

immediately filed a notice of appeal. Dkt. 6-15. But in an attempt to delay the State's relief in the proper appellate state court, Defendants removed the case to federal court without a good-faith basis to do so. Dkt. 1. That same day, the State filed an Emergency Motion to Remand, noting that Defendants' removal was a bad-faith delay tactic. Dkt. 2

Since the filing of the State's Emergency Motion, new evidence has emerged that shows how Defendants' actions are currently harming the State. Given this newly-discovered information's, the State now respectfully requests and re-urges the Court to remand this case to the jurisdictionally appropriate state court.

ARGUMENT

As discussed more in depth in the State's Emergency Motion, *id.*, Defendants removed this case to delay and interfere with the state court's ability to provide relief to the State. Specifically, the State in this case seeks to prevent collusion between Defendants and Civic Government Solutions (CGS), a partisan data firm that has contracted with Bexar County to compile a list of potentially unregistered voters and subsequently send out voter registration applications *en masse* to these potential voters.

The harm that the State sought to prevent in the state courts is not just imminent—it is occurring in real time. Counsel for the State was made aware of a mailer that was sent to Louise O'Connor, an individual that Travis County¹ had somehow identified as a Travis County resident who may not be registered to vote. Ex. A-1-A-4. Travis County does not explain how it obtained this information, but given its contract with CGS, it is more likely than not that Ms. O'Connor's name and address were supplied by CGS. Along with the notice, Travis County sent a voter registration form for Ms. O'Connor to sign. Ex. A-5-A-6. Nothing in this mailing indicated that Ms. O'Connor may or may not be eligible to vote—in fact, the mailing operated on the assumption that Ms. O'Connor is eligible to vote.

¹ Travis County has a similar contract with CGS that is aimed at potentially unregistered voters in Travis County.

And in fact, Ms. O'Connor is not eligible to vote. Ms. O'Connor was the maternal grandmother of former state representative Terry Keel. Ex. A at ¶2. She is ineligible to vote because she died in 1980—overt forty years ago. *Id.* The mailer was received by Rep. Keel's parents, who are 97 and 93 years old, respectively. *Id.*

Bexar County's contract with CGS makes it clear that it has the same intent as Travis County. Dkt. 6-1. Such an action is *ultra vires* in direct violation of state law, *see State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020), and is the exact action that the State sought to prevent when it filed its lawsuit. *See generally* Dkt. 6-1. As a result of this action, the State will be irreparably damaged—once these notices are sent out *en masse*, they cannot be unsent. These sorts of careless mailings have the potential to open elections to fraud and other untoward conduct, thus drastically harming the State's election security.

CONCLUSION

For these additional reasons, the State requests the Court immediately remand this action.

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Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on September 20, 2024, and that all counsel of record were served by CM/ECF.

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