

	Mayor City of Missouri City						Councilmember At-Large, Position 1 City of Missouri City					
	VOTE FOR 1						VOTE FOR 1					
	29 of 29 Precincts Reporting						29 of 29 Precincts Reporting					
	Robin J. Elackatt	Yolanda Ford	Total Votes Cast	Overvotes	Undervotes	Contest Total	Sonya Brown- Marshall	Vashaundra Edwards	Total Votes Cast	Overvotes	Undervotes	Contest Total
2136 MC2	195	170	365	0	39	404	197	133	330	0	74	404
2151 MC2	714	596	1,310	0	119	1,429	697	456	1,153	0	276	1,429
2171 MC1	76	41	117	0	13	130	80	27	107	0	23	130
3049 MC4	868	693	1,561	1	216	1,778	872	544	1,416	0	362	1,778
3062 MC4	1,360	605	1,965	1	163	2,129	1,240	552	1,792	0	337	2,129
3064 MC5	13	6	19	0	7	26	8	9	17	0	9	26
3065 MC6	1,358	538	1,896	0	258	2,154	1,079	533	1,612	0	542	2,154
3078 MC4	97	103	200	0	27	227	118	68	186	0	41	227
3092 MC4	217	182	399	0	19	418	251	119	370	0	48	418
3093 MC4	90	120	210	0	19	229	111	89	200	0	29	229
3112 MC4	0	0	0	0	0	0	0	0	0	0	0	0
3127 MC4	958	399	1,357	0	225	1,582	815	395	1,210	0	372	1,582
3157 MC6	88	23	111	0	17	128	68	30	98	0	30	128
Totals	13,294	10,399	23,693	7	2,075	25,775	13,049	8,474	21,523	4	4,248	25,775

City of Missouri City Precinct Canvass
General and Joint Election

November 8, 2022

UNOFFICIAL RESULTS

Fort Bend County

Page 11 of 14

Councilmember At-Large, Position 2 City of Missouri City						
VOTE FOR 1						
29 of 29 Precincts Reporting						
	Bruce Zaborowski	Lynn Clouser	Total Votes Cast	Overvotes	Undervotes	Contest Total
2028 MC1	251	930	1,181	0	205	1,386
2030 MC1	270	1,157	1,427	0	275	1,702
2033 MC2	89	425	514	0	93	607
2050 MC2	114	1,186	1,300	0	133	1,433
2059 MC2	100	831	931	0	91	1,022
2061 MC1	28	55	83	0	32	115
2075 MC2	89	650	739	0	110	849
2077 MC2	139	793	932	0	125	1,057
2081 MC2	116	373	489	0	82	571
2089 MC2	55	534	589	0	63	652
2090 MC1	71	313	384	0	64	448
2091 MC2	47	241	288	0	48	336
2108 MC2	579	2,529	3,108	1	577	3,686
2109 MC3	21	18	39	0	11	50
2115 MC2	133	644	777	0	132	909
2118 MC3	63	168	231	0	87	318

City of Missouri City Precinct Canvass
General and Joint Election

November 8, 2022

UNOFFICIAL RESULTS

Fort Bend County

Page 12 of 14

Councilmember At-Large, Position 2 City of Missouri City						
VOTE FOR 1						
29 of 29 Precincts Reporting						
	Bruce Zaborowski	Lynn Clouser	Total Votes Cast	Overvotes	Undervotes	Contest Total
2136 MC2	76	246	322	0	82	404
2151 MC2	289	874	1,163	0	266	1,429
2171 MC1	18	93	111	0	19	130
3049 MC4	390	1,011	1,401	0	377	1,778
3062 MC4	418	1,387	1,805	1	323	2,129
3064 MC5	11	5	16	0	10	26
3065 MC6	606	999	1,605	0	549	2,154
3078 MC4	46	137	183	0	44	227
3092 MC4	92	277	369	0	49	418
3093 MC4	35	158	193	0	36	229
3112 MC4	0	0	0	0	0	0
3127 MC4	389	809	1,198	0	384	1,582
3157 MC6	29	71	100	0	28	128
Totals	4,564	16,914	21,478	2	4,295	25,775

City of Missouri City

Harris County, Texas

Official Results

Live November 8, 2022 General and
Special Election

General and Special Elections

Registered Voters

1655 of 3589 = 46.11%

Run Time 11:56 AM

11/8/2022

Run Date 11/19/2022

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HC PROPOSITION C

Choice	Party	Ballot by Mail		Early Voting		Election Day		EV Provisional		ED Provisional		Total	
FOR		88	65.19%	663	70.61%	340	67.73%	0	0.00%	0	0.00%	1,091	69.05%
AGAINST		47	34.81%	276	29.39%	162	32.27%	1	100.00%	3	100.00%	489	30.95%
Cast Votes:		135	100.00%	939	100.00%	502	100.00%	1	100.00%	3	100.00%	1,580	100.00%
Undervotes:		6		46		19		3		0		74	
Overvotes:		0		0		0		0		0		0	
Write-In:		0		0		0		0		0		0	

MISSOURI CITY, Mayor - Vote for none or one

Choice	Party	Ballot by Mail		Early Voting		Election Day		EV Provisional		ED Provisional		Total	
Robin J. Elackatt		43	32.33%	207	22.14%	165	33.60%	0	0.00%	0	0.00%	415	26.57%
Yolanda Ford		90	67.67%	728	77.86%	326	66.40%	1	100.00%	2	100.00%	1,147	73.43%
Cast Votes:		133	100.00%	935	100.00%	491	100.00%	1	100.00%	2	100.00%	1,562	100.00%
Undervotes:		8		50		30		3		1		92	
Overvotes:		0		0		0		0		0		0	
Write-In:		0		0		0		0		0		0	

MISSOURI CITY, Councilmember At-Large, Position 1 - Vote for none or one

Choice	Party	Ballot by Mail		Early Voting		Election Day		EV Provisional		ED Provisional		Total	
Sonya Brown-Marshall		43	33.59%	449	49.56%	304	63.33%	1	100.00%	1	50.00%	798	52.60%
Vashaundra Edwards		85	66.41%	457	50.44%	176	36.67%	0	0.00%	1	50.00%	719	47.40%
Cast Votes:		128	100.00%	906	100.00%	480	100.00%	1	100.00%	2	100.00%	1,517	100.00%
Undervotes:		13		79		41		3		1		137	
Overvotes:		0		0		0		0		0		0	
Write-In:		0		0		0		0		0		0	

City of Missouri City

Live November 8, 2022 General and
Special Election

Run Time 11:56 AM

Run Date 11/19/2022

Harris County, Texas

General and Special Elections

11/8/2022

Page 33

Official Results

Registered Voters

1655 of 3589 = 46.11%

MISSOURI CITY, Councilmember At-Large, Position 2 - Vote for none or one

Choice	Party	Ballot by Mail		Early Voting		Election Day		EV Provisional		ED Provisional		Total	
Bruce Zaborowski		25	19.69%	164	18.32%	113	24.46%	0	0.00%	1	50.00%	303	20.38%
Lynn Clouser		102	80.31%	731	81.68%	349	75.54%	1	100.00%	1	50.00%	1,184	79.62%
Cast Votes:		127	100.00%	895	100.00%	462	100.00%	1	100.00%	2	100.00%	1,487	100.00%
Undervotes:		14		90		59		3		1		167	
Overvotes:		0		0		0		0		0		0	
Write-In:		0		0		0		0		0		0	

*** End of report ***

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**BOARD OF TRUSTEES
SPECIAL CALLED SESSION
5:30 PM MONDAY, NOVEMBER 21, 2022
BOARD ROOM
GORDON M. ANDERSON LEADERSHIP CENTER
16717 ELLA BOULEVARD, HOUSTON, TEXAS 77090**

AGENDA

Special Notice

This meeting of the Board of Trustees of the Spring Independent School District will be held in person on Monday, November 21, 2022, beginning at 5:30 PM.

Vision Statement

Spring Independent School District will be a district of choice known for high quality academics with innovative and specialized programs that meet the needs of all students in a positive learning environment.

Mission Statement

Spring Independent School District prepares students to be lifelong learners, critical thinkers, and responsible citizens who display good character - ready to contribute, compete, and lead in today's global society.

1. Call to Order

The Board President will call the meeting to order.

2. Order Canvassing Returns and Declaring Results of Bond Election of November 8, 2022

The Board will consider for adoption an Order canvassing returns and declaring the results of a bond election held in Spring Independent School District on November 8, 2022; and making certain other findings related thereto at 4:00 PM or as soon thereafter as the district receives the canvass/election report from the Harris County Elections office. As provided by law, a quorum of two Trustees will be seated to conduct the canvass.

3. Closed Session

There will be a closed session in accordance with Texas Government Code Section 551.001 et. seq.

- 3.1. Under Section 551.071 - For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized, including any item posted on this agenda.

4. Actions on Closed Session Items

The Board may take action on items discussed in closed session.

5. Adjournment

The Board President will adjourn the meeting.

Closed Session Authorization

If during the course of the meeting covered by this notice the board should determine that a closed or executive meeting or session of the board should be held or is required regarding an item posted on the Agenda, then such closed or executive meeting or session as authorized by Chapter 551 of the Texas Government Code (the Open Meetings Act) will be held by the board at the date, hour, and place given in this notice or as soon after the commencement of the meeting covered by this notice as the board may conveniently meet in such closed or executive session concerning any and all subjects and for any and all purposes permitted by Section 551.071 through Section 551.084 inclusive of said Open Meetings Act including, but not limited to:

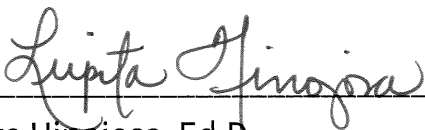
- | | |
|------------------------|---|
| Section 551.071 | For the purpose of a private consultation with the board's attorney on any or all subjects or matters authorized; |
| Section 551.072 | For the purpose of discussing the purchase, exchange, lease, or value of real property; |
| Section 551.073 | For the purpose of discussing negotiated contracts for prospective gifts or donations to the District; |
| Section 551.074 | For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee; |

- Section 551.076** To consider the deployment, or specific occasions for implementation, of security personnel or devices;
- Section 551.082** For the purpose of considering discipline of a public school child or children, or to hear a complaint or charge brought against a school district employee by another school district employee;
- Section 551.0821** For the purpose of deliberating a matter regarding a public school student if personally identifiable information about the student will necessarily be revealed by the deliberation;
- Section 551.083** For the purpose of considering the standards, guidelines, terms, or conditions the board will follow, or instruct its representatives to follow, in consultation with representatives of employee groups in connection with consultation agreements provided for by Section 13.901 and/or Section 11.151(b) of the Texas Education Code; and
- Section 551.084** For the purpose of excluding any witness or witnesses from a hearing during the examination of another witness.

Should any final action, final decision, or final vote be required in the opinion of the board with regard to any matter considered in such closed or executive session, then such final action, final decision, or final votes shall be at either:

- the open meeting covered by this notice upon the reconvening of this public meeting; or
- a subsequent public meeting of the board upon notice thereof, as the board shall determine.

This notice was posted in compliance with the Texas Open Meetings Act on or before November 18, 2022.



Lupita Hinojosa, Ed.D.

Superintendent of Schools

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From: Tiffany Owens <TOwens@sos.texas.gov>

Sent: Thursday, November 17, 2022 4:52 PM

Subject: Canvass REMINDERS

Importance: High

Good afternoon,

For those doing Canvass next week, just a reminder that **it is due no later than 5pm on November 22, 2022.**

When submitting your canvass to TEAM **please be sure to follow instructions below** after submitting Canvass Results and upload SOS Canvass Report signed and affixed with county seal. If you don't upload once it's locked, I will have to get your written permission to

unlock your canvass and have you upload documents. Thank you for your time and diligence.

Confirmation Screen

Canvass Resu

To print the canvass, click on Download Canvass: **Download**

Sign scan and save the canvass

Choose File to select the saved canvass No file chosen

Upload the signed canvass **Upload**

Respectfully,

Tiffany Owens

Project Specialist II – Voter Registration

Advocate for Voter Rights & Election Integrity

Office of the Secretary of State

1-800-252-2216 Option 1

www.sos.state.tx.us/elections/index.shtml

“Every problem is a gift — without problems, we would not grow.” — Anthony Robbins

For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as legal advice for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system.
The filer served this document via email generated by the eFiling system
on the date and to the persons listed below:

Jacqueline Bauerband on behalf of Jonathan Fombonne
Bar No. 24102702
jacqueline.bauerband@harriscountytexas.gov
Envelope ID: 70401549
Status as of 11/22/2022 12:11 PM CST

Associated Case Party: State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Tamera Martinez		tamera.martinez@oag.texas.gov	11/22/2022 12:08:15 PM	SENT
Lanora Pettit		lanora.pettit@oag.texas.gov	11/22/2022 12:08:15 PM	SENT
Christopher Hilton		christopher.hilton@oag.texas.gov	11/22/2022 12:08:15 PM	SENT
Judd Stone		Judd.Stone@oag.texas.gov	11/22/2022 12:08:15 PM	SENT

Associated Case Party: Harris County Commissioners Court

Name	BarNumber	Email	TimestampSubmitted	Status
Jonathan Fombonne	24102702	jonathan.fombonne@harriscountytexas.gov	11/22/2022 12:08:15 PM	SENT
Christian Menefee	24088049	christian.menefee@harriscountytexas.gov	11/22/2022 12:08:15 PM	SENT
Christopher Garza		Christopher.Garza@harriscountytexas.gov	11/22/2022 12:08:15 PM	SENT
Tiffany Bingham		tiffany.bingham@harriscountytexas.gov	11/22/2022 12:08:15 PM	SENT
Jacqueline Bauerband		jacqueline.bauerband@harriscountytexas.gov	11/22/2022 12:08:15 PM	SENT

Associated Case Party: Clifford Tatum, in his official capacity as Harris County
Elections Administrator

Name	BarNumber	Email	TimestampSubmitted	Status
Jonathan Fombonne	24102702	jonathan.fombonne@harriscountytexas.gov	11/22/2022 12:08:15 PM	SENT
Christian Menefee	24088049	christian.menefee@harriscountytexas.gov	11/22/2022 12:08:15 PM	SENT

Associated Case Party: Judge Lina Hidalgo, in her official capacity as Harris County
Judge

Name	BarNumber	Email	TimestampSubmitted	Status
Jonathan Fombonne	24102702	jonathan.fombonne@harriscountytexas.gov	11/22/2022 12:08:15 PM	SENT
Christian Menefee	24088049	christian.menefee@harriscountytexas.gov	11/22/2022 12:08:15 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system.
The filer served this document via email generated by the eFiling system
on the date and to the persons listed below:

Jacqueline Bauerband on behalf of Jonathan Fombonne
Bar No. 24102702
jacqueline.bauerband@harriscountytexas.gov
Envelope ID: 70401549
Status as of 11/22/2022 12:11 PM CST

Associated Case Party: Texas Organizing Project

Name	BarNumber	Email	TimestampSubmitted	Status
Edgar Saldivar		esaldivar@aclutx.org	11/22/2022 12:08:15 PM	SENT
Ashley Harris		aharris@aclutx.org	11/22/2022 12:08:15 PM	SENT
Hani Mirza		hani@texascivilrightsproject.org	11/22/2022 12:08:15 PM	SENT
Thomas Buser-Clancy		tbuser-clancy@aclutx.org	11/22/2022 12:08:15 PM	SENT
Joaquin Gonzalez		joaquin@texascivilrightsproject.org	11/22/2022 12:08:15 PM	SENT
Christina Beeler		christinab@texascivilrightsproject.org	11/22/2022 12:08:15 PM	ERROR
Zachary Dolling		zachary@texascivilrightsproject.org	11/22/2022 12:08:15 PM	ERROR