

NO. _____

TEXAS CIVIL RIGHTS PROJECT and
TEXAS ORGANIZING PROJECT

Plaintiffs

v.

HARRIS COUNTY, TEXAS; THE HARRIS
COUNTY COMMISSIONERS COURT;
JUDGE ED EMMETT, in his official
capacity as the Harris County Judge; and
STAN STANART, in his official capacity as
the Harris County Elections Administrator,

Defendants

§ IN THE DISTRICT COURT
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§ OF HARRIS COUNTY, TEXAS
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§ 61st JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION FOR DECLARATORY JUDGMENT AND
APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY
INJUNCTION, AND PERMANENT INJUNCTION**

Plaintiffs herby file this Emergency Application for Temporary Restraining Order and Memorandum in Support. In support of same, Plaintiffs respectfully show the Court as follows:

**I.
BACKGROUND**

This Application seeks declaratory and injunctive relief to redress Defendants’ unlawful delay in opening several polling locations and failure to properly provide functioning equipment in polling locations around Harris County on Election Day, November 6, 2018. Defendants’ failure constitutes an ongoing constitutional and statutory violation.

**II.
DISCOVERY CONTROL PLAN**

Pursuant to Texas Rule of Civil Procedure 190.1, Plaintiffs intend to conduct discovery under Discovery Level 2.

III. **PARTIES**

Plaintiff Texas Organizing Project (TOP) is a non-profit organization committed to improving the participation of eligible voters across Texas in the democratic process through civi engagement, voter education and voter participation activities. As they are personally threatened, TOP has associational standing to sue on its members behalf, many of whom live in Harris County. Moreover, given TOP’s mission, the forced diversion of resources and the harms to its members in precincts at issue, TOP has organizational standing as well.

Plaintiff Texas Civil Rights Project (TCRP) is a non-profit and non-partisan organization committed to improving the participation of eligible voters across Texas in the democratic process through voter education and voter protection efforts. In Texas and in Harris County, TCRP, through a voter protection hotline and volunteer poll monitors, educates voters about voting issues, including reminding voters of election dates and informing them about requirements for voting, and assists voters in navigating voting-related issues. In the 2018 General Election, TCRP has already educated and assisted many voters in Harris County about voting related issues through its voter protection hotline and volunteer poll monitors.

Defendants are Harris County, Texas, a political subdivision of the State of Texas; Rodney Ellis, Harris County Commissioner for Precinct 1; Jack Morman, Harris County Commissioner for Precinct 2; Steve Radack, Harris County Commissioner for Precinct 3; R. Jack Cagle, Harris County Commissioner for Precinct 4; Judge Ed Emmett, in his official capacity as the Harris County Judge; and Stan Stanart, in his official capacity as the Harris County Elections Administrator (“Defendants”).

Defendant Stan Stanart is the Elections Administrator of the Harris County Elections Department and is sued in his official capacity only. Defendant’s duties include voter registration

and conducting elections for Harris County. He may be served with process at 201 Caroline, Suite 310, Houston, TX 77002. Defendant Ed Emmett is the Harris County Judge and is sued in his official capacity only. The County Judge is the presiding officer of the Harris County Commissioners Court and is responsible generally for the conduct of elections in Harris County, including conducting the 2018 General Election. He may be served with process at 1001 Preston, Suite 911, Houston, Texas 77002.

Defendant Rodney Ellis is the Harris County Commissioner for Precinct 1 and is sued in his official capacity only. He is a voting member of the Harris County Commissioner's Court, the governing body of Harris County. He is responsible generally for the conduct of elections in Harris County, including conducting the 2018 General Election. He may be served with process at 1001 Preston, Suite 950, Houston, Texas 77054.

Defendant Jack Morman is the Harris County Commissioner for Precinct 2 and is sued in his official capacity only. He is a voting member of the Harris County Commissioner's Court, the governing body of Harris County. He is responsible generally for the conduct of elections in Harris County, including conducting the 2018 General Election. He may be served with process at 1001 Preston, Room 924, Houston, Texas 77002.

Defendant Steve Radack is the Harris County Commissioner for Precinct 3 and is sued in his official capacity only. He is a voting member of the Harris County Commissioner's Court, the governing body of Harris County. He is responsible generally for the conduct of elections in Harris County, including conducting the 2018 General Election. He may be served with process at 1001 Preston, 9th Floor, Houston, Texas 77002.

Defendant R. Jack Cagle is the Harris County Commissioner for Precinct 4 and is sued in his official capacity only. He is a voting member of the Harris County Commissioner's Court, the

governing body of Harris County. He is responsible generally for the conduct of elections in Harris County, including conducting the 2018 General Election. He may be served with process at 1001 Preston, Suite 950, Houston, Texas 77002.

At all times relevant hereto, all Defendants were and have been acting under color of statutes, ordinances, regulations, customs and usages of the State of Texas and Harris County, Texas.

IV. **JURISDICTION AND VENUE**

Plaintiffs seek non-monetary relief of declaratory and injunctive relief. This Court's jurisdiction to enter declaratory relief in this lawsuit is established by Texas Civil Practice and Remedies Code Section 37.001, *et seq.* This Court's jurisdiction to enter injunctive relief in this lawsuit is established by Texas Civil Practice and Remedies Code Section 65.001, *et seq.*, and Texas Election Code Section 273.081. Harris County is the proper venue for this lawsuit because Defendants are Harris County residents and the actions of which Plaintiffs complain occurred and are occurring in Harris County. *See* Tex. Civ. Prac. & Rem. Code § 15.002. The Court further has jurisdiction over Defendants because the doctrine of governmental immunity is inapplicable to county officials sued in their official capacity for ultra vires actions, which is the claim Plaintiff brings against Defendants. *See Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154 (Tex. 2016).

V. **FACTS**

On November 6, 2018, Declarants observed and Plaintiff TCRP observed through its poll monitors or received reports through its voter protection hotline of delays of up to an hour from the following polling locations:

- Iglesia Trinidad (0597) located at 11602 Bobcat Road, Houston, 77064-3100 in Harris County, Texas. Ex. A.
- Metcalf Elementary (Precinct 0882) is located at 6100 Queenston, Houston, TX 77084. Ex. B.
- Evelyn Thompson Elementary (Precinct 0061) is located at 220 Casa Grande Dr.
- Hampton Inn Katy Fwy (0055) is located at 5820 Katy Freeway at Washington Ave, Houston, TX 77007-2102. Ex. C.
- Fiesta Mart, Inc. (0541) is located at 8130 Kirby Drive, Houston, Texas 77054.
- John Marshall Middle School (0046) is located at 1115 Noble Street, Houston, Texas 77009. Ex. D.
- HOAPV Community Building (0030) is located at 1810 Bluebonnet Place Circle, Houston, TX 77019-2999.
- Lone Star College Cypress Center (305 and 951) is located at 19710 Clay Road, Katy, 77449.
- Houston Community College Alief Center (0428) is located at 13803 Bissonnet, Houston, Texas 77083.

(“polling locations”). Texas law requires election officials to open polling locations no later than 7 a.m. and ensure that such polling locations remain open for voting until 7 p.m., thus requiring polling locations to remain open for at least 12 hours on Election Day. There is no exception to the requirement that polling locations open at 7 a.m.

Voters could not vote when they arrived to the polling locations because the polling locations were not yet opened or functioning. Declarants affirm that poll officials failed to open their polls on time and Plaintiff TCRP affirms that it has received reports about delays in the opening of the polling locations from its poll monitors and through the voter protection hotline. Ex. A. Voters waited until well after 7 a.m. for some of the polling locations to open. Ex. A, Ex. B, Ex. C, Ex. D. Plaintiffs’ counsel were eventually informed through reports from their poll monitors, declarants, and media that the polling locations were eventually opened.

Because Defendants failed to open the polling locations by the required time, at 7 a.m., voters left the polling location and may not be able to vote. Ex. A; Ex. B; Ex. C; Ex. D. Voters may not be able to return to their polling location and vote by 7 p.m. because of work and/or other commitments. As a result, voters may effectively suffer disenfranchisement or, at the very least,

are in immediate danger of suffering disenfranchisement if the polling location closes at 7 p.m.

In a telephone call with Plaintiffs' counsel, Defendants, through a representative with the County Attorney's office, declined to agree to extend the polling locations' hours to provide Plaintiffs and others in their respective precincts the required minimum 12 hour window of voting time on Election Day. Through the same call, Plaintiffs notified Defendants that they would seek immediate injunctive and/or mandamus relief from this Court on the grounds stated their Complaint and this Application as soon as the matter could be heard. Because Election Day is the last day to vote in the 2018 General Election, Plaintiffs have no plain and adequate remedy, other than this Court ordering Defendants to keep the polling location open until 8 p.m. The discreet extension of hours to 8 p.m. for only the polling locations at issue will not delay or cancel the election, interfere in the elective process, does not inquire into or declare the validity or invalidity of the election, and is timely to correct the violation.

VI. **CAUSES OF ACTION**

A. Defendants' Actions Violate Section 41.031 of the Texas Election Code

The plain language of Section 41.031 of the Texas Election Code is unambiguous and, with Section 273.081 of the Texas Election Code, forms a coherent statutory scheme. Defendants' practice of closing at 7 p.m. despite opening well after 7 a.m. fails to abide by Section 41.031 and, as a result, triggers the injunctive relief provided in Section 273.081.

Section 41.031 requires polls to remain open from 7 a.m. to 7 p.m. on Election Day. Accordingly, the statute requires polls remain open to voters for 12 hours on Election Day, not including the extra time they may remain open under the Section 41.032 exception to the statute. Tex. Elec. Code §§ 41.031, 41.032. Defendants not only failed to open at 7 a.m., but remained closed until well after 7 a.m., in direct violation of Section 41.031. Ex. A.

Section 273.081 allows a “person who is being harmed or is in danger of being harmed by a violation or threatened violation of this code . . . appropriate injunctive relief to prevent the violation from continuing or occurring.” Some voters may have arrived to the polling locations at issue at 7 a.m. because they would not be able to vote later in the day. Voters may have endured Defendants’ violation of Section 41.031 by waiting to vote well after the required 7 a.m. opening time. Voters may have waited as long as they could, until they left the polling location, most likely because of other commitments. Further, voters may not be able to return to the polling locations until after 7 p.m., when the location is scheduled to close, because of other commitments __:__. Defendants caused voters and Plaintiffs harm by opening well after the scheduled time, and Defendants’ refusal to remain open for the statutorily required 12 hours may effectively disenfranchise voters. As a result, voters possibly not only were initially “harmed” due to Defendants’ unlawful delay in opening, but may be “in danger” of suffering the severe harm of disenfranchisement because of Defendants’ unlawful delay and refusal to remain open until 8 p.m. Tex. Elec. Code §§ 41.031, 273.081.

When a voter is harmed or in danger of harm by a violation of the Texas Election Code, this Court may grant appropriate injunctive relief to prevent the violation from continuing or occurring. Tex. Elec. Code § 273.081. Defendants refuse to provide their voters in the precincts at issue the statutorily required 12 hours of voting on Election Day by remaining steadfast in closing the polling locations at issue at 7 p.m. This Court may use injunctive relief to prevent this violation by ordering Defendants to extend polling hours at each of the polling locations by one hour and close the location at 8 p.m. The relief requested is discreet and does not delay or cancel the election, interfere in the elective process, does not inquire into or declare the validity or invalidity of the election, and is timely to correct the violation. *Dallas County Democratic*

Executive Committee v. Dallas County, 2002 WL 31439451 *1 (Tex.App.-Dallas Nov. 1, 2002, no pet.). In fact, the relief requested is specifically appropriate for this type of emergency situation. *Blum v Lanier*, 997 S.W.2d 259, 263-264 (Tex. 1999) (If the matter is one that can be judicially resolved in time to correct the violation without delaying the election, “then injunctive relief may provide a remedy that cannot be adequately obtained through an election contest.”).

B. Defendants’ Actions Violate the First and Fourteenth Amendments (42 U.S.C. § 1983)

Defendant’s delay in opening the polling locations until well after 7 a.m., and failure to provide functional equipment at the polling locations, violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution because Plaintiffs suffer an undue burden from the delay under the *Anderson-Burdick* test. *Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983)). As a result, Defendants’ actions also violate 42 U.S.C. § 1983.

The right to vote is a fundamental constitutional right, protected under the Equal Protection Clause from undue burden. *Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 670 (1966) (describing the right to vote as “too precious, too fundamental” to be burdened or conditioned). The right is “protected in more than the initial allocation of the franchise. Equal protection applies as well to the manner of its exercise.” *Bush v. Gore*, 531 U.S. 98, 104 (2000). It also “applies when a state either classifies voters in disparate ways . . . or places restrictions on the right to vote.” *Obama for Am. v. Husted*, 697 F.3d 423, 428 (6th Cir. 2012).

When assessing an Equal Protection challenge to a state restriction on the right to vote, courts scrutinize the restriction using a standard established in *Anderson v. Celebrezze*, 460 U.S. 780 (1983) and *Burdick v. Takushi*, 504 U.S. 428, 434 (1992). Under the *Anderson-Burdick* standard, a court “must weigh ‘the character and magnitude of the asserted injury to the rights

protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate’ against ‘the precise interests put forward by the [s]tate as justifications for the burden imposed by its rule.’” *Burdick*, 504 U.S. at 434 (quoting *Anderson*, 460 U.S. at 789); see also *Harper*, supra, 383 U.S. at 670 (“We have long been mindful that where fundamental rights and liberties are asserted under the Equal Protection Clause, classifications which might invade or restrain them must be closely scrutinized and carefully confined.”).

Federal courts have repeatedly applied the *Anderson-Burdick* standard in cases involving a range of voting rights and election administration issues. In *Crawford v. Marion County Election Bd.*, 553 U.S. 181 (2008), the Supreme Court “reaffirmed *Anderson*’s requirement that a court evaluating a constitutional challenge to an election regulation weigh the asserted injury to the right to vote against the ‘precise interests put forward by the [s]tate as justification for the burden imposed by its rule.’” *Id.* at 190-191 (quoting *Anderson*, 460 U.S. at 789). Likewise, in *Kucinich v. Texas Democratic Party*, 563 F.3d 161 (5th Cir. 2009), the Fifth Circuit noted that *Anderson* and *Burdick* “balance the individual’s rights against state imposed requirements.” *Id.* at 168 n. 6; see also *Wilson v. Birnberg*, 667 F.3d 591, 598 (5th Cir. 2012). And, even more recently, the Sixth Circuit explained that the *Anderson-Burdick* standard is “sufficiently flexible to accommodate the complexities of state election regulations while also protecting the fundamental importance of the right to vote.” *Obama for Am. v. Husted*, supra, 697 F.3d at 429 (rejecting defendants’ request for application of a different standard for reviewing a voting restriction).

Defendant’s practice effectively treats Plaintiffs and voters in the precinct at issue differently from voters from other precincts within Harris County and around the state, who benefitted from polling locations offering 12 hours of open polls on Election Day. *Obama for America v. Husted*, 697 F.3d 423, 431-32, 436 (6th Cir. 2012) (Court found early voting state

restriction unjustifiably burdened non-military voters, and, thus, violated the Equal Protection Clause); *Anderson*, 460 U.S. 786-806. Specifically, closing at 7 p.m. when the polling locations opened well after 7 a.m. burdens voters, including voters who waited two hours in line, without having the chance to cast a ballot, because voters may not be able to return to the location and vote by 7 p.m. As a result, the late opening may ultimately disenfranchise voters. *Obama for America v. Husted*, 888 F.Supp.2d 897, 907 (S.D. Ohio 2012) (Court held reduction of early voting days unduly burdened voters under the Equal Protection Clause). The harm of disenfranchisement outweighs Defendants' interest because there is no legitimate governmental interest associated with closing the polls at 7 p.m. when voters have not been provided an adequate opportunity to vote, much less an important one that might justify depriving Plaintiffs' of their constitutional and statutory right to vote. *Stringer, et al. v. Pablos, et al.*, 320 F.Supp.3d 862, 900 (W.D. Tex. 2018). Defendants allocated resources for the polling locations to remain open for at least 12 hours on Election Day. As a result, the polling locations have sufficient resources to remain open until 8 p.m., and also longer for those voters in line at 8 p.m.

Even if voters at the precincts at issue somehow suffered no disparate treatment, the *Anderson-Burdick* test also applies to nondiscriminatory restrictions by which a state burdens a plaintiff's right to vote. *Burdick*, 504 U.S. at 434 (applying *Anderson's* balancing approach to nondiscriminatory state restriction); *Northeast Ohio Coal. for the Homeless v. Husted*, 837 F.3d 612, 633 (6th Cir. 2016) (applying the *Anderson-Burdick* test to nondiscriminatory state restriction, and holding that the state restriction violated the Equal Protection Clause) (cert. denied, 2017 WL 881266 (U.S. June 19, 2017)). Since voter may face the burden of disenfranchisement if the polling locations close at 7 p.m. and Defendants have no legitimate governmental interest in closing the polling locations at 7 p.m., Defendants' practice, whether discriminatory or nondiscriminatory,

violates the Equal Protection Clause.

VIII.
APPLICATION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY
INJUNCTION

Plaintiffs re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

A. Plaintiffs establish a “strong likelihood” of success on the merits.

Plaintiffs are highly likely to prevail on the merits of their claims that Defendants violate Section 41.031 of the Texas Election Code and the First and Fourteenth Amendments to the U.S. Constitution.

B. Plaintiffs will be irreparably harmed by Defendants’ actions.

Due to Defendants’ violations, Plaintiffs suffer an immediate and irreparable harm from having their constitutionally and statutorily protected right to vote infringed. *Williams v. Salerno*, 792 F.2d 323, 326 (2nd Cir. 1986) (plaintiffs suffer irreparable harm if their right to vote is impinged upon); *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012) (“A restriction on the fundamental right to vote . . . constitutes irreparable injury”). The abridgement of the right to vote can specifically constitute an irreparable injury.” *Sanchez v. Cegavske*, 214 F.Supp.3d 961, 976 (D. Nev. 2016).

Further, Plaintiff TOP’s harm, the infringement of the right to vote during the morning of Election Day and the effective danger of disenfranchisement, cannot be remedied by monetary damages. “The right to vote is not something that can ordinarily be replaced by any amount of money.” *Spirit Lake Tribe v. Benson Cty.*, No. 2:10-CV-095, 2010 WL 4226614, at *4 (D. N.D. Oct. 21, 2010).

“Once a citizen is deprived of his right of suffrage in an election there is usually no way to remedy the wrong. There is no process for ordering ‘re-votes’ . . . Once an

election is over, it is over and it is little consolation to say that the problem will be remedied in the next election.”

Id. at 5; *League of Women Voters of N. Carolina v. N. Carolina*, 769 F.3d 224, 247 (4th Cir. 2014) (“once [an] election occurs, there can be no do-over and no redress.”).

Similarly, Plaintiffs also have no adequate monetary remedy and will suffer immediate, imminent, and irreparable harm, including the diversion of resources to educate and assist voters on how to deal with the polling location delay. *OCA Greater Houston v. Texas*, 2016 WL 4597636 *4 (S.D. Tex. 2016). Defendants’ actions also prevent Plaintiff TCRP and TOP from dedicating resources, including the scarce allotment of time during early voting and on Election Day, to other voter education, protection, and assistance activities. *OCA Greater Houston v. Texas*, 2016 WL 4597636 *4 (S.D. Tex. 2016) (district court agreeing that “[i]n the same way that it is not possible to pay someone for having been denied the right to vote, there is also no compensatory price for interfering with a nonprofit organization's efforts to promote this fundamental right”).

C. Plaintiffs Threatened Injuries Outweigh any Alleged Injuries to the County

The costs associated with keeping the polling locations open until 8 p.m. are nonexistent and Defendants face no harm if Plaintiffs’ injunction is granted. Defendants have already successfully operated some of the polling locations throughout early voting, and have the resources to do so for Election Day. *See League of Women Voters*, 769 F.3d at 244 (potential disenfranchisement “outweighs any corresponding burden on the State, which has not shown that [it] will be unable to cope” with plaintiffs’ requested relief). Since Defendants allocated at least 12 hours’ worth of resources to the polling locations for Election Day voting, Defendants will incur no additional costs and expend no additional resources if required to keep the polling locations open for 12 hours today by allowing voters to stand in line to vote until 8 p.m. Tex. Elec. Code §§ 41.031, 41.032.

D. A Temporary Restraining Order would Serve the Public Interest

The public interest lies in greater voter participation and access to the polls. *Husted*, 697 F.3d at 437 (public interest favors permitting as many qualified voters to vote as possible); *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U. S. 173, 184 (1979) (“voting is of the most fundamental significance under our constitutional structure.”). Generally, “the heaviest concentration of voters [on Election Day] will be in the early morning hours and then again after 5:00 p.m.” *National Association for Advancement of Colored People State Conference of Pennsylvania v. Cortes*, 591 F.Supp.2d 757 (E.D. Penn. 2008). Thus, the best way to mend the violation of voter rights at the polling locations during the busy morning hours of Election Day is to leave the polling locations open until 8:00 p.m., since the evening hours are also busy.

Plaintiffs’ injunction will also serve the public interest because it requires Defendants to adhere to state and constitutional law. *Texas Democratic Party v. Benkiser*, 459 F.3d 582, 595 (5th Cir. 2006) (“It is beyond dispute that [an] injunction serves the public interest [when] it enforces the correct and constitutional application of Texas's duly-enacted election laws.”). “[A]s a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes.” *Storer v. Brown*, 415 U. S. 724, 730 (1974). The relevant Texas Election Code statutes develop a regulatory scheme that would provide fair and equal access to voting for elections across the state. When Defendants fail to comply with the Texas Election Code statutes at issue, Plaintiffs and voters in the precincts at issue are not treated fairly compared to other Harris County as well as Texas voters, and Defendants have, as a result, denied Plaintiffs and similarly situated voters equal access to the democratic process. Permitting continued violations of the Texas Election Code is contrary to the public interest.

E. Request for Relief

For all the foregoing reasons, Plaintiffs request that this Court grant their application for a temporary restraining order and preliminarily order Defendants and their agents, servants, employees and all persons acting under, and in concert with, or for them to keep open the polling locations until 8 p.m., including leaving the polling locations open for all voters who are present in the polling locations or in line at the door at 8 p.m. in accordance with Section 41.032 of the Texas Election Code. Plaintiffs are ready, willing, and able to post an appropriate bond.

IV. **PRAYER**

THEREFORE, Plaintiffs respectfully pray for the following relief: judgment against Defendant in the form of declaratory relief declaring that Defendant has violated provisions of the Texas Election Code, as set forth above; declaratory relief declaring that Defendant has violated the Equal Protection Clause of the Fourteenth Amendment to United States Constitution and 42 U.S.C. § 1983; injunctive relief requiring Defendant to keep that polling locations open until 8 p.m. on Election Day, rather than the usual closing time of 7 p.m., including allowing in all voters who are present in the polling locations or in line at the door at 8 p.m., to ensure that all eligible voters can cast their ballots and thereby prevent irreparable harm from occurring.

Hearing is set on this matter at 3 p.m. at the 61st District Court, Harris County Courthouse, Second Floor.

Dated: November 6, 2018.

Respectfully submitted,

By: /s/ Daniella Landers

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of November, 2018, a true and correct copy of the foregoing *Application for Temporary Restraining Order* was served upon counsel of record via the Court's ECF system in compliance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

/s/ Daniella Landers

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULES REGARDING
APPLICATION FOR A TEMPORARY RESTRAINING ORDER**

I, Daniella Landers, certify that In a telephone call with Plaintiffs' counsel, Defendants, through a representative with the County Attorney's office, declined to agree to extend the polling locations' hours to provide Plaintiffs and others in their respective precincts the required minimum 12 hour window of voting time on Election Day. Through the same call, Plaintiffs notified Defendants that they would seek immediate injunctive and/or mandamus relief from this Court on the grounds stated their Complaint and this Application as soon as the matter could be heard.

/s/ Daniella Landers

VERIFICATION

I, Texas Civil Rights Project, am a Plaintiff in this action.

I have read the foregoing Complaint for Injunctive Relief and know the contents thereof.

I certify that the same is true of my own knowledge except as to those matters which are therein stated upon information and belief and, as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th Day of November, 2018 at Travis County, Texas.

/s/ *Hani Mirza*
Hani Mirza