



TEXAS RACING COMMISSION
P. O. BOX 12080
AUSTIN, TEXAS 78711-2080
(512) 833-6699
FAX (512) 833-6907

RECEIVED
AUG 17 2004
OPINION COMMITTEE

August 17, 2004

RQ-0258-GA

The Honorable Greg Abbott
Attorney General of Texas
Attn: Nancy Fuller, Chair, Opinions Committee
P.O. Box 12548
Austin, TX 78711-2548

FILE # ML-43879-04
I.D. # 043879

Re: Request for Attorney General Opinion regarding the Application of Texas Racing Act, Tex. Rev. Civ. Stat. Ann. art. 179e, Article 16, §§16.01 and 16.12.

Dear General Abbott:

The Texas Racing Commission ("Commission") requests your formal opinion on an unusual situation that has been presented to the Commission with regard to applications for racetrack licenses under the Texas Racing Act.

Under the Texas Racing Act, the Commission is the state agency charged by the Legislature to regulate pari-mutuel racing in the state of Texas, and specifically to grant licenses for racetracks to qualified individuals or organizations. Currently, the Commission has two applicants for a Class II horse racetrack license in Webb County before it. In addition, The Commission voted to open an application period, but no applications have been received, for a Class II horse racetrack license in Hidalgo County.

A. Issues

In November 2000, Webb County conducted a local option election under the Texas Racing Act, Article 16. The voters approved two pari-mutuel propositions. Webb County confirmed the passage of these propositions to the Secretary of State. However, a review of the current records of Webb County and the Secretary of State has not produced any more formal certification of the November 2000 election results than Webb County's submission of the vote totals, which we presume were received by the Secretary of State within the statutorily prescribed deadlines under the Texas Racing Act.

In addition, at the Commission meeting on August 12, 2004, a request to open an application period for a Class II racetrack in Hidalgo County was granted with the application period to begin April 1, 2005. However, the certification of the election results was not filed within

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the statutorily prescribed deadlines under the Texas Racing Act. No application will be accepted by the Commission for Hidalgo County before April 1, 2005.

The Commission does not know whether the Webb County's submission of the election results to the Secretary of State would satisfy Section 16.01(a) of the Texas Racing Act, assuming there was no further evidence of certification. If it did not, then there is the question of whether the lack of proof of formal certification in November 2000 precludes the Commission from going forward with the current applications. If the answer to that question is "yes," then there is the question of whether the Commission may re-initiate the application process based on a more formal certification that occurred more than 10 days after the canvass of returns as provided in Section 16.12(a) of the Texas Racing Act. Is this a mandatory provision or merely directory in nature? As this issue has never previously been addressed by the Commission, there is no established administrative construction of Sections 16.01(a) and 16.12(a) of the Texas Racing Act. Therefore, the Commission is requesting an opinion from the Office of the Attorney General regarding these two provisions of the Texas Racing Act.

Specifically, is the Commission prohibited from granting a license for a racetrack in a county which passed the local option election before the license application was filed if the only record of timely election results certification to the Secretary of State that can now be found is the County's submission of the election results for the two propositions in the form submitted by Webb County? Secondly, may the Commission initiate a license application process for a county following a formal certification that occurs more than 10 days after the canvass of returns?

B. The Controlling Statute

Under Section 16.12 of the Texas Racing Act, if a majority of the votes cast in the election are for the legalization of pari-mutuel wagering on horse races or greyhound races, or for the authorization of pari-mutuel wagering on simulcast races in the county, the commissioners court shall certify that fact to the Secretary of State not later than the 10th day after the date of the canvass of the returns. Section 16.12(a) of the Texas Racing Act, Art. 179e, Tex. Rev. Civ. Stat. Ann.

The Commission shall not issue a racetrack license or accept an application for a license for a racetrack to be located in a county until the commissioners court has certified to the Secretary of State that the qualified voters of the county have approved the legalization of pari-mutuel wagering on horse races or greyhound races in that county at an election held under Article 16 of the Texas Racing Act. Section 16.01(a) of the Texas Racing Act, Art. 179e, Tex. Rev. Civ. Stat. Ann.

C. Facts

In the November 2000 election Webb County proposed and passed two propositions regarding the approval of legalized pari-mutuel wagering in Webb County. Attached is a copy of the election ballot as it appeared to voters in the November 2000 election. (Exhibit A) Proposition 1 passed "Legalizing pari-mutuel wagering on horse races in Webb County."

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Proposition 2 passed "Authorizing pari-mutuel wagering on simulcast races in Webb County." Attached is a copy of the precinct by precinct election results, as indicated as received by the Secretary of State from Webb County. (Exhibit B)

Because the precinct by precinct results were not date stamped by the Secretary of State's office, the Commission presumes that the precinct by precinct results were sent in to the Secretary of the State immediately following the November 2000 presidential election.

The language for pari-mutuel election propositions is statutorily mandated. Sec. 16.11(b) of the Texas Racing Act, Art. 179e, Tex. Rev. Civ. Stat. Ann. Therefore, there is no question that the votes "for" Propositions 1 and 2 on the precinct by precinct election results were for the legalization of pari-mutuel wagering in Webb County. The Commissioners Court canvassed the election results on November 14, 2000. (Exhibit C) The official election results were then filed in the county's election register.

The Commission was aware at the time the license applications were filed that Webb County had passed the required propositions legalizing pari-mutuel wagering in the county. In June of 2004, after the Commission had accepted the license applications and had begun an inquiry regarding whether "certification" had occurred, the Webb County Interim Elections Administrator wrote a letter and signed a sworn affidavit seeking to "certify" the election results from November of 2000. (Exhibit D)

With respect to Hidalgo County, the County certified the election results with the Secretary of State on August 12, 2004. (Exhibit E) The County had passed the statutorily required local option referendums in 1987. No evidence has been located that certification of the election results was filed with the Secretary of State's office within the statutorily prescribed deadlines under the Texas Racing Act.

D. Considerations

Under the Texas Racing Act, no specific language is set out for a county to use in certifying to the Secretary of State that the legalization of pari-mutuel wagering has been approved. In this specific case, Webb County unequivocally confirmed to the Secretary of State that the propositions authorizing pari-mutuel wagering had passed. No authority was found that any particular language is required.

Due to the lack of any statutory guidance regarding the form of "certification of election results," the county's filing of precinct returns can easily be seen as substantial compliance with the terms of Se. 16.12(a). Further, because the November 2000 election results filed by the county included the results of contested races, a presumption that the results were filed very shortly after the election is logical.

Certification of election results in the contested election statute was found to be merely directory not a mandatory provision. *Beeler v. Loock*, 135 S.W.2d 644, 647 (Tex. Civ. App.—Galveston 1939, writ dism'd). Another court also found that issuance of an election certification is a ministerial duty and a mere matter of form. *Orth v. Benavides*, 125 S.W.2d 1081 (Tex. Civ. App.—San Antonio 1939, writ dism'd).

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The purpose of Sections 16.01 and 16.12 of the Texas Racing Act is to require confirmation that a vote to authorize pari-mutuel wagering actually occurred prior to the Commission beginning the licensing process. There is no question that an election occurred and the voters of Webb County voted to legalize pari-mutuel wagering in their county prior to the Commission beginning its licensing process.

Clearly, Hidalgo County has certified the election results to the Secretary of State's office prior to the Commission accepting a license application, and thus are in full compliance with Section 16.01 of the Texas Racing Act. The only question with regards to Hidalgo County is whether Section 16.12 of the Texas Racing Act is mandatory or merely directory in nature.

The Texas Racing Commission respectfully requests clarification of the Texas Racing Act in order to determine if the Commission has jurisdiction over the pending license applications, and the jurisdiction to accept any applications for a racetrack license in Hidalgo County. Due to the pending nature of the license applications the Commission would request an expedited opinion.

Thank you for your attention to this request. If you or your staff require any additional information, please do not hesitate to contact me or my executive staff.

Very truly yours,



R. Dyke Rogers
Chairman of the
Texas Racing Commission
(512) 833-6699

Enclosures

cc: Ann McGeehan, Elections Division, Secretary of State
Oscar Villarreal, Interim Webb County Elections Administrator
Rex VanMiddlesworth, Andrews & Kurth
Jamie McNally, Clark, Thomas & Winters
Bill Moltz, Jenkins & Gilchrist

OFFICIAL BALLOT
(BOLETA OFICIAL)

GENERAL ELL JN
(ELECCION GENERAL)

(Condado de) WEBB COUNTY, TEXAS

INSTRUCTION NOTE:
Vote for the candidate of your choice in each race by darkening in the oval provided to the left of the name of that candidate.
You may cast a straight-party vote (that is, cast a vote for all the nominees of one party) by darkening in the oval provided to the left of the name of that party. If you cast a straight-party vote for all the nominees of one party and also cast a vote for an opponent of one of that party's nominees, your vote for the opponent will be counted as well as your vote for all the other nominees of the party for which the straight-party vote was cast. You may vote for a write-in candidate by writing in the name of the candidate on the line provided and darkening in the oval provided to the left of the line.
Use only the marker provided.
(NOTA DE INSTRUCCION)
Vote por el candidato de su preferencia en cada carrera marcando completamente el espacio ovalado a la izquierda del nombre de ese candidato.
Usted puede votar por todos los candidatos de un solo partido político los cuales están en la lista de candidatos nombrados del mismo partido político (incluyendo completamente el espacio ovalado a la izquierda del nombre de dicho partido político). Si usted vota por un solo partido político ("straight-party") y también vota por el contrario de uno de los candidatos de este partido político, se considerará su voto por el contrario tanto como su voto por todos los demás candidatos del mismo partido de su preferencia. Usted puede votar por un candidato que no está nombrado en la lista de candidatos marcando el nombre del candidato en la línea provista y marcando completamente el espacio ovalado a la izquierda de la línea.
Solo usar el marcador provisto.

Straight Party
(Partido Contador)

Republican (REP)
(Republicano)

Democratic (DEM)
(Demócrata)

Libertarian (LIB)
(Libertariano)

Green (GRN)
(Verde)

President and Vice President
(Presidente y Vice Presidente)

George W. Bush / Dick Cheney (REP)

Al Gore / Joe Lieberman (DEM)

Harry Browne / Art Olivier (LIB)

Ralph Nader / Winona LaDuke (GRN)

Pat Buchanan / Ezola Foster (INO)

United States Senator
(Senador de los Estados Unidos)

Kay Bailey Hutchison (REP)

Gene Kelly (DEM)

Mary J. Ruvert (LIB)

Douglas S. Sandage (GRN)

NOVEMBER 7, 2003

United States Representative, District 23
(Representante de los Estados Unidos, Distrito Núm. 23)

Henry Bonilla (REP)

Valdo Garza, Jr. (DEM)

Jeffrey C. Bunt (LIB)

Railroad Commissioner
(Comisionado de Ferrocarriles)

Charles R. Matthews (REP)

Carolyn Fields (LIB)

Gary Dugger (GRN)

Railroad Commissioner, Unexpired Term
(Comisionado de Ferrocarriles Duracion Restante del Cargo)

Michael L. Williams (REP)

Anthony Garcia (LIB)

Charles L. Maun (GRN)

Justice, Supreme Court, Place 1
(Juez, Corte Suprema, Lugar Núm. 1)

Nathan Hecht (REP)

Mike Jacobellis (LIB)

Ben G. Lavy (GRN)

Justice, Supreme Court, Place 2
(Juez, Corte Suprema, Lugar Núm. 2)

Priscilla Owen (REP)

Joe Alford Izen Jr. (LIB)

Justice, Supreme Court, Place 3
(Juez, Corte Suprema, Lugar Núm. 3)

Al Gonzales (REP)

Lance Smith (LIB)

Pending Judge, Court of Criminal Appeals
(Juez Presidente, Corte de Apelaciones Criminales)

Sharon Keller (REP)

GW Vance (DEM)

Judge, Court of Criminal Appeals, Place 1
(Juez, Corte de Apelaciones Criminales, Lugar Núm. 1)

Charles Haisons (REP)

Rile Scott Kimer (LIB)

(7 de noviembre de 2003)

Judge, Court of Criminal Appeals, Place 2
(Juez, Corte de Apelaciones Criminales, Lugar Núm. 2)

Barbara Parker Harvey (REP)

William R. Barr (DEM)

State Senator, District 21
(Senador Estatal, Distrito Núm. 21)

David Swilt (REP)

Judith Zaffrin (DEM)

State Representative, District 42
(Representante Estatal, Distrito Núm. 42)

Henry Gueter (DEM)

Justice, 4th Court of Appeals District, Place 1
(Juez, Corte de Apelaciones Distrito Núm. 4, Lugar Núm. 1)

Rebecca Simmons (REP)

Alma L. Lopez (DEM)

Justice, 4th Court of Appeals District, Place 2
(Juez, Corte de Apelaciones Distrito Núm. 4, Lugar Núm. 2)

Jay Brandon (REP)

Catherine Stone (DEM)

Justice, 4th Court of Appeals District, Place 3
(Juez, Corte de Apelaciones Distrito Núm. 4, Lugar Núm. 3)

Paul W. Green (REP)

Emilio Martinez (DEM)

Justice, 4th Court of Appeals District, Place 4
(Juez, Corte de Apelaciones Distrito Núm. 4, Lugar Núm. 4)

Sarah B. Danson (REP)

Warren Weir (DEM)

Justice, 4th Court of Appeals District, Place 5
(Juez, Corte de Apelaciones Distrito Núm. 4, Lugar Núm. 5)

Karen Anquini (REP)

District Judge, 341st Judicial District
(Juez del Distrito, Distrito Judicial Núm. 341)

Elma Teresa Salinas Ender (DEM)

D	E	F
<p>District Judge, 408th Judicial District (Jefe del Distrito Judicial Núm. 408)</p> <p><input type="checkbox"/> Teresa Hunter Gutierrez (REP)</p> <p><input type="checkbox"/> Andrea "Anny" Reyes (DEM)</p>	<p>SPECIAL ELECTION (ELECCION ESPECIAL)</p>	<p>LAREDO COMMUNITY COLLEGE DISTRICT (Distrito del Colegio Comunitario de Laredo)</p>
<p>District Attorney, 49th Judicial District (Procurador del Distrito Judicial Núm. 49)</p> <p><input type="checkbox"/> Joe Rubio (DEM)</p>	<p>INSTRUCTION NOTE: Darken in the oval provided to the left of the station(s) indicating the way you desire to vote. Use only the marker provided. NOTA DE INSTRUCCION: (Una vez proporcionado el espacio ovalado a la izquierda de la estación que indica la manera en que desea votar. Señale con el marcador provisto.)</p>	<p>PROPOSITION (PROPOSICION)</p> <p>"A second campus for Laredo Community College and the issuance of \$50,000,000.00 School Building Bonds and the levying of a tax in payment thereof and credit agreement in connection therewith." (Un segundo campus para Laredo Community College, y la emisión de \$50,000,000.00 de bonos para construcción y edificación escolares, y la imposición de un impuesto en pago de esos, y los convenios de crédito relacionados a esos.)</p>
<p>County Attorney (Procurador del Condado)</p> <p><input type="checkbox"/> Homero Ramirez (DEM)</p>	<p>PROPOSITION NO. 1 (PROPOSICION NUM. 1)</p> <p>"LEGALIZING PARI-MUTUEL WAGERING ON HORSE RACES IN WEBB COUNTY" (LEGALIZANDO APUESTAS MUTUAS EN CARRERAS DE CABALLO EN EL CONDADO DE WEBB)</p> <p><input type="checkbox"/> For (A Favor)</p> <p><input type="checkbox"/> Against (En Contra)</p>	<p><input type="checkbox"/> For (A Favor)</p> <p><input type="checkbox"/> Against (En Contra)</p>
<p>Sheriff (Sherife)</p> <p><input type="checkbox"/> Juan Garza (DEM)</p>	<p>PROPOSITION NO. 2 (PROPOSICION NUM. 2)</p> <p>"AUTHORIZING PARI-MUTUEL WAGERING ON SIMULCAST RACES IN WEBB COUNTY" (AUTORIZANDO APUESTAS MUTUAS EN CARRERAS TRANSMITIDAS SIMULTANEAMENTE EN EL CONDADO DE WEBB)</p> <p><input type="checkbox"/> For (A Favor)</p> <p><input type="checkbox"/> Against (En Contra)</p>	
<p>County Tax Assessor-Collector (Asesor-Collectar de Impuestos del Condado)</p> <p><input type="checkbox"/> Patricia A. Barman (DEM)</p>	<p>County Commissioner, Precinct No. 1 (Comisionado del Condado, Precincto Núm. 1)</p> <p><input type="checkbox"/> Gerardo "Jerry" Vasquez (DEM)</p>	
<p>Justice of the Peace, Precinct No. 1, Place 1 (Jefe de Paz, Precincto Núm. 1, Lugar Núm. 1)</p> <p><input type="checkbox"/> Hector J. Uendo (DEM)</p>	<p>Constable, Precinct No. 1 (Condesable, Precincto Núm. 1)</p> <p><input type="checkbox"/> Raul Hinojosa (DEM)</p>	

VOTE BOTH SIDES (VOTE AMBOS LADOS)

Received T-DC
JUN 01 2004

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
TTY: 7-1-1
(800) 252-VOTE (8683)

Geoffrey S. Connor
Secretary of State

May 27, 2004

Ms. Nicole Galwardi
General Counsel
Texas Racing Commission
P.O. Box 12080
Austin, Texas 78711-2080

VIA FACSIMILE 512.833.6907

Dear Ms. Galwardi:

This is in response to your recent inquiry concerning whether Webb County filed a certification of election results of a November 7, 2000 countywide election on two pari-mutuel wagering propositions pursuant to Section 16.12 of the Texas Racing Act (Article 179e).

We have searched our local option election records and have found no specific certification pursuant to the Texas Racing Act. However, Webb County did submit precinct by precinct election returns for the November 7, 2000 general election to this office pursuant to Section 67.017 of the Texas Election Code. The precinct election returns clearly reflect that the voters of Webb County passed two pari-mutuel wagering propositions on November 7, 2000.

I hope you find this information helpful. Please do not hesitate to contact me if this office can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ann McGeehan".

Ann McGeehan
Director of Elections



NOVEMBER 7, 2000 - GENERAL ELECTION

COMBINED EV & ED

Race/Name	1	2	3	4	5	6	7	8	9	10	11	12A	12B	12C	13	14	15	16A	16B	16C	17B	17C	18A	18B	18C	18D	19	20	21A	21B	21C	22	23	24	25A	25B	25C	26A	26B	27	28	29	30	TOTAL																																														
Sherriff																																																																																										
Juan Garcia (DEM)	237	302	535	428	385	543	768	129	508	840	787	597	716	300	382	699	363	752	622	619	745	773	657	285	1192	84	818	314	125	101	221	26	1407	742	1917	1282	1785	617	801	344	449	2677																																																
County Tax Assessor / Collector																																																																																										
Patricia A. Garcia (DEM)	219	512	583	436	373	839	751	127	506	668	803	1131	725	394	384	763	387	755	523	525	725	793	656	258	1199	87	623	311	524	101	225	27	1694	774	1613	1361	1681	669	321	337	452	2637																																																
County Commissioner, Precinct 1																																																																																										
B. Justy Vasquez (DEM)	235																																							319	385	702	575	748											525											257											812	317	424											3364
County Commissioner, Precinct 3																																																																																										
J. Omar Mendez (REP)											176	244																															758	443	793											726	186	223	72											6680																				
Felix Velazquez (DEM)											467	737																															1101	519	1206											1662	492	702	307											6663																				
Judges of the Peace, Precinct 6 Places 1																																																																																										
Hector J. Llovera (DEM)	241	307	570	433	353	654	757	124	531	838	783	1101	721	368											637	534											1336	1403	581	822	345											14349																																						
Constable, Precinct 1																																																																																										
Raul Hernandez (DEM)	228	484	651	412	374	635	710	122	517	828	756	1092	707	375											623	526											1303	1364	572	814	337	441											13353																																					
Constable, Precinct 2																																																																																										
Ruben Reyes (DEM)											385	666	644	731											738	827	244											773	301	120											5409																																							
Constable, Precinct 3																																																																																										
A. Marie Munoz (DEM)																															101	223	23											347																																														
Constable, Precinct 4																																																																																										
Jose Martinez (DEM)																															704											1081	63											1240	633	1412											5173																							
Part-Mutual Proposition No. 1																																																																																										
For	135	334	360	285	231	351	485	90	333	628	543	859	528	253	249	478	680	511	501	380	576	534	428	184	659	54	575	136	72	65	143	16	1184	618	1264	1017	1143	417	577	230	285	18753																																																
Against	65	157	150	138	137	256	247	34	153	246	281	343	222	139	122	216	247	214	210	162	267	791	242	80	461	25	270	84	46	47	53	9	821	307	526	494	521	166	236	39	170	8889																																																
Part-Mutual Proposition No. 2																																																																																										
For	127	312	336	238	295	514	459	79	303	593	510	810	467	240	224	450	517	470	472	342	533	811	394	173	912	54	934	185	60	87	134	15	1142	580	1174	948	1087	390	644	215	278	17502																																																
Against	74	153	162	141	143	369	253	41	153	254	382	358	238	148	127	216	282	226	217	177	281	297	264	78	469	25	271	84	49	45	64	10	649	314	866	517	542	176	245	102	168	9185																																																
Laredo Community College Proposition																																																																																										
For	292	427	458	369	311	657	633	107	443	796	121	993	657	350	341	640	773	859	598	462	664	691	508	249	1022											797											1382	713	1616	1323	1491	522	715	289	411											32758																								
Against	28	97	101	65	67	147	134	29	74	136	129	238	125	59	42	98	50	76	132	95	171	100	50	29	269											57											455	226	435	311	330	93	129	65	77											4800																								
	1	2	3	4	5	6	7	8	9	10	11	12A	12B	12C	13	14	15	16A	16B	16C	17B	17C	18A	18B	18C	18D	19	20	21A	21B	21C	22	23	24	25A	25B	25C	26A	26B	27	28	29	30	3																																														

Statistics	
Number of Registered Voters:	87,878
Number of Voters who Voted:	32,065
Percent of Voters who Voted:	36.51%

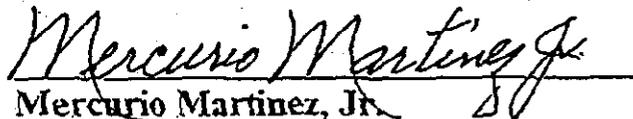
Declared Write-In Candidates for President / Vice President	
Howard Phillips / J. Curtis Frazier	
James "Jim" Wright / Leonard L. Foster	
David McReynolds / Alary Cal Hollis	

CANVASS OF GENERAL ELECTION

I, Mercurio Martinez, County Judge, of Webb County, Texas met with the Commissioners Court sitting as the canvassing board to canvass the General Election of November 7, 2000, on November 14, 2000, at Laredo, Webb County, Texas.

I certify that the figures on the tally sheets (E.R.S. Report) correspond with the figures on the returns in addition to any overseas ballots accepted and tallied under Section 86.007 (d) (3) (A).

Witness my hand this 14th day of November, 2000.


Mercurio Martinez, Jr.
County Judge



The State of Texas }}
County of Webb }}

Sworn Affidavit

I, Oscar Villarreal, Interim Elections Administrator, do solemnly swear that the foregoing statement is true and accurate:

In November 2000, I was employed as the Chief Deputy Administrator in the Elections Office by the County of Webb. The Webb County Commissioners Court had ordered a local option election to include two propositions on the November 7, 2000 General Election ballot. These propositions read and the votes cast were as follows:

Prop. #1: "Legalizing Pari-Mutuel Wagering on horse races in Webb County."

For: 18,763
Against: 8,889

Prop. #2: "Authorizing Pari-Mutuel Wagering on Simulcast Races in Webb County."

For: 17,502
Against: 9,185

The voters of Webb County passed both propositions by an overwhelming majority.

The Commissioners Court canvassed the election results, which included these two propositions, on November 14, 2000. The "official" election results were then included and filed in the county's election register.

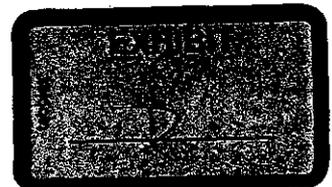
Oscar Villarreal
Oscar Villarreal

The State of Texas }}
County of Webb }}

Before me, the undersigned authority, on this day personally appeared Oscar Villarreal known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed. Given under my hand and seal of office this 28th day of June, 2004.



Ana Escobedo
Ana Escobedo, Notary Public
in and for the State of Texas



Certification of November 3, 1987 Election, Hidalgo County, Texas

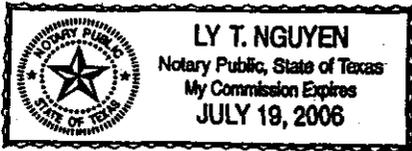
I, Juan D. Salinas, III., County Clerk of Hidalgo County, Texas, do hereby certify the returns of the election held on November 3, 1987 as shown on the attached official canvass statement are true and correct as certified by the Hidalgo County Commissioners Court on November 9, 1987.


Signature

August 12, 2004
Date

Hidalgo
County

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 12th day of August, 2004, to which witness my hand and official seal.




Notary Public, State of Texas
Printed Name: LY NGUYEN
Commission expires: 7-19-06

SECRETARY OF STATE
ELECTIONS DIVISION

2004 AUG 13 AM 8:35

RECEIVED

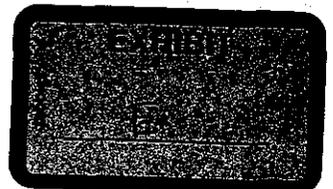


EXHIBIT B

VOL 093 PAGE 583



OFFICE OF
WILLIAM (BILLY) LEO
COUNTY CLERK
HIDALGO COUNTY

TO: J. Edgar Ruiz
County Judge

FROM: William R. Leo *WRL*
County Clerk

DATE: November 4, 1987

RE: Canvass Election Returns

I am hereby requesting that the following item be placed on the Commissioners' Court Agenda for Monday, November 9, 1987.

CANVASS ELECTION RETURNS FOR THE
CONSTITUTIONAL AMENDMENT ELECTION

If you may have any questions, please do not hesitate in contacting me.

WRL;cw

DATE

7/26/04

A true copy I certify
JUAN D. SALINAS III

County Clerk, Hidalgo County, Texas

By

Deputy

512/383-2751, EXT. 148 - P.O. BOX 56 - EDINBURG, TEXAS 78540

County Clerk, Hidalgo County, Texas
JUAN D. SALINAS III

EXHIBIT B

TOTAL VOTES CAST 17,905

Abstract *Perennial App. 1408*
McNeil 129

HIDALGO County

Official Canvass Statement
Office of the Secretary of State
1987 Constitutional Amendment and Referendum Election

Proposition Number 1 Surety of grain warehouse fund

For	8486
Against	6660

Proposition Number 2 Rural fire prevention districts

For	7405
Against	7820

Proposition Number 3 Limit school tax increases on homestead

For	12,311
Against	3460

Proposition Number 4 Encourage economic development

For	8048
Against	6943

Proposition Number 5 Aiding turnpikes, toll road, etc. by bonds

For	6568
Against	7877

Proposition Number 6 Development of Texas products and businesses

For	7436
Against	7508

Proposition Number 7 Bonds to finance local public facilities

For	6800
Against	7953

Proposition Number 8 Bonds-projects, corrections institutions, mental facilities

For	9710
Against	6074

DATE

7/26/09

A true copy I certify
JUAN D. SALINAS III

County Clerk, Hidalgo County, Texas

EXHIBIT B 1

Proposition Number 9 Member of legislature to serve in different state office

For 6876

Against 7438

Proposition Number 10 Personal property not held or used for production of income

For 7216

Against 6948

Proposition Number 11 Property located in state for only a temporary period

For 6698

Against 7193

Proposition Number 12 Community property with right of survivorship

For 11,302

Against 3613

Proposition Number 13 Creation of special districts to provide emergency services

For 8703

Against 5589

Proposition Number 14 Limited right to appeal in criminal cases

For 9111

Against 5204

Proposition Number 15 Abolition of office of county treasurer in certain counties

For 8115

Against 4948

Proposition Number 16 Justice precincts contain more than one court

For 8092

Against 5977

A true copy I certify
JUAN D. SALINAS III
County Clerk Hidalgo County, Texas

DATE 7/26/04
A true copy I certify
JUAN D. SALINAS III
County Clerk Hidalgo County, Texas

EXHIBIT B

Proposition Number 17 Defining governmental and proprietary functions

For 7239

Against 5831

Proposition Number 18 Creation, operation, financing of jail districts

For 6772

Against 6185

Proposition Number 19 Superconducting super collider research facility

For 6044

Against 6992

Proposition Number 20 Tax relief for certain offshore drilling equipment

For 6213

Against 6999

Proposition Number 21 Include speaker or appointee in membership of agency

For 5789

Against 7077

Proposition Number 22 Limiting the authority of a governor to fill vacancies

For 7241

Against 6027

Proposition Number 23 Issuance of an additional \$400 million of water bonds

For 7050

Against 5921

Proposition Number 24 County to perform work without compensation

For 6248

Against 6642

DATE 1/26/04
A true copy I certify
JUAN D. SALINAS III

County Clerk, Hidalgo County, Texas

By [Signature] Deputy

A true copy I certify
BY [Signature]

EXHIBIT B

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Proposition Number 25 Permit Amarillo Hospital District to serve certain residents

For	6723
Against	5072

Referendum Propositions

Referendum Number 1 Appointment of State Board of Education

For	7085
Against	7520

Referendum Number 2 Pari-mutuel wagering

For	10,110
Against	5393

LOCAL OPTION-Horse Racing

FOR	9453
AGAINST	5334

I, William R. Leo, County Clerk/Elections Administrator do hereby certify the returns as shown on the official canvass statement true and correct as certified by the Commissioners Court on

November 9, 1987 (date)

Signature _____ Date November 9, 1987

(seal)

Hidalgo County _____ DATE

FIRE DISTRICT # 2
 For
 Against

With a true copy I certify
 JUAN D. SALINAS III
 County Clerk, Hidalgo County, Texas

82

FIRE DISTRICT # 3
 For
 Against

382
 100

DATE 7/26/04
 A true copy I certify
 JUAN D. SALINAS III
 County Clerk, Hidalgo County, Texas

By _____ Dep