

No. 22-0658

IN THE SUPREME COURT OF TEXAS

IN RE	§
	§
KEITH SELF, ET. AL.,	§
	§
RELATORS.	§

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE § 273.061

**RELATORS' ORIGINAL EMERGENCY PETITION FOR
WRIT OF MANDAMUS**

BY: /s/ Andy Taylor
Andy Taylor & Associates, P.C.
Andy Taylor
State Bar No. 19727600
2628 Highway 36S, #288
Brenham, Texas 77833
713-222-1817 (telephone)
713-222-1855 (facsimile)
ataylor@andytaylorlaw.com

ATTORNEY FOR RELATORS

RELATORS REQUEST ORAL ARGUMENT

(so long as it does not interfere with the Court's ability to rule by August 26, 2022)

Identity of Parties and Counsel

Specific Political Office Sought:

U. S. Representative District 3
U. S. Representative District 4
U. S. Representative District 8
U. S. Representative District 10
U. S. Representative District 15
U. S. Representative District 22
U. S. Representative District 26
U. S. Representative District 33
Lieutenant Governor
Member, SBOE, District 7
State Senator, District 5
State Senator, District 8
State Senator, District 22
State Representative District 4
State Representative District 8
State Representative District 14
State Representative District 87
State Representative District 122
State Representative District 133
State Representative District 134
Brazos County Judge
Llano County Treasurer
Brazos County JP Precinct 2

Identity of Relators:

Keith Self
Pat Fallon
Morgan Luttrell
Michael McCaul
Monica de la Cruz
Troy E. Nells
Michael C. Burgess
Patrick David Gillespie
Dan Patrick
Julie Pickren
Charles Schwertner
Angela Paxton
Brian Birdwell
Keith Bell
Cody Harris
John Rainey
Four Price
Mark Dorazio
Mano DeAyala
Ryan McConnico
Duayne Peters
Cheryl Regmund
Terrence Nunn

Counsel for Relators:

Andy Taylor
Andy Taylor & Associates, P.C.
State Bar No. 19727600
2628 Highway 36S, #288
Brenham, Texas 77833
713-222-1817 (telephone)
713-222-1855 (facsimile)
713-412-4025 (mobile)
ataylor@andytaylorlaw.com

Respondents:

Libertarian Party of Texas
c/o Chair of the Libertarian Party of Texas
823 Congress Ave. Suite 150-1776,
Austin, Texas 78767
chair@lptexas.org
Phone: (512) 279-7860

Whitney C. Bilyeu, Chair
Libertarian Party of Texas
823 Congress Ave. Suite 150-1776,
Austin, Texas 78767
chair@lptexas.org
Phone: (512) 279-7860

Counsel for Respondents:

Jared G. LeBlanc
Gordon Arata Montgomery Barnett
2229 San Felipe, Suite 1100
Houston, TX 77019
Main: 713.333.5500
Direct/Mobile: 713.333.5561
jleblanc@gamb.com

Specific Political Office Sought:

U. S. Representative District 3
U. S. Representative District 4
U. S. Representative District 8
U. S. Representative District 10
U. S. Representative District 15
U. S. Representative District 22
U. S. Representative District 26
U. S. Representative District 33
Lieutenant Governor
Member, State Board Of Education, District 7
State Senator, District 5
State Senator, District 8
State Senator, District 22
State Representative District 4
State Representative District 8

Identity of Real Parties:

Christopher Claytor
John Simmons
Roy Eriksen
Bill Kelsey
Ross Lynn Leone, Jr.
Joseph Leblanc
Mike Kolls
Ken Ashby
Shanna Steele
Alan Pyeatt
Tommy Estes
Edward Kless
Jeremy Schroppel
Matt Savino
R. Edwin Adams

State Representative District 14
State Representative District 87
State Representative District 122
State Representative District 133
State Representative District 134
Brazos County Judge
Llano County Treasurer
Brazos County Justice Of The Peace Precinct 2

Jeff Miller
Nick Hearn
Stephanie Berlin
James Patrick Harren
Carol Unsicker
Clyde Garland
Joe Burnes
Bailey C. Cole

Counsel for Real Parties in Interest:

Jared G. LeBlanc
Gordon Arata Montgomery Barnett
2229 San Felipe, Suite 1100
Houston, TX 77019
Main: 713.333.5500
Direct/Mobile: 713.333.5561
jleblanc@gamb.com

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2. Twenty-three (23) Texas Libertarian Party candidates failed to pay either their required filing fee or file their required signature petition in lieu of payment of their required filing fee.
3. Each Relator is an eligible candidate whose name will be on the 2022 General Election ballot and is injured by having to compete against an opposing Texas Libertarian Party candidate who is not eligible to be on the 2022 General Election ballot.
4. Prior to filing this Mandamus Petition, each of the Relators made a written demand upon the Texas Libertarian Party Chair to declare all twenty-three (23) Texas Libertarian Party candidates ineligible to have their names placed on the 2022 General Election ballot and to immediately notify the Texas Secretary of State of such ineligibility.

5. Despite Relators’ written demand, the Texas Libertarian Party Chair refused to do so.
6. Such refusal constitutes a violation of a ministerial duty under the Texas Election Code, for which no adequate remedy at law exists, and for which emergency mandamus relief is warranted.

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Statement of the Case

In addition to filing an application for nomination by convention, Texas law requires a candidate for public office to either pay a filing fee or submit a signature petition in lieu of a filing fee. Despite their knowledge of these requirements, candidates seeking public office as members of the Libertarian Party of Texas in the upcoming 2022 General Election deliberately refused to pay their required filing fees and also failed to file their required signature petitions in lieu of payment of their required filing fees. Once the Relators submitted public records from the Texas Secretary of State which conclusively established the ineligibility of certain candidates, the Libertarian Party of Texas and its Chair had a ministerial legal duty to promptly declare those challenged candidates ineligible and notify the appropriate authorities that those candidates' names should be omitted from the 2022 General Election ballot. Despite Relators' demand to do so, the Libertarian Party and its Chair refused to perform their ministerial duties, thereby compelling Relators to file this Emergency Mandamus Petition.

By this action, which is an original proceeding under Texas Election Code Section 273.061, Relators seek to compel the Libertarian Party of Texas and its Chair to comply with their legal and ministerial obligation to declare twenty-three (23) challenged candidates ineligible because they failed to pay their required filing fee and also failed to file their required signature petition in lieu of payment of their

required fee. This Court has original jurisdiction to issue an emergency writ of mandamus to compel performance of an obligation “in connection with the holding of an election or a political party convention, regardless of whether the person responsible for performing the duty is a public officer.” TEX. ELEC. CODE § 273.061. This action, under Chapter 145.035 of the Election Code, is timely because the deadline of the 74th day before the November 8th election—which is August 26, 2022—has not yet passed.

Statement of Jurisdiction

This Court has jurisdiction to issue writs of mandamus under Texas Constitution article 5, section 6; TEXAS GOVERNMENT CODE section 22.221(a); TEXAS ELECTION CODE section 273.061; and Rule 52 of the TEXAS RULES OF APPELLATE PROCEDURE. No genuine issues of material fact exist to divest this Court of mandamus jurisdiction.

Relators are mindful of TEXAS RULE OF APPELLATE PROCEDURE 52.3(c), which ordinarily requires a relator to file this Petition first with the Court of Appeals, given that Court and this Court both have original jurisdiction to review this matter.

However, a full and final determination of each of the Real Party in Interests’ eligibility to appear on the November 2022 General Election Ballot must occur no later than the 74th day before the election, which is August 26, 2022.

Given these urgent time constraints, there is simply not enough time to go through both Courts, and thus a “compelling reason” within the meaning of the rule applies here for Relators to file with this Court and not any or all of the fourteen (14) Courts of Appeals¹.

Issues Presented

Did the Respondents violate their ministerial duty under Section 145.003(g) of the Texas Election Code when they refused, after having received written demand by the Relators to do so, to declare twenty-three (23) of the Real Parties in Interest ineligible to appear on the 2022 General Election ballot, where the facts provided by the Relators come from a public record and conclusively establish that none of the challenged Texas Libertarian Party candidates either paid their required filing fee or filed the required signature petition in lieu of paying their required filing fee?

After this Court determines that each of the Real Parties in Interest are ineligible to appear on the 2022 General Election ballot, are the Respondents prohibited from certifying any potential replacement nominees, given that there are no Texas Libertarian candidates who can satisfy the eligibility requirements in time for their names to be placed on the 2022 General Election ballot?

¹ Because this Petition involves twenty-three (23) different political races throughout the State of Texas, it would not make sense to have to file multiple Petitions in multiple Courts of Appeal as a prerequisite for this Court’s jurisdiction to review a matter of statewide concern and application. Moreover, at least one of the Relators’ herein involves a statewide race, where the ballot will be distributed in each of the 254 counties in Texas, which makes this case a matter of statewide importance and application. Given the extremely short deadline to determine the merits of this Petition, coupled with the vast array of affected races, it only makes sense for this Court to act, both swiftly and decisively.

Statement of Facts¹

1. Texas law requires Libertarian Party candidates to file an application to be considered for nomination by convention and either pay their required filing fee or file their required signature petition in lieu of payment of their required filing fee in order to be eligible to have their name placed on the 2022 General Election ballot.

In 2021, during the 87th Legislative Session, the Texas Legislature passed Senate Bill 2093. This new law relocated Section 141.041 to Section 181.0311, and amended previous language contained in the 2019 version of Section 141.041 – regarding eligibility to be on the ballot – to make clear that the payment of a required fee or the filing of a signature petition in lieu of the payment of a required fee was a legal prerequisite to being eligible to be nominated by convention.

Section 181.033(a) also mandates that the deadline for filing an application for nomination by convention is the same deadline as the regular deadline for candidates to file applications for a place on the General Election Primary Ballot, which, in the current 2022 election cycle, was December 13, 2021. However, Section 181.033(b) permits the Libertarian Party to extend that deadline for filing such an application when a previous applicant withdraws, dies, or is declared ineligible. In reliance on that statute, the Libertarian Party has chosen, by party

¹This Statement of Facts is supported by the sworn verification of Relator’ counsel, Andy Taylor, who has personal knowledge of these facts.

rule, to extend the December 13th deadline until midnight of the night before the commencement of its convention, which took place on April 15, 2022. Appendix, Tab 6.

2. Twenty-three (23) Texas Libertarian Party candidates failed to pay either their required filing fee or file their required signature petition in lieu of payment of their required filing fee.

Each Real Party in Interest is one of a total of twenty-three (23) different Texas Libertarian Party candidates who are not eligible to be placed on the ballot for the upcoming November 2022 General Election. These specifically challenged candidates are ineligible due to the fact that none of them have either paid their required filing fee or filed their required signature petition in lieu of payment of their required filing fee. Appendix, Tab 2.

3. Each Relator is an eligible candidate whose name will be on the 2022 General Election ballot and is injured by having to compete against an opposing Texas Libertarian Party candidate who is not eligible to be on the 2022 General Election ballot.

Each Relator is one of a total of twenty-three (23) different Republican Party candidates who have properly qualified to be placed on the ballot for the upcoming November 2022 General Election. Each Relator has been deemed an eligible candidate by all relevant election authorities, including the Texas Republican Party

and the Secretary of State.² The Relators are eligible candidates who are injured by having to compete against an opposing Texas Libertarian Party candidate who is not eligible to be on the 2022 General Election ballot.

These Libertarian Party candidates are listed on the Texas Secretary of State's website, see sos.state.tx.us, as well as on the website of the Texas Libertarian Party. See www.lptexas.org.

4. Prior to filing this Mandamus Petition, each of the Relators made a written demand upon the Texas Libertarian Party Chair to declare all twenty-three (23) Texas Libertarian Party candidates ineligible to have their names placed on the 2022 General Election ballot and to immediately notify the Texas Secretary of State of such ineligibility.

The Texas Secretary of State maintains a public database and a spreadsheet detailing the filing information for candidates of the Libertarian Party³. Statutorily, the Secretary of State is the election authority with which the Libertarian Party candidates for statewide and district office pay their filing fees (the county judge is the election authority for county offices). Tex. Elec. Code § 181.031(1) and (2). Relators' counsel sent a request to the Texas Secretary of State under the Texas Public Information Act ("TPIA") for public documentation concerning the

²The Texas Secretary of State maintains an online database on its government website that contains the name of each candidate for each of the offices voted on in Texas. See Tex. Sec. of State, Candidate Information, available at <https://candidate.texas-election.com/Elections/getQualifiedCandidatesInfo.do> (Last visited August 8, 2022).

³Tex. Sec. of State, Candidate Information, available at <https://candidate.texas-election.com/Elections/getQualifiedCandidatesInfo.do> (last visited August 8, 2022).

eligibility status of each of the Real Parties in Interest on August 3, 2022. See Appendix, Tab 1. The response from the Texas Secretary of State conclusively demonstrates that none of the Real Parties' in Interest have paid their required filing fees or filed their required signature petitions in lieu of payment of their required filing fees. See Appendix, Tab 2.

The Respondents are the Libertarian Party of Texas and Whitney Bilyeu, as Chair of the Libertarian Party of Texas. See lptexas.org. On August 4 and 5, 2022, Relators' counsel made written demand upon the Respondents to declare each of the twenty-three (23) Texas Libertarian Party candidates ineligible, and to ensure that all steps are taken to notify the appropriate authorities so that these challenged candidates' names shall be omitted from the 2022 General Election ballot. See Appendix, Tab 3 and 4.

5. Despite Relators' written demand, the Texas Libertarian Party Chair refused to do so.

On August 7, 2022, counsel for the Respondents informed counsel for the Relators that the Respondents refused to declare any of the challenged Libertarian candidates ineligible. See Appendix, Tab 7. Accordingly, Respondents have breached their ministerial duties, thereby necessitating the filing of this Emergency Mandamus Petition.

The Respondents were indisputably aware--prior to Relators' written demand--that their slate of candidates were required to file an application for

nomination by convention and also were required to pay the required filing fee or file a signature petition in lieu of payment of the required fee. Indeed, not only were they aware, but they even filed federal litigation in an unsuccessful attempt to avoid having to comply with these requirements. See Appendix, Tab 5.

6. Such refusal constitutes a violation of a ministerial duty under the Texas Election Code, for which no adequate remedy at law exists, and for which emergency mandamus relief is warranted.

Respondents have a ministerial duty to declare each of the Real Parties in Interest ineligible. “A candidate may be declared ineligible [if] facts indicating that the candidate is ineligible are conclusively established by another public record.” Tex. Elec. Code § 145.003(f). Furthermore, “[w]hen presented with an application for a place on the ballot or another public record containing information pertinent to a candidate's eligibility, the appropriate authority shall promptly review the record. If the authority determines that the record establishes ineligibility as provided by Subsection (f), the authority shall declare the candidate ineligible.” Id. § 145.003(g). The election authorities that are required to review candidate applications for eligibility are the Respondents, the Libertarian Party of Texas and its Chair, Whitney Bilyeu. By statute, the Respondents must promptly review any presented public documents that establish the ineligibility of the candidates that they certify for election. If there is conclusive proof established by a public record

that has been presented to the appropriate election authority, then the Respondents are required to remove the ineligible candidates from the ballot.

Summary of the Argument

Applying these statutory requirements to the facts of the instant case, none of the twenty-three (23) Real Parties in Interest are eligible to be on the 2022 General Election ballot, as none of them have paid their required filing fee or filed their required signature petitions in lieu of payment of their required filing fee. Assuming this Court declares that these candidates are ineligible on or before August 26, 2022, then they must be removed from the ballot. In addition, the Libertarian Party is not entitled to avail itself of the replacement nominee statute where, as here, no potential replacement has previously filed an application to be considered for nomination by convention, no potential nominee has been chosen at the convention, no Libertarian Party rule permits nor contemplates replacement after the commencement of the convention, and no potential nominee has either paid the required fee or filed the required petition in lieu of payment of the required fee.

Argument and Authorities

I. Overview of the Texas Election Code's Statutory Scheme

Under the Texas Election Code, a political party in Texas nominates its candidates for public office by either a primary election or at a political

convention. See Tex. Elec. Code Ann. ch. 171-74, 181-82. A political party whose candidate in the last gubernatorial election received at least 20% of the vote—such as the Republican Party—must nominate its general-election candidates through a primary election (a “major-party”). Id. § 172.001. A party whose candidate in the last gubernatorial election received less than 2% of the vote, **must** nominate its general-election candidates through a convention. Id. §§ 172.001-.002, 181.003. Parties whose candidates in the most recent gubernatorial election received at least 2% but less than 20% of the total number of votes **may** nominate their general-election candidates through either a primary or a convention. Id. § 172.002(a). The Texas Libertarian Party gubernatorial candidate received less than two percent of the vote in the last gubernatorial election, and so the Respondents were required to select its candidates for all offices by convention. See *Bilyeu v. Scott*, 1:21-CV-1089-RP, United States District Court, W.D. Texas, Austin Division, March 1, 2022 (Libertarian Party’s unsuccessful challenge of the filing fee or “petition in lieu of fee” requirements in Texas Election Code § 181.0311, enacted as SB 2093 on May 29, 2021). See Appendix, Tab 5.

To participate in a primary election, a major-party candidate must submit an application accompanied by either a filing fee or a signature petition. Id. § 172.021(a), (b). The amount of the filing fee or the number of required signatures varies depending on which office the candidate seeks. See id. §§ 172.024, .025.

The filing fees are paid to either the county or the state chair of the major party with which the candidate wishes to run and are used to fund the primary election. See *id.* §§ 173.061-.063. Nominees selected through the primary process do not have to pay an additional filing fee or submit a second signature petition to guarantee their placement on the general-election ballot.

Like major-party candidates, Section 181.031 also requires Libertarian Party candidates to submit an application, but the application is not called an application for a place on the primary ballot. To the contrary, the pertinent application is to enable a potential candidate to be considered for nomination at that Party's upcoming convention, which is required to occur in March and April of the election year. § 181.061.

For years, Texas Libertarian Party candidates were not required to pay filing fees to be eligible to be placed on the ballot for the general election for state and county officers. This was different than what was required of Republican Party and Democratic Party candidates because the Texas Libertarian Party nominates its candidates for office by political convention, and as a result, those candidates were formerly not required to post a filing fee with any authority to be eligible to be a candidate on any ballot. See *Tex. Elec. Code* §§ 172.001, 172.002, 181.002, 181.003.

However, in 2019, during the 86th Legislative Session, House Bill 2504 was enacted to require that a filing fee be paid by candidates that are nominated by convention in order to be eligible to be placed on the ballot for the general election at which officers of the federal, state, and county governments are elected. Tex. Elec. Code § 141.041(a); see also Acts 2019, 86th Leg., R.S., Ch. 822 (H.B. 2504), Sec. 1, eff. September 1, 2019); Tex. Elec. Code. § 1.005(7). The new law required that minor-party candidates must now submit the same filing fee or petition in lieu of filing fee that major party candidates must submit in order to be ballot-eligible. It further specified that the Secretary of State “shall adopt rules as necessary to implement” the new eligibility requirements of section 141.041. Tex. Elec. Code. § 141.041(f).

The above-referenced portion of House Bill 2504 was codified in Section 141.041. As of 2019, Section 141.041 of the Election Code provided as follows:

(a) In addition to any other requirements, to be eligible to be placed on the ballot for the general election for state and county officers, a candidate who is nominated by convention under Chapter 181 or 182 must: (1) pay a filing fee to the secretary of state for a statewide or district office or the county judge for a county or precinct office; or (2) submit to the secretary of state for a statewide or district office or the county judge for a county or precinct office a petition in lieu of a filing fee that satisfies the requirements prescribed by Subsection (e) and Section 141.062.

Id. § 141.041. Thus, beginning with the 2020 General Election, Libertarian Party candidates were required, in addition to the previous statutory requirement of filing

an application to be considered for nomination by convention, see Section 181.031, to either pay a filing fee or file a signature petition with a sufficient number of valid signatures in lieu of a filing fee, in order to be eligible for a place on the 2022 General Election ballot.

The amount of the filing fee and the number of required signatures are the same as those required of major-party candidates seeking placement on the primary-election ballot. See *id.* §§ 141.041(b), (e), 172.024, 172.025. But whereas fees paid by major-party candidates are paid to the parties' state or county chairs (see *id.* §§ 173.061-.063), the fees from minor-party candidates are paid to the Secretary of State or the county judge and are credited to either the state or county general fund. See *id.* § 141.041(c), (d).

Section 181.033(a) specifies that the deadline for filing an application for nomination by convention is the same deadline as the regular deadline for candidates to file applications for a place on the General Election Primary Ballot.

In 2021, during the 87th Legislative Session, the Texas Legislature passed Senate Bill 2093, which took effect on September 1, 2021. *See* Act of May 13, 2021, 87th Leg., R.S., ch. 149, § 2, 2021 Tex. Gen. Laws (codified at Tex. Elec. Code § 181.0311). This new law relocated Section 141.041 to Section 181.0311, and, instead of using the previous language regarding an application for a place on the ballot as set forth in Section 141.041, Section 181.0311 modified the prior

statutory wording to refer to what is required for a minor-party candidate to be considered for nomination for convention. Accordingly, in addition to the previous requirement of filing an application to be considered for nomination by convention, see Section 181.031(a), Libertarian Party candidates must either pay the required filing fee or file the appropriate signature petition in lieu of filing that required fee—just like was required in the 2020 election cycle— in order to be eligible to be nominated by convention and to thereafter be eligible to appear on the November 2022 General Ballot.

Chapter 145 of the Texas Election Code deals with the procedures for dealing with the withdrawal, death, or ineligibility of a candidate. This chapter applies to all candidates of all parties, irrespective of whether the candidate qualified by primary election or convention nomination. Section 145.035 imposes a deadline of the 74th day before the November General Election, after which it is too late to omit a candidate's name from the ballot, despite a candidates' subsequent withdrawal, death, or ineligibility to be a candidate. Because Election Day for 2022 is November 8, 2022, the 74th day deadline falls on August 26, 2022. Once that deadline expires, a candidate's name may not be taken off the ballot.

Section 145.036(a) sets forth the right of a political party to fill a vacancy due to the ineligibility of a candidate. Section 145.037 sets forth the procedure by which the party chair may certify the name of a replacement nominee. Of

particular importance to the case at bar, Section 145.037(g) specifies that a replacement nominee's name may not be certified if, before delivering the certification, the certifying authority learns that the replacement nominee's name is to be omitted from the ballot under Section 145.035.

Section 181.033(a) mandates that the deadline for filing an application for nomination by convention is the same deadline as the regular deadline for candidates to file applications for a place on the General Election Primary Ballot, which, in the 2022 election cycle, was December 13, 2021. However, Section 181.033(b) permits the Libertarian Party to extend that deadline for application when a previous applicant withdraws, dies, or is declared ineligible. In reliance on that statute, the Libertarian Party has chosen, by party rule, to extend the December 13th deadline until midnight of the night before the commencement of its convention, which took place on April 15, 2022. Under the applicable statute, as well as under their own internal governing rules, no further nominations will be permitted.

II. Respondents violated their statutory duty to declare Real Parties in Interest ineligible to appear on the 2022 General Election ballot as Libertarian Party candidates.

Since the applicable deadline was December 13, 2021, the Respondents have been aware of these deficiencies since well before the start of their annual convention. Even a simple review of their website demonstrates that they

intentionally refused to comply with the Texas election code provisions regarding ballot access. And now, despite receiving public records conclusively establishing that each of the Real Parties in Interest have failed to pay their required filing fee and have not filed their required signature petition in lieu of paying their required filing fee, Respondents have nevertheless intentionally refused to declare them ineligible. This Court should immediately issue a writ of mandamus compelling Respondents to perform their duty, imposed by law, to declare these candidates ineligible to appear on the November 2022 General Election ballot as Libertarian Party candidates. Tex. Elec. Code § 273.061.

A. Texas Election Code Section 145.003 governs eligibility determinations and imposes legal duties on Respondents.

Aside from a judicial action, Section 145.003 of the Election Code provides the method by which a candidate for office may be declared ineligible to appear on a ballot. Id. § 145.003(a). “[T]he party officer responsible for certifying the candidate’s name for placement on the general election ballot, in the case of a candidate who is a political party’s nominee,” is tasked with determining eligibility. Id. § 145.003(b)(1).

The Libertarian Party of Texas’s Chair is responsible for receiving applications for nomination by a convention and certifying the Libertarian Party’s candidates who are actually nominated at their convention to the Secretary of State. Id. §§ 181.032(a)–(b), 181.068(a). However, only if a candidate is declared

ineligible “on or before the 74th day before election day” will the candidate’s name be omitted from the ballot. Id. § 145.035. Subsections (f) and (g) of section 145.003 provide the method for requesting a declaration of ineligibility. Id. § 145.003(f)–(g).

B. Respondents were presented with a public record conclusively establishing Real Parties in Interest did not pay the required filing fee and did not file a signature petition in lieu of paying the required filing fee and yet they refused to declare them ineligible.

Election records maintained by the Secretary of State are “public records.” Tex. Elec. Code § 1.012(c); see also *Nixon v. Slagle*, 885 S.W.2d 658, 661 (Tex. App.—Tyler 1994, orig. proceeding); see Tex. Elec. Code § 66.001(a)(1). Party officers properly rely on such records to establish ineligibility conclusively. *Nixon*, 885 S.W.2d at 66; see also *In re Wilson*, 421 S.W.3d 686, 689 (Tex. App.—Fort Worth 2014, orig. proceeding) (holding election official properly relied on “public voter registration records maintained by the Tarrant County Elections Office”). Texas Election Code section 181.0311(a) provides that, “[i]n addition to any other requirements, to be considered for nomination by convention, a candidate must: (1) pay a filing fee to the secretary of state for a statewide or district office or the county judge for a county or precinct office; or (2) submit to the secretary of state for a statewide or district office or the county judge for a county or precinct office a petition in lieu of a filing fee that satisfies the requirements prescribed by Subsection (e) and Section 141.062.” Respondents were presented with a PIA

response along with a copy of the Texas Secretary of State's chart from its database concerning filed Libertarian Party candidates. See Appendix, Tabs 3 and 4. This chart is an election record that is public information. See Tex. Elec. Code § 1.012(c). This public record established that the Real Parties in Interest are ineligible to appear on the ballot as the Libertarian Party Candidate, as it showed both their non-payment of a filing fee as well as their failure to file a signature petition in lieu of payment of that required filing fee (along with one challenged candidate's failure to file the required application for nomination by convention).

Respondents have refused to comply with their statutorily imposed duty to declare the Real Parties in Interest ineligible to appear on the 2022 General Election ballot. The Relators are entitled to mandamus relief forcing Respondents to comply. See Tex. Elec. Code § 273.061.

III. Mandamus Should Issue Against Respondents.

This Court has previously recognized its inherent authority to grant mandamus relief to compel a public official to perform a ministerial act. *Anderson v. City of Seven Points*, 806 S.W.2d 791, 793 (Tex. 1991). Relators ask the Court to issue mandamus relief to stop these clear violations of ministerial duties.

Mandamus is appropriate when officials refuse to perform their ministerial duties and the relator lacks another adequate remedy. *In re Woodfill*, 470 S.W.3d 473, 475 (Tex. 2015)(orig. proceeding). Given the time constraints for omitting

ineligible candidates from the General Election 2022 ballot—and the significant issues of statewide importance raised in this proceeding— the Relators have no other adequate remedy and is entitled to mandamus relief directly from this Court. *Id.*; *Sears v. Bayoud*, 786 S.W.2d 248, 249 (Tex. 1990, orig. proceeding) When no other legal proceeding will resolve a ballot challenge in time for a proper and correct ballot to be submitted to the election’s voters, mandamus preserves the only adequate remedy. *In re Woodfill*, 470 S.W.3d at 480–81; *Sears*, 786 S.W.2d at 249. If an erroneous ballot can be corrected prior to an election, then “a remedy will be provided that is not available through a subsequent election contest.” *In re Williams*, 470 S.W.3d 819, 823 (Tex. 2015) (quoting *Blum v. Lanier*, 997 S.W.2d 259, 264 (Tex. 1999)); *In re Linder*, No. 03-19-00553-CV, 2019 WL 3978582, at *4 (Tex. App.—Austin Aug. 22, 2019, orig. proceeding) (mem. op.). And when time is of the essence, mandamus may be filed directly with an appellate court or in the Texas Supreme Court. *Sears*, 786 S.W.2d at 249; see also *In re Jones*, 2018 WL 549531, at *2 (noting “parties may bypass the intermediate appellate court and seek mandamus relief first in the Supreme Court of Texas when “there is a compelling reason” to do so). This Court has stated that “the issue before the [C]ourt is of ‘statewide application’ and ‘the urgency of the time constraints’” required immediate intervention. *Id.* This is just such a situation. Texas Election Code section 145.035 provides that “[a] candidate’s name shall be omitted from

the ballot if the candidate withdraws, dies, or is declared ineligible on or before the 74th day before election day.” Tex. Elec. Code § 145.035. The 74th day before the election is August 26, 2022. Thus, the clock is winding down rapidly, and Relators’ valuable right to a correct ballot could be lost if this Court does not act quickly. See Tex. Elec. Code § 145.005 (discussing counting of votes if ineligible candidate appears on ballot). As in *Sears*, at least one of the Relators is a statewide candidate; thus, this case is one of “statewide application,” important to the State’s jurisprudence, and proper for this Court to review in the first instance. *Sears*, 786 S.W.2d at 249. Furthermore, this case involves serious issues of candidate eligibility. Mandamus is appropriate and required to enforce a ministerial duty.

V. Respondents Shall Not Name Replacement Nominees.

After this Court determines that each of the Real Parties in Interest are ineligible to appear on the 2022 General Election ballot, it is crucial that the Court also address the subject of whether the Respondents are prohibited from certifying any potential replacement nominees. Otherwise, one possible outcome here would be for ineligible candidates to be replaced by other ineligible candidates. This Court must put an end to Respondents’ deliberate efforts to ignore and circumvent the requirements for candidate ballot access under the Texas Election Code. At this late date, it is simply impossible for any replacement nominees to be properly named by the Respondents. Why? Because the dates have long since passed to file

an application for nomination by convention, to file a filing fee, or to file a signature petition in lieu of a filing fee. Indeed, under the Respondents' own set of rules, as well as state law, all deadlines to nominate replacement candidates have expired. This Court should so state in its opinion.

CONCLUSION

"No one who has imbibed anything of the spirit and genius of our free government will ever question the peerless value and sacred inviolability of the elective franchise. It will be guarded with sleepless vigilance by all who appreciate the blessings of free institutions." *Arberry v. Beavers*, 6 Tex. 457, 470 (1851). Forcing eligible candidates to run against ineligible candidates is not what intended by the above-referenced Texas Election Code's statutory scheme. Nor does democracy demand a situation where voters have their votes nullified by supporting a candidate who is ineligible to be on the ballot. Accordingly, to preserve the integrity of the upcoming 2022 General Election, this Court should grant Relators' Emergency Mandamus Petition and issue relief immediately.

Prayer

For the reasons detailed above, Relators respectfully request the following relief:

- a. Cite each Respondent to appear herein;
- b. Issue an immediate writ of mandamus ordering the Respondents to comply with their ministerial duties by declaring each of the Real

Parties in Interest ineligible, and promptly notifying all appropriate authorities that each such candidate's name should be omitted from the 2022 General Election Ballot, before August 26, 2022;

- c. Declare that no replacement nominees are eligible to be named;
- d. All other and further mandamus relief to which Relators may show themselves to be justly entitled.

Respectfully Submitted,

BY: /s/ Andy Taylor

ANDY TAYLOR & ASSOCIATES, P.C.

Andy Taylor

State Bar No. 19727600

2628 Highway 36S, #288

Brenham, Texas 77833

713-222-1817 (telephone)

713-222-1855 (facsimile)

ataylor@andytaylorlaw.com

ATTORNEYS FOR RELATORS

CERTIFICATE OF SERVICE

By affixing my signature above, I, Andy Taylor, hereby certify that a true and correct copy of the above Original Petition for Writ of Mandamus has been delivered via the electronic filing system to the parties below on the 8th day of August, 2022.

Jared G. LeBlanc

Gordon Arata Montgomery Barnett

2229 San Felipe, Suite 1100

Houston, TX 77019

Main: 713.333.5500

Direct/Mobile: 713.333.5561

jleblanc@gamb.com

/s/ Andy Taylor
Andy Taylor

TRAP 52.3(J) CERTIFICATION

Pursuant to TRAP 52.3(j), the undersigned certifies that he has reviewed the above Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and or the record.

/s/ Andy Taylor
Andy Taylor

CERTIFICATE OF COMPLIANCE

I, Andy Taylor, Counsel for Relators certify that this document was generated by a computer using Microsoft Word which indicates that the word count of this document is 4, 456. The typeset is Times New Roman—14 pt for text and 12 pt for footnotes.

/s/ Andy Taylor
Andy Taylor

No. -----

IN THE SUPREME COURT OF TEXAS

INRE	§
	§
KEITH SELF, ET. AL.,	§
	§
RELATORS.	§

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE§ 273.061


**SWORN VERIFICATION BY RELATORS' COUNSEL IN SUPPORT OF
RELATORS' ORIGINAL EMERGENCY PETITION FOR
WRIT OF MANDAMUS**

STATE OF TEXAS	§
	§
COUNTY OF COMAL	§

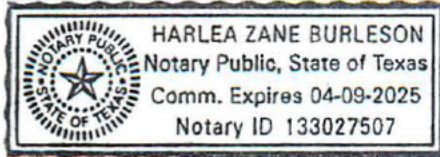
On this day, Andy Taylor, appeared before me, the undersigned notary public. After I administered the oath to him, upon his oath, he said:

"My name is Andy Taylor. I am the attorney of record for each of the Relators in this proceeding. I am over the age of 18 years old, and I am competent to make this affidavit in all respects. I drafted and read the Relators' Original Emergency Petition for Writ of Mandamus in the above-referenced matter. The facts stated therein are within my personal knowledge and are true and correct."

Further affiant sayeth not.


Affiant, Andy Taylor

2022. SWORN AND SUBSCRIBED TO BEFORE ME on the 8th day of August,



Harlea Burleson
Notary Public in and for
The State of Texas

No. _____

IN THE SUPREME COURT OF TEXAS

IN RE §

§

KEITH SELF, ET. AL., §

§

RELATORS. §

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE § 273.061

**APPENDIX IN SUPPORT OF RELATORS' ORIGINAL EMERGENCY
PETITION FOR
WRIT OF MANDAMUS**

No. _____

IN THE SUPREME COURT OF TEXAS

IN RE §

§

KEITH SELF, ET. AL., §

§

RELATORS. §

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE § 273.061

APPENDIX TAB 1

From: ataylor@andytaylorlaw.com
To: corpinfo@sos.texas.gov
Cc: ataylor@andytaylorlaw.com
Subject: PIA request
Date: Wednesday, August 3, 2022 11:31:42 AM

Sent via email:

corpinfo@sos.texas.gov

Honorable John B. Scott
Texas Secretary of State
Corporations Section
P.O. Box 13697
Austin, Texas
78711-3697

Re: Eligibility status of Texas Libertarian Candidates

Dear Secretary Scott:

Please consider this correspondence as a request for public information under the Texas Public Information Act.

It has come to my attention that none of the following Texas Libertarian candidates for office for the upcoming 2022 General Election have paid their filing fee as required by Section 181.0311(1) of the Texas Election Code. Nor have any of these candidates filed a signature petition in lieu of payment of the filing fee as required by Section 181.0311(2) of the Texas Election Code.

The specific candidates are as follows:

U. S. Representative District 3	Christopher Claytor
U. S. Representative District 4	John Simmons
U. S. Representative District 8	Roy Eriksen
U. S. Representative District 10	Bill Kelsey
U. S. Representative District 15	Ross Lynn Leone, Jr.
U. S. Representative District 22	Joseph Leblanc
U. S. Representative District 26	Mike Kolls
U. S. Representative District 33	Ken Ashby
Lieutenant Governor	Shanna Steele
Member, State Board Of Education, District 7	Alan Pyeatt
State Senator, District 5	Tommy Estes
State Senator, District 8	Edward Kless
State Senator, District 22	Jeremy Schroppel
State Representative District 4	Matt Savino
State Representative District 8	R. Edwin Adams
State Representative District 14	Jeff Miller
State Representative District 87	Nick Hearn
State Representative District 122	Stephanie Berlin
State Representative District 133	James Patrick Harren
State Representative District 134	Carol Unsicker
State Representative District 148	Grizzle Trojacek
Brazos County Judge	Clyde Garland
Llano County Treasurer	Joe Burnes
Brazos County Justice Of The Peace Precinct 2	Bailey C. Cole

Please send me whatever public information exists with your office that will demonstrate that each of the above-referenced candidates have failed to pay their required filing fee and have also failed to file a signature petition in lieu of payment of their required filing fee.

Please email your response to my email address, which is ataylor@andytaylorlaw.com. Because this matter is urgent, I would greatly appreciate it if you would send me this information immediately.

Thank you. Andy Taylor

Please note our new address:

ANDY TAYLOR
Andy Taylor & Associates,
P C

2628 Highway 36S, #288 Cell: (713) 412-4025
Brenham, TX 77833
Office: (713) 222-1817
Fax: (713) 222-1855

No. _____

IN THE SUPREME COURT OF TEXAS

IN RE §

§

KEITH SELF, ET. AL., §

§

RELATORS. §

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE § 273.061

APPENDIX TAB 2

From: [GeneralCounsel](#)
To: ["Andy Taylor"](#)
Cc: [GeneralCounsel](#)
Subject: RE: PIA request
Date: Thursday, August 4, 2022 12:28:57 PM
Attachments: [Trojacek-Packing Slip_Redacted.pdf](#)
[2022 Libertarian Candidates for General Election \(Statewide & District Offices\).pdf](#)

Mr. Taylor,

Thank you for contacting the Office of the Texas Secretary of State (the "Office"). This email responds to your request for information (the "Request") under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA").

With the exception of one candidate (Grizzle Trojacek-State Representative District 148), none of the Libertarian Party candidates identified in the Request paid a filing fee—or submitted a petition in lieu of a filing fee—to the Secretary of State's office for the 2022 General Election. Please note that pursuant to Section 181.0311(a) of the Texas Election Code, candidates for a county office—e.g., county judge, county treasurer, and county justice of the peace—are required to submit their filing fee or petition to the county judge, not to the Secretary of State's office.

The Office's records indicate that we received a filing fee for Mr. Trojacek, but no application was submitted to our Office with that payment. The receipt for that payment is attached. Please note the "Client ID" has been redacted from the attached document under Section 552.136 of the Texas Government Code, as authorized by Open Records Letter No. 2012-06701 (May 24, 2012).

In addition, I have attached a document reflecting the status of filing fees for statewide and district candidates for the Libertarian Party of Texas who were nominated by convention for the 2022 General Election.

Please let me know if you have any questions or need additional information from our office regarding your request.

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State
(512) 475-2813

From: Andy Taylor <ataylor@andytaylorlaw.com>
Sent: Wednesday, August 3, 2022 5:33 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Fwd: PIA request

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

Sent from my iPhone

Begin forwarded message:

From: ataylor@andytaylorlaw.com
Date: August 3, 2022 at 11:31:42 AM CDT
To: corpinfo@sos.texas.gov
Cc: ataylor@andytaylorlaw.com
Subject: PIA request

Sent via email:
corpinfo@sos.texas.gov
Honorable John B. Scott
Texas Secretary of State
Corporations Section
P.O. Box 13697
Austin, Texas
78711-3697

Re: Eligibility status of Texas Libertarian Candidates

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The specific candidates are as follows:

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Christopher Claytor

U S Representative District 4	John Simmons
U S Representative District 8	Roy Eriksen
U S Representative District 10	Bill Kelsey
U S Representative District 15	Ross Lynn Leone, Jr
U S Representative District 22	Joseph Leblanc
U S Representative District 26	Mike Kolls
U S Representative District 33	Ken Ashby
Lieutenant Governor	Shanna Steele
Member, State Board Of Education, District 7	Alan Pyeatt
State Senator, District 5	Tommy Estes
State Senator, District 8	Edward Kless
State Senator, District 22	Jeremy Schroppel
State Representative District 4	Matt Savino
State Representative District 8	R Edwin Adams
State Representative District 14	Jeff Miller
State Representative District 87	Nick Hearn
State Representative District 122	Stephanie Berlin
State Representative District 133	James Patrick Harren
State Representative District 134	Carol Unsicker
State Representative District 148	Grizzle Trojacek
Brazos County Judge	Clyde Garland
Llano County Treasurer	Joe Burnes
Brazos County Justice Of The Peace Precinct 2	Bailey C Cole

Please send me whatever public information exists with your office that will demonstrate that each of the above-referenced candidates have failed to pay their required filing fee and have also failed to file a signature petition in lieu of payment of their required filing fee

Please email your response to my email address, which is ataylor@andytaylorlaw.com Because this matter is urgent, I would greatly appreciate it if you would send me this information immediately

Thank you Andy Taylor

Please note our new address:

ANDY TAYLOR
Andy Taylor & Associates,
P C

2628 Highway 36S, #288 Cell: (713) 412-4025
Brenham, TX 77833
Office: (713) 222-1817
Fax: (713) 222-1855

Financial Division
P.O.Box 12887
Austin, Texas 78711-2887



John B. Scott
Secretary of State

Office of the Secretary of State
Packing Slip

December 13, 2021

Page 1 of 1

RICHARD SHOHN TROJACEK
[REDACTED]
[REDACTED]

Batch Number: 110206769

Batch Date: 12-13-2021

Client ID: [REDACTED]

Return Method: Mail

Document

Number

Document Detail

Fee

1102067690002	State Representative District 148-Libertarian Party	\$750.00
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Total Document Fees	\$750.00
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Payment Type	Payment Status	Payment Reference	Amount
Check	Received	1830	\$750.00

Total Payments Received	\$750.00
-------------------------	----------

Total Amount Charged to Client Account	\$0.00
--	--------

Total Amount Credited to Client Account	\$0.00
---	--------

Note: This is not a bill. Please do not send any payments until the monthly statement is received.
Any amount credited to Client Account may be refunded upon request.
Refunds (if applicable) will be processed upon Request.
Acknowledgement of Filing Document(s) (if present) is attached.

User ID: MCARDENAS

Come visit us on the Internet @ <https://www.sos.texas.gov/>

Libertarian Party of Texas - Statewide and District Candidates, 2022 General Election

ELECTION NAME	CANDIDATE NAME	OFFICE TITLE	MAILING ADDRESS	EMAIL	FILING FEE	PARTY
2022 NOVEMBER 8TH GENERAL ELECTION	CHRISTOPHER CLAYTOR	U. S. REPRESENTATIVE DISTRICT 3	[REDACTED]	CHRIS.CLAYTOR@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JOHN SIMMONS	U. S. REPRESENTATIVE DISTRICT 4	[REDACTED]	GRAZINGPLAN@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	KEVIN A. HALE	U. S. REPRESENTATIVE DISTRICT 5	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ROY ERIKSEN	U. S. REPRESENTATIVE DISTRICT 8	[REDACTED]	INFO@ROYERIKSEN.COM		LIB
2022 NOVEMBER 8TH GENERAL ELECTION	BILL KELSEY	U. S. REPRESENTATIVE DISTRICT 10	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ROSS LYNN LEONE, JR.	U. S. REPRESENTATIVE DISTRICT 15	[REDACTED]	RLYNNLEONE@YAHOO.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	PHIL KURTZ	U. S. REPRESENTATIVE DISTRICT 18	[REDACTED]	PHILKURTZFORCONGRESS@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JOSEPH LEBLANC	U. S. REPRESENTATIVE DISTRICT 22	[REDACTED]	JOELEBLANC@LEBLANC4TEXAS.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MIKE KOLLS	U. S. REPRESENTATIVE DISTRICT 26	[REDACTED]	KOLLSFORCONGRESS@YAHOO.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	PHIL GRAY	U. S. REPRESENTATIVE DISTRICT 30	[REDACTED]	PHILGRAY00@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	KEN ASHBY	U. S. REPRESENTATIVE DISTRICT 33	[REDACTED]	KENASHBY@AOL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	CLARK PATTERSON	U. S. REPRESENTATIVE DISTRICT 37	[REDACTED]	CLARKRYANPATTERSON@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MARK TIPPETTS	GOVERNOR	[REDACTED]	VOTEMARKTIPPETTS@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	SHANNA STEELE	LIEUTENANT GOVERNOR	[REDACTED]	SHANNASTEEL@PROTONMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MARK ASH	ATTORNEY GENERAL	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	V. ALONZO ECHEVARRIA-GARZA	COMPTROLLER OF PUBLIC ACCOUNTS	[REDACTED]	ALONZOECHVARRIAGARZA@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JAIME ANDRES DIEZ	RAILROAD COMMISSIONER	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	THOMAS EDWARD OXFORD	JUSTICE, SUPREME COURT, PLACE 3	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ALAN PYEATT	MEMBER, STATE BOARD OF EDUCATION, DISTRICT 7	[REDACTED]	LALANPYEATT@YAHOO.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	RHETT ROSENQUEST SMITH	MEMBER, STATE BOARD OF EDUCATION, DISTRICT 8	[REDACTED]	RHETTRSMITH@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	CHRISTY MOWREY	MEMBER, STATE BOARD OF EDUCATION, DISTRICT 12	[REDACTED]	CHRISTY4LIBERTY@GMAIL.COM	FILING FEE RECEIVED	LIB

Libertarian Party of Texas - Statewide and District Candidates, 2022 General Election

2022 NOVEMBER 8TH GENERAL ELECTION	DESARAE LINDSEY	STATE SENATOR, DISTRICT 3	[REDACTED]	INFO@PEACEANDLOVETEX AS.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	TOMMY ESTES	STATE SENATOR, DISTRICT 5	[REDACTED]	PREACHERMAN1228@GMAI L.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	EDWARD KLESS	STATE SENATOR, DISTRICT 8	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	STEVEN E. HASKETT	STATE SENATOR, DISTRICT 14	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ARTHUR DIBIANCA	STATE SENATOR, DISTRICT 21	[REDACTED]	VOTEDIBIANCA@GMAIL.CO M	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JEREMY SCHROPPEL	STATE SENATOR, DISTRICT 22	[REDACTED]	JEREMY4SENATE@GMAIL.C OM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MATT SAVINO	STATE REPRESENTATIVE DISTRICT 4	[REDACTED]	SAVINO4TX@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	R. EDWIN ADAMS	STATE REPRESENTATIVE DISTRICT 8	[REDACTED]	EADAMS.TXR8.2020@GMAIL. COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JEFF MILLER	STATE REPRESENTATIVE DISTRICT 14	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	RYAN L. MCCAMY	STATE REPRESENTATIVE DISTRICT 24	[REDACTED]	RYAN.L.MCCAMY@GMAIL.C OM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	THOMAS KOST	STATE REPRESENTATIVE DISTRICT 46	[REDACTED]	TOMKOST@YAHOO.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	DANIEL JEROME MCCARTHY	STATE REPRESENTATIVE DISTRICT 48	[REDACTED]	INFO@REPDAN.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	J. DAVID ROBERSON	STATE REPRESENTATIVE DISTRICT 49	[REDACTED]	DAVID.ROBERSON84@GMAI L.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	TED BROWN	STATE REPRESENTATIVE DISTRICT 50	[REDACTED]	TEDBROWN1776@HOTMAIL. COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	DARREN HAMILTON	STATE REPRESENTATIVE DISTRICT 57	[REDACTED]	HAMILTONFORTXAS@GMA IL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MICHAEL NEUMANN	STATE REPRESENTATIVE DISTRICT 69	[REDACTED]	SUPPORT@MICHAELCNEUM ANN.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JONATHAN MULLINS	STATE REPRESENTATIVE DISTRICT 75	[REDACTED]	JTMULLINS1982@GMAIL.CO M	PAYMENT NOT RECEIVED	LIB

Libertarian Party of Texas - Statewide and District Candidates, 2022 General Election

2022 NOVEMBER 8TH GENERAL ELECTION	MICHAEL L. MILLER	STATE REPRESENTATIVE DISTRICT 85	[REDACTED]	MILLER4TEXAS@YAHOO.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	NICK HEARN	STATE REPRESENTATIVE DISTRICT 87	[REDACTED]	NICKHEARNLP@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JOE ROBERTS	STATE REPRESENTATIVE DISTRICT 100	[REDACTED]	JOEREFORM@PROTONMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	SHANE D. NEWSOM	STATE REPRESENTATIVE DISTRICT 107	[REDACTED]	SHANEFORDISTRICT107@PROTONMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ARTHUR M. THOMAS IV	STATE REPRESENTATIVE DISTRICT 119	[REDACTED]	ARTHUR@AMTIV.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	STEPHANIE BERLIN	STATE REPRESENTATIVE DISTRICT 122	[REDACTED]	BERLINWEISS@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JAMES PATRICK HARREN	STATE REPRESENTATIVE DISTRICT 133	[REDACTED]	SHADED123@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	CAROL UNSICKER	STATE REPRESENTATIVE DISTRICT 134	[REDACTED]	CAROLUNSICKER@PROTONMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	BURTON CULLEY	STATE REPRESENTATIVE DISTRICT 136	[REDACTED]	REPCULLEY@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	LEE SHARP	STATE REPRESENTATIVE DISTRICT 137	[REDACTED]	LEE@LEEWSHARP.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	GRIZZLE TROJACEK	STATE REPRESENTATIVE DISTRICT 148	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	BRAXTON BOGUE	STATE REPRESENTATIVE DISTRICT 149	[REDACTED]		FILING FEE RECEIVED	LIB

No. _____

IN THE SUPREME COURT OF TEXAS

IN RE §

§

KEITH SELF, ET. AL., §

§

RELATORS. §

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE § 273.061

APPENDIX TAB 3


ANDY TAYLOR & ASSOCIATES, P.C.
Attorneys at Law

2628 HIGHWAY 36 S, #288
BRENHAM, TEXAS 77833

(713) 222-1817
FAX: (713) 222-1855
www.andytaylorlaw.com

August 4, 2022

via email: whitney@whitneybilyeu.com

Libertarian Party of Texas and
Whitney C. Bilyeu, in her capacity
as the Chair of the
Libertarian Party of Texas


Re: Demand that the Texas Libertarian Party and its Chair immediately declare in writing that none of the Texas Libertarian Candidates referenced below are eligible to have their names placed on the 2022 General Election Ballot

Dear Chair Bilyeu:

Please consider this correspondence as a demand under the Texas Election Code that you perform certain ministerial duties as explained below immediately.

It has come to my attention that none of the following Texas Libertarian candidates for office for the upcoming 2022 General Election have paid their filing fee as required by Section 181.0311(1) of the Texas Election Code. Nor have any of these candidates filed a signature petition in lieu of payment of the filing fee as required by Section 181.0311(2) of the Texas Election Code.

The specific candidates are as follows:

U. S. Representative District 3	Christopher Claytor
U. S. Representative District 4	John Simmons
U. S. Representative District 8	Roy Eriksen
U. S. Representative District 10	Bill Kelsey
U. S. Representative District 15	Ross Lynn Leone, Jr.
U. S. Representative District 22	Joseph Leblanc
U. S. Representative District 26	Mike Kolls
U. S. Representative District 33	Ken Ashby
Lieutenant Governor	Shanna Steele
Member, State Board Of Education, District 7	Alan Pyeatt

State Senator, District 5	Tommy Estes
State Senator, District 8	Edward Kless
State Senator, District 22	Jeremy Schroppel
State Representative District 4	Matt Savino
State Representative District 8	R. Edwin Adams
State Representative District 14	Jeff Miller
State Representative District 87	Nick Hearn
State Representative District 122	Stephanie Berlin
State Representative District 133	James Patrick Harren
State Representative District 134	Carol Unsicker
Brazos County Judge	Clyde Garland
Llano County Treasurer	Joe Burnes
Brazos County Justice Of The Peace Precinct 2	Bailey C. Cole

I represent twenty-four (24) Republican candidates whose names will appear on the 2022 General Election Ballot. Those specific candidates are listed below:

U. S. Representative District 3	Keith Self
U. S. Representative District 4	Pat Fallon
U. S. Representative District 8	Morgan Luttrell
U. S. Representative District 10	Michael McCaul
U. S. Representative District 15	Monica de la Cruz
U. S. Representative District 22	Troy E. Nells
U. S. Representative District 26	Michael C. Burgess
U. S. Representative District 33	Patrick David Gillespie
Lieutenant Governor	Dan Patrick
Member, State Board Of Education, District 7	Julie Pickren
State Senator, District 5	Charles Schwertner
State Senator, District 8	Angela Paxton
State Senator, District 22	Brian Birdwell
State Representative District 4	Keith Bell
State Representative District 8	Cody Harris
State Representative District 14	John Rainey
State Representative District 87	Four Price
State Representative District 122	Mark Dorazio
State Representative District 133	Mano DeAyala
State Representative District 134	Ryan McConnico
State Representative District 148	Kay Smith
Brazos County Judge	Duayne Peters
Llano County Treasurer	Cheryl Regmund
Brazos County Justice Of The Peace Precinct 2	Terrence Nunn

On August 3, 2022, I sent a request for public information under the Texas Public Information Act (“PIA”) to the Texas Secretary of State’s Office. My PIA is attached hereto as Exhibit A. On August 4, 2022, I received a response to my PIA from the Texas Secretary of State, which is attached hereto as Exhibit B.

As shown by these public records, none of the above-referenced Texas Libertarian Party candidates are eligible to have their names appear on the 2022 General Election Ballot, for the simple reason that none of them paid their required filing fee or filed a signature petition in lieu of that required filing fee.

In addition, the Libertarian Party candidate for Texas House of Representatives, District 148, is also ineligible, albeit for a different reason. That candidate failed to file the required application for nomination by convention.

Finally, information on the Texas Secretary of State’s website shows the none of above-referenced Libertarian Party candidates for county office are eligible, as none of them paid their required filing fee or submitted the required signature petition in lieu of the required filing fee. (The Texas Secretary of State maintains an online database on its government website that contains the name of each candidate for each of the offices voted on in Texas. See Tex. Sec. of State, Candidate Information, available at <https://candidate.texas-election.com/Elections/getQualifiedCandidatesInfo.do>).

Both the Texas Libertarian Party and its Party Chair have a ministerial duty to declare each of the above-referenced Libertarian Party candidates ineligible. “A candidate may be declared ineligible [if] facts indicating that the candidate is ineligible are conclusively established by another public record.” Tex. Elec. Code § 145.003(f). Furthermore, “[w]hen presented with an application for a place on the ballot or another public record containing information pertinent to a candidate’s eligibility, the appropriate authority shall promptly review the record. If the authority determines that the record establishes ineligibility as provided by Subsection (f), the authority shall declare the candidate ineligible.” Id. § 145.003(g).

The election authorities that are required to review candidate applications for eligibility are the Libertarian Party of Texas and its Chair, Whitney Bilyeu. By statute, both the Party and its Chair must promptly review any presented public documents that establish the ineligibility of the candidates that they certify for election. If there is conclusive proof established by a public record that has been presented to the appropriate election authority, then the Party and its Chair are required to remove the ineligible candidates from the ballot.

On behalf of my clients, we would like to avoid the time and expense of bringing this matter to the attention of the court. Accordingly, demand is hereby made that a declaration of ineligibility be prepared, issued, and delivered to the Texas Secretary of State’s Office and to the pertinent county officials **immediately** (along with courtesy

copies sent to me, at the email address shown below), **but in no event later than 10:00 a.m. on Monday, August 8, 2022.** If you fail to do so, then I will have no choice but to seek legal redress in court, where I will seek an emergency writ of mandamus to require you to fulfill your ministerial duties to declare these challenged candidates ineligible, as well as all other appropriate relief to which my clients would be entitled.

Please email any response, as well as the requested documents, to my email address, which is ataylor@andytaylorlaw.com. Because this matter is urgent, I would greatly appreciate it if you would send me this information immediately.

Sincerely,

//s// Andy Taylor

Andy Taylor

EXHIBIT A

From: ataylor@andytaylorlaw.com
To: corpinfo@sos.texas.gov
Cc: ataylor@andytaylorlaw.com
Subject: PIA request
Date: Wednesday, August 3, 2022 11:31:42 AM

Sent via email:
corpinfo@sos.texas.gov
Honorable John B. Scott
Texas Secretary of State
Corporations Section
P.O. Box 13697
Austin, Texas
78711-3697

Re: Eligibility status of Texas Libertarian Candidates

Dear Secretary Scott:

Please consider this correspondence as a request for public information under the Texas Public Information Act.

It has come to my attention that none of the following Texas Libertarian candidates for office for the upcoming 2022 General Election have paid their filing fee as required by Section 181.0311(1) of the Texas Election Code. Nor have any of these candidates filed a signature petition in lieu of payment of the filing fee as required by Section 181.0311(2) of the Texas Election Code.

The specific candidates are as follows:

U. S. Representative District 3	Christopher Claytor
U. S. Representative District 4	John Simmons
U. S. Representative District 8	Roy Eriksen
U. S. Representative District 10	Bill Kelsey
U. S. Representative District 15	Ross Lynn Leone, Jr.
U. S. Representative District 22	Joseph Leblanc
U. S. Representative District 26	Mike Kolls
U. S. Representative District 33	Ken Ashby
Lieutenant Governor	Shanna Steele
Member, State Board Of Education, District 7	Alan Pyeatt
State Senator, District 5	Tommy Estes
State Senator, District 8	Edward Kless
State Senator, District 22	Jeremy Schroppel
State Representative District 4	Matt Savino
State Representative District 8	R. Edwin Adams
State Representative District 14	Jeff Miller
State Representative District 87	Nick Hearn
State Representative District 122	Stephanie Berlin
State Representative District 133	James Patrick Harren
State Representative District 134	Carol Unsicker
State Representative District 148	Grizzle Trojacek
Brazos County Judge	Clyde Garland
Llano County Treasurer	Joe Burnes
Brazos County Justice Of The Peace Precinct 2	Bailey C. Cole

Please send me whatever public information exists with your office that will demonstrate that each of the above-referenced candidates have failed to pay their required filing fee and have also failed to file a signature petition in lieu of payment of their required filing fee.

Please email your response to my email address, which is ataylor@andytaylorlaw.com. Because this matter is urgent, I would greatly appreciate it if you would send me this information immediately.

Thank you. Andy Taylor

Please note our new address:

ANDY TAYLOR
Andy Taylor & Associates,
P C

2628 Highway 36S, #288 Cell: (713) 412-4025
Brenham, TX 77833
Office: (713) 222-1817
Fax: (713) 222-1855

EXHIBIT B

From: [GeneralCounsel](#)
To: ["Andy Taylor"](#)
Cc: [GeneralCounsel](#)
Subject: RE: PIA request
Date: Thursday, August 4, 2022 12:28:57 PM
Attachments: [Trojacek-Packing Slip_Redacted.pdf](#)
[2022 Libertarian Candidates for General Election \(Statewide & District Offices\).pdf](#)

Mr. Taylor,

Thank you for contacting the Office of the Texas Secretary of State (the "Office"). This email responds to your request for information (the "Request") under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA").

With the exception of one candidate (Grizzle Trojacek-State Representative District 148), none of the Libertarian Party candidates identified in the Request paid a filing fee—or submitted a petition in lieu of a filing fee—to the Secretary of State's office for the 2022 General Election. Please note that pursuant to Section 181.0311(a) of the Texas Election Code, candidates for a county office—e.g., county judge, county treasurer, and county justice of the peace—are required to submit their filing fee or petition to the county judge, not to the Secretary of State's office.

The Office's records indicate that we received a filing fee for Mr. Trojacek, but no application was submitted to our Office with that payment. The receipt for that payment is attached. Please note the "Client ID" has been redacted from the attached document under Section 552.136 of the Texas Government Code, as authorized by Open Records Letter No. 2012-06701 (May 24, 2012).

In addition, I have attached a document reflecting the status of filing fees for statewide and district candidates for the Libertarian Party of Texas who were nominated by convention for the 2022 General Election.

Please let me know if you have any questions or need additional information from our office regarding your request.

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State
(512) 475-2813

From: Andy Taylor <ataylor@andytaylorlaw.com>
Sent: Wednesday, August 3, 2022 5:33 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Fwd: PIA request

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

Sent from my iPhone

Begin forwarded message:

From: ataylor@andytaylorlaw.com
Date: August 3, 2022 at 11:31:42 AM CDT
To: corpinfo@sos.texas.gov
Cc: ataylor@andytaylorlaw.com
Subject: PIA request

Sent via email:
corpinfo@sos.texas.gov
Honorable John B. Scott
Texas Secretary of State
Corporations Section
P.O. Box 13697
Austin, Texas
78711-3697

Re: Eligibility status of Texas Libertarian Candidates

Dear Secretary Scott:

Please consider this correspondence as a request for public information under the Texas Public Information Act.

It has come to my attention that none of the following Texas Libertarian candidates for office for the upcoming 2022 General Election have paid their filing fee as required by Section 181.0311(1) of the Texas Election Code. Nor have any of these candidates filed a signature petition in lieu of payment of the filing fee as required by Section 181.0311(2) of the Texas Election Code.

The specific candidates are as follows:

U.S. Representative District 3

Christopher Claytor

U S Representative District 4	John Simmons
U S Representative District 8	Roy Eriksen
U S Representative District 10	Bill Kelsey
U S Representative District 15	Ross Lynn Leone, Jr
U S Representative District 22	Joseph Leblanc
U S Representative District 26	Mike Kolls
U S Representative District 33	Ken Ashby
Lieutenant Governor	Shanna Steele
Member, State Board Of Education, District 7	Alan Pyeatt
State Senator, District 5	Tommy Estes
State Senator, District 8	Edward Kless
State Senator, District 22	Jeremy Schroppel
State Representative District 4	Matt Savino
State Representative District 8	R Edwin Adams
State Representative District 14	Jeff Miller
State Representative District 87	Nick Hearn
State Representative District 122	Stephanie Berlin
State Representative District 133	James Patrick Harren
State Representative District 134	Carol Unsicker
State Representative District 148	Grizzle Trojacek
Brazos County Judge	Clyde Garland
Llano County Treasurer	Joe Burnes
Brazos County Justice Of The Peace Precinct 2	Bailey C Cole

Please send me whatever public information exists with your office that will demonstrate that each of the above-referenced candidates have failed to pay their required filing fee and have also failed to file a signature petition in lieu of payment of their required filing fee

Please email your response to my email address, which is ataylor@andytaylorlaw.com Because this matter is urgent, I would greatly appreciate it if you would send me this information immediately

Thank you Andy Taylor

Please note our new address:

ANDY TAYLOR
Andy Taylor & Associates,
P C

2628 Highway 36S, #288 Cell: (713) 412-4025
Brenham, TX 77833
Office: (713) 222-1817
Fax: (713) 222-1855



Office of the Secretary of State
Packing Slip

December 13, 2021

Page 1 of 1

RICHARD SHOHN TROJACEK
[REDACTED]
[REDACTED]

Batch Number: 110206769

Batch Date: 12-13-2021

Client ID: [REDACTED]

Return Method: Mail

Document

Number

Document Detail

Fee

1102067690002	State Representative District 148-Libertarian Party	\$750.00
---------------	---	----------

Total Document Fees	\$750.00
---------------------	----------

Payment Type	Payment Status	Payment Reference	Amount
Check	Received	1830	\$750.00

Total Payments Received	\$750.00
-------------------------	----------

Total Amount Charged to Client Account	\$0.00
--	--------

Total Amount Credited to Client Account	\$0.00
---	--------

Note: This is not a bill. Please do not send any payments until the monthly statement is received.
Any amount credited to Client Account may be refunded upon request.
Refunds (if applicable) will be processed upon Request.
Acknowledgement of Filing Document(s) (if present) is attached.

User ID: MCARDENAS

Libertarian Party of Texas - Statewide and District Candidates, 2022 General Election

ELECTION NAME	CANDIDATE NAME	OFFICE TITLE	MAILING ADDRESS	EMAIL	FILING FEE	PARTY
2022 NOVEMBER 8TH GENERAL ELECTION	CHRISTOPHER CLAYTOR	U. S. REPRESENTATIVE DISTRICT 3	[REDACTED]	CHRIS.CLAYTOR@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JOHN SIMMONS	U. S. REPRESENTATIVE DISTRICT 4	[REDACTED]	GRAZINGPLAN@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	KEVIN A. HALE	U. S. REPRESENTATIVE DISTRICT 5	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ROY ERIKSEN	U. S. REPRESENTATIVE DISTRICT 8	[REDACTED]	INFO@ROYERIKSEN.COM		LIB
2022 NOVEMBER 8TH GENERAL ELECTION	BILL KELSEY	U. S. REPRESENTATIVE DISTRICT 10	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ROSS LYNN LEONE, JR.	U. S. REPRESENTATIVE DISTRICT 15	[REDACTED]	RLYNNLEONE@YAHOO.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	PHIL KURTZ	U. S. REPRESENTATIVE DISTRICT 18	[REDACTED]	PHILKURTZFORCONGRESS@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JOSEPH LEBLANC	U. S. REPRESENTATIVE DISTRICT 22	[REDACTED]	JOELEBLANC@LEBLANC4TEXAS.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MIKE KOLLS	U. S. REPRESENTATIVE DISTRICT 26	[REDACTED]	KOLLSFORCONGRESS@YAHOO.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	PHIL GRAY	U. S. REPRESENTATIVE DISTRICT 30	[REDACTED]	PHILGRAY00@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	KEN ASHBY	U. S. REPRESENTATIVE DISTRICT 33	[REDACTED]	KENASHBY@AOL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	CLARK PATTERSON	U. S. REPRESENTATIVE DISTRICT 37	[REDACTED]	CLARKRYANPATTERSON@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MARK TIPPETTS	GOVERNOR	[REDACTED]	VOTEMARKTIPPETTS@MAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	SHANNA STEELE	LIEUTENANT GOVERNOR	[REDACTED]	SHANNASTEEL@PROTONMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MARK ASH	ATTORNEY GENERAL	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	V. ALONZO ECHEVARRIA-GARZA	COMPTROLLER OF PUBLIC ACCOUNTS	[REDACTED]	ALONZOECHVARRIAGARZA@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JAIME ANDRES DIEZ	RAILROAD COMMISSIONER	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	THOMAS EDWARD OXFORD	JUSTICE, SUPREME COURT, PLACE 3	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ALAN PYEATT	MEMBER, STATE BOARD OF EDUCATION, DISTRICT 7	[REDACTED]	LALANPYEATT@YAHOO.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	RHETT ROSENQUEST SMITH	MEMBER, STATE BOARD OF EDUCATION, DISTRICT 8	[REDACTED]	RHETTRSMITH@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	CHRISTY MOWREY	MEMBER, STATE BOARD OF EDUCATION, DISTRICT 12	[REDACTED]	CHRISTY4LIBERTY@GMAIL.COM	FILING FEE RECEIVED	LIB

Libertarian Party of Texas - Statewide and District Candidates, 2022 General Election

2022 NOVEMBER 8TH GENERAL ELECTION	DESARAE LINDSEY	STATE SENATOR, DISTRICT 3	[REDACTED]	INFO@PEACEANDLOVETEX AS.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	TOMMY ESTES	STATE SENATOR, DISTRICT 5	[REDACTED]	PREACHERMAN1228@GMAI L.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	EDWARD KLESS	STATE SENATOR, DISTRICT 8	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	STEVEN E. HASKETT	STATE SENATOR, DISTRICT 14	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ARTHUR DIBIANCA	STATE SENATOR, DISTRICT 21	[REDACTED]	VOTEDIBIANCA@GMAIL.CO M	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JEREMY SCHROPPEL	STATE SENATOR, DISTRICT 22	[REDACTED]	JEREMY4SENATE@GMAIL.C OM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MATT SAVINO	STATE REPRESENTATIVE DISTRICT 4	[REDACTED]	SAVINO4TX@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	R. EDWIN ADAMS	STATE REPRESENTATIVE DISTRICT 8	[REDACTED]	EADAMS.TXR8.2020@GMAIL. COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JEFF MILLER	STATE REPRESENTATIVE DISTRICT 14	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	RYAN L. MCCAMY	STATE REPRESENTATIVE DISTRICT 24	[REDACTED]	RYAN.L.MCCAMY@GMAIL.C OM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	THOMAS KOST	STATE REPRESENTATIVE DISTRICT 46	[REDACTED]	TOMKOST@YAHOO.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	DANIEL JEROME MCCARTHY	STATE REPRESENTATIVE DISTRICT 48	[REDACTED]	INFO@REPDAN.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	J. DAVID ROBERSON	STATE REPRESENTATIVE DISTRICT 49	[REDACTED]	DAVID.ROBERSON84@GMAI L.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	TED BROWN	STATE REPRESENTATIVE DISTRICT 50	[REDACTED]	TEDBROWN1776@HOTMAIL. COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	DARREN HAMILTON	STATE REPRESENTATIVE DISTRICT 57	[REDACTED]	HAMILTONFORTXAS@GMA IL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MICHAEL NEUMANN	STATE REPRESENTATIVE DISTRICT 69	[REDACTED]	SUPPORT@MICHAELCNEUM ANN.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JONATHAN MULLINS	STATE REPRESENTATIVE DISTRICT 75	[REDACTED]	JTMULLINS1982@GMAIL.CO M	PAYMENT NOT RECEIVED	LIB

Libertarian Party of Texas - Statewide and District Candidates, 2022 General Election

2022 NOVEMBER 8TH GENERAL ELECTION	MICHAEL L. MILLER	STATE REPRESENTATIVE DISTRICT 85	[REDACTED]	MILLER4TEXAS@YAHOO.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	NICK HEARN	STATE REPRESENTATIVE DISTRICT 87	[REDACTED]	NICKHEARNLP@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JOE ROBERTS	STATE REPRESENTATIVE DISTRICT 100	[REDACTED]	JOEREFORM@PROTONMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	SHANE D. NEWSOM	STATE REPRESENTATIVE DISTRICT 107	[REDACTED]	SHANEFORDISTRICT107@PROTONMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ARTHUR M. THOMAS IV	STATE REPRESENTATIVE DISTRICT 119	[REDACTED]	ARTHUR@AMTIV.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	STEPHANIE BERLIN	STATE REPRESENTATIVE DISTRICT 122	[REDACTED]	BERLINWEISS@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JAMES PATRICK HARREN	STATE REPRESENTATIVE DISTRICT 133	[REDACTED]	SHADED123@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	CAROL UNSICKER	STATE REPRESENTATIVE DISTRICT 134	[REDACTED]	CAROLUNSICKER@PROTONMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	BURTON CULLEY	STATE REPRESENTATIVE DISTRICT 136	[REDACTED]	REPCULLEY@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	LEE SHARP	STATE REPRESENTATIVE DISTRICT 137	[REDACTED]	LEE@LEEWSHARP.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	GRIZZLE TROJACEK	STATE REPRESENTATIVE DISTRICT 148	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	BRAXTON BOGUE	STATE REPRESENTATIVE DISTRICT 149	[REDACTED]		FILING FEE RECEIVED	LIB

No. _____

IN THE SUPREME COURT OF TEXAS

IN RE §

§

KEITH SELF, ET. AL., §

§

RELATORS. §

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE § 273.061

APPENDIX TAB 4

From: ataylor@andytaylorlaw.com
To: chair@ptexas.org
Cc: ataylor@andytaylorlaw.com
Subject: FW: Please see attached demand letter. Thanks. Andy Taylor
Date: Friday, August 5, 2022 9:21:20 AM
Attachments: [AT Demand Letter with Exhibits A and B attached.pdf](#)

Ms. Bilyeu, I sent this out yesterday to you but I don't know if you received it or not. So I am sending it out a second time to a different email address. Would you please let me know that you received this? And would you please let me know what you intend to do? Thanks. AT

Please note our new address:

ANDY TAYLOR
Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288 Cell:
Brenham, TX 77833 (713)
Office: (713) 222-1817 412-
Fax: (713) 222-1855 4025

From: ataylor@andytaylorlaw.com <ataylor@andytaylorlaw.com>
Sent: Thursday, August 4, 2022 3:30 PM
To: whitney@whitneybilyeu.com
Cc: ataylor@andytaylorlaw.com
Subject: Please see attached demand letter. Thanks. Andy Taylor

Please note our new address:

ANDY TAYLOR
Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288 Cell:
Brenham, TX 77833 (713)
Office: (713) 222-1817 412-
Fax: (713) 222-1855 4025


ANDY TAYLOR & ASSOCIATES, P.C.
Attorneys at Law

2628 HIGHWAY 36 S, #288
BRENHAM, TEXAS 77833

(713) 222-1817
FAX: (713) 222-1855
www.andytaylorlaw.com

August 4, 2022

via email: whitney@whitneybilyeu.com

Libertarian Party of Texas and
Whitney C. Bilyeu, in her capacity
as the Chair of the
Libertarian Party of Texas


Re: Demand that the Texas Libertarian Party and its Chair immediately declare in writing that none of the Texas Libertarian Candidates referenced below are eligible to have their names placed on the 2022 General Election Ballot

Dear Chair Bilyeu:

Please consider this correspondence as a demand under the Texas Election Code that you perform certain ministerial duties as explained below immediately.

It has come to my attention that none of the following Texas Libertarian candidates for office for the upcoming 2022 General Election have paid their filing fee as required by Section 181.0311(1) of the Texas Election Code. Nor have any of these candidates filed a signature petition in lieu of payment of the filing fee as required by Section 181.0311(2) of the Texas Election Code.

The specific candidates are as follows:

U. S. Representative District 3	Christopher Claytor
U. S. Representative District 4	John Simmons
U. S. Representative District 8	Roy Eriksen
U. S. Representative District 10	Bill Kelsey
U. S. Representative District 15	Ross Lynn Leone, Jr.
U. S. Representative District 22	Joseph Leblanc
U. S. Representative District 26	Mike Kolls
U. S. Representative District 33	Ken Ashby
Lieutenant Governor	Shanna Steele
Member, State Board Of Education, District 7	Alan Pyeatt

State Senator, District 5	Tommy Estes
State Senator, District 8	Edward Kless
State Senator, District 22	Jeremy Schroppel
State Representative District 4	Matt Savino
State Representative District 8	R. Edwin Adams
State Representative District 14	Jeff Miller
State Representative District 87	Nick Hearn
State Representative District 122	Stephanie Berlin
State Representative District 133	James Patrick Harren
State Representative District 134	Carol Unsicker
Brazos County Judge	Clyde Garland
Llano County Treasurer	Joe Burnes
Brazos County Justice Of The Peace Precinct 2	Bailey C. Cole

I represent twenty-four (24) Republican candidates whose names will appear on the 2022 General Election Ballot. Those specific candidates are listed below:

U. S. Representative District 3	Keith Self
U. S. Representative District 4	Pat Fallon
U. S. Representative District 8	Morgan Luttrell
U. S. Representative District 10	Michael McCaul
U. S. Representative District 15	Monica de la Cruz
U. S. Representative District 22	Troy E. Nells
U. S. Representative District 26	Michael C. Burgess
U. S. Representative District 33	Patrick David Gillespie
Lieutenant Governor	Dan Patrick
Member, State Board Of Education, District 7	Julie Pickren
State Senator, District 5	Charles Schwertner
State Senator, District 8	Angela Paxton
State Senator, District 22	Brian Birdwell
State Representative District 4	Keith Bell
State Representative District 8	Cody Harris
State Representative District 14	John Rainey
State Representative District 87	Four Price
State Representative District 122	Mark Dorazio
State Representative District 133	Mano DeAyala
State Representative District 134	Ryan McConnico
State Representative District 148	Kay Smith
Brazos County Judge	Duayne Peters
Llano County Treasurer	Cheryl Regmund
Brazos County Justice Of The Peace Precinct 2	Terrence Nunn

On August 3, 2022, I sent a request for public information under the Texas Public Information Act (“PIA”) to the Texas Secretary of State’s Office. My PIA is attached hereto as Exhibit A. On August 4, 2022, I received a response to my PIA from the Texas Secretary of State, which is attached hereto as Exhibit B.

As shown by these public records, none of the above-referenced Texas Libertarian Party candidates are eligible to have their names appear on the 2022 General Election Ballot, for the simple reason that none of them paid their required filing fee or filed a signature petition in lieu of that required filing fee.

In addition, the Libertarian Party candidate for Texas House of Representatives, District 148, is also ineligible, albeit for a different reason. That candidate failed to file the required application for nomination by convention.

Finally, information on the Texas Secretary of State’s website shows the none of above-referenced Libertarian Party candidates for county office are eligible, as none of them paid their required filing fee or submitted the required signature petition in lieu of the required filing fee. (The Texas Secretary of State maintains an online database on its government website that contains the name of each candidate for each of the offices voted on in Texas. See Tex. Sec. of State, Candidate Information, available at <https://candidate.texas-election.com/Elections/getQualifiedCandidatesInfo.do>).

Both the Texas Libertarian Party and its Party Chair have a ministerial duty to declare each of the above-referenced Libertarian Party candidates ineligible. “A candidate may be declared ineligible [if] facts indicating that the candidate is ineligible are conclusively established by another public record.” Tex. Elec. Code § 145.003(f). Furthermore, “[w]hen presented with an application for a place on the ballot or another public record containing information pertinent to a candidate's eligibility, the appropriate authority shall promptly review the record. If the authority determines that the record establishes ineligibility as provided by Subsection (f), the authority shall declare the candidate ineligible.” Id. § 145.003(g).

The election authorities that are required to review candidate applications for eligibility are the Libertarian Party of Texas and its Chair, Whitney Bilyeu. By statute, both the Party and its Chair must promptly review any presented public documents that establish the ineligibility of the candidates that they certify for election. If there is conclusive proof established by a public record that has been presented to the appropriate election authority, then the Party and its Chair are required to remove the ineligible candidates from the ballot.

On behalf of my clients, we would like to avoid the time and expense of bringing this matter to the attention of the court. Accordingly, demand is hereby made that a declaration of ineligibility be prepared, issued, and delivered to the Texas Secretary of State’s Office and to the pertinent county officials **immediately** (along with courtesy

copies sent to me, at the email address shown below), **but in no event later than 10:00 a.m. on Monday, August 8, 2022.** If you fail to do so, then I will have no choice but to seek legal redress in court, where I will seek an emergency writ of mandamus to require you to fulfill your ministerial duties to declare these challenged candidates ineligible, as well as all other appropriate relief to which my clients would be entitled.

Please email any response, as well as the requested documents, to my email address, which is ataylor@andytaylorlaw.com. Because this matter is urgent, I would greatly appreciate it if you would send me this information immediately.

Sincerely,

//s// Andy Taylor

Andy Taylor

EXHIBIT A

From: ataylor@andytaylorlaw.com
To: corpinfo@sos.texas.gov
Cc: ataylor@andytaylorlaw.com
Subject: PIA request
Date: Wednesday, August 3, 2022 11:31:42 AM

Sent via email:

corpinfo@sos.texas.gov

Honorable John B. Scott
Texas Secretary of State
Corporations Section
P.O. Box 13697
Austin, Texas
78711-3697

Re: Eligibility status of Texas Libertarian Candidates

Dear Secretary Scott:

Please consider this correspondence as a request for public information under the Texas Public Information Act.

It has come to my attention that none of the following Texas Libertarian candidates for office for the upcoming 2022 General Election have paid their filing fee as required by Section 181.0311(1) of the Texas Election Code. Nor have any of these candidates filed a signature petition in lieu of payment of the filing fee as required by Section 181.0311(2) of the Texas Election Code.

The specific candidates are as follows:

U. S. Representative District 3	Christopher Claytor
U. S. Representative District 4	John Simmons
U. S. Representative District 8	Roy Eriksen
U. S. Representative District 10	Bill Kelsey
U. S. Representative District 15	Ross Lynn Leone, Jr.
U. S. Representative District 22	Joseph Leblanc
U. S. Representative District 26	Mike Kolls
U. S. Representative District 33	Ken Ashby
Lieutenant Governor	Shanna Steele
Member, State Board Of Education, District 7	Alan Pyeatt
State Senator, District 5	Tommy Estes
State Senator, District 8	Edward Kless
State Senator, District 22	Jeremy Schroppel
State Representative District 4	Matt Savino
State Representative District 8	R. Edwin Adams
State Representative District 14	Jeff Miller
State Representative District 87	Nick Hearn
State Representative District 122	Stephanie Berlin
State Representative District 133	James Patrick Harren
State Representative District 134	Carol Unsicker
State Representative District 148	Grizzle Trojacek
Brazos County Judge	Clyde Garland
Llano County Treasurer	Joe Burnes
Brazos County Justice Of The Peace Precinct 2	Bailey C. Cole

Please send me whatever public information exists with your office that will demonstrate that each of the above-referenced candidates have failed to pay their required filing fee and have also failed to file a signature petition in lieu of payment of their required filing fee.

Please email your response to my email address, which is ataylor@andytaylorlaw.com. Because this matter is urgent, I would greatly appreciate it if you would send me this information immediately.

Thank you. Andy Taylor

Please note our new address:

ANDY TAYLOR
Andy Taylor & Associates,
P C

2628 Highway 36S, #288 Cell: (713) 412-4025
Brenham, TX 77833
Office: (713) 222-1817
Fax: (713) 222-1855

EXHIBIT B

From: [GeneralCounsel](#)
To: ["Andy Taylor"](#)
Cc: [GeneralCounsel](#)
Subject: RE: PIA request
Date: Thursday, August 4, 2022 12:28:57 PM
Attachments: [Trojacek-Packing Slip_Redacted.pdf](#)
[2022 Libertarian Candidates for General Election \(Statewide & District Offices\).pdf](#)

Mr. Taylor,

Thank you for contacting the Office of the Texas Secretary of State (the "Office"). This email responds to your request for information (the "Request") under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA").

With the exception of one candidate (Grizzle Trojacek-State Representative District 148), none of the Libertarian Party candidates identified in the Request paid a filing fee—or submitted a petition in lieu of a filing fee—to the Secretary of State's office for the 2022 General Election. Please note that pursuant to Section 181.0311(a) of the Texas Election Code, candidates for a county office—e.g., county judge, county treasurer, and county justice of the peace—are required to submit their filing fee or petition to the county judge, not to the Secretary of State's office.

The Office's records indicate that we received a filing fee for Mr. Trojacek, but no application was submitted to our Office with that payment. The receipt for that payment is attached. Please note the "Client ID" has been redacted from the attached document under Section 552.136 of the Texas Government Code, as authorized by Open Records Letter No. 2012-06701 (May 24, 2012).

In addition, I have attached a document reflecting the status of filing fees for statewide and district candidates for the Libertarian Party of Texas who were nominated by convention for the 2022 General Election.

Please let me know if you have any questions or need additional information from our office regarding your request.

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State
(512) 475-2813

From: Andy Taylor <ataylor@andytaylorlaw.com>
Sent: Wednesday, August 3, 2022 5:33 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Fwd: PIA request

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to informationsecurity@sos.texas.gov.

Sent from my iPhone

Begin forwarded message:

From: ataylor@andytaylorlaw.com
Date: August 3, 2022 at 11:31:42 AM CDT
To: corpinfo@sos.texas.gov
Cc: ataylor@andytaylorlaw.com
Subject: PIA request

Sent via email:
corpinfo@sos.texas.gov
Honorable John B. Scott
Texas Secretary of State
Corporations Section
P.O. Box 13697
Austin, Texas
78711-3697

Re: Eligibility status of Texas Libertarian Candidates

Dear Secretary Scott:

Please consider this correspondence as a request for public information under the Texas Public Information Act.

It has come to my attention that none of the following Texas Libertarian candidates for office for the upcoming 2022 General Election have paid their filing fee as required by Section 181.0311(1) of the Texas Election Code. Nor have any of these candidates filed a signature petition in lieu of payment of the filing fee as required by Section 181.0311(2) of the Texas Election Code.

The specific candidates are as follows:

U.S. Representative District 3

Christopher Claytor

U S Representative District 4	John Simmons
U S Representative District 8	Roy Eriksen
U S Representative District 10	Bill Kelsey
U S Representative District 15	Ross Lynn Leone, Jr
U S Representative District 22	Joseph Leblanc
U S Representative District 26	Mike Kolls
U S Representative District 33	Ken Ashby
Lieutenant Governor	Shanna Steele
Member, State Board Of Education, District 7	Alan Pyeatt
State Senator, District 5	Tommy Estes
State Senator, District 8	Edward Kless
State Senator, District 22	Jeremy Schroppel
State Representative District 4	Matt Savino
State Representative District 8	R Edwin Adams
State Representative District 14	Jeff Miller
State Representative District 87	Nick Hearn
State Representative District 122	Stephanie Berlin
State Representative District 133	James Patrick Harren
State Representative District 134	Carol Unsicker
State Representative District 148	Grizzle Trojacek
Brazos County Judge	Clyde Garland
Llano County Treasurer	Joe Burnes
Brazos County Justice Of The Peace Precinct 2	Bailey C Cole

Please send me whatever public information exists with your office that will demonstrate that each of the above-referenced candidates have failed to pay their required filing fee and have also failed to file a signature petition in lieu of payment of their required filing fee

Please email your response to my email address, which is ataylor@andytaylorlaw.com Because this matter is urgent, I would greatly appreciate it if you would send me this information immediately

Thank you Andy Taylor

Please note our new address:

ANDY TAYLOR
Andy Taylor & Associates,
P C

2628 Highway 36S, #288 Cell: (713) 412-4025
Brenham, TX 77833
Office: (713) 222-1817
Fax: (713) 222-1855



Office of the Secretary of State
Packing Slip

December 13, 2021

Page 1 of 1

RICHARD SHOHN TROJACEK
[REDACTED]
[REDACTED]

Batch Number: 110206769

Batch Date: 12-13-2021

Client ID: [REDACTED]

Return Method: Mail

Document

Number

Document Detail

Fee

1102067690002	State Representative District 148-Libertarian Party	\$750.00
---------------	---	----------

Total Document Fees	\$750.00
---------------------	----------

Payment Type	Payment Status	Payment Reference	Amount
Check	Received	1830	\$750.00

Total Payments Received	\$750.00
-------------------------	----------

Total Amount Charged to Client Account	\$0.00
--	--------

Total Amount Credited to Client Account	\$0.00
---	--------

Note: This is not a bill. Please do not send any payments until the monthly statement is received.
Any amount credited to Client Account may be refunded upon request.
Refunds (if applicable) will be processed upon Request.
Acknowledgement of Filing Document(s) (if present) is attached.

User ID: MCARDENAS

Libertarian Party of Texas - Statewide and District Candidates, 2022 General Election

ELECTION NAME	CANDIDATE NAME	OFFICE TITLE	MAILING ADDRESS	EMAIL	FILING FEE	PARTY
2022 NOVEMBER 8TH GENERAL ELECTION	CHRISTOPHER CLAYTOR	U. S. REPRESENTATIVE DISTRICT 3	[REDACTED]	CHRIS.CLAYTOR@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JOHN SIMMONS	U. S. REPRESENTATIVE DISTRICT 4	[REDACTED]	GRAZINGPLAN@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	KEVIN A. HALE	U. S. REPRESENTATIVE DISTRICT 5	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ROY ERIKSEN	U. S. REPRESENTATIVE DISTRICT 8	[REDACTED]	INFO@ROYERIKSEN.COM		LIB
2022 NOVEMBER 8TH GENERAL ELECTION	BILL KELSEY	U. S. REPRESENTATIVE DISTRICT 10	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ROSS LYNN LEONE, JR.	U. S. REPRESENTATIVE DISTRICT 15	[REDACTED]	RLYNNLEONE@YAHOO.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	PHIL KURTZ	U. S. REPRESENTATIVE DISTRICT 18	[REDACTED]	PHILKURTZFORCONGRESS@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JOSEPH LEBLANC	U. S. REPRESENTATIVE DISTRICT 22	[REDACTED]	JOELEBLANC@LEBLANC4TEXAS.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MIKE KOLLS	U. S. REPRESENTATIVE DISTRICT 26	[REDACTED]	KOLLSFORCONGRESS@YAHOO.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	PHIL GRAY	U. S. REPRESENTATIVE DISTRICT 30	[REDACTED]	PHILGRAY00@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	KEN ASHBY	U. S. REPRESENTATIVE DISTRICT 33	[REDACTED]	KENASHBY@AOL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	CLARK PATTERSON	U. S. REPRESENTATIVE DISTRICT 37	[REDACTED]	CLARKRYANPATTERSON@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MARK TIPPETTS	GOVERNOR	[REDACTED]	VOTEMARKTIPPETTS@MAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	SHANNA STEELE	LIEUTENANT GOVERNOR	[REDACTED]	SHANNASTEEL@PROTONMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MARK ASH	ATTORNEY GENERAL	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	V. ALONZO ECHEVARRIA-GARZA	COMPTROLLER OF PUBLIC ACCOUNTS	[REDACTED]	ALONZOECHVARRIAGARZA@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JAIME ANDRES DIEZ	RAILROAD COMMISSIONER	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	THOMAS EDWARD OXFORD	JUSTICE, SUPREME COURT, PLACE 3	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ALAN PYEATT	MEMBER, STATE BOARD OF EDUCATION, DISTRICT 7	[REDACTED]	LALANPYEATT@YAHOO.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	RHETT ROSENQUEST SMITH	MEMBER, STATE BOARD OF EDUCATION, DISTRICT 8	[REDACTED]	RHETTRSMITH@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	CHRISTY MOWREY	MEMBER, STATE BOARD OF EDUCATION, DISTRICT 12	[REDACTED]	CHRISTY4LIBERTY@GMAIL.COM	FILING FEE RECEIVED	LIB

Libertarian Party of Texas - Statewide and District Candidates, 2022 General Election

2022 NOVEMBER 8TH GENERAL ELECTION	DESARAE LINDSEY	STATE SENATOR, DISTRICT 3	[REDACTED]	INFO@PEACEANDLOVETEX AS.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	TOMMY ESTES	STATE SENATOR, DISTRICT 5	[REDACTED]	PREACHERMAN1228@GMAI L.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	EDWARD KLESS	STATE SENATOR, DISTRICT 8	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	STEVEN E. HASKETT	STATE SENATOR, DISTRICT 14	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ARTHUR DIBIANCA	STATE SENATOR, DISTRICT 21	[REDACTED]	VOTEDIBIANCA@GMAIL.CO M	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JEREMY SCHROPPEL	STATE SENATOR, DISTRICT 22	[REDACTED]	JEREMY4SENATE@GMAIL.C OM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MATT SAVINO	STATE REPRESENTATIVE DISTRICT 4	[REDACTED]	SAVINO4TX@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	R. EDWIN ADAMS	STATE REPRESENTATIVE DISTRICT 8	[REDACTED]	EADAMS.TXR8.2020@GMAIL. COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JEFF MILLER	STATE REPRESENTATIVE DISTRICT 14	[REDACTED]		PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	RYAN L. MCCAMY	STATE REPRESENTATIVE DISTRICT 24	[REDACTED]	RYAN.L.MCCAMY@GMAIL.C OM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	THOMAS KOST	STATE REPRESENTATIVE DISTRICT 46	[REDACTED]	TOMKOST@YAHOO.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	DANIEL JEROME MCCARTHY	STATE REPRESENTATIVE DISTRICT 48	[REDACTED]	INFO@REPDAN.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	J. DAVID ROBERSON	STATE REPRESENTATIVE DISTRICT 49	[REDACTED]	DAVID.ROBERSON84@GMAI L.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	TED BROWN	STATE REPRESENTATIVE DISTRICT 50	[REDACTED]	TEDBROWN1776@HOTMAIL. COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	DARREN HAMILTON	STATE REPRESENTATIVE DISTRICT 57	[REDACTED]	HAMILTONFORTXAS@GMA IL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	MICHAEL NEUMANN	STATE REPRESENTATIVE DISTRICT 69	[REDACTED]	SUPPORT@MICHAELCNEUM ANN.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JONATHAN MULLINS	STATE REPRESENTATIVE DISTRICT 75	[REDACTED]	JTMULLINS1982@GMAIL.CO M	PAYMENT NOT RECEIVED	LIB

Libertarian Party of Texas - Statewide and District Candidates, 2022 General Election

2022 NOVEMBER 8TH GENERAL ELECTION	MICHAEL L. MILLER	STATE REPRESENTATIVE DISTRICT 85	[REDACTED]	MILLER4TEXAS@YAHOO.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	NICK HEARN	STATE REPRESENTATIVE DISTRICT 87	[REDACTED]	NICKHEARNLP@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JOE ROBERTS	STATE REPRESENTATIVE DISTRICT 100	[REDACTED]	JOEREFORM@PROTONMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	SHANE D. NEWSOM	STATE REPRESENTATIVE DISTRICT 107	[REDACTED]	SHANEFORDISTRICT107@PROTONMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	ARTHUR M. THOMAS IV	STATE REPRESENTATIVE DISTRICT 119	[REDACTED]	ARTHUR@AMTIV.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	STEPHANIE BERLIN	STATE REPRESENTATIVE DISTRICT 122	[REDACTED]	BERLINWEISS@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	JAMES PATRICK HARREN	STATE REPRESENTATIVE DISTRICT 133	[REDACTED]	SHADED123@GMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	CAROL UNSICKER	STATE REPRESENTATIVE DISTRICT 134	[REDACTED]	CAROLUNSICKER@PROTONMAIL.COM	PAYMENT NOT RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	BURTON CULLEY	STATE REPRESENTATIVE DISTRICT 136	[REDACTED]	REPCULLEY@GMAIL.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	LEE SHARP	STATE REPRESENTATIVE DISTRICT 137	[REDACTED]	LEE@LEEWSHARP.COM	FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	GRIZZLE TROJACEK	STATE REPRESENTATIVE DISTRICT 148	[REDACTED]		FILING FEE RECEIVED	LIB
2022 NOVEMBER 8TH GENERAL ELECTION	BRAXTON BOGUE	STATE REPRESENTATIVE DISTRICT 149	[REDACTED]		FILING FEE RECEIVED	LIB

No. _____

IN THE SUPREME COURT OF TEXAS

IN RE	§
	§
KEITH SELF, ET. AL.,	§
	§
RELATORS.	§

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE § 273.061

APPENDIX TAB 5

Bilyeu v. Scott

Decided Mar 1, 2022

1:21-CV-1089-RP

03-01-2022

WHITNEY BILYEU, individually and as Chair of the Libertarian Party of Texas; MARK ASH; STEPHANIE BERLIN; JOE BURNES; ARTHUR DIBIANCA; KEVIN HALE; DESARAE LINDSEY; ARTHUR THOMAS IV; MARK TIPPETTS; and LIBERTARIAN PARTY OF TEXAS, Plaintiffs, v. JOHN B. SCOTT, in his official capacity as the Secretary of State of the State of Texas, and JOSE A. “JOE” ESPARZA, in his official capacity as the Deputy Secretary of State of the State of Texas, Defendants.

ROBERT PITMAN UNITED STATES
DISTRICT JUDGE

ORDER

ROBERT PITMAN UNITED STATES
DISTRICT JUDGE

Before the Court is Plaintiffs Whitney Bilyeu, Mark Ash, Stephanie Berlin, Joe Burnes, Arthur Dibianca, Kevin Hale, Desarae Lindsey, Arthur Thomas IV, Arthur Thomas IV, Mark Tippetts, and Libertarian Party of Texas's ("LPT") (collectively "Plaintiffs") Motion for a Preliminary Injunction (the "Motion") filed January 14, 2022. (Dkt. 14). The parties conducted limited discovery and filed responsive briefing. (Dkts. 21, 27, 28, 30). The Court held a hearing on the Motion on February 24, 2022. (Prelim. Inj. Hr'g, Dkt. 32). Having considered the briefing, the arguments made at the hearing, the evidence, and the relevant law, the Court will deny the Motion.

I. BACKGROUND

This is a case concerning ballot access for third-party candidates. Plaintiffs, the LPT and several of its candidates and officers, challenge the filing fee or "petition in lieu of fee" requirements in [Texas Election Code § 181.0311](#), enacted as SB 2093 on May 29, 2021. (Mot. Prelim. Inj., Dkt. 14, *1 at 3). This section requires candidates of political parties that select their election slate through the convention process to pay a filing fee or submit a petition with the requisite number of signatures to stand for election at the party's convention. Plaintiffs claim the statute violates their First and Fourteenth Amendment rights to freedom of speech and association as well as equal protection and due process of law. (*Id.* at 2).

At the outset, it bears noting the hostility in the current landscape of the law toward third parties such as LPT. There is no question that laws of the sort at issue here have the effect of entrenching the two-party system in this state and across the country. States claim to benignly ask putative candidates to demonstrate a "modicum of support" in exchange for the privilege of appearing on the ballot. *Jenness v. Fortson*, 403 U.S. 431, 442 (1971). Yet the routes to demonstrating such support are severely constrained by laws like the one challenged here. Third parties thus continue to face significant barriers in their efforts to participate in the democratic process. That said, the Court is bound by the law of this Circuit and will, as it must, address the claims at hand under the law as it presently exists.

Under Texas law, a party can select its candidates for the general election in one of two ways: a convention or a primary. [Tex. Elec. Code §§ 172.001-02](#); 181.002-03. The method a party uses is determined based on its level of support in the most recent gubernatorial election. *Id.* at § 172.001. If a party received twenty percent or more of the total votes cast, the party nominates its candidates by primary; if the party received between two and twenty percent of the vote, it may choose between a primary and a convention; if the party received less than two percent of the vote, it must nominate by convention. (Resp., Dkt. 21, at 3; *see Tex. Elec. Code §§ 172.001-02*; 181.002-03). The Supreme Court has upheld this divided process, affirming that the State does not “invidiously discriminate[] against the smaller parties by insisting that their nominations be by convention, rather than by primary election.” *Am. Party of Texas v. White*, 415 U.S. 767, 781, 794 (1974) The LPT candidate *2 received less than two percent of the vote in the last gubernatorial election, and so the party must select its candidates for all offices by convention. (Resp., Dkt. 21, at 3). Under either the primary or convention process, candidates seeking nomination must submit an application to a party official and pay a filing fee or submit a petition in lieu of the fee to the state or locality, depending on the election. (*Id.*; *see Tex. Elec. Code §§ 172.021*; 172.024-25.; 181.03-33).

[Section 181.0311 of the Texas Election Code](#) governs candidates of convention parties. That section requires a candidate to either pay a filing fee or submit a petition in lieu of the fee to be considered at the party's nominating convention.¹ The deadline to pay the filing fee or submit a petition for the 2022 election cycle was December 13, 2021. (Mot. Prelim. Inj., Dkt. 14, at 2). The first LPT convention will be held on March 8, 2022. Some of the candidates who seek to be considered at the convention, including Plaintiff Joe Burns, have not paid the filing fee in protest against the law. (Prelim. Inj. Hr'g, Dkt. 32). Other

candidates, including the majority of the plaintiffs, have paid the filing fee but continue to oppose the law. (*Id.*). None of the candidates have opted to submit a petition in lieu of paying the fee, although that option remains open to all candidates. (*Id.*). Plaintiffs ask the Court to enjoin enforcement of [§ 181.0311](#) for the 2022 election cycle, in advance of their first convention. For the reasons given below, the Court will deny the Motion. *3

¹ The relevant statutory text reads:

II. STANDARD OF REVIEW

A preliminary injunction is an extraordinary remedy, and the decision to grant such relief is to be treated as the exception rather than the rule. *Valley v. Rapides Par. Sch. Bd.*, 118 F.3d 1047, 1050 (5th Cir. 1997). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The party seeking injunctive relief carries the burden of persuasion on all four requirements. *PCI Transp. Inc. v. W. R.R. Co.*, 418 F.3d 535, 545 (5th Cir. 2005). A movant cannot be granted a preliminary injunction unless it can establish that it will suffer irreparable harm without an injunction. *Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 239 F.3d 1343, 1350 (Fed. Cir. 2001). Moreover, in the Fifth Circuit, “preliminary injunctions will be denied based on a failure to prove separately each of the four elements of the four-prong test for obtaining the injunction.” *Gonannies, Inc. v. Goupair.Com, Inc.*, 464 F.Supp.2d 603, 608 (N.D. Tex. 2006).

III. DISCUSSION

Plaintiffs advance two arguments in support of their motion.² First, they claim Defendants infringe their right to freedom of speech and association under the First Amendment by placing

restrictions on who the LPT and its members may “consider” for election at its conventions. (Pls.’ Br., Dkt. 27, at 4). Second, they assert that the law violates their right to equal protection under the Fourteenth Amendment by treating their filing fees differently than it treats filing fees from primary party candidates. (*Id.* at 6). [Section 181.0311\(c\)-\(d\)](#) requires filing fees paid by LPT candidates to be placed in the State’s general fund, whereas filing fees paid by primary party candidates are used to *4 reimburse those parties for expenses incurred in conducting their primaries. (*Id.*). Because the Court’s analysis differs for each argument, the undersigned will address each in turn.

² Initially Plaintiffs made several other arguments. (*See* Mot. Prelim. Inj., Dkt. 14). However, their subsequent briefing makes clear that they continue to urge only the two discussed below. (Pls.’ Br., Dkt. 27, at 1-2; Reply, Dkt. 30, at 2). Therefore, the Court considers Plaintiffs’ other arguments, to the extent they were raised at all, to have been waived for the purpose of this Motion.

A. Restricting Who a Party May Consider for Nomination

Plaintiffs argue that the language of the statute, specifically the word “consider,” dictates the content of a party’s convention, and so infringes the party’s speech and associational rights. (Pls.’ Br., Dkt. 27, at 4). They assert the State has no compelling interest in regulating which candidates a party considers internally at its own convention. (*Id.* at 6). The statute intrudes too far into the LPT’s inner workings, they claim, and constrains their rights to associate as a party and to speak when they do not meet the statute’s requirements. (*Id.*). Therefore, they argue that the fee or petition requirement violates the First Amendment.

Courts evaluating the constitutionality of election laws employ the test announced by the Supreme Court in *Anderson v. Celebrezze*, [460 U.S. 780](#) (1983), as refined in *Burdick v. Takushi*, [504 U.S.](#)

[428](#) (1992).³ In *Anderson*, the Supreme Court instructed lower courts to evaluate elections laws by considering the “character and magnitude of the asserted injury” posed by the statutes to the plaintiff’s asserted rights, and then weighing that against the interest put forward by the state. [460 U.S. at 788](#). In *Burdick*, the Court clarified that, when state regulation imposes severe restrictions on the rights of voters, the regulation must be narrowly drawn to advance a compelling government interest. [504 U.S. at 434](#). However, where the restrictions are reasonable and nondiscriminatory, the State’s important regulatory interests usually suffice to justify the restrictions.

⁵ *Id.* *5

³ Plaintiffs repeatedly assert that their claims are properly analyzed under strict scrutiny rather than the more lenient *Anderson-Burdick* test. (*See Reply*, Dkt. 30, at 1). The Court see no reason to depart from the weight of authority nor its own prior order on this question and will apply the *Anderson-Burdick* test in addressing Plaintiffs’ First Amendment claims. *See Miller v. Doe*, [422 F.Supp.3d 1176, 1190](#) (W.D. Tex. 2019); *see also Bullock v. Carter*, [405 U.S. 134, 143](#) (1972) (burdens Texas places on a candidate’s ballot access are not subject to strict scrutiny).

The Court agrees with Defendants that the restrictions here likely represent reasonable and nondiscriminatory measures that are comparable to those the Fifth Circuit and the Supreme Court have previously upheld as reasonable under the *Anderson-Burdick* test. (Defs.’ Br., Dkt. 28, at 5-7). For example, in *Texas Independent Party v. Kirk*, the Fifth Circuit upheld an early deadline for nominating petitions and candidate declarations of intent for minor parties. [84 F.3d 178, 184](#) (5th Cir. 1996). The Court explained that, “[i]n the context of a nondiscriminatory [requirement] that applies to all parties and candidates, we see little burden” even when, as the plaintiffs claimed, the challenged deadline “requires them to decide to run for office sooner rather than later.” *Id.* Here, as

there, a filing fee or petition requirement applies to candidates of all parties-primary or convention. *Id.* Indeed, [Section 181.0311](#) may even be less discriminatory than the law at issue in *American Party of Texas v. White*, [415 U.S. 767](#) (1974), where the Supreme Court affirmed a Texas ballot access measure requiring minor parties and independent candidates demonstrate sufficient electoral support, including requiring petition signatures after the primary election. Likewise, the requirements are less onerous than restrictions courts have found unconstitutionally burdensome, such as the closed primary system invalidated in *Tashjian v. Republican Party of Connecticut*, [479 U.S. 208, 225](#) (1986). Unlike there, Texas's convention ballot access requirements do not limit candidates' or voters' ability to freely associate, but rather create steps for all candidates to fulfill as they go about associating as they choose. *Cf. Democratic Party of U.S. v. Wisconsin*, [450 U.S. 107, 120-24](#) (1981) (holding the State could not mandate a national party seat delegates in violation of the party's national rules).

The State's interests too are similar to those that Courts have repeatedly approved. Defendants point to the “important state interest in requiring some preliminary showing of a significant modicum of support’ for those on the ballot and ‘in avoiding confusion, deception, and even frustration of the democratic process at the general election” and relatedly, the interest in “streamlining the ballot, avoiding ballot overcrowding, and reducing voter confusion.” (Resp., Dkt. 21, at 5 (citing *Jenness*, [403 U.S. at 442](#))). Although Defendants could not “make a particularized showing of the existence of voter confusion, ballot overcrowding, or the presence of frivolous candidacies prior to the imposition of” ballot access restriction, courts “have never required” such a showing to find the restrictions reasonable. *Munro v. Socialist Workers Party*, [479 U.S. 189, 194-95](#), (1986).

Most fundamentally, the [§ 181.0311](#) requirements advance the State's interest in ensuring party's candidates demonstrate “a significant modicum of support.” *Jenness*, [403 U.S. at 442](#). Indeed, “the State has a legitimate goal of requiring a demonstration of sufficient public support to gain access to the ballot.” *Kirk*, [84 F.3d at 186](#); *Hughes v. Dikeman*, [631 S.W.3d 362, 379381](#) (Tex. App.-Houston [14th Dist.] 2020, pet. denied) (“[A] modicum of public support can be evidenced via supporters' signatures or . . . candidates can still evidence their bona fide candidacies by paying a filing fee”); *see also Timmons v. Twin Cities Area New Party*, [520 U.S. 351, 367](#) (1997) (“[The State's] interest does not permit a State to completely insulate the two-party system from minor parties' or independent candidates' competition and influence. [But] the States' interest permits them to enact reasonable election regulations that may, in practice, favor the traditional two-party system, . . . and that temper the destabilizing effects of party-splintering and excessive factionalism.”). In addition, the State has a legitimate interest in ensuring all candidates are treated equally, regardless of party. (Defs.' Br., Dkt. 28, at 7; *see Kirk*, [84 F.3d at 186](#)). [Section 181.0311](#) treats candidates of all parties equally by imposing the same filing fee or petition requirements on convention and primary party candidates and is therefore nondiscriminatory. *See Tex. Elec. Code §§ 172.024, .025, 181.0311*. Further, Defendants advance the state's interests in “protecting the integrity of the political process from frivolous or fraudulent candidacies,” (Defs.' Br., Dkt. 28, at 7 (citing *Bullock v. Carter*, [405 U.S. 134, 144](#) (1972))), and “preventing the expenditure of public funds on candidacies lacking popular *7 support,” (Defs.' Br., Dkt. 28, at 7 (citing *SAM Party of N.Y. v. Kosinski*, [987 F.3d 267, 277](#) (2d Cir. 2021) (quoting *Buckley v. Valeo*, [424 U.S. 1, 96](#) (1976)))). The Court finds that Defendants can likely establish the existence of important, if not compelling, state interests in this vein—all that is required to uphold this likely

reasonable and nondiscriminatory election law under the *Anderson-Burdick* test. See *Burdick*, 504 U.S. at 434 (quoting *Anderson*, 460 U.S., at 788).

Plaintiffs rightly note that the Supreme Court has “continually stressed that when States regulate parties’ internal processes they must act within limits imposed by the Constitution.” *Cal. Democratic Party v. Jones*, 530 U.S. 567, 573 (2000). Yet here, the Court is unconvinced that the requirements at issue constitute a significant intrusion into the party’s internal processes. Plaintiffs assert that the statute regulates who they can allow to speak, and whose ideas they are permitted to discuss, at their conventions. (Pls.’ Br., Dkt. 27, at 5 (“The Libertarians may not think about, much less debate, the merits of an individual candidate unless that person has paid the filing fee.”)). If this were the meaning of the law at issue, Plaintiffs would likely have a stronger case. But Defendants note, and the Court agrees, that § 181.0311 does not go so far. (Resp., Dkt. 21, at 11). It does not regulate how parties conduct their conventions, nor regulate anyone’s speech. Rather, it creates a series of steps an individual must take to be put up for election at the convention, just as elsewhere the election code imposes requirements for primary party candidates to be placed on their respective primary ballots. (See *id.*). It does not restrict a party from nominating anyone who meets these requirements. (*Id.*). The statute therefore only regulates the limited act of selecting names to place on the general election ballot and is unlikely to constitute and intrusion into internal party activities. A party remains free to host any speakers or discussions at its convention that it chooses so long as those “considered”—effectively, those placed on the primary ballot—follow the statutory requirements. The same is required of primary parties and their candidates. The word “consider” *8 does not transform the act of selecting a party’s candidates from an election activity to an internal party proceeding.

In weighing these arguments, the Court in no way intends to minimize the important democratic function of a party’s selection of its candidates representing, as it does, “the crucial juncture at which the appeal to common principles may be translated into concerted action, and hence to political power in the community.” *Jones*, 530 U.S. at 575-76 (quoting *Tashjian*, 479 U.S. at 216). However here, the Court finds it unlikely that the State’s reasonable and nondiscriminatory ballot access requirements constitute such a burden to these principles as to outweigh the State’s own important interests. As Defendants note, “Section 181.0311 does not place a limit on whom the party may associate with based on that person’s ideology or refusal to adhere to an ideology; rather, it sets the appropriate level for any political candidate to show a modicum of public support.” (Defs.’s Br., Dkt. 28, at 7). Having found that Plaintiffs are unlikely to succeed on the merits of this claim, the Court cannot grant a preliminary injunction on this ground.

B. Depositing Filing Fees in the General Revenue Fund

Next, Plaintiffs claim that by requiring filing fees to be deposited “in the state treasury to the credit of the general revenue fund,” *Tex. Elec. Code* §§ 181.0311(c)-(d), it treats the LPT and other third parties differently from primary parties. Unlike third parties, primary party candidates pay their filing fees directly to the party, which uses the fees to fund its primary elections. See *Tex. Elec. Code* §§ 173.033-.034; (Pls.’s Br., Dkt. 27, at 6). Because the LPT does “not receive any of those fees back from the State to defray the cost of its convention process” and must “fund its own conventions,” Plaintiffs claim “the filing fee as applied serves as a de facto ‘poll tax’ . . . rather than as a legitimate gatekeeping mechanism.” (*Id.*

at 6-7). *9

On this issue, the Court's analysis begins and ends with its finding that Plaintiffs have failed to demonstrate they will be irreparably harmed in the absence of an injunction.⁴ A showing of a “substantial threat of irreparable injury” requires the threatened harm be imminent and one that cannot be remedied through damages. First, the threat of injury must be substantial-meaning, “the threat must be actual and imminent, not conjectural or hypothetical.” *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009); see also *Google, Inc. v. Hood*, 822 F.3d 212, 228 (5th Cir. 2016) (injury must be imminent and non-speculative). Second, the injury must be irreparable-an injury “for which compensatory damages are unsuitable.” *Wildmon v. Berwick Universal Pictures*, 983 F.2d 21, 24 (5th Cir. 1992); see also *Dennis Melancon, Inc. v. City of New Orleans*, 703 F.3d 262, 279 (5th Cir. 2012) (“The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against a claim of irreparable harm.”) (cleaned up); *Janvey v. Alguire*, 647 F.3d 585, 600 (5th Cir. 2011) (“In general, a harm is irreparable where there is no adequate remedy at law, such as monetary damages.”); *G&G Closed Circuit Events, LLC v. 1) GCF enterprises LLC*, 2015 WL 7313427, at *5 (W.D. Tex. Nov. 19, 2015) (“An irreparable injury is defined as one which cannot be undone through monetary remedies.”).

⁴ Because the Court finds no likelihood of irreparable harm on this ground, it declines to reach the merits of Plaintiffs' second argument. See *Gonannies*, 464 F.Supp.2d at 608.

Here, were Plaintiffs to prevail on the merits, any harm found would be fully compensable in damages. Plaintiffs dress their claim as challenging a discriminatory “poll tax” arising from their political affiliation. However, at its core, this argument is simply a dispute over how funds are distributed for conventions as compared to primaries-a request for the state to reimburse

the LPT for its operating costs. (Pls.'s Br., Dkt. 27, at 7). This claim is entirely related to access to funds from the state, and as such is precisely the type of injury that can be calculated and redressed by money damages at a later time. See *Danden Petroleum, Inc. v. N. Nat. Gas Co.*, 615 F.Supp. 1093, 1099 (N.D.Tex. 1985) *10 (“Injuries which can be compensated by money damages at a later time are not irreparable and do not warrant the extraordinary remedy of an injunction.”); *DFW Metro Line Servs. v. Sw. Bell Tel. Co.*, 901 F.2d 1267, 1269 (5th Cir. 1990) (“There can be no irreparable injury where money damages would adequately compensate a plaintiff.”). Because Plaintiffs have failed to establish an imminent injury that cannot be compensated in money damages as to this issue, they have not carried their burden to demonstrate a likelihood of irreparable harm in the absence of a preliminary injunction. Plaintiffs' motion for a preliminary injunction must be denied on this basis as well. Therefore, Plaintiffs cannot establish entitlement to a preliminary injunction based on either of the arguments they advance.

IV. CONCLUSION

For these reasons, **IT IS ORDERED** that Plaintiffs' Motion for Preliminary Injunction, (Dkt. 11 14), is **DENIED**. *11

(a) In addition to any other requirements, to be considered for nomination by convention, a candidate must: (1) pay a filing fee to the secretary of state for a statewide or district office or the county judge for a county or precinct office; or (2) submit to the secretary of state for a statewide or district office or the county judge for a county or precinct office a petition in lieu of a filing fee that satisfies the requirements prescribed by Subsection (e) and Section 141.062.

(b) The amount of the filing fee is the amount prescribed by [Section 172.024](#) for a candidate for nomination for the same office in a general primary election.

(c) A filing fee received by the secretary of state shall be deposited in the state treasury to the credit of the general revenue fund.

(d) A filing fee received by the county judge shall be deposited in the county treasury to the credit of the county general fund.

(e) The minimum number of signatures that must appear on the petition authorized by Subsection (a) is the number prescribed by Section 172.025 to appear on a petition of a candidate for nomination for the same office in a general primary election.

(f) The secretary of state shall adopt rules as necessary to implement this section.

No. _____

IN THE SUPREME COURT OF TEXAS

IN RE	§
	§
KEITH SELF, ET. AL.,	§
	§
RELATORS.	§

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE § 273.061

APPENDIX TAB 6

The Libertarian Party of Texas Rules

August 2th, 2020

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Article I. Statement of Principles.

We, the members of the Libertarian Party, seek the maximum protection for the rights of all people against any violation, be it by other people, other nations, or our own government.

Every human being is born master of himself or herself, sole owner of his or her body and mind, free to live and act as he or she sees fit. It is our principle that, so long as a person does not violate the rights of others, he or she should be left free and unrestrained. Government tends to operate on the opposite principle, that the State is master and the individual the servant, to act only as directed by those in power.

We deny the right of any government to coerce peaceful citizens. Governments exist for the sole purpose of defending the freedoms of their citizens. These freedoms include the right to life; the right to liberty of thought, speech and action; and the right to property. When government violates these freedoms--by initiating force against them, by prohibiting the act and means of self-defense, by censoring thought, word and deed, or by taking property without the consent of the owner--the government must be brought to heel.

Government is, essentially, raw concentrated force, and thus prone to abuse. It is established and tolerated only as the agent and servant of the people- not their master. The force of government must be used only in response to an attack, fraud, or other initiation of force against an individual, group or government by another individual, group or government.

Governments have no business interfering in voluntary and contractual relations among individuals. Only to prevent or to rectify acts of fraud should government step in – never for purposes of redistributing wealth or providing special privilege to a few. Under no circumstances should government be allowed to prefer one set of people or handicap another, for whatever reason. All people should be equal under the law, free to deal with one another in a free market, the only system compatible with the principle of individual rights. The power of government must be kept to the minimum necessary to protect the rights of its citizens, and no more. Granting more power than that minimum allows the corrupt, the ambitious, and the tyrannical to run roughshod over the rights of the citizen. It is our mission to contest this trend, to stop its expansion and to reverse it, working towards the ideal society envisioned by the Founders and enshrined in the Constitution of the United States.

Article II. Name, Duration, Purposes and Membership.

II.a. Name.

The name of this organization shall be the “Libertarian Party of Texas”, hereinafter referred to as the “Party”.

II.b. Bylaws.

These Rules shall be considered the ByLaws of the Party.

II.c. Duration.

The duration of this organization shall be perpetual.

II.d. Purposes.

The purpose for which this Party is organized is to implement and give voice to the principles embodied in the Party’s Statement of Principles by:

- 1 Nominating and supporting candidates for the United States Congress and for state and local offices in Texas;
- 2 Entering into political information activities;
- 3 Establishing and supporting county Libertarian affiliates across the state; and
- 4 Affiliating with the national Libertarian Party.

II.e. Membership.

II.e.1. Voting Membership Eligibility.

A person is eligible to become a Voting Member of the Party if the person:

- i is a qualified Texas voter;
- ii generally supports the Party's Statement of Principles; and
- iii is not affiliated with any other political party.

II.e.2. Voting Membership.

- i At any time an eligible person may become a Voting Member by affiliating with the Party.
- ii On request of a person desiring to affiliate with the Party, a member of a County Executive committee for the county in which the person resides may administer the oath of party affiliation. In unaffiliated counties a member of the SLEC, a person specially designated by the SLEC, the State Chair, or person otherwise allowed by Texas law shall affiliate by administering the oath of party affiliation.
- iii After administering the oath, the person shall stamp the Party's name on the person's registration certificate or issue the person an affiliation certificate containing:
 - A) the name of the person to whom the certificate is issued;
 - B) the name of the Party ("Libertarian Party of Texas");
 - C) the name and official position of the issuer;
 - D) the function at which the affiliation occurred, if applicable; and
 - E) the date of affiliation.

II.e.3. Termination of Voting Membership.

A person's Voting Membership shall terminate if the person:

- i. ceases to be eligible for Voting Membership under subsection (II.e.1); or
- ii. fails to affiliate with the Party on the date of the next Precinct Conventions.

II.e.4. No dues for Voting Members.

No dues shall be required for a person to become a Voting Member.

II.e.5. Other Classes of Members.

The SLEC may create, eliminate or modify other classes of Membership. Such classes may or may not require Voting Membership, and may or may not require payment of such contributions or dues as the SLEC shall deem proper. Such classes shall not grant any preference or privilege regarding the strength of votes or the manner of voting, or in election or appointment to office.

II.e.6. Membership in General.

All Voting Members, and all Members of other classes created by the SLEC, shall be considered Members of the Party.

II.e.7. Nondiscrimination.

No eligible person shall be denied or restricted his or her rights of Membership and participation.

Article III. Party Organization.

III.a. State Executive Committee.

The state Executive Committee hereinafter shall be referred to as “SLEC” which stands for “State Libertarian Executive Committee”.

III.a.1. Composition.

The SLEC of the Party shall be composed of:

- i A Chair;
- ii A Vice Chair;
- iii A Secretary;
- iv A Treasurer;
- v Representatives from State Senatorial Districts;
- vi Member(s) of the National Committee representing Texas *ex officio* with voice but no vote.

III.a.2. Terms of Office.

The term of office of all members of the SLEC shall be from the final adjournment of the State Convention at which they are elected until the final adjournment of the next state Convention.

III.a.3. Qualifications of State Executive Committee Members.

- i All Party officers and all members of the SLEC must be Voting Members of the Party.
- ii All Party officers and all members of the SLEC must be residents of the region or political subdivision they represent, and the moving of his or her residence by a Party official out of such region or political subdivision shall mean an automatic vacancy of his or her office.
- iii No person shall hold more than one membership on the SLEC at the same time.
- iv No person shall be elected to the State Executive Committee without having submitted an application to the Party Secretary showing interest in filling the position.
- v No person shall be elected to the State Executive Committee without first signing the most recent Party Platform, noting any disagreements with planks, and then submitting it to the state Party Secretary.

III.a.4. Method of Selection.

- i The Chair, Vice Chair, Secretary, and Treasurer shall be elected by majority vote of all the delegates at each State Convention.

- ii The delegates present at each State Convention from each State Senatorial District shall meet and elect in district caucuses up to two representatives from that State Senatorial District.

III.a.5. Duties.

- i The Chair shall be the principal and presiding officer of the SLEC and the Party.
- ii The Vice Chair shall perform the duties of Chair whenever the Chair is unable to do so, and shall assist the Chair.
- iii The Secretary shall keep such minutes and records as are necessary; shall conduct mail balloting; shall give all notices required by these rules; shall maintain and certify the official copies of the Rules and Platform; shall maintain a roster of names, addresses and telephone numbers of members of the SLEC, of County Chairs and of candidates for the Party's nomination for public office; shall cause the minutes or transcripts of meetings of the SLEC to be furnished to the members of the SLEC as specified in these rules; and perform such other duties as the Chair directs.
- iv The Treasurer shall maintain Party bank accounts and other financial assets, shall ensure that the SLEC is aware of the financial condition of the Party, shall issue financial statements to the SLEC at least quarterly, shall ensure that Party funds are disbursed only according to these rules and state or federal law.
- v The District Representatives shall actively work to further the growth of the Party. This includes, but is not limited to, communicating current organizational status within their districts to the Party, communicating Party information to their districts, assisting with candidate recruitment efforts, developing county affiliates, oversight of Party administration, and assisting to ensure proper function of official Party events.
- vi All members of the SLEC shall further have all other authority and duties implied by their title and expressed or implied by these Rules, or assigned by the Chair or the SLEC, and shall perform all other duties required of his or her office by applicable federal or state law, or by action of the SLEC or by these rules.

III.a.6. Vacancies and Removal from Office.

III.a.6.i. Vacancies.

Should a vacancy exist in the office of Chair, Vice Chair, Secretary, or Treasurer, the SLEC may fill the vacancy for the remainder of the term.

Should a vacancy exist in a District Representative seat the seat may be filled. The following procedure shall be used when filling a vacancy.

- A. "Eligible" counties for the purposes of filling a SLEC vacancy are those affiliated counties that are wholly or partially within the senate district.
- B. Eligible counties may nominate one Voting Member from their own counties for each available position in that district and send nominations to the state chair.
- C. The State Chair shall notify all eligible counties and the SLEC of the nominations.
- D. Following the initial nomination notification from the State Chair, all eligible counties have 30 days to submit additional nominations.
- E. Each eligible county may cast a ballot indicating a for or against vote for each of the nominated candidates starting 30 days after the initial nomination notification

from the State Chair and continuing to 45 days after the initial nomination notification from the State Chair.

- F. The procedure for determining each county's vote results shall be in accordance with that county's bylaws that are on file with the Party.
- G. Each cast ballot shall be submitted to the State Secretary.
- H. Any position is considered filled when a nominee has received votes in favor from a majority of all eligible counties. The nominee receiving the highest number of votes shall fill the first position available, and any additional positions shall be filled according to the next highest number of votes received.

III.a.6.ii. Removal from Office for Absences.

- A If an officer or district representative is absent from two successive meetings of the SLEC, at the call to order of the second meeting that position shall be declared to be vacant.
- B An absence shall be counted against any meeting for the purpose of business of the SLEC that requires a quorum and for which two (2) weeks notice was given.
- C Whenever the SLEC removes a member of the Committee, the Secretary shall officially notify that member of his or her removal.

III.a.6.iii. Removal from Office for Cause.

- A A member of the SLEC may be removed for causes other than repeated absences from meetings by a three-fourths vote of the other members of the Committee.
- B Procedures set forth in the Party's parliamentary authority for disciplinary action shall be adhered to in order to protect the rights of both the accused and of the organization, including:
 - 1 the appointment of an investigating committee;
 - 2 the adoption of a resolution preferring specific charges;
 - 3 setting a special executive committee meeting for a trial; and
 - 4 the holding of a trial of the accused.

III.b. County Affiliates.

III.b.1. County Governing Authority.

- i There shall be in each county a County Executive Committee composed of a County Chair and such other Party officials of that county as the bylaws of that county may designate. Any Party officials to serve on a County Executive Committee (except for the County Chair) must be appointed or elected according to a set of bylaws, to be drafted and ratified by the Voting Members of that county.
- ii County bylaws shall designate a procedure for filling vacancies on the County Executive Committee.
- iii County Chairs are required to provide a copy of the county bylaws to the state Party Secretary upon any adoption or alteration of said county bylaws. In the absence of county bylaws being on file, the SLEC has the authority to recognize a qualified individual as County Chair in the event of a dispute.

- iv All County Executive Committee members must be Voting Members of the Party.

III.b.2. Appointment of Temporary Chairs.

The State Chair or his designates may appoint a Temporary County Chair for any county which is not yet organized. The State Executive Committee may establish a reasonable vetting policy governing the appointment of Temporary County Chairs. Such Temporary Chairs shall serve only until their County Party elects its own Chair at the next County Convention. The SLEC may remove such Temporary Chairs from office for any reasons they deem proper.

III.b.3. Precinct Chairs.

In counties without local rules specifying a procedure for selecting Precinct Chairs, the County Executive Committee shall select the Precinct Chairs. Within three (3) days of the election or appointment of a Precinct Chair, the name, address, phone number and email address of said Chair shall be sent to the State Chair.

III.b.4. Automatic Removal.

Any County Chair who, for whatever reason, fails to hold a County Convention in an even-numbered year in accordance with these Rules or who fails to report in a timely manner the results of such a Convention to the State Chair or such officer designated to process such reports, shall no longer be County Chair. Any vacancy thus created may be filled by appointment by the State Chair.

III.c. District and Precinct Executive Committees.

III.c.1. District Executive Committees.

Whenever these Rules or the actions of the SLEC require action by a District Executive Committee, the membership of any such District Executive Committee shall consist of the County Chairs for counties wholly or partially contained within the district.

III.c.2. Commissioner's Precincts and Justice Precincts Executive Committees.

The Precinct Chairs within a Commissioner's Precinct, Justice Precinct or other such local entity within a county shall constitute the District Executive Committee and such Precinct Chairs shall elect one of their number to serve as Chair of the Committee.

III.d. General Rules for the State Executive Committee.

III.d.1. Governing Authority.

- i These rules shall govern the conduct of all meetings and proceedings of the SLEC of the Party.
- ii The rules contained in the current edition of Robert's Rules of Order Newly Revised are hereby adopted by reference to govern all meetings and proceedings of the SLEC of the Party in all cases to which they are applicable and in which they are not inconsistent with state law, these Rules, or any special rules of order the SLEC may adopt.
- iii SLEC shall maintain bylaws that govern its own action. Bylaws of SLEC may be amended by a 2/3rds vote of SLEC or by a majority vote of the state convention. Where

Bylaws of SLEC conflict with these Rules, state law, or federal law the Bylaws of SLEC shall yield.

- iv The SLEC may make additional policies for its conduct so long as said additional policies do not conflict with these rules.

III.d.2. Powers of the State Executive Committee.

- i In compliance with these Rules and the directives of Conventions, the SLEC of the Party shall carry on the activities of the Party at its level between Conventions, and shall have the control and management of all Party affairs, properties, and funds at its level.
- ii The Chair of the SLEC, subject to the approval of that Committee, or the SLEC itself, may appoint, elect or employ any such officers and assistants as may be deemed necessary to assist the Committee in its function and in making arrangements for Conventions at that level.
- iii The SLEC shall decide whether to hold a Primary Election, and make appropriate notification thereof.
- iv The SLEC may move the convention from a physical location to an online location, for good cause in an emergency situation which threatens the possibility of an in-person state convention, by a two-thirds vote of the entire body.
- v The State Executive Committee may reject a county's bylaws in their entirety for cause. The county must be notified of the time and place of a vote to reject county bylaws at least 20 days before a vote can be taken. A designated representative from the county will be given speaking privileges during any debate on the issue.

Article IV. Party Conventions.

IV.a. Precinct Conventions.

- 1 A Precinct Convention will be held in even-numbered years in accordance with these Rules.
- 2 To be eligible to participate in a precinct convention, a person must be a registered voter of the precinct. The person must also be a Voting Member of the Party.
- 3 Each Precinct Convention shall automatically elect all participants thereof to be delegates to the County convention and shall elect no alternates. A person otherwise qualified need not be present at the Precinct Convention to be elected a delegate to the County Convention.
- 4 Attendees for the convention may be preregistered for the convention by electronic or paper registration.
- 5 The Precinct Convention Chair may electronically scan and electronically submit convention documents to the County Chair and state Party Chair.

IV.b. County Conventions.

- 1 A County Convention will be held in even numbered years in accordance with the Texas Election Code.
- 2 Within 20 days following the deadline for making applications for the nomination of the Party in a general election, the Secretary shall notify each county chair of any candidates who have filed with the State Chair that are required to be nominated at a County Convention.

- 3 All candidates for the Party's nomination for public office and for Party leadership shall be given an opportunity and encouraged to declare, prior to the voting on the office he or she is seeking, what if any disagreements he or she may have with the state and national platforms.
- 4 The County Convention shall be composed of all delegates thereto who were duly elected by their Precinct Conventions that year.
- 5 The County Convention shall elect delegates to the State Convention and to any appropriate District Conventions.
 - i County Conventions may elect a number of alternates to the State Convention not to exceed the total number of delegates allocated to that county.
 - ii All delegates and alternates elected by a county convention must be qualified voters of that county.
 - iii A person otherwise qualified need not be present at the County Convention to be elected a delegate or alternate to the State or District Conventions.
 - iv Alternate delegates to the State Convention shall be assigned a number corresponding to the precedence of seating in the case that a delegate is not currently seated. The number assigned shall be a whole number between 1 and the total number of alternate delegates. If the county has not done so by whichever method it chooses, then the assignment of precedence number shall be chosen by random lottery by the chair of the state Party.
- 6 Unless specifically addressed by the County bylaws, all delegates may vote for nomination of candidates for districts that are entirely contained within the county and for which an application for nomination was filed with the State Chair or with the County Chair as required by the Election Code.

IV.c. District Conventions.

- 1 A District Convention will be held in even-numbered years for each district which is made up of more than one county or parts of more than one county and for which district at least one person has filed with the State Chair an application as a candidate for nomination for public office.
- 2 All candidates for the Party's nomination for public office and for Party leadership shall be given an opportunity and are encouraged to declare, prior to the voting on the office he or she is seeking, what if any disagreements he or she may have with the state and national platforms.
- 3 The District Convention shall be composed of all delegates thereto who were duly elected by their County Conventions of that year.
- 4 Between 10 days and 20 days following the deadline for making applications for the nomination of the Party in a general election, the Secretary shall send each County Chair a correspondence informing the chair that they are to constitute a District Executive Committee (as specified in these rules) for each district for which one or more candidates have filed application for nomination. The correspondence shall contain the following:
 - i A list of the districts which are contained in whole or in part in the county for which one or more applications for nomination have been received;
 - ii The names, addresses, and phone numbers of the Chairs of the other counties in each such district;
 - iii A list of candidates who have filed for the Party's nomination for each district.

- 5 The District Executive Committee shall determine the time and location of the District Convention for that district. Care shall be given to minimize scheduling conflicts between overlapping districts.
- 6 Each District Executive Committee member shall report their vote on the district convention location to the state chair at least 15 days before the district convention. Any votes not submitted 15 days prior shall be considered an abstention. If no District Executive Committee member submits a vote 15 days prior, the state chair may select a location and time within the district. If there is a deadlock on the District Executive Committee and no proposal can gain a plurality 15 days in advance, the state chair shall pick from among the proposals that were tied for the most votes.

IV.d. State Conventions.

IV.d.1. Composition and When Held.

- i A State Convention will be held in even numbered years in accordance with these Rules.
- ii The State Convention shall be composed of all delegates thereto who were duly elected by their County Conventions of that year.

IV.d.2. Apportionment of Delegates.

- i The SLEC may limit the number of delegates that each county may elect to the State Convention to a fraction of the total number of votes cast in that county for all Libertarian nominees for statewide offices in the most recent general election for state and county officers. Such a fraction, if established, shall be uniform for all counties.
- ii The number of delegates for each county calculated under subsection (1) shall be rounded up to the nearest whole number and shall not be fewer than three.
- iii An additional delegate shall be allocated for each ten percentage points received, up to fifty percent points, in the highest performing county race as measured by percentage in the most recent general election. A county race for purposes of this section shall be defined as a race for public office nominated at county convention.

IV.d.3. Seating of Delegates and Alternates.

- i Delegates shall be seated together by County at the State Convention.
- ii Alternates shall be seated in order of precedence to fill any vacancies up to the maximum allotment for the County they represent.
- iii Nonvoting alternates shall remain in a designated alternate seating area until such time as they are called to fill a vacancy.

IV.d.4. Committees of the Convention.

IV.d.4.i. Committees Described.

- A A Platform Committee, which shall consider and report to the Convention on recommendations for amendments to the permanent Statement of Principles and Platform of the Party;
- B A Rules Committee, which shall consider and report to the Convention on recommendations for amendments to the permanent Rules of the Party;

- C A Credentials Committee, which shall consider and report to the Convention on recommendations for resolution of any challenges to the credentials of delegates to the convention;
- D Any other committees which the SLEC may deem it proper to establish.

IV.d.4.ii. Membership of Committees.

- A The members of all committees at State Conventions shall be appointed by the SLEC no later than four months prior to the Convention.
- B Those persons chosen to be members of committees must be notified of their selection within thirty days after the SLEC meeting at which they are selected.

IV.d.5. Order of Business.

At all State Conventions the order of business shall be as follows:

- i Call to order by the State Chair;
- ii SLEC report on the temporary roll;
- iii State Chair introduces temporary officers of the Convention and turns over gavel to Temporary Chair if he or she has appointed someone other than himself or herself to act as Temporary Chair;
- iv Opening ceremonies, if any;
- v Report of the Credentials Committee and action on its report to establish the permanent roll;
- vi Nomination and election of permanent officers of the Convention;
- vii Permanent Chair takes the chair;
- viii Report of the Rules Committee and action on its report;
- ix Nomination of candidates for public office;
- x Nomination and election of state Party officers;
- xi Permanent Chair announces clearly to the delegates the place of each regional caucus, then declares a brief recess for such caucuses;
- xii Regional caucuses meet and elect District Representatives;
- xiii Permanent Chair calls Convention back to order;
- xiv Regional caucuses report on election of District Representatives;
- xv Nomination and election (if any) of delegates and alternates to the national convention;
- xvi Report of the Platform Committee and action on its report;
- xvii Nomination and election (if any) of Presidential Elector candidates;
- xviii Other business;
- xix Acceptance speeches (if any) by certain nominees for public office;
- xx Adjournment.

IV.d.6. Functionaries of the State Convention.

- i The State Chair may designate such temporary officers and assistants as he or she deems necessary to plan, arrange, and conduct the necessary work of the Convention until it elects its own permanent officers. Such temporary officers and assistants shall have those duties which are assigned to them.
- ii The permanent officers of the Convention shall be a Chair, Secretary, and any additional officers who may be elected.
- iii The Parliamentarian shall be chosen before the Convention by the SLEC.

- iv The permanent officers shall be elected separately and not as a slate.

IV.d.7. Voting in District Caucuses.

District caucuses at State Conventions may elect their District Representatives in whatever manner they choose as long as all delegates present from that region are given an equal voice in the election.

IV.d.8. Election of Presidential Electors.

- i The State Convention in a Presidential election year shall elect a number of Presidential Elector candidates equal to the total number of United States Senators and Representatives to which the state is at that time entitled under law.
- ii Any Voting Member of the Party who does not hold any office of profit or trust under the United States shall be eligible to be a Presidential Elector candidate.
- iii If for any reason the State Convention cannot or does not select Presidential Elector candidates, Presidential Elector candidates shall be chosen by the SLEC.
- iv Each Presidential Elector candidate shall file with the State Chair a written affidavit attesting to his or her intention to support the Party's Presidential and Vice Presidential nominees. Should any Presidential Elector candidate fail to file such affidavit within a reasonable time, he or she shall be subject to removal and replacement by the SLEC.

IV.d.9. Election of Delegates to National Conventions.

IV.d.9.i. Number of Delegates.

The total number of delegates to the national convention shall be that number assigned by the National Executive Committee in their call to the Convention.

IV.d.9.ii. National Alternates for Delegates.

At the national convention alternates shall serve in the same order of precedence as their vote ranking in the absence of delegates, except as may be provided otherwise by the rules of the national Party.

IV.d.9.iii. Selection by State Executive Committee.

- A If national party rules should require election of delegates to a national convention at a time when it would not be possible for a state convention to do so, such delegates shall be chosen by an open meeting of the SLEC.
- B If reasonably possible, at least 60 days prior public notice of this meeting shall be given including publication in a state Party newsletter or other form of written notice.
- C Any Voting Member may appear before the SLEC at this meeting for a reasonable time to present arguments for the election of himself or herself or any other Voting Member to be a delegate.

IV.d.9.iv. Finality of Delegate Selection.

Neither the delegation nor the delegation chair shall have the power to add or remove delegates or alternates.

IV.d.10. Opportunities for Expressing Disagreements with Platform.

All candidates for the Party's nomination for public office and for Party leadership shall be given an opportunity and encouraged to declare, prior to the voting on the office he or she is seeking, what if any disagreements he or she may have with the state and national platforms.

IV.e. General Rules Governing Party Conventions.

IV.e.1. Governing Authority.

- i These Rules shall govern all proceedings and the conduct of all meetings of all Conventions and caucuses and committees at Conventions at all levels.
- ii The rules contained in the current edition of Robert's Rules of Order Newly Revised are hereby adopted by reference to govern all proceedings and the conduct of all meetings of all Conventions and Caucuses and committees at Convention of the Party at all levels in all cases to which they are applicable and in which they are not in conflict with state law, these Rules, or any special rules of order which may be adopted.
- iii Any Convention may make any additional rules for its conduct and proceedings which do not conflict with state law or these Rules.
- iv It shall be the duty of the presiding officer at the opening of each Convention to provide a summary explanation of the special rules which will govern that convention and the ways in which the action of that Convention may influence important Party actions and decisions at subsequent levels of the Convention process.

IV.e.2. Location of Conventions.

- i All Party Conventions shall be held at places which shall be of easy public access to all participants who have expressed their intention to participate to the appropriate County, District or SLEC at least 75 days before the scheduled date of the convention.
- ii All Party Conventions shall be held in a place that is large enough to accommodate the greater of:
 - A The number of participants who participated in the same convention two years prior; or
 - B The number who have expressed their intention to participate to the appropriate County, District or SLEC at least 75 days before the scheduled date of the convention.

IV.e.3. Eligibility to Vote at Conventions.

- i All delegates at any convention shall be eligible to vote on all matters before the floor of that Convention, except for district caucuses at County Conventions and regional caucuses at State Conventions.
- ii In order to vote on any given matter, a delegate must be present on the floor at the time the vote is taken.
- iii Each delegate present shall have one vote.
- iv A person must be a Voting Member of the Party in order to participate in procedures at a Convention or serve as a delegate.

IV.e.4. Quorum.

The quorum at any Convention shall be a majority of the delegates or qualified participants registered as attending.

Delegates and alternates may permanently leave the State Convention by submitting signed notification to the Credentials Committee at which point they will be removed from the permanent roll.

IV.e.5. Voting Procedures.

- i Unless otherwise provided elsewhere in these Rules, the method of voting at all Conventions, and caucuses and committees at Conventions of the Party may be:
 - A Voice vote;
 - B Show of hands;
 - C Standing division of the house;
 - D Written secret ballot; or
 - E Roll call vote.
- ii Unless otherwise specified in these Rules, the method used shall be left to the discretion of the presiding officer, provided, however, that:
 - A A division vote must be taken on the request of any qualified participant. Said participant need not have the floor to call for a division vote.
 - B A roll call vote must be taken when requested by one-fifth of the participants.
- iii All votes taken shall be counted by the presiding officer and secretary or their designees.
- iv Elections must be held by secret ballot when there is a contested race for any Party office or offices (including delegate and alternate) or for the Party nomination for any public office (including Presidential Elector candidates).
- v If a roll call vote is taken, polling shall be by alphabetical call of all delegates registered as attending.
- vi Proxy voting or voting by proxies is prohibited in all conventions and caucuses and committees at Conventions of the Party.
- vii The use of the unit rule or the practice of instructing delegates shall not be permitted at any level of the Convention process.

IV.e.6. Limits on Discussion.

- i No delegate shall speak for more than five minutes on any one motion at any Convention; provided, however, that the delegates making the majority and minority reports of any committees may speak on such reports for not exceeding ten minutes each and then may answer legitimate questions relating to such reports from any delegate.
- ii The discussion on any motion shall not exceed a total of twenty minutes time.

IV.e.7. Petition to Place Item on Agenda.

A petition signed by ten percent of the delegates attending any Convention shall be sufficient to automatically place any legitimate item of business on the agenda of that Convention for its consideration.

IV.e.8. Committees and Committee Reports.

IV.e.8.i. Committee Procedures in General.

- A The Chair of each committee at a Convention shall be the presiding officer of that committee.
- B The vote of a majority of those committee members present shall be necessary to recommend to the floor the passage of any proposal.
- C A committee member must be present in order to vote.
- D A majority of the voting membership of each committee excluding vacancies shall constitute a quorum for that committee.

IV.e.8.ii. Right of Delegates to Appear before Committees.

- A Any delegate to a Convention shall have the right to appear before any committee of that Convention and make recommendations for the committee's consideration.
- B A committee may make reasonable rules governing the time and manner of such presentations, which may include a requirement for submission of the proposal in writing to the Chair of the committee.
 - 1 Such submission in writing may not be required to be more than three days prior to the first official convening of the committee.
 - 2 No requirement may be adopted after it is too late to meet the requirement.

IV.e.8.iii. Convening of committees.

All committees, except the Platform Committee, shall first convene officially no later than the first day immediately preceding the Convention to which they shall report, but such committees may meet informally at any time at their discretion.

IV.e.8.iv. Committee Reports.

- A The chair of each committee, and the chair's designees, shall report the committee's recommendations to the floor of the Convention. Recommendations on the report may be made individually or as a whole. The convention chair or committee chair shall preside over any discussion and any votes on recommendations.
- B Any committee may also issue a minority report or reports which shall have priority of consideration as proposed amendments to the majority recommendations of the committee.
- C After minority reports have been dealt with, any delegate may move to amend the recommendation, providing that the substance of such proposal shall have been considered by the committee or shall have been presented to the committee for its consideration.
- D Each proposed amendment to a recommendation shall be debated and voted upon separately.

IV.e.8.v. Procedures for Platform Committee Reports.

- A The Platform Committee must vote on each specific proposed plank or amendment separately.
- B In the case of the Platform Committee, the committee Chair shall report the committee's recommendations to the floor on a plank by plank basis, and each shall be debated and voted upon separately in the following order:
 - 1 Those recommendations receiving a unanimous favorable vote in committee.
 - 2 Those recommendations receiving a unanimous favorable vote, less abstentions, in committee.
 - 3 Those recommendations receiving a favorable vote in committee, regarding which there is not a minority report.
 - 4 Those recommendations receiving a favorable vote in committee, regarding which there is a minority report.
- C Each Platform Committee recommendation shall be considered in the following manner:
 - 1 The Platform Committee Chair, or some other person, shall have up to two minutes to give the committee's thinking in making the recommendation;
 - 2 The Chair of the Convention shall then open the floor to discussion of the recommendations for up to fifteen minutes;
 - 3 During this time amendments may be proposed from the floor, one at a time, and the proposed amendments shall be voted on before voting on the recommendation, as amended.
 - 4 In the case of a Platform Committee recommendation for which there is a minority report, after the majority position has been presented the minority report shall have priority of consideration as a proposed amendment to the majority report and a spokesperson for the minority shall have up to two minutes to present his or her position before the fifteen minute discussion period begins.

IV.e.9. Statement of Principles and Platform Amendments.

- i The Statement of Principles adopted by the Party at the first State Convention in July, 1972, as amended in accordance with the Rules, shall remain the permanent Statement of Principles of the Party. Aside from the Statement of Principles, the Party shall have no permanent Platform; all planks in the Platform adopted at a previous convention shall expire or sunset upon the end of the third convention from adoption (6 years) unless the plank is deleted, renewed, or altered by a subsequent convention body. The Platform Committee shall have the authority to recommend changes to or deletions of any plank before its scheduled sunset date.
- ii Proposed amendments to the Statement of Principles and Platform must be voted upon separately on a plank by plank basis.
- iii Each proposed plank or amendment must receive the votes of two-thirds of the voting delegates for inclusion in the Platform.

- iv An existing plank may be deleted before its scheduled sunset date by a majority of the delegates.
- v Proposed resolutions must receive the votes of two-thirds of the voting delegates for adoption by the Convention.

IV.e.10. Nominations for Public and Party Office.

IV.e.10.i. Filing Procedures.

- A No person may be the nominee of the Party for any public office who has not filed an application with the Party to be nominated for that office, in accordance with these Rules.
- B If a candidate who has made an application to be nominated withdraws, dies, or is declared ineligible, the filing deadline for applications for nomination for that office is reopened and extended until 11:59 PM of the day before the date of the Convention at which the nominee for that office is chosen.

IV.e.10.ii. Nominating Procedures.

- A All nominations for Party office or for the Party nomination for public office shall be made from the floor and no nominations by committee shall be permitted.
- B All nominations for Party office or for the Party nomination for public office shall be made separately and not as a slate.
- C The motion to close nominations shall require a two-thirds vote, and such motion shall not be in order until a reasonable time has passed.
- D Nominations of candidates for public office at the State level may be made only at the State Convention held in the year of the election for which the nominations are made.

IV.e.10.iii. Exclusions from Eligibility for Nomination to Public and Party Office.

- A No Convention or Executive Committee of the Party may nominate or endorse any candidate for public office who shall appear on a partisan election ballot either as an independent or as the nominee of another party.
- B No person may be the nominee of the Party for any public or Party office who:
 - 1 is ineligible to serve in that office; or
 - 2 has not expressed a willingness to accept the nomination of the Party.

IV.e.10.iv. Balloting for Candidates for Public and Party Office.

IV.e.10.iv.A. Single Seat Balloting Procedures.

- 1 The method for voting by ballot shall be Approval Voting.
- 2 Each ballot shall contain the full list of all nominees. Each delegate shall have the option to vote “for” or “against” each nominee.
- 3 Total votes “for” and “against” a nominee shall be recorded along with the number of ballots cast.
- 4 No nominee is eligible without receiving the majority of “for” votes of ballots cast for that election.

- 5 The eligible nominee receiving the plurality of “for” votes is the winner. If multiple eligible nominees have an equal number of “for” votes, the nominee with the fewest “against” votes is the winner. If multiple eligible nominees have an equal number of “for” votes and “against” votes then the body may choose how to decide the election between the tied nominees.
- 6 Order of nominations. In voting on the nomination of candidates for Public Office, the offices shall be considered in the reverse of the order in which they appear on the general election ballot.
- 7 The delegates of the convention may decide by 2/3 vote to use whatever balloting method they prefer to elect candidates for Public or Party Offices as long as the ability to vote “against” each nominee is included.

IV.e.10.iv.B. Multiple Seat Balloting Procedures.

1. Each ballot shall contain the full list of all nominees. Each delegate shall have the option to vote for or against each nominee.
2. All votes for and against a nominee shall be recorded along with the number of ballots cast.
3. No nominee receiving more against votes than for votes is eligible to win an election or entitled for nomination in subsequent elections for that office during that business session.
4. All nominees that obtain more for votes than against votes are eligible nominees. Eligible nominees will be ranked in order of highest for count to lowest for count. In the case of a tie for votes, the higher preference shall be the eligible nominee with less against votes. If a tie occurs when eligible nominees have the same for and against votes, then the body may choose how to decide the election between the tied nominees.
5. Nominees will be seated in ranked order until all seats are filled or until there are no longer eligible nominees.
6. If all positions are not filled, the body may, by majority vote, open nominations to fill more positions.
7. The delegates of the convention may decide by 2/3 vote to use whatever balloting method they prefer to elect candidates as long as the ability to vote against each nominee is included.

IV.e.10.v. Declining to Nominate Candidate for Public Office.

A Convention may decline to nominate any candidate for public office, even if there are persons seeking the Party’s nomination for that office.

IV.e.10.vi. Procedures for Election to Party Office.

IV.e.10.vi.A. Majority Required.

The vote of a majority of the qualified participants voting at the relevant Convention or caucus shall be necessary and sufficient for election to Party office, except for the position of alternate to a national convention, which shall be as provided elsewhere in these rules.

IV.e.10.vi.B. Multiple Ballot Procedure.

- 1 Except as provided elsewhere in these Rules, in cases where no candidate receives a majority on the first ballot, the candidate receiving the lowest number of votes on that ballot shall be stricken from all subsequent ballots and this process shall be repeated for as many ballots as necessary for some candidate to secure election.
- 2 After each ballot from which no candidate receives a majority, the Chair shall announce the total vote received by each candidate, including those to be stricken from subsequent ballots.

IV.e.10.vi.C. None of the Above.

- 1 Votes cast for None of the Above in voting for a Party office shall be considered valid and properly recorded.
- 2 Should a majority of the votes be cast for "None of the Above" in an election for a Party office, then that office shall be declared vacant and shall be filled as provided elsewhere in these Rules, but none of the persons who sought that office in that election shall be eligible to hold that office for that term.

IV.e.11. News Media Right to Attend.

Representatives of the news media shall have the right to attend all Conventions for the purpose of reporting the proceedings.

Article V. Adoption, Status, Amendment and Publication of Rules.

V.a. Effective Date of Original Rules.

These Rules shall be finally effective upon the final adjournment of the State Convention at which they are adopted.

V.b. Permanent Amendments.

These Rules may be permanently amended, altered or repealed only by a two-thirds vote of a State Convention.

The SLEC, by $\frac{2}{3}$ vote, may renumber, modify spacing, and formatting of these rules as long as it does not change wording, grammar, or intent in any way. Notification of these changes must be sent to all county affiliates within a week of a successful vote.

V.c. Temporary Amendments.

- 1 Between State Conventions these rules may be temporarily amended for good cause by a vote of four-fifths of the entire membership of the SLEC, provided:
 - i each member of the SLEC shall receive written notice including the full text of any proposed amendment at least two weeks prior to any meeting held to consider temporary amendments to the Rules; or

- ii if the vote on the proposal is by mail ballot then the ballot shall contain the full text of any proposed amendment.
- 2 All such temporary amendments shall remain in effect only until the final adjournment of the next State Convention after their adoption, and they must be presented to that Convention for approval in the form of proposed amendments to the Rules.
- 3 If any temporary amendment is rejected by a State Convention following its temporary adoption neither that amendment nor any other having substantially the same effect may be considered again until the next State Convention thereafter.

V.d. Amendments to Statement of Principles of the Party.

Whenever the Party by two-thirds vote at the State Convention amends the permanent Statement of Principles of the Party, such vote shall also constitute automatic amendment to the Preamble to these Rules to comply with the amended Statement of Principles.

V.e. Effective Date of Permanent Amendments.

Permanent amendments to these Rules shall become effective upon the final adjournment of the State Convention at which they are adopted except that rules pertaining to the handling or selection of candidates and nominees for public office do not take effect until the end of the current election cycle.

A State Convention, by majority vote, may make any permanent amendments effective immediately upon adoption.

V.f. Permanence and Superiority of Rules.

V.f.1. Superiority.

- i These Rules, as permanently amended by State Conventions, shall constitute the permanent and continuing Rules of the Libertarian Party of Texas, wholly superseding, amending, nullifying and rescinding all previous rules, Constitutions, and resolutions.
- ii The Bylaws of SLEC shall be permanent and continuing.
- iii The SLEC may establish a permanent and continuing set of policies that govern Party organization and procedures. These policies shall be created, maintained, or dissolved by the SLEC. No policies may supersede these Rules. Any policies found to contradict or conflict with these Rules are void.
- iv On subjects not covered by these Rules, the State Chair may specify a temporary rule to take effect at the adjournment of the next meeting of the SLEC if the rule is approved by that body by a four-fifths (4/5) vote. This temporary rule, once approved, is treated as a temporary amendment as described herein.

V.f.2. Permanence.

These Rules shall continue in force until rescinded or permanently changed by action of a State Convention or as temporarily amended by the SLEC as provided herein.

V.g. Publication of Rules and Amendments.

- 1 County Chairs shall be notified of amendments to these rules (whether permanent or temporary) within thirty days following the adoption of such amendments.
- 2 The SLEC shall have copies of these Rules made and shall furnish such copies to any person on request, provided, however, that persons to whom copies of the Rules are furnished may be required to pay the expenses incurred in making and mailing their copies.
- 3 The State Chair shall ensure that updated rules are sent to the Texas Secretary of State for review within thirty (30) days following the adoption of any temporary or permanent amendments.

Certification.

It is hereby certified that this is a true and correct copy of the rules of the Libertarian Party of Texas currently in effect as adopted in State Convention in Houston, Texas November 16, 1974 and as amended below:

in State Convention in Dallas, Texas, June 12 1976;
in Fort Worth, Texas, June 10, 1978;
in San Antonio, Texas, June 14, 1980;
in Houston, Texas, June 12, 1982;
in Arlington, Texas, June 9, 1984;
in San Antonio, Texas, June 14, 1986;
in Austin, Texas, June 12, 1988;
in San Antonio, Texas, June 9, 1990;
in Arlington Texas, June 13, 1992;
in San Antonio, Texas, June 11, 1994;
in Lubbock, Texas, June 8, 1996;
in Nacogdoches, June 13, 1998;
in Corpus Christi, June 10, 2000;
in Dallas, June 8, 2002;
in College Station, June 12, 2004
(Royce Mitchell (chair));
in Houston, June 11, 2006
(Rock Howard);
in Fort Worth, June 14, 2008
(Rock Howard, Arthur DiBianca);
in Austin, June 12, 2010
(Rock Howard (chair));
in Fort Worth, June 9, 2012
(Geoffrey Neale (chair), Jon Roland, Kathie Glass, Kevin Tunstall, Michael Lee);
amended by the SLEC, July 11, 2012;
in Temple, April 12, 2014
(Arthur Thomas (chair), Ed Kless, James Gholston, Jim Ryan, Michael Lee);
in San Antonio, April 9, 2016
(Alan Smith, Arthur Thomas (chair), James Holland, Melina Baker);
in Houston, April 14-15, 2018

(Arthur Thomas, John Wilford (chair), Melina Baker);

Amended by the SLEC, April 4, 2020;

in Big Spring, August 2nd, 2020

(Arthur Thomas (chair), John Wilford, Anastasia Wilford, Eugene Flynn, Alan Smith, George Reynolds, Andrew Amelang).

Revision History:

Modified on	Event	Updated by
5/29/2019	2018 Convention Changes Incorporated	Arthur M Thomas IV
3/12/2019	Incorrect numbering updated (duplicate numbers)	Arthur M Thomas IV
8/5/2019	Missing changes incorporated (IV.4.i.2 - minor)	Arthur M Thomas IV
4/4/2020	Added Temp Rule - Emergency Online State Convention	Arthur M Thomas IV
4/14/2020	Added amended info (no rules change)	Arthur M Thomas IV
8/9/2020	2020 convention changes incorporated	Arthur M Thomas IV

No. _____

IN THE SUPREME COURT OF TEXAS

IN RE §

§

KEITH SELF, ET. AL., §

§

RELATORS. §

DIRECT ORIGINAL MANDAMUS PROCEEDING UNDER TEX. ELEC.
CODE § 273.061

APPENDIX TAB 7

From: [Jared G. LeBlanc](#)
To: ataylor@andytaylorlaw.com
Subject: FW: [External] Fwd: FW: Please see attached demand letter. Thanks. Andy Taylor
Date: Sunday, August 7, 2022 9:00:15 PM
Importance: High

Dear Mr. Taylor,

I represent the Libertarian Party of Texas and Whitney Bilyeu in her capacity as Chair regarding the matters you raised in your letter of August 4, 2022. Please direct all communications to me.

We have reviewed your demands, the law, and the facts. Ms. Bilyeu will not be declaring any of the Libertarian candidates ineligible. We fundamentally disagree with your interpretation of the Texas Election Code.

Please note that Grizzle Trojacek did timely file an application for nomination by convention in the 148th. I have attached a file-stamped copy of the application, with minor redactions to protect sensitive personal information. We do have the original of the document as well as higher resolution scans. In any event, it appears that the Secretary's email stating that Mr. Trojacek hadn't submitted an application is incorrect. (Mr. Trojacek had originally planned on running in the 139th as he did in 2020, but he was redistricted like so much of the state, and prior to filing he corrected the district to the 148th.)

I have been authorized by the Libertarian Party of Texas and Ms. Bilyeu to accept service on their behalf.

Best regards,

Jared

Jared G. LeBlanc

Attorney

Gordon Arata Montgomery Barnett

2229 San Felipe, Suite 1100 | Houston, TX 77019

Main: 713.333.5500 Direct/Mobile: 713.333.5561

jleblanc@gamb.com | www.gamb.com | [attorney bio](#)

----- Forwarded message -----

From: <ataylor@andytaylorlaw.com>

Date: Fri, Aug 5, 2022 at 9:21 AM

Subject: FW: Please see attached demand letter. Thanks. Andy Taylor

To: <chair@lptexas.org>

Cc: <ataylor@andytaylorlaw.com>

Ms. Bilyeu, I sent this out yesterday to you but I don't know if you received it or not. So I am sending it out a second time to a different email address. Would you please let me know that you received this? And would you please let me know what you intend to do? Thanks. AT

Please note our new address:

ANDY TAYLOR

Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288 Cell:
Brenham, TX 77833 (713)
Office: (713) 222-1817 412-
Fax: (713) 222-1855 4025

From: ataylor@andytaylorlaw.com <ataylor@andytaylorlaw.com>

Sent: Thursday, August 4, 2022 3:30 PM

To: whitney@whitneybilyeu.com

Cc: ataylor@andytaylorlaw.com

Subject: Please see attached demand letter. Thanks. Andy Taylor

Please note our new address:

ANDY TAYLOR

Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288 Cell:
Brenham, TX 77833 (713)
Office: (713) 222-1817 412-
Fax: (713) 222-1855 4025

--

[Message sent to chair@lptexas.org]

From: ataylor@andytaylorlaw.com
To: "Jared G. LeBlanc"
Cc: ataylor@andytaylorlaw.com
Subject: RE: [External] Fwd: FW: Please see attached demand letter. Thanks. Andy Taylor
Date: Sunday, August 7, 2022 9:35:14 PM

Jared, thanks for your response. I don't see any attachment to your email. Can you check on that?
Thanks. AT

Please note our new address:

ANDY TAYLOR
Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288 Cell:
Brenham, TX 77833 (713)
Office: (713) 222-1817 412-
Fax: (713) 222-1855 4025

From: Jared G. LeBlanc <jleblanc@gamb.com>
Sent: Sunday, August 7, 2022 9:00 PM
To: ataylor@andytaylorlaw.com
Subject: FW: [External] Fwd: FW: Please see attached demand letter. Thanks. Andy Taylor
Importance: High

Dear Mr. Taylor,

I represent the Libertarian Party of Texas and Whitney Bilyeu in her capacity as Chair regarding the matters you raised in your letter of August 4, 2022. Please direct all communications to me.

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I have been authorized by the Libertarian Party of Texas and Ms. Bilyeu to accept service on their behalf.

Best regards,

Jared

Jared G. LeBlanc

Attorney

Gordon Arata Montgomery Barnett

2229 San Felipe, Suite 1100 | Houston, TX 77019

Main: 713.333.5500 Direct/Mobile: 713.333.5561

jleblanc@gamb.com | www.gamb.com | [attorney bio](#)

----- Forwarded message -----

From: <ataylor@andytaylorlaw.com>

Date: Fri, Aug 5, 2022 at 9:21 AM

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To: <chair@lptexas.org>

Cc: <ataylor@andytaylorlaw.com>

Ms. Bilyeu, I sent this out yesterday to you but I don't know if you received it or not. So I am sending it out a second time to a different email address. Would you please let me know that you received this? And would you please let me know what you intend to do? Thanks. AT

Please note our new address:

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Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288 Cell:
Brenham, TX 77833 (713)
Office: (713) 222-1817 412-
Fax: (713) 222-1855 4025

From: ataylor@andytaylorlaw.com <ataylor@andytaylorlaw.com>

Sent: Thursday, August 4, 2022 3:30 PM

To: whitney@whitneybilyeu.com

Cc: ataylor@andytaylorlaw.com

Subject: Please see attached demand letter. Thanks. Andy Taylor

Please note our new address:

ANDY TAYLOR

Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288 Cell:
Brenham, TX 77833 (713)
Office: (713) 222-1817 412-
Fax: (713) 222-1855 4025

--

[Message sent to chair@lptexas.org]

From: [Jared G. LeBlanc](#)
To: ataylor@andytaylorlaw.com
Subject: Re: [External] Fwd: FW: Please see attached demand letter. Thanks. Andy Taylor
Date: Monday, August 8, 2022 7:11:59 AM
Attachments: [148th application file-stamped red and reduced.pdf](#)

Sorry about that. Should be on here.

On Aug 7, 2022, at 9:35 PM, ataylor@andytaylorlaw.com wrote:

EXTERNAL EMAIL

Jared, thanks for your response. I don't see any attachment to your email. Can you check on that? Thanks. AT

Please note our new address:

Cell: (713) 412-4025

ANDY TAYLOR

Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288

Brenham, TX 77833 <jleblanc@gamb.com>

Office: (713) 222-1817 **Sent:** Sunday, August 7, 2022 9:00 PM

Fax: (713) 222-1855 **To:** ataylor@andytaylorlaw.com

Subject: FW: [External] Fwd: FW: Please see attached demand letter. Thanks. Andy Taylor

Importance: High

From: Jared G.
LeBlanc

Dear Mr. Taylor,

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Best regards,

Jared

Jared G. LeBlanc

Attorney

Gordon Arata Montgomery Barnett

2229 San Felipe, Suite 1100 | Houston, TX 77019

Main: 713.333.5500 Direct/Mobile: 713.333.5561

jleblanc@gamb.com | www.gamb.com | [attorney bio](#)

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To: <chair@lptexas.org>

Cc: <ataylor@andytaylorlaw.com>

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Please note our new address:

Cell: (713) 412-4025

ANDY TAYLOR

Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288 ataylor@andytaylorlaw.com <ataylor@andytaylorlaw.com>

Brenham, TX 77833

Office: (713) 222-1817

Fax: (713) 222-1855

Sent: Thursday, August 4, 2022 3:30 PM

To: whitney@whitneybilyeu.com

Cc: ataylor@andytaylorlaw.com

Subject: Please see attached demand letter. Thanks. Andy Taylor

Please note our new address:

ANDY TAYLOR

Andy Taylor & Associates,
P.C.

2628 Highway 36S, #288
Brenham, TX 77833 chair@lptexas.org
Office: (713) 222-1817
Fax: (713) 222-1855

Cell: (713) 412-
4025

--

[Message sent to

Prescribed by Secretary of State

Sections 141.031, 141.039, 141.041, 172.021, 172.024, 181.031, 181.032, Texas Election Code
09/2021

ELECTIONS DIVISION

APPLICATION FOR NOMINATION BY CONVENTION FOR MINOR PARTIES SECRETARY OF STATE

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL: Failure to provide required information may result in rejection of application.

APPLICATION FOR NOMINATION BY CONVENTION OF THE Libertarian PARTY

(Name of Party)

TO: State/County Chair

I request that my name be considered at the above-named party's convention as a candidate for nomination to the office indicated below.

OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)

State Representative District # 139-148

INDICATE TERM

☒ FULL

☐ UNEXPIRED

FULL NAME (First, Middle, Last)

Richard Shohn Trojacek

PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*

Grizzle Trojacek

PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)

PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)

13280 NW FWY, STE F 194, Houston TX 77040

CITY

STATE

ZIP

CITY

Houston

STATE

Texas

ZIP

77040

PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)
staterep139-admin@grizzletexas.org

OCCUPATION (Do not leave blank)

Consultant

DATE OF BIRTH

VOTER REGISTRATION VOID NUMBER² (Optional)

TELEPHONE CONTACT INFORMATION (Optional)

Home:

Office:

Cell:

FELONY CONVICTION STATUS (You MUST check one)

☒ I have not been finally convicted of a felony.

☐ I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application.³

LENGTH OF CONTINUOUS RESIDENCE AS OF DATE APPLICATION SWORN

IN THE STATE OF TEXAS

44 year(s)

6 month(s)

IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED

7 year(s)

6 month(s)

*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.

Before me, the undersigned authority, on this day personally appeared (name of candidate) RICHARD SHOHN TROJACEK, who being by me here and now duly sworn, upon oath says:

"I, (name of candidate) RICHARD SHOHN TROJACEK, of HARRIS County, Texas,

being a candidate for the office of STATE REPRESENTATIVE swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."

X

SIGNATURE OF CANDIDATE

Sworn to and subscribed before me this the 12th day of December 2021, by Richard Shohn Trojacek

(day)

(month)

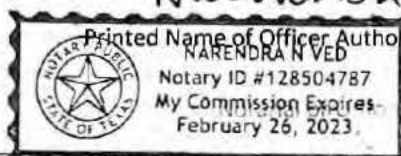
(year)

(name of candidate)

Signature of Officer Authorized to Administer Oath⁴

Texas Notary Public

Title of Officer Authorized to Administer Oath



TO BE COMPLETED BY CHAIR OR DESIGNEE: ☐ Voter Registration Status Verified

☐ The filing fee of \$_____ or a nominating petition was received by the Secretary of State or County Judge as applicable.

(See Section 1.007)

Date Received

Date Accepted

Signature of Chair or Designee

Print

Reset

SECRETARY OF STATE
ELECTIONS DIVISION

'21 DEC 13 AM 11:52

RICHARD S TROJACEK

1830

35-2/1130 TX
17580

12-12-21
Date

Pay To The
Order Of

Secretary of State of Texas \$ 750.00

seven hundred fifty dollars and 00/100 — Dollars



BANK OF AMERICA

ACH R/T 111000025

For

Filing Fee

[Signature]

Harland Clarke

21 DEC 13 11:51

/ENTION FOR MINOR PARTIES

to provide required information may result in rejection of application.

THE Libertarian PARTY

(Name of Party)

a candidate for nomination to the office indicated below.

(.)

INDICATE TERM

☒ FULL☐ UNEXPIREDIT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*
izzle Trojacek

Richard Shonn Trojacek

PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route.
If you do not have a residence address, describe location of residence.)BLIC MAILING ADDRESS (Optional) (Address for which you receive
campaign related correspondence, if available.)

13280 NW FWY, STE F 194, Houston TX 77040

CITY

STATE

ZIP

CITY
HoustonSTATE
TexasZIP
77040PUBLIC EMAIL ADDRESS (Optional) (Address for
which you receive campaign related emails, if available.)
staterep139-admin@grizzletexas.org

OCCUPATION (Do not leave blank)

Consultant

DATE OF BIRTH

VOTER REGISTRATION VUID
NUMBER² (Optional)

TELEPHONE CONTACT INFORMATION (Optional)

Home:

Office:

Cell:

FELONY CONVICTION STATUS (You MUST check one)

- ☒ I have not been finally convicted of a felony.
- ☐ I have been finally convicted of a felony, but I have been
pardoned or otherwise released from the resulting
disabilities of that felony conviction and I have provided proof
of this fact with the submission of this application.³

LENGTH OF CONTINUOUS RESIDENCE AS OF DATE APPLICATION SWORN

IN THE STATE OF TEXAS

44 year(s)

6 month(s)

IN TERRITORY/DISTRICT/PRECINCT FROM
WHICH THE OFFICE SOUGHT IS ELECTED

7 year(s)

6 month(s)

*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.

Before me, the undersigned authority, on this day personally appeared (name of candidate) RICHARD SHONN TROJACEK, who being by me here and now duly sworn, upon oath says:

"I, (name of candidate) RICHARD SHONN TROJACEK of HARRIS County, Texas,

being a candidate for the office of STATE REPRESENTATIVE swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."

X

SIGNATURE OF CANDIDATE

Sworn to and subscribed before me this the 12th day of December 2021, by Richard Shonn Trojacek
(day) (month) (year) (name of candidate)

Signature of Officer Authorized to Administer Oath⁴

Texas Notary Public

Title of Officer Authorized to Administer Oath

TO BE COMPLETED BY CHAIR OR DESIGNEE: ☐ Voter Registration Status Verified

☐ The filing fee of \$_____ or a nominating petition was received by the Secretary of State or County Judge as applicable.

(See Section 1.007)

Date Received

Date Accepted

Signature of Chair or Designee

Print

Reset