

CAUSE NO. _____

TRACY SHANNON	§	
	§	IN THE DISTRICT COURT
Contestant,	§	
	§	
v.	§	_____ JUDICIAL DISTRICT
	§	
BRITNNAI LA BROWN	§	
and	§	
KAREN MARTIN	§	HARRIS COUNTY, TEXAS
	§	
Contestee.	§	
	§	
	§	
	§	

CONTESTANT TRACY SHANNON'S ORIGINAL PETITION
ASSERTING ELECTION CONTEST

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff, Tracy Shannon, hereby files this Original Petition for Injunction and Writ of Mandamus against Defendants Brittnai L. Brown and Karen Martin, in her official capacity as Humble ISD Elections Administrator, and in support thereof, would show as follows:

I.

SUMMARY OF THIS

1. Plaintiff seeks an injunction to enjoin the Humble Independent School

District (Humble ISD) from canvassing the election results for the May 2025 election for Trustee Position 4, as well as a writ of mandamus to compel the Humble ISD Elections Administrator to declare Defendant Brittnai L. Brown an unqualified candidate under Texas Election Code § 141.001(a)(5). The basis for this action is clear: Brown failed to meet the mandatory residency requirement to be eligible as a candidate for Humble ISD Trustee Position 4, rendering her candidacy invalid and any votes cast for her uncountable. Immediate judicial intervention is necessary to prevent the certification of an unlawful election result and to uphold the integrity of the electoral process. With canvassing scheduled for tomorrow, May 13, 2025, this matter is of utmost urgency, requiring emergency relief to prevent irreparable harm.

II.

THE PARTIES, JURISDICTION, AND VENUE

2. Contestant Tracy Shannon is a resident of 15 Enchanted Woods Dr, Kingwood, TX 77339, located within Humble Independent School District (Humble ISD), Harris County, Texas. She is a registered voter within the Humble ISD boundaries and a former candidate for the Humble ISD Board of Trustees, with standing to challenge the eligibility of candidates for said board under Texas law.

3. Contestee Brittnai L. Brown is a purported candidate for Humble ISD Trustee Position 4 in the election held on May 3, 2025, with a listed permanent residence address of 16326 Gentle Slope Ln, Houston, TX 77044-6587, and a mailing address of 7927 Matson St, Houston, TX 77078. Brown may be served with

process at her mailing address or wherever she may be found.

4. Contestee Karen Martin is the Humble ISD Elections Administrator, responsible for overseeing the election process, including candidate eligibility determinations and canvassing of election results. She is sued in her official capacity and may be served at 10203 Birchridge Dr, Humble, TX 77338.

5. Contestant does not accuse Defendant Martin of intentional wrongdoing, but is required to name her as a defendant in this action challenging a candidate's eligibility under Texas law.

6. Jurisdiction over this action is vested in this Court pursuant to Texas Election Code Sections 231.001 (general jurisdiction over election contests), 141.001 (candidate eligibility), 273.081 (injunctive relief for election code violations), and Texas Government Code § 24.007 (general jurisdiction of district courts). Additionally, this Court has the authority to issue a writ of mandamus under Texas Government Code § 24.011 to compel a public official to perform a ministerial duty.

7. Venue of this Election Contest is proper in Harris County pursuant to Section 233.005 of the Texas Election Code, as Humble ISD is located within Harris County, and the challenged election occurred within this jurisdiction.

III.

EXPEDITED DISCOVERY PLAN

8. Contestant intends to conduct discovery as permitted under the Texas

Election Code and as permitted by the Texas Rules of Civil Procedure and asks that the Court enter an order setting forth a suitable discovery control plan.

9. Pursuant to Texas Rule of Civil Procedure 47(c)(2), Contestant seeks injunctive relief and a writ of mandamus. No monetary damages are sought.

10. Section 231.002 of the Texas Election Code provides that the Texas Rules of Civil Procedure apply to this Election Contest. The common law also dictates that time is of the essence in an election contest, and there are compelling state interests to promptly resolve the disputed issues in order to put into office the duly elected candidate.” *Goodman v. Wise*, 620 S.W.2d 857, 860 (Tex. Civ. App. — Corpus Christi 1981, writ ref d n.r.e.); *see also Wendover v. Tobin*, 261 S.W. 434, 438 (Tex. Civ. App. — San Antonio 1924) (“public welfare . . . demand[s] a swift and expeditious disposal” of election contests). The need for swift and expeditious disposal of this contest is paramount. This urgency is critical here, as the canvassing of the May 2025 election results is scheduled for Tuesday, May 13, 2025, leaving no time for delay. An ineligible candidate’s certification would irreparably harm the electoral process, necessitating immediate action.

IV. BACKGROUND FACTS

11. The election for Humble ISD Trustee Position 4 was held on May 3,

2025. Contestee Brown filed her application for a place on the ballot by the deadline of February 14, 2025, at 5:00 p.m., as required by Texas Election Code § 144.005.

12. Under Texas Election Code § 141.001(a)(5), a candidate for public office must have resided continuously in the territory from which the office is elected for at least six months immediately preceding the regular filing deadline. For the May 2025 election, this required Brown to have resided within Humble ISD boundaries since at least August 14, 2024.

13. Evidence demonstrates that Brown did not meet this residency requirement:

(a) Late Voter Registration in Humble ISD: Public voter registration records from the Harris County Tax Assessor-Collector & Voter Registrar, attached as Exhibit A, shows that Brown's voter registration card to vote within Humble ISD has a valid-from date of March 16, 2025, and a valid through date of December 31, 2025. This registration therefore occurred on or around February 14th, 2025 as it takes 30 days from applying for the registration to be valid. February 14th is well after the required residency period, and indicates that she did not establish residency in Humble ISD by August 14, 2024; and

(b) Voting in Another Jurisdiction on October 24, 2024: Official voting records confirm that Brown voted in an election on October 24, 2024, using the

address 7927 Matson St, Houston, TX 77078, which lies within the Houston Independent School District (Houston ISD), not Humble ISD. This voting activity, less than four months before the filing deadline, demonstrates that Brown resided outside Humble ISD during the required residency period.

14. The permanent residence address listed on Brown's voter registration, 16326 Gentle Slope Ln, Houston, TX 77044-6587, is within Humble ISD, but her registration date and prior voting record establish that she did not reside continuously in Humble ISD for the requisite six months preceding February 14, 2025.

15. Contestee Martin, as Elections Administrator, has a ministerial duty under Texas Election Code § 141.034 to review candidate applications and declare a candidate ineligible if they fail to meet eligibility requirements. This did not happen, and Contestee Brown remained on the ballot and participated in the election.

16. Canvassing of the May 2025 election results is scheduled to occur on Tuesday, May 13, 2025, pursuant to Texas Election Code § 67.002. If Brown is declared the winner and the results are canvassed, an ineligible candidate will be certified, causing irreparable harm to the integrity of the election and the rights of Humble ISD voters, including Contestant. Contestant has submitted an administrative challenge to the canvassing of the votes. See Exhibit B attached.

V.

CAUSE OF ACTION

17. **Injunction to Stop Canvassing:** Contestant seeks a preliminary and permanent injunction under Texas Election Code § 273.081, which provides that a person harmed by a violation of the Election Code may seek injunctive relief to prevent the violation from continuing or occurring. Brown's candidacy violates Texas Election Code § 141.001(a)(5) due to her failure to meet the residency requirement. Allowing the canvassing of votes cast for an ineligible candidate constitutes a continuing violation of the Election Code. *See Cohen v. Clear Lake City Water Auth.*, 687 S.W.2d 406, 408 (Tex. App.—Houston [14th Dist.] 1985, no writ) (holding that election disputes encompass any part of the elective process, **including eligibility** (emphasis added)).

18. **Injunctive relief:** To obtain a preliminary injunction, Contestant must show: (1) a probable right to the relief sought; (2) a probable, imminent, and irreparable injury if the injunction is not granted; and (3) no adequate remedy at law. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). Contestant satisfies these elements:

(a) **Probable Right to Relief:** Contestant has a probable right to relief, as the evidence clearly demonstrates Brown's ineligibility under Texas Election Code § 141.001(a)(5). Her voter registration on March 16, 2025, and voting outside Humble ISD on October 24, 2024, establish that she did not reside in Humble ISD for the required six months prior

to the February 14, 2025, filing deadline.

(b) Probable, Imminent, and Irreparable Injury**: Contestant will suffer imminent and irreparable harm if canvassing proceeds on May 13, 2025, as an ineligible candidate may be certified, undermining the election's integrity and depriving voters, including Contestant, of a lawful outcome. This harm cannot be undone once canvassing occurs, as certification would install an unqualified official, violating the public's right to a fair election.

(c) No Adequate Remedy at Law: There is no adequate remedy at law, as monetary damages cannot rectify the harm of certifying an ineligible candidate. Immediate injunctive relief is the only means to prevent this irreparable injury, especially given the imminent canvassing scheduled for tomorrow

19. **Writ of Mandamus to Declare Ineligibility:** Contestant seeks that the court find Brown was ineligible to be placed on the ballot, and issue a writ of mandamus to compel Contestee Martin to perform her ministerial duty under Texas Election Code § 145.003(f)(1) and 145.003(g), (h) and (i) to declare Brown ineligible for failure to meet the continuous residency requirement under 141.031(J). The duty to ensure candidate eligibility is non-discretionary, as established in *In re Robinson*, 175 S.W.3d 824, 830 (Tex. App.—Houston [1st Dist.] 2005, no pet.) (“The use of

the word ‘shall’ in a statute is generally construed as creating a nondiscretionary duty.”). Brown’s ineligibility is clear from the evidence, and Martin’s failure to act violates her statutory obligation.

20. **Grounds for Relief:** The Texas Election Code and case law support Contestant’s claims for relief. *Dickson v. Strickland*, 114 Tex. 176, 265 S.W. 1012, 1018 (1924), establishes that an election contest may address a candidate’s ineligibility, as it is a fundamental part of the elective process. Many courts interpret an election contest to mean any type of suit in which the validity of an election or any part of the elective process is made the subject matter of the litigation. *Roberts v. Brownsboro Indep. School Dist.*, 575 S.W.2d 371, 374 (Tex. Civ. App. - Tyler 1978, writ dismiss’d) (challenging an order calling a school bond election); *Kennedy v. Burnet Indep. School Dist.*, 474 S.W.2d 742, 746 (Tex. Civ. App. - Austin 1971, no writ) (contesting authority of county judge to call election involving consolidation of school districts); *Weinberg v. Molder*, 312 S.W.2d 393, 396 (Tex. Civ. App. - Waco 1958, writ refused n.r.e.) (challenging school bond election on grounds of misrepresentations by school district officials); *Turner v. Lewie*, 201 S.W.2d 86, 88 (Tex. Civ. App. - Fort Worth 1947, writ dismiss’d) (contesting notice of election to amend city charter).

21. Brown’s failure to reside in Humble ISD for the required period renders her candidacy invalid, and any votes cast for her are “illegal votes” under

Texas Election Code § 221.003(b), as they are not legally countable.

22. The urgency of this matter cannot be overstated. With canvassing scheduled for less than a day away on May 13, 2025, immediate judicial intervention is necessary to prevent the certification of an invalid result, which would cause irreparable harm to the electoral process and the rights of Humble ISD voters.

VI. CONCLUSION

23. WHEREFORE, Contestant Tracy Shannon respectfully requests that this Court:

- (i) Issue a temporary and permanent injunction enjoining Contestee Karen Martin and the Humble ISD Elections office from canvassing the election results for Humble ISD Trustee Position 4 for the May 2025 election until a determination of Contestee Brown's eligibility is made;
- (ii) Issue a writ of mandamus compelling Contestee Karen Martin to declare Brittnai L. Brown ineligible as a candidate for Humble ISD Trustee Position 4 under Texas Election Code § 141.001(a)(5) due to her failure to meet the residency requirement;
- (iii) After a hearing on the merits, declare that Brittnai L. Brown was not a qualified candidate for Humble ISD Trustee Position 4, and

order that any votes cast for her not be counted in the final election results;

- (iv) Upon declaring Brittnai L. Brown ineligible and excluding her votes, declare Contestant Tracy Shannon the winner of the election for Humble ISD Trustee Position 4, as she received the second-highest number of votes among the eligible candidates in the May 2025 election; and
- (v) Award such other and further relief, at law or in equity, to which Contestant may be justly entitled.

Respectfully Submitted,

MARTIN ETWOP.

BY: /s/Martin Etwop
Martin Etwop
State Bar No. 24120215
7901 Research Forest Dr
Ste 400 #3018
The Woodlands, TX 77382
281-356-0223 (telephone)
martin@etwoplaw.com

COUNSEL FOR
CONTESTANT

ETWOP LAW PLLC

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Martin Etwop on behalf of Martin Etwop

Bar No. 24120215

attorney@etwoplaw.com

Envelope ID: 100763976

Filing Code Description: Petition

Filing Description: Original Petition Asserting Election Contest

Status as of 5/13/2025 12:08 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jeremy Binkley		jbinkle@humbleisd.net	5/13/2025 11:39:06 AM	SENT
Martin Etwop		attorney@etwoplaw.com	5/13/2025 11:39:06 AM	SENT
Brittnai LBrown		brittnai.brown@yahoo.com	5/13/2025 11:39:06 AM	ERROR