

NO. 2016-CI-18915

SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT	§	IN THE DISTRICT COURT,
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
JACQUELYN F. CALLANEN, in her official capacity as Elections Administrator of the Bexar County Elections Department; NELSON WOLFF, in his official capacity as Bexar County Judge; and SERGIO RODRIGUEZ, PAUL ELIZONDO, KEVIN A. WOLFF, and TOMMY CALVERT, in their official capacities as Bexar County Commissioners	§	OF BEXAR COUNTY, TEXAS
	§	
Defendants.	§	438 th JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

On the date and time stated at the end of this Order, the Court heard Plaintiff's application for a temporary restraining order. All parties received notice of a hearing on this Temporary Restraining Order and had the opportunity to appear through their attorneys of record. After considering the pleadings, exhibits, all other documents filed in this case, and the arguments of counsel at the hearing, the Court is of the opinion that Plaintiff's application for a temporary restraining order should be, and is, GRANTED because:

(1) Plaintiff has asserted valid ultra vires claims against Defendants for declaratory and injunctive relief for Defendants' failure to perform ministerial acts required by Texas law and Defendants' actions undertaken without legal authority. *See Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154 (Tex. 2016).

(2) Plaintiff has shown a probable right to declaratory and injunctive relief because Texas law specifies ministerial acts for elections administrators. *See, e.g.*, Tex. Elec. Code § 51.001; 51.003-04; 62.011; 62.016.

(3) Plaintiff will suffer imminent and irreparable harm, including the diversion of its resources to educate voters about the correct Voter ID requirements. Defendants' actions hinder Plaintiff from dedicating its resources, including its scarce allotment of time before the election, to other get-out-the vote activities. Additionally, money damages are unavailable in ultra vires actions.

(4) This Temporary Restraining Order will preserve the status quo and serve the public's interest. The harm to Plaintiff if this Temporary Restraining Order is not granted outweighs any potential harm to Defendants by the issuance of this Temporary Restraining Order. Granting injunctive relief will benefit the public's interest.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Application for Temporary Restraining Order be and is hereby GRANTED.

ACCORDINGLY, JACQUELYN F. CALLANEN, her agents, servants, employees, independent contractors, attorneys, representatives, and those persons in active concert or participation with her who receive actual notice of the order by personal service or otherwise, be and hereby are ORDERED:

- a. to remove any remaining signs and other materials with the illegal requirements and replace them with the signs promulgated by the Texas Secretary of State for this election, at all early voting polling locations;

- b. to change the recorded telephone message at the Bexar county elections department to say "ID" instead of "photo ID," except when listing the forms of acceptable photo ID;
- c. to change the webpage of the Bexar County Elections Department to say "ID" instead of "photo ID;"
- d. to ensure that the materials provided to poll workers for early voting and on November 8, 2016, are the materials promulgated by the Texas Secretary of State for this election; and
- e. to notify early voting and Election Day poll workers that they cannot display materials that contain the outdated requirements.

IT IS FURTHER ORDERED that Plaintiff shall execute and file with the clerk of this Court a bond, or cash deposit in lieu of bond, in the amount stated below in conformity with Rule 684 of the Texas Rules of Civil Procedure, payable to Defendant and conditioned that Plaintiff will abide by the decision which may be made in the cause and that Plaintiff will pay all sums of money and costs that may be adjudged against it if the Temporary Restraining Order shall be dissolved in whole or in part.

The clerk shall forthwith, when so requested by Plaintiff and after Plaintiff has filed the bond described above, issue a write of temporary restraining order in conformity with the law and the terms of this Order.

IT IS FURTHER ORDERED that, unless extended by agreement of the parties or changed by further order of this Court, this Order becomes effective only at such time as Plaintiff files with the clerk of this Court a bond in the amount of \$100.00.

IT IS FURTHER ORDERED that Plaintiff's application for a temporary injunction will be heard before this Court on November ¹⁰ 11, 2016 at 8:30 a.m. *Room 1.09 Presiding*

IT IS FURTHER ORDERED that this Order expires no later than fourteen days after issuance or when amended by order of this Court, whichever occurs first.

SO ORDERED this 28th day of October, 2016 at 3:40 o'clock p.m.

Michael E. Mery
JUDGE MICHAEL MERY

Agreed as to form:

Nina Perales

Nina Perales

Clark Brown

Clark Brown
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