

C-2855-24-E

CAUSE NO.

RAMON SEGOVIA	§	IN THE DISTRICT COURT
Contestant,	§	
	§	
V.	§	_____ JUDICIAL DISTRICT
	§	
SONIA TREVINO	§	
Contestee.	§	HIDALGO COUNTY, TEXAS

CONTESTANT'S ORIGINAL PETITION WITH REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Ramon Segovia, hereinafter called Contestant, complaining of and about Sonia Trevino, hereinafter called Contestee, and shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Contestant intends to conduct this case under Discovery Level 3.

PARTIES AND SERVICE

2. Contestant, Ramon Segovia, is an Individual who resides in the City of Palmview, Hidalgo County, Texas.
3. The last three numbers of Ramon Segovia's driver's license number are 727. The last three numbers of Ramon Segovia's social security number are 657.
4. Contestee, Sonia Trevino, an Individual who is a resident of Hidalgo County, Texas, and can be served by serving her at her residence, 1901 Royal Palm Drive, Mission, Texas 78572.

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JURISDICTION AND VENUE

5. Contestant brings this action pursuant to Title 14, Chapter 232, Texas Election Code, to contest the results of the May 28, 2024, Hidalgo County Justice of the Peace, Precinct 3, Place 1, Democratic Primary Run-off Election, for which Contestant and Contestee, were the only candidates. This election contest is timely filed because it is filed not later than 15 days after the date the official result of the contested election was determined. *Tex. Elec. Code* §232.008
6. This court has exclusive jurisdiction of this contest pursuant to *Tex. Elec. Code* §221.002.
7. Venue in Hidalgo County is proper for this election contest pursuant to *Tex. Elec. Code* §232.006(c).

NOTICE TO PARTY OFFICIALS AND SECRETARY OF STATE

8. Pursuant to Texas Election Code § 232.009(a)(1), Contestant specifically requests that the head Canvassing Authority, Richard Gonzalez, Chair, Hidalgo County Democratic Party (Canvassing Official, Democratic Party) be noticed of the filing of this Contest. Such notice should be sent to him at his office located at the Hidalgo County Democratic Party, Richard Gonzalez, Chair, 1111 West Nolana, McAllen, Texas 78504, or wherever he may be found.
9. Pursuant to Texas Election Code § 232.008(d), a copy of the present lawsuit must be delivered to the Texas Secretary of State. The lawsuit may be delivered to the Elections Division, Secretary of State, P.O. Box 12060, Austin, Texas 78711-2060.

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ELECTION CONTEST

10. On June 6, 2024, a final and official canvas and certification of the May 28, 2024, Hidalgo County Justice of the Peace, Precinct 3, Place 1, Democratic Primary Run-off Election was completed by the Hidalgo County Democratic Party. The certified vote allocation shows the following:

	<u>Treviño</u>	<u>Segovia</u>
Mail ballots	496	172
Early Votes	2,794	2,839
Election Day	943	1,191
Total	4,233	4,202

Contestee Sonia Trevino was declared the winner because she received 31 more votes than Contestant. Contestant will show in the trial of this cause that this was not the true outcome of the election for the reasons set forth below. *Tex. Elec. Code* §221.003.

11. 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.
12. Contestant will show that numerous votes were illegally cast by individuals who were registered to vote at an address not a residence or not their residence as defined by the

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Texas Elections Code and therefore were not legally registered to vote in the election for the position of Justice of the Peace, Precinct 3, Place 1 of Hidalgo County. The votes, therefore, cast by these individuals who were not legally registered to vote were illegal and cannot be counted. *Tex.Elec.Code §§11.001(3), 11.002 and 13.002*. Had these illegal votes not been counted a different and correct result would be obtained in the election.

13. Contestant will also show that numerous voters casting votes during early vote and on election day were assisted at the time that they voted even though the voters were not eligible for assistance in reading or completing the ballot, in violation of the Texas Elections Code. *Tex. Elec. Code §§64.031; 64.032, 64.0321, 64.037 and 86.010(a)*.

Contestant will also show that numerous voters casting votes during early vote and on election day were assisted when the voters did not request assistance and person(s) other than the voter selected the persons to assist the voter. *Tex. Elec. Code § 64.036, 64.037*. The votes therefore cast by these persons who were assisted in violation of the Texas Elections Code are therefore illegal and cannot be counted. *Tex. Elec. Code § 64.036, 64.037*. Had these illegal votes not been counted a different and correct result would be obtained in the election.

14. Contestant will also show that numerous voters casting votes during early vote and on election day received assistance that was not limited to that authorized by the Texas Election Code at a polling place, *Tex. Elec. Code § 86.010(b)*. Said illegal assistance included encouraging the voter how to vote and/or even pressuring or coercing votes in violation of the Texas Elections Code. Some of these persons providing assistance even

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cast the ballot for the voter without giving the voter an opportunity to independently cast his/her vote. The votes therefore cast by these persons who were assisted in violation of the Texas Elections Code are therefore illegal and cannot be counted. Had these illegal votes not been counted a different and correct result would be obtained in the election.

15. Contestant will also show that numerous mail-in ballots that were counted should not have been counted due to numerous violations of various requirements in the Texas Elections Code. The following violations of the Texas Elections Code occurred at the time that these numerous mail-in ballots were cast:

(a) the voter is not eligible to vote by mail, *Tex. Elec. Code §§ 82.001, 82.002, 82.003 and 86.001(c)*;

(b) the voter did not sign the application for a mail-in ballot, *Tex. Elec. Code § 84.001*;

(c) the voter was assisted in completing or signing the mail-in ballot application by a person other than the early voting clerk or a deputy but the witness failed to provide the information required by *Tex. Elec. Cod §84.003(a) or (b)*;

(e) the voter is not eligible for assistance in reading or completing the ballot but was assisted in doing so, *Tex. Elec. Code §§64.031, 64.0321, 86.010(a)*;

(f) the assistant failed to sign the oath prescribed by *Tex. Elec. Code §64.034, see Tex. Elec. Code §86.010(c)*;

(g) the assistant failed to enter his/her “signature, printed name, and residence address on the official carrier envelope of the voter,” *Tex. Elec. Code §86.010(e)*;

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- (h) the voter permitted another person to take possession of the voter's ballot and carrier envelope to deposit same in the mail or with a common or contract carrier for delivery to the elections office but such person failed to "provide the person's signature, printed name, and residence address on the reverse side of the envelope," *Tex. Elec. Code §86.0051(b)*;
- (i) the voter did not seal the carrier envelope containing his or her ballot before the ballot and envelope left the voter's hand, *Tex. Elec. Code, § 86.005*;
- (j) the voter received assistance that was not limited to that authorized by the Texas Election Code at a polling place, *Tex. Elec. Code § 86.010(b)*, including encouraging the voter how to vote and pressuring or coercing voters;
- (k) the person providing assistance prepared the voter's ballot "without direction from the voter." *Tex. Elec. Code § 64.036(a)(2)*.
- (l) the mail ballot carrier envelope did not contain the signature of the alleged voter, *Tex. Elec. Code § 86.005*.
- (m) the alleged "mark" of the alleged mail ballot voter was not witnessed by any person, *Tex. Elec. Code § 86.005*.
- (n) the signature of the alleged voter on the carrier envelope is not the signature of the actual voter, as the signature of the voter on his application for a mail ballot is completely different than the alleged signature of the voter on the carrier envelope containing the mail ballot that was cast, *Tex. Elec. Code §§ 86.005 and 86.041(b)(2)*.

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- (o) the voter’s mail ballot was not delivered by mail, common carrier or in person pursuant to the procedures specified by the Texas Elections Code, *Tex. Elec. Code* §86.006, and regulations of the Secretary of State.
16. No voter may cast a vote from inside a motor vehicle unless: (1) the voter is physically unable to enter a polling place without personal assistance or the likelihood of injuring the voter’s health is present, and (2) the voter requests curbside voting accommodations. *Tex. Elec. Code* §64.009; 43.031. Contestant will also show that numerous voters who were physically able to enter a polling place without personal assistance and without a likelihood of injuring the voter's health, were unlawfully allowed to engage in curbside voting (voting from inside a motor vehicle) as described in Texas Election Code Section 64.009 and prohibited by Texas Election Code Section 43.031. *Tex. Elec. Code* §64.009; 43.031.
17. Section 64.002(a) of the Texas Elections Code, “OCCUPANCY OF VOTING STATION” provides: “Except as otherwise provided by this code, only one person at a time may occupy a voting station.” *Tex. Elec. Code* §64.002(a). The sole exception to this mandate is: “A child under 18 years of age may accompany the child's parent to a voting station.” *Tex. Elec. Code* §64.002(b), Section 1.005(22) of the Texas Elections Code defines "Voting station" as “the voting booth or other place where voters mark their ballots or otherwise indicate their votes at a polling place.” *Tex. Elec. Code* § 1.005(22). The Texas Secretary of State, in “ELECTION ADVISORY NO. 2024-06” makes clear that the term “Voting station” includes a person’s car when he/she votes curbside: “. . .When

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individuals vote curbside, their car becomes their voting station. Curbside voters must be afforded the opportunity to vote their ballot privately (in the same way as a voter in a voting booth) and thus are entitled to vote without the interference of campaigners and bystanders. Per Section 32.075 of the Elections Code, the presiding judge has the authority to preserve order and prevent breaches of peace if there are individuals harassing voters while they vote curbside.”

18. Numerous voters (far more than the margin of votes between Contestant and Contestee) voted curbside with individuals who were Contestee’s campaign workers present in the vehicles “Voting stations”, while the voter cast his/her ballot. Many of these campaign workers did not take the “assistance oath” required under Section 64.034 of the Texas Elections Code, nor did they sign combination forms registering as “assisters” for the voters in the vehicle “Voting Station”. It is clear that the only reason these persons remained in the vehicle “Voting station” was to be able to see how the voter voted and/or to ensure that the voter voted for the campaign worker’s candidate. Hidalgo County Elections workers did not require the campaign worker to exit the vehicle while the voter exercised his right to vote. This failure by the Hidalgo County Elections office to police voting stations to prevent violations of Section 64.002(a) of the Texas Elections Code allowed Contestee’s campaign workers to remain in the vehicle “Voting station” while a voter voted, violating a voter’s right to cast a vote privately and vote without the interference by Contestee’s campaign workers. Furthermore, because Hidalgo County Elections workers allowed Contestee’s campaign workers to remain in the vehicle

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“Voting Stations” while the voter voted without requiring that they register as a person assisting a voter and take the assistance oath, there is no record of which voters voted in vehicle curbside “Voting stations” while the Contestee’s campaign worker remained in the vehicle in violation Section 64.002(a) of the Texas Elections Code. Therefore, it is virtually impossible to determine how many voters ballots were illegally case as a result of violations of Section 64.002(a).

19. Because a sufficient number of votes were unlawful as a result of mistakes by the Hidalgo County Elections office in allowing Contestee’s campaign worker to be present in vehicle “Voting stations” while voters cast their ballots without requiring them to take the oath required of assisters and registering as assister, and the number of votes unlawfully cast exceed entire margin of victory, the trial court should declare the election void because it is impossible to determine the true outcome of the election. *Gonzalez v. Villarreal*, 251 S.W.3d 763, 783 (Tex. App.—Corpus Christi-Edinburg).
20. Because the number of illegal votes cast exceeds the difference in the total votes cast for the Contestant and those cast for the Contestee, the Court cannot ascertain the true outcome of the election and, the Court must declare the election void and order a new election., *Tex. Elec. Code §221.0012*.
21. Alternatively, (1) the Court can ascertain the true outcome of May 28, 2024, Hidalgo County Justice of the Peace, Precinct 3, Place 1, Democratic Primary Run-off Election; (2) the number of illegal votes that were cast for Contestee Sonia Treviño exceed

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Contestee Sonia Treviño's thirty one vote margin of victory in said election; (3) by subtracting the illegal votes from the official vote total for Contestee Sonia Trevino, Contestant Ramon Segovia obtained more votes in said election than Sonia Trevino; and (4) the court should declare Contestant Ramon Segovia, the winner of the May 28, 2024, Hidalgo County Justice of the Peace, Precinct 3, Place 1, Democratic Primary Run-off Election.

FRAUD

22. Contestee Sonia Trevino, her campaign and her agents, in an effort to obtain votes in the Hidalgo County Justice of the Peace, Precinct 3, Place 1 Election held May 24, 2024, conspired to monitor, influence and pressure voters to vote for Sonia Trevino by unlawfully exploiting the voter assistance laws in the State of Texas. See *Tex. Elec. Code* §§ 64.037; 64.032; 64.0321; 64.036. Although Texas law allows a voter to obtain assistance in voting under certain conditions or circumstances, agents for Sonia Trevino and her campaign unlawfully conspired to:
- a. assist voters when the voters did not request assistance, *Tex. Elec. Code* §64.036; 64.0037;
 - b. assist voters when the voters were not eligible for assistance, *Tex. Elec. Code* §64.036;
 - c. select the person(s) to assist the voter, *Tex. Elec. Code* §64.036;
 - d. take voters who were physically able to enter a polling place without personal assistance and without a likelihood of injuring the voter's health, and who made no

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- request to vote curbside, to engage in curbside voting (voting from inside a motor vehicle) as described in Texas Election Code Section 64.009 and prohibited by Texas Election Code Section 43.031. Tex. Elec. Code §64.009; 64.0037 & 43.031; and
- e. have Contestee's campaign workers, who did not take the "assistance oath" required under Section 64.034 of the Texas Elections Code, nor sign combination forms registering as "assisters" for the voters in the vehicle "Voting Station", be present in the vehicle "Voting stations", while the voter cast his/her ballot, in violation Section 64.002(a) of the Texas Elections Code.
- f. This unlawful and fraudulent scheme resulted in illegal votes being counted.

**THE NUMBER OF ILLEGAL VOTES EXCEED THE MARGIN OF VICTORY,
RESULTING IN ELECTION BEING DECLARED VOID AND NEW ELECTION BEING
ORDERED OR CONTESTANT SEGOVIA BEING DECLARED WINNER OF THE
ELECTION**

23. Because the number of illegal votes cast exceed the difference in the total votes cast for the Contestant and those cast for the Contestee, the Court cannot ascertain the true outcome of the election and, the Court must declare the election void and order a new election., *Tex. Elec. Code §221.0012*. Alternatively, the Court can ascertain the true outcome of May 28, 2024, Hidalgo County Justice of the Peace, Precinct 3, Place 1, Democratic Primary Run-off Election and therefore the Court should declare Contestant Ramon Segovia, the winner of that election.

NOTICE OF DISQUALIFICATION

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24. Pursuant to Texas Election Code §231.004, notice is hereby given that this matter involves territory covered by the Hidalgo County District Court. As such, the District Judge of this Court is statutorily disqualified. Contestant requests that the District Clerk promptly notify the Judge of this filing so that a special judge may be assigned to hear this matter. *Texas Election Code* §231.004

REQUEST FOR DISCLOSURE

25. Under Texas Rules of Civil Procedure 194, Contestant requests Contestee disclose, within 15 days of the service of this request, the information and materials, described in Rule 194.2.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Contestant, Ramon Segovia, respectfully prays:

- a. That notice of filing of the petition and of the hearing date be given to all parties;
- b. That, after hearing the evidence, the Court find that the total number of illegal votes cast in the election exceeds the difference between the total number votes cast for Contestant and the total number of votes cast for the Contestee;
- c. That because the total number illegal votes cast in the election exceeds the difference between the Contestant and Contestee, the Court find that it cannot determine the true outcome of the May 28, 2024, Hidalgo County Justice of the Peace, Precinct 3, Place 1, Democratic Primary Run-off Election.

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- d. That the Court determine that the election be declared void as it is impossible to ascertain the true results and an order issue for a new election for the contested office pursuant to §232.041, Texas Election Code;
- e. Alternatively, that Contestant Ramon Segovia be declared the winner of the May 28, 2024, Hidalgo County Justice of the Peace, Precinct 3, Place 1, Democratic Primary Run-off Election; and
- f. That Contestant be awarded costs of this action, including attorney fees, and such other and further relief to which Contestant may be entitled at law or in equity.

Respectfully submitted,

GILBERTO HINOJOSA & ASSOCIATES, PC

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