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NEWS RELEASE

TEXAS ATTORNEY GENERAL CONFIRMS ILLEGALITY OF 'EARLY TO RISE' BALLOT INITIATIVE *Opinion Reaffirms Decision By County Judge Ed Emmett*

The Texas Attorney General's Office confirmed today that last year's attempt to force a petition-initiated tax increase for the Harris County Department of Education violated state law. The opinion, released today in response to a request by state Sen. Dan Patrick, chairman of the Senate Education Committee, confirms a decision by Harris County Judge Ed Emmett last year not to allow the proposal on the Nov. 5, 2013, ballot.

Using a repealed section of state law, a group named Early To Rise collected more than 80,000 signatures in an effort to force Emmett to place the tax increase on the November ballot. Proceeds from that tax increase were to be directed to an early childhood education training program operated by the Harris County School Readiness Corp., a private group.

After researching the issue and consulting with education law experts, Emmett rejected the advice of the Harris County Attorney and concluded that the arcane law the group tried to use to force the tax increase did not apply. The group then sued Emmett to force the issue on the ballot, but the 14th Court of Appeals refused to overturn Emmett's decision.

Texas Attorney General Greg Abbott released a legal opinion today stating that state laws "do not authorize a countywide school district to hold a petition-initiated election to increase the county equalization tax."

"I am grateful for the attorney general's clear opinion today confirming the illegality of the Early To Rise initiative," Emmett said. "Despite numerous threats of lawsuits, it was clear to me that this bizarre proposal was illegal and wrong-headed. It's gratifying to have the confirmation of both the appellate court and the state of Texas."