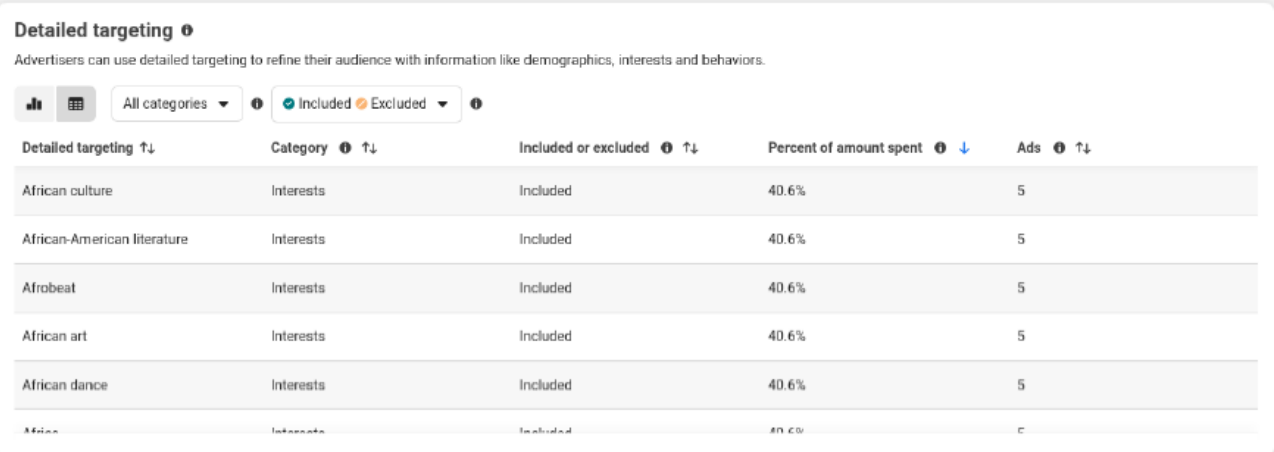
CAUSE NO: _____

THE STATE OF TEXAS; *Plaintiff*,	§	IN THE DISTRICT COURT OF
v.	§	HARRIS COUNTY, TEXAS
TENESHIA HUDSPETH, in her Official Capacity as Harris County Clerk; and IRENE NUÑEZ, in her official capacity as the Director of Communications at the Harris County Clerk's Office; *Defendants.*	§	_____ JUDICIAL DISTRICT

PLAINTIFF THE STATE OF TEXAS'S ORIGINAL VERIFIED PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION, AND PERMANENT INJUNCTION

1. The Harris County Clerk's Office Elections Department is currently using Meta platforms, including Facebook and Instagram, to purchase and propagate several voter awareness advertisements encouraging users to "Plan. Check. Vote!" in the November 3, 2026, General Election. Exhibit A, Harris County Elections Department Meta Ad Library.

2. Troublingly, these voter awareness ads intentionally target certain racial and ethnic groups (African-American, Asian, and South American or Latino groups), but do not target other demographics. Meta's Ad Center reveals that these ads specifically target racially and ethnically associated demographic and interest tags, including "African-American history," "Hispanic kitchen," "African-American literature," and "Latin dance." Exhibit E, HCED Last 30 Days Audience Meta Ad Library (image excerpt below).



Detailed targeting

Advertisers can use detailed targeting to refine their audience with information like demographics, interests and behaviors.

All categories | Included Excluded

Detailed targeting	Category	Included or excluded	Percent of amount spent	Ads
African culture	Interests	Included	40.6%	5
African-American literature	Interests	Included	40.6%	5
Afrobeat	Interests	Included	40.6%	5
African art	Interests	Included	40.6%	5
African dance	Interests	Included	40.6%	5

3. By specifically directing voting advertisements to these and many other racial or ethnic "detailed targeting" terms, it is readily apparent that Harris County is attempting to increase the likelihood that only certain racial and ethnic groups—but not all—will vote.

4. Nothing in the Texas Constitution or the statutes of the State of Texas permit a subdivision of the State to direct targeted ads towards people on the basis of race or ethnicity.

5. On the contrary, the Texas Constitution's Equal Rights Amendment ("ERA") provides that "[e]quality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin." Tex. Const. art. I, § 3a.

6. The Harris County Elections Department's expenditure of taxpayer funds towards these targeted advertisements is *ultra vires*, because a government officer is "without legal authority" to act in conflict with the Texas Constitution. *Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154, 157-58 (Tex. 2016). *See also Hall v. McRaven*, 508 SW.3d 232, 238 (Tex. 2017).

7. Consequently, the State of Texas files this Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction, and asks the Court to enjoin the Department officials' purchase and distribution of racially-targeted

advertisements as unconstitutional, invalid, and unenforceable; and prohibit any further campaigns or purchase of advertisements targeted to voters based on their race or ethnicity.

PARTIES

8. Plaintiff is the sovereign State of Texas. *State v. Hollins*, 620 S.W.3d 400, 410 (Tex. 2020) (citing *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015) ("As a sovereign entity, the State has an intrinsic right to enact, interpret, and enforce its own laws."); *Yett v. Cook*, 281 S.W. 837, 842 (1926) ("That the state has a justiciable 'interest' in its sovereign capacity in the maintenance and operation of its municipal corporations in accordance with law does not admit of serious doubt.").

9. Defendant Teneshia Hudspeth is sued in her official capacity as the Harris County Clerk.

10. Defendant Irene Nuñez is sued in her official capacity as the Director of Communications at the Harris County Clerk's Office. Ms. Nuñez is listed as the "point of contact" for the advertisements at issue. *See* Exhibit C, English Ad Example Details; Exhibit D, Spanish Ad Example Details.

11. Defendants may be served with process at the Harris County Civil Courthouse, 201 Caroline Street, Suite 310, Houston, Texas 77002.

DISCOVERY CONTROL PLAN

12. Discovery should be conducted under Level 2 pursuant to Tex. R. Civ. P. 190.3.

13. This case is not subject to the restrictions of expedited discovery under Tex. R. Civ. P. 169 because Texas seeks non-monetary injunctive relief.

JURISDICTION AND VENUE

14. The Court has jurisdiction over Defendants because each is physically located within the territorial boundaries of the State of Texas. *Stallworth v. Stallworth*, 201 S.W.3d 338, 344 (Tex. App.—Dallas 2006, no pet.) (citing *Burnham v. Superior Court of Cal., County of Marin*, 495 U.S. 604, 610–19 (1990)). Alternatively, Texas has jurisdiction over Defendants because each has established minimum contacts in Texas such that maintenance of this suit does not offend traditional notions of fair play and substantial justice. *See Int'l Shoe Co. v. State of Wash., Off. of Unemployment Comp. & Placement*, 326 U.S. 310, 316 (1945).

15. Venue is proper in Harris County, Texas, because a substantial part of the events or omissions giving rise to the State's claims occurred in Harris County, Texas. Tex. Civ. Prac. & Rem. Code § 15.002(a)(1).

SOVEREIGN IMMUNITY IS INAPPLICABLE

16. Sovereign Immunity does not apply to the State of Texas' *ultra vires* claim. "The basic justification for th[e] *ultra vires* exception to sovereign immunity is that *ultra vires* acts—or those acts without authority—should not be considered acts of the state at all." *Hall v. McRaven*, 508 SW.3d 232, 238 (Tex. 2017) (internal quotation marks and citations omitted). So, "*ultra vires* suits do not attempt to exert control over the state—they attempt to reassert the control of the state over one of its agents." *Id.*

LEGAL BACKGROUND

17. The Texas Constitution states that "the several Counties of this State are hereby recognized as legal subdivisions of the State." Tex. Const. art. XI, § 1.

18. Harris County, as a subdivision of the State of Texas, possesses only "such powers and privileges as have been expressly or impliedly conferred upon [it]" by the Texas Legislature. *State v. Hollins*, 620 S.W.3d 400, 403 (Tex. 2020).

19. "Before a county official can take any action, that action's legal basis must be grounded ultimately in the constitution or statutes." *Id.*

20. Defendants, as officials of Harris County, likewise cannot take any actions in their official capacities that exceed the scope of those powers delegated to Harris County.

21. In Harris County, due to its population size, the County Clerk is empowered to perform election-related tasks that would generally be assigned to an appointed Elections Administrator. Tex. Elec. Code § 31.050.

22. But no statute empowers Defendants, or any employee of the Harris County Clerk's Office, to direct voting awareness campaigns targeted toward some racial groups but not others. And no statute could authorize such classifications consistent with the Texas Constitution.

23. On the contrary, the Constitution of the State of Texas makes plain that "no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services." Tex. Const. art. I, § 3. The Texas Constitution also states that "[e]quality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin." Tex. Const. art. I, § 3a. Finally, the Constitution affirms that "[t]he privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence in elections from power, bribery, tumult, or other improper practice." Tex. Const. art. VI, § 2(c)

FACTUAL BACKGROUND

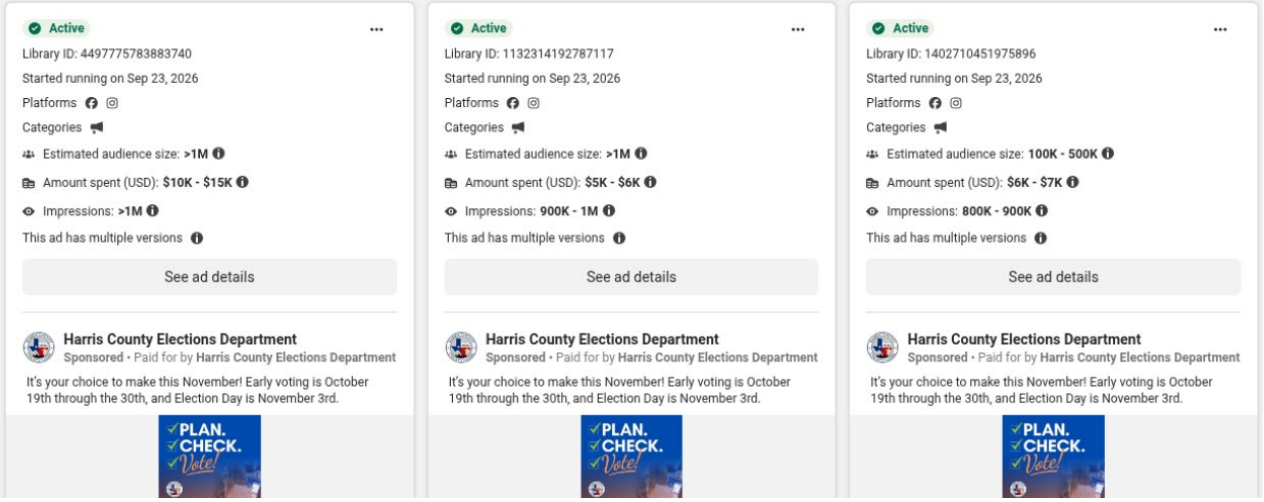
24. Beginning on September 23, 2026, the Meta account associated with the Harris County Elections Department began running a series of advertisements encouraging viewers to "Plan. Check. Vote!" Exhibit A, Harris County Elections Department Meta Ad Library. These ads inform viewers of the early voting dates and of Election Day, and they encourage viewers to visit the Harris County Elections Department website and download the "Harris Votes" app. Exhibit C, English Ad Example Details; *see also* Exhibit I, Harris County Elections Department Facebook Page (showing verification that the account belongs to the Harris County Elections Department as a Government organization).

25. The Meta account associated with the Harris County Elections Department has an assortment of advertisements, currently listed as active, each containing the same or substantially similar graphics, links, and accompanying text. Exhibit A, Harris County Elections Department Meta Ad Library. The "Ad Library" page notes that some of these ads started running on September 23, 2026, while others started on October 7, 2026. *Id.* No other ads appear to be actively running according to this page. *Id.*

26. One of these series of ads has garnered over one million impressions, while the remainder each have accumulated several hundred thousand impressions. Exhibit A, Harris County Elections Department Meta Ad Library.

27. Meta's Ad Library shows that, for example, with an estimated spend of $20,000 to $25,000, a trio of the ads initiated on September 23, 2026, have accumulated at least 2.7 million impressions.

Exhibit B, Meta Ad Library Data on Trio of Active Ads (image excerpt below).



28. Meta's Ad Library website explains that "Advertisers can select the demographics, interests and behaviors of people they want to see their ads. In some instances, ad set settings may include people beyond the targeting criteria but are likely to find an ad relevant." Exhibit E, HCED Last 30 Days Audience Meta Ad Library.

29. Meta's Ad Library also explains that the data displayed on the pages of Exhibits E and F "shows the audience settings selected by this advertiser for ads that have run about social issues, elections or politics" for the selected time period (Exhibit E shows the last 30 days from October 28, 2026; Exhibit F shows the last 7 days from the same date.).

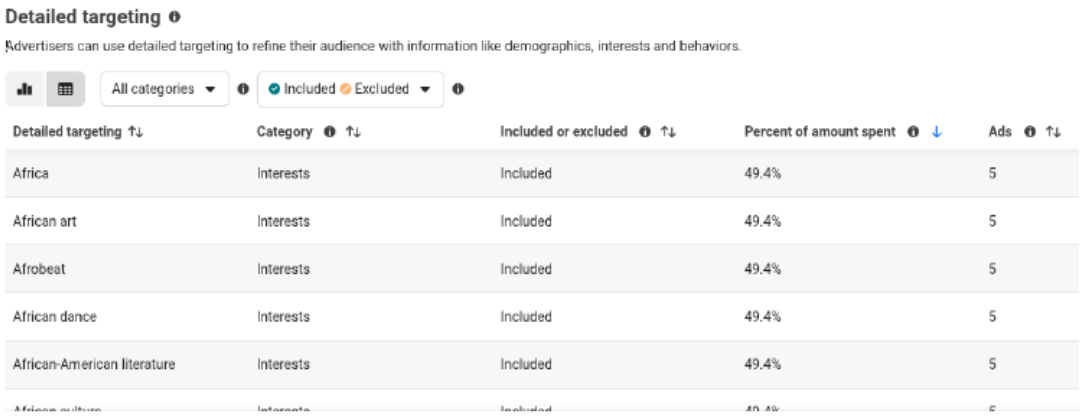
30. Some of these audience categories are permissibly selected; ads are set to specifically target user accounts located in Harris County, Texas, and evenly target all users of both genders above the age of eighteen. Indeed, these settings appear to have been effective, and the advertisements appear to have been almost entirely viewed by those located in Texas. Exhibit E.

31. However, what Meta calls the "detailed targeting" for Harris County Elections Department's ads reveals preferential targeting of certain racial and ethnic groups.

32. The following is a complete list of the "detailed targeting" tags used to narrow the audience for the Harris County voting advertisements: Africa, African art, Afrobeat, African dance, African-American Literature, African-American History, Columbia, Latin Dance, Puerto Rico, Spanish Language, Panama, Nicaragua, Honduras, Peru, Venezuela, Barcelona, Hispanic Kitchen, Guatemala, Ecuador, Mexico, Costa Rica, El Salvador, Latin Music (genre), Latin Music, Dominican Republic, Spain, Spanish as a second language, Madrid, Laos, Thailand, Asia, Vietnam, South Asia, China, Philippines, Pakistan, Bangkok, Malaysia, Indonesia, Cambodia, Southeast Asia, India, Nepal, Bangladesh, East Asia, and African-American Studies. Exhibit G, Last 30 Days Detailed Targeting Full List; Exhibit H, Last 7 Days Detailed Targeting Full List (image excerpt below).[1]

[1] Meta characterizes each of these items as an "interest" with the exception of "African-American history" and "African-American studies," which are characterized as "demographics." It is unclear why Meta categorizes the various "detailed targeting" items in this way.

Interestingly, the only European countries or cities included in this list are Spain, Barcelona, and Madrid, all of which are primarily Spanish-speaking.



Detailed targeting

Advertisers can use detailed targeting to refine their audience with information like demographics, interests and behaviors.

All categories | Included Excluded

Detailed targeting	Category	Included or excluded	Percent of amount spent	Ads
Africa	Interests	Included	49.4%	5
African art	Interests	Included	49.4%	5
Afrobeat	Interests	Included	49.4%	5
African dance	Interests	Included	49.4%	5
African-American literature	Interests	Included	49.4%	5

33. It is unclear what public purpose is served by using detailed targeting in an effort to display the voter information advertisements to a variety of Asian, Spanish speaking, and South American Countries. Likewise, it is unclear why, for example, voters interested in "Latin Music" or "African-American literature" were targeted. But these groups were targeted nonetheless, including advertisements totaling an estimated $10,804 over the past seven days, Exhibit F, HCED Last 7 Days Audience Meta Ad Library, and an estimated $43,429 over the last thirty days, Exhibit E, HCED Last 30 Days Audience Meta Ad Library.

34. In any event, there can be no legitimate reason for Harris County to intentionally target voter advertisements toward this peculiar assortment of African-American, Asian, and Latino ethnicities, cultural interests, and countries, but not toward any European ethnicities, cultural interests, or countries, never mind towards interests tailored specifically to those in Houston or Texas—those who would actually be voting in Harris County Elections.

THE STATE OF TEXAS REQUESTS AN INJUNCTION AGAINST DEFENDANTS' *ULTRA VIRES* ACTS

35. In an *ultra vires* case, a plaintiff must allege, and ultimately prove, that an officer

acted without legal authority or failed to perform a purely ministerial act. *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009).

36. Counties in Texas are limited to exercising those powers that are specifically conferred on them by statute or the constitution. *Guynes v. Galveston Cty.*, 861 S.W.2d 861, 863 (Tex. 1993). Harris County has no sovereign power of its own; it "is a subordinate and derivative branch of state government." *Avery v. Midland Cty.*, 406 S.W.2d 422, 426 (Tex. 1966), *rev'd on other grounds*, 390 U.S. 474 (1968); *see also* Tex. Const. art. IX, § 1 ("The Legislature shall have power to create counties for the convenience of the people,"); Tex. Const. art. XI, § 1 ("the several Counties of this State are hereby recognized as legal subdivisions of the State."). As a political subdivision, the County "represent[s] no sovereignty distinct from the state and possess[es] only such powers and privileges" as the State confers upon it. *Wasson Interests, Ltd. v. City of Jacksonville,* 489 S.W.3d 427, 430 (Tex. 2016) (quotation omitted); *accord Quincy Lee Co. v. Lodal & Bain Engineers, Inc.*, 602 S.W.2d 262, 264 (Tex. 1980).

37. On the contrary, targeting voter awareness advertisements to certain racial and ethnic groups and to the exclusion of others is plainly in conflict with the Texas Constitution, and undermines Texas' interest in the administration of free and fair elections untainted by racial discrimination.

38. It is widely understood that when the government creates classifications based upon race or national origin, such "factors are seldom relevant to the achievement of any legitimate state interest," and such classifications "are subjected to strict scrutiny and will be sustained only if they are suitably tailored to serve a compelling state interest." *City of Cleburne v. Cleburne*

Living Ctr., 473 U.S. 432, 440 (1985). *See also Barshop v. Medina Cty. Underground Water Conservation Dist.*, 925 S.W.2d 618, 631 (Tex. 1996) (applying strict scrutiny in interpreting Tex. Const. art. I § 3) (quoting *Richards v. League of United Latin Am. Citizens*, 868 S.W.2d 306, 311 (Tex. 1993) (interpreting both Tex. Const. art. I § 3 and the ERA)).

39. As indicated by Meta's Ad Library explanations, Defendants chose to target their voter awareness advertisements toward certain racial and ethnic minority groups, but not to others. There is no valid reason for targeting some racial or ethnic groups of residents of Harris County with reminders to vote and information on how to do so successfully, but not other racial or ethnic groups.

40. In short, there is simply no statute enabling Defendants to target voter information ads to select racial or ethnic groups but not others (and such a statute could not cohere with the Texas Constitution regardless), making Defendants actions to initiate and perpetuate those ad campaigns *ultra vires*. In addition to having no affirmative statutory authority for these racial classifications, Defendants' actions independently run afoul of the Texas Constitution by creating suspect racial classifications.

APPLICATION FOR A TEMPORARY RESTRAINING ORDER

41. "The purpose of a TRO is to preserve the status quo, which [The Supreme Court of Texas has] defined as the last, actual, peaceable, non-contested status which preceded the pending controversy." *In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004) (footnote and internal quotation marks omitted).

42. If the Court does not issue Plaintiff's requested Temporary Restraining Order, then effective relief will largely be denied to the State of Texas. The advertisements detailed *supra*

are still actively running and being shown to Facebook and Instagram users. Exhibit A, Harris County Elections Department Meta Ad Library (listing ads as "active" as of October 28, 2026).[2] This action is being filed on Thursday, October 29, 2026. Early Voting in the 2026 General Election ends tomorrow. And the election itself is on Tuesday, November 3, 2026. Every moment that these advertisements remain active and improperly targeting users based on their race or ethnicity, Defendants are violating the Texas Constitution. But once the 2026 Election is over, the harm will be done (at least, for this series of ads).

43. The state already has suffered an irreparable injury, and it will continue to suffer irreparable injury unless and until these ads are deactivated. The State of Texas has a right to enforce its own laws. *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015). And it is "indisputabl[e]" that the state "has a compelling interest in preserving the integrity of its election process." *Eu v. S.F. Cty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989).

44. As such, the state is entitled to a Temporary Restraining Order preserving the status quo and enjoining defendants from improperly targeting voter awareness ads to racial and ethnic groups until there can be a hearing.

APPLICATION FOR A TEMPORARY INJUNCTION

45. The State is entitled to a temporary injunction. To obtain a temporary injunction, the State must prove (1) a cause of action against the defendant; (2) a probable right to the relief

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[2] *See also Harris County Elections Department*, Meta Ad Library, https://www.facebook.com/ads/library/?active_status=active&ad_type=all&country=US&id=1397384651930084&is_targeted_country=false&media_type=all&search_type=page&sort_data[mode]=total_impressions&sort_data[direction]=desc&view_all_page_id=1466536130271166 (last visited Oct. 29, 2026) (still showing the ads as "active").

sought; and (3) a probable, imminent, and irreparable injury in the interim. *State v. Hollins*, 620 S.W.3d 400, 405 (Tex. 2020) (quoting *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002)).

46. The State has a cause of action against Defendant given that the state brings an *ultra vires* claim seeking to enjoin the unauthorized acts of county officials. *See id.* (quoting Yett v. Cook, 115 Tex. 205, 281 S.W. 837, 842 (Tex. 1926)) ("[The Supreme Court of Texas has] said that '[t]he rule is an elementary one that the state may maintain an **action** to prevent abuse of power by public officers.'").

47. The State has a probable right of recovery. Defendants are engaged in advertising efforts that classify users to target based upon race. This is unconstitutional because it discriminates based on suspect classifications in a way that is not narrowly tailored to support a compelling governmental interest, in violation of the Texas Constitution. Tex. Const. art. I, § 3; Tex. Const. art. I, § 3a. The State can show its probable right of recovery because the discriminatory advertising conflicts with the Texas Constitution. *See Tex. Ass'n of Bus. v. City of Austin*, 565 S.W.3d 425, 438, 441 (Tex. App.—Austin 2018, pet. denied).

48. "An injury is irreparable if the injured party cannot be adequately compensated in damages, or if the damages cannot be measured by any certain pecuniary standard." *Butnaru*, 84 S.W.3d at 204; *City of Dallas v. Brown*, 373 S.W.3d 204, 208 (Tex. App.—Dallas 2012, pet. denied).

49. "When the State files suit to enjoin *ultra vires* action by a local official, a showing of likely success on the merits is sufficient to satisfy the irreparable-injury requirement for a

temporary injunction." *Hollins*, 620 S.W.3d at 410. That is because ultra vires conduct harms the sovereign as a matter of law. *Id.*

50. Further, the State is irreparably injured due to the impending 2026 General Election and the proximity of these ads to that election.

51. Consequently, the State is entitled to a temporary injunction enjoining Defendants from engaging in *ultra vires* and race-based voter information advertising.

APPLICATION FOR PERMANENT INJUNCTION

52. The State of Texas requests trial on the merits, where it will seek a permanent injunction enjoining Defendants from engaging in the *ultra vires* acts of distributing voter information ads targeting certain racial and ethnic groups.

PRAYER FOR RELIEF

Therefore, the State of Texas seeks the following relief:

a. A temporary restraining order ordering Defendants to immediately deactivate all racially-targeted voting advertisements, or, in the alternative, to remove all racial and ethnic "detailed targeting" items from these advertisements;

b. A temporary and permanent injunction enjoining Defendants from directing advertisements toward specific racial or ethnic demographics; and

c. All other relief as the Court deems equitable and just and to which the State may justly be entitled.

Date: October 29, 2026

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Deputy First Assistant Attorney General

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Chief, Special Litigation Division

Respectfully submitted.

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COUNSEL FOR THE STATE OF TEXA

CAUSE NO: _____

THE STATE OF TEXAS, *Plaintiff,*	§	IN THE DISTRICT COURT OF
V.	§	HARRIS COUNTY, TEXAS
HARRIS COUNTY CLERK'S OFFICE ELECTIONS DEPARTMENT; TENESHIA HUDSPETH, in her Official Capacity as Harris County Clerk; *et al.*, *Defendants.*	§	_____ JUDICIAL DISTRICT

VERIFICATION

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared MARTIN COHICK, Special Counsel, Special Litigation Division, Office of the Attorney General of Texas, ("OAG'), and being by me duly sworn, upon his oath stated that he has read Plaintiff, The State of Texas's Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction and that the statements contained therein are within his personal knowledge or have been provided to him by other representatives of OAG, and are true and correct.

MARTIN COHICK

SUBSCRIBED AND SWORN TO before me on this the 29th day of October, 2026, to which witness my hand and seal of office.

NOTARY PUBLIC, STATE OF TEXAS

AMAIRENY RODRIGUEZ
Notary Public-State of Texas
Notary ID #13163153-6
Commission Exp. OCT. 24, 2027
Notary without Bond