

Barrera cites irregularities in election contest

By Mauricio J. Cuellar Jr. / mauricio.cuellar@aliceechonews.com

Posted Jul 6, 2012 at 12:01 AM

Updated Jul 6, 2012 at 8:53 PM

District Attorney Armando Barrera filed a contest in the primary election Friday, citing alleged irregularities, misconduct and fraud in the primary election process.

Following the primary election on May 29, and a pair of election recounts in late June in both Jim Wells County and Brooks County, former assistant district attorney Carlos Omar Garcia was ahead by 19 votes over Barrera. The final certified votes allocated by the Texas Democratic Party Chair, Gilberto Hinojosa, showed Garcia with a total of 3,809 votes, and Barrera with 3,790 votes. Barrera's brother, Charles Barrera, is serving as his attorney in the case.

According to the petition, Barrera is set to prove by evidence that the following voting irregularities affected the outcome of the election results and that the election outcome was not the true outcome.

Barrera intends to prove more than 19 illegal votes were counted.

The document states that persons who are convicted felons, not eligible to vote were in fact permitted to vote and their vote was included in the final certified election result in violation of Texas Election Code Section 11.002 and that persons who were not timely registered to vote were permitted to vote and their vote was included in the final certified election result.

Barrera alleges in the document that Jim Wells County Election Administrator Pearlle Jo Valadez improperly and in violation of Texas Election Code Section 84.012 sent out 218 early voting applications for ballots to voters who had not requested them for the 2012 primary election. His petition goes on to state that Valadez improperly and erroneously sent out approximately 245 early mail-in ballots on April 25, and April 27, to voters in Jim Wells County which did not include all candidates in the Democratic Primary election.

“This was patently illegal because she neglected to include in the ballot the name of JESUSA SANCHEZ-VERA, a candidate for Jim Wells County Attorney,” according to the document. “Some of these ballots were returned by the voters before the error was discovered. In an attempt to remedy the

error, Valadez sent out replacement ballots to the same voters. The word “replacement” or “corrected” was not included as required by the election code.”

Further, the document states, Valadez did not notify the Secretary of State within 24 hours that a correction was needed pursuant to Section 52.0061 of the Texas Election Code. Valadez failed to provide balloting materials to the voter pursuant to Texas Election Code Section 86.009(B) by way of a written notice containing: i. a brief explanation of the reason for providing another ballot; and ii. an instruction to destroy the defective ballot, if it had not already been returned to the clerk, it goes on to state.

In addition, Valadez did not pursuant to Section 86.009(C) indicate on the voter’s application that the voter was provided a corrected ballot. Barrera alleges that many of these ballots were counted twice since many individuals had already mailed in the first ballot and then mailed in the second ballot.

Barrera also seeks to prove that election officials or other persons involved in the administration of the election prevented eligible voters from voting by changing voting locations without adequate, proper and timely notice to voters as required by the Texas Election Code and further did not notify the Department of Justice as required. In addition, election officials failed to properly notify those responsible parties in control of the various voting locations, according to the document.

In the contest, Barrera also states that Patricia Macias, Jim Wells Democratic Party Chair, failed to appoint election judges within the time allowed by the Texas Election Code; that the election office failed to count legal votes, failed to disqualify illegal votes and/or allowed votes to be counted more than once; that election equipment used during the election day process malfunctioned causing a doubt as to the accuracy of the total votes cast and counted because a qualified technician from the manufacturer was not on hand to calibrate the equipment

prior to the counting process and was not available during the counting of the ballots in the event of malfunctions to verify the authenticity of the counting process.

The document states that election equipment and appropriate supplies were not available to presiding election judges at various polling places at least one hour before the polls were required to be open for voting pursuant to the Texas Election Code thus preventing eligible voters from exercising their right to vote.

Voting places located at Mary R. Garcia Elementary School of Alice, Ben Bolt-Palito Blanco High School, Boys and Girls Club of Alice and the Parish Hall of the Church of Christ of Alice were not timely opened in violation of the Texas Election Code at 7:00 a.m. and were closed prior to 7:00 p.m., thus depriving qualified voters the right to exercise their voting rights, according to the document.

Also qualified voters already in line at several of the voting places before the 7:00 p.m. closing, were not permitted to vote as allowed under the Texas Election Code, that a person or persons not legally residing in Jim Wells County and/or Brooks County fraudulently voted in violation of the residency requirements and that election officials erroneously duplicated and counted at least 59 mail-in ballots without labeling each as a duplicate, without noting the ballot number of the ballot being duplicated and without having the judge sign said ballot as required according to the document. Barrera said in the contest that that made it impossible to verify that the duplicate ballot was voted in accordance with the voters' intent and that election officials committed fraud, engaged in illegal conduct and/ or made mistakes that materially affected the outcome of the election to such an extent that the true outcome of the election cannot be determined.

Barrera said a number of irregularities were noted "raising the specter of fraud in the election process. Included in the document is a list of alleged illegal votes that were counted. Those include:

Mark Homero Almaraz, a convicted felon; DOB: 09/30/1986

Benito Aranda, Jr., a convicted felon; DOB: 12/22/1963

Orlando Lopez, a convicted felon; DOB: 11/27/1967

Israel Cadena, date of birth January 1, 1900

Endelia Casanova, date of birth January 1, 1900

Armando Cruz, date of birth January 1, 1900

Homero Cruz, date of birth January 1, 1900

Albert Garza, date of birth January 1, 1900

Eliza G. Garza, date of birth January 1, 1900

Elia Garza Villareal, date of birth January 1, 1900

Homero G. Villarreal, date of birth January 1, 1900

Viola Castillo, date of birth January 1, 1900

Guadalupe R. Bayarena, date of birth January 1, 1900

Juan Manuel Chapa, date of birth January 1, 1900

Thelma Barrera, date of birth January 1, 1900

Diana Martinez, date of birth January 1, 1900

Maria Imelda Cantu, date of birth January 1, 1900

Isabel Rodriguez Salinas, date of birth January 1, 1900

Thomas Schacherl, date of birth January 1, 1900

Veronica P. Villareal, date of birth January 1, 1900

Agueda Arrendondo Garza, date of birth January 1, 1901

Maria Ramirez, date of birth January 1, 1901

Amparo Saenz Benavides, date of birth January 1, 1900

Rene Javier Hinojosa and Jose J. Macias-Islas, members of the United States armed forces, attempted to vote by mail-in ballot in the May 29, 2012 Democratic Primaty Election, and were refused their Nineteenth Amendment

Constitutional right to vote by election officials in Jim Wells County, according to the election contest.

The document goes on to state that Valadez sent out some 218 unsolicited application forms, more or less, to voters who did not request them. As per Jim Wells Election records, 214 voters returned their unsolicited application form and requested a ballot by mail. Barrera said the solicitation from Valadez was in violation of a mandatory ballot number being duplicated. The Early Voting Ballot Board's presiding judge failed to sign each ballot being duplicated. Barrera is requesting that approximately 59 duplicated mail-in ballots be declared void for failing to meet Section 127.126 of the Texas Election Code.

Barrera in the contest also challenges a number of ballots cast in the primary election and requested that after careful consideration each ballot and each vote should be declared void, based on signature challenges.

Alma Corpus, (Rodriguez?)

Francisca De La Rosa

Dora Garcia

Jose Garcia

Manuel D Garcia

Elena Garza

Maria Garza

Rosendo Gonzalez

Agapito Gonzalez

Delfino Gonzalez

Eddie Haynes

Ignacio Hernandez

Joshua Mata

Juan Montalvo Jr.

Richardo Munoz

Blanca Ochoa

Margarita Ortiz

Octavio Ortiz Jr.

Albessa Recio

Annabelle Ramirez, (Luna?)

Raul Recio III

Reynaldo Recio

Modesto Saavedra

Alberto Sanchez

Anita Sanchez

Aurelia Trejo

Rosalinda Ybarra

Barrera also points to alleged unqualified voters who voted, stating that their ballots should also be void. They include:

Jose Sabas Chapa, III

Edna Mae Chong

Dora Garcia

Lucia Garcia

Ruben Gonzalez, Jr.

Esmeralda Mata

Ombelina Mata

Juan Montalvo, Jr.

Robert Lee Morante

Stephanie Zarate

Anita Huerta

Jon Kelly

Marissa Valadez Garza