Filed in The District Court
of Travis County, Texas

AR SEP 16 2022

CAUSE NO. D-1-GN-22-003841

§

At Velva L. Price, District Cler

STAN GERDES, Republican
Nominee for House District 17,
Plaintiff/Petitioner
v.

Hon. JOHN B. SCOTT, in his official capacity as TEXAS SECRETARY OF STATE

Respondent/Defendant

and LINDA CURTIS, Independent
Candidate for House District 17; KRISTIN
MILES, in her official capacity as Bastrop
County Election Administrator;
DOROTHY OLIVER, in her official
Capacity as Burleson County Election
Administrator; KIMBER DANIEL, in her
official capacity as Caldwell County
Election Administrator; JODI MORGAN,
in her official capacity as Milam County
Clerk; TERESA SHED, in her official
capacity as Lee County Election
Administrator

**Real Parties In Interest** 

IN THE DISTRICT COURT

455th JUDICIAL DISTRICT

TRAVIS COUNTY TEXAS

## ORDER ON PLAINTIFF'S APPLICATION FOR INJUNCTION AND MANDAMUS

After considering Plaintiff Stan Gerdes' application for injunction and mandamus, the responses filed by Defendant John Scott and Real Party in Interest Linda Curtis, the evidence presented to the Court and arguments of counsel, and considering the competing equities between the parties, the Court:

## FINDS:

1. That because of Plaintiff's unexplained delay and lack of diligence in bringing this matter before the Court for hearing, requiring a change to the general election ballot would risk significant disruption in the election at this late stage. Undisputed evidence is that Bastrop County has already sent their ballots to the printer.

- 2. Rejecting Curtis' petition to be on the November 8, 2022 ballot is not necessary for a just and reasonable result in light of the object sought to be obtained by the Texas Election Code, considering that the information omitted from Curtis' petition "statement" (the office sought and Curtis' name) was repeated directly above. Curtis was the circulator of nearly all of the petitions complained about, and her affidavits complied with the Election Code and were not challenged by Gerdes.
- 3. No evidence was presented that the omission contributed to either voter confusion or the likelihood of election fraud but rejecting Curtis' petition would undermine the purpose of the Election Code to promote voter access.

It is therefore ORDERED that Plaintiff's First Amended Writ of Mandamus and Application for Injunction against John Scott, in his official capacity as Secretary of State, be DENIED.

SIGNED this 16th day of September, 2022.

Jemea Mangum
The Honorable Jessica Mangrum