No. 21-0893

In the Supreme Court of Texas

IN RE: STEVEN HOTZE, M.D., HON. SID MILLER, GERRY MONROE, RANDOLPH PRICE, ALAN HARTMAN, ALAN VERA, AND GREGORY BLUME

Relators,

HARRIS COUNTY ELECTIONS ADMINISTRATOR ISABEL LONGORIA'S RESPONSE TO RELATORS' PETITION FOR WRIT OF MANDAMUS

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TO THE HONORABLE SUPREME COURT OF TEXAS:

COMES NOW, Respondent Isabel Longoria, in her official capacity as Harris County Elections Administrator, who responds to Relators' Petition for Writ of Mandamus as follows.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

On September 17, 2021, this Court denied a Petition for Writ of Mandamus filed by the same Relators, seeking the same relief. *In re: Steven Hotze, M.D., Hon. Sid Miller, Gerry Monroe, Randolph Price, Alan Hartman, Alan Vera, and Gregory Blume*, No. 21-0751, in the Supreme Court of Texas. On September 24, 2021, Relators filed another Petition for Writ of Mandamus in the Fourteenth Court of Appeals seeking the same relief. That was denied on October 11, 2021. *In re: Steven Hotze, M.D., Hon. Sid Miller, Gerry Monroe, Randolph Price, Alan Hartman, Alan Vera, and Gregory Blume*, No. 14-21-0541, in the Fourteenth Court of Appeals.

On October 13, 2021, Relators re-filed their Petition for Writ of Mandamus with this Court. This Court should deny Relators' third attempt to seek the same relief because Relators lack standing, their claims are moot, and even if they had standing and their claims were not moot, they are unable to prevail on the merits.

Relators allege the Harris County Elections Administrator sent unsolicited ballot applications to voters in Harris County age 65 and over, but they fail to show any particularized harm from this alleged conduct. Because Relators lack standing,

this Court lacks jurisdiction to issue a writ of mandamus, and the petition must be dismissed. *In re Hotze*, 627 S.W.3d 642, 646-649 (Tex. 2020). Even if Relators had standing, the Petition should still be dismissed as moot because the election Relators complain about is over and certified, and their relief is impossible to provide.

Even if Relators had standing and the claim was not moot, the four requests in their Petition should be denied. The first request is for an order preventing Elections Administrator Isabel Longoria from sending applications to vote by mail to those who did not request it. However, the election is over, and as explained in the attached affidavit, Respondent's office verified it was not sending "any unsolicited applications to vote by mail between today [September 8, 2021] and the November 2, 2021 election."[1]

This Court should also deny the second, third, and fourth portions of Relators' request, which ask this Court to bar Respondent from sending ballots to qualified voters who request them and ask this Court to bar Respondent from counting ballots mailed by qualified voters.[2] Respondent had a legal obligation under the Texas Election Code to provide mail ballots to qualified voters who requested them, and she had a legal obligation to count those ballots when they arrived. Relators had no ability to block Respondent from complying with the Election Code.

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[1] Tab 1, Affidavit of Harris County Election Administrator Isabel Longoria.

[2] Petition for Writ of Mandamus at 22. Relator also ask that this Court order that the voters disenfranchised as a result of their Petition be notified that their votes were not counted.

ARGUMENT

I. This Court should dismiss Relators' Petition for Writ of Mandamus because Relators lack standing.

Relators have the "burden of unequivocally" showing they are "entitled to issuance of the writ of mandamus." *Leach v. Fischer*, 669 S.W.2d 844, 846 (Tex. App.—Fort Worth 1984, no writ). Relators fail to show how they have been harmed by Respondent's alleged conduct or have standing to bring this action. Relators claim they suffered unspecified harm from their own "confusion" and "potential voter fraud"[3] because the Harris County Elections Administrator allegedly sent applications to vote by mail to voters age 65 or older. As this Court recently noted, "both this Court and the U.S Supreme Court have repeatedly held that an 'undifferentiated public interest in executive officers' compliance with the law' does not confer standing." *In re Hotze*, 627 S.W.3d 642, 647 (Tex. 2020) (Blacklock, J. concurring). Because Relators lack standing, this Court lacks jurisdiction to issue a writ of mandamus. *Tex. Bd. of Chiropractic Examiners v. Tex. Med. Ass'n*, 616 S.W.3d 558, 566 (Tex. 2021) ("Constitutional standing is a prerequisite for subject matter jurisdiction.") (internal citations omitted); *Williams v. Lara*, 52 S.W.3d 171, 178 (Tex. 2001) (same).

[3] Petition for Writ of Mandamus at 21.

Relators appear to believe that Texas Election Code § 273.061 permits them to seek a writ of mandamus to enforce the Election Code without having constitutional standing. Several appellate courts recently rejected that notion, holding that while Texas Election Code § 273.061 provides a procedure for mandamus in an election suit, it does not create a cause of action or confer standing on someone who lacks particularized harm. *In re Kherkher*, 604 S.W.3d 548, 553-54 (Tex. App.—Houston [14th Dist.] 2020, no pet.) ("When the Legislature intends to confer standing by statute, it has shown that it is capable of unambiguously creating standing. . . .We conclude that section 273.061 does not confer standing on Kherkher to challenge Morris's eligibility."); *Bickham v. Dallas Cnty.*, 612 S.W.3d 663, 671-72 (Tex.App.—Dallas 2020, pet. filed Dec. 7, 2020) (holding that § 273.061 does not create standing for parties to enforce their rights under the election code); *In re Public Interest Legal Foundation*, 2020 WL 5807408, at *2 (Tex. App.—Houston [14th Dist.] 2020, no pet.) (noting that a party seeking to avail itself of § 273.061 must still meet standing requirements); *see also In re Hotze*, 2008 WL 4380228, at *1 (Tex.App.—Houston [14th Dist.] 2008, no pet.). Accordingly, Relators must still demonstrate the traditional elements of standing and injury-in-fact. *Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 154-55 (Tex. 2012).

Relators cannot show constitutional standing. *See Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 150 (Tex. 2012). A citizen generally lacks standing to bring

a lawsuit challenging the lawfulness of governmental acts. *Brown v. Todd*, 53 S.W.3d 297, 302 (Tex. 2001). As the Fourteenth Court of Appeals explained:

> Standing consists of some interest peculiar to the person individually and not as a member of the general public. *Hunt v. Bass*, 664 S.W.2d 323, 324 (Tex. 1984). In other words, standing requires a concrete injury to the plaintiff and a real controversy between the parties that will be resolved by the court. *Heckman v. Williamson Cty.*, 369 S.W.3d 137, 154 (Tex. 2012). The claimant must be personally injured rather than the public at large. *Id.* at 155.

In re Kherkher, 604 S.W.3d at 551.

Last year, the Honorable Andrew Hanen held that Dr. Steven Hotze, one of the Relators in this case, lacked standing to challenge Harris County's "drive-thru" voting process for the same reason he lacks standing today:

> To summarize the Plaintiffs' primary argument, the alleged irreparable harm caused to Plaintiffs is that the Texas Election Code has been violated and that violation compromises the integrity of the voting process. This type of harm is a quintessential generalized grievance: the harm is to every citizen's interest in proper application of the law. . . Every citizen, including the Plaintiff who is a candidate for federal office, has an interest in proper execution of voting procedure. Plaintiffs have not argued that they have any specialized grievance beyond an interest in the integrity of the election process, which is 'common to all members of the public.'

Hotze v. Hollins, 4:20-CV-03709, 2020 WL 6437668, at *2 (S.D. Tex. Nov. 2, 2020) (citations omitted), aff'd in part, vacated in part sub nom. *Hotze v. Hudspeth*, 16 F.4th 1121 (5th Cir. 2021).

And as Texas Supreme Court Justice Blacklock noted in concurrence in another case involving Dr. Hotze and two other relators in this case—Sid Miller and

Alan Hartman—a voter must allege an injury specific to him. *In re Hotze*, 627 S.W.3d 642, 646-647 (Tex. 2020) (Blacklock, J. concurring).

Relators fail to allege particularized harm. Relators submitted three affidavits explaining their alleged injuries.[4] Dr. Steven Hotze claims he was harmed when he opened his mail and discovered an application informing him of his right to apply to vote under Texas Election Code § 82.003. He claims he became "confused as to why I was receiving it given that I always vote in person."[5] Hotze claims this confusion gives him standing to prevent other elderly voters from receiving applications to vote by mail and to invalidate their votes.

Gerry Monroe claims standing to prevent elderly citizens' votes from being counted because he was a candidate for school board who believes unidentified "illegal votes" somehow "impacted [his] campaign" and "will influence the results in [his] election."[6] Monroe never explains how these votes impacted his campaign or influenced his election results.[7] He does not even allege these elderly voters were less inclined to vote for him, and his allegations are unsupported and conclusory,

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[4] Only three of the seven relators attached affidavits to their Petition for Writ of Mandamus.

[5] Petition for Writ of Mandamus at Tab A.

[6] Petition for Writ of Mandamus at Tab B.

[7] Monroe received only 22.5% of the vote and never suggests how his proposed order would have supplied the votes needed to win. *See* Harris County, Texas Joint General and Special Elections, 11/2/2021, https://www.harrisvotes.com/HISTORY/20211102/Official%20Cumulative.pdf at 16 (last visited December 16, 2021).

rather than the kind of specific, individualized harm necessary for standing. Perhaps more importantly, he fails to explain how sending out mail ballot applications "allows the fraud to occur in the ballot by mail process" in his election.[8]

Alan Vera claims he also has standing to prevent elderly voters from receiving vote-by-mail applications and to invalidate their votes. His stated injury is that he believes voting by mail is inherently insecure, that some of the elderly voters who received applications have died, and that some of the address information in the database used to mail applications is inaccurate.[9]

None of these men are candidates in an election where the outcome has been altered because of votes cast, and the only actual candidate makes only vague allegations that fall far short of what is necessary to meet this Court's standing requirement. Their complaints are "quintessential generalized grievances" about how the Texas Election Code is being followed. Accordingly, Relators' Petition for Writ of Mandamus should be dismissed for lack of standing.

---

[8] *Id.* If this Court interprets Monroe's vague inferences to be factual allegations, those allegations are disputed. When a candidate for office files a petition for writ of mandamus under the Election Code, but makes factually disputed allegations, the candidate's mandamus fails as a matter of law. *In re Dominguez*, 621 S.W.3d 899, 906 (Tex. App.—El Paso 2021, no pet.)

[9] Petition for Writ of Mandamus at Tab D. Mr. Vera provides no evidence of how many addresses he believes are incorrect, and he references only a few dozen in a county with nearly 2.5 million registered voters. Mr. Vera's vague inferences do not rise to factual allegations. Further, it is not clear whether Mr. Vera even received a mail-in ballot application, yet he asks this Court to order that the "ballot not be counted" for any elderly voter who did receive one and voted by mail.

II. This Court should dismiss Relators' Petition for Writ of Mandamus because it is moot.

Assuming Relators had standing to bring this Petition, it should still be dismissed as moot because Relators seek to change the voting process in an election that has already occurred.[10] It is well established that petitions for writ of mandamus become moot when it is too late for a court to fashion any meaningful remedy. As the Tyler Court of Appeals explained:

> "The mootness doctrine implicates subject-matter jurisdiction." *In re Smith County*, 521 S.W.3d 447, 453 (Tex. App.–Tyler 2017, orig. proceeding). An appeal is moot when a court's action on the merits cannot affect the parties' rights. *V.E. Corp. v. Ernst & Young*, 860 S.W.2d 83, 84 (Tex. 1993). "Appellate courts are prevented from deciding moot controversies." *Nat'l Collegiate Athletic Assoc. v. Jones*, 1 S.W.3d 83, 86 (Tex 1999). "This prohibition is rooted in the separation of powers doctrine in the Texas and United States Constitutions that prohibit courts from rendering advisory opinions." *Id.* The distinctive feature of an advisory opinion is that it decides an abstract question of law without binding the parties. *Tex. Ass'n of Bus. v. Tex. Air Control Bd.*, 852 S.W.2d 440, 444 (Tex. 1993). Texas courts have no jurisdiction to render an advisory opinion. *Id.*

In re Lopez, 593 S.W.3d 353, 357 (Tex. App.—Tyler 2018, no pet.). *See also Law v. Johnson*, 826 S.W.2d 794, 797 (Tex. App.—Houston [14th Dist.] 1992, no pet.).

[10] Relators also seek to change the voting process under Election Code provisions that have since been amended. The Legislature recently passed Senate Bill 1, which amends the Election Code by adding § 276.016 to prohibit solicitation or distribution of a mail ballot application to anyone who did not request one. This statute became effective December 2, 2021, while Relators complain about activities that allegedly occurred prior to this date. Tex. Elec. Code § 276.016.

It is also well established that "judicial power cannot be invoked to interfere with the election process once it has begun." *Blum v. Lanier*, 997 S.W.2d 259, 263 (Tex. 1999). Once the election process was underway, it was too late to challenge the sending of applications to vote by mail by those age 65 and older. It is certainly too late to challenge this process after the election is over.

Less than two months ago, the Fifth Circuit Court of Appeals dismissed another challenge by Dr. Hotze to a Harris County election process. In rejecting as moot Dr. Hotze's claim that "drive-thru voting" was illegal under Texas law in 2020, the Fifth Circuit explained:

> Since Plaintiffs filed their appeal, the November 2020 election has been completed; the results have been certified; and new officeholders have been sworn in. Therefore, the "issues presented are no longer 'live.'"

Hotze v. Hudspeth, 16 F.4th 1121, 1123-1124 (5th Cir. 2021).[11] The November 2021 elections are also completed and certified, and there are no live issues.[12]

[11] This is an appeal of the "drive-thru" voting case discussed *supra*. See, *Hotze v. Hollins*, 4:20-CV-03709, 2020 WL 6437668, at *2 (S.D. Tex. Nov. 2, 2020).

[12] *See* Harris County, Texas Joint General and Special Elections, 11/2/2021, https://www.harrisvotes.com/HISTORY/20211102/Official%20Cumulative.pdf (last visited December 16, 2021).

III. If this Court reaches the merits of Relators' Petition, it should deny the relief requested.

A. Relators cannot seek an order to stop an activity that is not occurring.

Assuming, *arguendo*, this Court had jurisdiction over Relators' Petition, their four requests should be denied on the merits. Relators first ask this Court to order the Elections Administrator to "immediately cease sending applications to vote by mail to any registered voter who has not sent in the initial request for an application to vote by mail."[13] To prevail, Relators must show that the act they complain about will occur in the future. *Panola County Com'rs Court v. Bagley*, 380 S.W.2d 878, 884 (Tex. Civ. App.—Texarkana 1964, writ ref'd n.r.e.) ("The alleged improper and claimed illegal acts complained of by plaintiffs-appellees were all past and completed acts. It is well settled law that in the absence of a showing that they probably will recur, past acts and practices will not furnish a basis for injunctive relief." (internal citations omitted)).

As explained, Elections Administrator Longoria testified by affidavit on September 8, 2021 that her office would not be sending unsolicited mail-in ballot applications this fall.[14] Accordingly, Relators could not meet their burden of showing

[13] Petition for Writ of Mandamus at 22.

[14] Tab 1, Affidavit of Harris County Election Administrator Isabel Longoria. As noted, Relators complain about activity that allegedly occurred prior to the amendment of the Texas Election Code and adoption of § 276.016.

that the act they complain about would occur. Now that the election is over, they certainly cannot meet that burden. There is no basis for seeking this order.

B. Relators are not entitled to disenfranchise elderly voters.

Relators' second through fourth requests ask this Court to order the disenfranchisement of voters age 65 and over who lawfully submitted their ballots to the early voting clerk in accordance with Texas Election Code § 82.003. Relators claim that Texas Election Code § 86.006(h) mandates that these votes be thrown out (and the Elections Administrator provide notice to such voters) because that section instructs the Elections Administrator not to count them.

However, Section 86.006(h), which deals only the with "Method of Returning *Marked Ballots[s]*," states that "[a] ballot returned in violation *of this section* may not be counted" [emphasis added] and instructs the early voting clerk to note this on the carrier envelope. Section 86.006 addresses the mechanics of delivering *marked* ballots *from* voters *to* the early voting clerk. Its purpose is to create a chain of custody so a person who completes a ballot at home will have confidence that it arrives unadulterated at the place where it will be counted. Section 86.006 has nothing to do with the process by which elderly voters request and receive *blank* ballots from the Elections Administrator, and it is disingenuous for Relators to claim that § 86.006(h) requires that the Elections Administrator "not count" marked ballots lawfully

submitted by qualified voters. Section 86.006(h) of the Election Code says nothing about a voter using a valid (but unsolicited) application to receive a mail-in ballot.

In fact, last year, this Court held that elections officials must provide a ballot to any voter who submits a vote by mail application and makes a plausible claim to be entitled to vote by mail. *In re State*, 602 S.W.3d 549, 561 (Tex. 2020) ("The respondents do not have a ministerial duty, reviewable by mandamus, to look beyond the application to vote by mail.") The Elections Administrator cannot be compelled to reject an application because of the manner in which the voter received it, or any other factor outside the four corners of the application.

Relators are asking the Court to do exactly what they complain about. They seek to bar the Elections Administrator from complying with a required ministerial act—in this case issuing a mail ballot to an eligible voter. *See* Tex. Election Code § 86.001(b) (requiring the Elections Administrator to provide a ballot to any eligible voter); § 86.011(a)-(b) (requiring the Elections Administrator to process a timely returned mail ballot). There is simply no basis in law for barring voters who submitted a valid mail-in ballot from exercising their right to vote by mail.

Last year, one of the Relators in this case attempted to disenfranchise more than 120,000 "drive-thru" voters whose ballots were allegedly illegally cast outside of a proper polling place. The court denied Relator's request for a temporary injunction and ruled:

> While Plaintiffs have complained about anecdotal reports of irregularities, the record reflects that the vast majority were legal voters, voting as instructed by their local voting officials and voting in an otherwise legal manner. The only claimed widespread illegality is the place of voting—a tent outside the polling places instead of inside the actual building. To disenfranchise over 120,000 voters who voted as instructed the day before the scheduled election does not serve the public interest.

Hotze v. Hollins, 4:20-CV-03709, 2020 WL 6437668, at *4 (S.D. Tex. Nov. 2, 2020), aff'd in part, vacated in part sub nom. *Hotze v. Hudspeth*, 16 F.4th 1121 (5th Cir. 2021).

Relators in the instant case make no allegation that the elderly voters they want to disenfranchise illegally submitted their applications and ballots to the wrong location, or that the applications and ballots are somehow defective. The Elections Administrator has a ministerial duty to respond to mail ballot applications by sending ballots, and the Elections Administrator has a ministerial duty to count valid ballots that are mailed to the correct address. Relators have no basis to prevent the Elections Administrator from carrying out these duties.

For Relators to challenge these votes, they would have been required to first show standing as election contestants. Next, they would have been required to prove by "clear and convincing evidence that voting irregularities materially affected the outcome of the election." *Reese v. Duncan*, 80 S.W.3d 650, 655 (Tex. App.—Dallas 2002, pet. denied) (citing *Tiller v. Martinez*, 974 S.W.2d 769, 772 (Tex. App.—San Antonio 1998, pet. dism'd w.o.j.). They have not even attempted to meet this burden.

C. Relators' proposal to invalidate the mail-ballot application of every elderly voter in Harris County and require these voters to request new applications was logistically impossible.

Even prior to the election, the "relief" Relators asked from this Court for their (nonexistent) injuries was impractical, prejudicial, absurd, and wasteful. Relators claimed this Court was required to invalidate the mail-in ballot applications already in the hands of every elderly voter in Harris County. It did not matter to Relators whether any of these voters intended to vote by mail in the first place, or what their individual circumstances were. Relators simply wanted all of their applications—and votes cast as a result of those applications—to be invalidated.

Relators posit that the Elections Administrator "could send written notice" to these voters informing them that they "must request a mail-ballot application" (an identical copy of the *same* application *they already had*) "and submit [it] by October 22, 2021."[15] Even Relators understood that simply mailing the application by October 22 would not have been sufficient; that date is when the application must have been *received* by the Elections Administrator's office.[16]

Even if this Court found in favor of Relators when they filed their first Petition for Writ of Mandamus, it would have been logistically impossible to execute

[15] Petition for Writ of Mandamus at 18.

[16] *Id. See also* https://www.sos.state.tx.us/elections/voter/important-election-dates.shtml ("Last Day to Apply for Ballot by Mail (**Received**, not Postmarked" (*emphasis in bold and underline in original*) (last visited December 16, 2021).

Relators' scheme. The Harris County Elections Administrator would have been required to somehow inform every elderly voter in Harris County that his or her mail-ballot application was invalid, give those voters time to mail requests for new applications, re-mail the same applications back to the voters, wait for the voters to mail the applications back to the Elections Administrator, mail ballots to the voters, then wait for the ballots to be returned. This would have been confusing for voters, required perfect notice and postal delivery, and risked applications and ballots being lost or misdirected.

Relators fail to even attempt to explain how this could work, averring simply that "[t]he time remaining . . . is reasonable."[17] One would be hard-pressed to find something more *un*reasonable.

Aside from being logistically impossible, Relators' proposal was prejudicial, absurd, and wasteful. Harris County's elderly voters should have been able to reasonably rely on the validity of their mail-ballot applications, and they did nothing to warrant those applications being invalidated. Further, it would have made no sense to require them to request the same form they already had. Relators presented this Court with no sensible reason to provide them with their requested "relief."

[17] Petition for Writ of Mandamus at 18.

The election is over, and it is impossible to execute Relators' plan at all. Their Writ of Mandamus was properly denied on September 17, 2021 and October 11, 2021. It should again be dismissed or denied.

CONCLUSION AND PRAYER

Relators' Petition for Writ of Mandamus should be dismissed because Relators lack standing and their claims are moot. If the Court considers the merits of the Petition for Writ of Mandamus, it should deny all four requests for relief.

Respectfully submitted,

/s/ Seth Hopkins

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CERTIFICATE OF COMPLIANCE

The undersigned attorney certifies that this document was produced on a computer and printed in a conventional typeface no smaller than 14-point, except for footnotes, which are no smaller than 12-point. This document also complies with the word-count limitations of Tex. R. App. P. 9.4. Relying on the word count of the computer program used to prepare this document, it contains 3,910 words, excluding the portions listed in Tex. R. App. P. 9.4(i)(1).

/s/ Seth Hopkins
SETH HOPKINS

CERTIFICATE OF SERVICE

I certify that on the 17th day of December, 2021, a true and correct copy of the foregoing instrument was served on Relators through electronic filing and via email at woodfillservice@gmail.com to their counsel of record, Jared Woodfill, 3 Riverway, Suite 750, Houston, Texas 77056.

/s/ Seth Hopkins
SETH HOPKINS

No. 21-0893

In the Supreme Court of Texas

IN RE: STEVEN HOTZE, M.D., HON. SID MILLER, GERRY MONROE, RANDOLPH PRICE, ALAN HARTMAN, ALAN VERA, AND GREGORY BLUME

Relators,

HARRIS COUNTY ELECTIONS ADMINISTRATOR ISABEL LONGORIA'S RESPONSE TO RELATORS' PETITION FOR WRIT OF MANDAMUS

APPENDIX

Tab 1 Affidavit of Harris County Elections Administrator Isabel Longoria

Tab 1

Affidavit of Harris County Elections Administrator Isabel Longoria

No. 21-0751

IN THE SUPREME COURT OF TEXAS

IN RE: STEVEN HOTZE, M.D., HON. SID MILLER, GERRY MONROF, RANDOLPH PRICE, ALAN HARTMAN, ALAN VERA, AND GREGORY BLUME

AFFIDAVIT OF HARRIS COUNTY ELECTIONS ADMINISTRATOR ISABEL LONGORIA

Before me, the undersigned authority, personally appeared Harris County Elections Administrator Isabel Longoria, who, being by me duly sworn, deposed as follows:

"My name is Isabel Longoria. I am over the age of 18, have never been convicted of a crime of moral turpitude, and am of sound mind and qualified to make this affidavit. I am personally familiar with the facts contained in this affidavit.

I am the Harris County Elections Administrator. In this role, I work with Commissioners Court, political parties, and other stakeholders to maintain Harris County's elections infrastructure. Among other duties, I create ballots for county, state, and federal elections, accept requests for ballots to be sent by mail, process returned ballots for tabulation, train presiding and alternate election judges, maintain election equipment, archive official election results and voter histories, and report this information to the Secretary of State.

I have read the Original Petition for Writ of Mandamus and Amended Emergency Motion for Temporary Relief filed in the Texas Supreme Court in the case captioned above.

My office is not planning to and will not send any unsolicited applications to vote by mail between today and the November 2, 2021 election.

I have read in the filings referenced above that Relators demand that our office "refrain from counting ballots received" from all voters aged 65 and older who requested ballots as a result of seeing an application that was mailed to them. The Texas Election Code requires that I provide a ballot to all voters who requested a mail-in ballot and are eligible for such ballots and count all validly submitted ballots.

Further, Affiant sayeth not."

Signed on 8th September 2021

Isabel Longoria

SWORN TO AND SUBSCRIBED before me on 8th of Sept.

Constance Washington

CONSTANCE WASHINGTON
132901500
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
JANUARY 30, 2025

Notary Public, State of Texas
Printed Name:
My Commission Expires: