

understandable in light of severe weather and safety concerns, these closures will make it impossible for some of Plaintiffs' members and other voters in Congressional District 18 ("CD 18") to exercise their right to vote in this important special runoff election. *See* Ex. A, Decl. of Durrel Douglas; Ex. B, Decl. of Eklecia Morris. Plaintiffs therefore seek emergency injunctive relief requiring Defendants to allow for Early Voting in Harris County on Wednesday, January 28, 2026 for twelve hours and on Thursday, January 29, 2026 for at least seven hours, to make up for the canceled voting periods.

The Harris County Clerk had ordered Early Voting on Sunday, January 25, for seven hours, under her authority under Texas Election Code Section 85.006, and on Monday, January 26, for twelve hours.¹ Because Monday was one of the last two days of the Early Voting period. Texas Election Code Section 85.005(c), requires that Main Early Voting Polling Places operate for twelve consecutive hours and Temporary and Permanent Early Voting Polling Places operate on the same days as Main Early Voting Polling Places. Tex. Elec. Code § 85.063–64.

Courts frequently order the extension of polling hours to make up for cancellation of voting hours due to severe weather, as contemplated by procedures set out in the Help America Vote Act. 52 U.S.C. § 21082(c). In order to provide voters sufficient time to vote, Plaintiffs and their members thus request that Harris County open all Main, Temporary, and Permanent Early Voting Polling Places on Wednesday, January 28, and Thursday, January 29.

Given the emergency posture of this request, Plaintiffs respectfully request that the Court set a TRO hearing for this afternoon or tomorrow morning (January 26), if possible.

DISCOVERY CONTROL PLAN

¹ Harris County Clerk, FileNo 01260003: Notice of Harris County Special Runoff Election (Jan. 9, 2026), <https://www.harrisvotes.com/Public-Information-and-Media/Election-Notices>.

1. Pursuant to Texas Rule of Civil Procedure 190.1, Plaintiffs intend to conduct discovery under Discovery Level 3.

PARTIES

2. Plaintiff Houston Justice is a Texas non-profit corporation with its principal place of business in Houston, Texas. It is a membership-based organization reshaping the landscape of civic participation and leadership in Texas through Project Orange, Texas' first jail-based voting initiative, and its Street-to-Leadership Pipeline, which identifies, trains, and supports passionate community members, transforming them into powerful local leaders.

3. Plaintiff Pure Justice is a Texas non-profit corporation with its principal place of business in Houston, Texas. It is a membership-based organization using community organizing, civic engagement, education, and research as methods to help reform institutions and systems that perpetuate social and criminal injustices, aiming to improve the lives of low-income and working-class families.

4. Defendant Harris County is a subdivision of the State of Texas.

5. Defendant Harris County Commissioners Court is the governing body of Harris County.

6. Defendant Teneshia Hudspeth is the Harris County Clerk and is sued in her official capacity only. The Harris County Clerk is the official in charge of conducting election operations in Harris County. Tex. Elec. Code § 31.050. She may be served with process by and through her counsel at the Harris County Attorney's Office at 1019 Congress St, Houston, TX 77002.

7. Defendant Lina Hidalgo is the Harris County Judge and is sued in her official capacity only. The Harris County Judge is the presiding officer of the Harris County

Commissioners Court. She may be served with process by and through her counsel at the Harris County Attorney's Office at 1019 Congress St, Houston, TX 77002.

8. Defendant Rodney Ellis is the Harris County Commissioner for Precinct 1 and is sued in his official capacity only. Commissioner Ellis is a voting member of the Harris County Commissioners Court, the governing body of Harris County. He may be served with process at 1001 Preston, Houston, TX 77002.

9. Defendant Adrian Garcia is the Harris County Commissioner for Precinct 2 and is sued in his official capacity only. Commissioner Garcia is a voting member of the Harris County Commissioners Court, the governing body of Harris County. He may be served with process at 1001 Preston, Houston, TX 77002.

10. Defendant Tom. S. Ramsey is the Harris County Commissioner for Precinct 3 and is sued in his official capacity only. Commissioner Ramsey is a voting member of the Harris County Commissioners Court, the governing body of Harris County. He may be served with process at 1001 Preston, Houston, TX 77002.

11. Defendant Lesley Briones is the Harris County Commissioner for Precinct 4 and is sued in his official capacity only. Commissioner Briones is a voting member of the Harris County Commissioners Court, the governing body of Harris County. She may be served with process at 1001 Preston, Houston, TX 77002.

12. At all times relevant hereto, all Defendants were and have been acting under color of statutes, ordinances, regulations, customs and usages of the State of Texas and Harris County, Texas.

JURISDICTION AND VENUE

13. Plaintiffs seek non-monetary injunctive relief. This Court's jurisdiction to enter injunctive relief in this lawsuit is established by Texas Election Code Section 273.081 and Texas Civil Practice and Remedies Code Section 65.001, et seq.

FACTS

14. Because severe weather necessitated the closure of polling places in Harris County during the Early Voting period leading up to the January 31, 2026 special election, Early Voting hours must be extended to provide voters the opportunity to vote guaranteed by the Texas Election Code. Unless Early Voting hours are added before Election Day, on Saturday, January 31, 2026, voters will be deprived of their right to vote in the runoff election for CD 18.

15. Defendants are currently administering a runoff election for CD 18, which is wholly contained within Harris County. By order of the Governor, Election Day was set for Saturday, January 31, and Early Voting was to be open from January 21 through January 27.² By order of the Harris County Clerk, Early Voting centers were open from 7 a.m. to 7 p.m. each day of Early Voting, except Sunday, on which the voting hours were 12 p.m. to 7 p.m.³

16. Two days ago, on January 23, the National Weather Service issued a winter storm warning for Houston-area counties, including Harris County, from 6 p.m. on Saturday, January 24, to 6 p.m. on Sunday, January 25.⁴

² Governor Greg Abbott, Proclamation by the Governor of the State of Texas Setting Early Voting Date for the CD18 Runoff Election (Nov. 17, 2025), https://gov.texas.gov/uploads/files/press/PROC_CD_18_RUNOFF_Sylvester_Turner_replacement_special_election_IMAGE_11-17-2025.pdf.

³ Harris County Clerk, FileNo 01260003: Notice of Harris County Special Runoff Election (Jan. 9, 2026), <https://www.harrisvotes.com/Public-Information-and-Media/Election-Notices>.

⁴ Barbi Barbee, *Houston Winter Storm Warning, Extreme Cold Warning: What it Means*, Fox News 26 Hous. (last updated Jan. 23, 2026 , 2:06pm), <https://www.fox26houston.com/weather/houston-winter-storm-warning-extreme-cold-warning-what-means>.

17. Per the National Weather Service, starting on Saturday, Harris County was likely to experience “snow, ice, sleet or blowing snow or a combination of these hazards. Travel will become difficult or impossible in some situations.”⁵

18. On Friday, the same day the National Weather Service issued the winter storm warning, the Harris County Elections Department announced that “Early Vote Centers for the CD-18 Runoff Election will be closed on Sunday, January 25, due to severe weather conditions.”⁶

19. On Saturday night, the Harris County Elections Department updated its announcement to note that Early Vote Centers would also be closed on Monday, January 26.⁷

20. The announcement also notes that the Harris County Elections Department “will continue to monitor the evolving weather situation and provide reopening plans as soon as conditions improve,”⁸ giving rise to the possibility that Early Voting hours could be shortened or canceled on Tuesday, January 27, due to ongoing severe weather or related dangerous conditions.

21. Voters will therefore be unable to vote on Sunday, January 25, or Monday, January 26, because the polls will be closed.

22. In addition, dangerous weather could make it impossible to vote on Tuesday, January 27, the only other Early Voting day currently available.

23. Plaintiffs are membership-based advocacy organizations that operate within Greater Houston, including within CD 18, to register and turn out voters.

⁵ *Id.*

⁶ Harris County Elections Department, Post, Facebook (Jan. 23, 2026, 12:25pm), https://www.facebook.com/harrisvotes/posts/pfbid0iMQwqD6aY8ih8Xrt16CpsUiga5oCevq1oXZS6x68XyhG8fUYG9LKF57zFuyRd56bl?ref=embed_page

⁷ Harris County Elections Department, Post, Facebook (Jan. 24, 2026, 6:18pm), <https://www.facebook.com/share/p/1CyvTz6LrT/>.

⁸ *Id.*

24. Darrel Douglas, a member and the Founder and Executive Director of Plaintiff Houston Justice, is a registered voter within CD 18 who intended to vote during the Early Voting period on Sunday, January 25, 2026, or Monday, January 26, 2026, but will no longer be able to do so due to the severe weather closures. *See* Ex A, Decl. of Darrel Douglas.

25. Ecklecia Morris, a member of Pure Justice, is also a registered voter within CD 18 who intended to vote during the Early Voting period on Sunday, January 25, 2026, or Monday, January 26, 2026, but will no longer be able to do so due to the severe weather closures. *See* Ex B, Decl. of Ecklecia Morris.

26. Both Mr. Douglas and Ms. Morris share concerns that they will be unable to vote on Tuesday due to ongoing weather-related issues, and that they may not be able to vote on January 31, Election Day. Thus, without additional Early Voting days, these and other members of Plaintiff organizations will be unable to exercise their right to vote in this important special election.

27. Section 302(c) of the Help America Vote Act (“HAVA”) of 2002, 52 U.S.C. § 21082(c), sets forth specific procedures that apply when a federal or state court issues an order extending poll closing times due to inclement weather or other conditions.

28. Specifically, HAVA mandates that any voter who “votes in an election for Federal office . . . as a result of a State court order extending the time established for closing the polls” has a federally guaranteed right to cast ballot. 52 U.S.C. § 21082(c). Such voters “may only vote in that election by casting a provisional ballot” and their provisional ballots must be “separated and held apart from other provisional ballots cast by those not affected by the order.”
Id.

29. Plaintiffs seek to protect the fundamental voting rights of their members by requesting that—to compensate for seven hours of Early Voting canceled on Sunday, January 25, and twelve hours of Early Voting canceled on Monday, January 26, due to severe weather—the Court order Defendants to provide for twelve more hours of Early Voting on Wednesday, January 28 and seven hours of Early Voting on Thursday, January 29, or similar extensions of voting times.

30. The residents of CD 18 have already suffered disenfranchisement for nearly a year due to the seat remaining vacant after the passing of Representative Sylvester Turner in March 2025.

31. Absent this order, potentially dozens of thousands of voters could be further disenfranchised by having fewer days to cast their ballots, due to dangerous weather conditions outside of Defendants' control.

CAUSES OF ACTION

Defendants' Actions Violate Section 85.006 of the Texas Election Code

32. The Texas Election Code provides a private cause of action for “[a] person who is being harmed or is in danger of being harmed by a violation or threatened violation of this code” and entitles such persons “to appropriate injunctive relief to prevent the violation from continuing or occurring.” Tex. Elec. Code § 273.081.

33. Defendants are violating Texas Election Code Section 85.006 by closing polling places in Harris County today, Sunday, January 25, during the seven hours the Harris County Clerk ordered that the polling places be open pursuant to her authority under Section 85.006.⁹

⁹ While Section 85.006 was technically repealed by SB 2753 in the 89th Legislature, Regular Session, Section 33 of the bill states that it applies “only to an election ordered on or after the date the secretary of state publishes the report required by Section 32 of this Act.” S.B. 2753, 89th Legislature, Regular Session (Tex. 2025) (accessed at <https://capitol.texas.gov/tlodocs/89R/billtext/html/SB02753F.HTM>). That report has not yet been published, thus Section 85.006 remains in effect for this January special election.

34. This violation of Section 85.006 deprives voters of their opportunity to cast ballots during the seven hours in which the Harris County Clerk ordered voting to take place.

35. Plaintiffs are therefore entitled to assert a cause of action pursuant to Texas Election Code Section 273.081 because Defendants' closure of polling places today has already and will continue to harm its members and other voters.

Defendants' Actions Violate Section 85.005(c) of the Texas Election Code

36. The Texas Election Code provides a private cause of action for “[a] person who is being harmed or is in danger of being harmed by a violation or threatened violation of this code” and entitles such persons “to appropriate injunctive relief to prevent the violation from continuing or occurring.” Tex. Elec. Code § 273.081.

37. Defendants' announced closure of the polls this Monday violates the Texas Election Code, which requires that early voting during special elections ordered by the Governor “shall be conducted at the main early voting polling place for at least 12 hours on each of the last two days of the early voting period.” Tex. Elec. Code § 85.005(c).

38. While the main early voting polling place (EVPP) is one location under Texas Election Code Section 85.002, Harris County also administers “permanent branch” EVPPs and “temporary branch” EVPPs under Sections 85.061–62.

39. Early voting at permanent branch EVPPs “shall be conducted on the same days and during the same hours as voting is conducted” at the main EVPP, Tex. Elec. Code § 85.063, which includes at least twelve hours on each of the last two days of the early voting period, *id.* § 85.005(c).

40. Early voting at temporary branch EVPPs “shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Section 85.005 and remain open for at least . . . eight hours each day.” Tex. Elec. Code § 85.064.

41. Plaintiffs are therefore entitled to assert a cause of action pursuant to Texas Election Code Section 273.081 because Defendants’ closure of polling places on Monday, January 26—one of the last two days of the Early Voting period—contravenes multiple provisions of the Texas Election Code and will harm its members and other voters.

**EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
TEMPORARY AND PERMENANT INJUNCTION**

Plaintiffs re-allege and incorporate by reference the allegations contained in all of the preceding paragraphs and for the reasons discussed below is entitled to injunctive relief both under Texas Election Code Section 273.081 and at common law.

A. Plaintiffs Are Entitled to Injunctive Relief on Their Statutory Claims Because They Have Shown Violation of Statutes That Authorizes Injunctive Relief.

Plaintiffs seek relief pursuant to Texas Election Code Section 273.081 because their members are “being harmed or [are] in danger of being harmed by a violation or threatened violation of [the Election Code],” Tex. Elec. Code § 273.081, namely Defendants’ violation of Texas Election Code Sections 85.006 and 85.005(c) relating to early voting hours. Where, as here, “injunctive relief is provided for by a specific statute . . . the applicant need not prove the[] common law elements” of “a valid cause of action against the defendant, a probable right to relief, and imminent, irreparable injury in the interim.” *Hughs v. Dikeman*, 631 S.W.3d 362, 382–83 (Tex. App.—Houston [14th Dist.] 2020, pet. denied). Numerous courts addressing Texas Election Code Section 273.081 have therefore held that Section 273.081’s “express language supersedes the common law injunctive relief elements.” *See Cook v. Tom Brown Ministries*, 385

S.W.3d 592, 599 (Tex. App.—El Paso 2012, pet. denied); *Dikeman*, 631 S.W.3d at 383. Plaintiffs are therefore entitled to injunctive relief to remedy Defendants’ violation of Texas Election Code Section 41.031 because Plaintiffs have “shown a violation of a statute that authorizes injunctive relief.” *Dikeman*, 631 S.W.3d at 382 (quoting *8100 N. Freeway Ltd. v. City of Houston*, 329 S.W.3d 858, 861 (Tex. App.—Houston [14th Dist.] 2010, no pet.)).

B. Plaintiffs are Additionally Entitled to Injunctive Relief at Common Law.

Even in the absence of an express statutory authorization, Plaintiffs would be entitled to injunctive relief. At common law, “[t]o obtain a temporary injunction, the applicant must plead and prove three specific elements: (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim.” *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002) (internal citation omitted). “An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by any certain pecuniary standard.” *Id.* Further, “[b]ecause an injunction is an equitable remedy” the court should “weigh[] the respective conveniences and hardships of the parties and balance[] the equities,” which “involves weighing the public interest against the injury to the parties from the grant or denial of injunctive relief.” *Int’l Paper Co. v. Harris Cnty.*, 445 S.W.3d 379, 395 (Tex. App.—Houston [1st Dist.] 2013, no pet.).

Plaintiffs satisfy each of the three elements for temporary injunctive relief at common law and a balancing of the equities weighs in favor of that relief.

Plaintiffs have established their causes of action.

Plaintiffs have established their causes of action under Texas Election Code Section 273.081 due to Defendants’ closure of polling locations on Sunday, January 25, and Monday, January 26, for all the reasons set out earlier in this petition. *Andrade v. NAACP of Austin*, 345

S.W.3d 1, 17 (Tex. 2011) (recognizing that Section 273.081 sets out a private cause of action); *Walling v. Metcalfe*, 863 S.W.2d 56, 57 (Tex. 1993) (first element satisfied where applicant had pleaded a cause of action).

Plaintiffs have established a probable right to the relief sought.

“Probable right to relief” is a term of art in the injunction context.” *Regal Entm’t Group v. iPic-Gold Class Entm’t, LLC*, 507 S.W.3d 337, 345 (Tex. App.—Houston [1st Dist.] 2016, no pet.) (citations omitted). An applicant satisfies this element when they “plead a cause of action and present some evidence that tends to sustain it, meaning that the evidence must be sufficient to raise a bona fide issue as to [their] right to ultimate relief.” *Id.* (cleaned up); see *DeSantis v. Wackenhut Corp.*, 793 S.W.2d 670, 686 (Tex. 1990) (an applicant “need not establish the correctness of his claim to obtain temporary relief, but must show only a likelihood of success on the merits.”).

Defendants’ closure of these polling locations is a straightforward, unambiguous violation of Texas Election Code Section 86.005 and 85.005(c). Plaintiffs’ members and other voters are harmed or in danger of being harmed by this closure of polling places for the reasons already discussed. Plaintiffs therefore have a probable right to relief on their statutory claims.

Plaintiffs have established a probable, imminent, and irreparable injury in the interim if an injunction is not granted.

Absent relief, Defendants’ closure of polling places will injure Plaintiffs’ members and other voters by burdening those individuals’ rights, particularly the fundamental right to vote. See *Veasey v. Abbott*, 870 F.3d 387, 394 (5th Cir. 2017) (citing *Mich. State A. Philip Randolph Inst. v. Johnson*, 833 F.3d 656, 669 (6th Cir. 2016)) (“A restriction on the fundamental right to vote therefore constitutes irreparable injury.”).

The injuries are also irreparable. “An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by any certain pecuniary standard.” *Butnaru*, 84 S.W.3d at 204. Infringements on constitutional rights, such as the right to vote, are quintessentially non-compensable. *See, e.g., Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012) (“When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.”) (citations omitted). This is true even if the burden makes it harder to vote but does not ultimately cause disenfranchisement. *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012) (issuing preliminary injunction against reduction in early voting days for certain voters); *see also League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014) (noting that “[c]ourts routinely deem restrictions on fundamental voting rights irreparable injury” and upholding preliminary injunction of several state law practices); *Williams v. Salerno*, 792 F.2d 323, 326 (2d Cir. 1986) (issuing preliminary injunction against rejecting student voter registration forms, even though most could presumably register at their parents’ home address).

A balancing of the equities favors Plaintiffs.

Injuries to Plaintiffs’ members are imminent and severe. Weighed against this are only the negligible costs to Defendants should Plaintiffs’ requested relief be granted: The cost to operate polling locations during Early Voting for the amount of time planned is already budgeted into Defendants’ expenses. Nor does the relief requested delay or cancel the election, or interfere in the elective process. *Dallas County Democratic Executive Committee v. Dallas County*, 2002 WL 31439451 *1 (Tex. App.—Dallas Nov. 1, 2002, no pet.). Instead, it is timely to correct the violation, *id.*, and is specifically appropriate for this type of emergency situation. *Blum v Lanier*, 997 S.W.2d 259, 263–264 (Tex. 1999) (recognizing that if the matter is one that can be judicially

resolved in time to correct the violation without delaying the election, “then injunctive relief may provide a remedy that cannot be adequately obtained through an election contest.”). Any harm suffered by Defendants is therefore outweighed by the significant interests involved in ensuring fair and open elections.

That Congress struck this same balance of equities is evident on the face of HAVA, which recognizes that State courts may order extended voting hours and sets out a procedure for accommodating votes cast during that time period.

Relief extending the polling hours due to severe weather is therefore regularly issued based on the requirements and safeguards in HAVA to ensure that all voters have the opportunity to cast their ballot. *See, e.g., Obama for America v. Cuyhoga Cnty. Bd. of Elections*, No. 1:08-cv-562-PAG (N.D. Ohio March 4, 2008) (Amended Order) (ordering the state’s chief elections official to keep all polling places open an additional 90 minutes due to severe weather throughout the state and traffic conditions affecting certain parts of the state).

CONCLUSION

For the reasons stated above, Plaintiffs are entitled to a temporary order requiring Defendants to take all necessary steps to open all polling places originally scheduled for Early Voting in Harris County on Wednesday, January 28, 2026 for twelve hours and on Thursday, January 29, 2026 for at least seven hours. Plaintiffs respectfully request that the Court further order that all votes cast by voters who arrive at their polling places on those days be cast provisionally and kept separate and apart from other provisional ballots cast. Absent any other court order, these ballots must be counted as regular ballots.

In addition, under Texas Election Code Section 273.082, courts must notify the Attorney General of any Temporary Restraining Order under the Texas Election Code as soon as

practicable and prohibits courts from entering any order any sooner than one hour after providing notice to the Attorney General. Plaintiffs therefore respectfully request that as soon as the emergency hearing on this application is scheduled, the Court submit notice of the hearing to the Attorney General through this website: <https://www.texasattorneygeneral.gov/election-code-tro-notice>. Plaintiffs respectfully request that the Court set a TRO hearing for this afternoon or tomorrow morning (January 26), if possible.

The Court should additionally order that Defendants take all necessary steps to alert the voters (through media and other means) to this extension of the poll-closing time.

Respectfully submitted this 25th day of January, 2026.

/s/ Karla Maradiaga
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CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2026, a true and correct copy of the foregoing Plaintiff's Original Verified Petition and Application for Emergency Application for Temporary Restraining Order was served upon Jonathan G.C. Fombonne, counsel for Defendants, via e-mail in accordance with the Texas Rules of Civil Procedure.

/s/ Karla Maradiaga
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