

DC-20-03724

CAUSE NO. \_\_\_\_\_

IN THE INTEREST OF	§	IN THE DISTRICT COURT
	§	
THE STATE OF TEXAS	§	<u>298th</u> JUDICIAL DISTRICT
	§	
	§	DALLAS COUNTY, TEXAS

**PETITION TO RE-OPEN THE CENTRAL COUNTING STATION FOR  
RECOUNT AND RE-TABULATION OF THE DALLAS COUNTY MARCH 3,  
2020 DEMOCRATIC AND REPUBLICAN PRIMARY ELECTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, the Dallas County Dallas County Elections Administrator, Antoinette “Toni” Pippins-Poole (“Elections Administrator”) in her official capacity and files this Petition to Re-open the Central Counting Station for Recount and Re-tabulation of the Dallas County March 3, 2020 Democratic and Republican Primary Elections and would show the Court following:

**I.  
Background**

1.1 The Elections Administrator in her official capacity is represented by the Dallas County Criminal District Attorney, John Creuzot, and the undersigned assistant criminal district attorneys.

1.2 The Elections Administrator conducted the March 3, 2020 Democratic and Republican Primary Elections in Dallas County pursuant to a contract as authorized by Tex. Elec. Code § 31.903(c). The Elections Administrator also served as the early voting

clerk for both the Democratic and Republican Primary elections pursuant to Tex. Elec. Code §§ 83.002; 31.907.

**II.**  
**Factual Background**

2.1 Prior to the March 3, 2020 Democratic and Republican Primary Elections, Dallas County purchased new voting equipment for the Dallas County Elections Department. This new election equipment records citizen votes electronically, but also creates a paper ballot record of the votes which were cast.

2.2 During the reconciliation process after election day it was determined that there were discrepancies with 44 precinct scanner and tabulator machines at certain vote centers throughout Dallas County. Because of these discrepancies and after conferring with the Texas Secretary of State, it has been determined that the most accurate records are the paper ballots from those locations. See the attached affidavit of Antoinette “Toni” Pippins –Poole for further explanation of the discrepancies.

**III.**  
**Venue**

3.1 Venue is mandatory in Dallas County under Tex. Civ. Prac. & Rem. Code § 15.002(a)(1) because Dallas County, Texas is the county in which all of the events or omissions giving rise to this action occurred.

**IV.**  
**Applicable Law**

4.1 Recounts are governed by Title 13 of the Texas Election Code.

4.2 Both the Dallas County Democratic and Republican political parties are required to canvass the results of the March 3, 2020 Primary elections by March 12, 2020 pursuant to Tex. Elec. Code § 172.116(b).

4.3 The state party chairs of the Texas Democratic and Republican parties are required to canvass the statewide election results by March 14, 2020 pursuant to Tex. Elec. Code § 172.120 (b).

4.4 A central counting station was established for both the Democratic and Republican Primary Elections for March 3, 2020 pursuant to Tex. Elec. Code § 127.001.

4.5 Unofficial election results were announced after the polls closed on March 3, 2020 and undated throughout the night in compliance with Tex. Elec. Code § 127.1311.

4.6 The procedure to request and obtain a recount is detailed in Chapter 212, Texas Elections Code.

## **V.** **Argument**

5.1 It is a fundamental concept to our representative democracy that every vote is counted.

5.2 The Elections Administrator consulted with the Texas Secretary of State and reviewed Chapter 212, Texas Elections Code. After the review, there is no specific statute concerning counting errors as a ground for a recount on Electronic Voting Equipment analogous to Tex. Elec. Code § 212.034 concerning “Counting Errors as Grounds for Recount in Paper Ballot Precincts and Electronic Ballot Precincts.” In relevant part, Tex. Elec. Code § 212.034 states:

(a) To obtain a recount on the ground of counting errors in election precincts in which paper ballots were used, a person must attach to the recount petition an affidavit or affidavits from one or more presiding judges of the election stating that certain votes cast for the office or measure, as applicable, were either counted or not counted, as appropriate, with a brief description of the circumstances involved. . . .

(e) . . . after the date the copy of the recount petition and each affidavit is received by the secretary of state, the secretary shall deliver written certification of whether grounds exist for obtaining a recount on the basis of counting errors to the recount coordinator. . .

5.3 Because there is no direct statutory authority to proceed for a recount regarding errors of the electronically recorded votes along with the facts of this case, the Dallas County Elections Administrator asks the Court to authorize the recount of the paper ballots through the central counting station tabulator.

## **VI.** **Prayer**

6.1 Now therefore, based on the foregoing, the Dallas County Elections Administrator requests this Court to order a recount, re-scan and re-tabulation of paper votes cast in the March 3, 2020 Democratic and Republican Primary elections similar to recounts allowed under Texas Election Code § 212.034 for the 44 scanner and tabulator machines in question. The recount requested would involve taking the paper ballots from the ballot boxes of those 44 scanner and tabulator machines and running the paper ballots through the central counting station tabulator. Further, the Dallas County Elections

Administrator asks the Court to set a date and time for the recount to occur so all parties authorized under the Texas Election Code may attend the recount and observe. The Dallas County Elections Administrator prays for all other relief in law and equity to which she is entitled.

Respectfully submitted,

/s/ JOHN CREUZOT

JOHN CREUZOT

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ELECTIONS ADMINISTRATOR  
ANTOINETTE “TONI” PIPPINS-POOLE

**CERTIFICATE OF SERVICE**

Pursuant to Rule 21 of the Texas Rules of Civil Procedure, I certify that a true and correct copy of foregoing document was served in compliance with Rule 21a of the Texas Rules of Civil Procedure to the following in the manner indicated below:

*Via email and e-service:*

Rodney Anderson, Chairman  
Dallas County Republican Party  
[rodney@dallasgop.org](mailto:rodney@dallasgop.org)

*Via email and e-service:*

Carol Donovan, Chair  
Dallas County Democratic Party  
[carol@dallasdemocrats.org](mailto:carol@dallasdemocrats.org)

*Via email and e-service:*

Keith Ingram  
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Texas Secretary of State  
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*Via email and e-service:*

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**DATED:** March 6, 2020

/s/ John Creuzot