

No. _____

In the Supreme Court of Texas

IN RE STATE OF TEXAS,

Relator.

On Petition for Writ of Mandamus
to the 162nd Judicial District Court, Dallas County, Texas.

PETITION FOR WRIT OF MANDAMUS

BRENT WEBSTER
First Assistant Attorney General

Office of the Attorney General
P.O. Box 12548 (MC 059)
Austin, Texas 78711-2548
Tel.: (512) 936-1700
Fax: (512) 474-2697

WILLIAM R. PETERSON
Solicitor General
State Bar No. 24065901
William.Peterson@oag.texas.gov

WILLIAM F. COLE
Principal Deputy Solicitor General

MATTHEW M. HILDERBRAND
Assistant Solicitor General

MOHMED I. PATEL
Assistant Attorney General

Counsel for Relator

IDENTITY OF PARTIES AND COUNSEL

Relator:

The State of Texas

Counsel for Relator:

Brent Webster

William R. Peterson (lead counsel)

William F. Cole

Matthew M. Hilderbrand

Mohmed I. Patel

Office of the Attorney General

P.O. Box 12548

Austin, Texas 78711-2548

(512) 936-1700

William.Peterson@oag.texas.gov

Respondent:

The 162nd District Court, Dallas County

Judge Staci Williams, in her official capacity as District Judge

RETRIEVED FROM DEMOCRACYDOCKET.COM

STATEMENT OF THE CASE

- Nature of the Case:* Plaintiff filed an emergency petition to extend voting hours before the polls close in Dallas County on election day, seeking a judicial order extending the hours of operation for polling stations by 2 hours until 9 p.m.
- Respondent:* The Honorable Stacci Williams 162nd District Court, Dallas County, Texas.
- Respondents' challenged action:* The trial court issued a temporary restraining order requiring local election officials to extend the voting hours past the statutorily mandated 7 p.m. closing time for voters not in line by that time—without giving the Attorney General statutorily required notice under Section 273.082 of the Texas Election Code.

STATEMENT OF JURISDICTION

The Court has jurisdiction over the district court judge under Texas Government Code section 22.002(a) and over the county officials “to compel the performance of any duty imposed by law in connection with the holding of an election” under Texas Election Code § 273.061. Exigent circumstances prevent the State from obtaining relief from lower courts in the first instance.

ISSUE PRESENTED

Whether respondent clearly abused its discretion in ordering the County to extend voting hours beyond 7 p.m. without giving statutorily required notice.

TO THE HONORABLE SUPREME COURT OF TEXAS:

This evening, a Dallas County trial-court judge issued a temporary restraining order extending polling hours for the Democratic primary until 9 p.m.—two hours past the 7 p.m. closing time specified by statute. *See* Tex. Election Code § 41.031(a). The order was issued without the statutorily required notice to the Attorney General and, as a result, “is void and unenforceable.” *See* Tex. Election Code § 273.082(f).

The Court should issue a writ of mandamus, striking the order. In the absence of emergency relief from this Court, voters may rely on the “void and unenforceable” order. Allowing voters to rely on this facially invalid order undermines election integrity and risks voiding the votes of Texas citizens.¹ To the extent that the trial court wishes to hold a temporary injunction hearing, attorneys from the Office of the Attorney General are available to participate remotely. *See* Tex. Election Code § 273.082(d).

STATEMENT OF FACTS

I. Statutory Background

The Election Code provides that “the polls shall be opened at 7 a.m. for voting and shall be closed at 7 p.m.” Tex. Elec. Code § 41.031(a).

Voting after 7 p.m. is prohibited unless the voter was in line before the polls closed. *See id.* § 41.032(a) (“A voter who has not voted before the time for closing

¹ Given the exigency of this request, Relator requests that this Court further treat this petition for writ of mandamus as a motion for temporary relief under Texas Rule of Appellate Procedure 52.10.

the polls is entitled to vote after that time if the voter is inside or waiting to enter the polling place at 7 p.m.”). If voters are waiting to enter the polling place at closing time, “the presiding judge shall direct them to enter the polling place and shall close it to others.” *Id.* § 41.032(b). But the presiding judge “shall take the precautions necessary to prevent voting after closing time by persons who are not entitled to do so.” *Id.* § 41.032(c).

II. The District Court TRO

Plaintiffs filed suit seeking a judicial order extending the hours of operation for polling stations county-wide beyond 7 p.m., as mandated by section 41.031. The trial court extended voting hours until 9 p.m. and did so without issuing the notice to the Attorney General required under section 273.082(b).

ARGUMENT

“Mandamus relief is appropriate when a petitioner demonstrates a clear abuse of discretion and has no adequate remedy by appeal.” *In re Geomet Recycling LLC*, 578 S.W.3d 82, 91 (Tex. 2019) (orig. proceeding). The State can make that showing.

I. The Trial Court Clearly Abused Its Discretion.

The temporary restraining order is “void and unenforceable” because the trial court did not give the Office of the Texas Attorney General statutorily required notice before issuing the TRO. *See* Tex. Election Code § 273.082(f).

“As soon as practicable before a hearing in an action under [the Election Code] seeking a temporary restraining order, a court must electronically notify the attorney general of the hearing[.]” *Id.* § 273.082(a). Further, the “court shall allow the

attorney general to participate remotely in” the TRO hearing. *Id.* § 273.082(d). The “court may not hold [the] hearing . . . sooner than one hour after the court provides notice to the attorney general,” unless the Attorney General’s Office waives its right to the one-hour notice. *Id.* § 273.082(b). “A temporary restraining order issued in violation of this section is void and unenforceable.” *Id.* § 273.082(f).

On March 2, 2026, the day before the March 3 election, the Attorney General’s Office issued a press release reminding Texas courts of their statutory obligations regarding the issuance of TROs under the Election Code. Press Release, Texas Office of the Attorney General, *Attorney General Ken Paxton Informs Texas Courts of Notification Requirements Under Texas Election Law* (Mar. 2, 2026), <https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-informs-texas-courts-notification-requirements-under-texas-election-law>. The press release contained a link to the electronic form through which Texas courts submit the required notice. *Id.*; see Texas Office of the Attorney General, *Election Code TRO Notice*, <https://www.texasattorneygeneral.gov/election-code-tro-notice>.

The trial court failed to comply with the Election Code’s notice requirements. The trial court did not issue any notice to the Attorney General, much less give the Attorney General at least one hour’s notice. See Tex. Election Code § 273.082(b). Accordingly, the TRO is “void and unenforceable.” Tex. Election Code § 273.082(f).

II. The State Has No Adequate Remedy, and Time is of the Essence.

Mandamus is an appropriate remedy when a party is “in danger of permanently losing substantial rights.” *In re Goodyear Tire & Rubber Co.*, 437 S.W.3d 923, 927

(Tex. App.—Dallas 2014, orig. proceeding). When the ordinary appellate process cannot afford timely relief, mandamus is proper. *See In re Woodfill*, 470 S.W.3d 473, 480-81 (Tex. 2015) (per curiam). That is precisely the case here.

The ongoing violation of the State’s laws constitutes irreparable harm, *see State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020) (per curiam), and the Texas Legislature has balanced the equities in favor of mandamus relief when the petitioner has shown that an election official is disregarding “any duty imposed by law in connection with the holding of an election or a political party convention.” Tex. Elec. Code § 273.061. Considering that the trial court granted relief amidst an ongoing primary election, Relators’ injury here is especially immediate and ongoing, and any recourse through the regular channels of appellate review will come too late to remedy Relators’ injury, which grows more acute each passing hour.

PRAYER

The Court should grant the petition and issue a writ of mandamus directing the district court to strike the trial court's order and require the district court any hearing to be held with required notice and opportunity to participate for the Attorney General.

Respectfully submitted.

BRENT WEBSTER
First Assistant Attorney General

Office of the Attorney General
P.O. Box 12548 (MC 059)
Austin, Texas 78711-2548
Tel.: (512) 936-1700
Fax: (512) 474-2697

/s/ William R. Peterson
WILLIAM R. PETERSON
Solicitor General
State Bar No. 24065901
William.Peterson@oag.texas.gov

WILLIAM F. COLE
Principal Deputy Solicitor General

MATTHEW M. HILDERBRAND
Assistant Solicitor General

MOHMED I. PATEL
Assistant Attorney General

Counsel for Relator

MANDAMUS CERTIFICATION

Under Texas Rule of Appellate Procedure 52.3(j), I certify that I have reviewed this petition and that every factual statement in the petition is supported by competent evidence included in the appendix and record, including the declaration of Mr. Wassdorf. I further certify that, under Rule 52.3(k)(1)(A), every document contained in the appendix is a true and correct copy.

/s/ William R. Peterson
WILLIAM R. PETERSON

CERTIFICATE OF COMPLIANCE

Microsoft Word reports that this document contains 948 words, excluding emptied text.

/s/ William R. Peterson
WILLIAM R. PETERSON

CERTIFICATE OF SERVICE

On March 3, 2026, this document was served on lead counsel for Respondents, via email.

/s/ William R. Peterson
WILLIAM R. PETERSON

UNSWORN DECLARATION OF WILLIAM WASSDORF

My name is William Wassdorf, and I am an employee of the following government agency: the Office of the Attorney General of Texas. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct:

1. I am the Associate Deputy Attorney General for Civil Litigation with the Office of the Attorney General of Texas. I am responsible for overseeing the inbox to receive notice under Texas Election Code §273.082. I have continuously monitored the inbox today on March 3, 2026. No notice of a hearing on a TRO in Dallas County has been received.

/s/William Wassdorf

Executed in Travis County, State of Texas, on the third day of March, 2026.

RETRIEVED FROM DEMOCRACYDOCKET.COM

26-03805

CAUSE NO. DC-24-07446

KARDAL COLEMAN, IN HIS CAPACITY
AS DALLAS COUNTY DEMOCRATIC
PARTY CHAIR

Plaintiff/Petitioner

vs.

PAUL ADAMS,
IN HIS OFFICIAL CAPACITY
AS THE DALLAS COUNTY ELECTIONS
ADMINISTRATOR

Defendant/Respondent

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

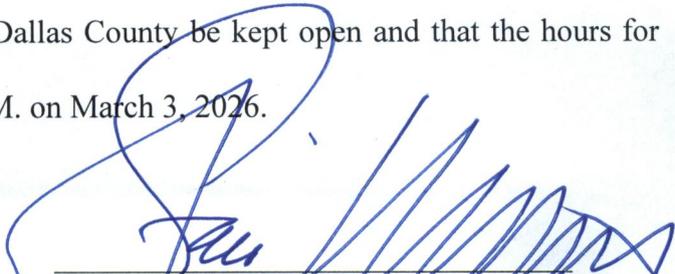
162nd JUDICIAL DISTRICT

ORDER GRANTING EMERGENCY PETITION TO EXTEND VOTING HOURS

On March 3, 2026, came on to be heard the Emergency Petition to Extend Voting Hours of Petitioner, Kardal Coleman, in his capacity as Dallas County Democratic Party Chair, and the Court after reviewing the petition finds that there has been mass confusion as to where to voters were entitled to cast their ballots on election day, and voter confusion was so severe that the Dallas County Election Department website crashed, and to ensure that voters are allowed to cast their ballots all Dallas County polling locations are to be kept open and voting is extended from 7:00 P.M. to 9:00 P.M.

It is therefore ordered that polls in Dallas County be kept open and that the hours for voting be extended from 7:00 P.M. to 9:00 P.M. on March 3, 2026.

SIGNED this on March 3, 2026.


JUDGE PRESIDING
acting for the 162nd District

ELECTION CODE

TITLE 4. TIME AND PLACE OF ELECTIONS

CHAPTER 41. ELECTION DATES AND HOURS FOR VOTING

SUBCHAPTER A. ELECTION DATES

Sec. 41.001. UNIFORM ELECTION DATES.

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

- (1) the first Saturday in May in an odd-numbered year;
- (2) the first Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county, or ordered by the governor; or
- (3) the first Tuesday after the first Monday in November.

(b) Subsection (a) does not apply to:

- (1) a runoff election;
- (2) an election to resolve a tie vote;
- (3) an election held under an order of a court or other tribunal;
- (4) an emergency election ordered under Section 41.0011 or any resulting runoff;
- (5) an expedited election to fill a vacancy in the legislature held under Section 203.013;
- (6) an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election; or
- (7) the initial election of the members of the governing body of a newly incorporated city.

(c) Except for an election under Subsection (a) or Section 41.0011 or a runoff election following an election held under Subsection (a)(2), an election may not be held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election.

(d) Notwithstanding Section 31.093, a county elections administrator is not required to enter into a contract to furnish

election services for an election held on the date described by Subsection (a)(2).

(e) Repealed by Acts 2005, 79th Leg., Ch. 471, Sec. 9, eff. October 1, 2005.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1986, 69th Leg., 3rd C.S., ch. 14, Sec. 7, eff. Sept. 1, 1987; Acts 1987, 70th Leg., 2nd C.S., ch. 60, Sec. 1, eff. Oct. 20, 1987; Acts 1991, 72nd Leg., ch. 389, Sec. 2, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 467, Sec. 1, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1219, Sec. 3, eff. June 20, 1997; Acts 1997, 75th Leg., ch. 1349, Sec. 20, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 19.01(15), eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 340, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1315, Sec. 14, eff. Jan. 1, 2004; Acts 2003, 78th Leg., 3rd C.S., ch. 1, Sec. 1, eff. Jan. 1, 2005.

Amended by:

Acts 2005, 79th Leg., Ch. 471 (H.B. 57), Sec. 1, eff. October 1, 2005.

Acts 2005, 79th Leg., Ch. 471 (H.B. 57), Sec. 2, eff. October 1, 2005.

Acts 2005, 79th Leg., Ch. 471 (H.B. 57), Sec. 9, eff. October 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 519 (H.B. 2144), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1318 (S.B. 100), Sec. 4, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 84 (S.B. 1703), Sec. 4, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 558 (H.B. 2354), Sec. 1, eff. September 1, 2015.

Acts 2021, 87th Leg., R.S., Ch. 711 (H.B. 3107), Sec. 37, eff. September 1, 2021.

Sec. 41.0011. EMERGENCY REQUIRING EARLY ELECTION. (a) If the governor determines that an emergency warrants holding a special election before the appropriate uniform election date, the election may be held on an earlier nonuniform date.

(b) An authority of a political subdivision desiring to order a special election as an emergency election under this section must ask the governor for permission to do so. If the governor determines that an emergency exists, the governor shall grant permission.

(c) The proclamation or order for an emergency election under this section must include a statement identifying the nature of the emergency.

Added by Acts 1991, 72nd Leg., ch. 389, Sec. 2, eff. Sept. 1, 1991.

Sec. 41.002. GENERAL ELECTION FOR STATE AND COUNTY OFFICERS. The general election for state and county officers shall be held on the first Tuesday after the first Monday in November in even-numbered years.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 41.004. SPECIAL ELECTION WITHIN PARTICULAR PERIOD.

(a) If a law outside this code other than the constitution requires a special election subject to Section 41.001(a) to be held within a particular period after the occurrence of a certain event, the election shall be held on an authorized uniform election date occurring within the period unless no uniform election date within the period affords enough time to hold the election in the manner required by law. In that case, the election shall be held on the first authorized uniform election date occurring after the expiration of the period.

(b) If the constitution requires a special election to be held within a particular period after the occurrence of a certain event, Section 41.001(a) does not apply.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 41.0041. ELECTION ON MEASURE AFTER PARTICULAR PERIOD.

(a) If a law outside this code other than the constitution prohibits another election from being held on the same or a similar measure for a specified number of years after an election on a measure, a subsequent election on the measure may be held on the corresponding uniform election date in the appropriate year,

regardless of the fact that the date falls a number of days short of the requisite period.

(b) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1235, Sec. 26(4), eff. September 1, 2009.

Added by Acts 1991, 72nd Leg., ch. 389, Sec. 2, eff. Sept. 1, 1991.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1235 (S.B. 1970), Sec. 26(4), eff. September 1, 2009.

Sec. 41.005. GENERAL ELECTION OF POLITICAL SUBDIVISION OTHER THAN COUNTY. (a) This section does not apply to a general election for county officers.

(b) If a law outside this code requires the general election for officers of a political subdivision to be held on a date other than a uniform election date, the governing body of the political subdivision shall set the election date to comply with this subchapter.

(c) A governing body changing an election date under this section shall adjust the terms of office to conform to the new election date.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1991, 72nd Leg., ch. 389, Sec. 3, eff. Sept. 1, 1991.

Sec. 41.0052. CHANGING GENERAL ELECTION DATE. (a) The governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2025, change the date on which it holds its general election for officers to the November uniform election date in odd-numbered years.

(a-1) Notwithstanding Subsection (a), a municipality or hospital district wholly or partly located in a county with a population of more than 19,900 and less than 20,000 that holds its general election for officers on a date other than the November uniform election date may change the date on which it holds its general election for officers to the November uniform election date.

(a-3) Notwithstanding Subsection (a), a municipality on the Texas-Mexico border with a population of more than 85,000 that hosts the annual Texas Citrus Fiesta and holds its general election for officers on a date other than the November uniform election date may change the date on which it holds its general election for officers to the November uniform election date. A municipality described by this subsection that changes the date of its election under this subsection may not change the date on which it holds its general election for officers to a date other than the November uniform election date.

(b) A governing body changing an election date under this section shall adjust the terms of office to conform to the new election date.

(c) A home-rule city may implement a change authorized by this section or provide for the election of all members of the governing body at the same election through the adoption of a resolution. The change contained in the resolution supersedes a city charter provision that requires a different general election date or that requires the terms of members of the governing body to be staggered.

(d) The holdover of a member of a governing body of a city in accordance with Section 17, Article XVI, Texas Constitution, so that a term of office may be conformed to a new election date chosen under this section does not constitute a vacancy for purposes of Section 11(b), Article XI, Texas Constitution.

(e) The governing body of a newly incorporated city may, not later than the second anniversary of the date of incorporation, change the date on which it holds its general election for officers to another authorized uniform election date.

Text of subsection as added by Acts 2025, 89th Leg., R.S., Ch. 46
(S.B. 914), Sec. 1

(f) The governing body of a city with a population of 9,000 or less, located predominantly in a county that has a total area of less than 6,200 square miles, that has adopted a council-manager form of government and that holds its general election for officers

on a date other than the November uniform election date may, not later than December 31, 2026, change the date on which it holds its general election for officers to the November uniform election date. Subsections (b), (c), and (d) apply to the change of an election date under this subsection. This subsection expires January 1, 2027.

Text of subsection as added by Acts 2025, 89th Leg., R.S., Ch. 753
(H.B. 3546), Sec. 2

(f) The governing body of an independent school district that holds its general election for officers on a date other than the November uniform election date may change the date on which it holds its general election for officers to the November uniform election date.

(g) The governing body of a county with a population of 425,000 or more, that is adjacent to a county with a population of 3.3 million or more, that contains a portion of the San Jacinto River, and that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2026, change the date on which it holds its general election for officers to the November uniform election date. Subsections (b), (c), and (d) apply to the change of an election date under this subsection. This subsection expires January 1, 2027.

Added by Acts 1993, 73rd Leg., ch. 728, Sec. 11, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1219, Sec. 4, eff. June 20, 1997; Acts 1999, 76th Leg., ch. 1068, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1074, Sec. 1, eff. June 20, 2003; Acts 2003, 78th Leg., ch. 1315, Sec. 15, eff. Jan. 1, 2004.

Amended by:

Acts 2005, 79th Leg., Ch. 471 (H.B. 57), Sec. 3, eff. October 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 27 (H.B. 401), Sec. 1, eff. May 13, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 505 (H.B. 1545), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 519 (H.B. [2144](#)), Sec. 2, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1318 (S.B. [100](#)), Sec. 5, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. [1093](#)), Sec. 22.001(15), eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1235 (S.B. [733](#)), Sec. 1, eff. June 19, 2015.

Acts 2017, 85th Leg., R.S., Ch. 595 (S.B. [1109](#)), Sec. 1, eff. June 9, 2017.

Acts 2023, 88th Leg., R.S., Ch. 263 (S.B. [2258](#)), Sec. 1, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 985 (S.B. [2620](#)), Sec. 1, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1160 (S.B. [1131](#)), Sec. 1, eff. June 18, 2023.

Acts 2025, 89th Leg., R.S., Ch. 46 (S.B. [914](#)), Sec. 1, eff. May 19, 2025.

Acts 2025, 89th Leg., R.S., Ch. 753 (H.B. [3546](#)), Sec. 2, eff. June 20, 2025.

Acts 2025, 89th Leg., R.S., Ch. 753 (H.B. [3546](#)), Sec. 3(2), eff. June 20, 2025.

Acts 2025, 89th Leg., R.S., Ch. 1006 (S.B. [1494](#)), Sec. 1, eff. June 20, 2025.

Acts 2025, 89th Leg., R.S., Ch. 1134 (S.B. [447](#)), Sec. 1, eff. September 1, 2025.

Sec. 41.006. ADJUSTING ELECTION SCHEDULE. If under this subchapter an election is held on a date other than a date prescribed by other law, the date for a runoff election, the deadline for filing for candidacy, and the schedule for canvassing election returns, declaring results, or performing any other official act relating to the election shall be adjusted to allow the same interval of time in relation to the date of the election as would be provided by application of the other law.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 41.007. PRIMARY ELECTIONS. (a) The general primary election date is the first Tuesday in March in each even-numbered year.

(b) The runoff primary election date is the fourth Tuesday in May following the general primary election.

(c) The presidential primary election date is the first Tuesday in March in each presidential election year.

(d) No other election may be held on the date of a primary election.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1986, 69th Leg., 3rd C.S., ch. 14, Sec. 1, eff. Sept. 1, 1987; Acts 2003, 78th Leg., ch. 292, Sec. 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1315, Sec. 16, eff. Jan. 1, 2004; Acts 2003, 78th Leg., 3rd C.S., ch. 1, Sec. 2, eff. Jan. 11, 2004.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1318 (S.B. 100), Sec. 6, eff. September 1, 2011.

Sec. 41.008. EFFECT OF HOLDING ELECTION ON IMPROPER DATE. An election held on a date not permitted by this subchapter is void. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

SUBCHAPTER B. HOURS FOR VOTING

Sec. 41.031. VOTING HOURS. (a) Except as provided by Section 41.033, the polls shall be opened at 7 a.m. for voting and shall be closed at 7 p.m.

(b) Voting may not be conducted after the time for closing the polls except as provided by Section 41.032.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1070, Sec. 48, eff. Sept. 1, 1997.

Sec. 41.032. VOTING AFTER POLLS CLOSE. (a) A voter who has not voted before the time for closing the polls is entitled to vote after that time if the voter is inside or waiting to enter the polling place at 7 p.m.

(b) If voters are waiting to enter the polling place at

closing time, the presiding judge shall direct them to enter the polling place and shall close it to others. However, if that procedure is impracticable, at closing time the presiding judge shall distribute numbered identification cards to the waiting voters and permit entry into the polling place for voting after closing time only by those possessing a card.

(c) The presiding judge shall take the precautions necessary to prevent voting after closing time by persons who are not entitled to do so.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 41.033. EARLY CLOSING OF CERTAIN POLLS. Notwithstanding Section 41.031(a), an entity created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, may close the polls before 7 p.m. in an election held by the entity if:

- (1) the entity has fewer than 50 qualified voters; and
- (2) the number of ballots cast in the election equals the number of qualified voters.

Added by Acts 1997, 75th Leg., ch. 1070, Sec. 49, eff. Sept. 1, 1997.

ELECTION CODE

TITLE 16. MISCELLANEOUS PROVISIONS

CHAPTER 273. CRIMINAL INVESTIGATION AND OTHER ENFORCEMENT

PROCEEDINGS

SUBCHAPTER A. CRIMINAL INVESTIGATION

Sec. 273.001. INVESTIGATION OF CRIMINAL CONDUCT. (a) If two or more registered voters of the territory covered by an election present affidavits alleging criminal conduct in connection with the election to the county or district attorney having jurisdiction in that territory, the county or district attorney shall investigate the allegations. If the election covers territory in more than one county, the voters may present the affidavits to the attorney general, and the attorney general shall investigate the allegations.

(b) A district or county attorney having jurisdiction or the attorney general may conduct an investigation on the officer's own initiative to determine if criminal conduct occurred in connection with an election.

(c) On receipt of an affidavit under Section 15.028, the county or district attorney having jurisdiction and, if applicable, the attorney general shall investigate the matter.

(d) On referral of a complaint from the secretary of state under Section 31.006, the attorney general may investigate the allegations.

(e) Not later than the 30th day after the date on which a county or district attorney begins an investigation under this section, the county or district attorney shall deliver notice of the investigation to the secretary of state. The notice must include a statement that a criminal investigation is being conducted and the date on which the election that is the subject of the investigation was held. The secretary of state may disclose information relating to a criminal investigation received under this subsection only if the county or district attorney has disclosed the information or would be required by law to disclose the information.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1993, 73rd Leg., ch. 728, Sec. 78, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 916, Sec. 26, eff. Sept. 1, 1993; Acts 2003, 78th Leg., ch. 1290, Sec. 1, eff. Sept. 1, 2003.

Sec. 273.002. LOCAL ASSISTANCE TO ATTORNEY GENERAL. For an election in which the attorney general is conducting an investigation, the attorney general may:

(1) direct the county or district attorney serving a county in the territory covered by the election to conduct or assist the attorney general in conducting the investigation; or

(2) direct the Department of Public Safety to assist in conducting the investigation.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 273.003. IMPOUNDING ELECTION RECORDS. (a) In the investigation of an election, a county or district attorney or the attorney general may have impounded for the investigation the election returns, voted ballots, signature roster, and other election records.

(b) To have election records impounded, the investigating officer must apply to a district court for an order placing the election records in the court's custody for examination by the officer.

(c) The application for impoundment must be filed with the district court of the county in which the election was held or an adjoining county. An application for records of a statewide election may be filed in the county in which the election was held, an adjoining county, or Travis County.

(d) On the filing of an application, the district judge shall issue an order impounding the records in a secure place under the terms and conditions the judge considers necessary to keep them under the judge's custody and control during the examination and for any additional time the judge directs.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, Sec. 254, eff. Sept. 1, 1997.

Sec. 273.004. EXAMINATION OF IMPOUNDED RECORDS. (a) The examination of impounded election records shall be conducted in the same manner as a court of inquiry.

(b) Impounded election records must be examined in the presence of the district judge ordering the impoundment or a grand jury, as provided by the judge's order.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

SUBCHAPTER B. PROSECUTION BY ATTORNEY GENERAL

Sec. 273.021. PROSECUTION BY ATTORNEY GENERAL AUTHORIZED.

(a) The attorney general has jurisdiction to prosecute and shall represent the state in the prosecution of a criminal offense prescribed by the election laws of this state as provided by Subchapter E, Chapter 402, Government Code.

(b) The attorney general may appear before a grand jury in connection with a criminal offense the attorney general is authorized to prosecute under Subsection (a).

(c) The authority to prosecute prescribed by this subchapter does not affect the authority derived from other law to prosecute the same offenses.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1993, 73rd Leg., ch. 728, Sec. 79, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 864, Sec. 255, eff. Sept. 1, 1997.

Amended by:

Acts 2025, 89th Leg., 2nd C.S., Ch. 19 (S.B. 12), Sec. 2, eff. December 4, 2025.

Sec. 273.022. COOPERATION WITH LOCAL PROSECUTOR. The attorney general may direct the county or district attorney serving the county in which the offense is to be prosecuted to prosecute a criminal offense that the attorney general is authorized to prosecute under Section 273.021 or to assist the attorney general in the prosecution.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2025, 89th Leg., 2nd C.S., Ch. 19 (S.B. 12), Sec. 3, eff.

December 4, 2025.

Sec. 273.023. SUBPOENA. (a) A subpoena or subpoena duces tecum issued in connection with a prosecution under this subchapter is effective if served anywhere in this state.

(b) A witness may not be punished for failure to comply with a subpoena issued under this subchapter unless the proper fees are tendered to the witness as required by statute or court rule.

(c) The attorney general may direct the Department of Public Safety to serve a subpoena under this subchapter.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 273.024. VENUE. An offense under this subchapter may be prosecuted in the county in which the offense was committed or an adjoining county. If the offense is committed in connection with a statewide election, the offense may be prosecuted in the county in which the offense was committed, an adjoining county, or Travis County.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

SUBCHAPTER C. EXAMINATION OF BALLOTS BY GRAND JURY

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the voted ballots in the election.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1078, Sec. 22, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1315, Sec. 56, eff. Jan. 1, 2004.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots, a district judge may order the custodian of the ballots and the custodian of the keys to the ballot boxes to deliver the ballot boxes and the keys to the grand jury.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1078, Sec. 22, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1315, Sec. 56, eff. Jan. 1, 2004.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots under this subchapter shall be conducted in secret before the grand jury.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1078, Sec. 22, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1315, Sec. 56, eff. Jan. 1, 2004.

SUBCHAPTER D. MANDAMUS BY APPELLATE COURT

Sec. 273.061. JURISDICTION. (a) The 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 or a political party convention, regardless of whether the person responsible for performing the duty is a public officer.

(b) The court of criminal appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the provision, sequestration, transfer, or impoundment of evidence in or records relating to a criminal investigation conducted under this code or conducted in connection with the conduct of an election or political party convention. If a writ of mandamus is issued under this subsection, it shall include an order requiring the provision, sequestration, transfer, or impoundment of the evidence or record.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2021, 87th Leg., 2nd C.S., Ch. 1 (S.B. 1), Sec. 8.04, eff. December 2, 2021.

Sec. 273.062. PROCEEDING TO OBTAIN WRIT. A proceeding to obtain a writ of mandamus under this subchapter shall be conducted in accordance with the rules pertaining to original proceedings of the court in which the petition is filed.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 273.063. VENUE IN COURT OF APPEALS. (a) A petition to a court of appeals for a writ of mandamus under this subchapter must be filed with the court specified by this section.

(b) A petition pertaining to an election must be filed with the court of the court of appeals district in which:

(1) the respondent resides, or in which one of them resides if there is more than one respondent, if the election is statewide; or

(2) the territory covered by the election is wholly or partly situated, if the election is not statewide.

(c) A petition pertaining to a political party convention must be filed with the court of the court of appeals district in which:

(1) the respondent resides, or in which one of them resides if there is more than one respondent, for a state convention;

(2) the territory represented by the convention delegates is wholly or partly situated, for a district convention; or

(3) the precinct or county is situated, for a precinct or county convention.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 54, Sec. 15(c), eff. Sept. 1, 1987.

SUBCHAPTER E. INJUNCTION OR RESTRAINING ORDER

Sec. 273.081. INJUNCTION. A person who is being harmed or is in danger of being harmed by a violation or threatened violation of this code is entitled to appropriate injunctive relief to prevent the violation from continuing or occurring.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 273.082. TEMPORARY RESTRAINING ORDER; NOTICE. (a) As soon as practicable before a hearing in an action under this code seeking a temporary restraining order, a court must electronically

notify the attorney general of the hearing at the e-mail address designated under Subsection (e).

(b) Except as provided by Subsection (c), a court may not hold a hearing described by Subsection (a) sooner than one hour after the court provides notice to the attorney general under Subsection (a).

(c) The attorney general may, after receiving notice under Subsection (a), waive the requirement of Subsection (b).

(d) A court shall allow the attorney general to participate remotely in a hearing in an action under this code seeking a temporary restraining order, using any reasonably available method.

(e) The attorney general shall designate an e-mail address at which to receive a notice under this section.

(f) A temporary restraining order issued in violation of this section is void and unenforceable.

Added by Acts 2025, 89th Leg., R.S., Ch. 1136 (S.B. 509), Sec. 2, eff. September 1, 2025.

SUBCHAPTER F. BALLOT PROPOSITION LANGUAGE ENFORCEMENT PROVISIONS

Sec. 273.101. REVIEW BY SECRETARY OF STATE. (a) Not later than the seventh day after the date on which a home-rule city publishes in the election order ballot proposition language proposing an amendment to the city charter or a voter-initiated initiative or referendum as requested by petition, a registered voter eligible to vote in the election or an authorized representative of a home-rule city may submit the proposition for review by the secretary of state.

(b) The secretary of state shall review the proposition not later than the seventh day after the date the secretary receives the submission to determine whether the proposition is misleading, inaccurate, or prejudicial.

(c) If the secretary of state determines that the proposition is misleading, inaccurate, or prejudicial, the secretary of state shall provide notice to the city of the secretary of state's determination. Not later than the third day after

receiving notice from the secretary of state, the city shall draft a proposition to cure the defects and give notice of the new proposition using the method of giving notice prescribed for notice of an election under Section 4.003.

(d) A proposition drafted by a city under Subsection (c) to cure the defects may be submitted to the secretary of state under Subsection (a). If the secretary of state determines that the city has drafted a proposition under Subsection (c) that is misleading, inaccurate, or prejudicial, the secretary of state shall draft the ballot proposition.

Added by Acts 2025, 89th Leg., R.S., Ch. 974 (S.B. 506), Sec. 3, eff. September 1, 2025.

Sec. 273.102. MANDAMUS ACTIONS. (a) In an action in a court of competent jurisdiction seeking a writ of mandamus to compel the city's governing body to comply with the requirement that a ballot proposition must substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled, the court shall make its determination without delay and may order the city to use ballot proposition language drafted by the court.

(b) Except as provided by Subsection (d), the court may award a plaintiff or relator who substantially prevails in a mandamus action described by Subsection (a) the party's reasonable attorney's fees, expenses, and court costs.

(c) Governmental immunity to suit is waived and abolished only to the extent of the liability created by Subsection (b).

(d) If, pursuant to Section 273.101, the secretary of state determines that a proposition is not misleading, inaccurate, or prejudicial, or drafts the ballot proposition language, a plaintiff or relator who prevails in a mandamus action described by Subsection (a) may not be awarded the party's reasonable attorney's fees, expenses, or court costs.

Added by Acts 2025, 89th Leg., R.S., Ch. 974 (S.B. 506), Sec. 3, eff. September 1, 2025.

Sec. 273.103. MANDATORY SUBMISSION TO SECRETARY OF

STATE. Following a final nonappealable judgment containing a finding by a court that a ballot proposition drafted by a city failed to substantially submit the question with such definiteness, certainty, and facial neutrality that the voters are not misled, the city shall submit to the secretary of state for approval any proposition to be voted on at an election held by the city before the fourth anniversary of the court's finding.

Added by Acts 2025, 89th Leg., R.S., Ch. 974 (S.B. 506), Sec. 3, eff. September 1, 2025.

Sec. 273.104. CITY REQUIRED TO PAY FOR LEGAL SERVICES. Notwithstanding a home-rule city charter provision to the contrary, a city may not accept legal services relating to a proceeding under this subchapter without paying fair market value for those services.

Added by Acts 2025, 89th Leg., R.S., Ch. 974 (S.B. 506), Sec. 3, eff. September 1, 2025.

RETRIEVED FROM DEMOCRACYDOCKET.COM

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:

Victor Hernandez on behalf of William Peterson
Bar No. 24065901
victor.hernandez@oag.texas.gov
Envelope ID: 111964404
Filing Code Description: Petition
Filing Description: Dallas Mandamus Petition
Status as of 3/3/2026 10:18 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
William Peterson		william.peterson@oag.texas.gov	3/3/2026 7:02:17 PM	SENT
Mohmed Patel		mohmed.patel@oag.texas.gov	3/3/2026 7:02:17 PM	SENT
Robert Baruch		robert@jtlaw.com	3/3/2026 7:02:17 PM	SENT

RETRIEVED FROM DEMOCRACYDOCKET.COM