

Cause No. D-1-GN-23-003523

HARRIS COUNTY, TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff/Cross-Defendant,	§	
	§	
v.	§	
	§	
THE STATE OF TEXAS; ANGELA	§	
COLMENERO, IN HER OFFICIAL CAPACITY AS	§	
PROVISIONAL ATTORNEY GENERAL; AND JANE	§	TRAVIS COUNTY, TEXAS
NELSON, IN HER OFFICIAL CAPACITY AS TEXAS	§	
SECRETARY OF STATE,	§	
Defendants.	§	
	§	
AND	§	
	§	
CLIFFORD TATUM,	§	
Intervenor/Cross-Claimant.	§	
	§	
AND	§	
	§	
THE ATTORNEY GENERAL OF TEXAS,	§	
Intervenor.	§	345th JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFF’S
APPLICATION FOR TEMPORARY INJUNCTION**

On this day, the Court considered the application by Plaintiff Harris County, Texas (“Plaintiff” or “Harris County”) for a Temporary Injunction (the “Application”), as found in Plaintiff’s Verified Second Amended Petition and Application for Temporary Injunction and Permanent Injunction (the “Petition”) filed against Defendants the State of Texas, Angela Colmenero, in her official capacity as Interim Attorney General of Texas, and Jane Nelson, in her official capacity as Texas Secretary of State (collectively, “Defendants”). Having granted the State of Texas’s Plea to the Jurisdiction, the remaining Defendants are Angela Colmenero, in her official capacity as Interim Attorney General of Texas, and Jane

Nelson, in her official capacity as Texas Secretary of State (collectively, the “State Officer Defendants”).

Based on the facts set forth in Plaintiff’s Application, the stipulation among the parties filed on August 7, 2023, the testimony, the evidence, the argument of counsel presented in Plaintiff’s Amended Brief in Support of Temporary Injunctive Relief filed on August 7, 2023 (the “Brief in Support”), as well as during the August 8, 2023 hearing on Plaintiff’s Application, and being otherwise fully informed in the premises, this Court finds sufficient cause to enter a Temporary Injunction against the State Officer Defendants. The Court therefore GRANTS Plaintiff’s request for temporary injunction and does hereby FIND the following:

1. The Temporary Injunction is hereby GRANTED.
2. Plaintiff has demonstrated a valid cause of action, a probable right to relief, and imminent and irreparable injury.
3. Plaintiff states a valid cause of action against each State Officer Defendant and has a probable right to the declaratory and permanent injunctive relief it seeks. For the reasons detailed in Plaintiff’s Application, Brief in Support, and accompanying evidence, there is a substantial likelihood that Plaintiff will prevail after a trial on the merits because Senate Bill 1750 (“SB 1750”), passed during the Texas Legislature’s 88th Regular Session, is an unconstitutional local law under Article III, section 56 of the Texas

Constitution. As a result, any actions taken by the State Officer Defendants premised on the operation of SB 1750 would be void.

4. It clearly appears to the Court that unless the State Officer Defendants are immediately enjoined from taking any actions premised on the operation of SB 1750, Plaintiff will suffer imminent and irreparable injury. First, Harris County suffers injury because it will be forced to implement an unconstitutional statute. Moreover, on September 1, 2023, just weeks before voting begins for the November 7, 2023 election (the “November Election”) that is run by Harris County, Harris County will be required to effect massive transfers of employees and resources from the Harris County Elections Administrator’s Office (the “Harris County EA”) to the Harris County Clerk and the Harris County Tax Assessor-Collector. Not only will this transfer lead to inefficiencies, disorganization, confusion, office instability, and increased costs to Harris County, but it will also disrupt an election that the Harris County EA has been planning for months. The Harris County Clerk and the Harris County Tax Assessor-Collector have had no role in preparing for the November Election. Transferring responsibility for that election just weeks before voting starts will disrupt existing processes and risk the efficient administration of the election. Over the next few months, the Harris County elections department will have to undertake a multitude of crucial tasks to effectively administer the November Election; as a result of SB 1750,

Harris County will be forced to hire additional permanent and temporary workers, as well as consultants, at a great cost, to ensure it can meet its many obligations and to navigate the management structure to be used, the personnel to be retained, and the numerous decisions that need to be made in hopes of orderly administering Harris County, as well as this November's election. Absent intervention by this Court, Harris County would face the full weight of the Election Code, as well as the Secretary of State's mandatory rules on issues relating to voter registration and elections administration. Harris County running elections through a legally defunct office could jeopardize the results of the November Election and also risk the validity of voter lists, polling locations, thousands of financial transactions, and contracts with other entities. Without this order, the State Officer Defendants will likely disrupt the upcoming election and cause havoc (e.g., with respect to voter outreach, voter registration, election administration, and vote tallying), and Harris County's entire election apparatus would be thrown into disarray, as well as the unnecessary expense associated with such disruption. The harm to Harris County, its residents, and the public outweighs any potential harm caused to the State Office Defendants by entering this injunctive relief. State Officer Defendants' wrongful actions cannot be remedied by any award of damages or other adequate remedy at law.

5. The Temporary Injunction being entered by the Court today maintains the status quo prior to September 1, 2023, and should remain in effect while this Court, and potentially the Court of Appeals, and the Supreme Court of Texas, examine the parties' merits and jurisdictional arguments.
6. This injunctive relief is appropriate under traditional equitable standards and principles.

IT IS THEREFORE ORDERED that, until all issues in this lawsuit are finally and fully determined, the State Officer Defendants, and their employees, agents, and representatives, are immediately enjoined and restrained from taking actions premised on the operation of SB 1750. This Temporary Injunction restrains the following actions by the State Officer Defendants:

1. Taking any actions to enforce SB 1750;
2. The Secretary of State is enjoined from:
 - a. refusing to recognize the Harris County Elections Administrator's Office as a lawful elections office;
 - b. refusing to accept from the Harris County Elections Administrator results of any Harris County election;
 - c. refusing to coordinate with, and approve election action taken by, Harris County's Elections Administrator;
 - d. refusing to provide official election reporting forms and voting by mail forms;

- e. refusing to provide funds to which Harris County is entitled under Texas Election Code Section 19.002;
- f. taking any actions on the sole basis that the Harris County Elections Administrator position is abolished; and
- g. refusing to cooperate with the Harris County Elections Administrator to perform election-related responsibilities.

3. The Attorney General is enjoined from:

- a. Refusing to recognize the Harris County Elections Administrator's Office as a lawful elections office after SB 1750's effective date, including by enforcing SB 1750 by seeking civil penalties against Harris County or its elections officials.

IT IS FURTHER ORDERED that a trial on the merits of this case is preferentially set before Judge Karin Crump of the 250th Judicial District Court of Travis County, Texas on January 29, 2024 at 9:00 AM in the 250th Judicial District, located at 1700 Guadalupe Street, Austin, TX 78701, Courtroom 9B.

No bond is required as Plaintiff Harris County is exempt from the bond requirements under Tex. Civ. Prac. & Rem. Code § 6.001.

The Clerk of the Court shall forthwith issue a temporary injunction in conformity with the laws and terms of this Order.

It is further ORDERED that this Order shall expire at 11:59 p.m. on January 29, 2024, or upon further order of the Court.

SIGNED this 14th day of August, 2023, at 4:00 p.m. in Travis County, Texas.



**JUDGE PRESIDING
KARIN CRUMP
250TH DISTRICT COURT**