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Wednesday, October 24, 2018  
Via Email & Hand Delivery

To Russell Miller, Chairman of the Signature Verification Committee;

My name is Elizabeth Alvarez and I'm the General Counsel to the Dallas County Republican Party. This letter serves as a demand letter to cease and desist activity which is prohibited under the Texas Election Code.

First, on Monday October 22, Tuesday October 23, and Wednesday October 24th, a poll watcher, Davin Bernstein, was denied the right to make notes concerning the assistants on mail-in ballots. He was informed by both the signature verification committee and the elections administrator that this would impede the process of the board. He even offered to inspect those records which were not currently being viewed by a member of the committee, either before or after the review of an individual ballot, and he was denied. Pursuant to Section 33.056(c) and (d) a poll watcher is "entitled to inspect the returns and other records prepared by the election officers at the location at which the watcher is serving," and "a watcher may not be prohibited from making notes while on duty." This prohibition on the review of the information and the prohibition on taking notes is an impermissible violation of the Texas Election Code, and we request that this action cease and desist immediately, and that the poll watcher Davin Bernstein, and any other poll watchers who wish to inspect records and take notes be permitted to do so.

Second, both the signature verification committee Chair Russell Miller, and the elections administrator, Toni Pippins-Poole, in not permitting the taking of these notes, have violated Section 33.061 of the Texas Elections Code, which is a Class A Misdemeanor. We request this immediately cease and desist.

Third, the Republican Members of the ballot board wish to take their own notes regarding the presence of assistants on mail-in ballots, but have been repeatedly told no by Chairman Russel Miller, and in fact some have had their notes forcibly removed from them by Chairman Miller. The Republican members of the Ballot Board and signature verification committee have the right to take whatever notes they deem necessary, and

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the Chair does not have the statutory authority to prevent that. We demand that all notes be returned to committee members and that no further action be taken to prevent them from exercising their right to fulfill their duties in whatever manner they deem necessary, and to take whatever notes each member believes will aid them in this process.

Finally, it has come to our attention that the DA's office, and by extension, the Signature Verification Committee Chair and the Elections Administrator, believe that there is no statutory right to the presence of poll watchers in the signature verification committee, and that as such, accepting and allowing a poll watcher is a courtesy and therefore there are no enforceable rights which can be asserted by poll watchers in that room, including the taking of notes and inspection of documents. However, statutorily the signature verification committee is an extension of the ballot board, and its affairs are to be conducted the same way. Furthermore, once a watcher has been accepted under 33.051, they are entitled to, under 33.056 observe any and all activity, and any restriction of that activity is a misdemeanor under 33.061. Having already accepted a poll watcher, there is not a statutory provision by which you may revoke that. There is also not a statutory provision which allows you to curtail the duties of a poll watcher or limit their rights under the statute because you feel the appointment was accepted only as a courtesy. There is also no provision by which you may now refuse to accept other poll watchers. Moreover the Secretary of State's handbook on poll watchers makes clear that poll watchers are permitted in the signature verification committee.

Therefore, this letter shall serve as a cease and desist demand letter, requesting that you cease and desist these violations of the Election Code, or we will be forced to utilize whatever legal remedies are available to us under Section 273 of the Election Code immediately and without haste.

Please also note, that a report of these activities and your position on the presence of poll watchers in the signature verification committee has been relayed to the Elections Division of the Attorney General's Office, and to Keith Ingram, in the Secretary of State's Office.

Elizabeth Alvarez  
General Counsel,  
Dallas County Republican Party

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CC: Randal Miller, James Palomo, Dallas DA's Office

CC: Toni Pippins-Poole, Dallas County Elections Administrator

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