

2022CVK001669D1

Cause No. _____

Ricardo “Richie” Rangel Jr.,	§	In the District Court
Contestant,	§	
	§	
VS.	§	_____ Judicial District
	§	
Daisy Campos Rodriguez,	§	
Contestee.	§	Webb County, Texas

Plaintiff’s Original Petition and
Request for Machine Recount Prior to Trial

“A person may not establish a residence for the purpose of influencing the outcome of an election.” TEX. ELEC. CODE ANN. § 1.015(b). “A person may not establish a residence at any place the person has not inhabited.” TEX. ELEC. CODE ANN. § 1.015(f). Contestee’s close friends and family members purposely violated election laws by illegally casting votes in the District II Councilmember Race because they neither reside nor inhabit there. Mr. Rangel won the election; contestee lost.

To the Honorable Judge of Said Court:

Because clear and convincing evidence proves that sufficient numbers of persons illegally registered to vote actually cast illegal votes at nine different addresses in District II for the purpose of influencing the outcome of the race and the outcome was incorrect, and because District II voters were denied the opportunity to validly vote in the Race, **Now Comes** contestant Ricardo “Richie” Rangel Jr., “Mr. Rangel”, and files this his original petition against contestee Daisy Campos Rodriguez, “contestee” to contest the results of the November 8, 2022 General Election results for the City of Laredo Council District II, and

for an order declaring him the winner of City of Laredo Council District II, and alternatively, for an order mandating a new election for the City of Laredo Council District II race, and in support respectfully shows unto the Court as follows:

Discovery Control Plan

1. Mr. Rangel pleads that discovery should be conducted pursuant to a Level 3 discovery control plan. Tex. R. Civ. P. 190.4.

Parties

2. Contestant Ricardo “Richie” Rangel Jr. is a Texas citizen and natural person proudly residing in District II, City of Laredo, Webb County, Texas.

3. Contestee Daisy Campos Rodriguez is a Texas citizen and natural person residing in Laredo, Webb County, Texas. Contestee may be personally served with process issued by the Webb County District Clerk at her usual place of abode, 3001 Pecos Plaza, Laredo, Webb County, Texas 78046 or at any other place where she may be located. Contestee must be commanded to answer this original petition by 10:00 a.m. on the 5th day after service, and a citation not served within 10 days of issuance must be returned as unexecuted. TEX. ELEC. CODE ANN. § 232.012(c).

Jurisdiction

4. This Court is vested with subject matter jurisdiction by virtue of Section 221.002, *et seq.*, of the Texas Election Code. The Court also has personal jurisdiction of the parties, being natural persons residing and doing business in Webb County, Texas.

Venue

5. Venue of this Cause is mandatory in Webb County, Texas. TEX. ELEC. CODE ANN. § 232.006(c).

Statement of Facts

Election Night Results

6. On November 8, 2022, the Webb County Elections Department conducted the general election for federal, state, and city political offices. Mr. Rangel and contestee were the only candidates for City Council Member, District II, the "Race".

7. The official results for the Race, were counted via an electronic method and were canvassed on November 16, 2022, "the Election Night Results", as follows:

Ricardo "Richie" Rangel Jr.	1,951
Daisy Campos Rodriguez	1,957
Overvotes	4
Undervotes	<u>243</u>
Total Ballots Counted	<u>4,155</u>

8. Contestee allegedly obtained the requisite majority in the Race **by a mere 6 votes**. TEX. ELEC. CODE ANN. §§ 2.021, 2.023.

Recount Discrepancies

9. Mr. Rangel timely requested a manual recount of the Race, which occurred on November 26th and 27th, 2022, the "Inaccurate Recount Results". TEX. ELEC. CODE ANN. § 212.028. The Inaccurate Recount Results were as follows:

Ricardo “Richie” Rangel Jr.	1,945
Daisy Campos Rodriguez	1,956
Undervotes	<u>250</u>
Total Ballots Counted	<u>4,151</u>

Request for Manual Recount Prior to Trial

10. The discrepancies between the Election Night Results and the Inaccurate Recount Results cannot be explained. As such, Mr. Rangel requests that the Court order a machine recount as soon as practicable, prior to trial, to examine the discrepancies and determine the vote difference between Mr. Rangel and contestee.

Pre-Trial Conference

11. Mr. Rangel requests that the Court set this matter for a pre-trial conference as soon as practicable.

51 Voter Residency Misrepresentations at 9 Different Addresses in District II, Eligibility Fraud, & Associated Elections Crimes

12. “A person may not establish a residence for the purpose of influencing the outcome of an election.” TEX. ELEC. CODE ANN. § 1.015(b). “A person may not establish a residence at any place the person has not inhabited.” TEX. ELEC. CODE ANN. § 1.015(f). “A person commits an offense if the person (1) makes a false statement or (2) requests, commands, coerces, or attempts to induce another person to make a false statement on a registration application.” TEX. ELEC. CODE ANN. § 13.007(a). An offense under Section 13.007 of the Texas Election Code is a Class A Misdemeanor, and if compensation is offered or provided, then a State Jail Felony. TEX. ELEC. CODE ANN. § 13.007(b). A Class A Misdemeanor is punishable by a fine not to exceed \$4,000.00, confinement in jail for a term not to exceed one year, or both. TEX. PENAL CODE ANN. § 12.21. A state jail felony is punishable by

confinement in jail for a term not less than one hundred and eighty days or more than two years, a fine not to exceed \$10,000.00, or both. TEX. PENAL CODE ANN. § 12.35.

13. In order to receive a homestead exemption on ad valorem real property taxes, a property owner must file an application with the chief appraiser. TEX. TAX CODE ANN. § 11.43(f). The application requires that a property owner present a driver's license or personal identification card with an address that matches the property being claimed as a homestead. TEX. TAX CODE ANN. § 11.43(n). The application shall state the penalties prescribed by Section 37.10 of the Texas Penal Code. TEX. TAX CODE ANN. § 11.43(f). Texas Penal Code Section 37.10 is entitled "Tampering with Governmental Records," which is punishable as either a Class A Misdemeanor or State Jail Felony. TEX. PENAL CODE ANN. § 37.10. A property owner is required to notify the chief appraiser if the entitlement to the homestead exemption ends. *Id.* If the chief appraiser learns of any reason why the exemption should be cancelled, they shall investigate and can seek taxes on the wrongfully exempted taxes for the prior five prior years. TEX. TAX. CODE ANN. § 11.43(h),(i).

Contestee's Family, Friends, and Beholden Political Cronies Purposefully Violate the Election Laws to Vote in District II for Contestee

14. The evidence at trial will show a familial nexus between contestee and persons who intentionally cast illegal votes knowing they did not reside in District II for the sole purpose of voting for their family member and friend, contestee. Numerous voters illegally claimed one of nine addresses in District II to cast an illegal ballot in the District II City Councilmember election for contestee. Illegally claiming residency is criminal for the voters and any campaigners involved, if any, as cited above, **and the Court should shed a bright light on this practice since doing so affects the validity of this race and should not be tolerated or condoned by turning a blind eye.**

15. On information and belief a total of fifty-one voters cast an illegal vote in District II, which illegal vote was counted thus changing the outcome of the election in favor of contestee. Contestee did not win the Race. Mr. Rangel did.

16. Contestee is registered to vote at the address which she claims, at 3001 Pecos Plaza, which is located in District II of the City of Laredo. According to the Webb County Appraisal District, this 2,000 ft² home is owned by Alejandro Campos and wife Celina. Three additional voters are registered at this address all of whom cast illegal ballots in the Race. The public records evidence that each of the below persons purport to reside with contestee. On information and belief they do not reside at this claimed address in District II and cast illegal votes which were counted:

Celina Janet Carbajal
Celina Azenneth Ramirez
Juan Guadalupe Villa

By way of example, on information and belief, Celina Azenneth Ramirez probably resides and is domiciled at 4417 Exodus, outside of District II and located square within District I. Juan Guadalupe Villa is the former husband of Valeria B. Campos and neither will establish residency in District II. Each of these voters votes are illegally cast and counted.

17. On information and belief, an additional eighteen illegal votes were cast and counted, and made by persons claiming to reside at 3003 Pecos Plaza within District II, namely:

1. Kate Samalie Meza
2. Karla Jocelyne Pereyra
3. Alejandro Rojas
4. Jorge Alberto Aguilar
5. Keidy Vianey Alfaro
6. Edgar Garcia
7. Juan Ramon Rios

8. Jorge Armando Rosales
9. Ashley Nicole Rios
10. Jorge Alberto Campos
11. Jennifer Giselle Adame
12. Edgar Raul Campos
13. Leslie Aguilar Campos
14. Lilian Campos
15. Jessely Fuentes
16. Becky Denise Jimenez
17. Dayra Anarely Ramos
18. Juan Rios

According to the Webb County Appraisal District, 3003 Pecos Plaza is a 1,650 ft² residential building owned by Jorge Arturo Campos. All of the above individuals are related to contestee Daisy Campos Rodriguez, but none can establish a residence in District II, and all of their votes are illegal and should not be counted. At least six of these voters changed their addresses to District II after the March 1, 2022 primary election but before the November 8, 2022 general election.

18. In addition, on information and belief, an additional four illegal votes were cast and counted, and made by persons wrongfully claiming to reside at 3818 Bella Street, within District II, namely:

Pedro Altamirano
Arturo Castillo
Kimberly Ashley Castillo
Victoria Lynn Higle

Victoria Lyann Higle is the daughter of Celina Ramirez, listed in paragraph 15 above, and on information and belief, both reside and inhabit the home located at 4417 Exodus Drive **in District I**. Moreover, it appears that all four of these voters changed their residency to District II after the March 1, 2022 primary election but before the November 8, 2022 general election.

19. On information and belief, an additional six illegal votes were cast and counted, and made by persons wrongfully claiming to reside at 312 Cazares Street within District II:

Julyssa Arlyn Abrego
Griselda Elena Cisneros
Estrella Guadalupe Gaytan
Edgar Eduardo Guerrero
Maria De Los Angeles Martinez
Brenda Joana Rosales

Each of the above-named voters have declared homesteads outside District II, and all appeared to have changed their residency by preparing and filing change of address cards with the Webb County Elections Office after the March 1, 2022 primary election but before the November 8, 2022 general election.

20. Moreover, on information and belief the below two persons changed their addresses to 2108 Green Street to this address within District II and whose ballots were illegally cast and counted in District II:

Jose Alberto Carrizales
Staci Lynn Navarro

These individuals were previously registered at 3702 Gregorio Lerma Drive in District I, where they also have a claimed homestead, and whom voted in the March 2022 primary election at District I.

21. On information and belief an additional eight illegal votes were cast by the below voters claiming to reside at 3124 Potomac Loop in District II:

Vicente Rodriguez
Marco Antonio Villanueva
Samantha Villanueva
Samantha Rico
Fernando Javier Alcala

Juan Manuel Avalos
Maria Antonieta Avalos
Selina Pecina

Vicente Rodriguez is a brother-in-law to contestee and former Councilmember Vidal Rodriguez. On information and belief, Mr. Rodriguez has **never** resided at 3124 Potomac Loop, Apartment __. On information and belief, a person named Ruth Conchos receives federal COVID rental assistance from the City of Laredo to pay rent at the location claimed by Mr. Rodriguez as his residence, which is likely contrary to Ms. Concho's application for rental assistance. Likewise, Myra Yesenia Gonzalez claims residency at 3124 Potomac Loop and received COVID rental assistance so anyone claiming to reside at her same address does not.

22. On information and belief an additional four illegal votes were cast and counted by the below voters claiming to reside at 3304 S. Bartlett Avenue in District II:

Maria Andrea Gonzalez
Cynthia Vianney Rios
Raul Rios
Patricia Galarza Soto

Raul Rios is a Laredo Police Officer. Patricia Galarza Soto has claimed a homestead outside District II since 2003, but she recently changed her residency after the March 1, 2022 primary election but before the November 8, 2022 general election.

23. On information and belief an additional three illegal votes were cast and counted by the below voters claiming to reside at 2707 Palo Blanco Street in District II:

Irene Antu
Alyssa Janae Milera
Eduardo Vicharrelí

Alyssa Janae Milera changed her residency after the March 1, 2022 primary election but before the November 8, 2022 general election. Neither of these three voters reside and inhabit this District II address.

24. On information and belief an additional three illegal votes were cast and counted by the below voters claiming to reside at 2601 Lomas Del Sur in District II:

Jaqueline Arlene Estevis
Gabriel Angel Vicharelli
Bryan Vicharelli

Each of the above voters changed their residency after the March 1, 2022 primary election but before the November 8, 2022 general election.

25. These illegal votes should be voided, not counted, and subtracted from contestee's vote totals. After the subtracting of illegal votes from contestee, contestant should be declared the winner of the November 8, 2002 general election for the City of Laredo, District II councilmember. Contestee should be ordered to pay all costs of court.

Alternatively, The Court Should Order a New Election

26. Pleading in the alternative, and only in the alternative, the Court should order a new election.

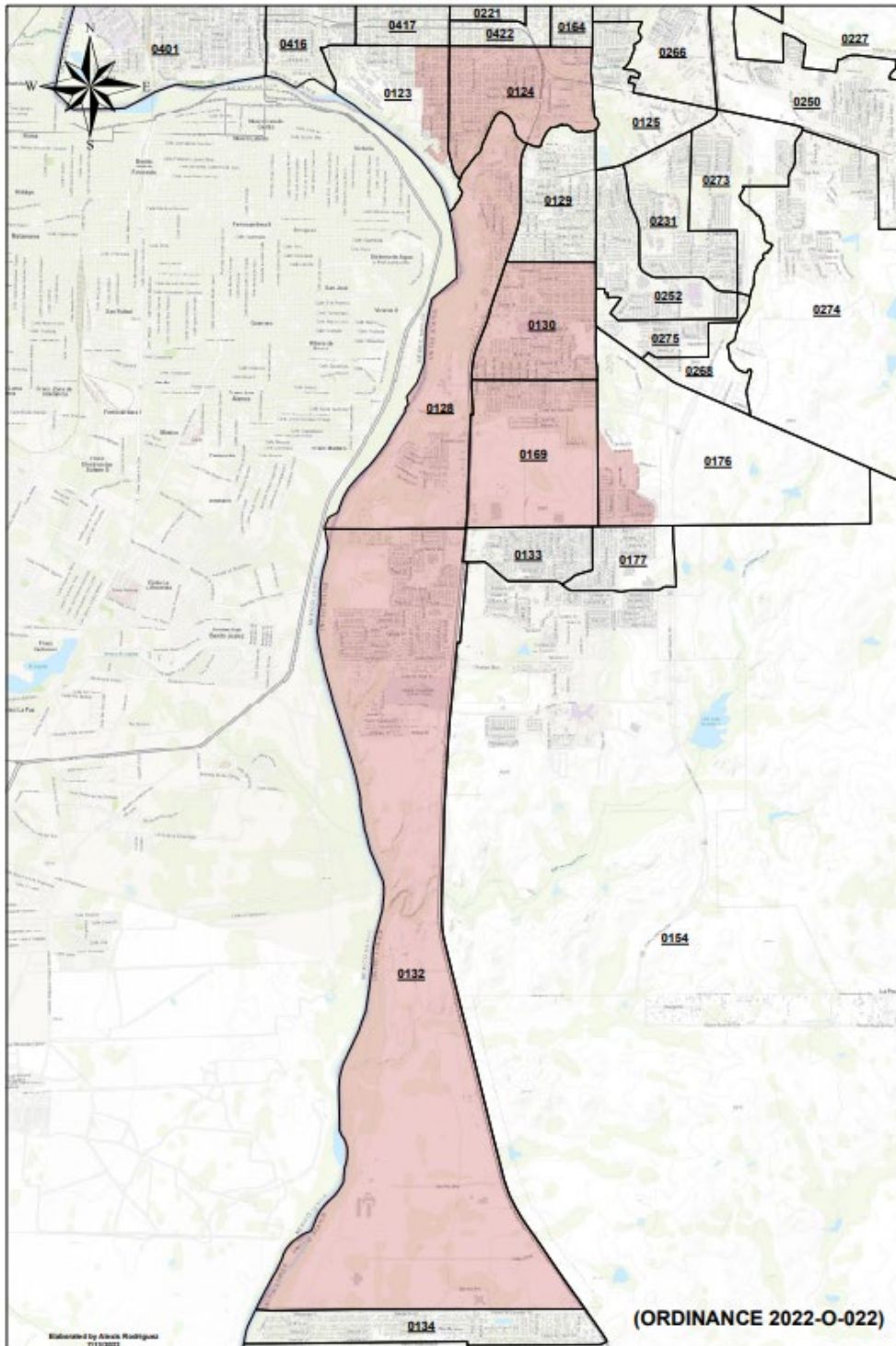
City Council Districts Disregard and Split County Election Precincts Causing Incorrect Ballots to be Cast and Denying Voters in the District a Ballot to Vote

27. The City of Laredo's recent redistricting took effect on August 20, 2022. District II for the Laredo City Council now consists of five county election precincts and portions of two other county election precincts. Election precincts 124, 128, 130, 169, and 132 are wholly within District II, while a small section of precinct 123 provides a part of its western

boundary with District VIII and a small section of precinct 176 is in the middle of its eastern boundary with District I. The approximately forty-one blocks of precinct 123 that are contained in District II are bounded on the north by Market Street and east by Meadow Street, while the south and west boundaries run along Roosevelt in the south and then northwest to Foster, Botage, Jameson, Burr, Gates, S. Loring, Marion, Stone, Chacon, and McPherson Avenue to Market Street. The area of election precinct 176 in District II begins in the north at Ejido Drive then southeast to Regina Drive, to Alina Drive, to Bianka Lane, to Vientos Road, to Exodus Drive, to Pita Magana Road. The City of Laredo Districts are not contiguous with the county election precincts.

District II Map

COUNCIL DISTRICT 2



City of Laredo Planning Department
 1413 Houston Street
 Laredo, Texas 78040

DISCLAIMER
 The information provided in this map submitted to, gathered by and/or developed by the City of Laredo is derived from various sources. Geographic information has a high probability of containing inaccuracies from the time it is collected and thereafter. All governmental conditions should be examined to determine the accuracy of provided information. The City of Laredo assumes no liability for any decisions made or actions taken or on taken by the user of this data in reliance upon any data furnished hereon. The use of this data indicates your unconditional acceptance of all risks associated with the use of this data.

0 0.25 0.5 1 Miles

29. Results by early voting site do not segregate vote totals and refer to 123-01 and 176-01. **Accurate results for the recent District II election are impossible because the ballots were designed and voted according to county election precincts and not City Council Districts.** The 6-11 vote difference in the November 8, 2022 general election for Laredo City Council District II are not accurate because of the incorrectly designed ballots that were not accurately counted. A new election with proper ballots that are accurately counted is the only remedy to correct the county election precinct/City District conflict.

30. Contestant would also aver that there were irregularities in the casting and counting of ballots in this election to the extent that the true outcome of the election cannot be ascertained, thereby requiring the voiding of the election and the need for a new election between contestant and contestee.

31. Contestant expressly reserves his right to amend and supplement this original petition to assert additional grounds in support of his claims after being permitted to examine, inspect, and/or photocopy all election materials and ballots.

32. As a result of the allegations in this original petition, the outcome of the contested election as shown by the final canvass is not the true outcome of the election because legal votes were not counted and illegal votes were counted. TEX. ELEC. CODE ANN. § 221.003. If the legal votes are added or the illegal votes are subtracted, contestee's majority will cease to exist. Alternatively, if the number of illegal votes is greater than the number of votes necessary to change the outcome of the election and the Court cannot determine the true outcome of the election, the Court must declare the election void. TEX. ELEC. CODE ANN. §§ 221.009, 221.012. This Court must then order a new election between contestant and contestee. TEX. ELEC. CODE ANN. § 232.013. If a new election is ordered, the Court should

disqualify voters shown to have illegally casted ballots based on falsified residencies in the November 8, 2022 general election for City of Laredo District II councilmember.

33. Contestant would respectfully request the Court to order a mechanical recount of ballots in the November 8, 2022 City of Laredo District II councilmember's race in order to assist in determining the true outcome of that election or to determine any other fact pertinent to a fair and just disposition of this contest.

Conditions Precedent

34. A copy of this original petition has been timely delivered to the Texas Secretary of State as required by law. TEX. ELEC. CODE ANN. § 232.008(d).

Prayer

35. Wherefore, Premises Considered, contestant prays that upon service of citation and answer, the Court orders that a status conference be conducted immediately and that thereafter, the court conduct a judicial machine recount, and then renders judgment that contestant Ricardo "Richie" Rangel Jr. be declared the winner of the November 8, 2022 general election for City of Laredo District II Councilmember, or in the alternative, that a new election be held between contestant Ricardo "Richie" Rangel Jr. and contestee Daisy Campos Rodriguez and that costs of the runoff election and court be assessed against contestee.

Respectfully submitted,

By: /s/Ricardo "Ritchie" Rangel Jr.
Ricardo "Richie" Rangel Jr., contestant

By: /s/Baldemar Garcia Jr.
Baldemar Garcia Jr.
Texas Bar No. 00790740
bgarcia@pmbglaw.com
Person Mohrer Morales Boddy Garcia Gutierrez, PLLC
602 East Calton Road, Suite 202
Laredo, Texas 78041
voice 956.727.4411
facsimile 956.727.7765

Martha Cigarroa
mcigarroa@wctexlaw.com
Texas Bar No. 04250800
Whitworth Cigarroa, PLLC
602 East Calton Road, 2nd Floor
Laredo, Texas 78041
voice 956.727.4441
facsimile 956.727.2696

attorneys for contestant