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November 13, 2026

The Honorable Robert S. Howden
Texas Secretary of State
Attn: Elections Division
1019 Brazos Street
Austin, Texas 78701

Via email: abitter@sos.texas.gov

Re: Submission of Public Records and Request for Declaration of Ineligibility Under Tex. Elec. Code § 145.003(d) and (g); Ericka L. Lomick (a/k/a Ericka L. Flood), Candidate for State Representative, District 93, in the November 3, 2026 Special Election (Unexpired Term) and General Election

Dear Secretary Howden:

I write on behalf of Alan Blaylock, a candidate in both November 3, 2026 elections for State Representative, District 93. The first was the special election to fill the unexpired term of former Representative Nate Schatzline. The second was the general election for the full term beginning in January 2027.

Public court and land records show that the candidate who received the most votes in both races, Ericka L. Lomick, is a finally convicted federal felon. We are aware of no pardon or release from the resulting disabilities. She is therefore ineligible to be elected to the Texas House. As presiding officer of the final canvassing authority for this office, you are the official the Election Code charges with deciding that question after the polls close and before a certificate of election issues. We submit the enclosed public records (Exhibits A–K) under § 145.003(g) and ask you to review them promptly and to declare Ms. Lomick ineligible in both races under § 145.003(d) and (f). Time is short. The state canvass of the special election must be completed by Tuesday, November 17, 2026.

I. The Public Record

1. The elections. The proclamation and the County's report establish the following:

- Representative Schatzline resigned effective July 3, 2026.
- On August 20, 2026, the Governor ordered a special election for November 3, 2026, "for the purpose of electing a state representative to serve out the unexpired term," under Tex. Const. art. III, § 13(a) and Tex. Elec. Code § 203.002 (Ex. J).
- Candidates for that special election filed their applications with the Secretary of State (Ex. J; Tex. Elec. Code § 203.006).

- The County's unofficial cumulative report shows Ms. Lomick with 39,346 votes (51.11%) in the special election and 38,972 votes (50.53%) in the general election (Ex. K).

2. Felony conviction. In *United States v. Flood*, No. 3:10-cr-00124 (W.D.N.C.), the defendant was charged and arrested as "ERICKA LYNETTE FLOOD a/k/a 'ERICKA LOMICK'" (Ex. A, Doc. 52). On January 4, 2011, she pleaded guilty, answering "Yes" under oath to the question "Are you, in fact, guilty of the counts in the Bill of Indictment . . . ?" (Ex. B, Doc. 133 at 3–4). The Judgment, entered August 11, 2011 (sentence imposed July 21, 2011), adjudged her guilty of three felonies:

- conspiracy to defraud the United States (mortgage fraud), 18 U.S.C. § 371;
- bank fraud, 18 U.S.C. § 1344; and
- conspiracy to commit money laundering, 18 U.S.C. § 1956(h).

It committed her to 63 months in federal prison, followed by three years of supervised release (Ex. C, Doc. 240 at 1–3).

3. Finality. She expressly waived her right to appeal in her plea agreement (Ex. B at 3, Q. 26). Her motion to vacate under 28 U.S.C. § 2255 was denied and dismissed with prejudice on August 8, 2012. In that order, the court found that she "admitted she was guilty of these three crimes" (Ex. D, No. 3:12-cv-186, Doc. 10 at 7–8). The court also recounted her own counsel's sworn account that her conduct, "as she admitted, included some forgeries, bribery of bank officials and preparing false documents" (*id.* at 18). On September 16, 2013, the Fourth Circuit dismissed her appeal in *United States v. Ericka L. Flood, a/k/a Ericka Lomick*, No. 13-6054 (Ex. E). The conviction has been final for more than a decade.

4. Identity and the Tarrant County record. On January 31, 2024, the United States recorded a Notice of Lien for Fine and/or Restitution in the Official Public Records of Tarrant County, Instrument No. D224016580 (Ex. F). The notice is against "ERICKA FLOOD, AKA ERICA LOMICK," for $300,000.00. It rests on the July 21, 2011 judgment in Criminal No. DNCW3:10CR124 and lists a residence on Grayhawk Lane in Keller, Texas 76244. A Texas Secretary of State filing for Pro-Etiq Solutions LLC, in which "Ericka Lomick" lists the same address (Ex. G, Filing No. 805831840).

5. Restitution unpaid. In 2014, the United States told the federal court that she had "not made any payments towards the restitution ordered," and that "[a] restitution balance of $289,841.00 remains due and owing" (Ex. H, Doc. 373-1 ¶ 3).

6. No pardon or release. We have found no pardon and no order releasing Ms. Lomick from the disabilities of her conviction in any record we have reviewed.

7. Her own statement. On September 21, 2026, after the deadline to withdraw from the general election had passed, Ms. Lomick suspended her campaign. Her statement said that "questions arose about the candidate's eligibility to serve," and that she would "allow the people of HD 93 to elect someone who can serve the district" (Ex. I).

II. The Law

A. Eligibility. The Texas Constitution directs that "[l]aws shall be made to exclude from office . . . those who may have been or shall hereafter be convicted of bribery, perjury, forgery, or other high crimes." TEX. CONST. ART. XVI, § 2, Texas Election Code § 141.001(a)(4) implements that command. To be eligible "to be a candidate for, or elected . . . to, a public elective office in this state," a person must "have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities." Completing a sentence does not restore eligibility to hold office; only a pardon or other release from disabilities does. TEX. ATT'Y GEN. OP. NO. KP-0251 (2019).

A special-election application must comply with § 141.031. Tex. Elec. Code § 203.005(b). Section 141.031 requires the candidate to state whether she has been finally convicted of a felony and, if so, to include proof of eligibility under § 141.001(a)(4). *Id.* § 141.031(a)(4)(G), (a-1). Ms. Lomick's special-election application is on file with your office and is public information. *Id.* §§ 141.035, 203.006. We ask that you review it together with the enclosed records: if it answers the felony question falsely or omits the required proof, it independently supports a declaration under § 145.003(f)(1).

B. Your authority. Section 145.003 is the exclusive administrative path for declaring a candidate ineligible. *Id.* § 145.003(a). After the polls close and before a certificate of election issues, "[t]he presiding officer of the final canvassing authority for the office sought by a candidate may declare the candidate ineligible." *Id.* § 145.003(d). That subsection is not confined to the general election. Subsection (b) addresses the general election, subsection (c) addresses "an election other than" it, and subsection (d) applies to any "candidate" for "the office sought." *Id.* § 145.003(b)–(d); *see also id.* § 203.009(c).

A House seat is a "district office" because it is not voted on statewide. *Id.* § 1.005(4). That House District 93 lies within a single county does not change the canvassing authority. In both races the governor conducts the state canvass and is the final canvassing authority, and you are its presiding officer. *Id.* §§ 67.010(b), 67.012(a), 203.012(b). The Tarrant County Commissioners Court conducts only the local canvass, and the official result is determined from the governor's canvass. *Id.* § 67.014.

C. The standard is met. A declaration is proper when "facts indicating that the candidate is ineligible are conclusively established by another public record." *Id.* § 145.003(f)(2). The enclosed records are federal judicial records and Tarrant County land records. They establish the conviction, its finality, and the identity of the defendant with the candidate. The federal charging papers, the Fourth Circuit's caption, and the Tarrant County lien each identify the defendant as Ericka Flood "a/k/a" Ericka (or Erica) Lomick. The lien lists a Keller residence on Grayhawk Lane, and the same address appears in a Secretary of State business filing in which Ms. Lomick is listed. (Exs. A, E, F, G). Her September 21, 2026 statement acknowledges the "questions" about her "eligibility to serve" (Ex. I).

D. Your duty once the record is presented. Subsection (d) identifies who may act after the polls close: the presiding officer of the final canvassing authority. Subsection (g) then governs how that authority acts. It provides that "[w]hen presented with" a public record "containing information pertinent to a candidate's eligibility, the appropriate authority shall promptly review the record," and that "[i]f the authority determines that the record establishes ineligibility as provided by Subsection (f), the authority shall declare the candidate ineligible." *Id.* § 145.003(g). Subsection (g) is not limited to

the pre-election authorities named in subsections (b) and (c). It applies to whichever authority the statute empowers at the time the record is presented, and after the polls close that authority is you. *Id.* § 145.003(d), (g). Read together, subsection (d) confers the power and subsection (g) directs its exercise. Once the record establishes ineligibility under subsection (f), the declaration follows.

E. Acting now respects the House's role. Each house of the Legislature is the judge of the qualifications and elections of its own members. TEX. CONST. ART. III, § 8. That authority governs once a certificate of election has issued and the member-elect presents it to the House. The Legislature itself has provided the procedure that applies before then: section 145.003(d) authorizes the presiding officer of the final canvassing authority to act "after the polls close on election day and . . . before a certificate of election is issued." TEX. ELEC. CODE § 145.003(d). A declaration now does not intrude on the House's authority. It applies the statute the Legislature enacted for this period, and it ensures that the House is not presented with a certificate that § 67.016(f) forbids. *Id.* § 67.016(f).

F. This submission is timely. Section 145.003(d) is a post-election remedy the Code expressly provides, and its window opens only when the polls close. *Id.* § 145.003(d). Mr. Blaylock did not know of the federal record until on or about September 21, 2026, the day Ms. Lomick suspended her campaign (Ex. I). By then, the deadlines for omitting a declared-ineligible candidate's name from either ballot had passed, so any pre-election declaration would have left her name on both ballots and her votes would have been counted. *Id.* §§ 145.035, 145.096(a), 145.005(a). Mr. Blaylock then obtained the federal court records and the Tarrant County land record, all after September 21, 2026, and presents them now, ten days after election day and before either state canvass. He seeks no relief that would disturb the count or delay the canvass.

G. Consequences of a declaration. A declaration made after the deadline for omitting a name from the ballot must be certified in writing to the canvassing authority, and the candidate must receive written notice. *Id.* § 145.003(h), (i). No certificate of election may issue to a person declared ineligible. *Id.* § 67.016(f). The votes cast for Ms. Lomick are still counted and entered on the returns. *Id.* § 145.005(a). Because she received the vote required for election, a vacancy results and is filled in the regular manner. *Id.* §§ 145.005(b), 201.028. We do not ask you to change any vote count or to declare Mr. Blaylock elected.

H. Timing. The two races run on different clocks:

- *Special election.* The Commissioners Court must canvass by November 13, 2026, and the governor must complete the state canvass by November 17, 2026. The weekend-and-holiday extension of § 1.006 does not apply. *Id.* § 203.012(a), (b), (d). Your authority under § 145.003(d) ends when a certificate of election issues.
- *General election.* The local canvass may be held through November 17, and the state canvass is conducted between November 21 and December 6, 2026. *Id.* §§ 67.003(c), 67.012(a)(2).
- *Returns.* The County Clerk must deliver the county returns to your office within 24 hours after the local canvass. *Id.* § 67.007(d).

III. Requests

Mr. Blaylock respectfully requests that you:

1. Promptly review Exhibits A–K and Ms. Lomick's applications for a place on the ballot under § 145.003(g);

2. Declare Ms. Lomick ineligible under § 145.003(d) and (f) as a candidate in the special election, before the state canvass of that election and in no event later than November 17, 2026;

3. Declare her ineligible on the same basis as a candidate in the general election, before the state canvass of that election;

4. Certify each declaration in writing to the canvassing authority and give Ms. Lomick written notice under § 145.003(h) and (i); and

5. Decline to prepare or issue a certificate of election to Ms. Lomick for either term. *Id.* § 67.016(f).

Because of the November 17 deadline, we ask for your office's response by **12:00 p.m. on Monday, November 16, 2026**. A response by that time will allow any interested party to seek timely review before the state canvass, if review becomes necessary. *See* TEX. GOV'T CODE § 22.002(c); TEX. ELEC. CODE § 273.061. To permit a prompt decision, we are providing a copy of this submission and its exhibits to Ms. Lomick today, so that she has notice and an opportunity to respond to your office. We will supplement this submission with certified copies and any additional records your office requests, and we are available at your staff's convenience.

Thank you for your prompt attention to this matter.

Respectfully submitted,

James E. Trainor, III

Enclosures: Exhibits A–K (see Enclosure Index and Certificate of Service, following page)

ENCLOSURE INDEX AND CERTIFICATE OF SERVICE

A. Enclosure Index

Exhibit A	Arrest Warrant, *United States v. Flood*, No. 3:10-cr-00124 (W.D.N.C.), Doc. 52 (filed June 29, 2010).
Exhibit B	Entry and Acceptance of Guilty Plea (Rule 11), No. 3:10-cr-00124 (W.D.N.C.), Doc. 133 (filed Jan. 4, 2011).
Exhibit C	Judgment in a Criminal Case, No. 3:10-cr-00124 (W.D.N.C.), Doc. 240 (filed Aug. 11, 2011).
Exhibit D	Memorandum of Decision and Order, *Flood v. United States*, No. 3:12-cv-186 (W.D.N.C.), Doc. 10 (filed Aug. 8, 2012)
Exhibit E	Opinion and Judgment, *United States v. Flood*, No. 13-6054 (4th Cir. Sept. 16, 2013).
Exhibit F	Notice of Lien for Fine and/or Restitution, Tarrant County Clerk Instr. No. D224016580 (recorded Jan. 31, 2024).
Exhibit G	Certificate of Formation, Pro-Etiq Solutions LLC, Tex. Sec'y of State Filing No. 805831840 (filed Dec. 23, 2024).
Exhibit H	United States' filing regarding restitution, No. 3:10-cr-00124 (W.D.N.C.), Docs. 373 and 373-1 (filed June 12, 2014).
Exhibit I	Lomick campaign statement suspending campaign (Sept. 21, 2026).
Exhibit J	Governor's Proclamation Ordering Special Election, State Representative, District 93 (Aug. 20, 2026).
Exhibit K	Tarrant County Elections, Unofficial Cumulative Report, Nov. 3, 2026 Joint General and Special Elections (run Nov. 4, 2026).

B. Certificate of Service

I certify that on November 13, 2026, a true and correct copy of this submission and Exhibits A–K was delivered to each of the following by the method indicated:

1. The Honorable Robert S. Howden, Texas Secretary of State, Attn: Elections Division, 1019 Brazos Street, Austin, Texas 78701; *Method:* email abitter@sos.texas.gov
2. Director of Elections, Office of the Secretary of State — Christina Adkins; *Method:* Email cadkins@sos.texas.gov
3. Ericka L. Lomick, 10609 Grayhawk Lane, Fort Worth TX 76244; *Method:* e-mail info@erickafortexas.com.
4. The Honorable Tim O'Hare, Tarrant County Judge, and Members of the Tarrant County Commissioners Court, 100 East Weatherford Street, Suite 501, Fort Worth, Texas 76196; *Method:* email countyjudge@tarrantcountytx.gov, pct1@tarrantcountytx.gov, commissionerprecinct2@tarrantcountytx.gov, commissioner3@tarrantcountytx.gov, CommissionerPct4Admin@tarrantcountytx.gov
5. Mary Louise Nicholson, Tarrant County Clerk; *Method:* Email wm-countyclerk@tarrantcountytx.gov

6. Clint Ludwig, Tarrant County Elections Administrator; *Method:* Email voterregistration@tarrantcountytx.gov

Copies (without enclosures): Alan Blaylock; Justin Epker, Catalyst Advisors.

James E. Trainor, III