

No. \_\_\_\_\_

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**In the Supreme Court of Texas**

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**In Re: ELIZABETH BIESEL,  
LAURA BIESEL,  
MEG BAKICH,  
LISA BURROUGHS,  
LYNN DAVENPORT,  
Petitioners.**

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**Original Proceeding  
Art. V, Section 3 of the Texas Constitution**

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**Emergency Petition for Writ of Mandamus**

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Counsel for Relators

## **IDENTITY OF PARTIES AND COUNSEL**

### **A. Relators**

**Elizabeth Biesel**

3608 Southwestern Blvd  
Dallas, TX 75225

**Lynn Davenport**

9627 Windy Hill Road  
Dallas, TX 75238

**Lisa Burroughs**

4344 Beverly Drive  
Dallas, Texas 75205

**Laura Biesel**

3608 Southwestern Blvd  
Dallas, TX 75225

**Meg Bakich**

6715 Golf Drive  
Dallas, TX 75205

Counsel for Relators: Warren V. Norred, State Bar No. 24045094  
NORRED LAW, PLLC; 515 East Border Street; Arlington, Texas 76010  
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### **B. Respondents**

**County of Dallas, c/o Clay Jenkins, Dallas County Judge**

411 Elm; Dallas, Texas 75202

Court Phone: (214) 653-7949; Fax Number: (214) 653-6586

w/notice to John Creuzot, Dallas County District Attorney by fax (214) 653-5774

**Laura C Grenado, Early Voting Manager**

8439 Banquo Dr; Dallas, Texas 75228-5870

**Toni Pippins Poole, Election Manager** (also in individual capacity)

6935 Chapelridge Drive; Dallas, Texas 75249-2601 (home)

or 1520 Round Table Drive, Dallas, Texas 75247 (office)

**Linda Collins (Republican AJ for UP United Methodist Church)**

7019 Northwood Rd; Dallas, Texas 75225-2439

**Joseph Sperandeo (Democrat Judge for UP United Methodist Church)**

2102 Chestnut Hill Ln; Richardson, Texas 75082-4818

**Michele Valentino (Democrat Judge for UP United Methodist Church)**

5125 Forest Lane Pl; Dallas, Texas 75244-7904

**Jim Mabile, UPMC Facilities Manager**

4560 Belt Line Rd Ste 200; Addison TX 75001-4500

or 1709 Midcrest Dr.; Plano, Texas 75075-8538

### **C. Other Noticed Parties: Attorney General Ken Paxton**

Office of the Attorney General; 300 W. 15th Street; Austin, Texas 78701

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## STATEMENT OF THE CASE

The core issue in this case is whether a political subdivision in Texas can flout a duly-enacted Governor's Order.

Relators are three political activists who historically have worked as paid election clerks in Dallas County during early voting and on Election Day.

On July 2, 2020, Gov. Abbott issued executive order GA-29, which requires use of face coverings in Texas, subject to several exceptions. One exception prevents face-covering requirements at polling sites for election activities.

Irrespective of GA-29, the Dallas County Comm'rs Court ordered election personnel to wear face coverings. The Dallas County Elections Administrator instructed election judges to fire election clerks who refused to wear masks.

Attorney General Ken Paxton issued a letter to clarify that the plain reading of GA-29 does not allow election officials to require face masks for clerks.

By their illegal (*ultra vires*) actions, Dallas County and its election officials are infringing Relators' rights and interfering with Relators' contracts to work during early voting and planned work on Election Day, November 3, 2020.

Relators seek mandamus to instruct Dallas County to follow Gov. Abbott's executive order GA-29 regarding face coverings, allowing clerks to work without face coverings, re-employing clerks who were fired, and void face-covering terms in any Dallas County contracts with election poll host sites.

## **STATEMENT OF JURISDICTION**

### Texas Constitution

Section 3 of Article 5 of the Texas Constitution allows the Supreme Court to issue writs of mandamus as may be necessary to enforce its jurisdiction, and empowers the Legislature to confer original jurisdiction to issue writs of mandamus on defined conditions. TEX. CONST. art. V, §3.

### Election Code

The Texas Legislature gave this Court jurisdiction to issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election or a political party convention, regardless of whether the person responsible for performing the duty is a public officer. TEX. ELEC. CODE § 273.061.

### Appeal of Election Presiding Judge

The presiding judge of an election polling site has the power and authority of a district judge. TEX. ELEC. CODE § 32.075. Relators will assert herein that an appeal of a decision by a district judge regarding his duties is appealable based on the Supreme Court's appellate jurisdiction of judgments of trial courts and thus the respondent presiding judges, as the case presents a question of law that is important to the jurisprudence of the state. TEX. GOV'T CODE § 22.001.

### Additional Jurisdictional Support

The Texas Legislature has given the Supreme Court jurisdiction to issue writs of mandamus generally against district judges and other officers of the state government. TEX. GOV'T CODE § 22.002(a); *Seagraves v. Green*, 116 Tex. 220, 237-38, 288 S.W. 417, 423-24 (Tex. 1926).

A writ of mandamus will issue when a judge clearly abuses her discretion and there is no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004). A judge abuses her discretion when she fails to analyze or apply the law correctly. *In re Poly-America, L.P.*, 262 S.W.3d 337, 346–47 (Tex. 2008).

Election Administrators are tasked with enforcing Texas law while assisting in the elections processes. The duties of the Election Administrator are established in section 31 of the Texas Election Code, which includes “the duties and functions relating to elections that are placed on the county clerk *by statutes outside this code.*” TEX. ELEC. CODE § 31.043(3) (emphasis added).

Thus, the Texas Supreme Court can act when County Judges and Election Administrators have abused their discretion by extending their power to violate the rights of the residents within their jurisdictions.

This Court has original jurisdiction under the Election Code and appellate jurisdiction under the Government Code to issue a writ of mandamus and require

the County of Dallas and named respondents, all of whom are attempting to demand Relators wear mask-wearing practices without authority *ultra vires*. TEX. ELECT. CODE § 273.061; TEX. GOV'T CODE § 22.002(a).

This petition was not first presented to the court of appeals due to the extremely time-sensitive nature of this matter. Early voting is occurring now, and Election Day is two weeks away. Serious harm is occurring and will continue to occur absent prompt relief, as Relators are election workers who ensure that elections are properly conducted, and they ought not be subjected to whimsical rules designed only to intimidate and give excuses for public criticism.

As discussed herein, Dallas County officials are imposing and enforcing orders without a lawful basis, doing so unlawfully and in a way that cannot be considered effective even to accomplish its stated goal of reducing the spread of a virus that this Court can now recognize is not going to decimate the population.

## **ISSUE PRESENTED**

Under Texas law, is Court Order 2020-0924 issued by County Judge Clay Jenkins on September 1, 2020 requiring Election Day Judges and Alternate Judges, Clerks, Early Voting Presiding Election Officers and Alternate Presiding Election Officers, and poll-workers to wear masks enforceable in light of GA-29, issued by Governor Greg Abbott on July 2, 2020?

## STATEMENT OF FACTS

### **A. General Background - COVID-19 appears and Governor Abbott reacts.**

Governor Greg Abbott issued a disaster proclamation on March 13, 2020<sup>1</sup>, certifying under TEX. GOV'T CODE § 418.014 that the novel coronavirus (COVID-19) posed an imminent threat of disaster to the State of Texas. Gov. Abbott has renewed the disaster declaration monthly. See Tab 2.

Though Governor Abbott has been slowly relaxing restrictions on commercial operations throughout the State of Texas, the prospect of lines of people standing close together while voting has presented health concerns.

To address these concerns, Gov. Abbott issued a proclamation on March 18 that allowed municipal elections usually occurring in May to be delayed until the November 3 uniform election date. See Tab 3 (recounting this history).

On July 27, Gov. Abbott proclaimed early voting for the November 3rd general election would start on October 13, a week earlier than section 85.001(a) of the Texas Election Code allows, to accommodate safe voting for all Texans. Gov. Abbott claimed the authority to make this change by the declaration of disaster. See Tab 3.

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<sup>1</sup> All dates referenced in this Application are to 2020 unless otherwise stated.

On July 2nd, 2020 Governor Greg Abbott issued GA-29 “related to the use of face coverings during the COVID-19 disaster.” The order reads:

“Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following

...

8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;”

See Tab 2, Tex. Exec. Order No. GA-29 (July 2nd, 2020) (italics and underlining in original). A plain reading of the Governor’s GA-29 mask order clearly make an exception for poll workers and allows them to work without a face covering, even though wearing one is strongly encouraged.

**B. Dallas County ignores Gov. Abbott’s GA-29 and requires masks.**

Ignoring GA-29, Dallas County Judge Clay Jenkins and the Commissioners Court issued Court Order 2020-0924 (“Dallas Mask Order”). The Dallas Mask Order, an excerpt of which is faithfully copied below, requires election workers to wear masks:

3. The Dallas County Commissioners Court adds the following procedural requirement for all poll-workers:

“During all times while on duty in their capacity as Election Day Judges and Alternate Judges must wear personal protection mask. Any Clerk appointed by the Judge or placed by Dallas County must wear personal protection mask during work hours at their appointed polling location.”

“During all times while on duty in their capacity as Early Voting Presiding Election Officers and Alternate Presiding Election Officers must wear personal protection mask. Any Early Voting poll-worker appointed by the Presiding Election Officer or placed by Dallas County must wear personal protection mask during work hours at their appointed polling location.”

See Tab 1, Dallas County Comm’rs Court Order 2020-0924, September 1, 2020.

The Dallas Mask Order violates Governor Greg Abbott’s GA-29 face covering executive order by requiring election personnel to wear masks. Notably,

the Dallas Mask Order does not control poll watchers or those involved in electioneering at polling locations. Based on the testimony of Relators, county election administrators claim that they may require facemasks of their employee election clerks, irrespective of GA-29. (See Tab 6).

### **C. Dallas County Election Staff harassed and fired Relators.**

Relators Beth Biesel, Meg Bakich, Elizabeth Biesel, Lisa Burroughs, and Laura Biesel were all told that they were required to wear masks as poll workers by Dallas County Employees on October 13th, 2020 at UP United Methodist Church.

Respondent Laura Granado, Dallas County's Early Voting Manager, told Relators that face masks were still mandatory even when Beth Biesel informed Granado and other personnel about the poll worker exemption in GA-29. Granado told Relators that the Governor's Order did not matter and they were to follow the County Order. Respondent Joseph Sperandeo, Election Judge, informed them that they were not permitted to work under the County's orders. See Tab 6-6.

On October 16th Beth Biesel, Elizabeth Biesel and Lisa Burroughs went to UP United Methodist Church to work, knowing that Texas Attorney General Paxton had published a letter on October 14th, 2020 reiterating that the Governor's GA-29 #8 exempted poll workers. *See* Tab 4. On their arrival, they discovered that the letter had had no effect on Dallas County Election officials.

Both Democratic Election Judge Joseph Sperandeo and Alternate Judge Linda Collins told Relators that they could not be in the polling place without a mask. Relators told the Judges about GA-29 and the Attorney General's letter but the election judges replied that the Dallas Mask Order was "the only thing that mattered."

Respondent Jim Mabile, PMC Facilities Manager, threatened to call 911 to have Relators arrested after they refused to wear a mask. Relators feared receiving a criminal trespass notice and arrest, so they left the polling site.

Relators relied on the promise of work and suffered losses of income by being deprived of the employment.

Elizabeth Biesel, Beth Biesel, and Lisa Burroughs went to Our Redeemer Lutheran Church ("ORLC") in Irving, Texas, to offer their services as election clerks. Lisa Burroughs was the only one officially scheduled for work. Election Judge Michelle Valentino yelled at Lisa that she would not be able to work without a mask. Judge Valentino refused to read GA-29 or the AG's letter. *See* Tab 6.

Meg Bakich and Lynn Davenport worked briefly on October 16th but were relieved of their duties for not wearing masks by Joseph Sperandeo. Bakich and Davenport showed Sperandeo a copy of GA-29 and explained that the County's orders do not supersede the Governor's, but Sperandeo responded that it did not matter.

On October 17th, Relators returned to the polling site for their scheduled times, but were verbally harassed by Linda Collins and Laura Granado. Collins brought Detective J. Cox to remove Relators. Relators left and were told by four other officers that they were not allowed back into the polling site and that they had to follow rules established by Dallas County and enforced by Respondent Toni Pippins Poole, the Dallas County Elections Administrator.

During these discussions, Respondents informed Relators that Governor Abbott's executive orders were suggestions only. They also asserted that Dallas County has contracts with its polling sites which include face-mask terms.

Respondents verbally and publicly abused Relators, deprived them of the opportunity to earn income even though they had formed a contract to appear and work. Respondents harassed and intimidated Relators, even though Respondents often removed or adjusted their own masks and demonstrated that the order was for little more than show. Relators' termination as long-time election clerks allowed a lopsided party presence at their polling places, thus jeopardizing the integrity of the election site. Respondent election judges enforced unlawful orders outside their authority against Relators at the instruction of Dallas County.

## ARGUMENTS AND AUTHORITIES

**Respondents have no legal authority to issue orders requiring election workers to wear masks – the Dallas Mask Order is without legal support and contrary to state law under the Disaster Act.**

The state legislature grants Commissioners Courts limited authority to issue orders concerning specific subject matter, e.g., regulation of wild animals and outdoor burning, discussed in Chapter 240 of the Texas Government Code. However, Texas law does not provide a grant of power to create regulations beyond those enumerated.<sup>2</sup>

Section 418 of the Texas Government Code purports to authorize a governor to issue executive orders with the “force and effect of laws” and then also gives the same power to county judges and mayors, who operate as the governor’s network of local emergency leaders. TEX. GOV’T CODE §§ 418.012, 418.1015.

Judge Jenkins is operating on a declared emergency as part of Gov. Abbott’s team, but is ignoring Governor Abbott’s GA-29 Executive Order based on Jenkins’ own preferences. Jenkins and the Respondents named above claim that the Dallas Mask Order trumps Governor Abbott’s. Respondents claim that GA-29 is a mere suggestion, and that they can intimidate and berate Relators and then terminate their long history of working during Dallas elections based on their own rule.

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<sup>2</sup> The Texas Association of Counties assists counties by periodically printing a Guide to Texas Laws for County Officials that explains the various powers that commissioners have and where those powers lie. The 2018 version is online (checked on April 28) and provided to the Court by Relators, who urge its acceptance as a learned treatise. <https://www.county.org/TAC/media/TACMedia/About%20Texas%20Counties/Guide-to-Laws-2018.pdf>

Respondents' new position is contrary to its previous ideas on these matters. Respondents did not take the position that Gov. Abbott's proclamation of early voting was mere suggestion; the County formed contracts and set up polling sites based on the instruction of the Governor.

Similarly, GA-29 is not mere suggestion. If Governor Abbott has the power to suspend and amend state law to allow for early voting, then he has the authority to dictate what Texas law is (and is not) with regard to face coverings.

If GA-29 had ambiguity in it to allow for local variance, Respondents would have an argument. In other executive orders, Gov. Abbott has allowed for variation in execution of these orders. For example, in Gov. Abbott's March 18th proclamation regarding the delay of municipal elections, municipalities were allowed to delay their elections to November, but cities were not required to do so. Tab 3. The conduct of the November 3 election is less flexible for a number of obvious reasons, the most obvious being the national scope of the election.

Additionally, Relators have a fundamental right to participate in state elections on an equal basis with other qualified voters, so strict scrutiny is appropriate for considerations concerning participation in election activities. *San Antonio Indep. Sch. Dist. v. Rodriguez* 411 U.S. 1, fn. 78 (1973); *see also Burson v. Freeman*, 504 U.S. 191 (1992) (balancing 100' boundary on electioneering).

Here, even if there existed no “law” in the form of GA-29, the Dallas Mask Order as written could not begin to survive strict scrutiny, as it does not require voters or poll watchers to wear masks. In fact, the only people required to wear masks are the election clerks. And as the declarations (Tab 6) indicate, the clerks’ mask usage is of dubious efficacy, as the clerks tend to touch and fiddle with their masks as they work. This obvious truth is one of the reasons why a recent CDC report evaluating various studies on mask use and the efficacy of masks in stopping the spread of flu, the researchers found “In pooled analysis, we found no significant reduction in influenza transmission with the use of face masks.” The authors explained:

Disposable medical masks (also known as surgical masks) are loose-fitting devices that were designed to be worn by medical personnel to protect accidental contamination of patient wounds, and to protect the wearer against splashes or sprays of bodily fluids. There is limited evidence for their effectiveness in preventing influenza virus transmission either when worn by the infected person for source control or when worn by uninfected persons to reduce exposure. Our systematic review found no significant effect of face masks on transmission of laboratory-confirmed influenza.<sup>3</sup>

This Court need not come to a scientific conclusion regarding the efficacy of facemasks to resolve this case. All it need do is recognize that Dallas County has acted and depended on the executive orders of Governor Abbott as though they are

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<sup>3</sup> See Tab 7, Xiao, J., Shiu, E., Gao, H., Wong, J. Y., Fong, M. W., Ryu, S....Cowling, B. J. (2020). Nonpharmaceutical Measures for Pandemic Influenza in Nonhealthcare Settings—Personal Protective and Environmental Measures. *Emerging Infectious Diseases*, 26(5), 967-975. <https://dx.doi.org/10.3201/eid2605.190994> (last checked October 19, 2020). The article is admissible as a government report.

law, and the County cannot now throw off that belief and disregard Governor Abbott's duly-enacted Order in order to empower the belittling of the minority political party in the county.

Relators have demonstrated that they have standing by the personal injuries that they have suffered. They have shown that this Court has jurisdiction in at least two different ways (Election Code and Government Code). They have also shown that immediate relief is necessary, as early voting is going on now, and the general election is two weeks away. There exists no time to start at the Fifth District Court of Appeals. This Court's attention is needed now.

## **PRAYER & CONCLUSION**

Relators pray this Court GRANT their application for Writ of Mandamus and require Respondents to:

- 1) Cease all enforcement of any requirement for election personnel to wear a face covering, respecting the election exemption of GA-29 and making face coverings optional, just as they are for voters and poll watchers.
- 2) Re-employ Respondents to their positions as they have historically served.
- 3) Declare that all polling site contracts with Dallas County to be reformed so that no face covering terms are enforceable as contrary to state law.

Further, Relators pray for any other and further relief, general or special, in law or in equity, to which they may show themselves to be justly entitled.

Respectfully submitted,

By: /s/Warren V. Norred  
Warren V. Norred, SBN 24045094  
NORRED LAW, PLLC  
515 East Border Street;  
Arlington, Texas 76010  
O: 817.704.3984; F: 817.524.6686  
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ATTORNEY FOR RELATORS

## **CERTIFICATIONS**

### **CERTIFICATE OF SUPPORT**

Pursuant to Tex. R. App. P. 52.3(j), I certify that I have reviewed this Response and concluded that every factual statement in the Response is supported by competent evidence included in the Mandamus Record submitted with the appendix concurrently filed.

/s/Warren V. Norred  
Warren V. Norred

### **CERTIFICATE OF SERVICE**

In accordance with Tex. R. App. Pro. 9.5(e), the undersigned hereby certifies that a true and correct copy of the foregoing Petition for Writ of Injunction has been sent by e-service, on this October 19, 2020 to Relators to Dallas County through John Creuzot, Dallas County District Attorney, by fax to (214) 653-5774, Frank Crowley Courts Building , 133 N. Riverfront Boulevard, LB 19, Dallas, TX 75207.

/s/Warren V. Norred  
Warren V. Norred

### **CERTIFICATE OF COMPLIANCE**

The undersigned hereby certifies that, pursuant to Tex. R. App. Pro. 9.4(i)(2)(D), the number of words in this document is no more than 3070, based upon the word counter of MS Word.

/s/Warren V. Norred  
Warren V. Norred

## **APPENDIX OF EXHIBITS**

<u>TAB 1 Order 2020-0924, County Judge Clay Jenkins</u>	pg. 3
<u>TAB 2 GA-29, Governor Greg Abbot</u>	pg. 5
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<u>TAB 4 Ken Paxton Letter, October 14, 2020</u>	pg. 16
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## Tab 1

Court Order 2020-0924 issued by County Judge Clay  
Jenkins, September 1<sup>st</sup>, 2020



## COURT ORDER 2020-0924

**Amendment to Court Order 2019-0947 - Supplement Selection of Election Day Judge and Alternate Judges, and Early Voting Presiding Officers / Alternate Presiding Officers to Fill Vacancies, Update Central Count Station Personnel, and to update terms and conditions of service for the Remainder of the 2019-2021 Term.**

On a motion made by County Judge Clay Jenkins, and seconded by Commissioner John Wiley Price, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: September 1, 2020

FUNDING SOURCE: N/A

Be it resolved and ordered that the Dallas County Commissioners Court does hereby Approve the Supplemental Changes to Selection of Early Voting Presiding Officers/Alternate Presiding Officers Changes and Additions to Court Order 2019-0947 as of Monday, August 24, 2020, to serve as Election Day Judge and Alternate Judges, and Early Voting Presiding Officers / Alternate Presiding Officers for the 2019-2021 Term as designated for the Voting Center Locations in which their names appear for the 2019-2021 term, and to update pay rate, terms and conditions of service as follows:

1. Election Judges are paid \$18.00 per hour; and, Alternate Judges & Clerks are paid \$16.00 per hour.
2. For the remainder of the 2019-2021 Term, the Central Counting Station consist of the following officers:

Central Count StationManager:	Toni Pippins-Poole
Tabulation Supervisor:	Danielle Grant
AssistantTabulationSupervisor:	Daniel Bradley
PresidingJudge:	Paul Heller
Alternate PresidingJudge:	Wes Bowen

**Amendment - Presiding Judge Paul Heller will be replaced by Rosa Orenstein**

3. The Dallas County Commissioners Court adds the following procedural requirement for all poll-workers:

“During all times while on duty in their capacity as Election Day Judges and Alternate Judges must wear personal protection mask. Any Clerk appointed by the Judge or placed by Dallas County must wear personal protection mask during work hours at their appointed polling location.”

“During all times while on duty in their capacity as Early Voting Presiding Election Officers and Alternate Presiding Election Officers must wear personal protection mask. Any Early Voting poll-worker appointed by the Presiding Election Officer or placed by Dallas County must wear personal protection mask during work hours at their appointed polling location.”

4. The Commissioners Court also approves of Elections Department’s request to seek out and identify buildings within Dallas County that are suitable for use as Mega Voting Centers for the November 3, 2020 General & Joint Election as outlined in SOS Election Advisory 2020-19 due to COVID-19 recommendations.

Amendments read into the record in open court regarding this order and will be uploaded as an attachment.

**Commissioner Price stated there should be a change that states per democratic party as it relates to the removal of Shadora Bowens and submission of Shirley Brown.**

**Commissioner Koch states he did not see the removal of Election Judge Emma Craten from Richmond College.**

**Commissioner Price request to see the minutes to support statements as it relates Ms. Craten**

Done in open Court September 1, 2020 by the following vote:

IN FAVOR:	County Judge Clay Jenkins, Commissioner Dr. Theresa Daniel, Commissioner John Wiley Price, and Commissioner Dr. Elba Garcia
OPPOSED:	Commissioner JJ Koch
ABSTAINED:	None
ABSENT:	None

Recommended by: Toni Pippins-Poole  
Originating Department: Elections

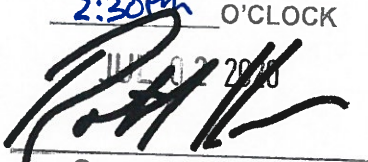
## Tab 2

GA-29 issued by Governor Greg Abbott on  
July 2<sup>nd</sup>, 2020



GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30 PM O'CLOCK  
JUL 02 2020  
  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

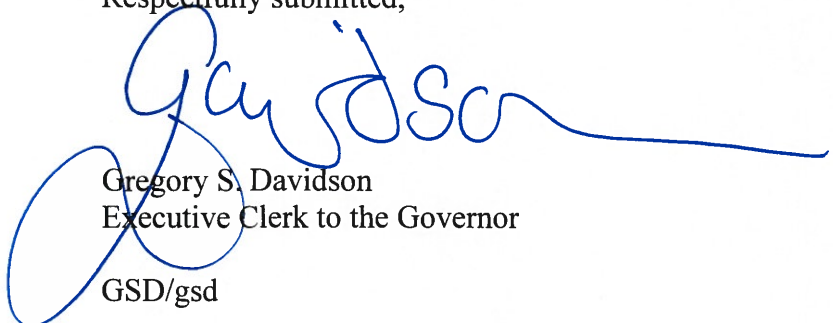
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-29 relating to the use of face coverings during the  
COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
July 2, 2020

## EXECUTIVE ORDER GA 29

*Relating to the use of face coverings during the COVID-19 disaster.*

---

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texans safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, I have joined the medical experts in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in Texas, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Texans, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by fine;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by

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SECRETARY OF STATE  
2:30 PM O'CLOCK

JUL 02 2020

the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: [www.tdem.texas.gov/ga29](http://www.tdem.texas.gov/ga29).

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

Executive Order GA-28 is hereby amended to delete from paragraph number 15 the phrase: “, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.”

The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.

This executive order does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-28 as amended. This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30 PM O'CLOCK

JUL 02 2020



Given under my hand this the 2nd  
day of July, 2020.

A handwritten signature in black ink, reading "Greg Abbott", written over a horizontal line.

GREG ABBOTT  
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "Ruth R. Hughs", written over a horizontal line.

RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020

## Tab 3

Governor Greg Abbott's Proclamation issued  
July 27, 2020



GOVERNOR GREG ABBOTT

July 27, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

2:00pm O'CLOCK

JUL 27 2020

Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

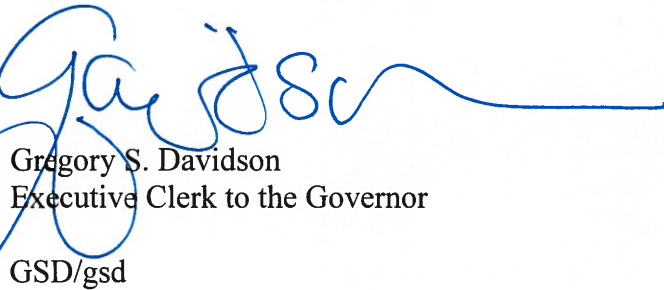
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending certain statutes concerning elections on November 3, 2020.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment

# PROCLAMATION

BY THE

## Governor of the State of Texas

---

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, pursuant to legislative authorization under Chapter 418 of the Texas Government Code, I have issued executive orders, proclamations, and suspensions of Texas laws in response to the COVID-19 disaster, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, Section 41.001(a) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on November 3, 2020; and

WHEREAS, I issued a proclamation on March 18, 2020, suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise have held elections on May 2, 2020, to move their general and special elections for 2020 only to the November 3, 2020 uniform election date; and

WHEREAS, Texas law provides that eligible voters have a right to cast a vote in person; and

WHEREAS, as counties across Texas prepare for the upcoming elections on November 3, 2020, and establish procedures for eligible voters to exercise their right to vote in person, it is necessary that election officials implement health protocols to conduct elections safely and to protect election workers and voters; and

WHEREAS, in order to ensure that elections proceed efficiently and safely when Texans go to the polls to cast a vote in person during early voting or on election day for the November 3, 2020 elections, it is necessary to increase the number of days in which polling locations will be open during the early voting period, such that election officials can implement appropriate social distancing and safe hygiene practices; and

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JUL 27 2020

WHEREAS, Section 85.001(a) of the Texas Election Code provides that the period for early voting by personal appearance begins 17 days before election day; and

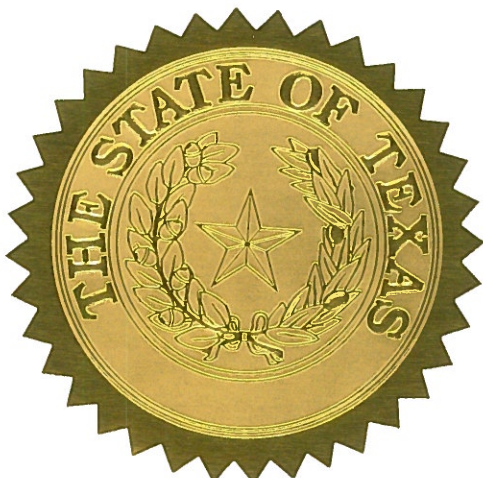
WHEREAS, Section 86.006(a-1) of the Texas Election Code provides that a voter may deliver a marked mail ballot in person to the early voting clerk's office while the polls are open on election day; and

WHEREAS, in consultation with the Texas Secretary of State, it has become apparent that for the November 3, 2020 elections, strict compliance with the statutory requirements in Sections 85.001(a) and 86.006(a-1) of the Texas Election Code would prevent, hinder, or delay necessary action in coping with the COVID-19 disaster, and that providing additional time for early voting will provide Texans greater safety while voting in person; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the legislature has expressly authorized the Governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and laws of the State of Texas, do hereby suspend Section 85.001(a) of the Texas Election Code to the extent necessary to require that, for any election ordered or authorized to occur on November 3, 2020, early voting by personal appearance shall begin on Tuesday, October 13, 2020, and shall continue through the fourth day before election day. I further suspend Section 86.006(a-1) of the Texas Election Code, for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day.

The Secretary of State shall take notice of this proclamation and shall transmit a copy of this order immediately to every County Judge of this state and all appropriate writs will be issued and all proper proceedings will be followed to the end that said elections may be held and their results proclaimed in accordance with law.



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 27th day of July, 2020.

A handwritten signature in black ink, reading "Greg Abbott", written over a horizontal line.

GREG ABBOTT  
Governor of Texas

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:00 PM O'CLOCK

JUL 27 2020

ATTESTED BY:



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RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:00 pm O'CLOCK

JUL 27 2020

## Tab 4

Ken Paxton Letter to Texas Election Officials, October  
14, 2020



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

October 14, 2020

Dear Texas Elections Officials:

My office is receiving reports that certain poll watchers, election clerks, and other individuals administering elections are being barred from executing their duties on account of not wearing a mask or face-covering. This is wrong.

This letter serves as a reminder that on July 2, 2020, Governor Abbott issued Executive Order No. GA-29 relating to the use of face coverings during the COVID-19 disaster. See attached. The Order states plainly that the statewide "face-covering requirement does not apply to . . . any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election." See the attached Order at page 2, paragraph 8.

Political subdivisions may not contravene the Governor's Order. Doing so is unlawful.

Sincerely,

A handwritten signature in black ink that reads "Ken Paxton". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ken Paxton  
Attorney General of Texas

Attachment: Executive Order No. GA-29

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
July 2, 2020

## EXECUTIVE ORDER GA 29

*Relating to the use of face coverings during the COVID-19 disaster.*

---

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, as Texas reopens in the midst of COVID-19, increased spread is to be expected, and the key to controlling the spread and keeping Texans safe is for all people to consistently follow good hygiene and social-distancing practices; and

WHEREAS, due to recent substantial increases in COVID-19 positive cases, and increases in the COVID-19 positivity rate and hospitalizations resulting from COVID-19, further measures are needed to achieve the least restrictive means for reducing the growing spread of COVID-19, and to avoid a need for more extreme measures; and

WHEREAS, I have joined the medical experts in consistently encouraging people to use face coverings, and health authorities have repeatedly emphasized that wearing face coverings is one of the most important and effective tools for reducing the spread of COVID-19; and

WHEREAS, given the current status of COVID-19 in Texas, requiring the use of face coverings is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, wearing a face covering is important not only to protect oneself, but also to avoid unknowingly harming fellow Texans, especially given that many people who go into public may have COVID-19 without knowing it because they have no symptoms; and

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JUL 02 2020

WHEREAS, the "governor is responsible for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by fine;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective at 12:01 p.m. on July 3, 2020:

Every person in Texas shall wear a face covering over the nose and mouth when inside a commercial entity or other building or space open to the public, or when in an outdoor public space, wherever it is not feasible to maintain six feet of social distancing from another person not in the same household; provided, however, that this face-covering requirement does not apply to the following:

1. any person younger than 10 years of age;
2. any person with a medical condition or disability that prevents wearing a face covering;
3. any person while the person is consuming food or drink, or is seated at a restaurant to eat or drink;
4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors, and (b) maintaining a safe distance from other people not in the same household;
5. any person while the person is driving alone or with passengers who are part of the same household as the driver;
6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or a need for specific access to the face, such as while visiting a bank or while obtaining a personal-care service involving the face, but only to the extent necessary for the temporary removal;
7. any person while the person is in a swimming pool, lake, or similar body of water;
8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
9. any person who is actively providing or obtaining access to religious worship, but wearing a face covering is strongly encouraged;
10. any person while the person is giving a speech for a broadcast or to an audience; or
11. any person in a county (a) that meets the requisite criteria promulgated by

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JUL 02 2020

the Texas Division of Emergency Management (TDEM) regarding minimal cases of COVID-19, and (b) whose county judge has affirmatively opted-out of this face-covering requirement by filing with TDEM the required face-covering attestation form—provided, however, that wearing a face covering is highly recommended, and every county is strongly encouraged to follow these face-covering standards.

Not excepted from this face-covering requirement is any person attending a protest or demonstration involving more than 10 people and who is not practicing safe social distancing of six feet from other people not in the same household.

TDEM shall maintain on its website a list of counties that are not subject to this face-covering requirement pursuant to paragraph number 11. The list can be found at: [www.tdem.texas.gov/ga29](http://www.tdem.texas.gov/ga29).

Following a verbal or written warning for a first-time violator of this face-covering requirement, a person's second violation shall be punishable by a fine not to exceed \$250. Each subsequent violation shall be punishable by a fine not to exceed \$250 per violation.

Local law enforcement and other local officials, as appropriate, can and should enforce this executive order, Executive Order GA-28, and other effective executive orders, as well as local restrictions that are consistent with this executive order and other effective executive orders. But no law enforcement or other official may detain, arrest, or confine in jail any person for a violation of this executive order or for related non-violent, non-felony offenses that are predicated on a violation of this executive order; provided, however, that any official with authority to enforce this executive order may act to enforce trespassing laws and remove violators at the request of a business establishment or other property owner.

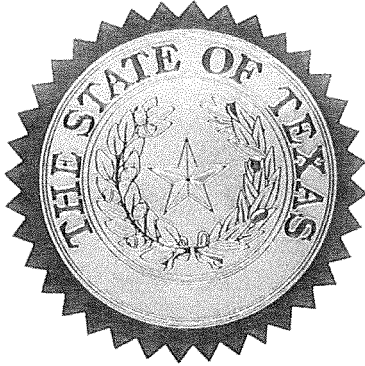
This executive order hereby prohibits confinement in jail as a penalty for the violation of any face-covering order by any jurisdiction.

Executive Order GA-28 is hereby amended to delete from paragraph number 15 the phrase: “, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.”

The governor may by proclamation amend this executive order or add to the list of people to whom this face-covering requirement does not apply.

This executive order does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-24, GA-25, GA-27, or GA-28 as amended. This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30 PM O'CLOCK  
JUL 02 2020



Given under my hand this the 2nd  
day of July, 2020.

A handwritten signature of Greg Abbott in cursive script.

GREG ABBOTT  
Governor

ATTESTED BY:

A handwritten signature of Ruth R. Hughes in cursive script.

RUTH R. HUGHES  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020

## Tab 5

Early Voting Clerk Toni Pippins-Poole's Letter



DALLAS COUNTY ELECTIONS DEPARTMENT  
TONI PIPPINS-POOLE, ADMINISTRATOR

---

**To: All Active Dallas County Pollworker:**

Date: October 17, 2020

Dallas County Commissioners Court approved Court Order 2020-0924 on September 1, 2020 (attached), which specifically mandates the following:

**"During all times while on duty in their capacity as Early Voting Presiding Election Officers and Alternate Presiding Election Officers must wear personal protection mask. Any Early Voting poll-worker appointed by the Presiding Election Officer or placed by Dallas County must wear personal protection mask during work hours at their appointed polling location."**

Therefore, all Early Voting Presiding Election Officials (PEOs), Alternate Presiding Election Officers (APEOs), and Clerks who are appointed and/or compensated by Dallas County (on Dallas County's payroll) are required to comply with Court Order 2020-0924 and wear personal protection equipment mask.

Dallas County has the authority to set standards for behavior and safety in the workplace. It is my responsibility as the Early Voting Clerk to voters and employees of Dallas County to provide a safe and healthy voting experience and environment. The Early Voting Clerk is also contractually obligated to safely conduct and administer the November 3, 2020 General (Presidential) & Joint Election on behalf of the Joint Political Jurisdictions participating in this election.

**Dallas County employees are required to wear personal protection equipment masks while on duty. Masks must be worn properly: all the way up, close to the bridge of your nose and all the way down under your chin.** All Early Voting PEOs and APEO/Clerks are required to wear personal protection equipment mask while on duty. Failure to comply with this requirement could result in disciplinary action being initiated against the non-compliant pollworker, up to and including removal. If you, as a Dallas County employee have questions or concerns regarding this requirement, you may contact Dallas County Human Resources at (214) 653-7638.

Sincerely,

Dallas County Early Voting Clerk  
Toni Pippins-Poole, CERA, CPO, CPL

## Tab 6

### Supporting Declarations

Exhibit 6-1 - Elizabeth Biesel, pg. 1

Exhibit 6-2 - Laura Biesel, pg. 8

Exhibit 6-3 - Lisa Burroughs, pg. 13

Exhibit 6-4 - Lynn Davenport, pg. 16

Exhibit 6-5 - Meg Bakrich, pg. 19

## **UNSWORN DECLARATION**

(TEX. CIV. PRAC. & REM. CODE § 132.001)

My name is Elizabeth ("Beth") Turnage Biesel; I am over 18 years of age; and my address is 3608 Southwestern Blvd. Dallas Texas 75225.

I declare under penalty of perjury that the following statements are true and correct.

1. PAST: For the past 10 years, I have worked at the following voting locations for Early Voting, Election Day voting, and Mobile Voting, from 2010 to 2020:

Sudie Williams Elementary School,  
Westminster Presbyterian Church,  
Martin Weiss Rec. Center  
Richardson Civic Center  
Fretz Park Library  
Oak Cliff Sub Courthouse  
Friendship West Church  
Our Redeemer Lutheran Church  
UP United Methodist Church  
Highland Park High School mobile voting location  
Hyer Elementary School  
SMU  
John Calvin Presbyterian Church  
Preston Road Church of Christ

The positions I have held include: Election Judge, Alternate Judge, Clerk, and Poll Watcher. The elections I have worked include: Early Voting, Election Day Voting, and mobile voting. I have worked Presidential, Midterms, Primary, and Bond elections. The duties included: setting up polling location, qualifying voters, checking in voters, assisting voters as needed, performing opening and closing procedures, and dealing with any problems that arose at the polling site, other clerical work, and delivering ballots or flash drives to Regional Drop off site.

2. CURRENT: I volunteered and intended to participate in the election process concerning this November 3, 2020 General Election. Including early voting, by arriving to work at appx. 5:30am on Oct. 13th, Tuesday, at UP United Methodist Church as an early voting election clerk. I arrived to perform any or all of the following duties: qualifying voters, checking in voters, assisting voters as needed, helping the election with

opening and closing procedures, and dealing with any problems that arose at the polling site, other clerical work as needed. Linda Collins, Alternate Judge, asked me to work with her on Tuesday, Thursday, and Friday mornings, Oct. 13, 15, and 16, because some of her clerks cancelled on her. I found a substitute for my Thursday shift, Oct. 15th, so I did not go to work that morning. I came back to the UP United Methodist Church Early Voting location on Friday, Oct. 16th, at appx. 7:00am, expecting to work my assigned shift.

Tuesday, Oct. 13th appx. 5:35am, I started walking towards the front door of the polling place, UP United Methodist Church, expecting to fulfill the duties of an early voting election clerk. I was stopped by Joseph Sperandio, the Democrat Election Judge who gave me his cell phone. He wanted me to hear what Laura Granada (LG), the Early Voting Manager, was telling me about why I had to wear a mask as a poll worker. Joseph had called Laura Granada to question the Dallas County Elections Department's mandate on wearing a mask. When I got on the phone with LG, she was emphatic about wearing a mask as a poll worker. I was determined to tell her (LG) that the Governor's GA29 #8 exempted poll workers from wearing masks. I gave his phone back to him after hearing Laura did not care about the governor's order. I was expecting to work from 5:30am to at least 1:00pm, possibly as late as 2:00pm. I was expecting to earn almost \$98. In addition to being deprived of this earned income, which I need badly, I was deprived of the benefits of law and order because the County is operating outside of the law.

Friday, Oct. 16th appx. 6:00am I went into the polling place expecting to fulfill the duties of an early voting election clerk. I walked in with Lisa Burroughs. My expectations were very high because Attorney General Ken Paxton had sent a letter re-iterating that the Governor's GA29 #8 face covering exemption applied to poll workers. Aaron Reitz, Special Counsel to the First Assistant OAG, sent Beth the following information:

“Within the past 30 minutes, we took the following actions:

1. Emailed 1,000+ election officials across the state the attached email and letter regarding the face-covering exception that applies to poll workers.
2. Tweeted notice about it out via the official OAG Twitter account: <https://twitter.com/TXAG/status/1316851586371645440?s=20>
3. Posted the letter to the official OAG Facebook page, which I can't link to here but can be found by searching “Texas Attorney General” in the Facebook search bar.

4. Posted it to the website:

[https://www.texasattorneygeneral.gov/news/releases/ag-paxton-issues-letter-regarding-masking-requirements-individuals-administering-elections#.X4i8Ik3x\\_5Y.twitter](https://www.texasattorneygeneral.gov/news/releases/ag-paxton-issues-letter-regarding-masking-requirements-individuals-administering-elections#.X4i8Ik3x_5Y.twitter)

Feel free to spread this far and wide—it's all public. Thank you again for working with us on this matter. Stay in touch!"

I was shocked when I walked into the polling place. The Dem Judge, Joseph Sperandeo and Alternate Judge, Linda Collins, both told us that I could not be in the polling place without a mask. We told them about the AG's letter (as described above), but they both said "it didn't matter because the County's order was the only thing that mattered." Or something close to that language. Joseph said he was going to call the Laura Granada. We were told we "couldn't stand there", so we went over to a table behind the supply carts. Joseph asked, "can I assume that you will not wear a mask?" I said, "yes." I offered to help and was ignored. I went and sat back down. I and Lisa Burroughs came out in the hallway to and joined Laura we three went over to another part of the hallway to sit and wait for Joseph or Jim to get back to us with a final answer as to whether or not we could work as an early voting election clerk. Joseph never came back to us. Jim came back, with a much milder manner, and asked "if we could work together and would we work without a mask but promise to keep 6 feet away from everyone." After discussing some of the difficulties with that condition, we decided our best course of action would be to leave and wait for him to have more conversation with his "Covid Team" and then he would call us. The latter part of our conversation with Jim was very civil. We had wasted hours, without getting paid, trying to work, but being denied the opportunity. I was expecting to work from appx. 7:00am to 1:00pm In addition to being deprived of my expected earned income of appx. \$69, I was deprived of the security of knowing that my fellow Republican Alternate Judge, Linda Collins, who had hired me, would have my back by supporting the rule of law and the proper order of power and authority. She sided with the Democrat Judge, Joseph Sperandeo. Somewhere in the course of numerous discussions, the building manager told me that the Alternate Judge and the Judge told Dallas County Elections that they would both quit if we were allowed to work. I felt the heavy hand of guilt tripping coming down on me so that I would back off from trying to work at the job I was hired to do. Later in the morning, around 10:30am, I received a call from Jim. He told me "the church was going to hand it over to the Elections Department and let them figure it out." At no time would Linda, Joseph, or Jim read the Governor's GA29 or the AG's letter.

Friday, Oct. 16th, appx. 1:00pm After being deprived of the expectation of earning income earlier on the morning of Friday, Oct. 16th, and with the knowledge that the GOP

is short early voting clerks at most EV locations, and with the knowledge that Our Redeemer Lutheran Church (“ORLC”) has an extremely high volume of voters, and finally, with the concern that some clerks might quit if Lisa were allowed to work without a mask, Laura Biesel and I accompanied Lisa Burroughs to ORLC to offer our services. We hoped to earn enough money to make up for what we had lost earlier that morning. Lisa B. was the only one of us who was officially scheduled to work, so she did all the talking with the Dem. Judge, Michelle Valentino. I stood by with Laura waiting to offer my services to Michelle. Michelle was hysterical. She was adamant that she would not allow Lisa to work without a mask. Michelle was furious! She yelled at Lisa. She refused to read the Governor’s order and the AG’s letter. She called it “a power struggle between the Governor and the Commissioner’s Court. After she said, “BS on the Governor and Commissioner’s Court, I was so stunned that I just stood by not saying a word. When Michelle had finished yelling at Lisa, she turned to Laura and me and said, “and you two need to wear masks because you’re not voters.” We just turned around and left, so I never had the opportunity to offer to work.

3. DEPRIVED: Not only was I deprived of the opportunity to earn income, being discriminated against because I would not wear a mask, I woke up the next day, Saturday, Oct. 17th, with the beginnings of a migraine headache. The verbal assaults, the blatant disregard for Governor Abbott’s executive order, the intolerance and fanaticism over facial coverings have caused me such anguish that I now have intestinal distress, insomnia, and head pain. Their hysteria is a shock to my system. The lawlessness is frightening. The science is not settled about the prevention or protection from this virus, but I am treated like a pariah if I do not share the same phobias as they do. I am treated like a leper.

4. I recognize that Gov. Abbott has specifically set down rules for this election, including the extension of early voting an extra week, and then stated that I may not be required to wear a mask. AG Ken Paxton has agreed in his October 15, 2020 letter that I am not required to wear a mask to work elections.

5. The above-described events have damaged me and continue to damage me. It is clear to me that requiring me to wear a mask has turned into a means of making me intimidated, saying to me that my presence can be controlled in a way not justified under Texas law. Though I may be signed up to act as a clerk, my activities as a clerk is motivated by my desire to watch the election and make sure that the election is conducted fairly.

6. The events described above therefore appear to be transparent harassment, the alleged authorities are attempting to discourage any independent thought, seeking to discourage my participation, with the goal of attempting to force me to leave the polling

site or buckle under whatever rules are whimsically added or enforced by anyone claiming authority.

7. Additionally, I am convinced that mask use is not justified *outside of a health environment*, as a report on the CDC's website which stated:

8.

In our systematic review, we identified 10 [randomized controlled trials] that reported estimates of the effectiveness of face masks in reducing laboratory-confirmed influenza virus infections in the community from literature published during 1946–July 27, 2018. In pooled analysis, we found no significant reduction in influenza transmission with the use of face masks (RR 0.78, 95% CI 0.51–1.20;  $I^2 = 30\%$ ,  $p = 0.25$ ).<sup>1</sup>

Executed in Dallas County, State of Texas on October 18, 2020.

signed: Elizabeth T. Biesel

printed name: Elizabeth Turnage Biesel

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<sup>1</sup> The report was a systemic review of previous studies: [https://wwwnc.cdc.gov/eid/article/26/5/19-0994\\_article?fbclid=IwAR1ISNIEeYtqkjltnkNUu413Ed3atHztP2TO0G\\_a5lgn5WPymT6uWR0zDk](https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article?fbclid=IwAR1ISNIEeYtqkjltnkNUu413Ed3atHztP2TO0G_a5lgn5WPymT6uWR0zDk) (Last checked 10/17/20).

**UNSWORN DECLARATION**

(TEX. CIV. PRAC. &amp; REM. CODE § 132.001)

My name is Laura Elizabeth Biesel your full name here; I am over 18 years of age; and my address is 3608 Southwestern Blvd Dallas, Texas 75225. I declare under penalty of perjury that the following statements are true and correct.

1. PAST: For the past 10 years, I have worked at the following voting locations for Early Voting, Election Day voting, and Mobile Voting, from 2010 to 2020:

Sudie Williams Elementary School,  
 Westminster Presbyterian Church,  
 Martin Weiss Rec. Center  
 Richardson Civic Center  
 Fretz Park Library  
 Oak Cliff Sub Courthouse  
 Friendship West Church  
 Our Redeemer Lutheran Church  
 UP United Methodist Church  
 Highland Park High School mobile voting location  
 Hyer Elementary School  
 SMU  
 John Calvin Presbyterian Church  
 Preston Road Church of Christ

The positions I have held include: Election Judge, Alternate Judge, Clerk, and Poll Watcher. The elections I have worked include: Early Voting, Election Day Voting, and mobile voting. I have worked Presidential, Midterms, Primary, and Bond elections. The duties included: setting up polling location, qualifying voters, checking in voters, assisting voters as needed, performing opening and closing procedures, and dealing with any problems that arose at the polling site, other clerical work, and delivering ballots or flash drives to Regional Drop off site.

2. CURRENT: I volunteered and intended to participate in the election process concerning this November 3, 2020 general election, including early voting, by: volunteered and intended to participate in the election process concerning this November 3, 2020 General Election, including early voting, by: arriving at appx. 5:30am on Oct. 13th, Tuesday, to work at UP United Methodist Church as an early voting election clerk, to perform any or all of the following duties: qualifying voters, checking in voters, assisting voters

as needed, helping the election with opening and closing procedures, and dealing with any problems that arose at the polling site, other clerical work as needed. Linda Collins, Alternate Judge (AJ) and Joseph Sperandeo the Presiding Election Judge had assigned me to work with them Tuesday, Oct 13, Wednesday, Oct 14 and Thursday Oct 16th in both the mornings and in the late afternoons. I was scheduled to work all day on Friday morning Oct. 16, as well as, Saturday Oct. 17th from 10am-7:30pm and Sunday October 18th from 12:00pm-6:30pm. On Wednesday October 14th, I came back to work at UPUMC, willing to wear the face shield, because AJ Linda Collins, said they were short of workers and the voter lines were very long. While I was waiting for a statement from the AG about Governor Abbott's GA29 #8 exemption, I chose to work at UPUMC because I love the job and I have a heart to help where I am needed. Both Joseph and Linda had expressed numerous times how much they would like for me to work with them, so I was very motivated to help them. I wore the face shield on Wednesday morning for my entire shift and got a massive headache from wearing it. The face shield was too tight. It made me feel claustrophobic and sick to my stomach. I felt as if I couldn't breathe. On Thursday October the 15th, I went in to work, wearing the face shield, for a few hours because I was on the schedule and the polling location still needed workers. I put their needs above my own.

3. Friday, Oct. 16th appx. 6:00am I went into the polling place expecting to fulfill the duties of an early voting election clerk. I walked in with my mother, Elizabeth Biesel, and Lisa Burroughs. My expectations were very high because Attorney General Ken Paxton had sent a letter reiterating that the Governor's GA-29 #8 face covering exemption applied to poll workers. Aaron Reitz, Special Counsel to the First Assistant OAG, sent me the following information:

“Within the past 30 minutes, we took the following actions:

1. Emailed 1,000+ election officials across the state the attached email and letter regarding the face-covering exception that applies to poll workers.
2. Tweeted notice about it out via the official OAG Twitter account:  
<https://twitter.com/TXAG/status/1316851586371645440?s=20>
3. Posted the letter to the official OAG Facebook page, which I can't link to here but can be found by searching "Texas Attorney General" in the Facebook search bar.
4. Posted it to the website:  
<https://www.texasattorneygeneral.gov/news/releases/ag-paxton-issues->

letter-regarding-masking-requirements-individuals-administering-elections#.X4i8Ik3x\_5Y.twitter

Feel free to spread this far and wide—it's all public. Thank you again for working with us on this matter. Stay in touch!"

I was stunned when I walked into the polling place. The Dem Judge, Joseph Sperandeo and Alternate Judge, Linda Collins, both told all three of us that we could not be in the polling place without a mask. I told them about the AG's letter (as described above), but they both said "it didn't matter because the County's order was the only thing that mattered." They would not read the order when we tried to hand the printed order to them. Joseph said he was going to call the Laura Granada. We were told we "couldn't stand there", so we went over to a table behind the supply carts and both Joseph and Linda left us. I felt totally ostracized, scorned, and shamed. While my mother was in the hall talking with the building manager, Jim Mabile, Joseph came back into the polling place and made Lisa and me leave. Jim tried to brow beat us into wearing a mask and into signing a Covid Release Form, basically saying we would accept liability for anyone in the polling place who caught Covid. We refused to accept the mask and we refused to sign the form. I was totally deprived of civility and professionalism in the course of this conversation which felt more like persecution and prosecution with no due process. I realized I was wasting my time eating for a resolution from the County or from Jim, we three decided to try to go work somewhere else.

Friday, Oct. 16th appx. 1:00pm. After being deprived of the expectation of earning income earlier on the morning of Friday, Oct. 16th, and with the knowledge that the GOP is short early voting clerks at most EV locations, and with the knowledge that Our Redeemer Lutheran Church (ORLC) has an extremely high volume of voters, and finally, with the concern that some clerks might quit if Lisa were allowed to work without a mask, Beth Biesel and I accompanied Lisa Burroughs to ORLC to offer our services. We hoped to earn enough money to make up for what we had lost earlier that morning. Lisa B. was the only one of us who was officially scheduled to work, so she did all the talking with the Dem. Judge, Michelle Valentino. I stood by with Beth waiting to offer my services to Michelle. Michelle was hysterical. She was adamant that she would not allow Lisa to work without a mask. Michelle was furious! She yelled at Lisa. She refused to read the Governor's order and the AG's letter. She called it "a power struggle between the Governor and the Commissioner's Court. I have an audio for details. After she said, "BS on the Governor and Commissioner's Court", I was so shocked that I was too afraid to say a word. When Michelle had finished yelling at Lisa, she turned to Beth and me and said, "and you two need to wear masks because you're not voters." We just turned around and left, so I never had the opportunity to offer to work.

In addition to being deprived of the opportunity to earn appx. \$138 on Friday, Oct. 16th, from my original work schedule at UPUMC, (and my Oct. 13th work described previously) I was also deprived of the potential for future income that I was counting on:

- Saturday October 17 from 10am-7:30pm. I was deprived of \$109.44 because I was not allowed to work.
- Sunday October 18th from 12:00pm to 6:00pm. I was deprived of \$69.12 because I was not allowed to work.
- Monday October 19th - October 30th, I was also scheduled to work various shifts. During the week of October 19 -25, I was scheduled for appx. 50 hours of work and potentially deprived of appx. \$576. During the week of October 26-30, I was scheduled for appx. 32 hours of week and potentially de-prived of \$368.64. I recognize that Gov. Abbott has specifically set down rules for this election, including the extension of early voting an extra week, and then stated that I may not be required to wear a mask. AG Ken Paxton has agreed in his October 15, 2020 letter that I am not required to wear a mask to work elections.

5. The above-described events have damaged me and continue to damage me. It is clear to me that requiring me to wear a mask has turned into a means of making me intimidated, saying to me that my presence can be controlled in a way not justified under Texas law. Though I may be signed up to act as a clerk, my activities as a clerk is motivated by my desire to watch the election and make sure that the election is conducted fairly.

6. The events described above therefore appear to be transparent harassment, the alleged authorities are attempting to discourage any independent thought, seeking to discourage my participation, with the goal of attempting to force me to leave the polling site or buckle under whatever rules are whimsically added or enforced by anyone claiming authority.

7. Additionally, I am convinced that mask use is not justified *outside of a health environment*, as a report on the CDC's website which stated:

In our systematic review, we identified 10 [randomized controlled trials] that reported estimates of the effectiveness of face masks in reducing laboratory-confirmed influenza virus infections in the community from literature published during 1946–July 27, 2018. In pooled analysis, we found no significant

reduction in influenza transmission with the use of face masks (RR 0.78, 95% CI 0.51–1.20;  $I^2 = 30\%$ ,  $p = 0.25$ ).<sup>1</sup>

Executed in Dallas County, State of Texas on October 18, 2020.

signed: LE Biesen  
printed name: Laura Elizabeth Biesen

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<sup>1</sup> The report was a systemic review of previous studies: [https://wwwnc.cdc.gov/eid/article/26/5/19-0994\\_article?fbclid=IwAR1ISNIEeYtqjltqnkNUu413Ed3atHztP2TO0G\\_a5lgn5WPymT6uWR0zDk](https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article?fbclid=IwAR1ISNIEeYtqjltqnkNUu413Ed3atHztP2TO0G_a5lgn5WPymT6uWR0zDk) (Last checked 10/17/20).

**UNSWORN DECLARATION**  
(TEX. CIV. PRAC. & REM. CODE § 132.001)

I, Lisa Burroughs, I am over 18 years of age; and my address is 4344 Beverly Drive, Dallas Texas 75205. I declare under penalty of perjury that the following statements are true and correct.

1. PAST: I have been an election worker for the General Election 2020. The duties included: setting up polling location, qualifying voters, checking in voters, assisting voters as needed, performing opening and closing procedures, and dealing with any problems that arose at the polling site, other clerical work, and delivering ballots or flash drives to Regional Drop off site.

2. CURRENT: I volunteered and intended to participate in the election process concerning this November 3, 2020 general election, including early voting, as working as a clerk during Early Voting and Election Day, and also a poll watcher. To that end, I took both in-person and online training courses and completed certification required to participate in the election process.

3. DEPRIVED: I have been impeded from acting as I normally have in my planned election activities, including: I arrived at Our Redeemer Lutheran Church in Dallas, Texas on Thursday, October 15, 2020 at 9:00 am, to work as an early voting election clerk. Aware of GA-29, I asked Election Judge, Michelle Valentino, about Governor Abbott's order exempting poll workers from wearing masks and she informed me she would not adhere to GA-29. I was required to wear a mask regardless of Governor Abbott's order. Not being familiar with the nuances of the law and committed to working early elections, I opted to comply and worked my scheduled shift wearing a lower face shield, not a mask.

On Friday October 16, 2020 at 1:00 pm, I arrived at ORLC to again perform any or all of the following duties: qualifying voters, checking in voters, assisting voters as needed, helping the election with opening and closing procedures, and dealing with any problems that arose at the polling site, other clerical work as needed.

Rowell Luebbbers, the alternate Judge, had scheduled me to that afternoon shift, replacing a clerk that had quit the previous day.

Inside the polling location, I was immediately confronted by her main assistant, Melanie, and told that I needed to put on a mask or I could not be in the building.

I asked to speak with Judge Michelle Valentino and removed myself to a more remote spot in an adjacent hall to wait, while there, I was periodically admonished and

instructed I need to put on a mask to remain inside.

While waiting I and Elizabeth Biesel observed Michelle Valentino, in her office, assisting a voter and conversing with another poll worker. After the voter left, she lowered her mask fully below her mouth and continued to have a several minute conversation with the worker.

Once she was available, I approached her again about permitting me to work without a mask and in accordance with GA-29. She got extremely agitated and I had a difficult time even being permitted to speak as she insisted I must have a mask on to speak with her. I pointed out minutes ago she removed her mask for an entire conversation (this was also observed by Elizabeth Biesel) and she responded that she “needed to tell him something.”

I told her that Attorney General Paxton had directly responded to GA-29 and that it was a violation of the law to force me to wear a mask in order to work the election. I offered to show her a letter with AG Paxton’s response. She initially refused but eventually did pick up and read the letter. At this point she said “BS to Governor Abbott” and that she wasn’t getting involved between the Dallas Election Commissioner’s office and the Governor’s office and that anyone working for her was required to wear a mask.

Judge Valentino went on to state that by my agreement to work for the election and for her, I was a Dallas county employee and subject to the Dallas Election Commissioner’s office and not the Governor. Further, if I would not comply I would not be permitted to work for her and had to leave.

Despite my attempts to keep the conversation neutral and calm, she was increasingly agitated and ended up shouting for me to get out of the building and that I wasn’t going to work for her.

I left her office and outside the building, I shared what had transpired with Alternate Judge Rowell Luebbbers.

4. I recognize that Gov. Abbott has specifically set down rules for this election, including the extension of early voting an extra week, and then stated that I may not be required to wear a mask. AG Ken Paxton has agreed in his October 15, 2020 letter that I am not required to wear a mask to work elections.

5. The above-described events have damaged me and continue to damage me. It is clear to me that requiring me to wear a mask has turned into a means of making me

intimidated, saying to me that my presence can be controlled in a way not justified under Texas law. Though I may be signed up to act as a clerk, my activities as a clerk is motivated by my desire to watch the election and make sure that the election is conducted fairly and my vote will not be diluted by any improper activities. Additionally, the termination of my employment is damaging me because it has denied my ability to earn money.


6. The events described above therefore appear to be transparent harassment, the alleged authorities are attempting to discourage any independent thought, seeking to discourage my participation, with the goal of attempting to force me to leave the polling site or buckle under whatever rules are whimsically added or enforced by anyone claiming authority.

7. Additionally, I am convinced that mask use is not justified *outside of a health environment*, as a report on the CDC's website which stated:

In our systematic review, we identified 10 [randomized controlled trials] that reported estimates of the effectiveness of face masks in reducing laboratory-confirmed influenza virus infections in the community from literature published during 1946–July 27, 2018. In pooled analysis, we found no significant reduction in influenza transmission with the use of face masks (RR 0.78, 95% CI 0.51–1.20;  $I^2 = 30\%$ ,  $p = 0.25$ ).<sup>1</sup>

8. Lastly, use of the mask diminished my ability to perform my job as a worker. As I stated above, I noted that the other workers often touched their mask and took it down to talk to people, which eviscerates the alleged benefits of the masks. The obvious reality is that the mask demand is merely one of forcing compliance, and not a matter of health, even by the above-mentioned individuals. The entire process is one of intimidation.

Executed in Dallas County, State of Texas on October 18, 2020,

signed:   
 printed name: Lisa Burroughs

<sup>1</sup> The report was a systemic review of previous studies: [https://wwwnc.cdc.gov/eid/article/26/5/19-0994\\_article?fbclid=IwAR1ISNIEeYtqkjltnkNUu413Ed3atHztP2TO0G\\_a5lgn5WPymT6uWR0zDk](https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article?fbclid=IwAR1ISNIEeYtqkjltnkNUu413Ed3atHztP2TO0G_a5lgn5WPymT6uWR0zDk) (Last checked 10/17/20).

**UNSWORN DECLARATION**

(TEX. CIV. PRAC. &amp; REM. CODE § 132.001)

My name is Lynn Christine Strawn; I am over 18 years of age; and my address is 9627 Windy Hill Road, Dallas, TX 75238. I declare under penalty of perjury that the following statements are true and correct.

1. PAST: I have been an election worker in the past, including: I worked as an election clerk at Bradfield Elementary in November 2019 and Armstrong Elementary in March 2020. The duties included: setting up polling location, qualifying voters, checking in voters, assisting voters as needed, performing opening and closing procedures, and dealing with any problems that arose at the polling site, other clerical work, and delivering ballots or flash drives to Regional Drop off site. I was also a poll watcher in the March 2020 primary.

2. CURRENT: I volunteered and intended to participate in the election process concerning this November 3, 2020 general election, including early voting, by: I volunteered and intended to participate in the election process concerning this November 3, 2020 General Election, including early voting, by: arriving at appx. 4:00 pm on Oct. 13th, Tuesday, to work at UP United Methodist Church as an early voting election clerk, to perform any or all of the following duties: qualifying voters, checking in voters, assisting voters as needed, helping the election with opening and closing procedures, and dealing with any problems that arose at the polling site, other clerical work as needed. Linda Collins, Alternate Judge, assigned me to work with her on Tuesday, Wednesday, Thursday, Oct. 13, 14, and 15, as well as the following week of early voting. I worked Wednesday, October 14 at 6:00 am and was supposed to end at 1:00 pm. I came back to the UP United Methodist Church Early Voting location on Saturday, Oct. 17, at 6:30 am as a substitute for Liz Biesel. My schedule has not been finalized for next week, but should be almost identical to this week based on my availability.

3. DEPRIVED: I have been impeded from acting as I normally have in my planned election activities, including: I worked all of my Tuesday shift with a mask on in the large room with the voting machines. On Wednesday, I had a different role sitting in the warmer room with my mask on behind the plexiglass shield checking in voters. I was having to shout because they could not hear me behind my mask and shield. After I had been there since 6:00 am, I started to get dizzy and lightheaded from lack of air and so much talking with the mask on with no break. I kept pulling it down and taking mask breaks for air. Joseph, the election judge, kept telling me to put the mask up on my nose. Finally, around 12:00 I took it off completely when I read Governor Abbott's mask

order. Joseph approached Meg and I at 12:35 pm to ask us to grab our things and go into the hall. He said he was making us leave for not wearing masks, even though we read him the order. He said that was our opinion, which is false. It was an order, not an opinion. We signed out on the timesheet at 1:00 which was when our shift was over. He said he would consult with the elections office and get back to us. We told him he was denying us the ability to earn a paycheck. We did everything we were supposed to do to be hired and trained and never wore a mask throughout the process at the county elections office. He told us there were complaints by other workers about us not wearing masks. There were no complaints from voters. On Saturday, October 17, I showed up at 6:30 am and sat down in the same spot as Wednesday. She also tried to make us sign something from the church. We told her the church was under contract with the elections department and the church rules did not apply. She left us alone to get Laura Granada who showed up later to verbally harass us in front of the voters. We told her we were not leaving because we were in compliance with the law and she was not. They left us to go get the security guard and we could see him on the phone pacing in the hall. Around 7:38 am, Laura Granado brought Detective J. Cox to get us to leave. Both Linda Collins and Laura Granado refused to read the GA-29. The officer asked us to step outside. We confirmed with Laura that she was denying our ability to work and that she would only pay us for the time we had worked. She said we were employees of the county. We agreed to step outside because I sense the detective was about to arrest us based on Granado's demands to remove us from the premises. He said he would have to cite us for trespassing if we didn't leave. We agreed to go outside and we showed him the letter from the OAG and Governor. He said he needed to verify if it was real. We waited in the car until he was done talking to his supervisors. Four officers showed up, including a Sergeant who said he was the messenger sent to tell us we could not go back in and they had to follow the county rules and Toni Pippins Poole. They denied us the ability to go back to work as an election clerk and earn the hourly wages. I do not have another job right now besides this, and I need the money. Detective Cox filed a police report #20-079684.

4. I recognize that Gov. Abbott has specifically set down rules for this election, including the extension of early voting an extra week, and then stated that I may not be required to wear a mask. AG Ken Paxton has agreed in his October 15, 2020 letter that I am not required to wear a mask to work elections.

5. The above-described events have damaged me and continue to damage me. It is clear to me that requiring me to wear a mask has turned into a means of making me intimidated, saying to me that my presence can be controlled in a way not justified under Texas law. Though I may be signed up to act as a clerk, my activities as a clerk is motivated by my desire to watch the election and make sure that the election is conducted fairly.

6. The events described above therefore appear to be transparent harassment, the alleged authorities are attempting to discourage any independent thought, seeking to discourage my participation, with the goal of attempting to force me to leave the polling site or buckle under whatever rules are whimsically added or enforced by anyone claiming authority.

7. Additionally, I am convinced that mask use is not justified *outside of a health environment*, as a report on the CDC's website which stated:

In our systematic review, we identified 10 [randomized controlled trials] that reported estimates of the effectiveness of face masks in reducing laboratory-confirmed influenza virus infections in the community from literature published during 1946–July 27, 2018. In pooled analysis, we found no significant reduction in influenza transmission with the use of face masks (RR 0.78, 95% CI 0.51–1.20;  $I^2 = 30\%$ ,  $p = 0.25$ ).<sup>1</sup>

Executed in Dallas County, State of Texas on October 18, 2020.

signed: 

printed name: Lynn Christine Davenport

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<sup>1</sup> The report was a systemic review of previous studies: [https://wwwnc.cdc.gov/eid/article/26/5/19-0994\\_article?fbclid=IwAR1ISNIEeYtqkjltqnkNUu413Ed3atHztP2TO0G\\_a5lgn5WPymT6uWR0zDk](https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article?fbclid=IwAR1ISNIEeYtqkjltqnkNUu413Ed3atHztP2TO0G_a5lgn5WPymT6uWR0zDk) (Last checked 10/17/20).

**UNSWORN DECLARATION**

(TEX. CIV. PRAC. &amp; REM. CODE § 132.001)

My name is Meg Bakich; I am over 18 years of age; and my address is 6715 Golf Drive, Dallas, Texas. I declare under penalty of perjury that the following statements are true and correct.

1. PAST: I have been an election worker in the past, including: I worked as an election clerk at Armstrong Elementary in March 2020. My duties included: setting up polling location, qualifying voters, checking in voters, assisting voters as needed, performing opening and closing procedures, and dealing with any problems that arose at the polling site, clerical work, and delivering ballots or flash drives to Regional Drop off site. I was a poll watcher in the March 2020 primary.

2. CURRENT: I volunteered and intended to participate in the election process concerning this November 3, 2020 General Election, including early voting, by: arriving at appx. 6:00 am on Oct. 14th, Wednesday, to work at UP United Methodist Church as an early voting election clerk, to perform any or all of the following duties: qualifying voters, checking in voters, assisting voters as needed, helping the election with opening and closing procedures, and dealing with any problems that arose at the polling site, other clerical work as needed. Linda Collins, Alternate Judge, assigned me to work with her on Wednesday and Saturday, Oct. 14 and 17, as well as the following week of early voting. I worked Wednesday, October 14 at 6:00 am and was supposed to end at 1:00 pm. I came back to the UP United Methodist Church Early Voting location on Saturday, Oct. 17, at 6:30 am. Linda called me last week to ask me to work the morning shift all next week. I informed her I was available to work 10/21-25 in the morning and I would get back to her regarding 10/19 & 10/20. She told me I was scheduled the days I was available and to keep her posted about 10/19&10/20.

3. DEPRIVED: I have been impeded from acting as I normally have in my planned election activities, including: Wednesday morning I arrived at UP Methodist Church at 6:30 am to work. Upon arrival, Joseph told me I had to wear a mask or I was not allowed to work. Joseph stated his workers would not work unless I was in a mask. Linda was in agreement with Joseph. I told both judges that according to Governor Abbott's orders, I did not have to wear a mask. They then said I could wear a face shield or go home. I conceded and wore a face shield.

4. I worked without a break for six hours with my shield on but up because I was putting readers on and off in order to read voters licenses. At no point did a voter comment or have any concern with how I was wearing the shield. Joseph addressed me multiple times to tell me I must put the shield down because his other workers were complaining and the Dallas County order stated I must wear a

mask. I showed him Governor Abbott's orders and told him the Governor's orders trumped Dallas County Elections. He said he was employed by Dallas County Elections and following their orders, not the Governor's. We had this discussion in front of voters. It was humiliating and infuriating.

5. Joseph approached Lynn Davenport and me at 12:35 pm and told us to grab our things and go into the hall. He said he relieving us of our duties for not wearing masks. We read him the order. He told us he was going to check with Dallas County Elections and if they tell him we have to wear a mask, we have to wear it or be terminated. I expressed to him my concern that his decision to stop us from finishing that day left far more Democrats working than Republicans, and imperiled the election results.

6. We told Joseph that he was denying us the ability to earn a paycheck. We did everything we were hired to do. We informed him that we trained and never wore a mask throughout the hiring process at the county elections office.

7. Lynn and I signed out on the timesheet at 1:00. On Saturday, October 17 I showed up at 6:30 am with Lynn Davenport to work. We sat down, without masks, in the same spots as Wednesday. We showed Linda Collins the letter from the AOG's office. She then told us we would have to leave until a representative from the church arrived so we could sign a document stating that if someone got the Coronavirus it would be because of us not wearing a mask. We told her the church was under contract with the elections department and the church rules did not apply in this case.

8. Linda Collins left us alone to get Laura Granada who showed up later and verbally harassed us in front of the voters. We told her we were not leaving because we were in compliance with the law and she was not. Laura and Linda left us to get the security guard. We could see him on the phone pacing in the hall. Around 8:38 am, Laura Granada brought Detective J. Cox to remove us. Both Linda Collins and Laura Granada refused to read the GA-29 executive order. The officer asked us to step outside. We confirmed with Laura that she was denying our ability to work. She informed us she would only pay us for the time we had worked. She said we were employees of the county. We agreed to step outside because we believed that we were being threatened with criminal trespass based on Granada's demands to remove us from the premises.

9. As we left, we told both Laura and Linda that their actions were unlawful according to the AOG. Laura responded it did matter and we must leave now. We agreed to go outside. We showed him as well as emailed him the letter from the OAG and Governor. He said he needed to verify if it was real. We waited in the car until he was done talking to his supervisors. Four officers arrived, including a

Sergeant who was the messenger sent to tell us we could not go back in and they had to follow the county rules and Toni Pippins Poole. They denied us the ability to go back to work as an election clerk and earn the hourly wages. I do not have another job right now besides this. Detective Cox filed a police report #20-079684.

10. I recognize that Gov. Abbott has specifically set down rules for this election, including the extension of early voting an extra week, and then stated that I may not be required to wear a mask. AG Ken Paxton has agreed in his October 15, 2020 letter that I am not required to wear a mask to work elections.


11. The above-described events have damaged me and continue to damage me. It is clear to me that requiring me to wear a mask has turned into a means of making me intimidated, saying to me that my presence can be controlled in a way not justified under Texas law. Though I may be signed up to act as a clerk, my activities as a clerk is motivated by my desire to watch the election and make sure that the election is conducted fairly.

12. The events described above therefore appear to be transparent harassment, the alleged authorities are attempting to discourage any independent thought, seeking to discourage my participation, with the goal of attempting to force me to leave the polling site or buckle under whatever rules are whimsically added or enforced by anyone claiming authority.

13. Additionally, I am convinced that mask use is not justified *outside of a health environment*, as a report on the CDC's website which stated:

In our systematic review, we identified 10 [randomized controlled trials] that reported estimates of the effectiveness of face masks in reducing laboratory-confirmed influenza virus infections in the community from literature published during 1946–July 27, 2018. In pooled analysis, we found no significant reduction in influenza transmission with the use of face masks (RR 0.78, 95% CI 0.51–1.20;  $I^2 = 30\%$ ,  $p = 0.25$ ).<sup>1</sup>

Executed in Dallas County, State of Texas on October 17, 2020.

  
Meg Bakich

<sup>1</sup> The report was a systemic review of previous studies:

[https://wwwnc.cdc.gov/eid/article/26/5/19-0994\\_article?fbclid=IwAR1ISNIEeYtqkjltnknNUu413Ed3atHztP2TO0G\\_a5lgn5WPymT6uWR0zDk](https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article?fbclid=IwAR1ISNIEeYtqkjltnknNUu413Ed3atHztP2TO0G_a5lgn5WPymT6uWR0zDk) (Last checked 10/17/20).