



February 27, 2024

Via Overnight Mail

District Attorney Paul Johnson
1450 E. McKinney Street
Suite 3100
Denton, TX 76209-4524

RE: Denton County Independent School District Illegal Election Interference

District Attorney Johnson:

The Liberty Justice Center¹ is writing to request an investigation into criminal election interference by the Denton County Independent School District (the “District”). Enclosed with this letter are affidavits from registered voters in Denton County alleging criminal conduct by the District in connection with the upcoming primary and general elections for the Texas House of Representatives and other offices. Under Texas Election Code § 273.001,² the affidavits require your office to investigate the matter.

BACKGROUND

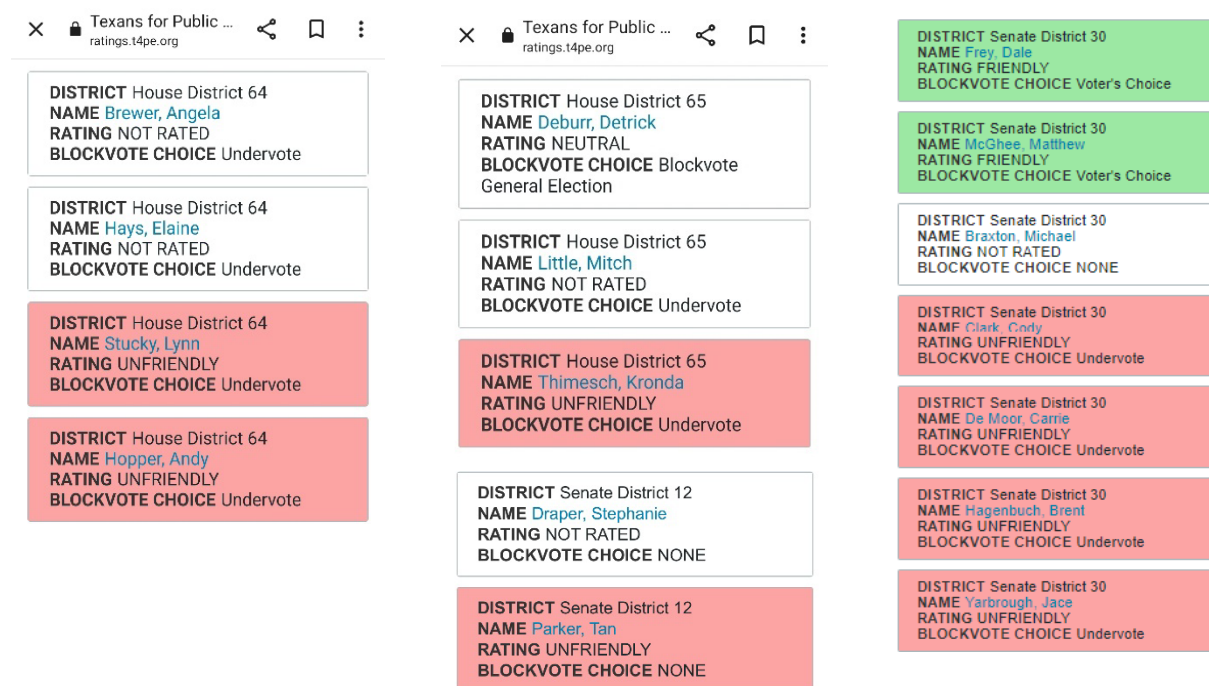
On or about February 21, a whistleblower came forward with internal District communications demonstrating that administrators had engaged in illegal election interference. Specifically, it appears that on February 5, 2024, the District’s Director of Special Programs, Lindsay Lujan, sent a political advertisement from her school email address, llujan@dentonisd.org, to all staff at Alexander Elementary school.³ The email linked to a website operated by Texans for Public Education identifying which candidates were “FRIENDLY” or “UNFRIENDLY,” threatening that employees would not receive raises if the wrong candidates won the election, and offering to use school resources to “cover” those voting in the Republican

¹ LJC is a nonpartisan, nonprofit public-interest law firm dedicated to promoting government accountability and educational freedom. You can learn more about our mission at libertyjusticecenter.org.

² “If two or more registered voters of the territory covered by an election present affidavits alleging criminal conduct in connection with the election to the county or district attorney having jurisdiction in that territory, the county or district attorney **shall** investigate the allegations.”

³ A copy of the February 5 email is attached as Exhibit 1.

Primary. Candidates for districts covering Denton County were specifically targeted with “UNFRIENDLY” ratings:



Both the email and ratings demonstrate that the Director was targeting candidates who support the expansion of school choice initiatives in Texas.

Similarly, it appears that on or about February 19, the principal of Borman Elementary School, Jesus Lujan, sent an email from his school email address, jlujan@dentonisd.org, to all staff at Borman Elementary School encouraging staff to vote in the Republican primary—even if they are not Republicans—to vote against candidates who support the expansion of school choice initiatives in Texas.⁴

DEMAND FOR INVESTIGATION

The emails described above constitute illegal electioneering with public resources prohibited under Texas Election Code.

Specifically, Section 255.003(a) of the Election Code provides that “An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising.”⁵ Likewise, Section 255.0031(a) of

⁴ A copy of the Jesus Lujan email is attached hereto as Exhibit 2.

⁵ Political advertising is defined to include communications supporting or opposing a candidate for nomination to a public office that appeared in a pamphlet, circular, flier, billboard or other sign, bumper sticker, **or similar form of written communication**—namely, an email message. Tex. Elec. Code. § 251.001(16)(B)(i).

the Election Code provides that “An officer or employee of a state agency or political subdivision may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising.” Violations of these provisions are punishable as a Class A misdemeanor. Tex. Election Code § 255.003(c)

As mentioned above, this letter encloses affidavits from registered voters in Denton County alleging criminal conduct based on the facts set forth above. We respectfully submit that your office is now required to investigate this matter pursuant to Election Code § 273.001.⁶

Respectfully submitted,

s/ Dean McGee

Dean McGee, Esq.
dmgee@ljc.org

Enc. Affidavits

⁶ We note that the Attorney General has already determined that the above-referenced provisions have been violated. A copy of the Attorney General’s civil action is available here: <https://texasattorneygeneral.gov/sites/default/files/images/press/Denton%20ISD%20Electionneering.pdf>

Exhibit 1

• From: Lujan, Lindsay P <lujjan@dentonisd.org>
Sent: Monday, February 5, 2024 8:00 AM
To: AlexanderAllStaff <AlexanderAllStaff@dentonisd.org>
Subject: Are YOU Registered to VOTE?

Panthers,

The Republican Primary is coming up! Please make sure you are registered to vote, so that you may go vote!

"If Texas educators do not come together & vote on the candidate that will support public schools, we are in trouble. We cannot wait. Billions of \$\$ sitting there holding us hostage, for vouchers. Districts adopting deficit budgets across the state while politics are played" – Brian Bowman, Superintendent of Schools, Diboll ISD

The Texas Legislature has not increased the public school allotment per student since 2019, even with inflation going up! No school in Texas, including Denton ISD will NOT be able to provide raises next year if legislation doesn't change!

We need to do our part for our Texas Public Schools! Here is a list of all candidates and whether or not the **SUPPORT** or **OPPOSE** Public School Education. <https://ratings.t4pe.org/>

February 21st and 26th (& more if needed), we will provide coverage for ALL Borman employees to go and vote in the Texas Republican Primary. Our goal is 100% of Borman employees voting, because it is THAT important! Below is the sign-up. Please choose a time that works for you. We have allotted 30 minutes, and a map of the UNT Gateway Center Voting Location below. This voting location is closest in proximity to Borman, and should allow for completion during the 30 minute window. If you do not need coverage, or if you are going on your own time, please do not use the sign-up below. Thank you!

[Alexander Elementary Voting/Coverage Schedule](#)

Exhibit 2



○ Lujan, Jesus <jlujan@dentonisd.org>

Yesterday at 10:09 AM

To: BormanAllStaff

🔔 This message is high priority.

Please make sure to sign up to go **VOTE!** 😊 The Gateway Center is only 5 minutes away. We will find coverage for you to have 30 minutes to go **VOTE!** 😊

Voting in Republican Primaries is especially important because the **votes** cast in primaries inform issues that the party will prioritize. Since TX tends to always elect a Republican, we want to inform the party through our primary **votes** which issues we care about the most and how we feel about them. Thus, **vote** for candidates who support public education and school funding in the Republican primaries, no matter what your party affiliation is, Republican or Democrat. Consider thinking from a “**purple**” mindset in future elections, voting for the candidate that will support public ed and funding in the future, despite their party affiliation.

Early Voting Dates: Feb 20 - March 1

Election Day: March 5th

Please know that historically, 85% of PRIMARY voters in TX want vouchers. That’s why it is so important that teachers and public school and funding advocates show up in the primaries.

3 Important Key Concepts to move forward with:

1. Awareness - Be aware of the critical issues. Make others aware!
2. Urgency - Help others understand WHY these issues are important and critical.
3. Advocacy - Keep making others aware of importance!

Thank you,

Jesús Luján, M. Ed.

Head of School/Principal, Borman Elementary

1201 Parvin Street

Denton, Texas 76205

Office: (940) 369-2501

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