



Date: October 25, 2024

To: Megan Coker, Presiding Judge of Dallas County Central Counting Station
Mike Slaton, Alternate Judge of Dallas County Central Counting Station
Heider Garcia, Central Counting Station Manager

From: Laura Pressley, Ph.D., Treasurer of True Texas Elections SPAC, Dallas County
Republican Party Precinct Chairs Ally Raskin, Lee Jenkins, and Kristen Bickham
in their official capacity of appointment of watchers, TEC 33.003(b)

CC: State Senators Bryan Hughes, Tan Parker, Bob Hall, Attorney General Ken
Paxton, Jane Nelson, Texas Secretary of State, Christina Adkins, Secretary of
State Director of Elections

Subject: **Objections to Dallas County Central Counting Station Plan**

Please consider this a formal demand letter for our duly appointed Dallas County central counting station watchers regarding Election Code violations in the Dallas County central counting station plan.

Objections and Demands Regarding Illegals in Dallas County's Central Counting Station Plan

1. **Section III - Convening the Central Count Station for 3 days**

We believe the Dallas County central counting station is prohibited from convening three days as the Central Counting Station Plan ("CCS Plan") contemplates in Section III. This is a violation of Texas Administrative Code (TAC) Rule 81.36(n) which states "The Central Counting Station personnel may convene only once prior to election day to count early votes." This matters because watchers are entitled to monitor and inspect the central counting station operations and documents and convening more than 2 days causes hardship for watchers.

2. **Section V – Requiring watchers to submit public information requests for election records prepared by election officials**

We believe watchers are not required to submit a public information act request for election records prepared by election officials at the Dallas County central counting station. TEC Section 33.056(c) specifically entitles watchers to "inspect the returns and other records prepared...at the location at which the watcher is serving." The Public Information Act is not germane and does not apply to duly appointed watchers seeking to inspect records that are prepared at the location at which they are serving. We believe any refusal to allow watchers to inspect returns and records in Central Counting constitute an obstruction and may trigger various civil and criminal legal remedies. See Tex. Elec. Code Sections 33.061, 33.063, 273.081 and Tex. Penal Code Section 39.03.



3. **Section VIII – Poll Watcher Rights & Responsibilities:**

We believe that watchers at the central counting station are entitled to freely move around the location for which they are serving and that Presiding Judge does not possess lawful authority to “dictated where Poll Watchers may stand and/or sit to prevent interference with the duties of the Central Count Station personnel...” Rather, TEC Section 33.056(e) clearly states that “a watcher may not be denied free movement where election activity is occurring within the location at which the watcher is serving.” Violation of this Code subsection could be a Class A misdemeanor obstruction of a watcher and likely trigger a number of civil and criminal legal remedies. See Tex. Elec. Code Sections 33.061, 33.063, 273.081 and Tex. Penal Code Section 39.03.

4. **Section VIII – Poll Watchers Guide**

We believe that duly appointed watchers are not legally required to adhere to the Texas Secretary of State’s Poll Watchers Guide. Rather watchers are bound by the Texas Bill of Rights, Texas Constitution, Texas Election Code and any other relevant Texas laws that govern the conduct of elections in this state. With all due respect, the Secretary of State’s Poll Watchers Guide is an interpretation of Texas laws regarding watchers and reflects the opinions of the Elections Division of the Secretary of State. The Poll Watchers Guide is not a law unto itself.

5. **Section IX – Conduct Standards**

- a) We interpret that the central counting station plan attempts to equate watchers to “visitors” (1st paragraph). Watchers are a statutorily created role in elections and watchers are not visitors in Central Counting. “Visitor” is not a defined term in the Election Code. TEC Section 127.008 specifically excludes “bystanders,” and a visitor would be a bystander as visitors are not statutorily permitted to be in Central Counting Stations (TEC Section 127.008(a) and are not listed as being permitted in Central Counting in TEC Section 127.008(b)(1-6).
- b) We believe the Presiding Judge does not possess lawful authority to cause watchers to “remain in the **designated authorized areas** only,” to the extent that central counting station plan erroneously implies that visitors and watchers are equal. Rather, TEC Section 33.056(e) clearly states that “a watcher may not be denied free movement where election activity is occurring within the location at which the watcher is serving.” requirement could be an obstruction of a watcher to the extent that the watcher wants the Presiding or Alternate Judge to see an irregularity as it is occurring and in the location it is occurring. We believe any refusal to allow watchers free movement to monitor election related activities, inspect returns and records in Central Counting may constitute an obstruction and may trigger various civil and criminal legal remedies. See Tex. Elec. Code Sections 33.061, 33.063, 273.081 and Tex. Penal Code Section 39.03.
- c) We believe that watchers duties include bringing irregularities to the attention of election officers. TEC Section 33.058(b). Also, Section 33.051 does not include a



- restriction that watchers only bring questions to election officers in “**designated areas.**”
- d) We believe that a watcher is not required under the Election Code to produce, show or surrender their **personal devices** to the central counting station presiding judge. TEC Section 33.051 (Acceptance of a Watcher) does not require the watcher to produce his device for inspection by the Presiding Judge to demonstrate that it is deactivated. Rather, the watcher appointment form’s affidavit, duly sworn by the watcher, states that, “I... hereby swear or affirm that I do not have, in my possession, any type of mechanical or electronic means of recording images or sound while serving as a watcher or I will disable or deactivate the device while serving as a watcher.”
 - e) We believe the erroneous requirement for the production of a **watcher’s device** for inspection by the Presiding Judge as a condition for rejecting a watcher is likely a Class A misdemeanor pursuant to TEC 33.051(g). We believe any refusal to allow watchers entry into the central counting station may constitute an obstruction and may trigger various civil and criminal legal remedies. See Tex. Elec. Code Sections 33.061, 33.063, 273.081 and Tex. Penal Code Section 39.03.
 - f) We believe that TEC Sections 33.051 and 33.058 do not mandate **prohibiting personal items** such as a satchel for managing notes or Election Code sections potentially triggers TEC Section 33.051(g), a Class A misdemeanor. Dallas Central Counting Station is very large and can accommodate when a satchel can be kept on a watchers’ person and not set down. The abandonment of personal items as a condition of acceptance may entitle watchers to a number of civil and criminal legal remedies. See Tex. Elec. Code Sections 33.061, 33.063, 273.081 and Tex. Penal Code Section 39.03.
 - g) We believe that TEC Sections 33.051 and 33.058 do not mandate or stipulate that a duly accepted watcher is restricted to use **only a purple pen and notepad supplied by the Elections Department**. Demanding a watcher agree to this condition for acceptance as a watcher is potentially a Class A misdemeanor, pursuant to TEC Section 33.051(g). Requiring a watcher to only use a pad and purple pen supplied by the Elections Department is not a requirement for Acceptance of a Watcher under TEC Section 33.051. Rejection of a watcher based on the watcher choosing to use their own pen, pencil and notebooks, may entitle watchers to a number of civil and criminal legal remedies. See Tex. Elec. Code Sections 33.061, 33.063, 273.081 and Tex. Penal Code Section 39.03.
 - h) We believe there is no statutory authority for watchers to be required to agree to, acknowledge or sign the **Code of Conduct document**. Texas Election Code (TEC) Section 33.051 does not specify that a watcher must sign and agree to a Code of Conduct document as a condition of acceptance for service as a watcher. Because TEC Section 33.051(g) provides that “an election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service,” demanding watchers sign a Code of Conduct prior to entry likely entitles the watcher to a number of legal remedies. See TEC Sections 33.051(g), 33.061, and 33.063.



- i) We believe there is no authority authorizing **removal of watchers for not agreeing to or signing the Code of Conduct document**. TEC Section 32.075(g) specifies that a watcher may only be removed for violating a provision of the Election Code, Penal Code, or any other provision of law relating to the conduct of elections, and the violation must be observed by an election judge or clerk. Only the Presiding Judge may remove a watcher, not the “Central Count Station” or “Dallas County Elections Department.” Unlawful removal of a watcher may result in legal remedies for the watcher. See TEC Sections 33.061, 273.081 and 33.063 and Tex. Penal Code Section 39.03.

6. **Permitting watchers from polls to follow transfer and delivery of election materials**

We believe that duly accepted watchers from the polls are entitled to follow the transfer and delivery of election materials, including ballot boxes, as they are transferred, processed and delivered to the storage locations in the election office and/or central counting station. Election officials that reject a duly appointed poll watcher from following the transfer of such materials may entitle watchers to a number of civil and criminal legal remedies. See Tex. Elec. Code Sections 33.061, 33.063, 273.081 and Tex. Penal Code Section 39.03.

In November 2023, the presiding judge of the Dallas County central counting station, obstructed two poll watchers’ acceptance and subsequent entry into the Elections Department and Central Counting to follow the transfer and processing of polling location election materials throughout the Central Counting station.

On 9/18/24 and 9/19/24, the Central Counting Station Manager stated that he did not intend to allow poll watchers to follow election materials beyond the drop off point at the Elections Department and he did not intend to allow poll watchers to enter the warehouse when ballots and election materials are being transferred. The Presiding Judge was present when these statements were made, and did not clarify the law, nor object to the Station Manager’s intentions.

Thank you for your attention to our objections.

We demand the Dallas County central counting station plan be corrected as noted above with respect to duly appointed election watchers at the Dallas County central counting station.

Steadfast and Loyal,

A handwritten signature in black ink that reads "Allen B. West". The signature is written in a cursive, flowing style.

LTC Allen B. West (USA Ret.)
Chairman, Dallas County Republican Party