

MARISA F. LEAL
Contestant

VS.

MINERVA M. PEÑA
Contestee

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IN THE DISTRICT COURT OF
107TH JUDICIAL DISTRICT
OF CAMERON COUNTY, TEXAS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Contestant brought this action pursuant to Title 14, Chapter 232, Texas Election Code, to contest the results of the Brownsville Independent School District Election ("BISD") election held November 3, 2020 to select the Board of Trustee for Place 6 of BISD, for which Contestant Marisa F. Leal, Contestee Minerva M. Pena and Joe A. Rodriguez were the only candidates. Joe A. Rodriguez has since died. The BISD election for the Board of Trustees was held on the date of the November 3, 2020, General Election and the candidates for the BISD Board of Trustees, including Contestant and Contestee, appeared on the same ballot as the statewide and local General Election candidates.

2. After canvassing the November 3, 2020, election results by the BISD Board of Trustees, Contestant was declared the winner by one (1) vote. On December 3, 2020, after a recount requested by Contestee was completed, a final and official canvas and certification of the general election results for Board of Trustees Place 6 was completed by the BISD, Board of Trustees. The certified vote allocation shows 16,552 votes for Contestee Minerva Pena , 16,544 votes for Contestant Marisa Leal and 10,575 votes for Joe A. Rodriguez. Contestee was declared the winner because she received 8 more votes than Contestant.

A. The burden is on the Contestant to prove by clear and convincing evidence that there were enough illegal votes cast that the true result of the election cannot be determined.

3. The burden of proof in an election contest is on the person contesting the election and she bears the burden of proving that violations of the Texas Elections Code occurred and that those violations materially affected the outcome of the election. *Duncan-Hubert v. Mitchell*, 310 S.W. 3d 92 (Tex.App.-Dallas 2010, pet. denied.); *Carson v. Johnston*, 57

S.W.3d 657 (Tex.App.-Eastland 2001, no pet.); Guerra v. Garza, 865 S.W.2d 573 (Tex.App.-Corpus Christi 1993, writ dismissed w.o.j.).

4. A contestant must prove by clear and convincing evidence that, with respect to each voter whose vote is challenged, one or more violations of the Texas Election Code occurred and that these violations materially affected the outcome of the election. *Woods v. Legg, 363 S.W.3d 710 (Tex.App.-Houston [1st Dist] 2011, no pet.).*

5. The Texas Civil Practices and Remedies Code defines “clear and convincing” as “the measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.” *Tex. Civ. Prac. & Rem. Code, Section 41.001(2).*

6. In an election contest, if a court cannot ascertain the true outcome of the election, it shall declare the election void and order a new election. *Tex. Elec. Code §221.009(b).*

B. Ballots cast by voters who were registered to vote at an address that was not their residence were illegal votes and cannot be counted under the Texas Elections Code.

7. The evidence offered at trial showed by clear and convincing evidence that the following 16 persons voted in the General Election within the jurisdiction of the Brownsville Independent School District and were all registered to vote at the same address, to wit, 225 S. Vermillion Ave., Brownsville, Texas: (1) Anthony Todd Archer; (2) Ann Clay Cernyar; (3) Natalie De Leon Archer; (4) Samantha Elfmont; (5) Thomas Dale Elfmont; (6) Donald Lauren Frerichs; (7) Sandra Ivonne Frerichs; (8) Ruben Christopher Garcia; (9) Dorothy Catherine Garcia; (10) Gregory Anthony Krywy; (11) Arron Lynn Luster; (12) Sona Luster; (13) Margaret Gil McClenahan; (14) Matthew Scott McClenahan; (15) Catalina Villanizar-Ruiz; and (16) Immanuel Misha Wartofsky.

8. The clear and convincing evidence also showed that 225 S. Vermillion Av., Brownsville, Texas is a commercial warehouse and not a residence. The clear and convincing

evidence showed that no one resides at 225 S. Vermillion Ave., Brownsville, Texas, including any of the voters listed in paragraph 13 above.

9. Section 11.001 of the Texas Elections Code requires that “to be eligible to vote in an election in this state, a person must: (1) be a qualified voter as defined by Section 11.002 on the day the person offers to vote; (2) be a resident of the territory covered by the election for the office or measure on which the person desires to vote. . .” *Tex. Elec. Code, § 11.001 (emphasis added)*.

10. Section 11.002 of the Texas Elections Code defines “qualified voter” as “a person who “(5) is a resident of this state; and (6) is a registered voter.” *Tex. Elec. Code, § 11.001*.

11. Section 13.001(a) of the Texas Elections Code requires that “[t]o be eligible for registration as a voter in this state, a person must” . . . “be a resident of the county in which application for registration is made.” *Tex. Elec. Code, § 13.001(a)*.

12. Section 13.002(a) requires that “[a] person desiring to register to vote must submit an application to the registrar of the county in which the person resides. . .” and “(c) A registration application must include: . . . (7) the applicant’s residence address, or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant’s residence”. *Tex. Elec. Code, § 13.002(a)*.

13. Section 1.015(a), of the Texas Elections Code defines “residence” as follows: “In this code, “residence” means domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence.” *Tex. Elec. Code, § 1.015(a)*.

14. The clear and convincing evidence shows that 225 S. Vermillion Ave., Brownsville, Texas was not the “domicile, that is, [the challenged voter’s] home and fixed place of habitation to which [challenged voter] intends to return after any temporary absence.” *Tex. Elec. Code, § 1.015(a)*. Therefore, 225 S. Vermillion Ave., Brownsville, Texas is not the residence of any of the individuals listed in paragraph 7, and therefore they were not “qualified

voters” authorized to vote in the November 3, 2020, election containing the race for Trustee, Place 6, of the BISD.

15. As the 13th Court of Appeals has stated:

“To eligible to vote in an election, a person ‘must be a qualified voter on the day the person offers to vote; be a resident of the territory covered by the election; and satisfy all other requirements for voting prescribed by law. [citing *Slusher v. Streater*, 896 S.W.2d 239 (Tex.App. —Houston [14th Dist.] 1992, no writ)(citing Tex.Elec.Code An. § 11.01 (Vernon 1986)]. ‘A qualified voter is one who is 18 years of age or older, is a United States citizen; has not been determined mentally incompetent; has not been finally convicted of a felony, except under certain circumstances; is a resident of this state; and is a registered voter.’” [citation omitted]

An ‘illegal vote’ is one that ‘is not legally countable. Tex. Elec.Code Ann. § 221.003(b) (Vernon 2003). For example, a vote cast in a precinct by a person who does not reside in the county of the election is an illegal vote that cannot be counted. [citing *Alvarez v. Espinoza*, 844 S.W.2d 238, 247 (Tex.App. —San Antonio 1992, writ *didm’d w.o.j.*) . . . Additionally a vote cast in a precinct by a person who does not reside in that precinct is an illegal uncountable vote. Tex. Elec. Code § 11.03. [citations omitted]”

Gonzalez v. Villarreal, 251 S.W3d 763, 776 (Tex. App. —Corpus Christi-Edinburg).

16. Thus, the clear and convincing evidence shows that, under Section 11.002 of the Texas Elections Code, none of the voters listed in paragraph 7 who voted in the November 3, 2020, General Election were “qualified voters” at the time that they voted and therefore their votes were illegal. *Id. See, McDuffee v. Miller*, 327 S.W.3d 808 (Tex. App. Beaumont 2010) (Court found that voters who registered to vote at a Marriot Hotel were not residents of that hotel at the time of the election and thus their votes were illegal and not countable under *Tex. Elec. Code §11.05 and Tex. Elec. Code. § 221.011*); *Willet v. Cole*, 249 S.W.3d 585, 591 (Tex. App. —Waco 2008) (Court found that voters who registered to vote at their veterinary clinic and kennel did not reside there and therefore resided outside the boundaries of the jurisdiction for the election in question and “were therefore ineligible to vote in this election,” and their votes were not legally countable.). Their votes are not legally countable under the Texas Elections Code. *Tex. Elec.Code Ann. § 221.003*.

17. As to Contestee's argument that Contestant did not offer evidence that these 16 voters actually voted in the Board of Trustees election (which was on the same ballot as the other General Election positions), the 13th Court of Appeals has held that the Texas Elections

Code requires that illegal cast ballots cannot not be counted in an election that is the subject of an election contest and that it was not necessary to engage into the inquiry as to whether those illegal ballots were actually cast in the subject election:

“ . . . The election code, however, recognizes that it may be impracticable or even impossible to determine for whom an illegal vote was cast. The election code does not require such an inquiry. Rather, the code provides that ‘if the tribunal finds that illegal votes were cast but cannot ascertain how the voters voted, the tribunal shall consider those votes in making its judgment.’ [Tex. Elec. Code] §221.011(b) (Vernon 2003). Although section 221.011 does not dictate exactly how those illegal votes should be considered, section 221.009 provides the answer: ‘[i]f the number of illegal votes is equal to or greater the the number of votes necessary to change the outcome of an election, the tribunal may declare the election void without attempting to determine how individual voters voted.’ [Tex. Elec. Code] § 221.009(b) (Vernon 2003). In other words, if a trial court determines that illegal votes were cast and that the number of illegal votes equals or is greater than the margin of victory the trial court can then declare the election void without ever inquiring as to the candidate for whom those illegal votes were cast. [citations omitted]”

Gonzalez v. Villarreal, 251 S.W3d 763, 782 (Tex. App.—Corpus Christi-Edinburg) (rejecting the Contestees’ argument that “Contestants failed to meet their burden to present clear and convincing evidence” proving “for whom all the challenged voters cast their votes.”); See also, *Slusher v. Streater*, 896 S.W.2d 239, 240 (Tex.App.—Houston [14th Dist.] 1992, no writ); *Alvarez v. Espinoza*, 844 S.W.2d 238, 242 (Tex.App.—San Antonio 1992, writ *dism’d w.o.j.*; *Kelly v. Scott*, 733 S.W.2d 312, 314 (Tex.App.—El Paso 1987, writ *dism’d*).

18. Additionally, the Texas Elections Code provides that “[t]he tribunal hearing an election contest shall attempt to ascertain whether the outcome of the contested election, as shown by the final canvass, is not the true outcome because: (1) *Illegal votes were counted; or (2) an election officer or other person officially involved in the administration of the election; (A) prevented eligible voters from voting; (B) failed to count legal votes; or (C) engaged in other fraud or illegal conduct or made a mistake.*” *Tex. Elec. Code* § 221.003 (emphasis added).

19. The clear and convincing evidence offered by Contestant Leal showed that the Cameron County Elections Administrator’s office accepted the Voter Registration and Absentee Ballot Requests that were submitted by the 16 voters listed in paragraph 13. Every one of those Requests, plus a number of others, included the 225 S. Vermillion Ave. address, which is a non-residential commercial building. After erroneously accepting these clearly improper

Voter Registration and Absentee Ballot Requests, the Elections Administrator's Office then further exacerbated the problem by sending each of these voters a ballot containing all of the General Election positions, including the election for Place 6 of the BISD Board of Trustees. After the ballots were returned by these illegally registered voters, the Cameron County Ballot Board accepted all of these mail ballots, even though they all contained the same exact address - a warehouse located next to the Brownville airport. After the carrier envelopes containing the ballots were accepted by the Ballot Board, the ballots were removed from the carrier envelope and placed along with the other ballots which had been cast by mail and run through the Elections Administrator's counting machines and the votes that were thus cast were voted.

20. Because of these repeated mistakes in allowing for these mail ballots that had been illegally cast to be counted, it is impossible to determine which races listed in the General Election ballot these voters actually voted in and who these voters voted for. Unquestionably the votes cast by these 16 voters were illegal and not countable. *See, Gonzalez v. Villarreal, at 776.* It cannot be disputed that "the number of illegal votes is equal to or greater than the number of votes necessary to change the outcome of the election' in question. *Tex. Elec. Code §221.009.*

21. The clear and convincing evidence established that, because the Elections Administrators' office failed to ensure that the Voter Registration and Absentee Ballot Request had a correct residential address for each of these 16 voters, it was impossible, or at least impracticable, to contact these voters and require them to testify in court under oath as to whether they specifically voted in the Place 6 BiSD Board of Trustee election.

C. Ballots cast by voters who voted in November 3, 2020, election for the Board of Trustees, Place 6 of BISD and were assisted even though they were not eligible to be assisted under Section 64.031 of the Texas Elections Code cannot be counted under Section 64.0.36 of said Code.

22. Section 64.031 provides that "[a] voter is eligible to receive assistance in marking the ballot . . . if the voter cannot prepare the ballot because of (1) a physical disability

that renders the voter unable to write or see; or (2) an inability to read the language in which the ballot is written.” It is undisputed that the ballot for the November 2020 election for Place 6, BISD Trustee was in English and Spanish. *Tex. Elec. Code § 64.031.*

23. Section 64.037 of the Texas Elections Code provides that “[i]f assistance is provided to a voter who is not eligible for assistance, the voter's ballot may not be counted.” *Tex. Elec. Code § 64.037.*

24. Nothing in the Section 64.037 of the Texas Elections Code allows for the validation of a ballot cast by a voter who was assisted (as indicated in the applicable “combination form”), even though not qualified to be assisted, if the voter later testified that he did not need assistance to vote his ballot. The specific language in Section 64.037 is directory, unqualified and unambiguous.

25. The following persons were assisted even though they were not eligible to receive assistance:

a. Maria Chew: Mrs. Chew testified that she could read and write in the Spanish language, and that she did not have any disabilities that prevented her from marking the ballot. The evidence in the form of her testimony and the combination form that was admitted into evidence, established by clear and convincing evidence that she voted in the November 3, 2020, election for BISD Board of Trustees and that she received assistance from her daughter to vote. The clear and convincing evidence established she could read and write in the language of the ballot and that she had no physical disability that prevented her from marking the ballot. Therefore, the clear and convincing evidence established that she was not eligible to receive assistance when she voted and, as a result her vote was illegal and her ballot cannot be counted, as required by Section 64.037 of the Texas Elections Code. *Tex. Elec. Code § 64.037.*

b. Hector Garcia - Mr. Garcia testified that he could read and write in the Spanish language, and he did not have any disabilities that prevented him from marking the ballot. The evidence in the form of his testimony and the combination form that was admitted into

evidence, established by clear and convincing evidence that he voted in the November 3, 2020, election for BISD Board of Trustees and that he received assistance from his wife to vote. The clear and convincing evidence established he could read and write in the language of the ballot and that he had no physical disability that prevented him from marking the ballot. Therefore, the clear and convincing evidence established that he was not eligible to receive assistance when he voted and, as a result his vote was illegal and his ballot cannot be counted, as required by Section 64.037 of the Texas Elections Code. *Tex. Elec. Code § 64.037.*

c. James Edward Paredes - Mr. Paredes testified that he could read and write in the English language, and that he graduated from high school and even attended college for approximately one year. He also testified that he could mark the ballot. The clear and convincing evidence in the form of Mr. Paredes testimony and the combination form that was admitted into evidence established that Mr. Paredes voted in the November 3, 2020, election for BISD Board of Trustees and that he received assistance from his girl friend when he voted. Therefore, the clear and convincing evidence established that he was not eligible to receive assistance in marking the ballot and, as a result his vote was illegal and his ballot cannot be counted, as required by Section 64.037 of the Texas Elections Code. *Tex. Elec. Code § 64.031.*

26. Therefore, the clear and evidence established that these three (3) voters received assistance in voting during the November 3, 2020, General Election, that under *Tex. Elec. Code § 64.031* they were not eligible for assistance, and that under Section 64.037, their vote was illegal and not countable. *Tex. Elec. Code § 64.037.*

D. Ballots cast by voters who voted in the November 3, 2020, election for the Board of Trustees, Place 6 of BISD and were provided unlawful assistance under Section 64.036(a) of the Texas Elections Code cannot be counted under Section 64.0.36 of said Code.

27. It is a violation of the Texas Elections Code for a person who is assisting a voter to (a) prepare the voter's ballot in a way other than the way the voter directs or without direction from the voter, and/or (b) suggest by word, sign, or gesture how the voter should

vote. *Tex. Elec. Code § 64.036*. A ballot that is cast by a voter who was assisted in the manner proscribed above is an illegal vote and is not countable.

28. San Juana Salazar testified that she voted in the November 3, 2020, election, including the BISD Board of Trustees election, and that her brother assisted her. She testified that her brother told her what candidates to vote for in that election. She equivocated in her testimony regarding who she voted for or if her ballot was cast for school board members at all. Under the Texas Elections Code, Ms. Salazar's brother provided San Juana Salazar unlawful assistance when he assisted Ms. Salazar in preparing the ballot that she cast without her direction and by suggesting by word how Ms. Salazar should vote. In other words, Ms. Salazar's brother unlawfully told Ms. Salazar who to vote for when he assisted her while she voted. Such unlawful assistance makes her ballot not countable. *Tex. Elec Code § 64.036*.

29. Juan Marcos Rangel is the son of Janie Garay, who testified by deposition that Juan Marcos Rangel is mentally challenged and was incapable of voting without her assistance. She further testified that, while she was voting, an elections official asked her if her son was going to also vote. The elections official told Ms. Garay that Juan Marcos Rangel had a right to vote. After the elections official informed her that Juan Marcos Rangel could vote, Ms Garay proceeded to assist her son in voting in the November 3, 2020, General Election. She also testified that she marked the ballot for Juan Marcos and actually voted the ballot for her son. She further testified that she voted the part of the ballot containing the BISD Board of Trustees election. Such unlawful assistance makes Juan Marcos Rangel's ballot not countable. *Tex. Elec Code § 64.036*.

E. Mail ballots cast by voters who voted in November 3, 2020, election for the Board of Trustees, Place 6 of BISD and but which were placed in a sealed envelope that does not have a signature of the voter on the certificate on the carrier envelope, as required by Section 86.005 of the Texas Elections Code, are illegal and not countable.

30. Section 86.005(c) of the Texas Elections Code requires that a voter who is casting a ballot voted by mail is required to place the marked ballot in the official envelope, seal the ballot envelope, place the ballot envelope in the official carrier envelope, seal the

carrier envelope and the sign the certificate on the carrier envelope. A ballot returned in a carrier envelope not signed by a voter is not countable. *See, Tex. Elec. Code § 87.041(b)(2) and (d).*

31. Section 1.011 of the Texas Elections Code requires that when the Code requires a person to sign any document or paper, the document may be signed for the person by a witness if the person required to sign cannot do so because of physical disability or illiteracy. *Tex. Elec. Code § 1.011(a)*. “The person who cannot sign must affix the person’s mark to the document or paper, which the witness must attest. If the person cannot make the mark, the witness must state that fact on the document or paper.” *Tex. Elec. Code § 1.011(b)*. Furthermore, “[t]he witness must affix the witness’s own signature to the document or paper and state the witness’s own name, in printed form,” and “address unless the witness is an election officer, in which case the witness must state the witness’s official title.” *Tex. Elec. Code § 1.011(d)*. The failure to comply with Section 1.011(a) when casting a mail ballot makes the ballot not countable. *See, Tex. Elec. Code § 87.041(b)(2) and (d)*.

32. The clear and convincing evidence showed that a mail ballot carrier envelope was received by the Cameron County Elections office under the name of Drew David Bazil that contained a mail ballot that was cast in the November 3, 2020, General Election. The clear and convincing evidence also establishes that the carrier envelope carrying the mail ballot allegedly voted by Drew David Bazil did not have either a signature or a mark anywhere on the carrier envelope as required by Section 86.005(c) of the Texas Elections Code. Therefore the mail ballot which was cast under the name of a registered voter named Drew David Bazil is illegal and cannot be counted. *Tex. Elec. Code § 86.005(c)*; *See also Tex. Elec. Code § 1.011(a), (b) and (d)*; *See also Tex. Elec. Code § 87.041(b)(2) and (d)*

33. The clear and convincing evidence showed that a mail ballot carrier envelope was received by the Cameron County Elections office under the name of Maria De Jesus Snelson that contained a mail ballot that was cast in the November 3, 2020, General Election. However, no where on the carrier envelope did anyone witness the alleged “X” mark of Maria

De Jesus Snelson. And other than the "X" mark, no where does the signature of Maria De Jesus Snelson appear on the carrier envelope as required by Section 86.005(c) of the Texas Elections Code. Therefore the mail ballot which was voted under the name of a registered voter named Maria De Jesus Snelson is illegal and cannot be counted. *Tex. Elec. Code § 86.005(c)*; See also *Tex. Elec. Code § 1/011(a), (b) and (d)*; See also, *Tex. Elec. Code § 87.041(b)(2) and (d)*.

34. The clear and convincing evidence showed that a mail ballot carrier envelope was received by the Cameron County Elections office under the name of Catalina Giraldo that contained a mail ballot that was cast in the November 3, 2020, General Election. The clear and convincing evidence also establishes that the carrier envelope carrying the mail ballot allegedly voted by Catalina Giraldo contained a circular mark on the line above "SIGNATURE OF MARK OF VOTER (FIRMA O MARCA DEL VOTANTE)" which does not appear to be a signature, and certainly not the signature of Catalina Giraldo which is contained in the "Voter Registration and Absentee Ballot Request" ("Federal Post Card Application") which was submitted to the Cameron County's Elections Administrator's office. See, *Tex. Elec. Code § 87.041(b)(2)* ("A ballot may be accepted only if: . . . (2) neither the voter's signature on the ballot application nor the signature on the carrier envelope is determined to have been executed by a person other than the voter, unless signed by a witness."); See also, *Tex. Elec. Code § 87.041(f)* ("In making the determination under Subsection (b)(2) for a ballot cast under Chapter 101 or 105, the board shall compare the signature on the carrier envelope or signature cover sheet with the signature of the voter on the federal post card application."). The "Voter Registration and Absentee Ballot Request" indicates that, at the time that the vote was cast, Catalina Giraldo was 46 years old and living in Istanbul, Turkey. Thus, the clear and convincing evidence establishes that the carrier envelope carrying the mail ballot allegedly voted by Catalina Giraldo did not have either a signature or a witnessed mark anywhere on the carrier envelope as required by Section 86.005(c) of the Texas Elections Code. Therefore the mail ballot which was cast under the name of a registered voter named Catalina Giraldo is illegal and cannot be counted. *Tex.*

Elec.Code § 86.005(c); See also Tex. Elec. Code § 1.011(a), (b) and (d); See also, Tex. Elec. Code § 87.041(b)(2) and (d)

F. All of the illegal votes that were found to be cast in the November 3, 2020, General Election, as set out in B through E are not countable.

35. The legal precedent established by the 13th Court of Appeals in *Gonzalez v. Villarreal*, 251 S.W3d 763, 782 (Tex. App.—Corpus Christi-Edinburg), applies equally to all of the challenges that Contestant is making in this case, as set out in Sections B through E. Again, as the Court clearly stated:

“ . . . The election code, however, recognizes that it may be impracticable or even impossible to determine for whom an illegal vote was cast. The election code does not require such an inquiry. Rather, the code provides that ‘if the tribunal finds that illegal votes were cast but cannot ascertain how the voters voted, the tribunal shall consider those votes in making its judgment.’ [Tex. Elec. Code] §221.011(b) (Vernon 2003).

Gonzalez v. Villarreal, 251 S.W3d 763, 782 (Tex. App.—Corpus Christi-Edinburg). Thus, if the Court finds that a vote was cast illegally, the vote cannot be counted and must be deducted from the margin of votes. between the Contestant and Contestee. “If the number of illegal votes is equal to or greater than the number of votes necessary to change the outcome of an election, the tribunal may declare the election void. . .” *Id.*

36. The clear and convincing evidence showed that the number of illegal votes cast in the November 3, 2020, General Election far exceeds the number of votes necessary to change the outcome of the election, eight (8), and therefore this Court must declare the election void and order a new election.

37. The Court also finds as follows. No less than 24 illegal votes were cast in this precinct’s election.

38. The Court notes over 40,000 total votes were cast in this precinct and there were more than 6,000 under votes cast in the school board race.

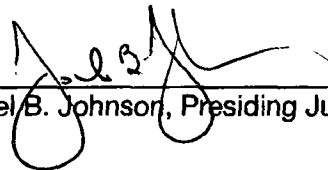
39. The contestant did not present clear and convincing evidence that each of the 24 illegal votes were actually cast in the school board election. The ability to present this evidence was not reasonably available to the Contestant.

40. The margin of victory for the Contestee was 8 votes. The Court has found 24 illegal votes were cast in the election.

41. The Court is mindful that overturning an election is not to be taken lightly. To this end the Court has considered using an approximate "under vote ratio" of 6,000/40,000. The evidence shows 15% of voters in this election "under voted" in the school board election. By using this ratio an 8 vote margin of victory requires approximately ten (10) illegally cast votes to equate to in order to invalidate the election results. The Court has found 24 illegally cast votes. This number is more than twice the calculated "over vote" cushion favoring the Contestee.

42. Therefore, the Court finds the election should be overturned.

Signed this 27 day of January, 2022.



Joel B. Johnson, Presiding Judge

Copies to: 01/27/2022
Hon. Gilberto Hinojosa
Hon. Richard E. Zayas

FILED 4:13 o'clock P M
LAURA PEREZ-REYES - DISTRICT CLERK

JAN 27 2022

DISTRICT COURT OF CAMERON COUNTY, TEXAS

By Christi Hls Deputy