

CAUSE NO. D-1-GN-23-003523

HARRIS COUNTY, TEXAS

Plaintiff,

v.

STATE OF TEXAS, ET. AL,

Defendants.

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IN THE DISTRICT COURT

345th JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**INTERVENOR HARRIS COUNTY REPUBLICAN PARTY'S ORIGINAL
PETITION IN INTERVENTION**

TO THE HONORABLE JUDGE OF THIS COURT:

Pursuant to Texas Rule of Civil Procedure 60, Harris County Republican Party (“HCRP”), files this Original Petition in Intervention and crossclaims against Harris County, Texas, seeking a declaratory judgment. In support of these claims, HCRP would respectfully show this Honorable Court as follows:

**I.
SUMMARY OF THIS INTERVENTION**

1. Since November 2020, Harris County’s Elections Administrator’s Office’s office has run the County’s elections. The first administrator, Isabel Longoria, resigned amidst heavy criticism of her performance in managing the 2022 primary election. The current administrator, Clifford Tatum, oversaw an election

where multiple polling locations ran out of ballot paper, forcing election judges to turn thousands of innocent voters away from their neighborhood polling locations. Because these officials were appointed, voters of Harris County cannot vote them out of office. SB 1750 empowers voters with the electoral ability to fix this atrocity by returning the job of running elections back into the hands of its two elected officials, the Harris County Clerk and the Harris County Tax Assessor-Collector. In so doing, voters can regain their power to vote an elected official out of office when they fail to perform their duties.

2. Because the current posture of this lawsuit is to focus on whether immunity has been waived and/or whether SB 1750 is constitutional, the Court has not yet heard as to why Harris County needs to be reined in, and why, despite botching two consecutive elections, refuses to do the right thing and voluntarily return to the Harris County Clerk and the Harris County Tax Assessor-Collector the duties currently assigned to the Harris County Elections Administrator.

3. Accordingly, Intervenor HCRP hereby brings forth to the Court's attention the specific and flagrant violations of the Texas Election Code which have been committed by the only two (2) Elections Administrators who have been appointed and served thus far.

4. Simply put, the voters of Harris County have suffered greatly at the hands of the two Administrators. The time has come to restore confidence and

integrity to elections run in Harris County. SB 1750 is not only constitutional, but absolutely necessary to achieve voter confidence in their exercise of the constitutional right to vote.

II. DISCOVERY-CONTROL PLAN

5. Intervenor HCRP intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.4 and ask that the Court enter an order setting forth a suitable discovery control plan.

6. Pursuant to Texas Rule of Civil Procedure 47(c)(2), HCRP solely seeks declaratory relief. No monetary damages are sought.

III. PARTIES

7. Intervenor HCRP is a major political party who had multiple Republican nominees on the ballot for potential election by Harris County registered voters during the November 8, 2022 General Election, and was also involved in the Republican Primary election conducted in March of 2022. Cindy Siegel, as Chair of HCRP, is responsible for the management and conduct of the HCRP, whose job is to ensure that HCRP fulfills its vital role referenced above. In addition, HCRP had multiple persons acting as presiding judges, alternative judges, and election clerks, throughout early voting, as well as election day voting, for both the Primary and General Elections conducted in 2022.

8. As the current Elections Administrator for Harris County, Clifford Tatum has the responsibility of enforcing the election laws to ensure a fair and honest election in Harris County. Unfortunately, in his capacity as Elections Administrator for Harris County, Tatum totally botched the November 2022 General Election. Similarly, Tatum's predecessor, Isabel Longoria, also botched the March 2022 Primary Election.

9. Defendant Harris County, Texas is a body corporate and politic under the laws of the State of Texas. Service may be effectuated upon this Defendant by serving the County Judge of Harris County, Lina Hidalgo, at 1001 Preston, Suite 911, Houston, Texas 77002, with a copy to the Harris County Attorney, Christian D. Menefee, Legal Department, 1019 Congress, 15th Floor, Houston, Texas 77002.

IV. JURISDICTION AND VENUE

10. This Court has personal jurisdiction over Harris County, Texas as it is a governmental entity located in the State of Texas. This Court possesses jurisdiction to render judgment in this matter pursuant to Tex. Civ. Prac. & Rem. Code §§ 37.003 and 65.021, Tex. Gov't Code §§ 24.008 and 24.011, and Tex. Const. art. V, § 8. 6.

11. Venue is appropriate in Travis County as Harris County brought its claim for declaratory and injunctive relief here and Intervenor's claim is intimately related to the County's lawsuit.

V.

**HARRIS COUNTY EA ISABEL LONGORIA TOTALLY BOTCHES THE
MARCH 2022 PRIMARY ELECTION**

12. On or about January 13, 2022, HCRP and HCEA entered into a 2022 Primary Election Services Contract with County Election Officer (“Election Services Contract”). As the Elections Administrator, Isabel Longoria was statutorily required to enter such contract and adopt, as requested by the relevant political party, the “duties and functions” HCEA would undertake in a countywide election ordered by a county authority. This statutory background creates a clear duty for HCEA to comply with the Texas Election Code when providing services under the Agreement, regardless of whether the relevant statutes are cited in the contract.

13. Voting in the Republican Party Primary Election began on January 15, 2022, when ballots were first sent to voters who had requested and qualified for mail-in voting. Early voting began on February 14, 2022, and Primary Election Day occurred on March 1, 2022. As discussed below, Primary Election Day revealed that Longoria had failed to meet both statutory standards for her duties and materially breached multiple provisions of the Election Services Contract.

A. HCEA Longoria Interfered with the HRCP Chair’s Supervision of the March 2022 Primary Election.

14. Under Section 1.14 of the Election Services Agreement and Section 31.093(d) of the Texas Election Code, Longoria was not allowed “to prevent the County Chair ...from supervising the conduct of the primary election.” Under the

statute, preventing the County Chair's supervision is a Class B misdemeanor. Longoria interfered with the County Chair's supervision of the primary election by failing to abide by the County Chair's appointments of Presiding Judges and Alternate Judges. Longoria further interfered with the County Chair's supervision by electing to treat a 10,000-vote discrepancy in the count as a matter "for further investigation," rather than providing the County Chairs and the Presiding Judges the underlying data suggesting that HCEA could not get those votes counted before a Court imposed deadline. Longoria also interfered by failing to follow the County Chair's suggestion for staffing the counting station. Each of these events is a serious breach of the Texas Election Code and Election Services Contract.

15. HCRP provided its Presiding Judge and Alternate Judge appointments in the format and on a spreadsheet (called "Air Table") requested by Longoria. At some point, and without notifying HCRP, Longoria stopped using the original spreadsheet and began a new one. On the new spreadsheet, Longoria changed a number of the Presiding Judge and Alternate Judge appointments for voting locations in the Republican Party primary. In addition, Longoria deleted at least ten individuals appointed and recorded in the Air Table by HCRP without notifying HCRP or recording it properly on the Air Table.

16. HCRP discovered that Longoria had stopped using the Air Table only four days before election day. HCRP Chair Cindy Siegel requested, and HCEA

provided, a spreadsheet with the election judges appointments by voting location. HCRP determined that Longoria had deleted a number of HCRP appointed election judges and made its own appointments in their place. The next day, HCRP instructed Longoria to honor HCRP's election judge appointments and to move the judges Longoria appointed to locations that had no assigned election judges. Longoria failed to do so. HCEA's failure to follow HCRP's instructions meant that a number of polling locations had no Presiding Judge or Alternate Judge assigned to the Republican voting room.

17. For example, HCRP Chair Siegel was told by a Democratic Party clerk that the Republican judge for her preferred polling location in Bellaire had quit the night before. HCRP was never notified that this location was missing its Republican election judge. HCRP contacted the individual she had appointed as Presiding Judge and learned that Longoria had disqualified the appointee but Longoria never informed HCRP that she had done so.

18. The Election Services Contract and the Texas Election Code reserve the appointment of Presiding Judges and Alternate Judges to the County Chair. Presiding Judges and Alternate Judges have critical roles in preserving election integrity and the appointment of election judges by both parties helps to ensure voter confidence. Longoria's disregard for the County Chair's appointments reflects

HCEA's callous indifference to the election process and to her duty to preserve election integrity.

19. Longoria also interfered with the County Chair's supervision during the counting conducted at the central counting station on March 1 - 3, 2022. At an 11:30 p.m. hearing before the 165th Judicial District Court¹, Defendant notified the Court and the County Chair that the Republican Primary count was completed. The reconciliation sheet suggested, however, that approximately 10,000 votes remained uncounted. Rather than inform the County Chair, Cindy Siegel, of this development, Longoria noted that the discrepancy "needed further investigation" and presented the reconciliation sheet for signature by both the Democrat and Republican Presiding Judges of the counting station. Under the statute, Longoria had no authority to suggest or declare the count to be complete when it was incomplete or to withhold underlying data from the Presiding Judges in order to hide her mistake.

20. Longoria also refused to follow the recommendation of the County Chair to complete the count at the central counting station. After the polls closed on March 1, Longoria reported it would take approximately 500-man hours to complete the count and provide the precinct election records to the parties. Chair Siegel suggested utilizing members of the Early Voting Ballot Board as additional

¹ The HCRP Chair had filed an application, pursuant to Tex. Elec. Code § 66.055, for the Court to impound the election records and to supervise completion of the count.

manpower to complete the count in a timely manner. Longoria refused. Her refusal to follow the County Chair's suggestion and utilize the Early Voting Ballot Board caused the count to be submitted untimely and for the count to be submitted before it was complete in violation of Texas Election Code §§ 65.002 and 66.053.

21. The foregoing events show actions by Longoria to circumvent the County Chair in the conduct of the Republican Primary General Election. These acts prevented the County Chair from supervising the election and demonstrated HCEA's disregard for the Texas Election Code while providing services with respect to the general primary election.

B. Longoria Failed to Procure, Distribute, and Provide Necessary Election Supplies and Voting Equipment.

22. Longoria also failed to procure, distribute, and provide the necessary voting supplies and equipment. Longoria accepted these obligations under at least Sections 1.8 and 1.9 of the Election Services Agreement. Further, Longoria's failure to provide the required supplies and equipment violated at least sections 62.002 (requiring preparations to be completed before 7 AM on election day), 124.062 (requiring the ballot to be appropriate for the voting equipment), 129.003 (requiring auditable voting systems) and other statutory provisions.

23. Longoria also failed to provide election day support with respect to voting equipment in violation of the Election Services Contract and the Texas Election Code. Longoria failed to respond to malfunctions in the electronic voting

system as required under Tex. Elec. Code § 125.006 by failing to repair or replace malfunctioning equipment and failing to provide any alternate voting mechanism at polling locations where voting had stopped. Presiding Judges could not get the HCEA to answer phone calls or to provide replacement equipment in a timely fashion.

24. Longoria failed to provide the required supplies and equipment by not providing any ballots to at least one Republican voting location; by providing an inappropriate 8.5” x 11” ballots to three or four Republican voting locations when the equipment set up required 8.5” x 14” ballots; by providing missing or inoperable equipment at approximately 200 of 375 polling locations, preventing many of those locations from opening at 7 a.m. on election day; and other issues.

25. The equipment and supply issues were caused by Longoria’s gross disregard for her duties under the Election Services Agreement and under the Election Code. Election Judges were slated to pick up their polling location equipment and supplies on the morning of February 26, 2022 beginning at 8 a.m., but Longoria did not begin handing out supplies until after 11 a.m. Many judges were sent away without the necessary ballot paper, and a few were provided with wrong sized paper. Further, HCRP received reports that Longoria did not require her staff to maintain chain of custody documents for the equipment and supplies, despite those documents being necessary to verify the authenticity of ballots.

26. Longoria also failed to maintain continuous video monitoring in the central counting station. At approximately 10 p.m. on Sunday, March 6, the livestream link on YouTube was not functioning. Longoria's failure to maintain the livestream violated Texas Election Code § 127.1232(b) and her obligations under Section 1.10 of the Election Services Agreement.

27. Longoria's failure to plan for, procure, and provide the resources required to conduct the election constituted breaches of her obligations under the Election Services Contract and under the Texas Election Code. These violations further demonstrated Longoria's disregard for her duties as the county officer charged with properly conducting elections in Harris County.

C. Longoria Failed to Ensure Voters Received the Correct Ballots.

28. Longoria had the obligation to make sure the Harris County Precinct maps were correct and that the Texas Legislature and U.S. House Districts were properly defined in the voting system. Longoria did not do so. Some Republican voters in at least U.S. House District 38 and Texas House 133 were denied the opportunity to vote in those races because the voting system was not properly programmed. Programming and testing the voting system is required under Texas Election Code and HCEA promised to do such programming and testing in the Election Services Contract.

29. As a result of the public uproar surrounding all of these transgressions of the Texas Election Code, Longoria ultimately resigned, effective July 1, 2022.

30. HCRP thought the worst was over, but Clifford Tatum (“Tatum”) would prove otherwise.

VI.
HARRIS COUNTY EA CLIFFORD TATUM TOTALLY BOTCHES THE
NOVEMBER 2022 GENERAL ELECTION

31. Appointed on August 16, 2022, HCEA Tatum took over responsibility for HCEA and was in charge of the November 8, 2022 election in Harris County. Although HCRP thought Longoria set the bar for the worst run election in Harris County history, Tatum stole that title from Longoria rather quickly. As will be shown below, and even as bad as the March 2022 Primary Election had been run, HCEA Tatum somehow found a way to make things worse.

32. Harris County, under the flawed leadership of its Elections Administrator, Clifford Tatum, totally botched the security, integrity, and reliability of the purported election outcomes arising out of the November 8, 2022 General Election.

33. Harris County early in-person voting began on Monday, October 24, 2022 and ended on November 4, 2022. Election Day voting took place on Tuesday, November 8, 2022. As the Elections Administrator for Harris County, Clifford Tatum had the responsibility of enforcing the election laws to ensure a fair and

honest election in Harris County. Instead of complying with this mandate, EA Tatum allowed the election to be run in such a manner that: (i) votes which were ineligible to be counted (e.g., illegal votes) were cast and counted; (ii) votes which were eligible to be counted (e.g., legal votes) were cast but not counted; and (iii) one or more election officers or other persons officially involved in the administration of the election: (a) prevented eligible voters from voting; (b) failed to count legal votes; and/or (c) engaged in other fraud and/or illegal conduct and/or made a mistake.

Example One:

A. Issuing Second Ballots To Voters Who Experienced Problems With Scanning One or Both Pages Of Their First Ballot.

34. One example of how EA Tatum deviated from the proper election procedures has to deal with scanning the ballot. The ballot for the November 8, 2022 General Election was two pages in length, both of which are 8.5 by 14 inches in width and length. Once the voter is finished voting, that voter's ballot must be scanned into a scanner. Once scanned, that ballot is electronically recorded on a special flash drive ("V-drive") and on a hard drive of the scanner and is officially included in the total hard count for the election.

35. The problem that occurred throughout Harris County at a significant number of the ninety-nine (99) early voting polling locations--as well as the seven hundred eighty-two (782) election day polling locations--is that the scanners were

not properly scanning both pages of a voter's ballot. When this occurred, the page that was scanned successfully is recorded electronically onto a V-drive and entered into the total hard count for the election. But the page that is not scanned is not recorded electronically on the V-drive and is not part of the total hard count for the election.

36. Problems like this are not particularly uncommon for Harris County, and there is an established procedure on how to deal with this situation. The remedy for problem ballots involves utilization of what is known as the Emergency Chute, which is a receptacle for placing problem ballots that were not counted (e.g., not recorded on the V-drive), but should be counted. Members of the Central Count team would collaborate with teams to ensure that the unscanned page of the voter's ballot in the Emergency Chute was accurately scanned and added to the hard count.

37. EA Tatum altered the election procedure for handling unscannable ballot pages, and issued instructions to poll workers to issue a second ballot when problems like this occurred. The second ballot will have a separate and distinct serial number from all other ballots generated at the polling location. The voter was supposed to scan in the ballot page from the second ballot that did not scan from the first ballot. The judges were required to spoil the unscannable page of the first ballot and the duplicate page of the second ballot. This process of creating a new ballot was normally managed by the Central Count team which had numerous checks and

balances to ensure that the correct ballot page was placed in the ballot box. The result of this ill-advised instruction to poll workers resulted in voters accidentally scanning both pages of the second ballot and/or poll workers placing ballots that should be spoiled in the Emergency Chute, which was later counted by Central Count. These mistakes resulted in double votes by those innocent voters, in direct violation of the Texas Election Code. This ill-advised process also would allow an unscrupulous election worker to view the voter's actual votes on their secret ballot before determining whether to place one or more pages in the spoiled ballot envelope or the Emergency Chute.

38. EA Tatum knew better than to do this. In the past May election, the Election Administrator's procedure was to simply place the ballot page that was not scanned properly into the Emergency Chute, which is the collection box for those ballots that were cast and should be counted, but, for whatever reason (e.g., the scanner would not accept the ballot, for example), was not able to be scanned and therefore is not included in the total hard count. Eventually, all of the ballots placed in the Emergency Chute are triaged by Central Count, where they have the technological capability to match the serial number of the ballot in the Emergency Chute with the serial number in the total hard count, making it feasible to then match the two ballot pages through an audit process and connect those two pages to a

specific voter who voted, but could not get one of the two pages of their ballot to properly scan.

39. This new procedure caused a huge problem of a colossal magnitude. This deviation from the Harris County procedures instructed polling officials to spoil the unscanned page of the first ballot that was not able to be scanned, and then scan the specific page of the second ballot that was not scanned on the first ballot. Assuming poll workers did this correctly, then the total hard count on the V-drive will have a ballot for one of the two pages with one serial number, while the hard count will also have a ballot for the other page of the two pages with a different serial number. This procedure makes it impossible for Central Count to connect either page of the second ballot with either page of the first ballot, as both ballots have a unique serial number. Thus, once voting was concluded, no one at Central Count is able to audit the results because there is no way to tie these two separate ballots pages together. This also makes it impossible for the Texas Secretary of State's office to conduct a post-election audit, which it has already announced it is in the process of doing.

40. Moreover, because of EA Tatum's instructions, candidates who purportedly lost are now unable to demonstrate if a legal vote was wrongfully discarded and/or an illegal vote was wrongfully included, much less tie those two ballot pages together to create one ballot.

41. Even worse, by providing the voter with a second ballot, there are countless instances where either the voter or the poll workers failed to follow EA Tatum's new procedure. Indeed, many voters simply scanned in both pages of their new ballots, which means that this specific voter violated the law by voting twice for the candidates on the page that was successfully scanned on the first voting effort when that same page was successfully scanned again on the second ballot. Moreover, poll workers were placing the spoiled ballot in the Emergency Chute, rather than placing them in a segregated envelope solely devoted to holding spoiled ballots. This has caused countless ballots to be counted at Central Count that were not supposed to have been counted, meaning certain voters have had their votes recorded not just once, but twice.

42. As has already been explained, the proper method for managing a partially scanned ballot situation is to place the unscanned ballot in the Emergency Chute and let Central Count audit the ballots to match the unscanned ballot with the matching page of the scanned ballot.

43. But that was not the procedure which EA Tatum instructed in writing. HCRP tried very hard to avoid litigation and to amicably resolve this issue, and even took the time and effort to rewrite the EA's ill-advised and illegal instructions, along with a request that the revised instruction be immediately disseminated to all early voting poll workers. Unfortunately, however, EA Tatum refused to do so, which led

to a significant number of double voting or double counting that will not be explainable through normal auditing procedures, and which also caused illegal double counts in flagrant violation of the Texas Election Code.

Example Two:

B. Issuing Second Ballots To Voters Who Experienced Smudges Or Other Legibility Problems With Scanning Their Ballots.

44. Just as what is described above with scanning problems, the exact same procedure was supposed to have been used for ballots which had legibility problems, such as smudges. But EA Tatum instead insisted that a new ballot be issued. What was supposed to occur was to simply place that problem ballot in the Emergency Chute, and Central Count could then recreate that ballot in the presence of multiple observers. Once duplicated, the ballot would then be scanned in and recorded on V-drive. But by issuing a new ballot, all of the same problems as were described above occurred in violation of the law.

Example Three:

C. Not Supplying Sufficient Election Supplies To Polling Places.

- (i) Failure to Supply Sufficient Ballot Paper in Advance to Polling Places on Election Day.

45. From the evidence provided by the Harris County Election Administrator's Office ("HCEA"), including, but not limited to, Attachment 2 to their post-election assessment issued last November of 2022, the vast majority of the

polling locations received the same amount of ballot paper, which was purportedly enough for 600 voters (e.g., 1200 pages)². During his deposition, Clifford Tatum explained the HCEA's rationale for its intentional decision to supply ballot paper in the manner in which it did. HCRP alleges that, in so doing, the HCEA violated Section 51.005 of the Texas Election Code, which provides as follows:

“The authority responsible for procuring the election supplies for an election shall provide for each election precinct a number of ballots equal to at least the percentage of voters who voted in that precinct in the most recent corresponding election plus 25 percent of that number, except that the number of ballots provided may not exceed the total number of registered voters in the precinct.”

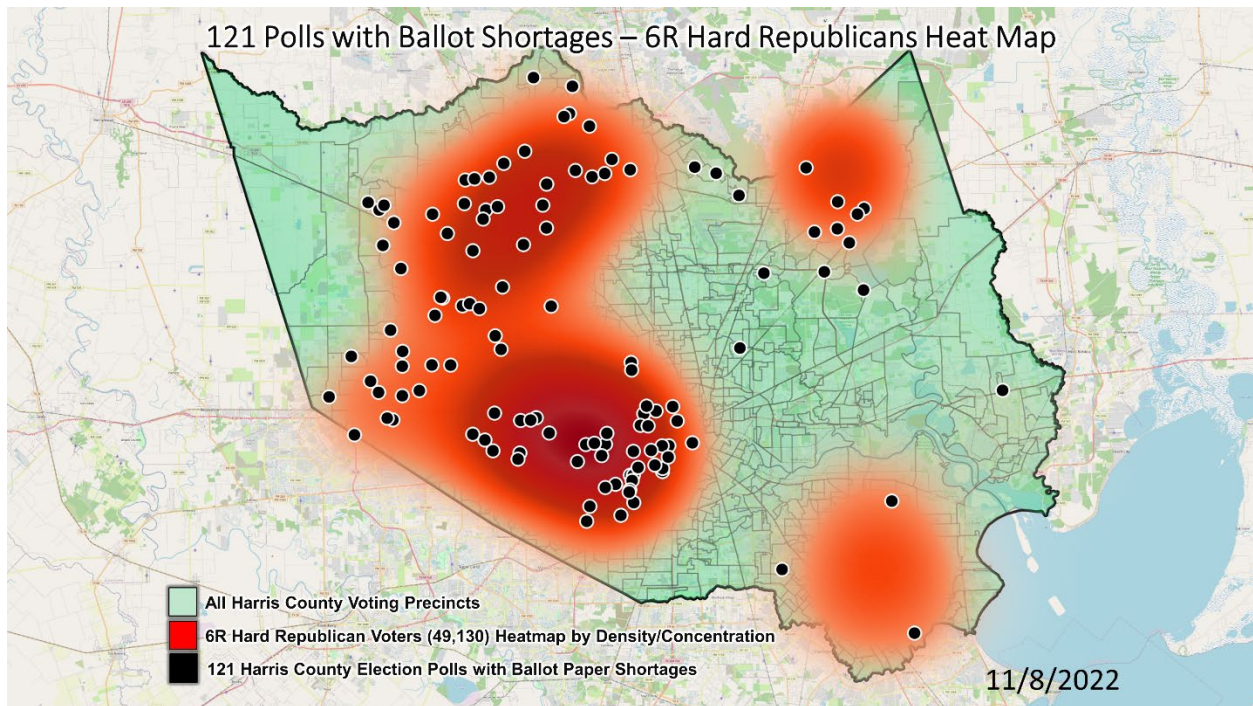
In other words, the authority providing supplies should account for 125% of the voters from the last-like election who voted in that precinct or in the case of combined or county-wide polls, the polling location.

46. The Texas Secretary of State's Office takes the position that the above-referenced statute continues to apply to Harris County, irrespective of the fact that countywide voting is now permitted. Accordingly, HCRP alleges that Section 51.005 of the Texas Election Code applied to the November 8, 2022 General Election conducted in Harris County, notwithstanding the change in voting whereby countywide voting was available.

² In reality, 1200 pages would not likely service the needs of 600 voters, for multiple reasons, including the fact that EA Tatum's instructions on how to handle scanning problems would require more than two (2) pages per voter.

47. HCRP will show that the statutorily required amount of ballot paper is determined by multiplying the actual turnout of voters in November of 2018 at a specific polling location by 125%. Based upon that calculation, and by comparing those numbers with the numbers contained in Attachment 2 to the HCEA's post-election assessment, HCRP asserts that the HCEA violated this statute well in excess of 100 locations. In addition, HCRP will show by utilizing what is referred to by Russ Long (an expert witness who draws maps known as a "heat map"), a comparison of ballot paper supplies in advance of Election Day that were allocated by the HCEA, with the actual turnout for specific polling locations on Election Day. This work was initially performed by an investigative reporter for a local media outlet, and is based on publicly available information. Although this analysis is measuring a different calculation than what is referred to above regarding whether HCEA violated the 125% statutory codification rule, it nevertheless demonstrates the actual impact on voters who attempted to vote on Election Day. Russ Long's heat map is a graphic analysis of the November 8, 2022 General Election, in which the Harris County Election Administration (HCEA) undersupplied 121 Harris County polling locations with paper ballots. The map identifies 109 of the 121 undersupplied polling locations overlaid onto a map of historical Republican voters (e.g., voted in 6 of 7 Republican primaries over a 12-year period) using their voter registration addresses. The geographic coordinates of the 121 polling places with

ballot shortages are represented by black dots. The concentration of Republican voters is represented with the red heat-map. The heat-map reveals that there is an extremely high correlation of ballot shortages with Republican voting patterns. In fact, there is less than a 1% probability that this is a random occurrence. This heat map is shown below:



The immediate question became “what is the probability this pattern occurred by chance?” The answer: the probability of getting 109 under supplied polls inside Republican areas, out of the identified total of 121 “in/out” possibilities, in a fair distribution is 0.0224%, which is far, far less than 1%.

- (ii) Polling Locations Ultimately Ran Out of Paper and Turned Voters Away.

48. The public policy rationale for Section 51.005 is to ensure that sufficient ballot paper would be available for the voters who turned out to vote on Election Day. In an inexplicable failure of epic proportions, EA Tatum failed to supply certain polling locations with a sufficient amount of ballot paper in violation of the Texas Election Code Sections 51.004, 51.005, 51.010 and 51.011, even after numerous calls were placed to the Harris County Elections Administrator's Office. As a result, numerous polls ran out of ballot paper. This deficit caused thousands of voters to be turned away from the polls. There was no excuse for this to occur, as the software system on the HCEA's iPad gave a real-time account of how many voters had arrived at a particular polling location and had already been accepted for voting. That iPad system also tied into the HCEA's inventory management system, so that they would know if they were running out of paper at a particular polling location.

49. But even the HCEA's system was unable to determine how many voters were inside or outside the polling location waiting to vote but who had not yet been signed in to vote. Thus, the severity of the problem cannot be known by relying solely upon electronic poll book information, but must also include eyewitness accounts on just how many voters were affected at each problem location. Based upon an investigation thus far, HCRP asserts that at least 2,615 voters were turned away from twenty-nine (29) specific polling locations on Election Day. Of that total

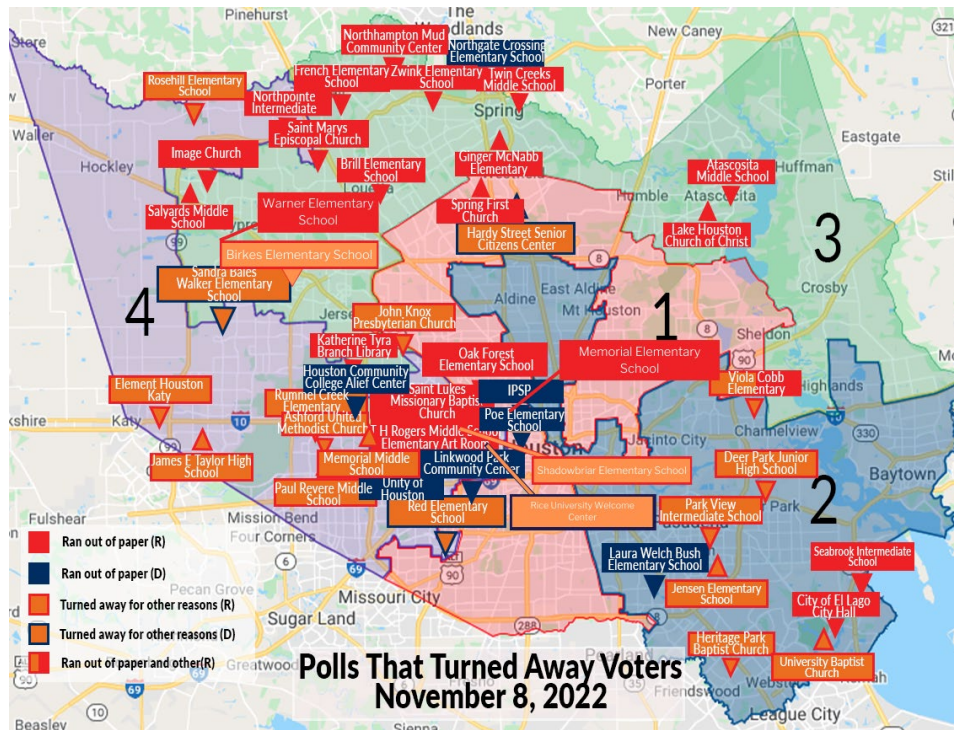
number of locations, twenty-two (22) of the paperless polling locations were located in neighborhoods that are traditionally Republican strongholds (in fact, these polling locations were previously designated by the HCEA as Republican polls), while only seven (7) are located in neighborhoods that are traditionally Democratic strongholds. If the mismanagement of ballot paper were truly random, it is troubling that the trend so far demonstrates a significantly disproportionate impact on polling locations that are located in traditionally strong turnout neighborhoods for Republican voters and candidates. Indeed, thus far the investigation demonstrates that roughly 76% of the polling locations without paper fall in Republican stronghold precincts. Roughly 63% of all of the polling locations are considered Democratic stronghold precincts.

(iii) Polling Locations Turned Away Voters for Other Reasons.

50. In addition to voters being turned away for lack of ballot paper, there were also other issues beyond paper shortages that caused voters to leave specific polling sites without casting their ballots at those locations. For example, machine malfunctions, inability to reach the HCEA on the phone or by other means, lack of equipment or supplies and other problems occurred on Election Day. Based upon HCRP's investigation thus far, a total of twenty (20) polling locations were affected, and at a minimum 374 voters were turned away.

(iv) Visual Depiction of Polling Locations That Turned Away Voters.

51. The map below provides a visual demonstration of what seems to have occurred.



Example Four:

D. Agreeing To A Court Order To Permit Voting For An Extra Hour On Election Day.

52. An emergency court hearing late in the day of Election Day resulted in EA Tatum agreeing to keep the polls open for one additional hour. Under the terms of that order, all such voters who arrived at a polling location to vote after 7:00 p.m. were supposed to cast provisional ballots rather than voting regularly.

53. HCRP will show that, because the Harris County Elections Administrator’s Office did not adequately supply certain Election Day polling locations, there was no factual or legal justification for keeping any of the polling

locations open for an additional hour of voting. By EA Tatum agreeing with certain plaintiffs in an emergency court hearing to extend voting for an additional hour, the problems associated with certain polling locations were exacerbated.

54. Although the local HCRP had a vested interest in an emergency request for extra time to vote, neither the plaintiffs nor EA Tatum, who was a named defendant in the emergency lawsuit, notified HCRP that a lawsuit had been filed, or that an emergency hearing was set to occur. Despite the fact that HCRP discovered that a hearing was going to occur, and despite to making an appearance, asking to intervene, being permitted to intervene, and objecting to the request for an extra hour of voting, both the plaintiffs and the defendant EA Tatum nevertheless agreed with each other and asked the Ancillary Judge to enter such an order. That order was not properly granted for a number of reasons, not the least of which was the fact that the court found the written declarations in support of the application for emergency temporary restraining order relief to be invalid. For example, the declarations attached to the emergency lawsuit in support of a request for an emergency temporary restraining order lacked information required to be disclosed, such as dates of birth and addresses for the declarant, in order to satisfy the statutory requirements for a declaration to be valid under Section 132.001 of the Texas Civil Practice and Remedies Code. In addition, notwithstanding the fact the Trial Judge recognized these fatal deficiencies, the Court nevertheless asked the plaintiffs if they

could bring any witnesses to the emergency hearing to testify. Next, the Trial Court improperly heard and accepted oral testimony, which is not proper in a temporary restraining order situation such as this where relief was granted without notice to any affected parties, including, but not limited to, the State of Texas, the Texas Secretary of State, the Attorney General of Texas, the Office of Attorney General, or any of the candidates on the ballot. Simply put, the Trial Court's power to enter an ex parte temporary restraining order should have been confined to the actual sworn paperwork on file and before the Court. Moreover, it was established at the emergency hearing that if the polls are to be kept open after 7:00 pm, the law requires that 100% of the polling locations are required to extend their hours, rather than just a subset of polling locations. And, given the fact that multiple polling locations had run out of paper, then, by definition, extending voting for an additional hour past 7pm would not apply to 100% of the polling locations, and would only serve to exacerbate, rather than mitigate, the problems associated with not having ballot paper on hand to permit voters to vote after 7pm. Although live testimony is not permitted under the rules governing temporary restraining orders under these unique circumstances, the Court nevertheless permitted such testimony and granted relief.

55. Public information from the HCEA's office indicates that approximately 199 polls did not have anyone vote after 7pm, as demonstrated in the spreadsheet marked and produced as Lunceford 005186 to 005215. The Texas

Election Code is clear that it is impermissible to leave open only a few polling locations. To the contrary, if a court order permits extra time to vote, then that court order must require every single polling location countywide to remain open. Because certain polling sites ran out of paper, while other sites had equipment and other problems, ordering those specific sites to remain open for an additional hour was an exercise in futility, which ultimately suppressed the vote in those locations, while permitting additional voting in locations which had paper and working equipment. Given the factual and legal basis to permit an extra hour of voting was lacking, the end result was that numerous polls were not able to be open for the extended hour as required under the Texas Election Code 43.007(p). Consequently, no polls should have been permitted to remain open after 7:00 pm to receive voters arriving after 7:00 pm and the votes collected during that time should not be counted.

56. Because necessary parties were not provided notice of the emergency request for a temporary restraining order, the State of Texas, Secretary of State, and the Office of Attorney General, thereafter filed a motion before the Trial Court to dissolve the improvidently granted relief. Despite this new development, the Trial Court did not do so. Parallel emergency mandamus proceedings were also filed by these interested parties. Not surprisingly, the Texas Supreme Court issued a stay of the Trial Court's temporary restraining order, but it was too little too late, as an hour of illegal voting had already occurred. And despite EA Tatum's assurances to the

Trial Court earlier in the day that sufficient supplies would be available to accommodate voting for an extra hour, EA Tatum ultimately admitted in a subsequent hearing that same evening before the Trial Court that not all polling locations had access to ballot paper during the extra hour of allotted time to vote. This caused the Trial Court to express disdain for what EA Tatum had promised and what EA Tatum had actually delivered. Transcripts of the two emergency hearings and the emergency paperwork filed by certain plaintiffs will be introduced during the trial of this matter in support of these paragraphs of this Petition, along with the paperwork filed by the parties before the Trial Court, as well as the Mandamus Petition and subsequent filings in that emergency proceeding, which not only led to the initial stay ruling referenced above, but which also led to a subsequent order by the High Court, which required Harris County to announce separate canvass totals, one counting the after 7pm provisional ballots and one not including those totals.

57. As predicted, the Trial Court's order permitted more problems to occur. For example, not all polls stayed open for an additional hour, even though state law requires all polling locations, not just some polling locations, to stay open when a court order permits additional time to vote. Moreover, a considerable number of polling locations did not have any paper, such that no voters could vote during the extended period. In addition, some polling locations did not require voting to be provisional, and simply allowed these votes to be cast, regularly counted and entered

onto the V-drive for election day totals. Finally, not all locations segregated those provisional ballots (“PBs”) that were cast during the extra hour, and simply allowed those voters to vote provisionally without regard to the time of their vote.

58. Even though EA Tatum agreed to keep the polls open for an additional hour, he posted the early voting results online at approximately 7:30 pm, which was approximately thirty (30) minutes prior to the time that he expected the polls to close in violation of Section 61.007 of the Texas Election Code. This illegal act informed those who had not yet voted the election results of those who had voted.

59. Ordinarily, there is no technological basis to determine which candidate in a specific race received a vote from a PB voter whose vote was cast and counted. The reason for this is that, once the Early Voting Ballot Board has accepted a PB, all such accepted PBAs are then transferred to the Harris County EA’s office for actual counting. EA Staff then open the accepted PBA envelopes, remove the PB, and then scan those ballots so that they are electronically recorded into the V-Drive. Once scanned, the PB votes become part of the vote totals, but there is no tracking system to be able to connect which candidate received a vote from which specific PB voter. Thus, it is not feasible for the Court to declare the outcome of these PB votes.

60. In this election, there is one notable exception to what is described above. The Texas Supreme Court issued a stay on November 8, 2022, and ordered

that Harris County segregate all PBs cast and counted after 7pm by court order from the rest of the PBs. A subsequent order from the High Court resulted in Harris County reporting in the final canvass results the actual breakdown, by candidate, of how PB voters voted, if such voters cast PBs after 7pm by court order. Thus, although ordinarily it would not be possible to do so, in this election, Harris County reports in the final canvass totals that each candidate received.

Example Five:

E. Mail-in Ballots Were Not Initially Handled Properly.

61. HCRP will show that approximately 700 mail-in ballots (“BBM”) were counted without conducting the required review and analysis by the Signature Verification Committee (“SVC”) before agreeing to accept a BBM for counting by the Early Voting Ballot Board (“EVBB”). In particular, the HCEA’s office instructed the Signature Verification Committee (“SVC”) to deviate from established procedure on the first day that they processed BBMs.

62. Kay Tyner, the Vice Chair of the Signature Verification Committee, will testify that when the Signature Verification Committee began its process in the November 8, 2022 Election, one of the Election Administrator’s staff members instructed the Signature Verification Committee that they were only supposed to compare the identification information provided on the mail ballot carrier envelope to the information that was included on the mail ballot application. Additionally, the

EA staff member declared that it was not necessary to review the signatures. Members of the Signature Verification Committee protested and requested that the process be reviewed. The proposed process was in direct contradiction of the Texas Election Code. “The signature verification committee shall compare the signature on each carrier envelope . . .” Tex. Elec. Code § 87.027 (i). “The early voting ballot board shall . . . determine whether to accept the voter’s ballot.” Tex. Elec. Code § 87.041(a). Among many requirements, in order to accept a BBM, the SVC and/or EVBB must determine that the carrier envelope certificate is properly executed ; neither the voter’s signature on the ballot application nor the signature on the carrier envelope certificate is determined to have been executed by a person other than the voter, unless signed by a witness; and the information required under 86.002 (g) provided by the voter identifies the same voter identified on the voter’s application for voter registration. Tex. Elec. Code § 87.041(b). In short, the Signature Verification Committee is required to ensure there is a signature, compare the signatures, and compare the identification information from the mail ballot carrier envelope to the voter registration information, not to the mail ballot application as directed by the EA staff member.

63. In addition, Kay Tyner will testify that after this improper process was brought to the attention of the EA staff member, the process was fixed by a retraction from the EA staff member of the earlier instructions, but approximately 700 BBMs

that were processed during that time were not re-reviewed. These mail ballots should have been reviewed properly in order to determine if they were acceptable. Not knowing which mail ballot envelopes were incorrectly reviewed, and not knowing how many of these 700 mail ballots were accepted and how many were rejected, it is not possible to ascertain the impact of these improperly processed mail in ballots on any of the candidates that were on this ballot.

Example Six:

F. Double Voting Occurred.

64. Because of the lousy training and multiple and conflicting instructions on how to handle problem ballots that would scan one page but not the other, HCRP will show that many voters, unintentionally, voted more than once in the November 8, 2022 General Election in violation of Texas Election Code Section 64.012. HCRP will also show that certain Harris County reconciliation reports demonstrate that more ballots were cast in this election than were voters. There are several reconciliation reports, with the disparity between ballots and voters ranging from a high of negative 7,291 to a low of positive 1,190. For those reports showing a negative number, those disparities represent double votes by innocent Harris County registered voters which have been cast and counted but should not have been counted or potentially from persons acting nefariously in the election process. Because these double votes cannot be tied to a specific voter or to a specific candidate, it is not

possible to know who these voters are and for whom they voted. HCRP will also show that eight out of twelve days of early voting reported more ballots cast than voters recorded to vote.

Example Seven:

G. Mail-In Ballots.

65. HCRP will show that certain mail-in ballots that were cast and counted should not have been counted. Based upon a review of the accepted BBMs, none of these ballots by mail referenced below should have been accepted and counted, for the reasons shown below: (i) postmarked after November 8; (ii) postmarked on November 8 for a non-military and non-overseas voter who postmarked their ballot on Election Day in a city like San Antonio or Fredericksburg; and (iii) not signed by the voter.

Bates Numbers for Postmark on or after Nov. 8

1. 0114823 & 0114824
2. 0120349 & 0120350
3. 0144029 & 0144030
4. 0173314 & 0173315
5. 0175803 & 0175804
6. 0175821 & 0175822
7. 0178245 & 0178246
8. 0179243 & 0179244
9. 0185698 & 0185699
10. 0192088 & 0192089
11. 0204880 & 0204881
12. 0217654 & 0217655
13. 0220036 & 0220037

14. 0220084 & 0220085
15. 0220954 & 0220955
16. 0223064 & 0223065
17. 0223928 & 0223929
18. 0224028 & 0224029
19. 0224550 & 0224551
20. 0225050 & 0225051
21. 0228584 & 0228585
22. 0228858 & 0228859
23. 0229638 & 0229639
24. 0234630 & 0234631
25. 0235284 & 0235285
26. 0235830 & 0235831

Bates Numbers for Missing Signature

27. 0111947 & 0111948
28. 0112133 & 0112134
29. 0114383 & 0114384
30. 0118895 & 0118896
31. 0124351 & 0124352
32. 0127124 & 0127125
33. 0127558 & 0127559
34. 0128530 & 0128531
35. 0132010 & 0132011
36. 0132972 & 0132973
37. 0133565 & 0133566
38. 0133687 & 0133688
39. 0135219 & 0135220
40. 0138667 & 0138668
41. 0142979 & 0142980
42. 0146689 & 0146690
43. 0154695 & 0154696
44. 0155247 & 0155248
45. 0158195 & 0158196
46. 0162769 & 0162770
47. 0178045 & 0178046
48. 0179245 & 0179246
49. 0181141 & 0181142

- 50. 0182277 & 0182278
- 51. 0184364 & 0184365
- 52. 0186736 & 0186737
- 53. 0192638 & 0192639
- 54. 0193478 & 0193479
- 55. 0193722 & 0193723
- 56. 0196616 & 0196617
- 57. 0198108 & 0198109
- 58. 0199230 & 0199231
- 59. 0200798 & 0200799
- 60. 0204232 & 0204233
- 61. 0210020 & 0210021
- 62. 0216766 & 0216767
- 63. 0217572 & 0217573
- 64. 0218326 & 0218327
- 65. 0227228 & 0227229
- 66. 0230684 & 0230685
- 67. 0231874 & 0231875
- 68. 0236494 & 0236495
- 69. 0236824 & 0236825
- 70. 0239960 & 0239961
- 71. 0237204 & 0237205
- 72. 0252216 & 0252217

Example Eight:

I. Provisional Ballots During Early Voting and Election Day During non-Extended Hours.

66. HCRP will show that certain provisional ballots that were cast and counted should not have been counted.

67. Harris County has produced a grand total of 6,355 Provisional Ballot Affidavits (“PBAs”). These documents contain redactions. HCRP’s review and observations stated herein are made without the benefit of the information which

was redacted, and HCRP reserves the right to revise and amend this Petition should such redacted information be disclosed.

68. Out of the grand total of 6,355 PBAs produced, multiple PBAs are either marked as “void,” or do not reflect any action being taken by the Early Voting Ballot Board, or both, meaning these specific PBAs were neither “accepted” nor “rejected,” and, presumably, none of these provisional ballots (“PB”) contained inside the PBA envelopes are included in the final canvass totals reported by Harris County. In addition, there are multiple duplicates of PBAs, both accepted and rejected, that were assigned different bates numbers. By deducting all duplicate PBAs, all PBAs marked void, and all PBAs which reflect no action by the EVBB, the total universe of PBAs which were either accepted or rejected does not equal 6,355, which is the total number of PBAs produced by Harris County. To the contrary, it appears that the actual count of PBAs (at least to the extent of what Harris County has produced, and further assuming all PBAs in existence have been produced) is 6,275. Accordingly, HCRP’s analysis below extends to this revised grand total of 6,275 PBAs rather than 6,355 PBAs.

69. There is some doubt as to whether 6,275 is an accurate count of the global universe of PBAs that were either accepted or rejected by the Early Voting Ballot Board in this election. Based upon HCRP’s review of the actual PBAs which were produced, that number appears to be correct, once HCRP deducts all of the

PBAs referenced above. But that number does not tie to any of the numbers issued by Harris County. For example, according to the post-election report by the Harris County EA's Office, the total amount of PBs accepted and rejected is supposedly 6,302. But this count is not the same as the count from the actual PBA production sent by Harris County, even though these counts should be the same. Because one PB is supposed to be inside of one PBA envelope, a one-to-one correlation should exist between PBAs and PBs either accepted or rejected.

70. To make the numbers even more confusing, Harris County reports the total number of PBAs accepted as 4,538 and the total number of PBAs rejected as 1,764. The summation of these two numbers is 6,302, which does not match the totals reflected by the PBAs produced to us by Harris County. HCRP's own analysis of the PBAs produced reflects 4,557 as the total number of PBAs accepted and 1,718 as the total number of PBAs rejected. The summation of these two numbers is 6,275.

71. Of the 4,538 PBAs which were supposedly accepted, Harris County reports that 205 of these PBAs did not have an actual PB inside the PBA envelope. This fact should not impact how many PBAs were accepted, but it does affect how many accepted PBs are actually in the canvassed totals for PBs. Thus, assuming that HCEA's numbers are accurate and (which they are not), the revised count of PBs actually accepted and counted should be 4,538 minus 205, for a reduced total of

4,333 PBs, which is what Harris County has reported in its post-election report. Using HCEA's numbers, however, would require a deduction of 205 missing PBs from 4,557 PBAs accepted for counting, for a subtotal of 4,352 PBs actually counted. Regardless of which set of numbers is accurate, the 205 missing PBs raise a concern as to whether those PB votes are mistakenly included in the canvassed totals as regular ballots or not. This could be explained in at least two ways. First, if an election official at a polling site on either Early Voting or Election Day Voting provided a provisional voter with a regular ballot by mistake, then that regular ballot is capable of being scanned at the specific polling location and, if scanned, is electronically captured, and recorded on a V-Drive. In that situation, a PB vote is not recorded as a PB vote, but is added to the total of the regular ballot count. Provisional Ballots are given a unique ballot code, which is distinct from the ballot code provided on a regular ballot. If the correct ballot code is given, then the scanner will not accept the PB, and it will not be electronically captured and recorded on a V-Drive. Conversely, if the incorrect ballot code is given, then the scanner will accept the PB as if it were a regular ballot, and that ballot will be electronically captured and recorded on a V-Drive. Second, the same is true for the Emergency Chute. If a PB is placed in the Emergency Chute with the correct ballot code, then any scanning attempt at Central Count would be rejected, but if a PB is placed in the Emergency Chute with the incorrect ballot code, then such PB would be interpreted as a regular

ballot and is capable of being scanned and electronically captured and recorded on a V-drive.

72. As will be explained below, and as will be shown in even more significant detail by previously produced spreadsheets and summary observations, as well as the analysis shared on July 3, 2023, HCRP's review team identified whether each specific PBA produced by Harris County raised a potential instance of a PB being counted which legally was not entitled to be counted. The excel spreadsheets which have been produced reflect the review teams' analysis of each specific PBA. The summary chart on the left side of the page reflects the teams' findings and, because one PBA may suffer from more than one noted deficiency, the totals in the chart on the left side of the summary page denote the summation of all deficiencies, rather than the actual count of PBs accepted that should have been rejected. Inconsistent rulings by the EVBB for similar if not identical fact patterns have also been exemplified in certain July 3, 2023 supplemental findings.

73. The summary chart on the right side of the same page eliminates duplications listed in the summary chart on the left side of the same page. This summary chart demonstrates the total number of PBAs that were accepted for counting that should have been rejected instead. Because of certain production of records by the HCEA on June 15, 2023, as well as further vetting and quality control since that date, the grand total for all categories in this analysis is 3,406. This revised

number represents HCRP's evaluation of the total number of accepted PBAs that have been included in the final canvass numbers, but which, according to HCRP's analysis, should have been rejected and are not entitled to remain in the count of accepted PBAs³.

74. Beyond the problem of PBs cast after 7pm due to court order, HCRP's analysis demonstrates that a total of 1,200 PBs that were cast and counted but should have been rejected instead. Unlike the anomaly of being able to tie PBs to a specific candidate by virtue of the aforementioned Texas Supreme Court's issuance of a stay and their subsequent order regarding how the canvassing results should be reported, none of these PBs can be connected to any Harris County candidates. Thus, it is not possible to ascertain the impact of these 1,200 on the purported vote totals for any candidates. The number of PBs in each distinct category is reflected in a previously disclosed spreadsheet, as revised on July 3, 2023, and is likewise reflected in HCRP's summary observations as well.

Example Nine:

J. Votes by voters who were on the Suspense list.

³ HCRP asserts that each and every category of challenged PBAs should not remain in the final canvassed results, as each category represents illegal votes. However, even if the Court were to disagree, all of these challenged PBAs demonstrate, at bare minimum, thousands of mistakes by the voters and/or election workers and/or voter registrar and/or EVBB and/or HCEA, all of which must be considered as for why the November 2022 General Election was totally botched.

75. In addition, this same Voter Roster excel spreadsheet lists 2,038 voters who voted and have a SUSPENSE notation next to their names. HCRP alleges that the records demonstrate these specific voters must have presented a filled-out Statement of Residence (“SOR”) and, because 1,995 of them did not, these votes are illegal.

Example Ten:

K. Illegal Votes Were Cast And Counted Without An SOR.

76. HCRP will show that voters who were required to fill out a Statement of Residence prior to being accepted for voting voted illegally by not filling out the required document in violation of the Texas Election Code Section 64.0011. Voters whose address has come into question through a variety of processes, may be placed on a suspense list. Voters whose name is on the suspense list are required to fill out an SOR in order to be able to vote in the election.

77. In addition, HCRP’s witnesses will testify as to their evaluation of SORs in this case. As shown by spreadsheets and other analyses dated April 24 and May 31 prepared by Steve Carlin (an expert in data analytics), as well as the additional work produced by him on July 3, 2023, HCRP alleges the following: The votes HCRP intends to challenge on the Official Voter Roster for ineligibility scenarios established by NCOA data:

- File name: CHALLENGED VOTER ROSTER FOR NCOA - APRIL 24 DEMAND, as updated on May 31, 2023, and again on July 3, 2023.
- The votes HCRP intends to challenge are identified by column A inputIDNUMBER which comes directly from the ID NUMBER field in the Official Voter Roster identification that contains the voter's CERT.
- Each ineligibility scenario (that had a non-zero count) that HCRP identified in the documents provided is put into a separate worksheet within the spreadsheet.
- The total # of challenged votes from this source is 29,559. This number has decreased to 27,103, as explained in the report and summary dated May 31, 2023, as well as the additional work produced on July 3, 2023.

The SORs HCRP will challenge from the SORs cataloged:

- File name: CHALLENGED SORs - APRIL 24 DEMAND, as updated on May 31, 2023.
- The SORs that HCRP will challenge are identified by column N named inputFileName which contains the Bates Number of the document.
- Each ineligibility scenario (that had a non-zero count) that HCRP identified in the documents provided is put into a separate worksheet within the spreadsheet.
- The total # of challenged votes from this source is 3,333. That number has decreased to 2,351, as set forth in the May 31, 2023 analysis, and as further described in the July 3, 2023 analysis.

78. HCRP also flagged 43 PBAs that are illegal as well, as explained in the May 31, 2023 analysis. This is in addition to the PBA challenges previously explained, and has been incorporated in this pleading in the paragraphs pertaining to our evaluation of PBAs.

79. As explained in a July 3, 2023 supplemental report, the SORs which are contested as illegal represent votes which were accepted and counted.

Example Eleven:

L. Illegal Votes Were Cast And Counted Without An Appropriate Reasonable Impediment Declaration.

80. HCRP will present testimony about how to qualify and accept a voter to vote, the need for photo identification and/or the need for a reasonable impediment declaration (“RID”), and what to do if information is missing on a RID. HCRP will also bring witnesses who will testify that approximately 532 RIDs are not sufficient to have permitted those specific voters to be eligible to cast a regular ballot or the documents present significant doubt as to the acceptability of the voter, and, had those voters presented themselves to her specific polling center, would have required the completion, correction of the RID or corrective action prior to the voter voting or permitted them to cast a provisional ballot. The RIDs referenced herein were produced to the Court and opposing counsel on June 12, 2023, along with an updated spreadsheet and 532 specific RIDs that HCRP is challenging. These witnesses will testify that they are not valid because they are not signed and/or failed to identify what type of identification and/or the reason for the impediment, and therefore each of these votes that were cast and counted are ineligible to be counted.

Example Twelve:

M. Illegal Votes Were Cast And Counted Without An Appropriate Registration Address.

81. HCRP will show that illegally registered voters voted in violation of Texas Election Code Sections 1.015, 13.001 and 13.002. The evidence in support of this example is contained in the analysis performed by Steve Carlin.

Example Thirteen:

N. Discrepancies in the Cast Vote Records.

82. HCRP will show that according to the Harris County Elections Administrator's official canvass, the cast votes record for all county-wide races is not consistent amongst the various contests. If all of the ballots were counted correctly for all of the races, the cast votes record would be the same for every county-wide contest. Because there is a difference of 1,151 in the cast vote records, this necessarily means that this discrepancy is due to the fact that polling locations improperly scanned that many more page ones than page twos from voters casting ballots A and B.

Example Fourteen:

O. There are more votes in the canvassed totals than the actual number of Voters who voted.

83. HCRP will present evidence that at a particular EV poll, SRD 140, which is known as the Hardy Street Senior Citizens Center, they had sixty (60) more ballots to scan than the number of voters who registered to vote at that poll. Given that specific discrepancy, HCRP's team decided to compare the roster for that specific polling center to the final total for that poll on the EV Report. HCRP's team

then compared the totals of BBM, EV and ED for all three rosters to the canvass totals. HCRP’s team then compared the Harris County Official Voter Roster to the Official Canvass for the November 8, 2022 election. Evidence will demonstrate that this review demonstrates that the number of voters from the Official Voter Roster for early voting in person is 692,049 voters while the number of votes on the Early Voting Report generated the last day of early voting shows that there are 692,478 votes, which is 429 more votes than voters. HCRP will also point out that the official canvass for early voting presents 692,748 votes which is 699 more votes than voters. The number of votes for early voting grew by 270 votes after early voting ended. There are other anomalies that HCRP’s witnesses will point out including that the number of Voters on the Unofficial Voter Roster dropped by 269 voters for the Official Voter Roster for Early Voting. The chart below demonstrates these findings:

Type	Roster	Canvas s	Canvass - Roster
BBM	61507	61264	-243
EV	692049	692748	699
ED	349311	349045	-266
Provisionals	4534	4333	-201

Example Fifteen:

P. EA Tatum’s Failure to Properly Reconcile Mail-in Ballots.

84. The Harris County EA's official reconciliation report has reported 9,307 more mail-in ballots were counted that were actually turned in by Harris County voters.

Mail Ballots Sent to Voters	80,995
Mail Ballots Not Returned by Voters	19,486
Mail Ballots Surrendered at Polling Places	6,557
Mail Ballots Returned this Election	54,952
Official Count of All Mail Ballot Voters	64,259
Discrepancy	9,307

VII.

CONCLUSION

85. For all of the foregoing reasons, HCRP asks the Court to:
- (i) declare SB 1750 to be both legal and constitutional;
 - (ii) given the ineptitude of HCEA Longoria and Tatum, find that it is in the best interests of both Harris County and the State of Texas to restore all election duties and responsibilities to the Harris County Clerk and Harris County Tax Assessor-Collector; and
 - (iii) award such other and further relief to which HCRP may show itself to be justly entitled.

Respectfully Submitted,

ANDY TAYLOR & ASSOCIATES, P.C.

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COUNSEL FOR HARRIS COUNTY
REPUBLICAN PARTY

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Texas Rule of Civil Procedure 21a, a true and correct copy of the foregoing instrument was forwarded to all counsel of record and/or parties on August 15, 2023.

/s/ Andy Taylor

Andy Taylor