

CAUSE NO: \_\_\_\_\_

THE STATE OF TEXAS

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IN THE DISTRICT COURT

§

*Plaintiff,*

§

v.

§

TARRANT COUNTY, TEXAS

§

ROBERT FRANCIS O'ROURKE and  
POWERED BY PEOPLE

§

§

§

*Defendants.*

§

\_\_\_\_\_ JUDICIAL DISTRICT

**STATE OF TEXAS'S ORIGINAL PETITION, APPLICATION FOR EMERGENCY  
TEMPORARY RESTRAINING ORDER, REQUEST FOR TEMPORARY  
AND PERMANENT INJUNCTIONS, AND NOTICE OF LIEN**

Robert Francis O'Rourke and his political influence operation, Powered by People, are traveling the state misleadingly raising *political* funds to pay for the *personal* expenses of Texas Democrats who have abandoned their offices and fled the state in the middle of a Special Legislative Session. Texas law prohibits—as a matter of public confidence and trust—personal fundraising for state officials.<sup>1</sup> Nevertheless, Mr. O'Rourke and Powered by People are intentionally blurring the dichotomy between political and personal funds in a deceptive and confusing manner to take advantage of donors. Mr. O'Rourke and Powered by People are directing consumers to *political fundraising platforms*, such as ActBlue, for the express political purpose of “fight[ing]” Republicans and protecting Democratic seats from “corrupt republicans,” meanwhile the funds are actually being used for lavish personal expenditures (i.e. travel on private jets, luxury hotel accommodations, and fine dining that are disconnected from, and have no legitimate purpose relating to, their legislative positions).

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<sup>1</sup> Tex. Penal Code 36.08(f) (“A member of the legislature, the governor, the lieutenant governor, or a person employed by a member of the legislature, the governor, the lieutenant governor, or an agency of the legislature commits an offense if he solicits, accepts, or agrees to accept any benefit from any person.”).

Injunctive relief is necessary to prevent Mr. O'Rourke and Powered by People from engaging in further deceptive conduct intended to take advantage of Texas consumers by confusing and misleading them about the use of their donations. For the reasons set forth herein, the State of Texas (the "State") files this Original Petition, Application for Temporary Restraining Order, Request for Temporary and Permanent Injunctions, and Notice of Lien ("Petition") to immediately halt Defendants' unlawful, deceptive, confusing, and misleading fundraising practices. Tex. Bus. & Com. Code Ch. 17.

In support hereof, the State shows as follows:

### **I. STATEMENT OF RELIEF**

1. Pursuant to Rule 47(c) of the Texas Rules of Civil Procedure, the State seeks monetary relief over \$1,000,000 and non-monetary relief.

### **II. DISCOVERY CONTROL PLAN**

2. Discovery is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

### **III. THE PARTIES**

2. Defendant, Robert Francis O'Rourke,<sup>2</sup> is an individual residing in El Paso County, Texas and may be served at his last known address, [REDACTED] or wherever he may be found. A citation is requested at this time.

3. Defendant, Powered by People ("PBP"), is a non-profit corporation organized under the laws of the State of Texas and may be served through its Registered Agent, Christopher

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<sup>2</sup> Mr. O'Rourke is being sued in his individual capacity and his official capacity as a director of Defendant PBP.

Koob, 13409 NW Military Hwy, Ste. 300, Shavano Park, Texas 78231, or wherever the registered agent may be found. A citation is requested at this time.

#### **IV. JURISDICTION AND VENUE**

4. Venue is proper in Tarrant County, Texas, because a substantial part of the events or omissions giving rise to the State's claims occurred in Tarrant County, because Defendants have done business in Tarrant County, and because transactions occurred in Tarrant County. Tex. Civ. Prac. & Rem. Code §§ 15.002(a)(1), Tex. Bus. & Com. Code § 17.47 (b).

#### **V. DISCOVERY**

5. Discovery in this case should be conducted under Level 3 pursuant to Tex. R. Civ. P. 190.4.

6. This case is not subject to the restrictions of expedited discovery under Tex. R. Civ. P. 169 because Texas seeks nonmonetary injunctive relief.

7. Texas claims entitlement to monetary relief in an amount greater than \$1,000,000 including civil penalties, reasonable attorney's fees, litigation expenses, and costs.

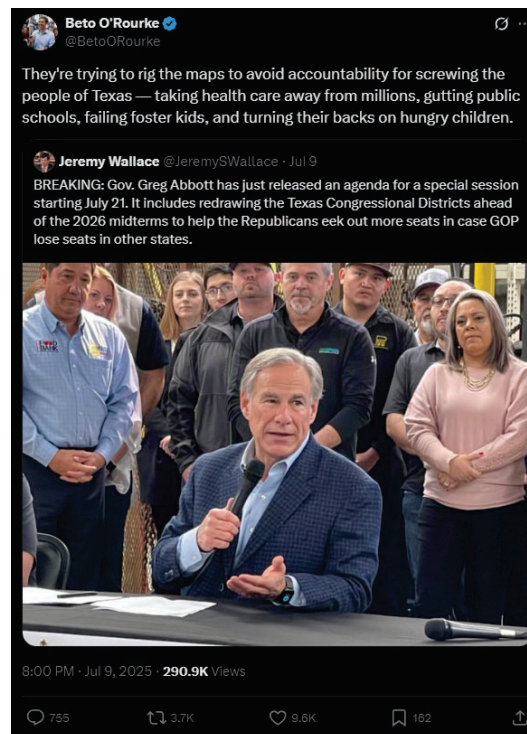
#### **VI. BACKGROUND**

8. The Texas Constitution provides that "[t]he Legislature *shall* meet every two years at such time as may be provided by law and at other times when convened by the Governor." Tex. Const. art. III, § 5 (emphasis added).

9. On July 9, 2025, Texas Governor Greg Abbott issued a proclamation requiring the Legislature to convene beginning on July 21, 2025, to address critical legislative needs of the State. Att. A (Proclamation).

10. Governor Abbott directed the Legislature to consider and act upon a host of issues including, *inter alia*, flood relief, property tax relief, protecting women’s privacy in sex-segregated spaces, public school reforms, and a revised congressional redistricting plan “in light of constitutional concerns raised by the U.S. Department of Justice.” *Id.*

11. Within hours of that proclamation a perennial candidate, Mr. O’Rourke attacked the Governor and the Legislature, accusing both of “trying to rig the maps.”



12. On July 20, 2025, Mr. O’Rourke went national airwaves to propose that Democrats need to be “ruthless about getting back in power” and should “deny” the Texas Legislature a quorum. *Beto O’Rourke Speaks To CNN’s Jake Tapper About Proposed Redistricting In Texas*, CNN (July 20, 2025), <https://tinyurl.com/4ybep7ye>.

13. Mr. O’Rourke conspired with PBP to enact a plan to aid and abet Texas Democrats with fleeing the state and abandoning their legislative duties, by providing the Democrats cover for their personal expenses.

14. To accomplish this, Defendants have organized and held rallies across the state and the nation fundraising. Defendants have called and sent emails, texts, and marketing materials to Texas consumers seeking donations.

15. Defendants promised Texas Democrats that if they broke quorum, Defendants would “have [their] back,” would give them “an initial amount to get [them] off the ground,” and would “fundraise” such that “everything that comes in goes toward that effort.” Taylor Goldenstein, *Democrats who fled Texas are racking up a huge bill. Who is paying the tab?*, Hous. Chron. (Aug. 5, 2025), <https://tinyurl.com/56uzbyve>.

16. In reliance on these offers, Democratic members of the Texas House of Representatives boarded luxurious chartered private planes and absconded to places where they ‘knew’ the Governor had “no power to reach.” *See* Emergency Petition for Writ of Quo Warranto, *In Re Greg Abbott*, No. 25-0674 n. 5 (Tex.) (filed Aug. 5, 2025); *Hear top Texas Democrat’s response to Gov. Abbott’s threat*, CNN (Aug. 4, 2025), <https://tinyurl.com/j9r4b5pb>.

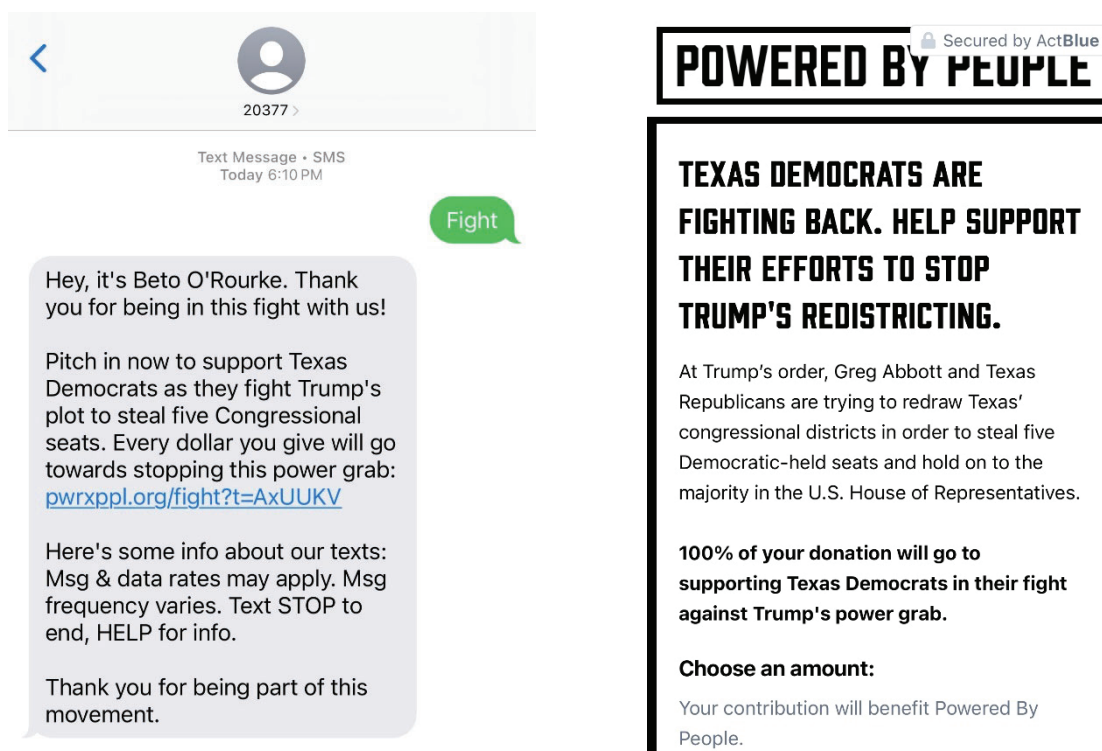
17. Following the departure of the Democratic members, the Texas House of Representatives acted in accordance with Article III, § 10 of the Texas Constitution and its Rules of Procedure to (1) instruct its sergeant-at-arms to secure and maintain the attendance of absentee Members, and (2) issue civil arrest warrants for the members who had deliberately broken quorum without excuse.

18. Meanwhile, at Defendants’ fundraising rallies and in numerous media appearances, Mr. O’Rourke urged consumers to text the word “fight” to “20377” in order to make political

donations and “support these brave Texas Democrats,” who, he claimed, the Governor was attempting to “replace” with “cronies” and “corrupt republicans.”<sup>3</sup>

19. Oddly—without any apparent challenge—Mr. O’Rourke also told rally-goers that there were “no bribe[s]” in Defendants’ fundraising scheme.<sup>4</sup>

20. When consumers follow Mr. O’Rourke’s instructions, they receive a text message response that purports to be from Mr. O’Rourke containing the following misrepresentations.



21. The hyperlink then directs consumers to an ActBlue page for PBP, wherein consumers are prompted to make *political* donations.

22. To date, Defendants claim that these unlawful and deceptive fundraising efforts have resulted in “tens of thousands” of donations. Beto O’Rourke tells CNN Texas Democrats

<sup>3</sup> See Beto O’Rourke (@BetoORourke), X (Aug. 7, 2025, 10:22 a.m.) (video of Oklahoma City, OK Rally at 1:31).

<sup>4</sup> See Beto O’Rourke (@BetoORourke), X (Aug. 6, 2025, 10:46 a.m.) (video of Omaha, NE Rally at 01:54)

who fled the state can “stay out long enough to stop this deal,” CNN (accessed Aug. 8, 2025), <https://tinyurl.com/p3devs4v>.

**A. Defendants Fundraising Efforts Are Unlawful, Constitute Bribery, And—Unbeknownst to Donors— Are Being Used to Support Impermissible Personal Expenditures.**

23. Unbeknownst to donors and potential donors, Defendants’ fundraising scheme is unlawful and is being used to impermissibly support personal expenditures.

24. First, the Texas Penal Code provides that a person commits felony bribery if the person “offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept... (3) any benefit as consideration for a violation of a duty imposed by law on a public servant.” Here, there can be no question: Texas Legislators are duty-bound to convene when the Governor calls a Special Session. *See* Tex. Const. art. III, § 5; *see also* Emergency Petition for Writ of Quo Warranto, p. 4, *In Re Greg Abbott*, No. 25-0674 (Tex.) (“[s]howing up to conduct legislative business is not cast by the Constitution as optional. Instead, by using the word ‘shall,’ the Constitution imposes a mandate.”)

25. By offering to (a) fundraise and (b) help pay for legislative fines and hotel and travel expenses *if* Democratic legislators broke quorum, Defendants offered, conferred, and agreed to confer a benefit on those Democratic legislators in exchange for violation of their Constitutional duties. *See* Tex. Pen. Code 36.01(3) (defining a “benefit” as “anything reasonably regarded as pecuniary gain or pecuniary advantage”).

26. Second, the Texas Elections Code expressly prohibits the use of political contributions for personal use. Tex. Elec. Code § 253.035. In this context, “personal use” is

defined as “a use that primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office.”

27. Notably too, according to the Legislature’s self-created rules on “quorum and attendance,” —which mandate a daily fine of \$500 for unexcused legislative absences— legislators “may not make any payment... from funds accepted as political contributions.” Rule 5, § 3, H. Res. 4, 89th Leg., Reg. Sess. (Tex. 2025). Thus, payment for such fines necessarily must come from personal funds.

28. Third, aside from political contributions, Texas legislators are generally prohibited from accepting benefits with a value equal to, or greater than, \$50. Tex. Pen. Code §§ 36.08, 36.10.

29. Upon information and belief, Defendants conduct may further violate other laws governing public corruption and campaign finance laws.

**B. Now, Defendants Plan to Bring Their Unlawful and Deceptive Fundraising Practices to Fort Worth**

30. On Wednesday, August 6th, Defendants released plans to bring one of these fundraising rallies to Fort Worth, Texas, on Saturday, August 9th.

31. Like their prior fundraising efforts, Defendants have deceptively framed the rally as a political one to “fight redistricting & support Texas House Democrats.”



32. But, on information and belief, Defendants are preparing to engage in the same unlawful and deceptive fundraising practices described above during the Fort Worth rally and intend to use the proceeds of any fundraising to support expenditures that are personal as a matter of law.



## VII. LEGAL CLAIMS

### A. Deceptive Trade Practices in the Solicitation and Receipt of Political Donations.

33. The State incorporates the foregoing allegations as if set forth fully herein.

34. Defendants represent to donors, potential donors, and the public at large that donations submitted through Defendant PBP's ActBlue page are being used for lawful political

purposes, including to support Texas Democrats in their “fight” against Trump and to protect Democratic House seats from the Governor’s attempts to replace Democrats with “cronies” and “corrupt republicans.”<sup>5</sup>

35. But this is not true. Contrary to Defendant O’Rourke’s express claims otherwise, Defendants’ actions constitute *prima facie* bribery under Texas law. What is more, the donations are not being used for political purposes. Rather, the donations are being used for impermissible personal purposes to evade the very political “fight” that they are being solicited to support, to flout the Constitution, and to avoid enforcement of the Texas House’s legislative warrants.

36. As such, Defendants have, in the course of trade and commerce, engaged in false, misleading, and deceptive acts and practices, as declared unlawful by §17.46(a) and (b) of the Texas Deceptive Trade Practices Act. Such acts and practices include, but are not limited to:

- a. Engaging in false, misleading, or deceptive acts or practices in the conduct of trade or commerce in violation of DTPA § 17.46(a);
- b. Causing confusion or misunderstanding as to the source, approval, or certification of goods or services in violation of DTPA § 17.46(b)(2);
- c. Representing that goods or services have approval, characteristics, uses, or benefits which they do not have in violation of DTPA § 17.46(b)(5);
- d. Representing that goods or services are of a particular standard, quality, or grade, if they are of another in violation of DTPA § 17.46(b)(7); and
- e. Failing to disclose information concerning goods or services that was known at the time of the transaction when such failure to disclose such information was intended to induce consumers into a transaction into which the consumer would not have entered had the information been disclosed, in violation of DTPA § 17.46(b)(24).

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<sup>5</sup> See Beto O’Rourke (@BetoORourke), X (Aug. 7, 2025, 10:22 a.m.) (video of Oklahoma City, OK Rally at 1:31).

37. Pursuant to the DTPA, the Attorney General's Consumer Protection Division is authorized to bring an action against "any person" who the Division "has reason to believe... is engaging in, has engaged in, or is about to engage in" a DTPA violation. Tex. Bus. & Com. Code § 17.47(a). This includes corporate agents, who may be held personally liable for their participation in misrepresentations. *Miller v. Keyser*, 90 S.W.3d 712, 716-17 (Tex. 2002).

38. In the present matter, Defendant O'Rourke personally made misrepresentations that form the subject matter of the present lawsuit.

### **VIII. TEMPORARY RESTRAINING ORDER AND TEMPORARY AND PERMANENT INJUNCTIONS**

39. "Texas courts have held that when an applicant relies upon a statutory source for injunctive relief, such as the DTPA, the statute's express language supersedes the common law injunctive relief elements..." *David Jason W. & Pydia, Inc. v. State*, 212 S.W.3d 513, 519 (Tex.App.—Austin 2006, no pet.); *see also Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 210 (Tex. 2002).

40. Under the Deceptive Trade Practices Act, "whenever the consumer protection division [(1)] has reason to believe that any person is engaging in, [(2)] has engaged in, or [(3)] is about to engage in any act or practice declared to be unlawful" and that the "proceedings would be in the public interest...the division may bring an action... to restrain by temporary restraining order, temporary injunction, or permanent injunction the use of such method, act, or practice." Tex. Bus. & Com. Code § 17.47(a).

41. The Consumer Protection Division is not required to provide prior notice of its actions where such an emergency exists that immediate and irreparable injury, loss, or damage would occur as a result of such delay in obtaining a temporary restraining order." *Id.* Here, in light

of Defendants' deceptive and unlawful course of conduct and the last-minute scheduling of the Fort Worth rally, such an emergency exists and irreparable injury would occur in the absence of this filing.

#### **IX. NOTICE OF LIEN**

42. Pursuant to Tex. Bus. Orgs. Code § 12.201, this filing operates as a notice of lien on all of Defendant PBP's property in this state.

#### **X. PRAYER FOR RELIEF**

43. The State incorporates by reference the preceding paragraphs as if fully set forth herein. As explained above, Defendants have engaged unlawful conduct and deceptive trade practices in violation of state law. NOW THEREFORE, the State respectfully prays that the Court enter judgment in its favor and order the following:

- a. Injunctive relief prohibiting Defendants from using political funds for the improper, unlawful, and non-political purposes of (1) funding out-of-state travel, hotel, or dining accommodations or services to unexcused Texas legislators during any special legislative session called by the Texas Governor, or (2) funding payments of fines provided by Texas House rules for unexcused legislative absences;
- b. Injunctive relief prohibiting Defendants from raising funds for non-political purposes, including to (1) fund out-of-state travel, hotel, or dining accommodations or services to unexcused Texas legislators during any special legislative session called by the Texas Governor, or (2) fund payments of fines provided by Texas House rules for unexcused legislative absences, through the ActBlue platform or any other platform that purports to exist for political fundraising purposes;
- c. Injunctive relief prohibiting Defendants from offering, conferring, or agreeing to confer, travel, hotel, or dining accommodations or services (or funds to support such accommodations or services) to unexcused Texas legislators during any special legislative session called by the Texas Governor as consideration for a violation of such legislators' Constitutional duties;
- d. Injunctive relief prohibiting Defendant PBP from removing any property or funds from the State of Texas during the pendency of this lawsuit;

- e. Civil penalties in favor of the State in an amount of not more than \$10,000 per DTPA violation;
- f. Attorneys' fees and all costs and expenses; and
- g. Any and all further relief to which the State may be entitled.

Dated: August 8, 2025.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

RALPH MOLINA  
Deputy First Assistant Attorney General

AUSTIN KINGHORN  
Deputy Attorney General for Civil Litigation

/s/ Rob Farquharson  
ROB FARQUHARSON  
Deputy Chief, Consumer Protection Division  
State Bar No. 24100550

JOHNATHAN STONE  
Chief, Consumer Protection Division  
State Bar No. 24071779

Office of the Attorney General of Texas  
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300 W. 15th St.  
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Fax: (214) 969-7615  
Rob.Farquharson@oag.texas.gov

**ATTORNEYS FOR THE STATE**

**XI. LOCAL RULE 3.30(c)**

On August 8, 2025, counsel for the State contacted the attorneys who the State believes may represent Defendants in this action. As of the time of this filing, the State has not yet received a response.

/s/ Rob Farquharson  
ROB FARQUHARSON

CAUSE NO: \_\_\_\_\_

THE STATE OF TEXAS

*Plaintiff,*

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ROBERT FRANCIS O'ROURKE and  
POWERED BY PEOPLE

*Defendants.*

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**DECLARATION OF ROZANNE LOPEZ**

Pursuant to Texas Civil Practice and Remedies Code section 132.001(f), I, Rozanne Lopez, submit this unsworn declaration in lieu of a written sworn declaration, verification, certification, oath, or affidavit:

1. My name is Rozane Lopez. I am over 18 years of age, of sound mind, and capable of making this declaration.
2. The facts stated within this declaration are within my personal knowledge and are true and correct.
3. I work as an investigator in the Office of the Texas Attorney General. In my capacity as an investigator, I have read the foregoing document titled "State of Texas's Original Petition, Application for Temporary Restraining Order, Request for Temporary and Permanent Injunctions, and Notice of Lien," and the factual allegations stated therein are true and correct.
4. My name is Rozanne Lopez and I am an employee of the following governmental agency: Texas Office of the Attorney General. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the factual statements in the foregoing are true and correct.

Executed in Hidalgo County, State of Texas, on the 8th day of August, 2025.

/s/ Rozanne Lopez  
Rozanne Lopez  
Investigator

# Attachment A





GOVERNOR GREG ABBOTT

July 9, 2025

Mr. Adam Bitter, General Counsel  
Office of the Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

FILED IN THE OFFICE OF THE  
TEXAS SECRETARY OF STATE  
3:00 pm O'CLOCK

JUL 09 2025  
ANBA  
Secretary of State

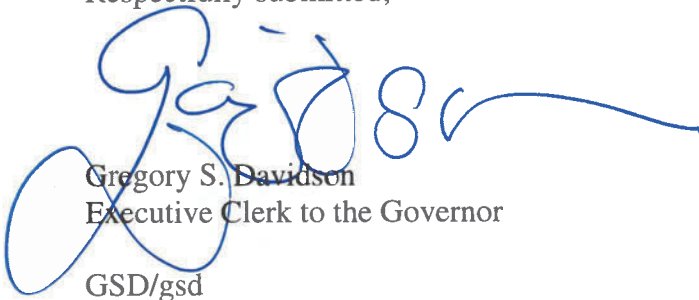
Dear Mr. Bitter:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation calling an extraordinary session of the 89th Legislature, to convene in the City of Austin, at noon on Monday, July 21, 2025.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment

# PROCLAMATION

BY THE

## Governor of the State of Texas

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, by the authority vested in me by Article III, Sections 5(a) and 40, and Article IV, Section 8(a) of the Texas Constitution, do hereby call a Special Session of the 89th Legislature, to convene in the City of Austin, commencing at 12:00 p.m. on Monday, July 21, 2025, to consider and act upon the following:

Legislation to improve early warning systems and other preparedness infrastructure in flood-prone areas throughout Texas.

Legislation to strengthen emergency communications and other response infrastructure in flood-prone areas throughout Texas.

Legislation to provide relief funding for response to and recovery from the storms which began in early July 2025, including local match funding for jurisdictions eligible for FEMA public assistance.

Legislation to evaluate and streamline rules and regulations to speed preparedness for and recovery from natural disasters.

Legislation to eliminate the STAAR test and replace it with effective tools to assess student progress and ensure school district accountability.

Legislation reducing the property tax burden on Texans and legislation imposing spending limits on entities authorized to impose property taxes.

Legislation making it a crime to provide hemp-derived products to children under 21 years of age.

Legislation to comprehensively regulate hemp-derived products, including limiting potency, restricting synthetically modified compounds, and establishing enforcement mechanisms, all without banning a lawful agricultural commodity.

Legislation further protecting unborn children and their mothers from the harm of abortion.

Legislation prohibiting taxpayer-funded lobbying, including the use of tax dollars to hire lobbyists and payment of tax dollars to associations that lobby the Legislature.

Legislation, similar to Senate Bill No. 1278 from the 89th Legislature, Regular Session, that protects victims of human trafficking from criminal liability for non-violent acts closely tied to their own victimization.

Legislation that protects law enforcement officers from public disclosure of unsubstantiated complaints in personnel files.

Legislation protecting women's privacy in sex-segregated spaces.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:00pm O'CLOCK  
JUL 09 2025

Legislation proposing a constitutional amendment allowing the Attorney General to prosecute state election crimes.

Legislation that provides a revised congressional redistricting plan in light of constitutional concerns raised by the U.S. Department of Justice.

Legislation, similar to Senate Bill No. 648 from the 89th Legislature, Regular Session, that provides strengthened protections against title theft and deed fraud.

Legislation, similar to Senate Bill No. 1253 from the 89th Legislature, Regular Session, that authorizes political subdivisions to reduce impact fees for builders who include water conservation and efficiency measures.

Legislation, similar to Senate Bill No. 2878 from the 89th Legislature, Regular Session, relating to the operation and administration of the Judicial Department of state government.

The Secretary of State will take notice of this action and will notify the members of the legislature of my action.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 9th day of July, 2025.

  
GREG ABBOTT  
Governor

Attested by:



ADAM BITTER  
General Counsel  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:00 PM O'CLOCK  
JUL 09 2025

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Pauline Sisson on behalf of Rob Farquharson

Bar No. 24100550

pauline.sisson@oag.texas.gov

Envelope ID: 104158478

Filing Code Description: Petition

Filing Description: 20250808 States Petition Decl Attch A

Status as of 8/8/2025 2:59 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Johnathan Stone		johnathan.stone@oag.texas.gov	8/8/2025 2:46:43 PM	SENT
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