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Loren Jackson
District Clerk

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NO. 2010-01196

CHRIS DANIEL
Plaintiff,

V.

JARED WOODFILL, IN HIS
CAPICITY AS CHAIRMAN OF THE
HARRIS COUNTY REPUBLICAN
PARTY

Defendants.

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IN THE DISTRICT COURT

By _____
Deputy

1104

JUDICIAL DISTRICT

OF HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL APPLICATION AND AFFIDAVIT FOR
TEMPORATY RESTRAINING ORDER AND PERMANENT INJUNCTION

1. *Parties.*

a. Plaintiff, CHRIS DANIEL, an Individual whose address is, 11418 Hambleton Way, Houston, Texas 77065, makes this Application for Temporary Restraining Order and Permanent Injunction.

b. The last three digits of the driver's license number of CHRIS DANIEL are 510. The last three digits of the social security number for CHRIS DANIEL are 905.

c. Defendant JARED WOODFILL, IN HIS CAPICITY AS CHAIRMAN OF THE HARRIS COUNTY REPUBLICAN PARTY can be served at his office address at 3311 Richmond Avenue, Suite 219, Houston, Texas 77098; however, it is anticipated that he will waive service of process and make an appearance in this case.

d. Third Party Defendant Steve Dorman, may be served with process by personal service at his home address at 10023 Inwood Dr., Houston, Texas 77042; however, it is anticipated that he will wave service of process and make an appearance in

this case.

2. *Facts.*

a. Plaintiff, Chris Daniel is a candidate for Harris County District Clerk in the Harris County Republican Primary scheduled for March 2, 2010 election. Mr. Daniel meets all of the qualifications to run for this office.

b. Third Party Defendant, Steve Dorman filed for re-election, as a candidate for Precinct Chair in the Harris County Republican Primary scheduled for March 2, 2010, for Harris County Republican Precinct 130 at 3:13pm on October 20, 2009.

c. At approximately 4:00 pm on January Steve Dorman attempted to file for Harris County District Clerk. At that time the Republican Primary Director Donna Bahorich refused to accept the application.

d. At 5:42 pm on January 4, 2010, Jared Woodfill, the Harris County Republican Chairman, sent an email to the Republican Primary Director Donna Bahorich, directing her to conditionally accept Steve Dorman's withdrawal form for Precinct Chair and his application for Harris County District Clerk, so that Chairman Woodfill could use his 5 day review time to make a decision on acceptance.

e. At 5:52 pm on January 4, 2010, Steve Dorman submitted paperwork to withdraw from running for Republican Precinct Chair, in said election.

f. At 5:54pm on January 4, 2010, Steve Dorman submitted paperwork to file for Harris County District Clerk.

3. *Grounds.*

a. According to the Texas Election Code Statue §172.052, December 30, 2009 was the final day for a candidate to withdraw from the March 2, 2010 Primary

Election. A candidate for nomination may not withdraw from the general primary election after the 62nd day before general primary election day.

b. Pursuant to § 141.033 of the Texas Election Code, A candidate may not file applications for a place on the ballot for two or more offices that: are not permitted by law to be held by the same person; and are to be voted on at one or more elections held on the same day. If a person files more than one application for a place on a ballot in violation of this section, each application filed subsequent to the first one filed is invalid.

c. Plaintiff, Chris Daniel has standing to bring this cause of action. In re The Honorable Brent Gamble 71 S.W.3rd 313 (Tex 2002) The Texas Supreme Court upheld the proposition that a person who is being harmed or is in danger of being harmed by a violation or threatened violation of this code is entitled to appropriate injunctive relief to prevent the violation from continuing. The Texas Supreme Court went on to affirm that a request for injunctive relief invokes a court's equity jurisdiction. As is evident, the Legislature has specifically called upon the courts to exercise their equitable powers to resolve election code violations. And when exercising such a jurisdiction, a court must, among other things, balance competing equities. Thus, the provision for injunctive relief in section 273.081 of Election Code incorporates these principles which, in turn, control the remedy.

In re Bell, 91 S.W.3rd 784 (Tex. 2002) The Texas Supreme Court stated: Section 1.003(a). which was added to the Election Code in 1985, states that "[t]he Code

Construction Act (Chapter 311, Government Code) applies to the construction of each provision in this code.” *Id.* § 1.003(a); Act of May 9, 1985, 69th Leg., R.S. ch. 211, § 1, 1985 Tex. Gen. Laws 802, 805 (codified at Tex. Elec. Code § 1.003). The Code Construction Act states that the Legislature is presumed to have intended a “just and reasonable result” in enacting statutes. Tex. Gov’t Code § 311.02(3). It also makes clear that courts may consider the “legislative history” and the “object sought to be attained” in construing statutes. *Id.* § 311.023(1)(3). The legislative history to the 1997 Election Code amendments indicates that the Legislature was concerned with, among other things, preventing election fraud. See Senate Comm. On State Affairs, Bill Analysis, Tex. H.B. 331, 75th Leg., R.S. (1997); House Comm. On Elections, Bill Analysis, Tex. H.B. 331, 75th Leg., R.S. (1997).

Plaintiff does not have an adequate remedy at law.

4. *Conditions Precedent.* All conditions precedent have been performed or have occurred.

5. *Prayer.*

Plaintiff prays that-

a. without notice to Defendant or Third-Party Defendant, the Court issue a temporary restraining order restraining Defendant, and his officers, agents, servants, and employees from directly or indirectly allowing Third-Party Defendant Steve Dorman to be placed on the Harris County Primary Election scheduled for March 2, 2010 for the office of Harris County District Clerk.

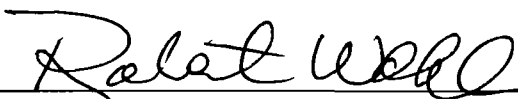
b. the Court set a date and time for a hearing on this application for a temporary restraining order and permanent injunction;

c. Defendants be cited to appear and answer;

d. after hearing, the Court issue a permanent injunction enjoining Defendants, and their officers, agents, servants, and employees from directly or indirectly allowing Third-Party Defendant Steve Dorman to be placed on the Harris County Primary Election scheduled for March 2, 2010 for the office of Harris County District Clerk.

Plaintiff be granted all further relief to which Plaintiff may be entitled.

Respectfully submitted,

By: 

ROBERT WOLFE

Texas Bar No. 21859600

9950 CYPRESSWOOD, SUITE 201

HOUSTON, TX 77070

Tel. (713) 225-5244

Fax. (281) 807-3756

Attorney for Plaintiff

CHRIS DANIEL