

## **INDICES OF ELECTION FRAUD: TEXAS HOUSE DISTRICT 142 (HARRIS COUNTY)**

More than 2500 Harris County voters appear to have been duped into voting for a non-existent candidate, a theft of their most important right to the detriment of legitimate candidates, two of whom now face a runoff election at additional cost and effort to them as well as to the public. This memo highlights the many known factors indicating that serious election fraud was committed.

### **Background**

Four candidates were on the Texas House District 142 primary election ballot on March 3, 2020. One of the names on the ballot was "Natasha Ruiz."

Reporter Miya Shay of Houston's KTRK ABC13 publicly reported on March 5th that she spoke by phone to a woman who used the phone number and the address on the ballot application filed with the Harris County Democratic Party (the "Party"), as well as with Texas Ethics Commission, on behalf of a "Natasha Ruiz."

The woman told the reporter that "she never ran for office and that she is a truck driver living in Colorado." The woman further told Ms. Shay that her name is Natasha Demming, not Natasha Ruiz, and that she "has no idea why anyone would sign her up to run for office." The woman stated that the address is her mother's and that she uses the address for her voter registration. Finally, Ms. Shay reported that the signatures on the Ballot Application and Ethics Commission document (copies attached) are "markedly different" from each other. A man located at the address on both documents refused to talk to Ms. Shay.

Both leading candidates in the District 142 race told Ms. Shay they never heard from, saw, or talked to anyone associated with the Natasha Ruiz campaign or saw any evidence of her campaign, such as yard signs or campaign mailers. No contribution and expenditure reports for that campaign have been filed with the Texas Ethics Commission.

### **Sources:**

<https://abc13.com/state-rep-dutton-says-fake-candidate-forced-him-into-runoff/5986131/>  
[https://twitter.com/miyashay?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/miyashay?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)

### **Known Facts Indicating Election Fraud**

- The woman who identified herself as Natasha Demming to the reporter admitted to having the phone number and address shown on the Ballot Application and ethics filing.
- The woman denied filing the documents and has no idea who, or why, anyone did.

- Ms. Shay reports that whoever filed the Ballot Application paid the \$750 filing fee *in cash* and that no picture was taken of the filer, thus there is apparently no personal or cashier's check or photograph to use as evidence.
- The Ballot Application filed with the Harris County Democratic Party claimed the candidate's name as "Natasha Demming-Ruiz" with the Date of Birth being July 26, 1979. We can find no one by that name in the Texas Drivers License records, Harris County Voter Registration records, Texas motor vehicle registration records, or Texas civil or criminal litigation records. In fact, we can find no information in any public record connecting the name "Ruiz" with the name "Demming."
- The name Natasha Demming is shown at the address and with the Date of Birth shown on the Ballot Application in the Texas Drivers License records, Harris County Voter Registration records, Texas Motor Vehicle Registration records, and Texas criminal litigation records.
- We can find no record of Ms. Demming ever having been married or divorced, which might justify the use of the name "Ruiz," if Ms. Demming actually filed the Ballot Application.
- The Ballot Application shows that whoever filed it asked that the name to be shown on the ballot was "Natasha Ruiz." That name exists in Harris County Voter Registration records for a person who has a different Date of Birth and a different address(in Kingwood, far outside District 142) from the Ballot Application. There is no evidence that the Kingwood resident is connected in any way to the District 142 Ballot Application; in fact, there is ample evidence that the person who filed the Ballot Application is not the Kingwood resident.
- An email sent to the email address on the Ballot Application was returned as undeliverable.
- The Ballot Application was notarized by Marc L. Malacoff (Notary Public #131256674) on November 9, 2019, and filed with the Harris County Democratic Party on December 9, 2019. Mr. Malacoff is shown on the Harris County Democratic Party's website as an employee of the Party.
- A copy of the pages in the legally required Notary Public records provided by Mr. Malacoff show the name and signature of a Natasha Demming. The record shows the Notary relied on the signatory's Drivers License for identification. The Drivers License presented is shown in the Notary's records as expiring on July 26, 2021, which will be Natasha Demming's 42nd birthday.
- The handwriting on the Ballot Application and in Notary records appears to be similar.
- When asked to confirm that he used the signatory's Drivers License for identification, Mr. Malacoff confirmed that he did. When asked what name was on the Drivers License, Mr. Malacoff replied: " I believe it is what I recorded in my book."

- Mr. Malacoff has not been asked, nor has he explained to our knowledge, why the name on the Ballot Application, which appears alongside his Notary Seal, is different from the name and signature shown in his Notary Public records. (Natasha Demming in his record but Natasha Demming-Ruiz on the Ballot Application.) It is clear the name "Ruiz" does not appear on Ms. Demming's Drivers License, so it appears there is a discrepancy between the name on the identification presented and the name on the Ballot Application.
- Mr. Malacoff has stated that the date of his notarization was actually December 9, 2019, as shown in his Notary Public records, and not November 9, 2019, as shown on the Ballot Application.
- The Ballot Application says the purported candidate's Occupation as "Teacher." There is no listing of any Certified Educator by the name Natasha Demming, Natasha Demming-Ruiz or Natasha Ruiz in the records of the Texas State Board of Educator Certification.
- The Treasurer Designation form filed with the Texas Ethics Commission names the candidate as "Natasha Demming Ruiz." There is no hyphen between the last two names, unlike the Ballot Application.
- The handwriting on the Treasurer Designation form filed with the Texas Ethics Commission and the Ballot Application filed with the Harris County Democratic Party and the Notary Public's records bear no resemblance to each other. It clearly appears that two different people wrote in the information in the two documents.
- The Treasurer Designation is for Hector Riveria whose address is shown to be 6464 E Sam Houston Pkwy N Houston 77049. No apartment number is given but there is an apartment complex at that location.
- There is no one named Hector Riveria in the Texas Drivers License, Texas Motor Vehicle Registration or Texas Voter Registration records. There is no one named Hector Rivera with a Drivers License, Motor Vehicle Registration or Voter Registration at the address listed for the purported Treasurer.
- The phone number for Hector Riveria listed on the Treasurer Designation form is not a working number.

### **Crimes Were Committed by Someone**

Ms. Demming has stated that she did not file to run for office and does not know who did. If that is true, someone falsified the Ballot Application and the Treasurer Designation under false pretenses. If whoever filed the Ballot Application is not named Natasha Demming-Ruiz, they committed one of several crimes detailed below, some of which can constitute felonies.

## **Election Fraud**

Section 276.013, Election Code, makes it a crime to "knowingly or intentionally make any effort to:... (3) cause any intentionally misleading statement, representation, or information to be provided...(B) on...any other official election-related form or document." Generally, this offense is a Class A misdemeanor but can be a felony under some circumstances if the offense involved a voter 65 years of age or older.

The Ballot Application is an "official election-related form" prescribed by the Secretary of State under the authority of the Election Code. If someone other than Ms. Demming or not named Natasha Demming-Ruiz filed the form, it involved false and misleading statements, representations or information."

## **Tampering with Governmental Record**

Section 37.10, Penal Code, makes it a crime to "make, present, or use a governmental record with knowledge of its falsity." The Ballot Application is a "governmental record" as defined by Section 37.01(2)(E), Penal Code, which includes a "ballot or other election record" or 37.01(2)(B), "anything required by law to be kept by others for information of government." This offense is a Class A misdemeanor "unless the actor's intent it to defraud or harm another."

In this case, it appears that after having the Ballot Application, a person presented it to the Harris County Democratic Party with the intent to defraud the Party and voters and to harm the electoral chances of others in the race.

## **Fraudulent Use of Possession of Identifying Information**

Section 32.51(b), Penal Code, makes it a crime if, with intent to harm or defraud another, a person "uses an item of: (1) identifying information of another person without the other person's consent or effective consent." "Identifying information" is defined to include "name and date of birth" and "social security number or other government-issued identification number." An offense under this section is a State Jail Felony or higher depending on the number of identification items used.

In this case, it appears that whoever filed the Ballot Application at least partially used the name of Ms. Demming and her date of birth and presented identification, according to a public statement by the Party (copy attached), which may have included a government identification number (e.g., a drivers license number).

## **Other Election Code Offenses**

The Campaign Contribution and Expenditure provisions of Title 15, Election Code, may also have been violated, including a number of Class A Misdemeanors, such as:

- Accepting a cash contribution in excess of \$100, if the cash used to pay the fee was provided by a 3rd party. §253.033, Election Code
- Failing to file one or contribution/expenditure reports. The \$750 filing fee was a campaign expenditure that should have been reported. §254.041, Election Code
- If the source of funds used to pay the filing fee was a corporation or labor organization, the acceptance of those funds would be a felony. §253.094, Election Code
- If the Treasurer Designation form filed with the Texas Ethics Commission was falsified, which seems obvious, it is invalid and all contribution and expenditure activities were conducted without a valid Treasurer Designation in effect. §253.031, Election Code

## **Conclusion**

2,500 Harris County voters took the trouble to go to the polls and vote for "Natasha Ruiz," a person who apparently did not exist as described on the Ballot Application form. From a search of public records, it appears there is no such person as Natasha Demming-Ruiz, the legal name shown on the Ballot Application form.

Ms. Demming says she did not file the application or know why anyone would do so.

If Natasha Demming filed the ballot application using the name Natasha Demming-Ruiz and asked that her name be shown on the ballot as Natasha Ruiz, she falsified the Ballot Application. If she had nothing to do with it, someone else defrauded the voters and legitimate candidates. Either way, someone appears to have violated both the Election Code and the Penal Code.