



the Temporary Restraining Order and Temporary Injunction. Dkt. 6-14 at n.3. The State immediately filed a notice of appeal. Dkt. 6-15. But in an attempt to delay the State's relief in the proper appellate state court, Defendants removed the case to federal court without a good-faith basis to do so. Dkt. 1. That same day, the State filed an Emergency Motion to Remand, noting that Defendants' removal was a bad-faith delay tactic. Dkt. 2

Since the filing of the State's Emergency Motion, new evidence has emerged that shows how Defendants' actions are currently harming the State. Given this newly-discovered information, the State now respectfully requests and re-urges the Court to remand this case to the jurisdictionally appropriate state court.

#### ARGUMENT

As discussed more in depth in the State's Emergency Motion, *id.*, Defendants removed this case to delay and interfere with the state court's ability to provide relief to the State. Specifically, the State in this case seeks to prevent collusion between Defendants and Civic Government Solutions (CGS), a partisan data firm that has contracted with Bexar County to compile a list of potentially unregistered voters and subsequently send out voter registration applications *en masse* to these potential voters.

The harm that the State sought to prevent in the state courts is not just imminent—it is occurring in real time. As noted in the State's previous Supplement to Motion for Remand, Travis County contracted with the same partisan vendor to compile a list of potentially unregistered voters with end goal of mailing out unsolicited voter registration applications. As a consequence of this contract, Travis County paid CGS to help register a voter who had been deceased for over forty years. Counsel for the State has since become aware that Travis County and its vendor, CGS, has once again unlawfully attempted to register voters.

Candice Dickey has resided at the same Travis County address since February 2021. She has recently received seven voter registration applications from two senders: Travis County, and the Voter Participation Center. Each of the mailers was addressed to one of four addressees:

Kimberly Spano, Koy Spano, Taylor Hundley, or Tara Hundley. None of those addressees lives at Ms. Dickey's residence; Ms. Dickey does not know them, and none of them are the seller from whom she purchased her home. Attached hereto as Exhibit A is Ms. Dickey's declaration concerning her experience, and providing true and correct copies of the mailings.

Bexar County's contract with CGS makes it clear that it has the same intent as Travis County. Dkt. 6-1. Such an action is *ultra vires* in direct violation of state law, *see State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020), and is the exact action that the State sought to prevent when it filed its lawsuit. *See generally* Dkt. 6-1. As a result of this action, the State will be irreparably damaged—once these notices are sent out *en masse*, they cannot be unsent. These sorts of careless mailings have the potential to open elections to fraud and other untoward conduct, thus drastically harming the State's election security.

Moreover, a separate, private group has sent similar mailings to some of the same addressees, demonstrating that (1) CGS's claim to provide unique services by locating unique unregistered voters is a scam; and (2) that Bexar County need not expend taxpayer dollars on a partisan vendor and engage in *ultra vires* actions in order for Bexar County voters to receive opportunities to register to vote.

#### CONCLUSION

For these additional reasons, the State requests the Court immediately remand this action.

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Respectfully submitted.

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**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on September 23, 2024, and that all counsel of record were served by CM/ECF.

/s/ Ryan G. Kercher  
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