

NO. 01-22-0415-CV

IN THE SUPREME COURT OF TEXAS

**In re Harris County Republican Party and Cindy Siegel as Chair of Harris
County Republican Party**

**RELATORS' SUR-REPLY TO RESPONDENT'S RESPONSE TO WRIT OF
MANDAMUS PETITION**

Steven J. Mitby
State Bar No. 24037123
smitby@mitbylaw.com

Michael Barnhart
State Bar No. 24040472
mbarnhart@mitbylaw.com

**MITBY PACHOLDER JOHNSON PLLC
9450 Pinecroft Drive,
P.O. Box 7280
Spring, Texas 77387
T: 713-234-1446**

ATTORNEYS FOR RELATORS
HARRIS COUNTY REPUBLICAN
PARTY AND CINDY SIEGEL

TO THE HONORABLE TEXAS SUPREME COURT:

Shortly after the last filing in this case, multiple presiding judges have come forward to report that Harris County employees have approached presiding judges with a “letter” from Respondent directing them to deliver election records to the central counting station. Those county employees have insisted that they have been deputized to transport those records and argued with Presiding Judges who are reluctant to turn over their ballots. Some of the county employees have been Harris County constables, whose status as law enforcement officers cloak their demands with improper authority.

Respondent’s letter states that the “Presiding Judge *will* also designate you to deliver election records and supplies to the Central Counting Station and administer an oath before providing the records and supplies to you.” *See* Exhibit A (emphasis added). In other words, the letter does not give the Presiding Judge a choice about whether to permit county employees to deliver ballots. This directly contradicts Respondent’s earlier representation to the Court that those services would be purely voluntary and at the discretion of the election judges.

Respondent’s conduct violates Texas Election Code §§ 66.051-66.052 and causes confusion among volunteer election judges regarding their responsibilities under Texas law. Respondent has no authority to deputize county employees or instruct that presiding judges “will” use county employees to transport ballots.

Respondent is attempting to interfere with this Court's ability to issue a decision in this case by giving improper and illegal instructions. Respondent is asking this Court to dismiss Relators' Petition for Writ of Mandamus as moot while violating Texas law and trying to obstruct this Court from issuing a decision in accordance with Texas law.

Respectfully submitted,

/s/ Steven J. Mitby

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COUNTY REPUBLICAN PARTY AND
CINDY SIEGEL

CERTIFICATION

I certify that I have reviewed the Sur-Reply and have concluded that every factual statement made in the motion is supported by competent evidence.

/s/ Steven J. Mitby
Steven J. Mitby

CERTIFICATE OF COMPLIANCE

Pursuant to Rules 9.4(i)(2)(C) and 9.4(i)(2)(3) of the Texas Rules of Appellate Procedure, I certify that this Sur-Reply contains 277 words (excluding the Caption, Signature, Proof of Service, Certification, and Certificate of Service). This is a computer-generated document created in Microsoft Word, using 14-point typeface for all text, except for footnotes, which are in 12-point typeface. In making this Certificate of Compliance, I am relying on the word count provided by the software used to prepare the document.

/s/ Steven J. Mitby
Steven J. Mitby

CERTIFICATE OF SERVICE

Pursuant to Rules 21. and 21a of the Texas Rules of Civil Procedure, I hereby certify that the original of the foregoing Reply has been filed with the Clerk of the Texas Supreme Court on May 24, 2022, correctly addressed as follows:

ATTORNEY FOR RELATORS

/s/ Steven J. Mitby
Steven J. Mitby

Bascus, Deena (HCSO)

From: Smith, Lauren (Elections)
Sent: Monday, May 23, 2022 8:26 PM
To: Bascus, Deena (HCSO)
Subject: MAY 24, 2022 ELECTION NIGHT DRIVER INFORMATION & LOCATION ASSIGNMENT



**OFFICE OF ISABEL LONGORIA
ELECTIONS ADMINISTRATOR
HARRIS COUNTY ★ STATE OF TEXAS**



May 24, 2022

Deena Bascus

Re: Elections Administrator Deputy Letter

Dear Deena Bascus,

Thank you for your service as an Elections Administrator Deputy for the May 24 Primary Runoff Election. Your service is very much appreciated. Please download these training ([HERE](#) & [HERE](#)) documents to further familiarize yourself with the process of an election driver.

Pursuant to Texas Election Code Section 62.003(a), you have been deputized by the Elections Administrator for your service in this election. Please note: while county employees are deputized and in the employ of the Elections Administrator's office to work in this election, you may not engage in political activities outlined in Texas Election Code 31.035.

Additionally, pursuant to Texas Election Code Section 66.052 and 127.066, the Presiding Judge will also designate you to deliver election records and supplies to the Central Counting Station and administer an oath before providing the records and supplies to you.

Please see below key information for your work on election night. Also, attached is a one-pager with step-by-step instructions and photos of the items you will bring to the NRG on election night.

Assigned Location: Crosby Church Afob, 30673 Huffman Cleveland Road, Huffman, 77336

**Republican Voting Room: Fellowship Hall
Republican Judge Name: SAN BRANHAM
Republican Judge Phone 1: N/A
Republican Judge Phone 2: (501) 908-1202**

**Democrat Voting Room: Fellowship Hall
Democrat Judge Name: ANGELINA DURDEN
Democrat Judge Phone 1: (501) 908-1202
Democrat Judge Phone 2: (501) 908-1202**

Note that BOTH political parties have equipment at the same voting location

Crosby Church, R 52080
Location Name & Poll Code

May 24, 2022
Election Date

Election Day Travel Log & Chain of Custody
(This form must be used in addition to the Orange Chain of Custody that goes in each Scan)

Instruction: Fill in all Serial and Seal Numbers for each Scan and Ballot Bag (note that you may only have one Scan and one Ballot Bag)

1 st Scan Serial Number:
1 st Scan Seal Number:
1 st Ballot Bag Seal Number:
2 nd Scan Serial Number:
2 nd Scan Seal Number:
2 nd Ballot Bag Seal Number:

Confirm that all items below are provided to the Elections Office Deputized Representative and check each box to confirm:

- Scan(s)
- Ballot Bag(s)
- Large Black Ballot Box(es) inside its corresponding bag
- Black iPad cases with all iPads, MiFi, and charging cables packed inside
- Judge's Box with ALL envelopes (Purple RID envelope, Green Voter Registration envelope, Yellow Provisional Ballot envelope, Tan Spoiled Ballot envelope, White Elections Administrator envelope) + unused ballot paper + compensation sheets

Presiding Judge's Signature	Alternate Judge's Signature	Deputized Elections Office Representative's Signature

Presiding Judge to administer oath to the designated driver*

"I swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any candidate or measure to be voted on, and that I will faithfully perform my duty as an officer of the election and guard the purity of the election."

*Pursuant to Texas Election Code Section 66.052 and 127.066, Presiding Judge hereby designates driver as an election clerk and officer to deliver election records and supplies to the Central Counting Station.

I am transporting the voting machines and reports to NRC myself.
San J Granham
Presiding Judge

