

The Libertarian Party of Texas



September 18, 2017

Supreme Court of Texas
Supreme Court Building
201 W. 14th Street, Room 104
Austin, Texas 78701

Re: No. 17-0052, *Pressley v. Casar*

To the Honorable Justices of the Supreme Court of Texas:

This *amicus* letter is submitted by the Libertarian Party of Texas (“LPTexas”) in support of Petitioner Dr. Laura Pressley, Ph.D. in the referenced matter pending before the Court. No funds were expended in the production of this letter.

LPTexas nominates individuals to run for public office in Texas, and is one of three – just three – political parties with automatic ballot status for the November 2018 general election ballot. Our nominees will be on the ballot in 2018, along with those of the Republican Party and Democratic Party.

LPTexas urges the Court to grant the petition, request full briefing on the merits, grant oral argument, and issue an opinion reversing the judgments of the

appellate court and trial court below including the chilling and oppressive sanctions of Dr. Pressley and rendering judgment in favor of Dr. Pressley, and remand the case back to the trial court for further proceedings not inconsistent with the Court's opinion. LPTexas further requests that the Court's opinion provide guidance to counties and the Secretary of State regarding constitutional and statutory mandates for numbering direct recording electronic (DRE) ballots used for manual recounts in Texas.

The issues in this case are not just for one election in the past. LPTexas and its nominees – indeed all parties' nominees for years to come -- will be affected by the Court's decision.

A free people need a functioning legal system, and that includes a judiciary which will correct obvious injustices and illegalities such as are seen here. A free people also need a functioning electoral process, and that requires the utmost certainty that the ballot of every Texas voter has integrity. The mere perception that ballots may not be counted accurately would be the death knell to our elections and our freedom.

Knowledge that elections are administered without corruption or pervasive error is vitally important to our Party, as it should be for the Republicans and the Democrats, and our State. Knowledge that rule of law prevails in Texas and that our Texas Constitution's provisions enacted to insure election integrity are followed is essential to stopping the erosion of confidence in our government by the general

public. Any argument that following our Constitutional and statutory safeguards for ballot and electoral integrity would be too complicated, cost too much, or take too long, must be rejected.

Our Texas Constitution, Art. VI, §4 requires that ballots be numbered “to protect the purity of the ballot box.” Yet, as evidenced in this case, and borne out by personal experience of members of our Party, current DRE ballots in use in Texas do not comply with this key provision for insuring ballot integrity.

The sanctions by the Texas judiciary of Dr. Pressley violate Art. I, § 13 of the Texas Constitution in at least two ways. First, any level of punishment for daring to petition the courts for redress of the legitimate grievance that elections are not being administered according to the Constitution and our law is a violation of the open courts provision that states, “All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.” Second, the sanctions that exceed the amount paid for many homes in Texas are excessive (“nor excessive fines imposed”). These sanctions tarnish the reputation of the Texas judiciary. It promotes the perception that the judiciary and executive branches are collaborating to stifle any questioning of how our elections are administered. For the people of Texas to have faith in our courts and our election administration, these sanctions must be overturned completely.

Toward liberty and the rule of law that protects it,

/s/ Thomas G. Glass

Thomas G. Glass

Chair,

Election Integrity Committee of the Libertarian Party of Texas

State Bar No. 24052196

22915 Three Pines Dr.

Hockley, TX 77447

Tel: (713) 467-2991

tgglass@swbell.net

CERTIFICATE OF SERVICE

By my signature below, I hereby certify a true and correct copy of this *amicus* letter was served via electronic service on the following counsel of record on or about September 18, 2017:

KURT KUHN
State Bar No. 24002433
KUHNS HOBBS PLLC
3307 Northland Drive, # 310
Austin, Texas 78731
512-476-6000 Telephone
512-476-6002 Facsimile
Kurt@KuhnHobbs.com

CHARLES (CHUCK) HERRING JR.
State Bar No. 09534100
HERRING & IRWIN, L.L.P.
1411 West Avenue, Ste 100
Austin, TX 78701
512-320-0665 Telephone
512-519-7580 Facsimile
CHerring@Herring-Irwin.com

Lisa Bowlin Hobbs
State Bar No. 24026905
Lisa@KuhnHobbs.com
KUHNS HOBBS PLLC
3307 Northland Drive, Suite 310
Austin, Texas 78731-4946
(512) 476-6005
(512) 476-6002 (fax)

Lauren Ross
State Bar No. 24092001
LaurenBRoss@herringpanzer.com
HERRING & PANZER, L.L.P.
1411 West Avenue, Suite 100
Austin, Texas 78701
(512) 320-0665
(512) 519-7580 (fax)

ATTORNEYS FOR RESPONDENT GREGORIO (GREG) CASAR

Dr. Laura Pressley, Ph.D.
10203 Woodglen Cove
Austin, TX 78753
LauraPressley@startmail.com

/s/ Thomas G. Glass
Thomas G. Glass
State Bar No. 24052196
22915 Three Pines Dr.
Hockley, TX 77447
(713) 467-2989
tgglass@swbell.net