

ELECTION COMPLAINT TO THE TEXAS SECRETARY OF STATE

Docket Number	OFFICE USE ONLY	Date Hand-delivered or Date Postmarked / /
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Please read the Important Information at the end of this document. The Secretary of State has no authority to order a new election, change an election result, or conduct a criminal investigation. A complaint filed with this form will not alter the results of an election.

This complaint form MUST BE SIGNED before it is submitted to the Secretary of State; therefore, you must print it out and sign it before mailing or faxing a copy or emailing a scanned, signed copy.

I. IDENTITY OF COMPLAINANT

1 COMPLAINANT NAME	MS / MRS / MR	FIRST	MI	
	NICKNAME	LAST	SUFFIX	
2 COMPLAINANT PHYSICAL ADDRESS	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)		CITY	STATE ZIP CODE
	<i>(Full home or business address, including street, city, state, and zip code)</i>			
3 COMPLAINANT MAILING ADDRESS	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)		CITY	STATE ZIP CODE
<input type="checkbox"/> (check if same as above)	<i>(Full home or business address, including street, city, state, and zip code)</i>			
4 COMPLAINANT TELEPHONE NUMBER	AREA CODE	PHONE NUMBER	EXT	5 COMPLAINANT E-MAIL ADDRESS

II. IDENTITY OF RESPONDENT

PERSON OR ENTITY COMMITTING ALLEGED VIOLATION(S)

6 RESPONDENT NAME	MS / MRS / MR	FIRST	MI	
	NICKNAME	LAST	SUFFIX	
7 RESPONDENT POSITION OR TITLE				
8 RESPONDENT PHYSICAL ADDRESS	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)		CITY	STATE ZIP CODE
	<i>(Full home or business address, including street, city, state, and zip code)</i>			
9 RESPONDENT MAILING ADDRESS	ADDRESS (TO INCLUDE APT / SUITE # IF APPLICABLE)		CITY	STATE ZIP CODE
<input type="checkbox"/> (check if same as above)	<i>(Full home or business address, including street, city, state, and zip code)</i>			
10 RESPONDENT TELEPHONE NUMBER	AREA CODE	PHONE NUMBER	EXT	11 RESPONDENT E-MAIL ADDRESS (IF KNOWN)

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III. NATURE OF ALLEGED VIOLATION**Page2**

If you believe that a criminal violation of the Code has occurred, please state the specific acts committed by the person or entity named in this complaint, along with a reference to the section of the Code alleged to have been violated, if known. If you need more space, please attach a separate sheet.

Unlawful Witness per Sec. 84.003 and/or Sec. 86.010 of the Election Code and Forgery under Sec. 32.21 of the Penal Code.

Sec. 84.003 SIGNING APPLICATION BY WITNESS; ASSISTING APPLICANT. (a) An early voting ballot application signed for the applicant by a witness other than the early voting clerk or a deputy must indicate the witness's relationship to the applicant or, if unrelated, indicate that fact.

(b) A person who acts as a witness for an applicant for an early voting ballot application commits an offense if the person knowingly fails to comply with Section 1.011. A person who in the presence of the applicant otherwise assists an applicant in completing an early voting ballot application commits an offense if the person knowingly fails to comply with Section 1.011(d) in the same manner as a witness.

(c) An offense under this section is a Class A misdemeanor.

Sec. 86.010. ASSISTING VOTER. (a) A voter casting a ballot by mail who would be eligible under Section 64.031 to receive assistance at a polling place may select a person as provided by Section 64.032(c) to assist the voter in preparing the ballot.

(b) Assistance rendered under this section is limited to that authorized by this code at a polling place.

(c) The person assisting the voter must sign a written oath prescribed by Section 64.034 that is part of the certificate on the official carrier envelope.

(d) If a voter is assisted in violation of Subsection (a) or (b), the voter's ballot may not be counted.

(e) A person who assists a voter to prepare a ballot to be voted by mail shall enter the person's signature, printed name, and residence address on the official carrier envelope of the voter.

(f) A person commits an offense if the person knowingly fails to provide the information on the official carrier envelope as required by Subsection (e).

Sec. 32.21. FORGERY. (a) For purposes of this section:

(1) "Forge" means:

(A) to alter, make, complete, execute, or authenticate any writing so that it purports:

(i) to be the act of another who did not authorize that act;

(ii) to have been executed at a time or place or in a numbered sequence other than was in fact the case; or

(iii) to be a copy of an original when no such original existed;

(B) to issue, transfer, register the transfer of, pass, publish, or otherwise utter a writing that is forged within the meaning of Paragraph (A); or

(C) to possess a writing that is forged within the meaning of Paragraph (A) with intent to utter it in a manner specified in Paragraph (B).

(2) "Writing" includes:

(A) printing or any other method of recording information;

(B) money, coins, tokens, stamps, seals, credit cards, badges, and trademarks; and

(C) symbols of value, right, privilege, or identification.

(b) A person commits an offense if he forges a writing with intent to defraud or harm another.

(c) Except as provided by Subsections (d), (e), and (e-1), an offense under this section is a Class A misdemeanor.

ATTACH ADDITIONAL PAGES AS NEEDED

IV. STATEMENT OF FACTS

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

ELECTION IN WHICH VIOLATION(S) OCCURRED

NAME OF ELECTION	<u>General Election</u>	DATE OF ELECTION MM/DD/YYYY	<u>11/07/2017</u>
COUNTY OR POLITICAL SUBDIVISION	<u>City of Robstown</u>	PRECINCT	<u>54</u>

The application and carrier envelope signatures do not match. The irregularities are even more striking when viewing the original documents. These signatures indicate a violation of Sec. 84.003 and/or 86.010, depending on which, if any, of the signatures are that of the voter.

One or both of the signatures are not that of the voter and therefore forgery under Sec. 32.21 of the Penal Code.

The voter is: Esperanza Garcia, 103 E Avenue H, Robstown, TX 78380.

ATTACH ADDITIONAL PAGES AS NEEDED

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

ATTACH ADDITIONAL PAGES AS NEEDED

VI. SIGNED STATEMENT**Page 5**

I, Aaron Harris, the undersigned,
PRINTED NAME OF COMPLAINANT
under penalty of perjury do swear or affirm that the information contained in this
complaint is true and correct to the best of my knowledge.

I have read and understand the accompanying instructions, and I am aware that
completion of this form cannot and will not alter the outcome of the election.


SIGNATURE OF COMPLAINANT

**NOTICE: THIS COMPLAINT IS NOT CONFIDENTIAL; ONCE REVIEWED BY
THE SECRETARY OF STATE, IT WILL BE TREATED AS A PUBLIC RECORD.**

REMINDER: YOU MUST SIGN THIS FORM PRIOR TO SUBMITTING**IF MAILING, PLEASE SEND TO:**

Texas Secretary of State
Elections Division
c/o Legal Dept.
P.O. Box 12060
Austin, TX 78711

IF FAXING, PLEASE SEND TO:

512.475.2811

IF EMAILING, PLEASE SEND TO:

elections@sos.state.tx.us

Application for Ballot by Mail

Prescribed by the Office of the Secretary of State of Texas
AS-15e 08/15

For Official Use Only
VOID #, County Election Precinct #,
Statement of Residence, etc.

54.02 1038492799

1	Last Name (Please print information) Garcia	Suffix (Jr., Sr., III, etc)	First Name Esperanza	Middle Initial
2	Residence Address; See back of this application for instructions. 103 E. Ave H	City Robstown	State TX	Zip Code 78380
3	Mail my ballot to: If mailing address differs from residence address, please complete Box # 7.	City	State	Zip Code

4 Date of Birth (mm/dd/yyyy) (Optional)

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5 Reason for Voting by Mail:

65 years of age or older. (Complete Box #6a)

Disability. (Complete Box #6a)

Expected absence from the county. (Complete Box #8b and Box #8)
You will receive a ballot for the upcoming election only

Confinement in jail. (Complete Box #6b)
You will receive a ballot for the upcoming election only

7 If you are requesting this ballot be mailed to a different address (other than residence), indicate where the ballot will be mailed. See reverse for instructions.

Mailing Address as listed on my voter registration certificate

Nursing home, assisted living facility, or long term care facility

Hospital

Retirement Center

Address of the jail

Relative; relationship _____

Address outside the county (see Box #8)

6a ONLY Voters 65 Years of Age or Older or Voters with a Disability:
If applying for one election, select appropriate box.
If applying once for elections in the calendar year, select "Annual Application."

Annual Application

Uniform and Other Elections:

May Election

November Election

Other _____

Primary Elections:
You must declare one political party to vote in a primary:

Democratic Primary

Republican Primary

Any Resulting Runoff

8 If you selected "expected absence from the county," see reverse for instructions

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Date you can begin to receive mail at this address Date of return to residence address

9 Contact Information (Optional)*
Please list phone number and/or email address:
* Used in case our office has questions.

Notice to Voter: Effective September 1, 2015, you may submit a completed, signed and scanned application to the early voting clerk at _____
(early voting clerk's e-mail address)

6b ONLY Voters Absent from County or Voters Confined in Jail:
You may only apply for a ballot by mail for one election, and any resulting runoff.
Please select the appropriate box.

Uniform and Other Elections:

May Election

November Election

Other _____

Primary Elections:
You must declare one political party to vote in a primary:

Democratic Primary

Republican Primary

Any Resulting Runoff

10 "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime."

→ **X** *Esperanza Garcia* **RECEIVED** 10-2-17

SIGN HERE
If applicant is unable to sign or make a mark in the presence of a witness, the witness shall complete Box #11.

OCT 02 2017
KARA SANDS

If someone helped you to complete this form or mails the form for you, then that person must complete the sections below.

11 See back for Witness and Assistant definitions.

If applicant is unable to mark Box #10 and you are acting as a Witness to that fact, please check this box and sign below.

If you assisted the applicant in completing this application in the applicant's presence or e-mailed/mailed or faxed the application on behalf of the applicant, please check this box as an Assistant and sign below.

* If you are acting as Witness and Assistant please check both boxes. Failure to complete this information is a Class A misdemeanor if signature was witnessed or applicant was assisted in completing the application.

<p><i>Mary Lee</i></p> <p>Signature of Witness/Assistant</p> <p>313 Refema Drive</p> <p>Street Address Apt Number (if applicable)</p> <p>TX</p> <p>State</p>	<p><i>Marilyn Barnera</i></p> <p>Printed Name of Witness/Assistant</p> <p>Robstown</p> <p>City</p> <p>78380</p> <p>Zip</p>	<p>Witness' Relationship to Applicant (Refer to Instructions on back for clarification)</p> <p>Friend</p>
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Instructions to Voter: Seal this envelope, and then sign your name in space below. This envelope must be sealed by the voter before it leaves the voter's hands. Do not sign this envelope unless the ballot has been marked by you or at your direction. **This carrier envelope may not be used to return more than one voter's ballot.** However, more than one carrier envelope may be placed together in another envelope if the additional carrier envelope(s) belong to a person registered to vote at the same address. This carrier envelope must be returned by mail, by common or contract carrier, or in person by the voter on election day at the early voting clerk's office. (Instrucciones al Votante: Selle este sobre, y después firme su nombre en el espacio proporcionado abajo. Este sobre debe de ser sellado por el votante antes de que el votante lo entregue. No firme este sobre a menos de que la boleta haya sido llenada por usted, o bajo su dirección. **Este sobre oficial no debe ser utilizado para entregar la boleta de más de un solo votante.** Sin embargo, más de un solo sobre oficial puede ser colocado dentro de otro sobre si el sobre(s) oficial adicional le pertenece a un votante registrado para votar bajo la misma dirección. Este sobre oficial debe ser enviado por correo, por medio de un transportista público o comercial, o ser entregado en persona por el votante el día de la elección en la oficina del secretario de votación temprana.)

I certify that the enclosed ballot expresses my wishes independent of any dictation or undue persuasion by any person. (Certifico que la boleta adjunta expresa mis deseos independientemente de ningún dictado o persuasión indebida por parte de cualquier persona.)

Esperanza Garcia
SIGNATURE OR MARK OF VOTER (FIRMA O MARCA DEL VOTANTE)

SEAL ENVELOPE AND SIGN OVER SEALED FLAP (SELLE EL SOBRE Y FIRME ENCIMA DE SOLAPA DEL SOBRE)

Instructions to Assistant: A voter may only be assisted with reading or marking the ballot if they have a physical disability that renders them unable to write or see, or have an inability to read the language in which the ballot is written. If you are assisting the voter, you must read the oath and complete the section below, before assisting the voter. (Instrucciones al Asistente: Un votante puede recibir ayuda para leer o llenar la boleta solamente si el votante tiene una discapacidad física la cual le impide escribir o ver, o si no tiene la habilidad de leer el lenguaje en el cual la boleta está escrita. Si usted le proporcionará ayuda a un votante, usted debe leer el juramento y llenar a siguiente sección abajo, antes de asistir al votante.)

Oath of Person Assisting Voter: I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter's questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter's ballot as the voter directs; and I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs. (Juramento de la Persona Asistiendo al Votante: Juro (o afirmo) que no sugeriré con palabras, señales, o gestos, la manera en la cual el votante debe votar; limitare mi asistencia a responder las preguntas del votante, leer propuestas en la boleta, nombrar a los candidatos, y si es mencionado, su partido político; prepararé la boleta del votante de acuerdo a sus instrucciones; y yo no soy el empleador del votante, un agente del empleador del votante, o un oficial o agente de un sindicato al cual el votante pertenece.)

Instructions to Witness: You are serving as a witness for _____ (name of voter). You must complete the section below if you witness the mark of the voter, or if the voter cannot make a mark. If the voter cannot make a mark, check here _____. (Instrucciones al Testigo: Usted está fungiendo como testigo para _____ (nombre del votante). Usted debe llenar la siguiente sección abajo si usted fue testigo de que el votante firmo, o de que el votante no puede firmar. Si el votante no puede firmar, marque sus iniciales aquí _____.)

Instructions to Person Depositing Carrier Envelope in Mail or to Common or Contract Carrier: If you are assisting a voter by depositing the carrier envelope in the mail or with a common or contract carrier, you must complete the section below. (Instrucciones a la Persona Quien Deposite el Sobre Oficial en el Correo o Entregue al Transportista Público o Comercial: Si usted asistirá al votante a depositar el sobre oficial en el correo o con un transportista público o comercial, usted debe llenar la sección que aparece abajo.)

If you are an assistant or witness, check the appropriate box below and provide information: (Si usted es un asistente o testigo, marque la casilla correcta y proporcione su información):

<input type="checkbox"/> Assistant/ Asistente	_____	_____	_____
<input type="checkbox"/> Witness/ Testigo	Signature (Firma)	Printed Name (Nombre impreso)	Street Address (Domicilio residencial)
<input type="checkbox"/> Assistant/ Asistente	_____	_____	_____
<input type="checkbox"/> Witness/ Testigo	Signature (Firma)	Printed Name (Nombre impreso)	Street Address (Domicilio residencial)

Completed by Early Voting Clerk: Name of Election (Nombre de Elección): _____

Name of Voter (Nombre del votante): Esperanza Garcia Date of Election (Fecha de Elección): ____/____/____