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FOURTH COURT OF APPEALS
SAN ANTONIO, TEXAS
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No._____

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SAN ANTONIO, TEXAS
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MICHAEL A. CRUZ
Clerk

IN THE FOURTH COURT OF APPEALS

AT SAN ANTONIO, TEXAS

IN RE MICHELE CAREY GARCIA

MOTION FOR EMERGENCY TEMPORARY RELIEF
filed in Conjunction with Petition for Writ of Mandamus

Respectfully submitted,

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ATTORNEYS FOR RELATOR
MICHELE CAREY GARCIA

TO THE HONORABLE FOURTH COURT OF APPEALS:

COMES NOW, Michele Carey Garcia, Relator in the accompanying ***Petition for Writ of Mandamus***, and files this her ***Motion for Temporary Relief filed in Conjunction with Petition for Writ of Mandamus,*** seeking as temporary relief from this Court, to enjoin the written or oral submission of an injunction order issued by the Honorable John D. Gabriel which enjoins the Respondents from certifying and printing Relator's name for inclusion on the Democratic Party Primary Election Ballot. Relator also seeks as temporary relief from this Court to enjoin Alcantara from rejecting the Relator's application to place her name on the Democratic Party Primary Election Ballot, and Callanen from failing to include Relator's name from the printing of the Democratic Party Primary Election Ballot while Relator's ***Petition for Writ of Mandamus*** is pending and in support would show:

1. Relator Michele Carey Garcia filed an application to be placed on the Democratic Party General Primary Election Ballot for the office of Justice of the Peace Precinct 4 in opposition to Real Party in Interest Rogelio Lopez, Jr.

2. On December 16, 2021, Real Party in interest Rogelio Lopez Jr., filed an Emergency Petition for Writ of Mandamus along with an Emergency Request for Relief in this Court alleging that Relator Michele Carey Garcia failed to properly fill out her application as it was missing the words "Place 1" in the title for the

office sought. Specifically, Lopez argues that Relator should have put Justice of the Peace Precinct 4, Place 1 as opposed to Justice of the Peace Precinct 4. See *In re Lopez*, 2021 Tex. App. LEXIS 10092 also attached hereto and incorporated by reference as Exhibits "A" and "B" respectively. Relator has also included her response and the exhibit showing that the Commissioner's Court abolished Place 2 in Precinct 4 attached hereto and incorporated herein as Exhibit "C". (It should be noted that Relator, in her initial response, also included the entire Bexar County budget as additional evidence that the Commissioner's Court dissolved Place 2 in Precinct 4, which we ask the court to take judicial notice as it is over 800 pages in length and is not included herein. This Court has access to this exhibit in the prior mandamus proceeding referenced above.)

3. On December 17, 2021, this Court issued an opinion denying Lopez's Mandamus as he had not shown himself to be entitled to the relief sought. *Id.* See *In re Lopez*, 2021 Tex. App. LEXIS 10092 and Opinion attached hereto and incorporated by reference as Exhibit "D".

4. Thereafter, on December 27, 2021, Rogelio Lopez Jr., filed a Declaratory Judgment action against the same parties that were included in the prior mandamus action alleging the exact same issues against Relator as was briefed in the prior mandamus action in Cause No. 2021-CI-26103; *Rogelio Lopez, Jr. v. Monica Alcantara, Michele Carey Garcia and Albert Whitby*, in the 225th Judicial

District, Bexar County, Texas. See Original Petition attached hereto and incorporated by reference a Exhibit "E". Again, in both lawsuits the same parties and issues against Relator were identical.

5. On January 4, 2022, the trial court issued an order setting the case for temporary orders hearing which was reset and heard on January 5, 2022. The next day on January 6, 2022, the trial court held an additional hearing to render an order. Unbeknownst to the parties the trial court did not issue a temporary injunction but actually rendered a final order on the merits enjoining the Respondent, Alcantara from certifying the Relator's application which effectively removes her name from the ballot.

6. Although the trial court has yet to issue an official order in writing, it is necessary to file this temporary stay as the mail ballots are going to be printed any day, specifically on or about January 13, 2022, and pursuant to Texas Election Code § 86.004(b) mail ballots will start being sent to voters requesting them 45 days before the election, which is January 15, 2022.

7. Relator filed concurrently with this emergency petition, a petition for writ of mandamus seeking an order requiring Alcantara and Callanen to place Relator's name on the 2022 Democrat primary ballot for the only office of Justice of the Peace located in Precinct 4.

8. It is necessary for emergency consideration due to the short deadlines for

having Relator's name placed on the ballot. As stated above, pursuant to Texas Election Code § 86.004(b), mail ballots will start being sent to voters requesting them 45 days before the election, which is January 15, 2022. The election authority will need some lead time before this date to print the ballots, which will be January 13, 2022. Accordingly, Garcia requests an emergency stay as well as emergency consideration of her mandamus petition so that there is time to place her name on the ballot in the event she prevails in this proceeding. Without such emergency consideration this proceeding will become moot and this Court will lose its jurisdiction without an opportunity for Garcia to obtain a ruling on the merits.

9. Therefore, if this Court does not grant temporary relief and stay the injunction issued by the trial court or stay the removal of the Relator's name from the ballot, such action will cause irreparable harm and subject Relator to embarrassment, humiliation, and will result in an improper election which is a waste of time and taxpayer money. Therefore, there is no adequate remedy but to file a mandamus and have the issue heard before the names are removed from the ballot for the Democratic Party Primary.

Prayer

10. Based on the foregoing, Relator requests that this Court issue an Order enjoining the trial court from issuing an injunction preventing the Relator's name

from being placed on the Democratic Party Primary Election Ballot. Additionally, Relator requests the court enjoin Alcantara from rejecting the Relator's application to place her name on the Democratic Party Primary Election Ballot, and Callanen from failing to include Relator's name from the printing of the Democratic Party Primary Election Ballot while Relator's ***Petition for Writ of Mandamus*** is pending. Relator also prays for all other relief to which they may be entitled either at law or in equity.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this document was served upon the below named according to the Texas Rules of Appellate Procedure on January 10, 2022 in the following manner:

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No._____

IN THE FOURTH COURT OF APPEALS

AT SAN ANTONIO, TEXAS

IN RE MICHELE CAREY GARCIA

MOTION FOR EMERGENCY TEMPORARY RELIEF
filed in Conjunction with Petition for Writ of Mandamus

APPENDIX

TO THE HONORABLE JUDGE OF SAID COURT:

The following exhibits are incorporated by reference into the Motion for Emergency Temporary Relief:

Exhibit A: Rogelio Lopez, Jr.'s Emergency Petition for Writ of Mandamus in Cause No. 04-21-00558-CV, In Re Rogelio Lopez, Jr. dated December 16, 2021.

Exhibit B: Rogelio Lopez, Jr.'s Emergency Motion for Temporary Relief and/or for Stay Pending Ruling on Emergency Petition for Writ of Mandamus and/or Petition for Writ of Mandamus in Cause No. 04-21-00558-CV, In Re Rogelio Lopez, Jr. dated December 16, 2021.

Exhibit C: Michele Garcia's Response to Petition for Writ of Mandamus and Emergency Motion for Extraordinary Relief filed by Rogelio Lopez, Jr. in Cause No. 04-21-00558-CV, In Re Rogelio Lopez, Jr. dated December 17, 2021.

Exhibit D: Order in Cause No. 04-21-00558-CV; In re Rogelio Lopez, Jr., Relator, Original Proceeding, dated December 17, 2021

Exhibit E: Plaintiff's Original Petition and Application for Temporary Restraining Order and/or Temporary and/or Permanent Injunction in Cause No. 2021CI26103; Rogelio Lopez, Jr. v. Monica Alcantara, Michele Carey Garcia and Albert Whitby; in the 225th Judicial District Court, Bexar County, Texas filed December 27, 2021.

EXHIBIT “A”

ACCEPTED
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FOURTH COURT OF APPEALS
SAN ANTONIO, TEXAS
12/16/2021 1:02 PM

04-21-00558-CV

NO. _____

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Clerk

* * *

IN THE COURT OF APPEALS

FOURTH SUPREME JUDICIAL DISTRICT

SAN ANTONIO, TEXAS

* * *

IN RE ROGELIO LOPEZ, JR.,
BEXAR COUNTY JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1,
RELATOR

* * * *

EMERGENCY PETITION FOR WRIT OF MANDAMUS

* * * *

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ATTORNEYS FOR RELATOR

December 16, 2021

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NO. 04-21-00558-CV

* * *

IN THE COURT OF APPEALS

FOURTH SUPREME JUDICIAL DISTRICT

SAN ANTONIO, TEXAS

* * *

IN RE ROGELIO LOPEZ, JR.
BEXAR COUNTY JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1

Relator

* * * *

EMERGENCY PETITION FOR WRIT OF MANDAMUS

TO THE HONORABLE COURT OF APPEALS:

Relator ROGELIO LOPEZ, JR., BEXAR COUNTY JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1 ("Relator"), petitions this court for leave to file and for this emergency writ of mandamus against Respondent/Real Party in Interest, Monica Alcantara, Bexar County Democratic Party Chairwoman ("Alcantara").

1.

PARTIES, JURISDICTION, AND RECORD

1. Relator is Rogelio Lopez, Jr., Bexar County Justice of the Peace, Precinct 4, Place 1. Relator is represented by Adam Poncio, PONCIO LAW OFFICES, P.C., 5410 Fredericksburg Road #109, San Antonio, Texas 78229-3550.

2. Respondent and Real Party in Interest is Monica Alcantara, Bexar County Democratic Party Chair, Bexar County Democratic Party Headquarters, 1844 Fredericksburg Rd, San Antonio, Texas 78201. The two candidates for office at issue are Albert Whitby and candidate Michele Carey Garcia. Counsel will supplement with addresses and contact information.

3. This court has mandamus jurisdiction over this proceeding under TEX. ELEC. CODE § 273.061, which authorizes this court to issue a writ of mandamus "to compel the performance of any duty imposed by law in connection with the holding of an election… regardless of whether the person responsible for performing the duty is a public officer."

4. This court has mandamus jurisdiction over this proceeding under TEX. ELEC. CODE § 273.061, which authorizes this court to issue a writ of mandamus "to compel the performance of any duty imposed by law in connection with the holding of an election… regardless of whether the person responsible for performing the duty is a public officer. " Moreover and/or alternatively, mandamus issues to correct a clear abuse of discretion, or the violation of a duty imposed by law, where there is no adequate remedy by appeal. *In re Daisy Mfg. Co.,* 17 S.W.3d 654, 658 (Tex. 2000)

(orig. proceeding) (per curiam).

5. Despite being informed of defects in the applications for office, Chairwoman Alcantara has disregarded her obligation to reject the applications for office filed by candidates for Justice of the Peace Albert Whitby and candidate Michele Carey Garcia. The respective "Application for a Place on the General Primary Ballot" filed by each candidate is defective pursuant to the Texas Election Code, and accordingly must be rejected. Each respective application fails to meet the requirements prescribed in the Texas Election Code.

6. Mr. Whitby's application was accompanied by 39 pages of petitions, all of which list the candidate office as "Justice of the Peace, Precinct 4." All the petitions failed to include the place number as "Place 1." This is a defect in each of these petition pages, which renders each of them invalid.

7. Ms. Garcia's application listed the office as "Justice of the Peace, Precinct 4" and failed to include the place number as "Place 1." This is also a defect which also renders the application invalid.

8. The Texas Election Code provides "If an application does not comply with the applicable requirements, the authority **shall** reject the application. " TEX. ELEC. CODE § 141.032 (emphasis added). While Chairwoman Alcantara has been informed of the defect in the applications, she has failed and refused to reject the applications as required by law.

9. The record in this original proceeding consists of an Appendix containing verified copies of the pertinent documents.

10. Moreover, by separate motion, Relator is requesting an emergency stay in the underlying matter. It is requested that the certificationto the secretary of state for the ballot in the race at issue, any drawing for placement on the ballots for respective candidates scheduled for and held on December 15, 2021, be nullified and/or that the applications be deemed or ordered rejected and that a new drawing be held for placement on the ballot. Furthermore and/or alternatively, it is requested that placing the respective candidates on the ballot be stayed until this matter can be resolved. The requested emergency stay is necessary to maintain the status quo of the parties and to preserve the Court's jurisdiction to consider the merits of the underlying orders and/or the mandamus request filed. *In re Reed*, 901 S.W.2d 604, 609 (Tex. App. -- San Antonio 1995, orig proceeding). As set out above, an emergency order is necessary in order to prevent the improper conduct of the Real Party In Interest, to order that she comply with her duties to reject the applications and to maintain this Court's jurisdiction while a determination is made regarding any abuse of discretion or failure of Alcantara to perform her statutory obligations and/or for this court to determine the merits.

II.

STATEMENT OF REQUESTED RELIEF AND COMPELLING CIRCUMSTANCES

1. PRELIMINARY STATEMENT AND ISSUES

11. This is a petition for writ of mandamus requesting that Chairwoman Alcantara be compelled to fulfill her duties and obligation to reject the applications for office filed by candidate Albert Whitby and/or candidate Michele Carey Garcia, as required by the Texas Election Code. The respective "Application for A Place on the General Primary Ballot" filed by each candidate is defective pursuant to the Texas Election Code, and accordingly must and **shall** be rejected, as required by the Election Code. Each respective application fails to meet the requirements prescribed in the Texas Election Code.

2. ARGUMENT, RELEVANT FACTS AND AUTHORITIES

The Albert Whitby Application For A Place on the General Primary Ballot

12. The Application for candidate Whitby is defective pursuant to the Texas Election Code, and accordingly must be rejected. The Application fails to meet the requirements prescribed in the Texas Election Code. Mr. Whitby's application was accompanied by 39 pages of petitions, all of which list the candidate office as "Justice of the Peace, Precinct 4." (Appendix Exhibit 1). All the petitions failed to include the place number as "Place 1." This is a defect in each of these petition pages, which renders each of them invalid. As the Democratic Party Chair and the designated filing authority, Alcantara must reject the application but has failed to do so, even though she was informed of the defects (See Notification Letters Attached as Exhibit

2). The Election Code provides as much, providing "If an application does not comply with the applicable requirements, the authority **shall** reject the application...." TEX. ELEC. CODE § 141.032 (emphasis added).

The Garcia Application For A Place on the General Primary Ballot

13. Similarly, candidate Michele Carey Garcia's "Application for a Place on the General Primary Ballot" filed on December 10, 2021, is defective pursuant to the Texas Election Code, and accordingly must be rejected. The Garcia application lists the candidate office as "Justice of the Peace, Precinct 4" but failed to include the place number as "Place 1" (Appendix Exhibit 3) As a result, the Democratic Party Chair and the designated filing authority must reject the application. The Application fails to meet the requirements prescribed in the Texas Election Code. Nevertheless, despite being informed of the defect, Alcantara has also failed to reject the Garcia application as required.

14. With regard to both applications, section 141.031 provides that:

> (a) A candidate's application for a place on the ballot that is required by this code must:
>
> (4) include:
>
> (c) the office sought, including any place number or other distinguishing number ...

TEX. ELEC. CODE § 141.031.

Applicable Law Establishes That the Applications Must Be Rejected

15. The Texas Supreme Court reviewed an identical case, and found that the failure to list the place number in each of the petition pages constituted a defect in

each of those petition pages, which rendered all of those pages invalid. *See In re Francis*, 186 S.W.3d 534, 538 (Tex. 2006) (orig. proceeding) (omitting Place 8 constituted a "defect" and an "omission of the statutory requirements..."). Regarding the candidate's omission of "Place 8" on the petitions, the Texas Supreme Court went on to say:

> "We agree that the omission of any statutorily required information on a petition renders signatures on that petition invalid. Section 172.027 of the Election Code says that a candidate's place number 'must appear at the top of each page of a petition.' Section 141.063(a)(4) says that a signature on a petition is invalid unless 'each statement that is required by this code . . . appears, at the time of signing, on the page on which the signature is entered.' As the Code requires a place number on each page, and declares invalid any signatures on pages without it, the trial court correctly concluded that all but 27 signatures from the district involved in this challenge are invalid."

In re Francis, 186 S.W.3d 534, 538 (Tex. 2006).

Moreover, the court went on to say:

> We have strictly enforced mandatory statutory requirements for political candidacy in the past. *See, e.g.*, *Wallace v. Howell*, 707 S.W.2d 876, 877 (Tex.1986) (disqualifying candidate who filed application for two judicial positions and conditioned withdrawal from one on qualification for the other); *Painter v. Shaner*, 667 S.W.2d 123, 125 (Tex. 1984) (noting "statutory mandates" should be "strictly construed"); *Brown v. Walker*, 377 S.W.2d 630, 632 (Tex.1964) (disqualifying candidate who mailed application by regular mail because applications sent before, but received after, the deadline must be sent via certified or registered mail); *Canady v. Democratic Executive Comm. of Travis County*, 381 S.W.2d 321, 324 (Tex.1964) (disqualifying candidate who listed his legal address as one outside the relevant precinct); *Burroughs v. Lyles*, 142 Tex. 704, 181 S.W.2d 570, 573 (1944)."

In re Francis, 186 S.W.3d 534, 538 at fn 15 (Tex. 2006).

The law is clear that because all 39 of Mr. Whitby's petitions lack the "Place 1" designation, all 39 pages are invalid. Accordingly, his application must be rejected.

16. Mr. Whitby's omission was not due to his lack of knowledge. He was clearly aware that he was making an application for the Justice of the Peace Precinct 4, Place 1 position, as his "Application for a Place on the General Primary Ballot" clearly designates the office sought as "Bexar County Justice of the Peace Precinct 4, Place 1." The Bexar County Elections Department clearly recognizes that these are two distinct offices for Justice of the Peace. Further, the ballot from the 2018 General Election also clearly identifies the office designation as the "Justice of the Peace, Precinct 4, Place 1." *See* Media Report, Bexar County Texas, Official Reports (Appendix Exhibit 4).

17. Similarly, Garcia made the same error on her application. Her application should also be similarly rejected. "[C]andidates must bear ultimate responsibility for filing a proper application and petition." *In re Francis*, 186 S.W.3d 534 at 541 (Tex.2006) (orig. proceeding). Each candidate is responsible for the contents of their application. *See Id.* at 543 (holding that former argued availability of limited opportunity to cure "does not absolve candidates of the need for diligence and responsibility in their filings; party chairs must only notify them of defects, not do their work for them"); *see also Escobar v. Sutherland*, 917 S.W.2d 399, 405 (Tex. App. -- El Paso 1996, orig. proceeding) ("[I]n the end, it is the candidate who must insure that the application complies with established law. If the candidate does not, he is at risk of having his candidacy rejected; if not by the County Chair, then by the courts."); *Risner v. Harris Cnty. Republican Party*, 444 S.W.3d 327, 344-345 (Tex. App. 2014).

18. Texas courts have used a simple distinction to determine who should suffer the consequences of failing to follow the election code. If the failure to comply with the election code is something within the candidate's control, as in the present case, the candidate is kept off the ballot. *In re Parsons*, 110 S.W.3d 15, 16 (Tex. App. -- Waco 2002, no pet.), citing *Gibson*, 960 S.W.2d at 421. The error in both of the applications involved herein were errors by the candidates, particularly because of their late filing as in the *Parsons* case. There is no contention the errors involved herein were that of an election official.

19. Under these facts, Chairwoman Alcantara has no choice but to reject the applications, as her duty is both mandatory and ministerial, but she has failed to do so. The Texas Supreme Court has emphasized that the sections of the Election Code dealing with candidacy for political office are mandatory and are to be strictly enforced. *Wallace v. Howell*, 707 S.W.2d 876, 877 (Tex. 1986) (orig. proceeding). "The party chair's duty to determine whether an application for a place on the ballot complies with the statutory requirements is ministerial." *In re Triantaphyllis*, 68 S.W.3d 861, 869 (Tex. App. -- Houston [14th Dist.] 2002, orig. proceeding). The Texas Supreme Court has further made it clear that "[i]f a candidate's application does not comply with the Code's requirements, the party chair has no discretion but to reject the application and remove the candidate's name from the candidate list. TEX. ELEC. CODE §§ 141.032(e), 172.029(d); *Escobar v. Sutherland*, 917 S.W.2d 399 at 406 (Tex. Civ. App. -- El Paso 1996, orig. proceeding); *In re Gamble*, 71 S.W.3d 313 (Tex. 2002). Thus, under both the Election Code and the Texas Supreme Court's

interpretation of the Code, Chairwoman Alcantara, as the Chair of the Bexar County Democratic Party must reject Mr. Whitby's and Ms. Garcia's application.

20. Moreover, should Chairwoman Alcantara determine that she should, as the Democratic Party Chair, wish to afford an opportunity for cure, she has no authority to accept an amended application after the filing deadline. The Texas Election Code, § 172.0222 provides that:

> (I) After the filing deadline:
>
> (1) a candidate may not amend an application filed under Section 172.021; and
>
> (2) the authority with whom the application is filed may not accept an amendment to an application filed under Section 172.021.

Tex. Election Code Sec. 172.0222 (emphasis added).

The Election Code Prohibits Amendments or Corrections After the Filing Deadline

21. Borrowing largely from the opinion in *Risner v. Harris County Republican Party*, 444 S.W.3d 327 (Tex. App. -- Houston [1st Dist.] 2014, no pet.), it is clear the Chairwoman and/or any court may not allow for the correction or amendment of any application; they must be rejected. As set out, prior to 2011, the Texas Election Code neither specifically authorized nor specifically prohibited amendments to applications for positions on a ballot after the filing deadline for such applications. Instead, the Code merely required that a candidate's application "be timely filed with the appropriate authority." TEX. ELEC. CODE Ann. § 141.031(a)(3). The Code further required a party chair to review the application within either five days or "as soon as practicable," to reject any non-compliant

application, and to immediately notify the candidate of the reason for the rejection. Id. § 141.032(a), (b), (c), (e).

22. In *In re Gamble*, *In re Francis*, and *In re Holcomb*, the Texas Supreme Court construed the statutory provisions, in conjunction with the statutory authorization in Texas Election Code section 273.081 to grant equitable relief to persons being harmed by violations of the code, to authorize courts to grant equitable relief and to allow a candidate whose application contained facial defects to cure his or her defective application after the filing deadline when the party chair failed to fulfill his or her statutory obligation to timely review the application and notify the candidate of the defects. *See In re Holcomb*, 186 S.W.3d 553, 555 (Tex.2006) (orig. proceeding); *In re Francis*, 186 S.W.3d 534, 541-43 (Tex.2006) (orig. proceeding); *In re Gamble*, 71 S.W.3d at 317-19. The supreme court further stated, however, that such "candidates should have the same opportunity to cure as they would have had before the deadline passed." *In re Holcomb*, 186 S.W.3d at 555 (emphasis added); *see In re Francis*, 186 S.W.3d at 541, 542 ("Candidates should have the same opportunity to cure as a proper review before the filing deadline would have allowed them"; stating that code allows "party chairs to focus on facial defects and call for correction before the filing deadline"; *In re Gamble*, 71 S.W.3d at 318 ("There would be no purpose to the duty to notify the prospective candidate of defects in his or her application if the intent was not to allow an opportunity to cure those defects, particularly if the defects can be corrected before the filing deadline"; "under limited circumstances, statutory deadlines may be extended to correct an official's violation

of a statutory duty"; and denying relief because "[t]here was no court decision entitling Judge Gamble to amend his application after the statutory deadline"). Consequently, the Election "Code and well-established Texas law" did not, in the absence of a court order, "permit[ ] a party officer to allow a candidate who filed a defective application before the filing deadline to amend his application after the deadline so the party chair can place the candidate on the ballot." *In re Gamble*, 71 S.W.3d at 319 (Baker, J., concurring).

23. In 2011, however, the legislature amended section 141.032 of the Election Code by adding Subsection (g), to state that "a candidate may not amend an application filed under Section 141.031" and "the authority with whom the application is filed may not accept an amendment to an application filed under Section 141.031" after the filing deadline. *See* Act of May 19, 2011, 82d Leg., R.S., ch. 254, § 1, 2011 Tex. Gen. Laws 834, 834 (codified at Tex. Elec. Code Ann. § 141.032(g)).

24. When construing a statute, the court's ultimate goal is to effectuate legislative intent. *See Fresh Coat, Inc. v. K-2, Inc.*, 318 S.W.3d 893, 901 (Tex.2010); *Marks v. St. Luke's Episcopal Hosp*., 319 S.W.3d 658, 663 (Tex.2010). Under the plain meaning rule, the court reviews the text of the statute, and must determine the legislature's intent from the plain meaning of the words chosen "unless there is an obvious error such as a typographical one that resulted in the omission of a word or application of the literal language of a legislative enactment would produce an absurd result." *Fleming Foods of Tex., Inc. v. Rylander*, 6 S.W.3d 278, 284 (Tex.1999)

(internal citations omitted); see also Tex. Gov't Code Ann. § 311.011(a) (West 2013); *Fresh Coat, Inc.*, 318 S.W.3d at 901; *Cornyn v. Universe Life Ins. Co.*, 988 S.W.2d 376, 378-79 (Tex. App. -- Austin 1999, pet. denied).

25. After the 2011 amendments, the express, unambiguous terms of section 141.032(g) of the Election Code prohibits a candidate from amending an application after the filing deadline and prohibits a party chair from accepting such an amendment. *See* Tex. Elec. Code Ann. § 141.032(g); Tex. Gov't Code Ann. § 311.016(5) (West 2013) (" 'May not' imposes a prohibition and is synonymous with 'shall not.' "). The statute does not contain an obvious error, and application of the literal language of the statute does not produce an absurd result. *See Fleming*, 6 S.W.3d at 284. Moreover, in the context of the Election Code, the meaning of the statute is clear: a candidate's application must be timely filed with the appropriate authority by the filing deadline and a candidate may only amend the application during the time period in which the candidate is allowed to file a new petition. *See* TEX. ELEC. CODE Ann. § 141.031(a)(3) (requiring candidate to timely file application), § 141.032(a), (e), (g) (requiring authority with whom application is filed to review application for compliance with procedures, including timeliness of filing, requiring application not timely filed to be rejected, and prohibiting amendments to application after filing deadline). Therefore, the meaning of the statute-candidates are prohibited from filing, and party chairs are prohibited from accepting, amendments to applications after the filing deadline-is clear, and the court may not disregard the express terms of the statute. *See Gonzalez v. Guilbot*, 315 S.W.3d 533, 541

(Tex.2010) ("Our chief aim is to determine and give effect to the Legislature's intent, and where the statutory language is straightforward, it is determinative."); *Fleming*, 6 S.W.3d at 284.

26. Further, when interpreting an amendment to a statute, the court must presume that the legislature intends to change the law. *See Adams v. Tex. State Bd. of Chiropractic Exam'rs*, 744 S.W.2d 648, 656 (Tex. App. – Austin 1988, no writ); *Schott v. Leissner*, 659 S.W.2d 752, 754 (Tex. App. -- Corpus Christi 1983, writ ref'd n.r.e.). The statute was amended by House Bill 1135. Nothing in the legislative history of the bill contradicts the presumption that the legislature intended to change the law. The analysis of the House Committee Report states that the bill "amends the Election Code to prohibit a candidate for public office from amending an application for a place on the ballot ... and to prohibit the authority with whom the application or petition is filed from accepting an amendment to the application or petition after the filing deadline." House Committee on Elections, Bill Analysis, Tex. H.B. 1135, 82d Leg., R.S. (2011). In addition, according to the bill analysis of the bill as engrossed, the bill "amends current law relating to an application to run for political office." Senate Committee on State Affairs, Bill Analysis, Tex. H.B. 1135, 82d Leg., R.S. (2011). Because the court must presume that the legislature was aware of the aforementioned case law, which only allowed a candidate to file an amendment to his or her application for a position on the ballot after the filing deadline if the candidate obtained a court decision entitling the candidate to file such an amendment, the court must conclude that the legislative history, indicating that the amendment to section

141.032 "amends current law," supports the presumption that the legislature intended to change the existing law. *See In re Allen*, 366 S.W.3d 696, 706 (Tex.2012) (orig. proceeding) ("We presume that the Legislature is aware of relevant case law when it enacts or modifies statutes."); *In re Gamble*, 71 S.W.3d at 319 (denying relief for candidate seeking to remain on ballot because "[t]here was no court decision entitling Judge Gamble to amend his application after the statutory deadline"); *Acker v. Tex. Water Comm'n*, 790 S.W.2d 299, 301 (Tex.1990) ("A statute is presumed to have been enacted by the legislature with complete knowledge of the existing law and with reference to it.").

27. This court must conclude that the plain meaning of the statute is unambiguous, that the legislature intended to change the law, and that the legislature enacted subsection 141.032(g) with the intent to prohibit a candidate from filing, and the authority with whom an application is filed from accepting, an amended application for a place on the ballot after the statutory filing deadline. As a result, the court must construe subsection 141.032(g) to prohibit the trial court or Chairwoman in this case from granting a candidate an opportunity to file an amended application and from requiring a party chair to accept an amended application after the filing deadline. *See In re Wilson*, 421 S.W.3d 686, 689 (Tex. App. – Fort Worth 2014, orig. proceeding) (denying petition for writ of mandamus to compel chair of Tarrant County Democratic Party to include candidate's name on ballot and stating that "it appears that the legislature has foreclosed the opportunity to cure any defects in an application or petition discovered after the filing deadline").

28. The statutes and the caselaw are clear that in this case, Chairwoman Alcantara, as the Bexar County Democratic Chair, has a mandatory and ministerial duty to reject Mr. Whitby's and Ms. Garcia's application and must refrain from allowing and/or providing for correction or amendment of the submitted applications.

3. RELIEF REQUESTED AND REQUEST FOR EMERGENCY STAY

29. Relator requests leave to file this Petition For Writ of Mandamus.

30. Relator further and alternatively request that the court enter temporary orders staying any placement of the two candidates addressed herein, candidate Whitby and/or candidate Garcia, from being placed on the ballot for the election for Bexar County Justice of the Peace, Precinct 4, Place 1, until this matter is determined.

31. Because the certification of the ballot must be filed with the Secretary of State by close of business on December 17, 2021, it is requested that the court stay any certification of the ballot by Alcantara or any representative of her office for Bexar County Justice of the Peace, Precinct 4, Place 1, staying the placement on the ballot or drawing for a place on the ballot for the candidates and/or temporarily abating or preventing their certification or placement on the ballot or drawing for their place on the ballot, until such time as this court can review and decide this mandamus action.

32. Relator further and alternatively requests that this Court issue a writ of mandamus to the Chairwoman Alcantara ordering Alcantara to reject the applications for candidate Whitby and/or candidate Garcia in order to allow for proper review by the court and/or, alternatively, to order that she reject the applications , in whole or

in part, as this court may deem appropriate, and for all other relief, temporary or otherwise, this court deems appropriate.

Respectfully submitted,

PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Road #109
San Antonio, Texas 78229-3550
Telephone: (210) 212-7979
Facsimile: (210) 212-5880

BY: **/s/ Adam Poncio**
Adam Poncio
State Bar No. 16109800
salaw@ponciolaw.com

ATTORNEYS FOR RELATOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon all parties by the court's filing system, hand delivery and/or email as follows:

Ms. Monica Alcantara - by Hand Delivery
Chairwoman, Bexar County Democratic Party
1844 Fredericksburg Road
San Antonio, Texas 78201

Albert Whitby - albertwhitby@gmail.com
c/o Bexar County Democratic Party
1844 Fredericksburg Road
San Antonio, Texas 78201

Michele Carey Garcia - michelegarcia64@gmail.com
c/o Bexar County Democratic Party
1844 Fredericksburg Road
San Antonio, Texas 78201

on this 16th day of December, 2021

CERTIFICATE OF COMPLIANCE

Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), I hereby certify that this petition contains 5,079 words, excluding the words not included in the word count under the rules, or 17 pages, excluding the pages not included in the page count under the rules, pursuant to Texas Rule of Appellate Procedure 9.4(i)(1). This is a computer generated document created in Word Perfect X8, using 14-point typeface for all text, except for footnotes which are in 12-point typeface. In making this certificate of compliance, I am relying on the word count provided by the software used to prepare the document.

/s/ Adam Poncio

Adam Poncio

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Angela Zepeda on behalf of Adam Poncio
Bar No. 16109800
angelazepeda@ponciolaw.com
Envelope ID: 60094751
Status as of 12/16/2021 2:16 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Albert Whitby		albertwhitby@gmail.com	12/16/2021 1:02:59 PM	SENT
Michele CareyGarcia		michelegarcia64@gmail.com	12/16/2021 1:02:59 PM	SENT
Adam Poncio		salaw@msn.com	12/16/2021 1:02:59 PM	SENT
Catherine Poncio		cponcio@ponciolaw.com	12/16/2021 1:02:59 PM	SENT
Angela Zepeda		angelazepeda@ponciolaw.com	12/16/2021 1:02:59 PM	SENT

ACCEPTED
04-21-00558-CV
FOURTH COURT OF APPEALS
SAN ANTONIO, TEXAS
12/16/2021 2:43 PM

NO. 04-21-00558-CV

FILED IN
4th COURT OF APPEALS
SAN ANTONIO, TEXAS
12/16/21 2:43:48 PM
MICHAEL A. CRUZ
Clerk

* * *

IN THE COURT OF APPEALS

FOURTH SUPREME JUDICIAL DISTRICT

SAN ANTONIO, TEXAS

* * *

IN RE ROGELIO LOPEZ, JR.,
BEXAR COUNTY JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1
RELATOR

* * * *

APPENDIX TO EMERGENCY PETITION FOR WRIT OF MANDAMUS

* * * *

Adam Poncio
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ATTORNEYS FOR RELATOR

December 16, 2021

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EXHIBIT 1

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o
PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Jacqueline Rita Page 1 of 1

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitley [1] to have their name placed on the ballot for the office of Justice of the peace [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12/13/21	LaTonya Green	LaTonya Green	6720 Spearwood Live Oak, TX 78233	Bexar		7/22/72
12/13/21	Nydrea Salazar	Nydrea Salazar	9422 Greens Point SA, TX 78250	Bexar		7/30/79
12/13/21						
12/13/21	Craig Finley	Craig Finley	6720 Spearwood Live Oak TX 78233	Bexar		10/8/92
12/13/21		Stephany Arriaga	3631 Callaghan Rd. Apt. 1312 S.A. TX 78228	Bexar		09/09/1996

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS), COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Jacqueline Rita, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ EL PRESENTE FECHA)

x _____
Signature of circulator (Firma de la persona que hizo circular la petición)

x _____
Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

x Notary Public
Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

NICOLETTE M. ARDIENTE
Notary Public, State of Texas
Comm. Expires 11-09-2025
Notary ID 128110139

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 1 of 19

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby[1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4[2] for the Democrat[3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____[1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____[2] en la elección primaria del Partido _____[3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
10/23/2021	[illegible]	James Amerson	1107 Virginia Blvd San Antonio, TX	78203 Bexar		10-03-64
10/23/2021	[illegible]	Everest Walker	101 Virginia Blvd San Antonio TX	78203 Bexar		2-10-82
3-20-21	[illegible]	ANDREA HoGan	4030 E. Southcross	78222		10-23-21
3-23-21	[illegible]	Jasmine Williams	12470 Starcrest Dr	78216		10/28/94
3-23-21	[illegible]	Nneka Cleaver	1331 W Hermed.	78218		10/25/74
10/31/21	[illegible]	Lettitia Willard	2007 McCullgh SA TX	78212		5/3/60
10/31/21	[illegible]	Herlinda Cortez	1806 McKinley Ave	78210		9/7/1971
10/31/21	[illegible]	Toni R Menefee	2929 Rigsby #2306 SA TX	78222		1/9/1969
10/31/21	[illegible]	Terrence Littlefield	322 Hudson 78202	78202		8/24/62

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/3/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____
Signature of circulator (Firma de la persona que hizo circular la petición)

X _____
Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public, State of Texas
Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

(SEAL)

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124622846

2

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 2 of 35

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COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
10/31/2021	[illegible]	Mary Menefee	880 Starcrest Dr #310 78217	Bexar		11/30/72
10/31/21	[illegible]	Trevor John	814 Chicago Blvd	S.A.		
10/31/21	[illegible]	Jasmine Amerson	814 Chicago Blvd	Bexar		6/1/2000
10/31/21	[illegible]	Kathy Amerson	814 Chicago Blvd	Bexar		10/08/58
10/31/21	[illegible]	Rachel Roberts	726 Dawson Street	Bexar		5/4/90
10/31/21	[illegible]	Oliver H. Hill, Jr	5007 Stoneleigh	Bexar		1/26/68
10/31/21	[illegible]	Tammie Y Fergus	1185D Sandman St	Bexar		9/20/68
10/31/2021	[illegible]	Miguel A. Padilla	508 N. Center St.	Bexar		05/25/1979

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 2/13/22 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X [signature]
Signature of circulator (Firma de la persona que hizo circular la petición)

X [signature]
Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public State of Texas (SEAL)
Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

3

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 3 of 38

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby[1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4[2] for the Democrat[3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____[1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____[2] en la elección primaria del Partido _____[3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12/11/21	Jose Landeros	Jose Landeros	811 Larry	Bexar		12-20-84
12/11/21	[illegible]	Alejandro Ibarra	811 Larry	Bexar		10/16/02
12/11/21	Hector	Hector Landeros	811 Larry	Bexar		10/10/94
12/11/21	Shantal Rosillo	Shantal Rosillo	803 larry	Bexar		12/15/21
12/11/21	Alexandra Constante	Alexandra Constante	803 Larry	Bexar		2/18/21
12/11/21	Aaron Rosillo	Aaron Rosillo	803 Larry	Bexar		2/12/21
12/11/21	[illegible]	Charles Walker	314 Muegge St	Bexar		4/28/49
12/11/21	[illegible]	Alvaro A Penotzea	417 Muegge St	Bexar		7/6/92
12/11/21	Palmira Ann Lopez Sanchez	Palmira Ann Lopez Sanchez	410 Muegge St.	Bexar		4-1-57
12/11/21						

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 01-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

4

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL -- para efectos de elecciones primarias)

Name of Circulator Amurrub, Jr. Page 4 of 59

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12/11/21	Pamela Y Money	Pamela Y Money	12727 Sandpiper Live Oak Tx 78233	Bexar		7/19/1960
12/11/21	Sylvia Butler	Sylvia Butler	8910 Key West Way Converse TX	Bexar		11/01/52
12/11/21	Janice Flowers	Janice Flowers	4433 Mercury Dr 78219	Bexar		3/1/44
12/11/21	Brenda Smith	Brenda Smith	3500 Goliad Rd #426	Bexar		4/28/1957
12/11/21	Otto C. Usher	Otto C. Usher	4406 Chesapeake	Bexar	11/20/42	4/27/1942
12/11/21	Bernetta White	Bernetta White	6710 Windfield Gap Converse TX 78109	Bexar		12-17-1959
12/11/21	Melvin White	Melvin White	6710 Windfield gap Converse TX 78109	Bexar		8-22-1960
12/11/21	R. Tonsal	Ross W Tonsal	6702 Windfield Gap Converse TX 78109	Bexar	9/19/59	09-20-58
12/11/21	[illegible]	Steve Rosales	3619 Bolden Fields	Bexar		12.10.21
12/11/21	[illegible]	Francisco Farruc	3711 Bolden Fields	Bexar	9/1/71	0908-1972

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE GUADALUPE FUENTES VELA
Notary Public, State of Texas
Comm. Expires 07-31-2022
Notary ID 132452

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

5

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 5 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the _____ [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12/8/2021	[illegible]	Montrel Phillips	331 Hub Avenue SA, TX 78220			03/15/1989
12/8/2021	[illegible]	Tonya Williams Parrish	1903 Hays #101 SA, Tx 78202	Bexar		1/5/74
12/8/2021	[illegible]	Fernando John	8514 Crinum Lily dr 78109	Bexar		6/18/75
12/8/2021	[illegible]	Alanna John	8514 Crinum Lily Drive 78109 (Crinum Lily Dr)	Bexar		08·03·76
12/10/21	[illegible]	Lodica Jackson	404 Regal View SATX 78220	Bexar		3/21/73
12/10/21	[illegible]	Cynthia B. Shaw	9802 Autumn Arbor Converge 78109	Bexar		12/23/59
12/10/21	[illegible]	Desiree Caudill	7626 Crestway Rdg, SATX 78244	Bexar		06/03/85
12/10/21	[illegible]	John Campos	10126 SHAWNEE BLF, CONVERSE, TX 78109	Bexar		10/8/82
12·10·21	Laura T. Mills	Laura T. Mills	2707 Seal Pointe Converse, TX 78109	Bexar		10.14.58
12-12-21	[illegible]	Tamika Stevens	5910 Acacia Farm San Antonio Tx 78244	Bexar		07-08-198

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

(SEAL)

X [signature] Signature of circulator (Firma de la persona que hizo circular la petición)

X [signature] Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public, State of Texas Title of officer administering oath (Título oficial de la funcionario(a) que le tomó juramento)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Commission Expires 01-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 6 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Charles Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____[1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____[2] en la elección primaria del Partido _____[3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12/10/21	[illegible]	Chris Dawkins	3302 Vista Lake	Bexar		01-20-1955
12/10/21	[illegible]	Kevin Jamison	10226 Green Lake St.	BEXAR		02-27-77
12/10/21	[illegible]	Wendy Yarbrough	10226 Green Lake	Bexar		06-15-68
12/10/21	[illegible]	Carla D. Walker	3435 Belgium La SATX 78219	Bexar		11-23-58
12/10/21	[illegible]	JOHN OWENS	6713 LAKE CLIFF SATX 78	BEX		4/1/55
12/10/21	[illegible]	James P. Amerson	1107 Virginia Blvd. SATX 78203	Bexar		10/03/64
12/10/21	[illegible]	Leonora Waller	4551 Dietrick Rd #202 78219	Bexar	1/14/49	1-14-50
12/10/21	[illegible]	Terry Terrell	822 S. Givers St SATX 78203	Bexar		1-14-50
12/10/21	[illegible]	Tamara Glenn	6918 E. Sunbelt Dr. SA TX 78218	Bexar		9-9-57
12/10/21	[illegible]	Herman Booker	2334 Austin HWY #304 SATX 78218	Bexar		11-25-86

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 2/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

(SEAL)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X [illegible] Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public State of Texas Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

4

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 7 of 29

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12.9.21	[illegible]	GIOVANNI RAMIREZ	1131 virginia blvd	Bx		04.23.94
12.9.21	[illegible]	samantha Jaramillo	1131 virginia blvd	Bx		01-24-96
12-9-21	[illegible]	Veronica J Davila	1110 Virginia Blvd	BX		05-25-88
12-9-21	[illegible]	Forrest Watkins	1101 virginia Blvd	BX		2-10-82
12-9-21	[illegible]	JJ Harris	3423 chateau, PA	BX		10-03-80
12-9-21	[illegible]	Cassandra Moss	1101 Virginia Blvd	Bx		12-[illegible]-61
12.10.21	[illegible]	James P. Amerson	1107 Virginia Blvd	Bexar		10/03/64
12-10-21	[illegible]	Chasity Russell	9142 Portobello Way	Bexar		02-04-76
12.10.21	[illegible]	Darrell Russell	9142 Portobello Way	Bexar		7-30-75
12.10.21	[illegible]	Hays Henderson Jr	9151 Portobello Way	Bexar		1-2-88

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124528846

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

8

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 8 of 29

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-10-21	[illegible]	Jasmyn Henderson	9151 Portobello Way			
12-10-21	Robin Randall	Robin Randall	4815 Marylebone Ave			
12/10/21	Jerry Randall	Jerry Randall	4815 Marylebone Ave			
12/10/21	Andrea Jackson	Andrea Jackson	207 Tomrob	Bexar		10/02/1962
12/10/21	[illegible]	Theresa Wiker	6018 Ashley Springs SAX	Bexar		11-30-64
12/10/21	David K Harris	DAVID K HARRIS	655 Yucca ST	Bexar		8/13/59
12/10/21	[illegible]	Larry Hayes	4307 Bridgeport way SA			2-4-52
12/10/21	Cora Clay	CORA CLAY	4306 Shiloh Dr	Bexar		2-10-62
12/10/21	Karen Washington	[illegible]	1222 Marseilles	Bexar		04/17/1970
12/10/21	Lois C Washington	[illegible]	3663 Versailles	Bexar		08/28/1943

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

(SEAL) MICHELLE JEANETTE BARRIENTES VELA Notary Public, State of Texas Comm. Expires 07-18-2023 Notary ID 132...

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

9

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o
PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 9 of 34

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COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
10/17/50	Fred A. Farr	210870-5469	1955 Lamar St. San Antonio TX	Bexar		10/17/50
10-17-21	Lydia Marks	210 227-4112	1956 Lamar San Antonio TX	Bexar		3-14-70
10-17-21	Debra Johnson	210 274-4959	822 Cobble Crossing	Bexar		12-31-54
10-17-21	Cornelius Johnson	210-227-4112	1955 Lamar	Bexar		9-18-87
10-17-21	Michael Briggs	Michael Briggs	1950 Lamar, S.A., TX	Bexar		8/13/1971
10-17-21	[illegible]	Gary McKnight	1947 Lamar, SA TX	Bexar		3/26/1957
10-17-21	[illegible]	Krystal Stokes	121 Sunwag Dr SA TX 78228	Bexar		12/05/84
10-17-21	[illegible]	Eric Rodriguez	338 E Drexel Ave SA TX 78210	Bexar		08/28/85
10-17	[illegible]	Johnathan Bode	4550 Lavender Lane	Bexar		
10-17	[illegible]	S[redacted]	Kijana Parker 5315 Gavan	Bexar		

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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X _____
Signature of circulator (Firma de la persona que hizo circular la petición)

X _____
Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public
Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

10

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitty Page 10 of 74

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COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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10/22	[illegible]	Joan Dill	10703 Alabin Isle San Antonio Tx 78240	Bexar		11/12/87
10/23	[illegible]	Brandon Gaines	370 W Hwy SATX 78228	Bexar		2/1/86
10/23	[illegible]	Jamichael Ferguson	5903 Danny Kaye HOL 78240	Bexar		08-08-1984
10/23	[illegible]	Tee Vaughn Sadres	3304 X STREET	BEXAR		07/22/90
10/23	[illegible]	Gregory Brown	2502 Babcock rd.	Bexar		04/[illegible]/88
10/23	[illegible]	Melissa Garcia	413 Gulf St	Bexar		8/22/92
10/23	[illegible]	John Medina	1200 Town Street	Bexar		11/07/96
10/23	[illegible]	[illegible]	1131 Virginia blvd	Bexar		01/20/[illegible]
10/23	[illegible]		1127 Virginia blvd			
10/23	[illegible]	Brad [illegible]	1140 parliament st	Bexar		12/08/87

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Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

11

AW2-3
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Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
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9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

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Name of Circulator Albert Whitby Page 11 of 39

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10/17/21	Steven Garcia	Steven Garcia	1827 burnet st	Bexar		09/08/03
10/17/21	Milton Perryman	MILTON PERRYMAN	1834 BURNET	BEXAR		9-20-47
10/17/21	Lewis A Rector	LEWIS A RECTOR	1807 BURNET ST	BEXAR		30 JAN 47
10-17-21	Earlene Smith	Erlaine Smith	321 Blue Bonnet st	Bexar		
10/17/21	William Cunningham	William Cunningham				
10/17/21	Willie Peter	Willie Peter	301 Blue Bonnet st			
10/17/21	Bennie Price	Bennie Price	214 Blue Bonnet St	Bexar		9/22/74
10/17/21	Deborah Henderson	Deborah Henderson	1510 Virginia St.	BEXAR		01/29/1977
10/17/21	Michelle Price	Michelle Price	214 Blue Bonnett st	BEXAR		

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

12

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

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Name of Circulator Albert Whitby Page 12 of 39

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12/12/21	Diego Alvarado	Diego Alvarado	542 Dorie St, TX. 78220	Bexar		8/11/1998
12/12/21	Samuel Tovar	Samuel Tovar	5365 Southcross Ranch Rd 78222	Bexar		8/05/1999
12/12/21	[illegible]	ROBERTO GARCIA	2818 IH 35	BEXAR		08/03/1990
12/12/21	Kelvin McAllister	Kelvin McAllister	2818 IH 35 N Apt 1307	Bexar		12/19/60
12/12/21	Abigail Ledezma	Abigail Ledezma	714 Larry St. 78202	Bexar		12/9/57
12/12/21	Clarence Bonkin	CLARENCE GARCIA	707 Larry St. 78202	Bexar		4/8/1927
12/12/21	Margarita Gutierrez	Margarita Gutierrez	319 Muegge St 78202	Bexar		2/23/79
12/12/21	Jennie Berg	Jennie Berg	326 Muegge St 78202	Bexar		5/15/1931
12/12/21	Maria Cruz	Maria Cruz	403 Muegge St 78202	Bexar		3/6/49
12/12/21	Monica Murillo	Monica Murillo	418 Muegge SAN ANTONIO TX 78202	Bexar		12/12/21

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

(SEAL)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2022
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Democratic [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-12-21	Sammie Boyd	Sammie Boyd	4523 Laundar Ln 78220	BEXAR	1013693835	5-30-42
12-[illegible]	[illegible]	[illegible]	4523 Lavender Ln 313	[illegible]		5-24-63
12-12-21	Evelyn Dancy	EVELYN DANCY	4523 Lavender Lane 78220	BEXAR		2-7-53
12-12-21	[illegible]	[illegible]	4523 Lavender 203	[illegible]		9-24-46
12-12-21	Eduardo Lopez	Eduardo Lopez	4523 Lavender Apt 205	Bexar		11-01-1982
12-12-21	Leroy Benson III	LEROY BENSON III	4523 LAVENDER Apt 208	BEXAR		10-01-70
12-12-21	Mario Monrreal	MARIO MONRREL	4523 LAVENDER # 201	"		7-10-62
12-12-2021	[illegible]	Willie Terrell Gipson	4523 Lavender Ln # 215	Bexar		09-23-1932
12/12/21	Victor Hernandez	Victor Hernandez	4523 Lavender Ln	Bexar		930445
12/12/21	[illegible]	[illegible]	4523 Lavender 306	Bexas		8-17-1962

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124622846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby

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COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a Justice of the Peace para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-11-21	Brenda J	Brenda Johnson	3706 Baldon Fields Converse TX 78109	Bexar		1-16-96
12-11-21	Pat Cain	PAT CAIN	4810 Explorer D. Kirby, TX 78219	BEXAR		11-27-53
12-11-21	Craig Sheppard	CRAIG SHEPPARD	4802 OLD SEGUIN RD. Apt B SAN ANTONIO TX 78219	Bexar		2-14-59
12-11-21	Matthew Fields	Matthew Fields	480 de Sequin Rd Apt B S. San Antonio TX	Bexar		3-24-61
12-11-21	Veronica Carpio	Veronica Carpio	3026 Telstar Apt D Kirby TX 78219	BX		3-19-84
12-11-21	Marvin Roy	MARVIN ROY	4806 EXPLORER Dr Apt D SAN ANTONIO	Bexar		3-21-43
12-11-21	Derek Hillyer	Derek Hillyer	[redacted] 1353 Rice Rd. SAN TX 78220	Bexar		7-29-81
12-11-21	Christian Taylor	Christian Taylor	9135 Portobello way Converse TX 78109	Bexar		8/20/2000
12-11-21	[illegible]	Terence Marshall	4130 King Krest Dr.	Bexar		03-24-1984
12-11-21	Michael Terry	Michael Terry	9027 Sahara woods	Bexar		09-19-1979

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 12-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

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Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
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9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 15 of 39

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COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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12-1-21	[illegible]	David Anderson	511 hudson #202 San Antonio TX 78202	Bexar		05/14/92
12-1-21	[illegible]	Elvira Marin	4523 Lavander #123 San Antonio TX 78220	Bexar		02/19/1959
12-1-21	[illegible]	Donald Jones	4523 lavander st	BEXAR		[illegible]
12-11-21	[illegible]	Eugene Davis	4523 Lavander Lasll	Bexar		2-8-52
12-11-21	Verniesser Ellis	Verniesser Ellis	435 Sterling St.	Bexar		8-6-59
12-11-21	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]
12-11-21	[illegible]	Jennifer Sanders	4523 Lavender Ln #103	Bexar		7-15-56
12-11-21	[illegible]	Tammy L Dresner	4523 Lavender Ln #102	Bexar		11-23-59
12-11-21	[illegible]	Callie Benton	4523 Lavander - 201	Bexar		1-24-55
12-11-21	[illegible]	[illegible]	4523 Lavander Lane Apt. 206	Bexar	9-43	[illegible]

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/12/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

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(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-16-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

16

AW2-3
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9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

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Name of Circulator Albert Whitby Page 16 of 39

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-12-21	Tommie Baker	Tommie Baker	6711 Pleasant Bay	Bexar		06-17-54
12/12/21	James R. Baker	James Baker	6711 Pleasant Bay	Bexar		01-19-43
12/12/21	Kenyon Sciretta	Kenyon Sciretta	2910 Bree Aldin Dr	Bexar		12-12-21
12/12/21	[illegible]	James Younger	2530 Harry Wurzbach rd #1202	BEXAR		10-6-73
12/12/21	[illegible]	Tamara Reaves	6939 Asbury Station	Bexar		6-16-87
12/12/21	[illegible]	Athens Hubb	6939 Asbury Station	Bexar		2-26-90
12/12/21	Fatouma Konte	Fatouma Konte	1330 Mesquite creek	Bexar		5-14-89
12/12/21	[illegible]	Vicella B Armand	4155 Sunrise Cove			
12/12/21	[illegible]	John Titzhy	6310 Heathers Farm SA TX 78244	Bexar		10/13/65
12/12/21	Helen Buckner	Helen Buckner	4125 Sunrise Cove S.A. Tx. 78244	Bexar		02-05-1959

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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(SEAL)

MICHELLE JEANETTE BARRIENTES-REYES Notary Public State of Texas Comm. Expires 07-18-2023 Notary ID 128816

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
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Name of Circulator Albert Whitby Page 17 of 39

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12.12.21	L. Howard	LaTanya Howard	1604 Roesler Rd. S.A. TX 78220	BEXAR	11/13/74	11.13.79
12-12-21	Dwight Johnson	Dwight Johnson	150 Ferris 78220	Bexar		6.15-78
12-12.21	Terry Rogers	TERRY ROGERS	123 DUMULIN AVE. SA TX 78220	BEXAR		12-5-76
12-12-21	Raymond Butler	Raymond Butler	250 Shelburn DR. - SA Texas	Bexar		9-22-54
12-12-21	Sheodor Jackson	THEODORE JACKSON JR	1802 PROVIDENCE - SA TEXAS 78220	Bexar		6-19-1942
12.12.	[illegible]	Roseana Washington	134 Motel DR SA TX 78219	Bexar		4-12-54
12/12/21	[illegible]	DINA RAYFORD	2919 Sunset Bend SA, TX 78224	BEXAR	9/19/70	6-8-70
12/12	[illegible]	Tomekia Toney	2603 PARIA CYN Converse TX 78109			
12/12/21	Lonnie Price	LONNIE PRICE	233 CHARCLIFF DR. SA TX 78220	BEXAR		2/13/61
12/12/21	[illegible]	Jordan Thompson	1164 Roesler RD SA TX 78220	BEXAR		7/14/97

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

18

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.024
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o
PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Lynette Whitby Page 18 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-10-21	Lynette Whitby	Lynette Whitby	623 Nellie Ave. SA Tx. 78220	Bexar		5-9-1958
12-12-21	Maya Dowe	Maya Dowe	619 NELLIE San Antonio, TX 78220	Bexar		
12-12-21	Christine Dowe	Christine Dowe	619 Nellie, San Antonio, TX 78220	Bexar		3-19-1949
12-12-21	Devante Wolford	Devante Wolford	2310 E Commerce San Antonio TX 78203	Bexar	millett	05-13-1992
12-12-21	Edwin D Wolford	Edwin D Wolford	2310 E Commerce SAN ANTONIO TX 78203	Bexar		9-22-52
12-12-21	Gracie Wolford	Gracie Wolford	2310 E Commerce San Antonio TX 78203	Bexar		6-11-49
12-12-21	Barbara Fuller	BARBARA FULLER	1527 GORMAN ST SAN ANTONIO TX 78202	BEXAR		3-18-43
12-12-21	[illegible]	Frances Baucham	346 Como St S.A. Tx 78202	Bexar		02-25-51
12-12-21	Anthony R Cook	ANTHONY R COOK	351 Como St SA. Tx 78220	BEXAR		10-21-54
12-12-21	Rose Cook	ROSE COOK	351 COMO SA TX 78220	Bexar		8-14-59

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS), COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/11/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Lynette Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X Lynette Whitby
Signature of circulator (Firma de la persona que hizo circular la petición)

X
Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public
Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

(SEAL)
MICHELLE JEANETTE BARRIENTES
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 132328106

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 19 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohíbe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace pct. [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-11-2021	Charles Ray Johnson	CHARLES RAY JOHNSON	4803 BINZ ENGLEMAN Rd	BEXAR		1-9-55
12/12/21	Debra Sevilar	Debra Sevilar	1710 Martin L. King Dr.	Bexar		5-12-69
12/12/21	Jackie Phillips	Jackie Phillips	6235 Still Meadow	Bexar		10/07/62
12/11/21	Darnell Craig	Darnell Craig	4922 Larkhill Farms	Bexar		10/11/67
12/11/2021	Janet O. Thompson	Janet O. Thompson	6827 Congressional Blvd, SA TX 78244	Bexar		09/20/1961
12-11-2021	[illegible]	DOMONIQUE JONES	707 SAINTS RETREAT SA TX 78220	BEXAR		08/26/1974
12.11.21	[illegible]	CORTNEY STERMAN	8856 STAGHORN MILL CONVERSE TX 78109	BEXAR		09.27.86
12 · 12 21	[illegible]	OSCAR L. DRAKE JR.	755 LINCOLNSHIRE DR. S.A. TX 78220	Bexar		3.12.76
12-11-21	[illegible]	ONITA Mitchell	4727 Old Coach Lane SAT 78220	Bexar		6-25-39
12-12-21	Jerlean Shular	Jerlean Shular	1969 FM 1516 S, Converse TX 78263	Bexar		10-23-38

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MI CON ESTA FECHA)

X _____
Signature of circulator (Firma de la persona que hizo circular la petición)

X _____
Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public
Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

20

AW2-3
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9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o
PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 20 of 39

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12/10/21	[illegible]	Leon H. Montgomery	4706 Lavender Ln	Bexar		
12/10/21	[illegible]	Francisco Alvarado	4606 Lavender Ln.	Bexar		04-22-68
12/10/21	[illegible]	Cynthia Alvarado	4606 Lavender Ln.	Bexar		09-03-72
12/10/21	[illegible]	LINDA FREEMAN	4602 LAVENDER LN	BEXAR		9-7-53
12/10/21	[illegible] Jr.	Ernest E. Brown II	4607 Lavender Ln	Bexar		9.22.53
12/10/21	[illegible]	Darlene M. Brown	4607 Lavender Ln.	Bexar		2-13-56
12/10/21	[illegible]	PERRY BROWN	1015 PECAN VALLEY DR.	Bexar		6-10-58
12/10/21	[illegible]	Michael A. Hughes Sr	1018 Pecan Valley DR.	Bexar		1-2-67
12/10/21	[illegible]	Roger Eugene Martin	3371 "X" st San Antonio, Tx 78220	Bexar		3-3-79
12/10/21	[illegible]	LAMAR Hughes	4427 Vicksburg	Bexar		2-2-69

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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X [signature] Signature of circulator (Firma de la persona que hizo circular la petición)

X [signature] Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124622846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

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PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 21 of 39

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-10-21	H C Winn	HC WINN	1010 Pecan Valley San Antonio, TX 78220	Bexar		11-16-55
12-10-21	Lehman Thompson	LEHMAN THOMPSON	2411 DELMARST SAN ANTONIO, TX 78210	BEXAR		12-28-1950
12-10-21	Alvin Arnold	ALVIN ARNOLD	527 Village Row	BEXAR		~~1-10-50~~ ~~12-7-21~~
12-10-21	Isabel Riley	Isabel Riley	322 Astoria S.A Tx 78220	Bexar		5-27-57
12-11-21	Angel Beechum	Angel Beechum	322 Astoria Dr SATX 78220	Bexar		08-25-93
12-12-21	Amos Duncan	Amos Duncan	8927 Wolff Vista Converse, Tx. 78109	Bexar		12-08-73
12-12-21	Toby D Watson	Toby D Watson	9002 Spiral Woods UC Tx 78148	Bexar		9-25-74
12-12-21	Booker Woods	Booker Woods	7015 Joliet Fall 78222	Bexar		5-5-64
12-12-21	Eugene Mitchell	EUGENE MITCHELL	4727 OCD COACH 78220	Bexar		2/23/42
12/12/21	Whitney Blackwell	Whitney Blackwell	1969 FM1516 S. SA 78263	Bexar		3/25/1986

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124622846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

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PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 22 of 39

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-11-21	Beverly Slaughter	Beverly Slaughter	4523 Lavender Ln #204	Bexar		8/11/62
12-11-21	Reginald Warren	Reginald Warren	4523 Lavender Ln #211	Bexar		11/21/75
12-11-21	Barbara Warren	Barbara Warren	1533 S.W.W. White	Bexar		11-15-[illegible]
12-11-21	Beultha Ashford	Beultha Ashford	4523 Lavender Ln #226	Bexar		12-4/23/49
12-11-21	Patricia Torres	PATRICIA TORRES	4523 Lavender Ln #309			
12-11-21	[illegible]	Eve Vinegar	2818 N IH35	Bexar		31-4-1994
12-11-21	[illegible]	Perla Williams	2818 I H 35	Bexar		9-22-76

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

23

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 24 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-11-21	Dimitri Hardin	Dimitri Hardin	2818 IH35 San Antonio Tx	Bexar		1-11-68
12-11-21	Annette Glasco	Annette Glasco	2818 N Interstate S A Tx	Bexar		9-4-59
12-11-21	Jolesa Taylor	Jolesa Taylor	4326 Judivan dr SA Tx	Bexar		08-19-03
12-11-21	Raishawn Smith	Raishawn Smith	4326 Judivan dr SA Tx	Bexar		09/19/02
12-11-21	Lisa [illegible]	Lisa Schulez	2818 IN I 35 SA TX	Bexar		7/17 [illegible]
12-11-21	[illegible]	Leticia Cruz	1010 Locke ST	Bexar		10-30-64

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

(SEAL) MICHELLE JEANETTE GUTIERREZ VELA Notary Public, State of Texas Comm. Expires 07-18-2023 Notary ID 124622846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

24

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064,
141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETIT

Signing

This statement M

"I know that the purpose of this petiti
_____ [3] primary e
election, during the voting year in which
_____ [2] en la elecc
incluso de un partido que no celebre una eleccić

Date Signed (Fecha de Firma)	Signature (Firma)
12-11-21	[illegible]

STATE OF TEXAS (ESTADO DE TEJAS) (
esta (fecha) compareció) _____
statements and read them to the signer befo
and believe that each signature is the genuir
atención de cada firmante sobre la declaración ci
firma es la auténtica de la persona cuyo nombre

X _____
Signature of circulator (Firma de la persona que hizo

25

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064,
141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)
(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o
PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator [illegible] Page 25 of 25

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)
"I know that the purpose of this petition is to entitle Albert Whitten [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-11-21	Tyesha Durat	Tyesha Durat	5126 N 1604 E 78247	bexar		11-04-98
12-11-21	Talia N	Talia Williams	8914 walnut Springs	bexar		10/8/03

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitten (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)
MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124622846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 27 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-12-21	Andrea Temple	ANDREA TEMPLE	7046 Atherton 78244	BEXAR		2-4-71
12/12/21	Diana Perez	Diana Perez	4831 Aspenwood 78244	"		
12/12	[illegible]	Kathy [illegible]	4848 Goodrich 78218	Bexar		4-28-90
12/12/21	[illegible]	Jesse J Reyna	6082 Glacier Sun 78244	Bexar		11/22/84
12-12-21	[illegible]	WINFRED O'NEAL	5323 LAKE BOND EAS 78244	BEXAR		03-05-1958

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

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X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

SEAL

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124622846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

26

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 27 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohíbe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12 Dec 21	Susan Sprawling	Susan Sprawling	731 PEBBLEBROOK SA ANTONIO TX 78220	BEXAR	4-17-54	
12 Dec 21	Margarett Sprawling	MARGARETT Sprawling	731 PEBBLEBROOK SA ANTONIO TX 78220	BEXAR	9-8-32	
12 Dec 21	Clayton Sprawling	Clayton Sprawling	731 PEBBLEBROOK SA ANTONIO TX 78220	BEXAR	10-8-30	
	Barbara Reed	Barbara Reed				

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

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X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

27

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 28 of 31

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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"I know that the purpose of this petition is to entitle _____[1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Albert Whitby [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____[1] para que su nombre aparezca en la boleta como candidato(a) al puesto de Democrat [2] en la elección primaria del Partido _____[3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-11-21	Idella Curtis	IDELLA CURTIS	4126 TAMARAK SA, Texas 78220	BEXAR		10-9-34
12-11-21	Alberta Gage	ALBERTA GAGE	223 Edna Ave Lefors 78226	BEXAR		1-17-1940
12-11-21	Russell Hamilton	Russell Hamilton	3944 Monteverde Way, SA Tex 78244	Bexar		6-28-59
12-11-21	Lisa Henry	Lisa Henry	6330 Lake Superior St 78222	Bexar		02/22/80
12-11-21	Hopkins Walter	Hopkins Walter	6771 Spearwood Live Oak Tx 78233	Bexar		07/29/74

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

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(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-16-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 21 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby[1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4[2] for the Democrat[3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____[1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____[2] en la elección primaria del Partido _____[3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12/12/21	Alvin Thomas	ALVIN THOMAS	8146 Lakeview Mills Converse Tx 78109	BEXAR		8/31/46
12/12/21	Carl Byrd	Carl Byrd	7703 Glen Mont SATX 78239	Bexar		3/13/51
12/12/21	Debra Huff	Debra Huff	10818 Deercliff Pass SATX 78251	Bexar		9/30/56
12/12/21	James Huff	James HUFF	10818 Deercliff Pass SATX 78251	Bexar		7/21/52
12/12/21	Ann Dykes	Ann Dykes	5046 Seabreeze Dr. SATX 78220	Bexar		8/11/57
12/12/21	Kathie Dickerson	Kathia Dickerson	7122 Gulf Shore Blvd SAT 78244	Bexar		7/30/62

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 30 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby[1] to have their name placed on the ballot for the office of Justice of the Peace Pct 2[2] for the Democrat[3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____[1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____[2] en la elección primaria del Partido _____[3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12/12/21	[illegible]	BRUCE R. LANE	6629 RICHLAND PL SAN ANTONIO TX 78244	BEXAR		11/14/1964
12/12/21	MIA MORENO	MIA MORENO	4310 Shilow, SA, TX 78220	BEXAR		06/19/66
12/12/21	MARTIN O. CULVER	MARTIN O. CULVER	3717 Hill ST. Schertz 78154	Guadalupe		09/09/60
12/12/21	Lacy McCulley	Lacy McCulley	7819 Hedrick Farm San Antonio 78239	Bexar		7/30/54
12/12/21	[illegible]	Billy Elbert	6407 JETTY SAN ANTONIO TX 78239	BEXAR		8/30/55
12/12/21	Kimberly Alcorn	Kimberly Alcorn	7459 Pepper Trail, TX 78244	Converse		1-25-65
12/12/21	George Alcorn	George Alcorn	7146 Azure Waters TX 78109	Bexar		3-1-60

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS), COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____
Signature of circulator (Firma de la persona que hizo circular la petición)

X [signature]
Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public
Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

MICHELLE JEANETTE GUARDIANTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124622846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

30

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 31 of 99

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a todos los firmantes antes de que la suscriban.)

"I know that the purpose of this petition is to entitle Albert Whitby [1] to have their name placed on the ballot for the office of Justice of Peace Pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-8-21	Francine Davis	FRANCINE DAVIS	134 FARGO AVE SAT 78220	BEXAR		05-10-1970
12-8-21	Tasha Williams	Tasha Williams	3503 Heather Meadow, SA, TX 78222	Bexar		01-11-1969
12-9-21	Augustine Graves	AUGUSTINE GRAVES	5111 BINZ ENGLEMAN RD SA TX 78219	BEXAR		12-30-37
12/10/21	Gloria L. Ray	GLORIA L. RAY	7507 Legend Rock SA TX 78244	BEXAR		10-13-1943
12/10/21	Andrea White	Andrea White	5114 Binz Engleman Rd.	BEXAR		07-19-58
12/10/21	Jacqueline Rita	Jacqueline Rita	4402 Lakeway Dr. S.A. TX 78244	Bexar		10/5/1965
	Michelle Bayless	Michelle Bayless	711 Station St Converse TX 78109			12-1-71
12/10/21			8922 Cloudstone pl 78109	BEXAR		12-4-80

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____
Signature of circulator (Firma de la persona que hizo circular la petición)

X _____
Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public
Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

(SEAL)
MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

31

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o
PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 32 of 39

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
Dec. 13 2021	[illegible]	Damaris Montalvo	9355 Hardesty 78250, San Antonio Tx	Bexar		12-09-95
12/13/21	[illegible]	Lidia Ramos	15447 Bee Rd Atascosa, Tx	Bexar		12/17/98
12/13/21	[illegible]	Yela Apostol	6010 Bear Canyon 78252	Bexar		07/17/78
12/13/21	[illegible]	Nancy Herrera	2637 Laventrail 78245	Bexar		07/14/66
12/13/12	Harry Stone	Harry Stone	123 Osiana 78248	Bexar		12/2/68
12/13/21	[illegible]	Lowell Martin	9303 Kiowa Digger 78251	Bexar		2/15/76
12/13/21	[illegible]	Green Richard	4407 Vicksburg St San Antonio 78220	Bexar		01/15/1970
12/13/21	[illegible]	Carlyle McGarity	8327 Bird Meadow Dr. Converse, Tx 78109	Bexar		12/13/2001
12/13/21	[illegible]	Vera Garcia	4702 Wycliff SA, TX 78220	Bexar		6/30/1968
12/13/21	[illegible]	Kimberly Walker		Bexar		4-30-75

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X [illegible] Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitley Page 41 of 39

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COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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"I know that the purpose of this petition is to entitle Albert Whitley [1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4 [2] for the Democrat [3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____ [1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____ [2] en la elección primaria del Partido _____ [3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-13-21		TaRhonda Belcher	7830 Fossil Banks S.A. TX 78254	Bexar		4/6/80
12-13-21		Mark Reed	28717 Coral Dark 78260	Bexar		1/6/77
12-13-21		Adam Mason	25057 Footaunt Boerne 78255	Bexar		3/15-79
12-13-21		Miguel Ponce	21114 Foothill Pine San Antonio 78112	Bexar		12 19 89
12-13-21		Sara Milhosa	23042 Fawn Trail Dr. Elmendorf TX	Bexar		02-05-83
12-13-21		Kiayana Harrison	6502 Heart Way Converse	Converse		05-21-98
12-13-21		Erma J Marshall	15518 Lucerne Springs S.A. Tx	Bexar		01-12-63
12-13-21		Ashlyn Wards	18711 Stone Oak Pkwy	Bexar		08-24-88
12-13-21		Daniel Castro	3543 Bennington Dr. SA Tx	Bexar		11-24-68
12-13-21		Sixto Alema	5606 Summer Fest Dr SATX	Bexar		4-6-69

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitley (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES
Notary Public, State of Texas
Comm. Expires 07-18
Notary ID 124522[illegible]

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

33

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 34 of 75

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12/13/21	[illegible]	Dora Lara	3007 SE Military #5501 San Antonio	Bexar		07.29.1986
12/13/21	[illegible]	Myrtle McGee	51006 Inshuerkd #821	Bexar		5/24/51
12/13/21	[illegible]	Tahani McDay	6062 Sunrise bend dr	Bexar		05-05-92
12/13/21	[illegible]	Nicodemus Sanders	4607 Castle Stream	Bexar		01-17-72
12/13/21	[illegible]	Tiffany Bean	3554 Maverick Creek San. Tx 78247	Bexar		11-14-87
12/13/21	[illegible]	Gregory Gonzales	10571 Star crest Dr	Bexar		11-12-89
12/13/21	[illegible]	Shanta Lewis	8802 Tradewinds	Bexar		12-08-79
12/13/21	[illegible]	Karen Q. Camp	9826 Shawnee Bluff Converse, Tx 78109	Bexar		11-03-67
12/8/21	[illegible]	Y. Acuncion		Bexar		6-9-62
12/13/21	[illegible]	Latasha Clark	4822 Explorer Dr. Apt. Kirby Tx 78219	Bexar		9/17/74

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 2/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X [illegible] Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

34

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 35 of 35

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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"I know that the purpose of this petition is to entitle Albert Whitby[1] to have their name placed on the ballot for the office of Justice of the Peace Pct 4[2] for the Democrat[3] primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a _____[1] para que su nombre aparezca en la boleta como candidato(a) al puesto de _____[2] en la elección primaria del Partido _____[3]. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo, incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-13-21	[illegible]	Johnesha Curry	13330 Blanco Road	Bexar		03-17-1994
12-13-21	[illegible]	Patricia Ledon	4714 Alohadr. S.A. TX 78219	Bexar		07-17-1968
12-13-21	[illegible]	Trishawn Clarke-Taylor	1609 Martin L. King, S.A. TX 78208	Bexar		9-25-81
12-13-21	[illegible]	Evelyn Buffler	5030 N Loop 1604 E #2103	Bexar		4-12-61
13 Dec. 21	[illegible]	Jessica Hawkins	535 Lanier Blvd S.A. Tx 78221	Bexar		02/11/1989
12-13-21	[illegible]	ADRIAN WILLIAMS	12723 SANDPIPER DR, LIVE OAK, TX	BEXAR		06-06-88
12-13-21	[illegible]	Sara BROCK	424 Burleson, San Antonio 78202	Bexar		9/20/90
12-13-21	[illegible]	Dalila Cano	6315 Malacca Dr. San Antonio 78218	Bexar		6/29/84
12-13-21	Kimberly Saunders	Kimberly Saunders	8932 Dakota Run Converse, TX 78109	Bexar		7/1/74
12-13-21	[illegible]	YOLANDA TENA	2388 S. Flint SA TX 78224	Bexar		3/5/56

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12-13-21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ, CON ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X [signature] Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Cargo del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

35

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
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9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 36 of 39

Signing the petition of more than one candidate for the same office in the same election is prohibited. (Se prohibe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-13-21	[illegible]	Julio Sanchez	8615 Pertshire	Bexar		5/26/84
12-13-21	[illegible]	Tomasa Glenn	6918 S. Zarzamora S.A. TX 78210	Bexar		9-9-52
12-13-21	[illegible]	Angelia Hendrick	POBOX 201452 SAT 78220	Bexar		11-24-70
12-13-21	[illegible]	Rosemary Gonzalez	3 Linden SAT 78211	Bexar		5-8-56
12-13-21	[illegible]	La Tigra Powles	414 SW 28th Street 78237	Bexar		9-21-89
12-13-21	[illegible]	Robert Ruiz	206 Ringsby Ave 78210	Bexar		9/8/94
12/13/21	[illegible]	Allison Rodriguez	UTSA Blvd 78240	Bexar		7/20/99
12-13-21	[illegible]	Jesus Cabello	3207 Twining SA. TX 78211	Bexar		12-13-21
12-13-21	[illegible]	Travita Harris	8004 Bentley Dr. #6201, SA, TX 78218	Bexar		12-17-89
12-13-21	[illegible]	Tehjia McFadden	7623 Fishers Park SA, TX 78244	Bexar		04-06-83

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X [signature] Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X [signature] Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JANETTE GARRISON
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

36

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitley Page 37 of 39

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12/13/21	[illegible]	Ramon Emerson	1320 Austin Hwy #6203 SA, TX 78209	Bexar		7/26/71
12/13/21	[illegible]	Beatrice Meads	1201 E Mulberry Ave #105 SATX 78209	Bexar		4/6/74
12/13/21	[illegible]	Debra Cobb	9828 Sugarloaf Dr. San Antonio, 78245	Bexar.		7-1-58
12/13/21	[illegible]	Shawn Martin	3400 N.E. PARKWAY #310 SAN ANTONIO	BEXAR		11-05-65
12/13/21	[illegible]	POK CHA MATTISON	6918 E SUNBIT DR S.A. TX 78218			11/20/1955
12/13/21	[illegible]	Peggy McMahan	6918 E. Sunbelt #210 S.A. TX 78218	Bexar		1-15-61
12/13/21	[illegible]	Larry McMahan	6918 E Sunbelt #210 S.A. TX 78218	Bexar		7-29-45
12/13/21	[illegible]	Manuel Lorca	6918 E Sunbelt # 207 S.A. TX 78218	Bexar		6-29-40
12/13/21	[illegible]	Esther Chan	6918 E. Sunbelt #211 S.A. TX 78218	Bexar		6-19-1949
12/13/21	[illegible]	OK SON RUSH	6918 E. Sunbelt #320 S.A. TX 78218	Bexar		11-21-1934

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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X Notary Public Title of officer administering oath (Título oficial del/de la funcionario(a) que le tomó juramento)

(SEAL)

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
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Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)

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Name of Circulator Albert Whitley Page 38 of 39

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Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[4] (Núm de VUID de Votante)	Date of Birth[4] (Fecha de Nacimiento)
12-13-21	Earlene Wright	Earlene Wright	6418 Sunbelt Dr #107 S.A. TX. 78218	Bexar		10-25-44
12-13-21	[illegible]	Norris Darden	962 Rice Road SA TX 78220	Bexar		10-13-79
12-13-21	[illegible]	Frances Bayless	3950 Lieverfulle 78259	Bexar		4/20/49
12-13-21	Nancy Villarreal	Nancy Villarreal	414 John Page Dr. 78228	Bexar		1/8/61
12-13-21	[illegible]	Alicia Domingo	2435 Cedar Ridge 78232	Bex		1/13/41
12-13-21	Joe Rodriguez	Joe Rodriguez	148 Elova Haven Dr. 78209	Bexar		4-20-65
12-13-21	[illegible]	Bolivar Pila	7743 Claridge 78250	BEXAR		2/7/57
12-13-21	Anna Vo	Anna Vo	15218 Winged Foot	Bexar		12/10/1978
12-13-21	[illegible]	Mrs. Diaz	11042 Wilson Oaks 78249	Bexar		08/03/1986
						02/11/70

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

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X _____
Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public
Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

38

2

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
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9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)
(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o
PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para efectos de elecciones primarias)

Name of Circulator Albert Whitby Page 39 of 39

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12/12/21	[illegible]	Georgina G Rose	8419 Blackstone Cove	Bexar		6.3.67
12/12/21	[illegible]	Marcus Willis MARCUS WILLIS	301 Convers Center St	Bexar		6-3-63
12/12/21	[illegible]	Melissa Sparks	6206 Inverary Drive	Bexar		7/21/1983
12/12/21	[illegible]	Devon Lee	8415 Cherisse Drive	Converse, TX		11/13/74
12/12/21	[illegible]	Harrison Barber	324 Sharer St	Bexar		9/18/1986
12/12/21	[illegible]	Janet Holden	5424 Dawnway Dr	Bexar		[illegible]
12/12/21	[illegible]	Robert Ward	Robert Ward	Bexar		[illegible]
12-12-21	[illegible]	Ronnie Hart	4839 CASTLE PRINCE 78218	BEXAR		[illegible]
12-12-21	[illegible]	Randy Hamilton	4839 Castles Prince 78218	Bexar		11-9-74
12-12-21	[illegible]	Jeffrey Musgrove	5618 Sir Garath 78218	Bexar		9-24-63

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[5]

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12/13/21 (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) Albert Whitby, (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigüé cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ ESTA FECHA)

X _____ Signature of circulator (Firma de la persona que hizo circular la petición)

X _____ Signature of officer administering oath (Firma del/de la funcionario(a) que le tomó juramento)

X Notary Public Title of officer administering oath (Título del/de la funcionario(a) que le tomó juramento)

(SEAL)

MICHELLE JEANETTE BARRIENTES VELA
Notary Public, State of Texas
Comm. Expires 07-18-2023
Notary ID 124522846

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

39

EXHIBIT 2

Rogelio "Roger" Lopez, Jr.
P.O. Box 93
Adkins, TX 78101
Email: judgerogerlopez@gmail.com
December 13, 2021

Hon. Monica Alcantara
Bexar County Democratic Party Chair
Bexar County Democratic Party Headquarters
1844 Fredericksburg Rd
San Antonio, Texas 78201
Via: Hand Delivery

Re: Challenge to candidate Albert Whitby's "Application for a Place on the General Primary Ballot"

Honorable Monica Alcantara:

Please allow this correspondence to serve as a formal challenge to candidate Albert Whitby's "Application for a Place on the General Primary Ballot" filed on December 13, 2021. The Application is defective pursuant to the Texas Election Code, and accordingly must be rejected.

The Application fails to meet the requirements prescribed in the Texas Election Code. Mr. Whitby's application was accompanied by 39 pages of petitions,[1] all of which list the candidate office as "Justice of the Peace, Precinct 4." All the petitions failed to include the place number as "Place 1." This is a defect in each of these petition pages, which renders each of them invalid. You, as the

[1] The application listed 40 pages of petitions, but on reviewing the petitions, it was discovered that page number 23 was missing. This was verified with the officials at the Democratic Party Headquarters when copies of petitions were provided.

Democratic Party Chair and the designated filing authority ***must reject the application***. The Election Code provides as much:

> (e) If an application does not comply with the applicable requirements, the authority ***shall reject*** the application ...

Tex. Election Code Sec. 141.032 (emphasis added).

The Texas Supreme Court reviewed an identical case, and found that the ***failure to list the place number*** in each of the petition pages constituted a ***defect*** in each of those petition pages, which rendered ***all of those pages invalid.***[2] Regarding the candidate's omission of "Place 8" on the petitions, the Texas Supreme Court went on to say:

> "We agree that the omission of any statutorily required information on a petition renders signatures on that petition invalid.[3] Section 172.027 of the Election Code says that a ***candidate's place number 'must appear at the top of each page of a petition.'*** Section 141.063(a)(4) says that a signature on a petition is ***invalid*** unless 'each statement that is required by this code . . . appears, at the time of signing, on the page on which the signature is entered.' As the Code requires a place number on each page, and declares invalid any signatures on pages without it, the trial court correctly concluded that all but 27 signatures from the district involved in this challenge are invalid."[4]

---

[2] ***In re Francis***, 186 S.W.3d 534, 538 (Tex. 2006) (orig. proceeding) (omitting Place 8 constituted a "defect" and an "omission of the statutory requirements...").

[3] Original footnote number 15 in the Courts opinion is as follows:

> "15. We have strictly enforced mandatory statutory requirements for political candidacy in the past. See, e.g., Wallace v. Howell, 707 S.W.2d 876, 877 (Tex.1986) (disqualifying candidate who filed application for two judicial positions and conditioned withdrawal from one on qualification for the other); Painter v. Shaner, 667 S.W.2d 123, 125 (Tex. 1984) (noting "statutory mandates" should be "strictly construed"); Brown v. Walker, 377 S.W.2d 630, 632 (Tex.1964) (disqualifying candidate who mailed application by regular mail because applications sent before, but received after, the deadline must be sent via certified or registered mail); Canady v. Democratic Executive Comm. of Travis County, 381 S.W.2d 321, 324 (Tex.1964) (disqualifying candidate who listed his legal address as one outside the relevant precinct); Burroughs v. Lyles, 142 Tex. 704, 181 S.W.2d 570, 573 (1944)."

[4] ***In re Francis***, 186 S.W.3d 534, 538 (Tex. 2006).

The law is clear that because all 39 of Mr. Whitby's petitions lack the "Place 1" designation, all 39 pages are invalid. Accordingly, his application must be rejected.

Mr. Whitby's omission was not due to his lack of knowledge. He was clearly aware that he was making an application for the Justice of the Peace Precinct 4, Place 1 position, as his "Application for a Place on the General Primary Ballot" (attached hereto as exhibit "A") clearly designates the office sought as "Bexar County Justice of the Peace Precinct 4, Place 1." The Bexar County Elections Department clearly recognizes that these are two distinct offices. See attached exhibit "B". Further, the ballot from the 2018 General Election also clearly identifies the office designation as the "Justice of the Peace, Precinct 4, Place 1." See **Media Report, Bexar County Texas, Official Reports,** attached hereto as Exhibit "C."

Under these facts Ms. Alcantara, you as the designated filing authority, have no choice but to reject the application, as your duty is both mandatory and ministerial. The Texas Supreme Court has emphasized that the sections of the Election Code dealing with candidacy for political office are ***mandatory*** and are to be ***strictly enforced***. ***Wallace v. Howell***, 707 S.W.2d 876, 877 (Tex. 1986) (orig. proceeding) (emphasis added). "The party chair's duty to determine whether an application for a place on the ballot complies with the statutory requirements is ***ministerial***." ***In re Triantaphyllis***, 68 S.W.3d 861, 869 (Tex. App.—Houston [14th Dist.] 2002, orig. proceeding) (emphasis added). The Texas Supreme Court has further made it clear that "[i]f a candidate's application does not comply with the Code's requirements, the ***party chair has no discretion but to reject the application*** and remove the candidate's name from the candidate list. Tex. Elec.Code §§ 141.032(e), 172.029(d); ***Escobar***, 917 S.W.2d at 406." ***In re Gamble***, 71 S.W.3d 313 (Tex. 2002) (emphasis added). Thus, under both the Election Code and the Texas Supreme Court's interpretation of the Code, you as the Honorable Chair of the Bexar County Democratic Party must reject Mr. Whitby's application.

Finally, should you as the Democratic Party Chair wish to afford an opportunity for cure, you have no authority to accept an amended application after the filing deadline. The Texas Election Code, § 172.0222 provides that:

(i) After the filing deadline:

(1) a candidate ***may not amend an application*** filed under Section 172.021; and

(2) ***the authority*** with whom the application is filed ***may not accept an amendment to an application*** filed under Section 172.021.

Tex. Election Code Sec. 172.0222 (emphasis added).

The statutes and the caselaw are clear that in this case, you, as the Bexar County Democratic Chair, have a mandatory and ministerial duty to reject Mr. Whitby's application. I trust that you will comply with the duty and responsibility you have chosen to accept and which you have sworn to uphold. Should you fail to do so, however, a petition has been drafted and will be filed in the proper court having jurisdiction over this matter. Please understand that should it be necessary to initiate litigation, it will be filed against you as the Bexar County Democratic Chair. I trust and hope that this will not be necessary.

Unless I hear from you by 9am on December 15, 2021, I will be forced to seek the Court's assistance to ensure that you comply with your statutory duties.

Should you have any questions, or if there is any way in which I may be of assistance, please do not hesitate to reach out.

Very truly yours,

Rogelio "Roger" Lopez, Jr.
Justice of the Peace, Precinct 4, Place 1

RL
atts.

Exhibit “A”

2-2
Prescribed by Secretary of State
Sections 141.031, 141.039, 172.021, 172.022, 172.023, 172.024, Texas Election Code
09/2021

Bexar County Democratic Party
180 Rec'd by [illegible] Date 12-13-21
SOS by _____ Date _____

APPLICATION FOR A PLACE ON THE GENERAL PRIMARY BALLOT

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL[1] Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE DEMOCRATIC **PARTY GENERAL PRIMARY BALLOT**
(Democratic or Republican)

TO: State/County Chair
I request that my name be placed on the above-named official primary ballot as a candidate for nomination to the office indicated below.

OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)
BEXAR COUNTY JUSTICE OF THE PEACE PRECINCT 4, PLACE 1

INDICATE TERM
☑ FULL ☐ UNEXPIRED

FULL NAME (First, Middle, Last)
ALBERT CHARLES WHITBY

PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*
ALBERT C. WHITBY

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.)
8503 EAGLE CREST BLVD

PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)
8503 EAGLE CREST BLVD

CITY	STATE	ZIP	CITY	STATE	ZIP
WINDCREST	TX	78239	WINDCREST	TX	78239

PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)	OCCUPATION (Do not leave blank)	DATE OF BIRTH	VOTER REGISTRATION VUID NUMBER[2] (Optional)
albertwhitby@gmail.com	EDUCATOR	10 / 25 / 1980	1200994083

TELEPHONE CONTACT INFORMATION (Optional)
Home: Office: Cell: (713) 927-2716

FELONY CONVICTION STATUS (You MUST check one)	LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN	
	IN THE STATE OF TEXAS	IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED
☑ I have not been finally convicted of a felony.	41 year(s)	12 year(s)
☐ 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]	3 month(s)	____ 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) ALBERT CHARLES WHITBY, who being by me here and now duly sworn, upon oath says:

"I, (name of candidate) ALBERT CHARLES WHITBY, of BEXAR County, Texas,

being a candidate for the office of Bexar County Justice of the Peace Precinct 4, Place 1, 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 13 (day) day of DECEMBER (month), 2021 (year), by ALBERT CHARLES WHITBY (name of candidate).

Signature of Officer Authorized to Administer Oath[4]

NICOLETTE M. ARDIENTE
Printed Name of Officer Authorized to Administer Oath

Notary Public
Title of Officer Authorized to Administer Oath

NICOLETTE M ARDIENTE
Notary Public, State of Texas
Comm. Expires 11-09-2025
Notary ID 129110139

TO BE COMPLETED BY CHAIR OR DESIGNEE: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE PAID BY:
☐ CASH ☐ CHECK ☑ MONEY ORDER ☐ CASHIERS CHECK OR ☐ PETITION IN LIEU OF A FILING FEE.

This document and $ 1000 filing fee or a nominating petition of 48 pages received. ☑ **Voter Registration Status Verified**

12 / 13 / 2021 — Date Received
12 / 13 / 21 — Date Accepted **(See Section 1.007)**
Monica Mantara — Signature of Chair or Designee

Exhibit “B”

apps.bexar.org/electionsfinancereport/

BEXAR COUNTY ELECTIONS DEPARTMENT

JACQUELYN F. CALLANEN, ELECTIONS ADMINISTRATOR

210-335-VOTE

CANDIDATE CAMPAIGN FINANCE REPORTS

CONTRIBUTIONS & EXPENDITURES SEARCH

Category

Office

justice

- **Justice** of the Peace, Precinct 1 Place 3
- **Justice** of the Peace, Precinct 2 Place 1
- **Justice** of the Peace, Precinct 2 Place 2
- **Justice** of the Peace, Precinct 2 Place 3
- **Justice** of the Peace, Precinct 3 Place 1
- **Justice** of the Peace, Precinct 3 Place 2
- **Justice** of the Peace, Precinct 4 Place 1
- **Justice** of the Peace, Precinct 4 Place 2

File Date (To):

Order by:

○ **Office** ○ **Candidate** ○ **File Date**

Search Clear

Exhibit “C”

MEDIA REPORT

BEXAR COUNTY, TEXAS
GENERAL, SPECIAL, CHARTER,BOND
NOVEMBER 6, 2018

OFFICIAL RESULTS

RUN DATE:11/16/18 02:49 PM

	TOTAL VOTES	%	EARLY VOTE	ELECTION DAY
PRECINCTS COUNTED (OF 752).	752	100.00		
REGISTERED VOTERS - TOTAL	1104,746			
BALLOTS CAST - TOTAL.	551,896		420,191	131,705
VOTER TURNOUT - TOTAL		49.96		
Straight Party				
Vote For 1				
(WITH 751 OF 751 PRECINCTS COUNTED)				
Republican Party (REP)	134,360	40.86	103,958	30,402
Democratic Party (DEM)	191,776	58.31	141,351	50,425
Libertarian Party (LIB).	2,729	.83	1,636	1,093
Over Votes	24		24	0
Under Votes	223,007		173,222	49,785
Justice of the Peace, Precinct 1, Place 1				
Vote For 1				
(WITH 146 OF 146 PRECINCTS COUNTED)				
Robert "Bobby" Tejeda (DEM)	77,704	100.00	55,386	22,318
Over Votes	0		0	0
Under Votes	28,412		20,793	7,619
Justice of the Peace, Precinct 1, Place 2				
Vote For 1				
(WITH 146 OF 146 PRECINCTS COUNTED)				
Ciro D. Rodriguez (DEM).	78,081	100.00	55,625	22,456
Over Votes	0		0	0
Under Votes	28,035		20,554	7,481
Justice of the Peace, Precinct 3, Place 1				
Vote For 1				
(WITH 208 OF 208 PRECINCTS COUNTED)				
Jeff Wentworth (REP).	123,406	70.39	99,231	24,175
Eric J. Velasquez (LIB).	51,901	29.61	41,177	10,724
Over Votes	1		1	0
Under Votes	37,500		30,145	7,355
Justice of the Peace, Precinct 4, Place 1				
Vote For 1				
(WITH 212 OF 212 PRECINCTS COUNTED)				
Rogelio "Roger" Lopez, Jr. (DEM). . .	72,161	79.67	53,285	18,876
David Brady (LIB).	18,413	20.33	13,590	4,823
Over Votes	1		1	0
Under Votes	24,951		19,411	5,540
Bexar County ESD No. 12 Proposition A				
Vote For 1				
(WITH 8 OF 8 PRECINCTS COUNTED)				
For	1,600	54.96	1,209	391
Against	1,311	45.04	1,032	279
Over Votes	0		0	0
Under Votes	531		387	144

Rogelio "Roger" Lopez, Jr.
P.O. Box 93
Adkins, TX 78101
Email: judgerogerlopez@gmail.com
December 13, 2021

Hon. Monica Alcantara
Bexar County Democratic Party Chair
Bexar County Democratic Party Headquarters
1844 Fredericksburg Rd
San Antonio, Texas 78201
Via: Hand Delivery

Re: Challenge to candidate Michele Carey Garcia's "Application for a Place on the General Primary Ballot"

Honorable Monica Alcantara:

Please allow this correspondence to serve as a formal challenge to candidate Michele Carey Garcia's "Application for a Place on the General Primary Ballot" filed on December 10, 2021, attached hereto as exhibit "A." The Application is defective pursuant to the Texas Election Code, and accordingly must be rejected.

The Application fails to meet the requirements prescribed in the Texas Election Code. Specifically, § 141.031 provides that:

(a) A candidate's application for a place on the ballot that is required by this code must:

(4) include:

(C) the office sought, ***including any place number*** or other distinguishing number; ...

Tex. Election Code Sec. 141.031 (emphasis added).

Ms. Garcia's application listed the office as "Justice of the Peace, Precinct 4" and failed to include the place number as "Place 1." See attached exhibit "A." You, as the Democratic Party Chair and the designated filing authority ***must reject the application***. The Election Code provides as much:

> (e) If an application does not comply with the applicable requirements, the authority ***shall reject*** the application ...

Tex. Election Code Sec. 141.032 (emphasis added). The Texas Supreme Court has reviewed an almost identical case, and has found that the ***failure to list the place number*** is a ***defect*** in the petition which rendered the application ***invalid. See In re Francis***, 186 S.W.3d 534, 538 (Tex. 2006) (orig. proceeding) (omitting Place 8 constituted a "defect" and an "omission of the statutory requirements...").

This omission was not due to a lack of knowledge by Ms. Garcia. She was clearly aware that she was making an application for the Justice of the Peace Precinct 4, Place 1 position. See Ms. Garcia's "Appointment of a Campaign Treasurer by a Judicial Candidate" form attached hereto as exhibit "B" (designating office sought as "Justice of the Peace Pct. 4 ***Place 1***") (emphasis added). The Bexar County Elections Department clearly recognizes that these are two distinct offices. See attached exhibit "C". Further, the ballot from the 2018 General Election also clearly identifies the office designation as the "Justice of the Peace, Precinct 4, Place 1." See **Media Report, Bexar County Texas, Official Reports,** attached hereto as Exhibit "D."

To the extent that some of Ms. Garcia's petitions reference Place 1 and some do not (attached hereto as exhibit "E"), those petitions do not serve to correct the defective application. The Election Code is also very clear on this point. Section 141.032 provides that:

> (c) If an application is accompanied by a petition, the petition is considered part of the application ... However, ***the petition is not considered part of the application for purposes of determining compliance with the requirements applicable to each document, and a deficiency in the requirements for one document may not be remedied by the contents of the other document...***
>
> (e) If an application does not comply with the applicable requirements, the authority ***shall*** reject the application and immediately deliver to the candidate written notice of the reason for the rejection.
>
> **Tex. Election Code Sec. 141**. (emphasis added).

Under these facts Ms. Alcantara, you as the designated filing authority, have no choice but to reject the application, as your duty is both mandatory and ministerial. The Texas Supreme Court has emphasized that the sections of the Election Code dealing with candidacy for political office are ***mandatory*** and are to be ***strictly enforced. Wallace v. Howell***, 707 S.W.2d 876, 877 (Tex. 1986) (orig. proceeding) (emphasis added). "The party chair's duty to determine whether an application for a place on the ballot complies with the statutory requirements is ***ministerial.*** " ***In re Triantaphyllis***, 68 S.W.3d 861, 869 (Tex. App.—Houston [14th Dist.] 2002, orig. proceeding) (emphasis added). The Texas Supreme Court has further made it clear that "[i]f a candidate's application does not comply with the Code's requirements, the ***party chair has no discretion but to reject the application*** and remove the candidate's name from the candidate list. Tex. Elec.Code §§ 141.032(e), 172.029(d); ***Escobar***, 917 S.W.2d at 406." ***In re Gamble***, 71 S.W.3d 313 (Tex. 2002) (emphasis added). Thus, under both the Election Code and the Texas Supreme Court's interpretation of the Code, you as the Honorable Chair of the Bexar County Democratic Party must reject Ms. Garcia's application.

Finally, should you as the Democratic Party Chair wish to afford an opportunity for cure, you have no authority to accept an amended application after the filing deadline. The Texas Election Code, § 172.0222 provides that:

(i) After the filing deadline:

> (1) a candidate ***may not amend an application*** filed under Section 172.021; and
>
> (2) ***the authority*** with whom the application is filed ***may not accept an amendment to an application*** filed under Section 172.021.

Tex. Election Code Sec. 172.0222 (emphasis added).

The statutes and the caselaw are clear that in this case, you, as the Bexar County Democratic Chair, have a mandatory and ministerial duty to reject Ms. Garcia's application. I trust that you will comply with the duty and responsibility you have chosen to accept and which you have sworn to uphold. Should you fail to do so, however, a petition has been drafted and will be filed in the proper court having jurisdiction over this matter. Please understand that should it be necessary to initiate litigation, it will be filed against you as the Bexar County Democratic Chair. I trust and hope that this will not be necessary.

Unless I hear from you by 9am on December 15, 2021, I will be forced to seek the Court's assistance to ensure that you comply with your statutory duties.

Should you have any questions, or if there is any way in which I may be of assistance, please do not hesitate to reach out.

Very truly yours,

Rogelio "Roger" Lopez, Jr.
Justice of the Peace, Precinct 4, Place 1

RL
atts.

Exhibit "A"

2-2
Prescribed by Secretary of State
Sections 141.031, 141.039, 172.021, 172.022, 172.023, 172.024, Texas Election Code
09/2021

Bexar County Democratic Party
#[illegible] Rec'd by [illegible] Date [illegible]
SOS by [illegible] Date 12-10-21

APPLICATION FOR A PLACE ON THE GENERAL PRIMARY BALLOT

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL.[1] Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE Democratic PARTY GENERAL PRIMARY BALLOT
(Democratic or Republican)

TO: State/County Chair

I request that my name be placed on the above-named official primary ballot as a candidate for nomination to the office indicated below.

OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)
Justice of the Peace, Precinct 4

INDICATE TERM
☑ FULL ☐ UNEXPIRED

FULL NAME (First, Middle, Last)
Michele Carey Garcia

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

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.)
405 E Lindbergh

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

CITY	STATE	ZIP	CITY	STATE	ZIP
Universal City	Tx	78148			

PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)	OCCUPATION (Do not leave blank)	DATE OF BIRTH	VOTER REGISTRATION VUID NUMBER[2] (Optional)
michelegarcia64@gmail.com	Court Clerk	05 / 17 / 1984	1190699313

TELEPHONE CONTACT INFORMATION (Optional)

Home: Office: Cell: (210) 843-0177

FELONY CONVICTION STATUS (You MUST check one)	LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN	
	IN THE STATE OF TEXAS	IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED
☑ 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]	37 year(s) 7 month(s)	37 year(s) 7 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) Michele Carey Garcia, who being by me here and now duly sworn, upon oath says:

"I, (name of candidate) Michele Carey Garcia, of Bexar County, Texas, being a candidate for the office of Justice of the Peace, Precinct 4, 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]
SIGNATURE OF CANDIDATE

Sworn to and subscribed before me this the 10 (day) day of December (month), 2021 (year), by Michele Carey Garcia (name of candidate).

[signature]
Signature of Officer Authorized to Administer Oath[4]

James Kane
Printed Name of Officer Authorized to Administer Oath

Notary
Title of Officer Authorized to Administer Oath

JAMES KANE
Notary Public, State of Texas
Comm. Expires 06-27-2023
Notary ID 132068395

TO BE COMPLETED BY CHAIR OR DESIGNEE: THIS APPLICATION IS ACCOMPANIED BY [illegible]
☐ CASH ☑ CHECK ☐ MONEY ORDER ☐ CASHIERS CHECK OR ☐ PETITION IN LIEU OF A FILING FEE.

This document and $ 1000.00 filing fee or a nominating petition of 57 pages received. ☑ Voter Registration Status Verified

12 / 10 / 2021 — Date Received
12 / 10 / 21 — Date Accepted (See Section 1.007)
[signature] — Signature of Chair or Designee

Exhibit “B”

APPOINTMENT OF A CAMPAIGN TREASURER BY A JUDICIAL CANDIDATE

FORM JCTA
PG 1

See JCTA Instruction Guide for detailed instructions.

1 Total pages filed

2 JUDICIAL CANDIDATE NAME	Ms. Michele Garcia
3 JUDICIAL CANDIDATE MAILING ADDRESS	405 E Lindbergh Universal City Tx 78148
4 JUDICIAL CANDIDATE PHONE	(210) 843-0177
5 OFFICE HELD	
6 OFFICE SOUGHT	Justice of the Peace Pct. 4 Place 1
7 CAMPAIGN TREASURER NAME	Mr. Bobby Martinez
8 CAMPAIGN TREASURER STREET ADDRESS	1515 W Cesar E Chavez Blvd San Antonio TX 78207
9 CAMPAIGN TREASURER PHONE	(210) 204-7519

OFFICE USE ONLY

Date Received

RECEIVED
2021 OCT 21 PM 1:
BEXAR COUNTY

10 CANDIDATE SIGNATURE

I am aware of the Nepotism Law, Chapter 573 of the Texas Government Code.

I am aware of my responsibility to file timely reports as required by Title 15 of the Election Code.

I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.

Signature of Candidate

10-21-21
Date Signed

GO TO PAGE 2

Exhibit “C”

BEXAR COUNTY ELECTIONS DEPARTMENT

JACQUELYN F. CALLANEN, ELECTIONS ADMINISTRATOR

210-335-VOTE

CANDIDATE CAMPAIGN FINANCE REPORTS

CONTRIBUTIONS & EXPENDITURES SEARCH

Category

Office

justice

Justice of the Peace, Precinct 1 Place 3

Justice of the Peace, Precinct 2 Place 1

Justice of the Peace, Precinct 2 Place 2

Justice of the Peace, Precinct 2 Place 3

Justice of the Peace, Precinct 3 Place 1

Justice of the Peace, Precinct 3 Place 2

Justice of the Peace, Precinct 4 Place 1

Justice of the Peace, Precinct 4 Place 2

File Date (To):

Order by:

Office Candidate File Date

Search Clear

Exhibit "D"

	TOTAL VOTES	%	EARLY VOTE	ELECTION DAY
PRECINCTS COUNTED (OF 752).	752	100.00		
REGISTERED VOTERS - TOTAL	1104,746			
BALLOTS CAST - TOTAL.	551,896		420,191	131,705
VOTER TURNOUT - TOTAL		49.96		

Straight Party
Vote For 1
(WITH 751 OF 751 PRECINCTS COUNTED)

Republican Party (REP)	134,360	40.86	103,958	30,402
Democratic Party (DEM)	191,776	58.31	141,351	50,425
Libertarian Party (LIB).	2,729	.83	1,636	1,093
Over Votes	24		24	0
Under Votes	223,007		173,222	49,785

● ● ●

Justice of the Peace, Precinct 1, Place 1
Vote For 1
(WITH 146 OF 146 PRECINCTS COUNTED)

Robert "Bobby" Tejeda (DEM)	77,704	100.00	55,386	22,318
Over Votes	0		0	0
Under Votes	28,412		20,793	7,619

Justice of the Peace, Precinct 1, Place 2
Vote For 1
(WITH 146 OF 146 PRECINCTS COUNTED)

Ciro D. Rodriguez (DEM).	78,081	100.00	55,625	22,456
Over Votes	0		0	0
Under Votes	28,035		20,554	7,481

Justice of the Peace, Precinct 3, Place 1
Vote For 1
(WITH 208 OF 208 PRECINCTS COUNTED)

Jeff Wentworth (REP).	123,406	70.39	99,231	24,175
Eric J. Velasquez (LIB).	51,901	29.61	41,177	10,724
Over Votes	1		1	0
Under Votes	37,500		30,145	7,355

Justice of the Peace, Precinct 4, Place 1
Vote For 1
(WITH 212 OF 212 PRECINCTS COUNTED)

Rogelio "Roger" Lopez, Jr. (DEM). . .	72,161	79.67	53,285	18,876
David Brady (LIB).	18,413	20.33	13,590	4,823
Over Votes	1		1	0
Under Votes	24,951		19,411	5,540

Bexar County ESD No. 12 Proposition A
Vote For 1
(WITH 8 OF 8 PRECINCTS COUNTED)

For	1,600	54.96	1,209	391
Against	1,311	45.04	1,032	279
Over Votes	0		0	0
Under Votes	531		387	144

Exhibit “E”

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)
(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o
PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para elección de elecciones primarias)

Name of Circulator Michelle Page 1 of 49

Signing the petition of more than one candidate for the same office in the same election is prohibited. (No permite firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a to[illegible] the "I know that the purpose of this petition is to enable Michelle Garcia to have their name placed on the ballot for the office of Justice of the Peace Pct 4 Place 2 of the Democratic primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a Michelle Garcia para que su nombre aparezca en la boleta como candidato(a) al puesto de Justice of the Peace Pct 4 Place 2 en la elección primaria del Partido Democratico. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[1] (Nume de VUID de Votante)	Date of Birth[2] (Fecha de Nacimiento)
Dec 4,	[illegible]	Mordeline C. Mickens	8311 Copperrose Converse TX 78109	Bexar	1142648935	9-17-60
12-4-21	[illegible]	Karl Nicholas	9814 Copperrose TX 78109	Bexar	1068099200	11 OCT 12
12-4-21	[illegible]	[illegible]	9720 Copper Creek TX 78109	Bexar	1064074873	6-20-72
12-4-21	[illegible]	Rolly Grady	9730 Converse 78109	Bexar	1064076573	5-28-41
12-4-21	[illegible]	Darwin Roberts	8323 Copperkroll CL 78109	Bexar	1063402354	6/9/1945
12-4-21	[illegible]	Verle L. Roberts	8314 Copperkroll	Bexar	1065096730	8/23/1970
12-4-21	[illegible]	Lisa Y. Nolen	7903 Copper Meadow Converse TX	Bexar	2002733704	9/15/1966
12-4-21	[illegible]	Imbel Sandoval	9810 Copper Rose Converse	Bexar	1069400895	07/20/80
12-7-21	Maria L. Deleon	Maria L. Deleon	242 E Hermitage CT SA TX 78223	Bexar	1082240162	06/16/68
12-7-21	Jason Salinas	Jason Salinas	242 E. Hermitage CT SA TX 78223	Bexar	2157264426	3/15/61

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[3]

STATE OF TEXAS (ESTADO DE TEXAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12-7-21 (date) personally appeared (ANTE MÍ, el/la suscrito(a), en este (fecha) compareció) Michelle Garcia (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declara y dice: "Llame la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigué cada firma. La fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la genuina de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ EN ESTA FECHA)

x [illegible] Signature of Circulator (Firma de la persona que hace circular la petición)
x [illegible] Signature of officer administering oath (Firma de quien lo facultó para tomar juramento)
x Notary Public Title of officer administering oath (Título de quien lo facultó para tomar juramento)

BOBBY MARTINEZ
Notary Public, State of Texas
My Commission expires March 23, 2023
ID # 130163357-0

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

AW2-3
Prescribed by Secretary of State
Sections 141.062, 141.063, 141.064, 141.065, 172.021, 172.025, 172.027
Texas Election Code
9/2019

PETITION IN LIEU OF A FILING FEE and/or PETITION FOR JUDICIAL OFFICE (for use in a primary election)
(PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE DERECHOS DE INSCRIPCIÓN y/o
PETICIÓN PARA UN PUESTO OFICIAL JUDICIAL – para elección de elecciones primarias)

Name of Circulator Debbie Franklin 1 of 1

Signing the petition of more than one candidate for the same office in the same election is prohibited. (No permite firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LLENE TODOS LOS ESPACIOS EN BLANCO.)

This statement MUST be read to each person before signing the petition. (ES OBLIGATORIO leer la siguiente declaración a to[illegible] the "I know that the purpose of this petition is to enable Michelle Garcia to have their name placed on the ballot for the office of Justice of the Peace Pct 4 Place 2 of the Democratic primary election. I understand that by signing this petition I become ineligible to vote in a primary election or participate in a convention of another party, including a party not holding a primary election, during the voting year in which this primary election is held." (Reconozco que el objeto de la presente petición es facultar a Michelle Garcia para que su nombre aparezca en la boleta como candidato(a) al puesto de Justice of the Peace Pct 4 Place 2 en la elección primaria del Partido Democratico. Entiendo que al firmar la petición, dejo de tener derecho a votar en una elección primaria de otro partido o participar en la convención del mismo incluso de un partido que no celebre una elección primaria, durante el año electoral en que se celebre dicha elección primaria.)

Date Signed (Fecha de Firma)	Signature (Firma)	Printed Name (Nombre en letra de molde)	Residence Address (Including City, Texas, Zip) (Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))	County (Condado)	Voter VUID Number[1] (Nume de VUID de Votante)	Date of Birth[2] (Fecha de Nacimiento)
11-9-21	[illegible]	Willie Franklin	927 F Street SA TX 78226	Bexar		12-2-86 X
11/8/21	[illegible]	Debbie Franklin	927 F Street SA TX 78226	Bexar	1067302398	8-2-62
11-8-21	[illegible]	Charlotte Franklin	1425 Nola S.A TX 78220	Bexar	1070889930	5-6-56
11-9-21	[illegible]	Rita Acosta	927 F St. SA TX 78220	Bexar	1152639564	5-5-90
11-8-21	[illegible]	Brandon Washington	927 F St SA TX 78220	Bexar	2154547756	12-29-88
11-9-21	[illegible]	Dorothy Wilkins	931 F St SA TX 78220	Bexar	1067965990	9/-19-49
11-23-21	[illegible]	Sonia Uribe	1738 Winter Ridge Converse TX 78109	Bexar		12-27-88 X

AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICIÓN)[3]

STATE OF TEXAS (ESTADO DE TEXAS) COUNTY OF (CONDADO DE) Bexar BEFORE ME, the undersigned, on this 12-7-21 (date) personally appeared (ANTE MÍ, el/la suscrito(a), en este (fecha) compareció) Debbie Franklin (name of person who circulated petition,) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declara y dice: "Llame la atención de cada firmante sobre la declaración citada y se la leí antes de que la suscribiera. Atestigué cada firma. La fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la genuina de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MÍ EN ESTA FECHA)

x [illegible] Signature of Circulator (Firma de la persona que hace circular la petición)
x [illegible] Signature of officer administering oath (Firma de quien lo facultó para tomar juramento)
x Notary Public Title of officer administering oath (Título de quien lo facultó para tomar juramento)

BOBBY MARTINEZ
Notary Public, State of Texas
My Commission expires March 23, 2023
ID # 130163357-0

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)

EXHIBIT 3

2-2
Prescribed by Secretary of State
Sections 141.031, 141.039, 172.021, 172.022, 172.023, 172.024, Texas Election Code
09/2021

Bexar County Democratic Party
#: Rec'd by: Date:
SOS by: Date: 12-10-21

APPLICATION FOR A PLACE ON THE GENERAL PRIMARY BALLOT

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL[1] Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE Democratic PARTY GENERAL PRIMARY BALLOT
(Democratic or Republican)

TO: State/County Chair

I request that my name be placed on the above-named official primary ballot as a candidate for nomination to the office indicated below.

OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)	INDICATE TERM
Justice of the Peace, Precinct 4	☑ FULL ☐ UNEXPIRED

FULL NAME (First, Middle, Last)	PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*
Michele Carey Garcia	Michele Garcia

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.)
405 E Lindbergh	Same

CITY	STATE	ZIP	CITY	STATE	ZIP
Universal City	Tx	78148			

PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)	OCCUPATION (Do not leave blank)	DATE OF BIRTH	VOTER REGISTRATION VUID NUMBER[2] (Optional)
michelegarcia64@gmail.com	Court Clerk	05 / 17 / 1984	1190699313

TELEPHONE CONTACT INFORMATION (Optional)

Home: Office: Cell: (210) 843-0177

FELONY CONVICTION STATUS (You MUST check one)	LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN	
	IN THE STATE OF TEXAS	IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED
☑ I have not been finally convicted of a felony.	37 year(s)	37 year(s)
☐ 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]	7 month(s)	7 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) Michele Carey Garcia, who being by me here and now duly sworn, upon oath says:

"I, (name of candidate) Michele Carey Garcia, of Bexar County, Texas, being a candidate for the office of Justice of the Peace, Precinct 4, 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 10 (day) day of December (month), 2021 (year), by Michele Carey Garcia (name of candidate).

Signature of Officer Authorized to Administer Oath[4]

James Kane
Printed Name of Officer Authorized to Administer Oath

Notary
Title of Officer Authorized to Administer Oath

JAMES KANE
Notary Public, State of Texas
Comm. Expires 06-27-2023
Notary ID 132068395

TO BE COMPLETED BY CHAIR OR DESIGNEE: THIS APPLICATION IS ACCOMPANIED BY THE FOLLOWING SUMS PAID BY:
☐ CASH ☑ CHECK ☐ MONEY ORDER ☐ CASHIERS CHECK OR ☐ PETITION IN LIEU OF A FILING FEE.

This document and $ 1000.00 filing fee or a nominating petition of 57 pages received. ☑ Voter Registration Status Verified

12 / 10 / 2021 — Date Received
12/10/21 — Date Accepted
(See Section 1.007)
Signature of Chair or Designee

EXHIBIT 4

	TOTAL VOTES	%	EARLY VOTE	ELECTION DAY
PRECINCTS COUNTED (OF 752).	752	100.00		
REGISTERED VOTERS - TOTAL	1104,746			
BALLOTS CAST - TOTAL.	551,896		420,191	131,705
VOTER TURNOUT - TOTAL		49.96		

Straight Party
Vote For 1
(WITH 751 OF 751 PRECINCTS COUNTED)

Republican Party (REP)	134,360	40.86	103,958	30,402
Democratic Party (DEM)	191,776	58.31	141,351	50,425
Libertarian Party (LIB).	2,729	.83	1,636	1,093
Over Votes	24		24	0
Under Votes	223,007		173,222	49,785

● ● ●

Justice of the Peace, Precinct 1, Place 1
Vote For 1
(WITH 146 OF 146 PRECINCTS COUNTED)

Robert "Bobby" Tejeda (DEM)	77,704	100.00	55,386	22,318
Over Votes	0		0	0
Under Votes	28,412		20,793	7,619

Justice of the Peace, Precinct 1, Place 2
Vote For 1
(WITH 146 OF 146 PRECINCTS COUNTED)

Ciro D. Rodriguez (DEM).	78,081	100.00	55,625	22,456
Over Votes	0		0	0
Under Votes	28,035		20,554	7,481

Justice of the Peace, Precinct 3, Place 1
Vote For 1
(WITH 208 OF 208 PRECINCTS COUNTED)

Jeff Wentworth (REP).	123,406	70.39	99,231	24,175
Eric J. Velasquez (LIB).	51,901	29.61	41,177	10,724
Over Votes	1		1	0
Under Votes	37,500		30,145	7,355

Justice of the Peace, Precinct 4, Place 1
Vote For 1
(WITH 212 OF 212 PRECINCTS COUNTED)

Rogelio "Roger" Lopez, Jr. (DEM). . .	72,161	79.67	53,285	18,876
David Brady (LIB).	18,413	20.33	13,590	4,823
Over Votes	1		1	0
Under Votes	24,951		19,411	5,540

Bexar County ESD No. 12 Proposition A
Vote For 1
(WITH 8 OF 8 PRECINCTS COUNTED)

For	1,600	54.96	1,209	391
Against	1,311	45.04	1,032	279
Over Votes	0		0	0
Under Votes	531		387	144

EXHIBIT 5

VERIFICATION

STATE OF TEXAS §
§
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared Rogelio Lopez, Jr. known to me to be the person whose name is subscribed to the foregoing instrument, who, after being duly sworn, states that the facts asserted and statements contained in the request for mandamus and request for emergency relief are true and correct, that the documents attached as exhibits to the request for mandamus relief are true and correct copies of said documents, and that he has signed this Verification in the capacity herein stated and it is within his personal knowledge.

By: _____
ROGELIO LOPEZ, JR.

SWORN AND SUBSCRIBED before me on this 14 day of December, 2021, to certify which witness my hand and seal of office.

DEBRA ANN HERRERA
Notary Public, State of Texas
Comm. Expires 08-08-2023
Notary ID 128698220

Debra Herrera
NOTARY PUBLIC, STATE OF TEXAS

My commission expires 8/8/23

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Catherine Poncio on behalf of Adam Poncio
Bar No. 16109800
cponcio@ponciolaw.com
Envelope ID: 60101674
Status as of 12/16/2021 2:49 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Albert Whitby		albertwhitby@gmail.com	12/16/2021 2:43:48 PM	SENT
Albert Whitby		albertwhitby@gmail.com	12/16/2021 2:43:48 PM	SENT
Adam Poncio		salaw@msn.com	12/16/2021 2:43:48 PM	SENT
Alan Braun		abraun@ponciolaw.com	12/16/2021 2:43:48 PM	SENT
Teresa Cantera		tcantera@ponciolaw.com	12/16/2021 2:43:48 PM	SENT
Angela Zepeda		angelazepeda@ponciolaw.com	12/16/2021 2:43:48 PM	SENT
Adam Poncio		aponcio@ponciolaw.com	12/16/2021 2:43:48 PM	SENT
Michele CareyGarcia		michelegarcia64@gmail.com	12/16/2021 2:43:48 PM	SENT

EXHIBIT “B”

ACCEPTED
04-21-00558-CV
FOURTH COURT OF APPEALS
SAN ANTONIO, TEXAS
12/16/2021 1:07 PM

NO. 04-21-00558-CV

FILED IN
4th COURT OF APPEALS
SAN ANTONIO, TEXAS
12/16/21 1:07:10 PM
MICHAEL A. CRUZ
Clerk

* * *

IN THE COURT OF APPEALS

FOURTH SUPREME JUDICIAL DISTRICT

SAN ANTONIO, TEXAS

* * *

IN RE ROGELIO LOPEZ, JR.,
BEXAR COUNTY JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1
Relator

* * * *

EMERGENCY MOTION FOR TEMPORARY RELIEF AND/OR FOR STAY PENDING RULING ON EMERGENCY PETITION FOR WRIT OF MANDAMUS AND/Or PETITION FOR WRIT OF MANDAMUS

* * * *

Adam Poncio
State Bar No. 16109800
PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Road #109
San Antonio, Texas 78229-3550
Telephone: (210) 212-7979
Facsimile: (210) 212-5880
salaw@ponciolaw.com

ATTORNEYS FOR RELATOR

December 16, 2021

NO. 04-21-00558-CV

* * *

IN THE COURT OF APPEALS

FOURTH SUPREME JUDICIAL DISTRICT

SAN ANTONIO, TEXAS

* * *

IN RE ROGELIO LOPEZ, JR.,
BEXAR COUNTY JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1
Relator

* * * *

EMERGENCY MOTION FOR TEMPORARY RELIEF AND/OR FOR STAY PENDING RULING ON EMERGENCY PETITION FOR WRIT OF MANDAMUS AND/Or PETITION FOR WRIT OF MANDAMUS

* * * *

TO THE HONORABLE COURT OF APPEALS:

Relator ROGELIO LOPEZ, JR.,BEXAR COUNTY JUSTICE OF THE PEACE, PRECINCT 4, PLACE 1 ("Relator"), has petitioned this court for leave to file a writ of mandamus against Respondent/Real Party in Interest, Monica Alcantara, Bexar County Democratic Party Chairwoman ("Alcantara"). Relator now requests temporary relief and/or an emergency stay of the actions and proceedings in this matter pending a determination by the Court of this petition.

1. Relator is Rogelio Lopez, Jr., Bexar County Justice of the Peace, Precinct 4, Place 1. Relator is represented by Adam Poncio, PONCIO LAW

OFFICES, P.C., 5410 Fredericksburg Road #109, San Antonio, Texas 78229-3550.

2. Respondent and Real Party in Interest is Monica Alcantara, Bexar County Democratic Party Chair, Bexar County Democratic Party Headquarters, 1844 Fredericksburg Rd, San Antonio, Texas 78201. The two candidates for office at issue are Albert Whitby and candidate Michele Carey Garcia. Counsel will supplement with addresses and contact information.

3. This court has mandamus jurisdiction over this proceeding under TEX. ELEC. CODE § 273.061, which authorizes this court to issue a writ of mandamus "to compel the performance of any duty imposed by law in connection with the holding of an election… regardless of whether the person responsible for performing the duty is a public officer."

4. This court has mandamus jurisdiction over this proceeding under TEX. ELEC. CODE § 273.061, which authorizes this court to issue a writ of mandamus "to compel the performance of any duty imposed by law in connection with the holding of an election… regardless of whether the person responsible for performing the duty is a public officer. " Moreover and/or alternatively, mandamus issues to correct a clear abuse of discretion, or the violation of a duty imposed by law, where there is no adequate remedy by appeal. *In re Daisy Mfg. Co.,* 17 S.W.3d 654, 658 (Tex. 2000) (orig. proceeding) (per curiam). Moreover, the court of appeals has "such other jurisdiction, original and appellate, as may be prescribed by law." Tex. Const. art. V, § 6. Moreover, the court may issue an order staying proceedings pursuant to Rule 52.10(b) Tex. R. App. P.

5. Despite being informed of defects in the applications for office, Chairwoman Alcantara has disregarded her obligation to reject the applications for office filed by candidates for Justice of the Peace Albert Whitby and candidate Michele Carey Garcia. The respective "Application for a Place on the General Primary Ballot" filed by each candidate is defective pursuant to the Texas Election Code, and accordingly must be rejected. Each respective application fails to meet the requirements prescribed in the Texas Election Code.

6. Mr. Whitby's application was accompanied by 39 pages of petitions, all of which list the candidate office as "Justice of the Peace, Precinct 4." All the petitions failed to include the place number as "Place 1." This is a defect in each of these petition pages, which renders each of them invalid.

7. Ms. Garcia's application listed the office as "Justice of the Peace, Precinct 4" and failed to include the place number as "Place 1." This is also a defect which also renders the application invalid.

8. The Texas Election Code provides "If an application does not comply with the applicable requirements, the authority **shall** reject the application. " TEX. ELEC. CODE § 141.032 (emphasis added). While Chairwoman Alcantara has been informed of the defect in the applications, she has failed and refused to reject the applications as required by law.

9. The record in this original proceeding consists of an Appendix containing verified copies of the pertinent documents.

10. By this motion, Relator is requesting an emergency stay in the

underlying matter. It is requested that the certification to the secretary of state for the ballot in the race at issue by Real Party in Interest and/or any of her representatives, any drawing for placement on the ballots for respective candidates scheduled for and held on December 15, 2021, be stayed and/or nullified and/or that the applications be deemed or ordered rejected and that a new drawing be held for placement on the ballot. Furthermore and/or alternatively, it is requested that placing the respective candidates on the ballot be stayed until this matter can be resolved. The requested emergency stay is necessary to maintain the status quo of the parties and to preserve the Court's jurisdiction to consider the merits of the underlying orders and/or the mandamus request filed. *In re Reed*, 901 S.W.2d 604, 609 (Tex. App. -- San Antonio 1995, orig proceeding). As set out above, an emergency order is necessary in order to prevent the improper conduct of the Real Party In Interest, to order that she comply with her duties to reject the applications and to maintain this Court's jurisdiction while a determination is made regarding any abuse of discretion or failure of Alcantara to perform her statutory obligations and/or for this court to determine the merits.

5. Relators are requesting an emergency stay of the proceedings in this matter. The actions of Alcantara and/or her representatives should be stayed with regard to the race at issue because Alcantara is obligated to certify the ballot for the race by close of business on December 17, 2021. She has indicated that she intends to certify the ballot today, December 16, 2021 by 4:00 pm. Her actions should be stayed pending a determination on this mandamus by the Court of Appeals and, if

necessary, by the Texas Supreme Court. The requested emergency stay is necessary to maintain the status quo of the parties and to preserve the Court's jurisdiction to consider the merits of the underlying orders and/or the mandamus request filed. *In re Reed*, 901 S.W.2d 604, 609 (Tex. App. – San Antonio 1995, orig proceeding).

RELIEF REQUESTED AND REQUEST FOR EMERGENCY STAY

6. Relator requests leave to file his Emergency Petition For Writ of Mandamus.

7. Relator further and alternatively requests that the court enter temporary orders staying any placement of the two candidates addressed herein, candidate Whitby and/or candidate Garcia, from being placed on the ballot for the election for Bexar County Justice of the Peace, Precinct 4, Place 1, until this matter is determined.

8. Because the certification of the ballot must be filed with the Secretary of State by close of business on December 17, 2021. However, Alcantara has indicated she will certify the ballot by 4:00pm today on December 16, 2021. It is requested that the court stay any certification of the ballot by Alcantara or any representative of her office for Bexar County Justice of the Peace, Precinct 4, Place 1, staying the placement on the ballot or drawing for a place on the ballot for the candidates and/or temporarily abating or preventing their certification or placement on the ballot or drawing for their place on the ballot, until such time as this court can review and decide this mandamus action.

9. Relator further and alternatively requests that this Court issue a writ of mandamus to the Chairwoman Alcantara ordering Alcantara to reject the applications

for candidate Whitby and/or candidate Garcia in order to allow for proper review by the court and/or, alternatively, to order that she reject the applications and/or petitions, in whole or in part, as this court may deem appropriate, and for all other relief, temporary or otherwise, this court deems appropriate.

WHEREFORE, relator requests that the Court stay the actions as set out above until such time as this court can review and decide this mandamus action, and for all other relief this court deems appropriate.

Respectfully submitted,

PONCIO LAW OFFICES
A Professional Corporation
5410 Fredericksburg Road #109
San Antonio, Texas 78229-3550
Telephone: (210) 212-7979
Facsimile: (210) 212-5880

BY: **/s/ Adam Poncio**
Adam Poncio
State Bar No. 16109800
aponcio@ponciolaw.com

ATTORNEYS FOR RELATOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon all parties and that I have notified them by attempting to contact them by phone or by email that I intend to file the request for temporary relief and have served them by service as follows:

Ms. Monica Alcantara - by Hand Delivery
Chairwoman, Bexar County Democratic Party
1844 Fredericksburg Road
San Antonio, Texas 78201

Albert Whitby - albertwhitby@gmail.com
c/o Bexar County Democratic Party
1844 Fredericksburg Road
San Antonio, Texas 78201

Michele Carey Garcia - michelegarcia64@gmail.com
c/o Bexar County Democratic Party
1844 Fredericksburg Road
San Antonio, Texas 78201

on this 16th day of December, 2021

/s/ Adam Poncio
Adam Poncio

CERTIFICATE OF COMPLIANCE

Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), I hereby certify that this motion contains 1,652 words, excluding the words not included in the word count under the rules, or 7 pages, excluding the pages not included in the page count under the rules, pursuant to Texas Rule of Appellate Procedure 9.4(i)(1). This is a computer generated document created in Word Perfect X8, using 14-point typeface for all text, except for footnotes which are in 12-point typeface. In making this certificate of compliance, I am relying on the word count provided by the software used to prepare the document.

/s/ Adam Poncio
ADAM PONCIO

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Angela Zepeda on behalf of Adam Poncio
Bar No. 16109800
angelazepeda@ponciolaw.com
Envelope ID: 60095039
Status as of 12/16/2021 2:25 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Adam Poncio		salaw@msn.com	12/16/2021 1:07:10 PM	SENT
Cathy Poncio		cponcio@ponciolaw.com	12/16/2021 1:07:10 PM	SENT
Angela Zepeda		angelazepeda@ponciolaw.com	12/16/2021 1:07:10 PM	SENT
Albert Whitby		albertwhitby@gmail.com	12/16/2021 1:07:10 PM	SENT
Michele CareyGarcia		michelegarcia64@gmail.com	12/16/2021 1:07:10 PM	SENT

EXHIBIT “C”

ACCEPTED
04-21-00558-CV
FOURTH COURT OF APPEALS
SAN ANTONIO, TEXAS
12/17/2021 1:32 PM

I Michele Garcia respondent,

Please find my response to the petition for a writ of mandamus and emergency motion for temporary relief. Please see Exhibit A and B

FILED IN
4th COURT OF APPEALS
SAN ANTONIO, TEXAS
12/17/2021 1:32:49 PM
MICHAEL A. CRUZ
Clerk

1. Exhibit A is the Bexar County Budget for the 2017-2018 year. The Justice of the Peace is an elected official. Justice of the Peace Precinct 4 has two Justices, Places 1 and 2. The Place 1 Justice of the Peace is a full-time Judge, and the Place 2 Justice of the Peace is a part-time Judge. Both Judges are elected to four-year terms. On October 17, 2017, Commissioners Court approved an order to abolish the Office of Justice of the Peace in Bexar County Justice Precinct 3 and 4, designated as Place 2. Please refer to Pages 388-389
2. Exhibit B is an order signed by all 4 commissioner's formally abolishing Place 2 in the Justice courts 3 and 4. October 17, 2017, the court herby ordered and approved a motion approving an order abolishing the office of the Justice of the Peace in Bexar County Justice Precinct 4 designated as place 2. To be effective at the end of the day dec 31, 2018 so that the incumbent Justice of the Peace in the Place 2 position can serve out the remainder of the term.
3. Please review the Exhibits and please consider my response. I was only going off the budge of 2017 and under the impression as stated in the budget that there is only one position in the Justice of the Peace Pct 4. So there is no confusion on the position I am applying for.

Respectfully Submitted,

Michele Garcia
405 E. Lindbergh
Universal city Tx 78148
By: /s/ Michele Garcia

Certification of compliance

I certify that everything is true and correct to the best of my ability I am relying on Microsoft word. provided by the software used to prepare this document.

CERTIFICATE OF SERVICE

I Herby certify that the true and correct copy of the foregoing document has been served upon all parties by the court's filing system, hand delivered and or/or email as follows:

Ms. Monica Alcantara – martin.galando@gmail.com- delivered via email

Chairwoman, Bexar County Democratic Party

1844 Fredericksburg Road

San Antonio, Texas 78201

Albert Whitby - albertwhitby@gmail.com- delivered via email

c/o Bexar County Democratic Party

1844 Fredericksburg Road

San Antonio, Texas 78201

Michele Carey Garcia - michelegarcia64@gmail.com

c/o Bexar County Democratic Party

1844 Fredericksburg Road

San Antonio, Texas 78201

Adam Poncio- salaw@ponciolaw.com- delivered via email

A Professional corporation

5410 Fredericksburg Road # 109

San Antonio, Texas 78229

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 60136972
Status as of 12/17/2021 1:44 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Adam Poncio		aponcio@ponciolaw.com	12/17/2021 1:32:49 PM	SENT
Cathy Poncio		cponcio@ponciolaw.com	12/17/2021 1:32:49 PM	SENT
Angela Zepeda		angelazepeda@ponciolaw.com	12/17/2021 1:32:49 PM	SENT
Michele CareyGarcia		michelegarcia64@gmail.com	12/17/2021 1:32:49 PM	SENT
Albert Whitby		albertwhitby@gmail.com	12/17/2021 1:32:49 PM	SENT

♠♠

Item – 50
October 17, 2017
District Attorney's Office

FILED IN
4th COURT OF APPEALS
SAN ANTONIO, TEXAS
12/17/2021 1:32:49 PM
MICHAEL A. CRUZ
Clerk

VOL 1072 PG 836

The Court hereby ordered and approved a motion approving an Order Abolishing the Office of Justice of the Peace in Bexar County Precinct 3, designated as Place 2 and an Order Abolishing the Office of Justice of the Peace in Bexar County Justice Precinct 4, designated as Place 2, to be effective at the end of the day December 31, 2018 so that the incumbent Justices of the Peace in the Place 2 positions can serve out the remainder of their terms. (Record)

A motion was presented by County Commissioner Sergio "Chico" Rodriguez, duly seconded by County Commissioner Paul Elizondo, which motion was voted on as follows: Commissioners Rodriguez, Elizondo, and Judge Wolff voting "Aye".

Item Number: 50
(for Comm Ct use only)

AGENDA COORDINATION FORM
Bexar County Commissioners Court

Type of Agenda Item (Choose one):	Ceremonial		Special Presentation		Time Certain		Consent		Individual	X	
Sponsoring Office/Department:	Commissioners Court			Recipient Agency/Individual Name:							
Contact Person:	Ed Schweninger		Phone Number:	52141	Court Date Requested:	10/17/2017					
Presenter:	Ed Schweninger		Phone Number:	52141	Deadline for Action:	Before Nov 11 primary filing period					
Audio/Visual Presentation:	Y		N	X	ADA Assistance Required (type):	Two Written Orders Abolishing Offices					
Official/Department Head Signature:					Small, Minority, Women-owned Business Enterprise (SMWBE) Impact:	Y ____ N ____					

VOL 10072 PG 837

CAPTION: Discussion and appropriate action regarding abolishment of the half-time positions in Justice Precincts 3 and 4 designated as "Justice of the Peace, Precinct 3, Place 2," and "Justice of the Peace, Precinct 4, Place 2" to be effective at the end of the day December 31, 2018 so that the incumbent Justices of the Peace in the Place 2 positions can serve out the remainder of their terms.

ESTIMATED PRESENTATION TIME: 10 Min

BACKGROUND: The Commissioners Court has conducted a workload analysis through its budget process over the past 2 years which has revealed a steady decline of incoming workload since 2013 in Bexar County Justice Precincts 2, 3 and 4. The Bexar County Commissioners Court now finds that half-time positions are unnecessary to assist in the handling of the incoming workload of Bexar County Justice of the Peace Precincts 2, 3 and 4. The incoming workload for Bexar County Justice Precincts 2, 3 and 4 has sufficiently declined so that the full-time Justices of the Peace in those Justice Precincts can handle all legal matters pending in each respective Justice Precinct without the need for assistance from the half-time Justices of the Peace. These matters have been discussed in public meetings over the past 2 years and public comment has been encouraged. The Bexar County Commissioners Court now finds it appropriate to abolish the half-time positions in Justice Precincts 3 and 4 designated as "Justice of the Peace, Precinct 3, Place 2," and "Justice of the Peace, Precinct 4, Place 2," to be effective at the end of the day December 31, 2018 so that the incumbent Justices of the Peace in the Place 2 positions can serve out the remainder of their terms.

RECOMMENDED MOTION:

Approval of an Order Abolishing the office of Justice of the Peace in Bexar County Precinct 3, designated as Place 2, and an Order Abolishing the Office of Justice of the Peace in Bexar County Justice Precinct 4, designated as Place 2, to be effective at the end of the day December 31, 2018 so that the incumbent Justices of the Peace in the Place 2 positions can serve out the remainder of their terms.

Item Number: _____
(for Comm Ct use only)

FISCAL ASSESSMENT:

1	Is this a revenue or expense?	Revenue		Expense	
2	Dollar amount of revenue or expense associated with item?				
3	Is this a budgeted revenue or expense?	Yes		No	
4	Does this item require additional staff?	Yes		No	
5	Will this increase your current budget?	Yes		No	
6	Impact on future Budget? If Yes, Explain in Comments.	Yes		No	
7	Current Expenditure Estimate?				
8	If an expense, what is the current Object Code budget amount?				
9	If an expense, are sufficient funds currently budgeted in the Object Code?	Yes		No	
10	If an expense, are sufficient funds currently budgeted in the Appropriation Unit?	Yes		No	
11	List impacted offices or departments or note if countywide:				
12	Fund number:				
13	Org number:				
14	Object Code number:				
15	If this is a grant, what is the estimated amount of program income?				
16	If this is a grant, what is the amount of Grantor funding?				
17	If this is a grant, what is the required County cash match?				
18	If this is a grant, what is the required County in-kind/allocation match?				
19	If this is a grant, was item approved by the Grant Review Committee?				
20	Comments:				
21	Coordinated by		Verified By		

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VOL 10072 PG 839

THE STATE OF TEXAS §
§
THE COUNTY OF BEXAR §

ORDER ABOLISHING THE OFFICE OF JUSTICE OF THE PEACE IN BEXAR COUNTY JUSTICE PRECINCT 3, DESIGNATED AS PLACE 2

WHEREAS, there are currently two Justices of the Peace in Bexar County Justice Precinct 3, denominated, respectively, Justice of the Peace, Precinct 3, Place 1, and Justice of the Peace, Precinct 3, Place 2;

WHEREAS, an additional Justice of the Peace position was created effective November 8, 2013 for the purpose of providing needed assistance for justice of the peace services in that justice precinct;

WHEREAS, there is currently a full-time Justice of the Peace in Bexar County Justice Precinct 3, designated Place 1, and the Justice of the Peace designated as Place 2 is a half-time position, according to the practice of Bexar County for such positions;

WHEREAS, the Commissioners Court conducted a workload analysis through its budget process which revealed a steady decline of incoming workload since 2013 in Bexar County Justice Precincts 2, 3 and 4;

WHEREAS, the Bexar County Commissioners Court now finds that half-time positions are unnecessary to assist in the handling of the incoming workload of Bexar County Justice of the Peace Precincts 2, 3 and 4;

WHEREAS, the incoming workload for Bexar County Justice Precincts 2, 3 and 4 has sufficiently declined so that the full-time Justices of the Peace in those Justice Precincts can handle all legal matters pending in each respective Justice Precinct without the need for assistance from the half-time Justices of the Peace;

WHEREAS, the Bexar County Commissioners Court finds it appropriate to abolish the half-time position of Justice of the Peace in Bexar County Justice Precinct 3, designated as "Justice of the Peace, Precinct 3, Place 2," effective at the end of the day December 31, 2018 so that the incumbent Justice of the Peace in the Place 2 position can serve out the remainder of his term of office; and

WHEREAS, the Commissioners Court of Bexar County finds this action is in the best interest of the citizens of Bexar County, and is for the convenience of the people.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS:

A. That the Commissioners Court makes the various findings contained in the

recitations stated above, which are incorporated into this Order as legislative findings;

B. That the Bexar County Commissioners Court abolishes the half-time position of Justice of the Peace in Bexar County Justice Precinct 3, designated as "Justice of the Peace, Precinct 3, Place 2," effective at the end of the day December 31, 2018.

BE IT SO ORDERED.

Adopted on this 17 day of October, 2017.

BEXAR COUNTY, TEXAS

Nelson W. Wolff, County Judge

Sergio "Chico" Rodriguez, Commissioner, Precinct 1

Paul Elizondo, Commissioner, Precinct 2

Kevin A. Wolff, Commissioner, Precinct 3

Tommy Calvert, Commissioner, Precinct 4

ATTEST:

Gerard C. Rickhoff, County Clerk

For

VOL 10072 PG 840

THE STATE OF TEXAS §
§
THE COUNTY OF BEXAR §

VOL 10072 PG 841

ORDER ABOLISHING THE OFFICE OF JUSTICE OF THE PEACE IN BEXAR COUNTY JUSTICE PRECINCT 4, DESIGNATED AS PLACE 2

WHEREAS, there are currently two Justices of the Peace in Bexar County Justice Precinct 4, denominated, respectively, Justice of the Peace, Precinct 4, Place 1, and Justice of the Peace, Precinct 4, Place 2;

WHEREAS, the Justice of the Peace, Precinct 4, Place 2 position was created effective November 8, 2013 for the purpose of providing needed assistance for justice of the peace services in that justice precinct;

WHEREAS, the need for additional assistance in 2013 in Justice Precinct 4 was caused by the redistribution of workloads among the justice precincts resulting from the redistricting of all Bexar County Justice Precincts which made changes to the justice precinct boundaries by conforming them to the commissioner precinct boundaries;

WHEREAS, the newly created Justice of the Peace, Precinct 4, Place 2 position was designated to be a half-time position, according to the practice of Bexar County for such positions;

WHEREAS, there is currently a full-time Justice of the Peace in Bexar County Justice Precinct 4, designated Place 1;

WHEREAS, the Commissioners Court conducted a workload analysis through its budget process which revealed a steady decline of incoming workload since 2013 in Bexar County Justice Precincts 2, 3 and 4;

WHEREAS, the Bexar County Commissioners Court now finds that half-time positions are unnecessary to assist in the handling of the incoming workload of Bexar County Justice of the Peace Precincts 2, 3 and 4;

WHEREAS, the incoming workload for Bexar County Justice Precincts 2, 3 and 4 has sufficiently declined so that the full-time Justices of the Peace in those Justice Precincts can handle all legal matters pending in each respective Justice Precinct without the need for assistance from half-time Justices of the Peace;

WHEREAS, the Bexar County Commissioners Court finds it appropriate to reconsider its action ordering the creation of an office of Justice of the Peace in Bexar County Justice Precinct 4, designated as "Justice of the Peace, Precinct 4, Place 2," and further finds that this office should now be abolished effective at the end of the day

December 31, 2018 so that the incumbent Justice of the Peace in the Place 2 position can serve out the remainder of her term of office; and

WHEREAS, the Commissioners Court of Bexar County finds this action is in the best interest of the citizens of Bexar County, and is for the convenience of the people.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS:

A. That the Commissioners Court makes the various findings contained in the recitations stated above, which are incorporated into this Order as legislative findings;

B. That the Bexar County Commissioners Court having reconsidered its action ordering the creation of an office of Justice of the Peace in Bexar County Justice Precinct 4, designated as "Justice of the Peace, Precinct 4, Place 2," abolishes this office effective at the end of the day December 31, 2018.

BE IT SO ORDERED.

Adopted on this 17 day of October, 2017.

BEXAR COUNTY, TEXAS

Nelson W. Wolff, County Judge

Sergio "Chico" Rodriguez, Commissioner, Precinct 1

Paul Elizondo, Commissioner, Precinct 2

Kevin A. Wolff, Commissioner, Precinct 3

Tommy Calvert, Commissioner, Precinct 4

ATTEST:

Gerard C. Rickhoff, County Clerk

FOR

VOL 10072 PG 842

EXHIBIT “D”

Fourth Court of Appeals
San Antonio, Texas

December 17, 2021

No. 04-21-00558-CV

IN RE Rogelio **LOPEZ**, Jr., Relator

Original Proceeding

ORDER

Sitting: Luz Elena D. Chapa, Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

On December 16, 2021, relator filed a petition for writ of mandamus. After considering the petition, the appendix, and the responses from respondent Monica Alcantara and real party in interest Michele Carey Garcia, this court concludes relator has not shown himself to be entitled to the relief sought. Accordingly, the petition for writ of mandamus is denied. *See* TEX. R. APP. P. 52.8(a).

This court's opinion will issue at a later date.

It is so **ORDERED** on December 17, 2021.

PER CURIAM

.

ATTESTED TO: _____
MICHAEL A. CRUZ, Clerk of Court

EXHIBIT “E”

FILED
12/27/2021 3:19 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Laura Castillo
Bexar County - 225th District Court

CAUSE NO. 2021CI26103

ROGELIO LOPEZ, JR,	§	**IN THE DISTRICT COURT OF**
Plaintiff	§	
	§	
VS.	§	**BEXAR COUNTY, TEXAS**
	§	
MONICA ALCANTARA,	§	
MICHELE CAREY GARCIA and	§	
ALBERT WHITBY,	§	
Defendants	§	**_____JUDICIAL DISTRICT**

PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARYRESTRAINING ORDER AND/OR TEMPORARY AND/OR PERMANENT INJUNCTION

TO THE HONORABLE JUDGE OF THE COURT:

Plaintiff, Rogelio Lopez, Jr. ("Lopez"), Presiding Judge of the Bexar County Justice of the Peace Court, Precinct 4, Place 1, complaining of Defendants Monica Alcantara ("Alcantara"), in her capacity as Chair of the Bexar County Democratic Party and as a representative of the Bexar County Democratic Party, Michele Carey Garcia ("Garcia") and Albert Whitby ("Whitby"), files this as his Original Petition and Application for Temporary Restraining Order and Temporary and Permanent Injunction, and in support thereof, respectfully state as follows:

I. DISCOVERY LEVEL

1. Plaintiff intends to conduct discovery under level three TEX. R. CIV. P. 190.1.

II. CLAIM FOR RELIEF

2. Plaintiff's cause of action is for injunctive relief to enjoin a violation of the Texas Election Code as permitted under § 273.081 of the Code. Plaintiff seeks no monetary relief and only nonmonetary relief.

III. PARTIES

3. Plaintiff Rogelio Lopez, Jr. serves as the Presiding Judge of the Bexar County Justice of the Peace Court, Precinct 4, Place 1 in Bexar County, Texas and has served for the last 12 years. Lopez is a resident of Bexar County, Texas. The last four digits of Plaintiff's Social Security Number are 5972 and the last three digits of his Texas Driver's License number are 878.

4. Defendant Monica Alcantara is a resident of Bexar County. Alcantara is sued herein in her capacity as the Chair of the Bexar County Democratic Party and as a representative of the Bexar County Democratic Party and can be served with process herein by delivering the citation and a copy of this pleading to her at 1844 Fredericksburg Road, San Antonio, Texas 78201, or any place she may be found. She and her counsel are also being served by email as follows: Monica Alcantara, monica@electmonica.com and info@bexardemocrat.org and attorney Martin Golando at martin.golando@gmail.com.

5. Defendant Michele Carey Garcia has applied to run in the 2022 Democratic Party primary for the Justice of the Peace, Precinct 4, Place 1 bench. She is a resident of Bexar County, Texas. Garcia is sued in her individual capacity and can be served

with process at her residence, 405 E Lindbergh, Universal City, Texas 78148, or wherever she may be found. Garcia is also being served by email as follows: Michele Carey Garcia - michelegarcia64@gmail.com

6. Defendant Albert Whitby has applied to run in the 2022 Democratic Party primary for the Justice of the Peace, Precinct 4, Place 1 bench. He is a resident of Bexar County, Texas. Whitby is sued in his individual capacity and can be served with process at his residence, 8503 Eagle Crest Blvd., Windcrest, Texas 78239, or wherever he may be found. Whitby is also being served by email as follows: Albert Whitby - albertwhitby@gmail.com

IV. JURISDICTION AND VENUE

7. This Court has jurisdiction pursuant to under § 273.081 of the Texas Election Code, which provides that a "person who is being harmed or is in danger of being harmed by a violation or threatened violation of this code is entitled to appropriate injunctive relief to prevent the violation from continuing or occurring." Texas Election Code § 273.081.

8. Venue properly lies in Bexar County, Texas, because a substantial part of the action forming the basis of Plaintiff's claims against Defendants occurred in Bexar County, Texas, and Defendants reside, are located, or conduct business in Bexar County.

V. FACTUAL BACKGROUND

9. This is a petition for injunctive relief requesting that Chairwoman Alcantara be compelled to fulfill her duties and obligation as Chair and on behalf of the Bexar County Democratic Party to reject the applications for office filed by candidate Whitby and/or candidate Garcia, as required by the Texas Election Code. The respective "Application for A Place on the General Primary Ballot" filed by each candidate is defective pursuant to the Texas Election Code, and accordingly must be rejected, as required by the Election Code. Each respective application fails to meet the requirements prescribed in the Texas Election Code.

10. The Application for candidate Whitby is defective pursuant to the Texas Election Code, and accordingly must be rejected. The Application fails to meet the requirements prescribed in the Texas Election Code. Mr. Whitby's application was accompanied by 39 pages of petitions, all of which list the candidate office as "Justice of the Peace, Precinct 4." All the petitions failed to include the place number as "Place 1." This is a defect in each of these petition pages, which renders each of them invalid. As the Democratic Party Chair and the designated filing authority, Alcantara must reject the application but has failed to do so, even though she was informed of the defects. The Election Code provides as much, providing "If an application does not comply with the applicable requirements, the authority ***shall*** reject the application...." TEX. ELEC. CODE § 141.032 (emphasis added).

In addition, as set out below, Whitby's petition contains signatures of

unregistered voters, lacks other required information, has voters included who reside outside the area at issue and/or contain duplicate signatures.

11. Similarly, candidate Garcia's "Application for a Place on the General Primary Ballot" filed on December 10, 2021, is defective pursuant to the Texas Election Code, and accordingly must also be rejected. The Garcia application lists the candidate office as "Justice of the Peace, Precinct 4" but failed to include the place number as "Place 1". As a result, the Democratic Party Chair and the designated filing authority must reject the application. The Application fails to meet the requirements prescribed in the Texas Election Code. Nevertheless, despite being informed of the defect, Alcantara has also failed to reject the Garcia application as required.

VI. GOVERNING LAW

12. With regard to both applications, section 141.031 of the Texas Election Code provides that: (a) A candidate's application for a place on the ballot that is required by this code must: (4) include: (c) the office sought, ***including any place number or other distinguishing number*** ... TEX. ELEC. CODE § 141.031 (emphasis added).

13. Applicable law establishes that the applications must be rejected. The Texas Supreme Court reviewed an identical case, and found that the failure to list the place number in each of the petition pages constituted a defect in each of those petition pages, which rendered all of those pages invalid. *See In re Francis*, 186 S.W.3d 534,

538 (Tex. 2006) (orig. proceeding) (omitting Place 8 constituted a "defect" and an "omission of the statutory requirements..."). Regarding the candidate's omission of "Place 8" on the petitions, the Texas Supreme Court went on to say:

"We agree that the omission of any statutorily required information on a petition renders signatures on that petition invalid. Section 172.027 of the Election Code says that a candidate's place number 'must appear at the top of each page of a petition.' Section 141.063(a)(4) says that a signature on a petition is invalid unless 'each statement that is required by this code . . . appears, at the time of signing, on the page on which the signature is entered.' As the Code requires a place number on each page, and declares invalid any signatures on pages without it, the trial court correctly concluded that all but 27 signatures from the district involved in this challenge are invalid." In re Francis, 186 S.W.3d 534, 538 (Tex. 2006).

Moreover, the court went on to say:

"We have strictly enforced mandatory statutory requirements for political candidacy in the past. See, e.g., Wallace v. Howell, 707 S.W.2d 876, 877 (Tex.1986) (disqualifying candidate who filed application for two judicial positions and conditioned withdrawal from one on qualification for the other); Painter v. Shaner, 667 S.W.2d 123, 125 (Tex. 1984) (noting "statutory mandates" should be "strictly construed"); Brown v. Walker, 377 S.W.2d 630, 632 (Tex.1964) (disqualifying candidate who mailed application by regular mail because applications sent before, but received after, the deadline must be sent via certified or registered mail); Canady v. Democratic Executive Comm. of Travis County, 381 S.W.2d 321, 324 (Tex.1964) (disqualifying candidate who listed his legal address as one outside the relevant precinct); Burroughs v. Lyles, 142 Tex. 704, 181 S.W.2d 570, 573 (1944)."

In re Francis, 186 S.W.3d 534, 538 at fn 15 (Tex. 2006).

14. The law is clear that because all 39 of Mr. Whitby's petitions lack the "Place 1" designation, all 39 pages are invalid. Accordingly, his application must be rejected.

15. Mr. Whitby's omission was not due to his lack of knowledge. He was clearly

aware that he was making an application for the Justice of the Peace Precinct 4, Place 1 position, as his "Application for a Place on the General Primary Ballot" clearly designates the office sought as "Bexar County Justice of the Peace Precinct 4, Place 1."

16. The Bexar County Elections Department clearly recognizes that these are two distinct offices for Justice of the Peace. Further, the ballot from the 2018 General Election also clearly identifies the office designation as the "Justice of the Peace, Precinct 4, Place 1."

17. Similarly, Garcia made the same error on her application. Her application should also be similarly rejected. "[C]andidates must bear ultimate responsibility for filing a proper application and petition." *In re Francis*, 186 S.W.3d 534 at 541 (Tex.2006) (orig. proceeding). Each candidate is responsible for the contents of their application. See Id. at 543 (holding that former argued availability of limited opportunity to cure "does not absolve candidates of the need for diligence and responsibility in their filings; party chairs must only notify them of defects, not do their work for them"); *see also Escobar v. Sutherland*, 917 S.W.2d 399, 405 (Tex. App. -- El Paso 1996, orig. proceeding) ("[I]n the end, it is the candidate who must insure that the application complies with established law. If the candidate does not, he is at risk of having his candidacy rejected; if not by the County Chair, then by the courts."); *Risner v. Harris Cnty. Republican Party*, 444 S.W.3d 327, 344-345 (Tex.

App. 2014).

18. Texas courts have used a simple distinction to determine who should suffer the consequences of failing to follow the election code. If the failure to comply with the election code is something within the candidate's control, as in the present case, the candidate is kept off the ballot. *In re Parsons*, 110 S.W.3d 15, 16 (Tex. App. -- Waco 2002, no pet.), citing Gibson, 960 S.W.2d at 421. The error in both of the applications involved herein were errors by the candidates, particularly because of their late filing as in the *Parsons* case. There is no contention the errors involved herein were that of an election official.

19. Under these facts, Chairwoman Alcantara has no choice but to reject the applications, as her duty is both mandatory and ministerial, but she has failed to do so. The Texas Supreme Court has emphasized that the sections of the Election Code dealing with candidacy for political office are mandatory and are to be strictly enforced. *Wallace v. Howell*, 707 S.W.2d 876, 877 (Tex. 1986) (orig. proceeding). "The party chair's duty to determine whether an application for a place on the ballot complies with the statutory requirements is ministerial." *In re Triantaphyllis*, 68 S.W.3d 861, 869 (Tex. App. -- Houston [14th Dist.] 2002, orig. proceeding). The Texas Supreme Court has further made it clear that "[i]f a candidate's application does not comply with the Code's requirements, the party chair has no discretion but to reject the application and remove the candidate's name from the candidate list.

TEX. ELEC. CODE §§ 141.032(e), 172.029(d); *Escobar v. Sutherland*, 917 S.W.2d 399 at 406 (Tex. Civ. App.-- El Paso 1996, orig. proceeding); *In re Gamble*, 71 S.W.3d 313 (Tex. 2002). Thus, under both the Election Code and the Texas Supreme Court's Page -9- interpretation of the Code, Chairwoman Alcantara, as the Chair of the Bexar County Democratic Party must reject Mr. Whitby's and Ms. Garcia's application.

20. Moreover, should Chairwoman Alcantara determine that she should, as the Democratic Party Chair, wish to afford an opportunity for cure, she has no authority to accept an amended application after the filing deadline. The Texas Election Code, § 172.0222 provides that: (I) After the filing deadline: (1) a candidate may not amend an application filed under Section 172.021; and (2) the authority with whom the application is filed may not accept an amendment to an application filed under Section 172.021. Tex. Election Code Sec. 172.0222 The Election Code prohibits amendments or corrections after the filing deadline

21. Borrowing largely from the opinion in *Risner v. Harris County Republican Party*, 444 S.W.3d 327 (Tex. App. -- Houston [1st Dist.] 2014, no pet.), it is clear the Chairwoman and/or any court may not allow for the correction or amendment of any application; they must be rejected. As set out, prior to 2011, the Texas Election Code neither specifically authorized nor specifically prohibited amendments to applications for positions on a ballot after the filing deadline for such applications.

Instead, the Code merely required that a candidate's application "be timely filed with the appropriate authority." TEX. ELEC. CODE Ann. § 141.031(a)(3). The Code further required a party chair to review the application within either five days or "as soon as practicable," to reject any non-compliant application, and to immediately notify the candidate of the reason for the rejection. Id. § 141.032(a), (b), (c), (e).

22. In *In re Gamble*, *In re Francis*, and *In re Holcomb*, the Texas Supreme Court construed the statutory provisions, in conjunction with the statutory authorization in Texas Election Code section 273.081 to grant equitable relief to persons being harmed by violations of the code, to authorize courts to grant equitable relief and to allow a candidate whose application contained facial defects to cure his or her defective application after the filing deadline when the party chair failed to fulfill his or her statutory obligation to timely review the application and notify the candidate of the defects. *See In re Holcomb*, 186 S.W.3d 553, 555 (Tex.2006) (orig. proceeding); *In re Francis*, 186 S.W.3d 534, 541-43 (Tex.2006) (orig. proceeding); *In re Gamble*, 71 S.W.3d at 317-19. The supreme court further stated, however, that such "candidates should have the same opportunity to cure as they would have had before the deadline passed." *In re Holcomb*, 186 S.W.3d at 555 (emphasis added);see *In re Francis*, 186 S.W.3d at 541, 542 ("Candidates should have the same opportunity to cure as a proper review before the filing deadline would have allowed them"; stating that code allows "party chairs to focus on facial defects and call for

correction before the filing deadline"; *In re Gamble*, 71 S.W.3d at 318 ("There would be no purpose to the duty to notify the prospective candidate of defects in his or her application if the intent was not to allow an opportunity to cure those defects, particularly if the defects can be corrected before the filing deadline"; "under limited circumstances, statutory deadlines may be extended to correct an official's violation of a statutory duty"; and denying relief because "[t]here was no court decision entitling Judge Gamble to amend his application after the statutory deadline"). Consequently, the Election "Code and well-established Texas law" did not, in the absence of a court order, "permit a party officer to allow a candidate who filed a defective application before the filing deadline to amend his application after the deadline so the party chair can place the candidate on the ballot." *In re Gamble*, 71 S.W.3d at 319 (Baker, J., concurring).

23. In 2011, however, the legislature amended section 141.032 of the Election Code by adding Subsection (g), to state that "a candidate may not amend an application filed under Section 141.031" and "the authority with whom the application is filed may not accept an amendment to an application filed under Section 141.031" after the filing deadline. *See* Act of May 19, 2011, 82d Leg., R.S., ch. 254, § 1, 2011 Tex. Gen. Laws 834, 834 (codified at Tex. Elec. Code Ann. § 141.032(g)).

24. When construing a statute, the court's ultimate goal is to effectuate legislative

intent. *See Fresh Coat, Inc. v. K-2, Inc.*, 318 S.W.3d 893, 901 (Tex.2010); *Marks v. St. Luke's Episcopal Hosp.*, 319 S.W.3d 658, 663 (Tex.2010). Under the plain meaning rule, the court reviews the text of the statute, and must determine the legislature's intent from the plain meaning of the words chosen "unless there is an obvious error such as a typographical one that resulted in the omission of a word or application of the literal language of a legislative enactment would produce an absurd result." *Fleming Foods of Tex., Inc. v. Rylander*, 6 S.W.3d 278, 284 (Tex.1999) (internal citations omitted); *see also* Tex. Gov't Code Ann. § 311.011(a) (West 2013); *Fresh Coat, Inc.*, 318 S.W.3d at 901; *Cornyn v. Universe Life Ins. Co.*, 988 S.W.2d 376, 378-79 (Tex. App. -- Austin 1999, pet. denied).

25. After the 2011 amendments, the express, unambiguous terms of section 141.032(g) of the Election Code prohibits a candidate from amending an application after the filing deadline and prohibits a party chair from accepting such an amendment. *See* Tex. Elec. Code Ann. § 141.032(g); Tex. Gov't Code Ann. § 311.016(5) (West 2013) (" 'May not' imposes a prohibition and is synonymous with 'shall not.' "). The statute does not contain an obvious error, and application of the literal language of the statute does not produce an absurd result. *See Fleming*, 6 S.W.3d at 284. Moreover, in the context of the Election Code, the meaning of the statute is clear: a candidate's application must be timely filed with the appropriate authority by the filing deadline and a candidate may only amend the application

during the time period in which the candidate is allowed to file a new petition. See TEX. ELEC. CODE Ann. § 141.031(a)(3) (requiring candidate to timely file application), § 141.032(a), (e), (g) (requiring authority with whom application is filed to review application for compliance with procedures, including timeliness of filing, requiring application not timely filed to be rejected, and prohibiting amendments to application after filing deadline). Therefore, the meaning of the statute-candidates are prohibited from filing, and party chairs are prohibited from accepting, amendments to applications after the filing deadline-is clear, and the court may not disregard the express terms of the statute. *See Gonzalez v. Guilbot*, 315 S.W.3d 533, 541 (Tex.2010) ("Our chief aim is to determine and give effect to the Legislature's intent, and where the statutory language is straightforward, it is determinative."); *Fleming*, 6 S.W.3d at 284.

26. The plain meaning of the statute is unambiguous, the legislature intended to change the law, and the legislature enacted subsection 141.032(g) with the intent to prohibit a candidate from filing, and the authority with whom an application is filed from accepting, an amended application for a place on the ballot after the statutory filing deadline. As a result, the court must construe subsection 141.032(g) to prohibit the trial court or Chairwoman in this case from granting a candidate an opportunity to file an amended application and from requiring a party chair to accept an amended application after the filing deadline. *See In re Wilson*, 421 S.W.3d 686, 689 (Tex.

App. – Fort Worth 2014, orig. proceeding) (denying petition for writ of mandamus to compel chair of Tarrant County Democratic Party to include candidate's name on ballot and stating that "it appears that the legislature has foreclosed the opportunity to cure any defects in an application or petition discovered after the filing deadline").

27. The statutes and the caselaw are clear that in this case, Chairwoman Alcantara, as the Bexar County Democratic Chair, has a mandatory and ministerial duty to reject Whitby's and Garcia's applications and must refrain from allowing and/or providing for correction or amendment of the submitted applications.

28. Counsel for Chairwoman Alcantara has acknowledged the defects in the Petitions. (see attached Petition for Mandamus Response at Exhibit 6)/ He further indicated that Plaintiff's request for relief in the Fourth Court of Appeals was premature. He acknowledged that once the statutory time permitted for the Chairwoman to review the applications had passed, that the applications would likely have been rejected. As a result, it is believed it was the basis the mandamus was rejected by the Fourth Court of Appeals. The applicable time has passed, and Chairwoman Alcantara has failed to comply with her mandatory and ministerial duty, which has necessitated the further bringing of this action.

VII. ADDITIONAL GROUNDS FOR REJECTING WHITBY'S APPLICATION

29. Setting aside the defects outlined above, Mr. Whitby's application fails to be supported by the required number of valid signatures, based on several defects as

discussed further below. Specifically, the Texas Election Code provides that a candidate filing "for justice of the peace in a county with a population of more than 1.5 million, who chooses to pay the filing fee must also accompany the application with a petition … the minimum number of signatures that must appear on the petition required by this subsection is 250." Tex. Election Code Sec. 172.021.

30. In addition to the defect discussed regarding the omission of the "Place 1" designation on all of Whitby's Petitions, the 39 pages of petitions have 168 defective signatures which cannot be used support his application. After reviewing the defective signatures, of the 337 total signatures submitted by Whitby, only 169 valid signatures remain. Accordingly, Whitby has failed to provide the minimum number of signatures required by the election code to support his application for the Democratic Primary. The issue was squarely presented to Alcantara by letter, with included attachments (See Attached Exhibit 7). Again, however, Alcantara has failed to take any action. These defects fall into six categories described herein.

31. **<u>First Defective Category: Signatures by an Unregistered Voter</u>**

To be a valid signature, the signer must be a registered voter. The Texas election code provides as follows:

"§ 141.063. Validity Of Signature

(a) A signature on a petition is valid if:

(1) … the signer, at the time of signing, ***is a registered voter*** of the territory from which the office sought is elected..."

Tex. Election Code Sec. 141.063 (emphasis added).

32. Whitby's petitions contain 59 signatures from unregistered voters. All 59 of these signatures are invalid under the provisions of the Texas Election code and cannot support his application for the ballot.

33. **Second Defective Category: Signatures by Voters Residing Outside of Bexar County Precinct 4**

To be a valid signature, the signer must not only be a registered voter, but the signer must also reside in Bexar County Precinct 4. The Texas election code provides as follows:

"§ 141.063. Validity Of Signature

(a) A signature on a petition is valid if:

(1) … the signer, at the time of signing, is a registered voter ***of the territory from which the office sought is elected***..."

Tex. Election Code Sec. 141.063 (emphasis added).

34. Whitby's petitions contain 50 signatures from voters who do not reside in Precinct 4. All 50 of these signatures are invalid under the provisions of the Texas Election code and cannot support his application for the ballot.

35. **<u>Third Defective Category: Petition Signatures Must Provide Either a Date of Birth or a Voter Identification Number</u>**

To be a valid signature, the signer's information on the petition must include ***either*** the date of birth, ***or*** the voter identification number. The Texas election code provides as follows:

> "§ 141.063. Validity Of Signature
>
> (a) A signature on a petition is valid if:
>
> > (2) the petition includes the following information with respect to each signer:
> >
> > > (A) the signer's residence address;
> > >
> > > (B) the ***signer's date of birth or the signer's voter registration number***..."

Tex. Election Code Sec. 141.063 (emphasis added).

36. Whitby's petitions contain 19 signatures which ***fail to include both the date of birth and the voter identification number.*** All 19 of these signatures are invalid under the provisions of the Texas Election code and cannot support his application for the ballot.

37. **<u>Fourth Defective Category: Duplicate Signatures</u>**

To be a valid signature, a candidate may have a registered voter sign a petition ***only once.*** To rule otherwise, would mean that one registered voter could sign a candidates petition 250 times to achieve the required number of signatures.

38. Whitby's application has 4 duplicate signatures, including one registered voter who signed the petition three times. All 4 of these signatures are invalid and cannot support his application for the ballot.

39. **Fifth Defective Category: Signatures on Lopez Application Which Later Appear on Whitby Application Are Invalid as to Whitby**

A registered voter may only sign one candidate's petition. Once a registered voter signed the Lopez petitions, that signer's later signature on the Whitby petition is invalid. The Texas election code provides as follows:

> "§ 141.066. Signing More Than One Petition Prohibited
>
> (a) A person may not sign the petition of more than one candidate for the same office in the same election.
>
> (c) A ***signature*** on a candidate's petition ***is invalid if the signer signed the petition subsequent to signing a petition of another candidate*** for the same office in the same election.

Tex. Election Code Sec. 141.066 (emphasis added).

40. Whitby's petitions contain 3 signatures which were signed subsequent to the same signatures having been signed on the Lopez petitions. All 3 of these signatures are invalid under the provisions of the Texas Election code and cannot support his application for the ballot.

41. **Sixth Defective Category: Signatures Obtained Prior to Filing of Whitby Treasurer's Designation are Invalid**

Whitby filed an "Appointment of a Campaign Treasurer by a Candidate" form as required by the Texas Election Code.[1]

His appointment took effect on December 9, 2021, the date which it was filed.[2] A candidate, such as Whitby, may not engage in any political activity until a campaign treasurer appointment has been filed.[3] A person who violates this section of the Election Code commits an offense which is punishable as a Class A misdemeanor.[4]

42. Whitby submitted 33 petition signatures which were obtained prior to his filing of a campaign treasurer appointment. All 33 petition signatures obtained prior to the filing of the treasurer appointment constitute impermissible campaign activity. As such, petitions which pre-date the filing of the campaign treasurer appointment are legally invalid and must be rejected.

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[1] "APPOINTMENT OF CAMPAIGN TREASURER REQUIRED. Each candidate and each political committee shall appoint a campaign treasurer as provided by this chapter." **Texas Election Code Section** 252.001.

[2] "TIME APPOINTMENT TAKES EFFECT; PERIOD OF EFFECTIVENESS. (a) A campaign treasurer appointment takes effect at the time it is filed with the authority specified by this chapter." **Texas Election Code Section 252.011**

[3] "**§22.1. Certain Campaign Treasurer Appointments Required before Political Activity Begins**

(a) An individual must file a campaign treasurer appointment with the proper authority before accepting a campaign contribution or making or authorizing a campaign expenditure." **Texas Ethics Commission Rules, Chapter 22, Restrictions on Contributions and Expenditures; see also**

"**§ 253.031. Contribution And Expenditure Without Campaign Treasurer Prohibited**

(a) A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect." **Tex. Election Code Sec. 253.031.**

[4] **Texas Election Code Section** 253.031(f).

43. A contribution is defined to include "a direct or indirect transfer of money, goods, services, ***or any other thing of value***." [5] While a signature by itself is not a "political contribution," both a Federal Court and the Texas Ethics Commission have found that gathering signatures on petition forms does in fact constitute a political contribution and/or expenditure. In support of this proposition, the Federal Court for the Southern District of Texas quoted the Texas Ethics Commission as follows:

> "Tex. Ethics Comm'n, Ethics Advisory Op. No. 262 (1995) [No. 511 (2013)] (discussing whether a signature on a petition constitutes a thing of value and concluding that '[a] signature on a candidate's petition for a place on the ballot does not, by itself, constitute a transfer of a thing of value to the candidate and is not a political contribution' ***but*** that '***any goods or services*** that are ***used or provided to obtain a signature on a candidate's petition, such as paper or personal services, would constitute a political contribution*** to the candidate')." ***Joint Heirs Fellowship Church v. Ashley***, 45 F.Supp.3d 597, 636 (S.D.Tex.2014) aff'd sub nom., 629 Fed. App. 627 (5th Cir.2015) (emphasis added).

44. Any petition forms used by Whitby, prior to the filing of his treasurer appointment are illegal as they are the result of impermissible campaign contributions and/or expenditures. Texas Courts considering this issue have specifically found as much:

> " …when, as here, [a party] … fails to adhere to statutes set forth in the State Election Code by illegally procuring petitions in violation of those statutes***, the illegally procured petitions are invalid from their inception."*** [6]

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[5] **Texas Election Code Section** 251.001(2) (emphasis added).

[6] ***Cook v. Tom Brown Ministries,*** 385 S.W.3d 592, 606 (Tex. App.—El Paso 2012, pet. denied).

In considering this issue, the reviewing appellate court found that the petitions involved were ***illegal from their inception*** because at the time the petitions were collected, ***there was no designated campaign treasurer***.[7] Accordingly, all petition signatures obtained by Whitby before the filing of his treasurer appointment are invalid and may not be used to support his application for the ballot.

45. Whitby filed his application for ballot accompanied by petitions including a total of 337 signatures. Removing the six categories of defective signatures, as this honorable Court must, Whitby's application is left with only 169 valid signatures. As this number is less that the 250 statutorily required minimum number of signatures, Whitby's application for the Democratic Primary Ballot must be rejected.

VIII. REQUEST FOR INJUNCTIVE RELIEF

46. Plaintiff Rogelio Lopez will be severely and irreparably harmed if Garcia's and Whitby's names appear on the primary ballot for March 1, 2022, as neither has met the Texas law requirements to be placed on the ballot as a candidate for the office of Justice of the Peace, Precinct 4, Place 1. The unlawful actions of the Defendants and/or failure of Chairwoman Alcantara to perform her duties will cause Plaintiff to be opposed by persons who have not filed proper applications and who are not eligible to have their names on the ballot, and Plaintiff will have no adequate

[7] ***Id***.

remedy at law to redress the wrong in question. Moreover, the inclusion of their names on the ballot will cause irreparable harm by allowing for the vote for a candidate who may be otherwise ineligible, affecting the outcome for those candidates who may be legitimately included on the ballot.

47. In light of the foregoing, Plaintiff requests this Court to issue a Temporary Restraining Order, and, after notice and hearing, a Temporary Injunction and Permanent Injunction, enjoining and restraining Alcantara from placing both Garcia and Whitby on the Democratic primary ballot, and certifying either name for the election as the democratic nominee for the office of Justice of the Peace, Precinct 4, Place 1 as both applications are invalid. Alternatively Plaintiff requests this Court issue a Temporary Restraining Order, and, after notice and hearing, a Temporary Injunction and Permanent Injunction, enjoining and restraining Alcantara and/or ordering Alcantara to perform her duties as Bexar County Democratic Chairwoman to reject one or both of the Garcia and/or Whitby applications and/or petitions seeking to place the names of Garcia and/or Whitby on the Democratic primary ballot for the office of Justice of the Peace, Precinct 4, Place 1. If and to the extent Alcantara has already certified either Garcia or Whitby to appear on said ballot, Plaintiff requests that Alcantara be ordered to withdraw said certification whether made to the Bexar County Elections Department for printing of the ballots, to the Texas Secretary of State or otherwise. Plaintiff also requests this Court enjoin

Alcantara from approving the "final proof" of the ballot including any of the named defendants.

48. Plaintiff is likely to succeed on the merits of this lawsuit because the applications submitted by both defendants are defective as a matter of law.

49. The harm to Plaintiff is imminent because the Democratic Chair, Monica Alcantara, has abrogated her duties and must be compelled to act before the Democratic Primary Ballots are to be printed on January 13, 2022.

50. This imminent harm will cause Plaintiff irreparable injury in that Plaintiff will have to face two opponents who would be on the ballot in violation of the Texas Election Code.

51. There is no adequate remedy at law which will give Plaintiff complete, final, and equal relief, unless the legally invalid applications are rejected.

IX.

52. A bona fide issue exists as to Plaintiffs' rights to ultimate relief and Plaintiffs would request a temporary restraining order and injunction regarding same pending resolution of this litigation.

X.

REQUEST FOR DECLARATORY RELIEF

53. Plaintiff asks this Court to declare his rights and status and the rights and status of the Defendants in this matter, including the obligations of Chairwoman Alcantara

and the qualification and/or disqualification of Defendants Whitby and/or Garcia, pursuant to the Election Code.

54. A declaratory judgment is appropriate where there is a justiciable controversy about the rights and status of the parties, and the declaration would resolve the controversy. *Bonham State Bank v. Beadle*, 907 S.W.3d 465, 467 (Tex. 1995). Additionally the controversy must be real and substantial involving genuine conflict of tangible interests and not merely a theoretical dispute. *Id.*

XI. PRAYER FOR RELIEF

55. WHEREFORE, Plaintiff respectfully prays that this Court

a. Cite Defendants to appear herein.

b. That the Court issue a temporary restraining order directing that Alcantara take all steps necessary to prevent the printing of the ballots for the office of Justice of the Peace, Precinct 4, Place 1, including withdrawing any certification or request she has made for printing of said ballots until the Court can conduct a hearing regarding and rule on plaintiff's request for the Temporary and/or Permanent Injunction sought by this Petition.

c. If Alcantara has previously certified the names of either Garcia or Whitby to appear on the 2022 Democratic Party primary to the Bexar County Elections Department, to the Secretary of State, or to any other person or entity, that she be temporarily restrained and enjoined from certifying and/or ordered to

withdraw such prior certification and not recertify any of those names or allow those names to appear on the ballot for that office until the Court rules on the temporary and permanent injunctions sought herein.

d. That the Court issue a temporary restraining order requiring all persons or entities responsible for printing said ballots to delay the printing thereof until the Court rules on the temporary and permanent injunctions sought herein and for any request for declaratory relief; and further, Plaintiff prays for such other and further relief, both at law and in equity, to which he may show himself justly entitled.

Respectfully submitted,

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Arturo IMartinez de Vara		martinezdevara@gmail.com	1/10/2022 1:49:11 AM	SENT
Terri Gould		mdvlawparalegal@gmail.com	1/10/2022 1:49:11 AM	SENT
Misty Spears		misty@sierraspears.com	1/10/2022 1:49:11 AM	SENT

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Jacquelyn F.Callanen		jcallanen@bexar.org	1/10/2022 1:49:11 AM	SENT

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Associated Case Party: Monica Alcantara

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Associated Case Party: Rogelio Lopez

Name

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Arturo Martinez de Vara on behalf of Adrian Spears
Bar No. 24049318
martinezdevara@gmail.com
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Status as of 1/10/2022 8:42 AM CST

Associated Case Party: Rogelio Lopez

Adam Poncio	16109800	salaw@msn.com	1/10/2022 1:49:11 AM	SENT
Rogelio Lopez, Jr.		judgerogerlopez@gmail.com	1/10/2022 1:49:11 AM	SENT
Adam Poncio		aponcio@poniciolaw.com	1/10/2022 1:49:11 AM	SENT

Associated Case Party: Hon. John Gabriel

Name	BarNumber	Email	TimestampSubmitted	Status
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