

Outline

1. Texas election law set a deadline of 6:00 PM on December 13, 2021, for filing to be a candidate for State Representative in the 2022 elections.
2. The law provides that after the candidate wins the party nomination the candidate's name will appear on the general election ballot unless the candidate withdraws or is ruled ineligible by the county party chairman or the county party executive committee. A quorum of the party executive committee meeting in person is required if the executive committee rules a candidate ineligible.
3. If the candidate withdraws the candidate may not be replaced.
4. If the candidate is ruled ineligible the candidate may be replaced by majority vote of a quorum of the precinct chairs in the legislative district.
5. The Republican candidate for State Representative in HD 114 in 2020 was Luisa del Rosal. She announced in July 2021 her intention to run again in 2022. After 2021 legislative redistricting, Rosal no longer lived in HD 114 and announced in October of 2021 she would not be a candidate in 2022. Thereafter no Republican candidate sought to run for HD 114.
6. Jennifer Stoddard Hajdu, Dallas County Republican Chair, was aware that as of the beginning of the day on December 13, 2021, the last day of filing, no Republican candidate had filed to run in HD 114, and that if none filed the Republican Party would

have no candidate in 2022 in HD 114, allowing the Democratic candidate to run unopposed.

7. On December 13, 2021, Mark Anthony Hadju, Republican Precinct Chair for Precinct 1049 in Dallas County and spouse of Jennifer Stoddard Hajdu, Dallas County Republican Chair, filed as a candidate in HD 114, stating on the application that he resided at 6805 Sedgwick Drive, Dallas, Texas 75231 and that his length of continuous residence in HD 119 was nineteen years, notwithstanding the fact that Precinct 1049 and Mark Hajdu's home are not within the boundaries of HD 114. They are in HD 108.
8. Mark Hajdu's application was notarized by Lori LaPray, notary public, who works as a paralegal for Jennifer Hajdu, who is a practicing attorney.
9. On December 13, 2021, Jennifer Hajdu, in her capacity as Dallas County Republican Chairman, signed Mark Hajdu's application stating that she received and accepted the application and checked the box on the application that says, "Voter Registration Status Verified," notwithstanding the fact that a voter registration check would reveal that Mark Hajdu's residence and that of his spouse Jennifer Hajdu is in HD 108, not HD 114.
10. Mark Hajdu and Jennifer Hajdu were aware that their home was not in HD 114 when Mark Hajdu filed his sworn application and Jennifer Hajdu signed it.
 - a. Mark Hajdu and Jennifer Hajdu were both aware of Luisa del Rosal's candidacy based on a Facebook post from Rosal's campaign page that Mark Hajdu shared

and that Jennifer Hajdu and Lori LaPray “liked” by post on August 25, 2021. And they were aware of her withdrawal as a candidate due to redrawing of the district boundaries.

- b. In her capacity as county party chairman Jennifer Hajdu would have been aware of the boundaries of HD114, in order to be able to seek a Republican candidate for the office.
- c. In his capacity as precinct chair of Precinct 1049 Mark Hajdu would have been aware of the new legislative and congressional districts in which he lived, even rooting on his Facebook page for a Republican candidate in the newly drawn district.
- d. Voter registration cards issued to all voters designate each district in which the candidate resides.

11. Mark Hajdu did not file for HD 114 with the intention of being a candidate.

- a. His Texas Ethics Commission reports show no contributions raised and no expenditures other than his loan of the \$750 filing fee.
- b. He issued no campaign announcement or communication of any kind at any time.

- c. Though he posts on his Facebook page twice daily, he never mentioned his candidacy, while often mentioning the candidacies of others.
- d. As soon as he received his 2022 voter registration card, he would have known he lived in HD 108, not HD 114, yet he made no effort to withdraw as a candidate for HD 114.
- e. As soon as he saw a sample 2022 Republican Primary ballot for his precinct, he would have known he was not on the ballot for State Representative, because he lives in HD 108, not HD 114. Yet he made no effort to withdraw as a candidate for HD 114.
- f. When he voted in the Republican Primary on March 1, 2022, he would have seen that his name was not on the ballot, because he lives in HD 108. Yet he made no effort to withdraw as a candidate for HD 114.

12. Jennifer Hajdu, in her capacity as Chair of the Dallas County Republican Party, did not sign Mark Hajdu's application stating that she received and accepted the application and checked the box on the application that says, "Voter Registration Status Verified," in good faith.

13. Mark Hajdu and Jennifer Hajdu conspired to hold open the possibility of finding and placing a Republican candidate on the ballot for HD 114 even after the filing deadline

had passed by having Mark Hajdu file, then later be declared ineligible by his spouse, Jennifer Hajdu, the Republican County Chairman. This would permit a new Republican candidate to be designated for HD 114, bypassing the filing deadline and the nominating process.

- a. The Secretary of State now lists no Republican candidate for HD 114, stating that Mark Hajdu has been declared ineligible. It does not say who or how he was declared ineligible.
- b. The position of precinct chair for Precinct 1049 was listed as vacant after Mark Hajdu filed for HD 114 and remained vacant. Now he is listed as chair of Precinct 1049. It is not clear how or when he was renamed chair of Precinct 1049.
- c. A Dallas County Republican Party Executive Committee meeting has been called for Monday, July 18. Presumably there will be an effort to choose a new Republican candidate.
- d. Two weeks ago, it became known that Sara Lamb, formerly a candidate for city council, was asking people to agree to support her Republican candidacy for HD 114.

e. Ashlyn Danae Fuerte has filed with the Texas Ethics Commission a campaign treasurer and an initial finance report showing a \$10,000 from her to her campaign.

14. Mark Hajdu committed the offense of tampering with a governmental record because he knowingly made a false entry in a governmental record by stating he lived in SH 114 for nineteen years. Under the Texas Penal Code, tampering with a governmental record is illegal and a person can commit the offense in multiple ways, one being if he “knowingly makes a false entry in, or false alteration of, a governmental record.” Tex. Pen. Code Ann. § 37.10(a)(1). A governmental record means “an official ballot or other election record.” Tex. Pen. Code Ann. § 37.01(2)(E). Further, “an offense under this section is a Class A misdemeanor unless the actor’s intent is to defraud or harm another, in which event the offense is a state jail felony.” Tex. Pen. Code Ann. § 37.10(c)(1). Texas Penal Code § 37.10(c)(5) was updated in 2021 to state: “An offense under this section is a Class B misdemeanor if the government record is an application for a place on the ballot under Section 141.031, Election Code, and the actor knowingly provides false information under Section (a)(4)(G) of that section.” It is clear that Mark Hajdu made a false entry in a governmental document when he filled out and signed the ballot application stating his residence in the district for nineteen years.

15. Jennifer Stoddard Hajdu also committed the offense of tampering with a governmental record because she knowingly and intentionally aided Mark Hajdu in making a false entry in a governmental record by stating he lived in SH 114 for nineteen years. *See* Tex.

Pen. Code Ann. § 37.10. This is based on Texas Penal Code § 7.02 that states “a person is criminally responsible for an offense committed by the conduct of another” when they act “with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense.” The law of parties states that “a person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or both” and that “each part to an offense may be charged with commission of the offense.” Tex. Pen. Code Ann. § 7.01. In this case, Jennifer Stoddard Hajdu is criminally responsible as a party to the offense of knowingly making a false entry in a governmental record because she aided Mark Hajdu in making a false entry by signing off on his ballot application and approving the primary ballot despite having knowledge that he was ineligible. As the county chair, Jennifer Hajdu is required to “review the application to determine whether it complies with the requirements as to form, content, and procedure that it must satisfy for the candidate’s name to be placed on the general primary election ballot” and “submit the format for the official ballot to the primary committee for its review and approval.” Tex. Elec. Code Ann. §§ 172.0222 and 172.083. She did both of these things in order for Mark Hajdu’s name to appear on the primary election ballot in March 2022. Additionally, Jennifer knew that Mark had not lived in SH 114 for nineteen years because as county chair she is aware of redistricting and lives at the same residence listed on the application. Further, Jennifer was aware of the previous SH 114 candidate because she liked a Facebook post that Mark shared from Luisa del Rosal’s candidate Facebook page and was specifically tagged in del Rosal’s post. She would have seen Mark’s name on the ballot before she approved it, and when

she voted in the primary election she would have seen that his name was not on her ballot because she resides in SH 108. Even if, somehow, she had missed all of this, she is the Chair of the Dallas County Republican Party, and it is not possible that she was not aware of the candidates for every position on the ballot when she reviewed it. She knew when she signed off on Mark's application that it was a false entry in a government document, and she aided in the offense by approving the document and putting Mark's name on the ballot for SH 114. Therefore, it is clear that Jennifer Stoddard Hajdu aided Mark Hajdu in knowingly making a false entry on a government document.

16. CONCLUSION. Mark Hajdu and Jennifer Stoddard Hajdu should be charged under Section 37.10 Tampering with Governmental Record because he knowingly made a false entry in a governmental record when he stated that he has lived in the district for nineteen years and she aided him in doing so. Further, it should be found that their intent was to defraud or harm another because they had knowledge of Mark's residency being in HD 108 and not HD 114 and both intended to defraud and harm the Democratic nominee in HD 114 candidate, by applying anyway and continuing with Mark on the ballot through the primary. The intent is shown by the fact that it is impossible they did not know his district changed as Mark is involved in the Republican Party in Dallas, Jennifer is the Chair of the Dallas County Republican Party, they both knew of the previous candidate for SH 114 who withdrew, they knew that his congressional district changed, and Mark's name did not appear on their primary ballot when they voted. It is clear that the only reason Mark applied for the election, and Jennifer approved, was because there was no Republican nominee to challenge the eventual Democrat nominee, and when he was

eventually declared ineligible, the Dallas County Republican Party would still be able to replace him. Now that Mark Hajdu has been declared ineligible, this will only become more apparent with the nomination of another candidate. Therefore, Mark Hajdu and Jennifer Stoddard Hajdu should be charged under Texas Penal Code §§ 37.10(a)(1) and 37.10(c)(1) for a state jail felony for knowingly making a false entry in a governmental record.