

No. 25-0674

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**In the Supreme Court of Texas**

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IN RE GREG ABBOTT,  
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF TEXAS

*Relator.*

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**On Petition for Writ of Quo Warranto**

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**Brief of *Amici Curiae* on behalf of League of Women Voters of Texas, Asian  
Texans for Justice, OCA-Greater Houston, UnidosUS, NAACP Texas State  
Conference, and League of United Latin American Citizens  
in Support of Respondent Gene Wu**

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## IDENTITY AND INTEREST OF AMICI CURIAE

The matter before the Court effectively requests the disenfranchisement of Texas voters because it would remove a duly elected official—chosen by a majority of voters in his district—from office when he has not abandoned his office. This request is directed at a member who has seen fit to exercise a legislative option enabled by the Texas Constitution. It should alarm every Texan and all Americans alike.

Each of the *amici* submitting this brief has a public record of advocacy for the ideals of our democratic governance, increasing voter participation, and strengthening elections in Texas. Many of these organizations, moreover, were formed to overcome exclusion from voting, disenfranchisement, and voter suppression that had limited the participation of many people on account of their sex, race, national origin, or ethnicity in the paramount expression of democratic ideals: freely casting a vote to be represented and governed by a representative of their choice.

**The League of Women Voters of Texas (LWV Texas)** is a nonpartisan, nonprofit, member-based grassroots organization that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. LWV Texas was founded in 1919 and has led innumerable efforts to expand and strengthen

the franchise, elections, and participatory democracy in the state. LWV Texas has 33 local Leagues and more than 4,000 members in the state, including voters in Representative Wu's district. LWV Texas is the state affiliate of the League of Women Voters (LWV), which now has more than a million members and supporters and is organized in more than 750 communities across every state and the District of Columbia.

The LWV Texas's ultimate vision is a democracy where every person has the desire, the right, the knowledge, and the confidence to participate. LWV Texas actively works to register eligible people to vote and ensure they cast a ballot that actually counts. LWV Texas pursues a democracy where every resident is represented equally and every voter has an opportunity to elect the candidate of their choice.

Founded in 2021, **Asian Texans for Justice** grew out of informal organizing efforts within Texas's Asian American and Pacific Islander communities to both support voting rights and civic engagement and to oppose surging anti-Asian discrimination and violence. ATFJ strives to represent over 2 million Texans of AAPI heritage. This diverse group includes more than 50 ethnicities and speakers of more than 100 languages, is spread across the state, and reflects the full social and political spectrum of the state. ATFJ's supporters and constituents include voters in Representative Wu's district.

Through civic engagement, policy advocacy, and coalition building, ATFJ works to expand access to polls and voting, to healthcare and to education. Asian Texans for Justice has helped AAPI Texans testify before the Legislature on a range of issues and supported voter registration efforts in the 2023, 2024, and 2025 elections.

**OCA-Greater Houston** is a Texas chapter of OCA–Asian Pacific American Advocates, a national, membership-driven civil rights organization of community advocates dedicated to advancing the social, political, and economic well-being of Asian Pacific Americans (APAs) with more than 100 chapters and college affiliates across the country and a membership that reaches 30,000 constituents.

OCA–Greater Houston works with metropolitan Houston volunteer members to implement programs that empower the APA community utilizing: arts and culture to advocate for social justice and provide leadership training; education workshops; legal clinics; internships and scholarships; mentoring. Civic engagement is a key element of OCA–Greater Houston programs, which are designed to bring APA representation and contributions to all levels of business, corporate, government and community leadership. Many OCA-Greater Houston members live and vote in Representative Wu’s district.

**UnidosUS**, previously known as NCLR (National Council of La Raza) is the nation’s largest Hispanic civil rights and advocacy organization. UnidosUS uses

grassroots organizing, research, and advocacy to challenge the social, economic, and political barriers that affect Latinos at the national and local levels. UnidosUS's grassroots network includes more than 300 affiliated organizations across the United States; 33 of them are in Texas. These Texas affiliates work with social service agencies, local law enforcement, and institutions of higher education to ensure access to health care, educational opportunities, career training, housing and more. UnidosUS affiliates are based in Representative Wu's district.

UnidosUS advocates for progress on a wide range of economic and social issues, but voter registration and civic engagement have been a cornerstone of its work. In the last decade, UnidosUS has helped more than 1,000,000 citizens register to vote.

The **NAACP Texas State Conference** first organized as far back as 1915 in El Paso, Texas. As an affiliate of the NAACP, the Texas NAACP shares a history spanning decades of advocacy for civil rights in all spheres of life: public participation, voting rights, employment, education, housing, business, and other areas. A fundamental part of the NAACP Texas State Conference's work is action on voting rights and voter engagement.

The NAACP Texas State Conference has more than 10,000 members across the state, including a Houston chapter which encompasses Representative Wu's district.

The mission of the **League of United Latin American Citizens (LULAC)** is to advance the economic condition, educational attainment, housing, health and civil rights of the Hispanic population of the United States. Civic engagement is a core element of LULAC's work unifying the organization's policy goals. Through civics and citizenship education, voter registration, get-out-the-vote campaigns LULAC encourages its members to be involved in democratic government at every level.

Founded in Texas in 1927, LULAC now has 325,000 members across the United States and Puerto Rico. Texas remains a significant center of LULAC's energy and pride; thousands of LULAC members live in Texas, including a significant number of voters in Representative Wu's district.

## INTRODUCTION

This case is not about redistricting. It is about whether the Governor of Texas can remove a state legislator for exercising one of his legislative prerogatives granted by the Texas Constitution—participating in a quorum break in order to deprive the Texas House of Representatives of its necessary quorum to prevent a vote from taking place. As this Court recognized in *In re Turner*, 627 S.W.3d 654, 660 (Tex. 2021), legislators “absent themselves” in order to express their “opposition” and “in order to prevent passage of [ ] legislation.” This behavior is the exact opposite of “abandonment.” It is exercising a legislative tool granted by the Texas Constitution in order to protect a legislative minority. It is no accident that in the history of Texas,



no Governor has sought the removal of a state legislator for participating in a quorum break. A ruling granting the Governor the power to remove here would render the quorum requirement a nullity, upend the carefully-crafted separation of powers in the Texas Constitution, and overturn the will of the voters by gubernatorial fiat.

For the first time in the history of Texas, the Governor has asked this Court to remove a duly elected member of the Texas House of Representatives based on the member's use of a legislative option that is recognized by the Texas Constitution and has been exercised by state lawmakers at various times for more than 150 years in Texas. In so doing, the Governor is asking this Court to deprive citizens of the State of representation by their elected representative. The Governor seeks to wield power neither the Constitution of Texas nor the Constitution of the United States provides him. This Court should deny the Governor's request.

## **ARGUMENT**

### **I. The Governor Lacks the Power to Bring a *Quo Warranto* Petition Against a State Legislator**

Governor Abbott's Petition to remove a duly elected member of the Texas House of Representatives from his office because of that member's decision to participate in a quorum break during a Special Session is contrary to Texas's founding documents and years of legal precedent. Procedurally, there is no legal basis for the Governor's *quo warranto* request. As this Court itself has recognized,

“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 Cnty.*, 697 S.W.3d 142, 152 (Tex. 2024) (orig. proceeding). The Attorney General has publicly confirmed the lack of legal basis for the Governor’s request.

Under Texas law, an action for *quo warranto* is available if “a public officer does an act or allows an act that by law causes a forfeiture of his office” and must be brought by “the attorney general or the county or district attorney of the proper county,” who “may petition the district court of the proper county or a district judge if the court is in vacation for leave to file an information in the nature of quo warranto.” *See* Tex. Civ. Prac. & Rem. Code § 66.001. This provision does not confer authority on the Governor to institute this action.

The Governor separately suggests he has authority under Article V, Section 3 of the Texas Constitution to bring an action in this Court. That provision notes that the Legislature “may confer original jurisdiction on the Supreme Court to issue writs of *quo warranto*,” *see* Tex. Const. art. V, § 3 (Feb. 15, 1876). The Texas legislature has, accordingly, authorized the Supreme Court to issue writs against “any officer of state government except the governor.” *See* Tex. Gov’t Code § 22.002(a). Asserting that Representative Wu is an “officer of state government,” the Governor asks this Court to issue a writ under Article V, Section 3 and State Government Code Section 22.002(a). But this Court’s jurisprudence has long construed the term

“officer of state government” narrowly and so as not to include *any elected official* in the state. The term is only intended “to include only such state officers as are charged with the general administration of state affairs, namely, the heads of the state departments.” *Betts v. Johnson*, 73 S.W. 4, 5 (Tex. 1903); *see also In Re Nolo Press/Folk Law, Inc.*, 991 S.W.2d 768 (Tex. 1999) (“We have construed this phrase to refer, not to every State official at every level, but only to chief administrative officers-the heads of State departments and agencies who are charged with the general administration of State affairs.”).

While *amici* do not recite every jurisdictional barrier to the Governor’s petition in this Court, for the reasons explained *supra* and in the Respondent’s principal brief, the Governor’s argument that this Court can grant his unilateral request to remove a duly elected official from his office is without merit.

## **II. In Using a Constitutionally-Enabled Tactic, Representative Wu Has Not “Abandoned” His Office**

Representative Wu has not abandoned his office by virtue of participating in a quorum break. And the Governor does not have the legal authority to declare a vacancy unilaterally.

The question whether an official has “abandoned” his or her office is a fact question to be resolved in court. *See, e.g., Honey v. Graham*, 39 Tex. 1, 7 (1873). Abandonment requires an intent to abandon. “The failure to perform the duties

pertaining to the office must be with actual or imputed intention on the part of the officer to abandon and relinquish the office.” *Steingruber v. City of San Antonio*, 220 S.W. 77, 78 (Tex. Comm’n App. 1920).

Governor Abbott asserts that Representative Wu has “abandoned” his office because he is absent from the chamber. But public evidence demonstrates that Representative Wu has no such intention. He has stated that he is fulfilling his “constitutional duty” through leaving the chamber. *See* Richards, Zoe, *Gov. Greg Abbott Sues To Remove Houe Democratic Caucus Chair In Redistricting Standoff*, NBC News, Aug. 5, 2025. Not only has Representative Wu himself denied any intent to abandon his office, *see* Oppenheim, Oren *et al.*, *Texas Republicans say “Hunt Down” Democrats Who Are Leaving Over Redistricting* ABC News, Aug. 3, 2025 (“We’re not walking out on our responsibilities”), but there also is no precedent in Texas history or law to conclude that lawmakers who exercising their right to break quorum have abandoned the office. On the contrary, the decision by a lawmaker to exit the chamber for the purpose of breaking a quorum is a longstanding legislative tactic, created by the Texas Constitution and recognized by this Court.

Article III Section 10 of the Texas Constitution states precisely the quorum requirement—“two-thirds of the House shall constitute a quorum to do business.” Tex. Const. art. III, § 10 (Feb. 15, 1876). “[A] requirement of a majority quorum for lawful operations in each House of the legislature is the usual

constitutional requirement, and, as such, is a distinguishing characteristic of any democratic constitution.” Tex. Const. art. III, § 10, interp. Commentary. But Texas’s requirement of a two-thirds for a quorum was no historical accident. Texas chose a different path to protect against a tyranny of the majority. As respected commentary on the Texas Constitution notes:

[T]he framers of the Texas Constitutions since the days of the Republic have been of a cautious nature somewhat distrustful of the legislature, and thus have required the presence of two-thirds of each house to constitute a quorum. It has been the belief that it is necessary to make the quorum large in order to prevent legislation from being carried through suddenly by minorities with little or no deliberation. Therefore a quorum in the Texas Legislature will require the presence of 100 Representatives and 21 Senators.

*Id.* This two-thirds requirement is unique to Texas and just a few other states that have a particular historical interest in limiting government’s power. As one Texas constitutional historian has noted, Texans have “long been suspicious of their government and desirous of limiting its powers.”<sup>1</sup> This Court has recognized that the Texas Constitution, through its quorum requirement, provides a “right of a legislative minority to resist legislation.” *In re Abbott*, 628 S.W.3d 288, 292 (Tex. 2021).

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<sup>1</sup> Klimanoff, Elanor, Abbott's bid to expel the House Democratic leader goes to a court filled with his appointees, Texas Tribune, Aug. 7, 2025 ("Texas is one of these high-threshold states. A two-thirds quorum has been required by the Texas Constitution since 1845, an uncontroversial proposal for a people who have “long been suspicious of their government and desirous of limiting its powers,” said Texas constitutional historian Bill Chriss.").

Since 1870 Texas lawmakers have seen fit, from time to time, to be absent from the chamber of the House to deprive the body of a quorum. Lawmakers have absented themselves to further their duty to *represent* their communities, not to abandon their responsibilities to do so. In 2021, this Court recognized that members who opposed voting legislation “broke[] quorum to further their opposition...cho[osing] to continue to absent themselves in order to prevent passage of voting legislation.” *In re Turner*, 627 S.W.3d 654, 660. Similar tactics were employed in 2003, *Davis v. Burnam*, 137 S.W.3d 325, 329 (Tex. App. 2004) (“Their intent was to break quorum in the House to prevent a vote on proposed Texas Congressional district boundaries then on the legislative agenda.”), and in earlier years.

A Governor has never attempted to remove a member from office when lawmakers have broken quorum—for good reason. In addition to the Texas Constitution itself recognizing the right of members to oppose actions through quorum breaking, the Texas Constitution also limits significantly the power of the Governor. *See, e.g.*, Tex. Const. art. IV, § 1 interp. Commentary (stating a plural executive “makes for a separation of powers within the executive department itself”). Whatever “suspicion” Texans may have of the legislature, *see* Tex. Const. art. III, § 10, interp. Commentary, they have *an even greater suspicion* of consolidated executive power. For this Court to grant a unilateral request from the

Governor to remove an elected representative from office without any fact-finding and based only on the Governor's word that the member "abandoned" his office would turn the Texas Constitution's quorum requirement on its head. It would also over-ride the Constitution's limitations on the Governor's power. Such actions threaten to create a Constitutional crisis in the state and to harm Texans who trust our system of government to ensure they are represented by lawmakers chosen by the people, not the Governor.

### **III. The Governor's Attempt to Remove an Elected Lawmaker from Office Undermines the Will of the People and Democracy Itself**

The ability of individuals to choose their lawmakers is the foundation of the Republic both in the state of Texas and in the United States. Granting Governor Abbott's request would not just create a Constitutional crisis, it would also create a fundamental crisis for Texas's democratic Republic.

The Texas Constitution commands that:

All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Tex. Const. art. I, § 2 (Feb. 15, 1876). Yet the Governor's request would take power away from the people—substituting the Governor's dictates for the will of the voters

who elected Representative Wu. *Cf. Powell v. McCormack*, 395 U.S. 486, 547 (1969) (“A fundamental principle of our representative democracy is, in Hamilton’s words, ‘that the people should choose whom they please to govern them.’” (quoting 2 Elliot’s Debates 257) (declaring vote of Congress to expel a member unlawful).

*Amici* are institutions committed to the ability of people to be represented by elected officials they choose. *Amici* have thousands of members of the voting public within their memberships, including members represented by Representative Wu. The Governor’s request that this Court invalidate these members’ choice implicates not only the Texas Constitution’s guarantee of a Republican form of government based on and instituted for the benefit of the people, but also on a range of protections afforded by the United States Constitution, including the First Amendment right to freedom of speech and expression and the Fourteenth Amendment’s right to equal protection under the law. *E.g. Williams v. Rhodes*, 393 U.S. 23, 30 (1968) (freedom of association includes “the right of qualified voters, regardless of their political persuasion, to cast their votes effectively”); *Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 787 (1983).

The Governor’s removal of a legislative representative also infringes on the separation of powers. The legislative branch has its own mechanism to remove members—namely, a two-thirds vote of the chamber to expel a fellow member. Tex. Const. art. III, § 11. The Texas Constitution—unlike that of the federal



government—has a provision explicitly mandating the separation of powers. Article II, section 1, is strongly worded:

The powers of the Government of the State of Texas *shall* be divided into three distinct departments, each of which *shall* be confided to a separate body of magistracy, to wit: Those which are Legislative to one, those which are Executive to another, and those which are Judicial to another; *and no person*, or collection of persons, being of one of these departments, *shall exercise any power properly attached to either of the others*, except in the instances herein expressly permitted.

Tex. Const. art. II, § 1 (emphases added). Allowing the Governor to usurp the removal function vested in the House further undermines Texas’s democratic structure and consolidates executive power in exactly the manner that the Texas Constitution’s drafters sought to avoid. *See, e.g.*, Texas House Rule 5A(3) (providing the options, at House's discretion, for addressing absent members).

It is not hyperbole to say that this action places the democratic Republic on a treacherous slope. If a Governor can use this Court to accomplish removal of a duly elected representative because of a disagreement with that elected representative’s tactics for governing, what will prevent the Governor from removing more lawmakers based on a political disagreement with them? If lawmakers chosen by the people can be removed for their actions advocating in good faith on behalf of the voters, what, then, is the significance of elections? Because these questions answer themselves and those answers would place Texas and the rights of Texans on an

existentially dangerous trajectory, this Court should deny the Governor's request.

## CONCLUSION

The Governor's emergency petition to this Court began by asking the question: What is at stake here? The clear answer is the political power vested in the people, *see* Tex. Const. art. I, § 2, and democracy in the State of Texas. Because the Governor's emergency application is contrary to the Texas Constitution's quorum requirement, contrary to this Court's caselaw recognizing participating in a quorum break as a legislative function, and contrary to the imperative of a Republican form of government by allowing a Governor to remove a duly-elected state legislator based on his use of a Constitutionally recognized legislative tactic, this Court should deny the petition.

Respectfully submitted,

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## **CERTIFICATE OF COMPLIANCE**

The undersigned counsel certifies that this petition complies with the typeface requirements of TEX. R. APP. P. 9.4(e), because it has been printed in a conventional typeface no smaller than 14-point except for footnotes, which are no smaller than 12-point. This document also complies with the word-count limitations of TEX. R. APP. P. 9.4(i), because it contains less than 3500 words, excluding any parts exempted by TEX. R. APP. P. 9.4(i)(1).

/s/ Skye L. Perryman  
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## **CERTIFICATE OF SERVICE**

On August 8, 2025, I electronically filed this Amicus Brief in Support of Respondent Gene Wu with the Clerk of Court using the eFile.TXCourts.gov electronic filing system, which will send notification of the filing to all parties of record.

/s/ Skye L. Perryman  
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