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Via E-filing

Blake A. Hawthorne
Clerk, Supreme Court of Texas

Re: *In re Greg Abbott*, No. 25-0674

Dear Mr. Hawthorne:

I write regarding Governor Abbott's emergency petition for a writ of quo warranto, filed this evening in this Court. While the Attorney General appreciates the Governor's passion for ensuring that the Texas House reestablishes the quorum that is necessary to discharge the important business of the Legislature, this Court's precedent is clear that a "quo warranto" proceeding "can only be brought by the attorney general, a county attorney, or a district attorney." *In re Dallas County*, 697 S.W.3d 142, 152 (Tex. 2024) (orig. proceeding) (citation omitted). Further, the Constitution charges "the Attorney General" with the obligation "to represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party." Tex. Const. art. IV, § 22. A writ of quo warranto, moreover, "is the exclusive legal remedy afforded to *the public* by which it may protect itself against the usurpation or unlawful occupancy of a public office by an illegal occupancy." *Hamman v. Hayes*, 391 S.W.2d 73, 74 (Tex. App.—Beaumont 1965, writ ref'd) (citations omitted) (emphasis added).

The Speaker of the House has issued arrest warrants for truant members of the Texas House who have absconded to other states in order to compel their attendance at the ongoing special session. *See In re Abbott*, 628 S.W.3d 288, 292-98 (Tex. 2021) (orig. proceeding). The Speaker has set a Friday, August 8 deadline for those absent members to return to the Capitol. If those absent members do not comply with the Speaker's deadline, the Attorney General intends to pursue all available judicial remedies, including those available through a quo warranto proceeding to declare the truant Legislators' offices vacant on grounds of abandonment. As a result, the Court

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should not dismiss the Governor's petition until the Speaker's Friday deadline passes and the Attorney General can be heard on these weighty issues.

Respectfully submitted.

/s/ William R. Peterson

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cc: all counsel of record (via e-mail)