

WOLFGANG P. HIRCZY DE MINO, PhD

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September 13, 2020

*Via e-file*

Hon. Christopher A. Prine  
Clerk of the First Court of Appeals  
301 Fannin Street  
Houston, Texas 77002-2066

RECEIVED IN  
14th COURT OF APPEALS  
HOUSTON, TEXAS  
9/13/2020 6:27:20 PM  
CHRISTOPHER A. PRINE  
Clerk

RE: COA Case No. [14-20-00627-CV](#) (interlocutory appeal of order denying temporary injunction)  
Style: The State of Texas v. Chris Hollins, in his official capacity as Harris County Clerk  
Trial Court Case Info: Cause No. 2020-52383, State v. Hollins, Chris, pending in the 127<sup>th</sup> District  
Court of Harris County, Texas (Hon. Sandill, presiding judge).  
Related cases:

**AMICUS CURIAE LETTER RE: EMERGENCY RELIEF**

Dear Mr. Prine:

With respect to the **status quo** -- a relevant consideration whether temporary relief should be granted -- please be informed that the U.S. Postal Service has distributed through a mass-mailing a generic flyer to residents of Harris County (**postal customers, not registered voters**) which instructs recipients about applying to vote by mail. The information is not *state*-specific and says nothing about eligibility criteria under the Texas Election Code, or about the Texas Attorney General's threats to prosecute those who do not apply in good faith on the "disability" ground as he sees it. This is a *fait accompli* and as such part of the status quo, and neither party had control over it.

Also note that the Secretary of State's website fails to provides the public with the verbatim definition of all four eligibility grounds for voting-by-mail under the Texas Election Code, not to mention the Texas Supreme Court's interpretation of "disability" with respect to COVID-19, which the Texas Legislature could not specifically address when it enacted the absentee voting statute, or even in the most recent legislative session since it ended before the outbreak of the pandemic.

By contrast to the SOS web page and the USPS mass mailer, Chris Hollins' proposed mailer sets forth concisely the governing eligibility criteria now in effect pursuant to the extant Texas Election Code as construed by the high court. As such, it provides needed information & clarification to both groups: those who are eligible and those who are not.

If the Attorney General and the Solicitor General are correct about the electorate already being confused (I don't disagree), the proposed flyer -- sent with the imprimatur of the official actually in charge of conducting the election in Harris County -- will **reduce the confusion** as best as is humanly possible, while the SOS's website and the USPS mailer will not.

Please also note the Texas Supreme Court has not even posted its *In re State* opinion in Case No. [20-0394](#) on the online docket sheet for this case. Only Justice Bland's concurrence is currently

available. How can the voters be expected to comply with the law if the law is concealed from them by the very judicial entity that issued it?

Respectfully submitted,

/s/ *Wolfgang P. Hirczy de Miño*

Wolfgang P. Hirczy de Mino, PhD

P.O. Box 521

Bellaire, TX 77402-0521

Tel.: (832) 606-0251

Email: [wphdmphd@gmail.com](mailto:wphdmphd@gmail.com)

Amicus Curiae <sup>1</sup>

search.txcourts.gov/Case.aspx?cn=20-0394&coa=cossup

**CASE EVENTS**

Date	Event Type	Disposition	Remarks	Document
08/05/2020	Case Stored		e-stored	
07/09/2020	Certified cys of cost bill sent to attys of record		Cost Bill Issued	[ PDF/107 KB ] [ PDF/114 KB ] Notice Notice
05/27/2020	Supreme Court of Texas Orders Issued			[ PDF/89 KB ]
05/27/2020	Concurring Opinion issued.	Issued	Justice Bland delivered a concurring opinion.	[ PDF/240 KB ]
05/27/2020	Concurring Opinion issued.	Issued	Justice Boyd delivered a concurring opinion.	
05/27/2020	Concurring Opinion issued.	Issued	Justice Guzman delivered a concurring opinion, in which Justice Lehrmann and Justice Busby joined.	
05/27/2020	Opinion issued	Denied	The Court denies the petition for writ of mandamus. Chief Justice Hecht delivered the opinion of the Court, in which Justice Green, Justice Guzman, Justice Lehrmann, Justice Devine, Justice Blacklock, and Justice Busby joined.	
05/23/2020	Post submission brief filed		Post Submission Letter Brief filed on behalf of Harris County.	[ PDF/242 KB ]

<http://search.txcourts.gov/Case.aspx?cn=20-0394&coa=cossup>  
(image captured on 9/13/2020 at 5:45pm)  
SCOTX DOCKET SNIP FOR NO. 20-0394

<sup>1</sup> Amicus Curiae Wolfgang P. Hirczy de Mino, PhD (Univ. of Houston 1992) is a political scientist who wrote his dissertation on ELECTORAL PARTICIPATION and has published several articles on turnout and election systems in scholarly journals. No payment was received for the preparation of this amicus curiae letter and none is expected. The author is solely responsible for its content. The parties will be served via the Texas e-file system. Tex. R. App. P. 11.

## CERTIFICATE OF SERVICE

I hereby certify that I am serving the parties to this case through their respective attorneys' email addresses on file with the Texas eFile system on Sunday, September 13, 2020.

Appellant State of Texas, through AG Paxton	Appellee Chris Hollins, Harris County Clerk
Kyle D. Hawkins, Solicitor General of Texas, at kyle.hawkins@oag.texas.gov	Susan Lea Hays, Lead Attorney for Chris Hollins, at hayslaw@me.com

/s/ Wolfgang P. Hirczy de Miño

Wolfgang P. Hirczy de Mino, PhD

### FULL EMAIL DISTRIBUTION LIST:

Christoper Carter	<a href="mailto:christopher.carter@oag.texas.gov">christopher.carter@oag.texas.gov</a>
Cameron Hatzel	<a href="mailto:Cameron.Hatzel@cao.hctx.net">Cameron.Hatzel@cao.hctx.net</a>
Kyle Hawkins	<a href="mailto:kyle.hawkins@oag.texas.gov">kyle.hawkins@oag.texas.gov</a>
Susan Lea Hays	<a href="mailto:hayslaw@me.com">hayslaw@me.com</a>
Christopher Odell	<a href="mailto:christopher.odell@arnoldporter.com">christopher.odell@arnoldporter.com</a>
Lanora Pettit	<a href="mailto:lanora.pettit@oag.texas.gov">lanora.pettit@oag.texas.gov</a>
Douglas Ray	<a href="mailto:douglas.ray@cao.hctx.net">douglas.ray@cao.hctx.net</a>
Natalie Thompson	<a href="mailto:natalie.thompson@oag.texas.gov">natalie.thompson@oag.texas.gov</a>
Wolfgang Hirczy de Mino	<a href="mailto:wphdmphd@gmail.com">wphdmphd@gmail.com</a>

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#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Cameron Hatzel	24074373	Cameron.Hatzel@cao.hctx.net	9/13/2020 6:27:20 PM	SENT
Susan Lea Hays	24002249	hayslaw@me.com	9/13/2020 6:27:20 PM	SENT
Kyle Hawkins		kyle.hawkins@oag.texas.gov	9/13/2020 6:27:20 PM	SENT
Lanora Pettit	24115221	lanora.pettit@oag.texas.gov	9/13/2020 6:27:20 PM	SENT
Natalie Thompson		natalie.thompson@oag.texas.gov	9/13/2020 6:27:20 PM	SENT
Wolfgang PHirczy de Mino, PhD		wphdmphd@gmail.com	9/13/2020 6:27:20 PM	SENT
Christoper Carter		christopher.carter@oag.texas.gov	9/13/2020 6:27:20 PM	SENT
Douglas Ray		douglas.ray@cao.hctx.net	9/13/2020 6:27:20 PM	SENT
Christopher Odell		christopher.odell@arnoldporter.com	9/13/2020 6:27:20 PM	SENT