



March 28, 2024

Via Mail & Email

District Attorney Kim Ogg
Harris County District Attorney's Office
1201 Franklin Street, Ste. 600
Houston, TX 77002-1923
da@dao.hctx.net

RE: Huffman Independent School District Demand for Investigation

District Attorney Ogg:

The Liberty Justice Center¹ is writing on behalf of registered Harris County voters seeking an investigation into criminal electioneering by the Huffman Independent School District (the "District"). Enclosed with this letter are voter affidavits alleging that the District's superintendent committed a misdemeanor by violating the Texas Election Code's prohibition on using public resources for political advertising in connection with the 2024 primary and general elections for the Texas Legislature, and in connection with a 2023 school bond initiative (the "Affidavits"). Pursuant to Texas Election Code § 273.001,² the Affidavits require your office to initiate an investigation. We are requesting written confirmation that your office has initiated an investigation by April 11, 2024.

BACKGROUND

On March 1, the Texas Attorney General filed a Petition in the District Court of Harris County seeking injunctive relief against the District, its trustees and Superintendent Benny Soileau (the "Petition").³ The Petition alleges that Superintendent Soileau held a February 7, 2024 meeting on school grounds during which he directed Hargrave High School Administration faculty and staff to support candidates who oppose the expansion of school choice initiatives in Texas.

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 <https://www.texasattorneygeneral.gov/sites/default/files/images/press/Huffman%20ISD%20Election%20Filed.pdf>

The enclosed affidavits reiterate those allegations and include a screenshot of an email from the Principal of Hargrave High School directing “ALL staff” to attend that meeting. The affiants also allege a similar use of District resources in August of 2023 to electioneer in favor of Huffman Independent School District Proposition A, a November 2023 bond initiative. During that meeting, Superintendent Soileau allegedly directed the participants to vote in favor of the bond, explaining that he would award raises if the election results were favorable.

DEMAND FOR INVESTIGATION

The conduct described above constitutes illegal electioneering with public resources in violation of the 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.” The February 2024 and August 2023 meetings were “political advertising” because they were communications “supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure.” Tex. Elec. Code. § 251.001(16)(B). There is no question that these meetings were held with public funds and resources, including the District’s email system, a portion of Dr. Soileau’s \$289,000 salary and the salaries of the employees forced to attend, and the use of school property. Such actions constitute a Class A misdemeanor. Tex. Elec. Code § 255.003(c).

CONCLUSION

As mentioned above, the Affidavits allege criminal conduct under the Texas Election Code. Accordingly, your office is now required to investigate this matter pursuant to Election Code § 273.001. Please confirm by April 11, 2024 that an investigation has been initiated. Failure to do so may subject your office to a writ of mandamus. See, e.g., Anderson v. Seven Points, 806 S.W.2d 791, 793 (Tex. 1991) (“A writ of mandamus will issue to compel a public official . . . when the law clearly spells out the duty to be performed by the official with sufficient certainty that nothing is left to the exercise of discretion.”)

Please feel free to contact me at the email address below.

Respectfully submitted,

s/ Dean McGee

Dean McGee, Esq.

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Enc. Affidavits