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October 31, 2018

***VIA EMAIL & CERTIFIED MAIL***

Andy Harwell  
McLennan County Clerk  
P.O. Box 1727  
Waco, TX 76703  
[andy.harwell@co.mclennan.tx.us](mailto:andy.harwell@co.mclennan.tx.us)

Colonel Jon R. Ker (retired)  
McLennan County Republican Party Chair  
539 N Valley Mills Drive  
Waco, TX 76710  
[attorney@johnrker.com](mailto:attorney@johnrker.com)

**Re: Unfit Election Worker at Waco Multi-Purpose Community Center**

Dear Mr. Harwell and Colonel Ker:

It has come to our attention that Ms. Bonnie Belanger, the Republican Alternate Election Judge for the polling place at the Waco Multi-Purpose Community Center, has reportedly failed to perform her duty to assist voters impartially and in good faith during the early voting period of this election. Accordingly, we request, pursuant to Title 3, Chapter 32 of the Texas Election Code, that the two of you concur in removing this alternate judge so that she may be replaced with a candidate who will faithfully assist Texas voters regardless of their political affiliations and uphold the integrity of the voting process.<sup>1</sup>

As you are likely aware, voters across Texas have experienced irregularities during this election when attempting to cast straight-ticket ballots on Hart eSlate electronic voting machines. Specifically, many Democratic voters have reported that their selection for U.S. Senator, which in this election is listed at the top of the ballot, has been switched from the candidate they chose to the candidate for the Republican party. Responding to these widespread reports, the Elections Division of the Secretary of State's Office published an advisory last week which, *inter alia*,

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<sup>1</sup> See Tex. Election Code § 32.002(g).

encouraged voters to seek assistance from poll workers to address any issues related to straight-ticket voting caused by Hart machines.<sup>2</sup>

Hart eSlate electronic voting machines are currently deployed in 82 counties in Texas, including McLennan County. Thus, to effectively perform the responsibilities of an election judge or clerk in McLennan County, an individual must be prepared to recognize this “vote-switching” issue and must be willing to assist voters in resolving it without expressing any judgment or attempting to dissuade the voter from selecting their candidate of choice. Failure on the part of an election judge or clerk to impartially and faithfully assist voters in navigating this issue constitutes a dereliction of duty and an insult to the democratic process.

Yesterday, according to first-hand accounts from the presiding election judge and a concerned observer at the Waco Multi-Purpose Community Center, Bonnie Belanger reportedly stated that she was tempted to refuse to assist voters seeking to cast straight-ticket ballots for Democratic candidates, because it bothered her when individuals supported U.S. Representative Beto O’Rourke over U.S. Senator Ted Cruz. As a private citizen, Ms. Belanger is entitled to support any candidate whom she prefers. However, as an elections official representing the State of Texas, she owes a duty of impartiality and care to all voters. Overtly partisan actions or statements in the performance of election-related duties breach that duty and cannot be tolerated.

The Waco Multi-Purpose Community Center stands on the former campus of Paul Quinn College, the oldest historically Black institution of higher learning in Texas. Not surprisingly in light of this history, many voters who reside in the neighboring community and vote at this early voting location are Black. To the extent that Ms. Belanger’s actions have resulted in the disproportionate denial or abridgment of the rights of Black voters, or intimidated or burdened them in the exercise of their fundamental right to vote, such actions violate the Voting Rights Act of 1965 and U.S. Constitution.<sup>3</sup> And regardless of one’s racial identity, all voters have a right to be free from intimidation in casting a ballot and secure in the knowledge that their fundamental right to vote will not be “destroyed by alteration of ballots.”<sup>4</sup>

Democracy depends on free and open access to the sacred right to vote, a “fundamental political right” that is “preservative of all rights” and must be protected.<sup>5</sup> In your positions as County Clerk and Republican Party Chair, you are entrusted by Texas law with the responsibility and authority to remove an election judge or clerk who fails to uphold these principles. Thus, we call on you to safeguard the integrity of this election by removing Bonnie Belanger from her

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<sup>2</sup> See Keith Ingram, Director of Elections, *Election Advisory No. 2018-35: Voting on Hart eSlate Machines*, (Oct. 23, 2018), <https://www.sos.state.tx.us/elections/laws/advisory2018-35.shtml>.

<sup>3</sup> See 52 U.S.C. § 10301.

<sup>4</sup> *Reynolds v. Sims*, 377 U.S. 533, 555 (1964).

<sup>5</sup> *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

position as alternate election judge for the polling place at the Waco Multi-Purpose Community Center.

If you have any questions, please contact Leah Aden at 212-965-7715.

Sincerely,



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CC (by email): Ronaldo Pablos, Texas Secretary of State  
Keith Ingram, Director of Elections, Texas Secretary of State's Office  
Scott M. Felton, McLennan County Judge  
Randy H. Riggs, McLennan County Tax Assessor-Collector  
Kathy E. Van Wolfe, McLennan County Elections Administrator  
Mary Duty, Chair, McLennan County Democratic Party  
Anita Phillips, Election Judge, Waco Multi-Purpose Community Center  
Brenda Busby, Election Clerk, Waco Multi-Purpose Community Center  
Bradford Berry, General Counsel, NAACP  
Gary Bledsoe, President, Texas NAACP  
Robert Notzon, Legal Redress Chair, Texas NAACP  
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Linda Jann Lewis, Chair, Political Action Committee, Waco/McLennan County NAACP