

Cause No. 236-352855-24

**ADAM HANSON**  
*Plaintiff/Contestant,*

v.

**HARRY “DALE” CLARK, III**  
*Defendant/Contestee.*

§ IN THE DISTRICT COURT  
§  
§  
§ \_\_ JUDICIAL DISTRICT  
§  
§ TARRANT COUNTY

**PETITION CONTESTING ELECTION FOR CONSTABLE PCT. 1**

Plaintiff Adam Hanson (“Contestant”) challenges the results of his March 5th Republican primary election against Defendant Dale Clark (“Contestee”), who was announced the winning candidate in the election to serve as the Republican candidate for the office of Constable of Precinct One in Tarrant County in the General Election.

This challenge is based on illegal votes cast in the race, the number of which exceeded the margin of victory for Clark. The results of a hand recount of the race identified 9,246 votes for Hanson and 9,265 votes for Clark, for a margin of 19 votes.

Contestant has identified 186 voters who registered too late to vote during the primary and another 77 voters whose registration was in a suspended status and who failed to complete the statement of residence as required by state law before voting.

Contestant has also detailed a dozen improprieties in the election’s operation.

Section 221.003 of the Texas Election Code allows contest of elections when the outcome of the contested election is not the true outcome because illegal votes were counted or mistakes were made. This Court should order a new election.

## **I. DISCOVERY CONTROL PLAN**

1. Plaintiff intends to conduct discovery in this cause under Level 2.

## **II. RULE 47 STATEMENT OF RELIEF**

2. The damages sought herein are within the court's jurisdictional limits.
3. Contestant seeks non-monetary relief, and other relief to which he is entitled.

## **III. PARTIES**

4. Contestant Adam Hanson resides in Tarrant County, Texas. He may be contacted via the undersigned, his attorney.
5. Contestee Harry Dale Clark, III (a.k.a. Dale Clark), resides 3208 Haltom Rd., Haltom City, TX 76117, and may be served wherever he may be found.

## **IV. JURISDICTION & VENUE**

6. State district courts have exclusive original jurisdiction of election contests.
7. As the county where the territory of the contested office is located, Tarrant County is the proper venue under Tex. Election Code Sec. 232.006(c).

## **V. FACTS**

8. On March 5, 2024, the Republican Party of Texas held its primary election.
9. In the primary, Contestant and Contestee both ran to represent the Republican Party as its candidate during the General Election for the office of Constable of Precinct One of Tarrant County. No others were seeking the office.

10. The official outcome of the election indicated that Clark was the victor, with a vote of 9307 to 9260, a margin of 47, which justified a recount.

11. After a hand recount, the official vote was amended, with Clark remaining as the leader, 9265 to 9246, but with only a 19-vote margin.

**A. Illegal votes were cast, ballots are missing, making the election uncertain.**

12. The narrow margin of defeat coupled with suspected deficiencies in chain-of-custody and irregularities in the election process led Hanson to review the ballot records. That examination has revealed illegal practices and improper conditions.

13. At least 186 voters are listed in the voter rolls as having an effective date of registration after March 4, 2024, irrespective of the date that they registered. Based on the rolls, these individuals could not legally vote. Tex. Elec. Code § 13.143.

14. At least 77 of those who voted in the primary were in a suspended status. They could have voted if they had completed the required statement of residence to confirm that they still resided in precinct one, but they did not, making those votes illegal. § 63.0011.<sup>1</sup>

15. At least 125 individuals were shown to have voted on the voter registers, but are not on the Tarrant County voter rolls as of April 1st.

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<sup>1</sup> See Tex. Elec. Code § 15.081. Plain language of the Election Code makes residence verification procedures mandatory, including Tex. Elec. Code Ann. §§ 15.021, 15.112, 15.051(a), 15.052(a)(1), 15.081, 15.111(a), 15.112, 63.001, and 63.011. *Woods v. Legg*, 363 S.W.3d 710, 2011 Tex. App. LEXIS 6281 (Tex. App. Houston 1st Dist. Aug. 11, 2011, no pet.).

16. At least 86 voters who are shown to have voted are not listed in the Tarrant County Election data files.

17. The Republican Primary Official Reconciliation for Tarrant County shows a difference of 171 with more voters having checked in than ballots counted. This county-wide difference is spread over all precincts, but assuming an even distribution, or even a heavy weighted distribution away from Precinct 1, there exists a strong indication that more than 19 ballots are missing from Precinct 1.<sup>2</sup>

18. Tarrant County's election night audit report/cross check shows an error of 180 more check ins than ballots counted.<sup>3</sup>

**B. The election was fraught with many other illegalities.**

19. In addition to illegal votes, Contestant asserts that the election operations violated multiple other parts of the Texas Election Code.

20. Ballots were not numbered, in violation of at least four provisions of the Texas Election Code, which requires that ballots be packaged and the quantity and the range of numbers specified on the packaging. §§ 51.006-.008, 62.007.

21. Ballots were not kept and stored under video surveillance. § 127.1232.

22. Early voting ballot boxes were unlocked in voting locations, though they should remain locked until arriving at the early voting ballot board. § 85.032.

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<sup>2</sup> [https://www.tarrantcountytx.gov/content/dam/main/elections/2024/pm24/reports/SOS\\_Reconciliation\\_Report.pdf](https://www.tarrantcountytx.gov/content/dam/main/elections/2024/pm24/reports/SOS_Reconciliation_Report.pdf).

<sup>3</sup> [https://www.tarrantcountytx.gov/content/dam/main/elections/2024/pm24/reports/PM24\\_Audit\\_Report\\_rep.pdf](https://www.tarrantcountytx.gov/content/dam/main/elections/2024/pm24/reports/PM24_Audit_Report_rep.pdf)

23. Early voting ballots must go to the early voting ballot board, but they were improperly delivered to election officials instead. §§ 87.021, .025.
24. The polling sites during early voting did not prepare a ballot register. § 65.013.
25. On Election Day, presiding judges gave their ballot box key to election officials, instead of the sheriff or other authority. § 66.051 (records to canvassing authority), § 66.060 (key delivery to sheriff or other authority).
26. Election day ballot boxes were sealed, but not locked at completion of voting, contrary to the Election Code. § 66.021.
27. No review was conducted to determine if a recount was required due to a difference of four or more between the ballot registers and poll tape. § 127.156.
28. Ballot boxes were not locked after the election canvass. § 66.058(b).

## **VI. CONDITIONS PRECEDENT**

29. Section 1.012 (d) of the Texas Election Code defines an election record to include anything distributed or received by the government.
30. To be clear, “election records” includes voting ballots, according to section 66.002 of the Texas Election Code, which must be made available to the public on the 61<sup>st</sup> day after an election, according to section 1.012(g).
31. As the primary election was March 5, 2024, election records must be available by Sunday, May 5, 2024. As that day occurs during a weekend, the first day that election records must be available was May 6, 2024.

32. An election contest must be filed within 15 days after all election materials are made available to the public. As the ballots were the last election materials to be made available, the 15 days following May 6, 2024 is the deadline to file an election contest, or May 21, 2024.

33. Thus, all conditions precedent have been met.

## **VII. CLAIM**

34. Section 221.003 of the Texas Election Code gives this Court the power to ascertain whether the outcome of a contested election is not the true outcome because illegal votes were counted or those involved in the election committed fraud or conducted themselves illegally.

35. Contestant ask the Court to consider the facts stated above regarding illegal votes and missing ballots, and then conclude that, in light of the 19-vote margin, the outcome of the election is uncertain pursuant to section 221.011(b).

36. After recognizing that the outcome is uncertain, Contestant asks the Court to void the election under section § 221.012, and order a new election under § 232.041 with costs of the election to be borne by the county, or allocated in the Court's discretion, along with the Secretary of State and the County under § 221.014(d).

### **VIII. PRAYER**

Plaintiff respectfully prays that Contestee be cited to appear and answer, as required by law; and after trial in the matter, void the Constable #1 primary election, as the number of illegal votes far exceeds the 19-vote margin of victory, and order the Republican Party of Tarrant County, Tarrant County, or other authority to conduct a new election, allocating costs to the County or as appropriate, and all relief to which Plaintiff may be justly entitled, in both law and equity.

Respectfully submitted,

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