



**TOMMY CALVERT  
BEXAR COUNTY COMMISSIONER, PCT. 4**

March 25, 2019

Honorable Joe Gonzales  
Bexar County District Attorney  
101 W. Nueva, 4<sup>th</sup> Floor  
San Antonio, TX 78205

Dear District Attorney Gonzales:

On the national level and the local level, our democracy is under a severe stress test. While we may want to stay on the sidelines and punt issues to others, all of us are called to help pass the test of ensuring our institutions work under the rule of law.

In my capacity as County Commissioner, one of my duties is to certify the election of elected officials and ensure that the laws of the State of Texas are faithfully executed to the best of my ability. It has been brought to my attention by a majority of the members of the Bexar County Democratic Party executive committee and numerous precinct chairs that violations of Texas Election Code 145.003 and 171.024 are occurring with the purging of nearly 12 elected officials at the precinct chair level and more being proposed in the future. This letter seeks to enjoin the Bexar County Democratic Party Chairwoman from violating Texas Election Code Section 145.003 and 171.024, Democratic Party rules, and to have your office clarify the law concerning the removal of elected officials from the office of precinct chair.

As a former precinct chair myself and in reading the law provided by attorney David Van Os, I am aware that the process that the chair of the Bexar County Democratic Party is using is not consistent with the law or party rules. Specifically, the law points out that in Texas Election Code Section 145.003 (Administrative Declaration of Ineligibility) section "(d) The presiding officer of the final canvassing authority for the office sought by a candidate may declare the candidate ineligible after the polls close on election day and, except as provided by Subsection (e), **before a certificate of election is issued.**"

The precinct chairs that were certified in the last election have received due authority by the chair of the Bexar County Democratic Party, and she did not make a declaration of ineligibility after the polls closed on election day as required by law.

The Bexar County Democratic Party is not a minor civic organization whereby the courts and the officers of the court should ask them to mediate their differences without the force of law. The Bexar County Democratic Party is a quasi-governmental entity recognized under state law to administer our elections. The ability for citizens to vote for the elected officials of their choice is a fundamental right guaranteed under the United States and the State of Texas Constitution, and any attempt to deny the voters, through unilateral action, must be challenged under the constitution.

There are procedures within the rules of the party that are not being followed by the chair in the course of this purge. Those rules include sending notification by certified letter, allowing for an appeals process, and more. What good are our rules and laws that are adopted by our Legislature, state party, and local party if we don't enforce them?

There appears to be a battle ensuing revolving around financial control of the Bexar County Democratic Party. About ten years ago, the Bexar County Democratic Party had financial malfeasance that affected the administration of local elections and the county budget—affecting voters and taxpayers. **We cannot have this happen again on our watch.**

While I understand that your recommendation was to have the Federal Bureau of Investigation (FBI) look at the allegations from the chair, it is very clear that the Federal Bureau of Investigation has no primacy over matters related to a state political action committee such as the Bexar County Democratic Party. I also understand that the Secretary of the Bexar County Democratic Party has pulled every check and bank record over the last five years from Chase Bank, and is eager to assist your office in bringing all bank records to the Bexar County District Attorney's office for investigation. They believe the allegations made are a smear, not born out by facts.

Having not reviewed the documentation myself, I cannot determine who is correct, but the best thing for the taxpayers and voters is to have a swift investigation by the appropriate local and state authorities so that the party is not covered in a cloud of suspicion. Also so that the party can raise the money necessary to participate in the administration of our 2020 elections—a duty in peril if the proper administration of justice does not offer relief.

There is perhaps one issue attorney George Korbel indicated may necessitate the Department of Justice and by extension the FBI to get involved in. We might have to look into potential violations of the Voting Rights Act and the Civil Rights Act by the chair. Specifically, she has approved 100% of white applicants who desire to be a precinct chair, 47 % percent of Hispanics, and only 25% percent of blacks who have applied have been approved in the interim period between elections to serve as precinct chairs.

Thank you for your consideration of these fundamental matters to our elections and constitution. I will be supplying additional documentation and enclosures to allow you to verify the contents of this letter.

Yours for change,

A handwritten signature in black ink that reads "Tommy Calvert, Jr." The signature is written in a cursive style with a large, sweeping initial 'T' and a long, horizontal stroke across the middle of the name.

Tommy Calvert, Jr.  
Bexar County Commissioner, Precinct 4

CC: Bexar County Democratic Party Officials  
Texas Democratic Party Officials  
Texas Secretary of State  
Federal Bureau of Investigation  
Bexar County Voting Rights Coalition  
League of Latin American Citizens  
NAACP  
Bexar County Commissioners Court  
Bexar County Democratic Elected Officials  
State Democratic Executive Committee  
U.S. Department of Justice