

RECORD OF PROCEEDINGS

of the

HIGH COURT OF IMPEACHMENT

On the Trial of
Warren Kenneth Paxton Jr, Attorney General of Texas

THE SENATE OF THE STATE OF TEXAS

SITTING AS A HIGH COURT OF IMPEACHMENT

TENTH DAY

(Saturday, September 16, 2023)

APPEARANCES

Mr. Rusty Hardin, Ms. Lara Hudgins Hollingsworth, Ms. Jennifer Brevorka, Ms. Megan Moore, Mr. Daniel Dutko, Ms. Leah M. Graham, Mr. Armstead Lewis, Ms. Aisha Dennis, Mr. Dick DeGuerin, Mr. Mark White III, Ms. Harriet O'Neill, Ms. Erin M. Epley, Mr. Mark E. Donnelly, Ms. Terese Buess, Ms. Donna Cameron, Mr. Brian Benken, Ms. Stella Jares, Mr. Dan McAnulty, Mr. Jim Yarbrough, on behalf of the House Board of Managers.

Mr. Tony Buzbee, Mr. Anthony Dolcefino, Mr. Colby Holler, Mr. Dan Cogdell, Mr. Anthony Osso, Mr. Christopher D. Hilton, Ms. Allison M. Collins, Ms. Amy S. Hilton, Ms. Kateland R. Jackson, Mr. Joseph N. Mazzara, Mr. J. Mitchell Little, Attorneys for Respondent.

PROCEEDINGS

(11:08 a.m.)

THE BAILIFF: All rise. The Court of Impeachment of the Texas Senate is now in session. Your Honor Lieutenant Governor and President of the Senate Dan Patrick now presiding.

PRESIDING OFFICER: Bailiff, please bring in the jury.

(Senate members enter the Senate chamber)

PRESIDING OFFICER: Good morning, everyone. We will be led in prayer, as we do every day when we're in session. Today is Senator Lois Kolkhorst.

SENATOR KOLKHORST: Thank you, Mr. President. I – I want to take just one moment to say a word to you on behalf of this body for the leadership in presiding over this Court of Impeachment. The seriousness, the gravity, the constitutional duty that we had, you have done a marvelous job, and it truly has been remarkable your dedication to the people of the State of Texas. Thank you.

(Applause)

Chairman Birdwell, for all of us, thank you for your work group, your rules work group. And those that were on the rules work group, thank you so much for all that you have done.

And, finally, to our staff, oh, my goodness, thank you-all. I know that we've thanked the Senate staff, but thank you to our staffs that have prepared us for this. Please give them a . . .

(Applause)

Let us go to the Lord in prayer. Dear Lord, we come to you today with our hearts and minds turned to you and what is written in Isaiah: For the Lord is our judge. The Lord is our lawgiver. The Lord is our King. We have so much to be thankful for, all that you have given us, bestowed upon us, and the responsibilities that you have placed upon us. Give us wisdom, discernment, and most of all peace as decisions are made today. And no matter the outcome, we know that you are the alpha and the omega, the beginning and end who is and who was and who is to come, the Almighty. Amen.

PRESIDING OFFICER: And thank you, Senator. You may be seated.

To those in the gallery and those watching, many of you aren't familiar with the Senate regular sessions, but a lot of denominations, a lot of beliefs on our Senate floor, but we pray before every session. And during the last week of session when we're here that Sunday, we have a – we have a Bible study back there that most of the Senators attend. Then we come out here, as we did this year. We stand in a circle, and we hold each others' hands, and we pray because we know who we answer to ultimately in all the things we do, all 31 members on this floor. And it helps bring us together when we deal with difficult issues.

Members, I've been informed by Senator Birdwell, the chairman of the rules committee, that you are now prepared to vote on 16 Articles of Impeachment. As you recall, during the pretrial motions, you will write your vote down on a piece of paper. It'll be collected by the bailiffs. Our clerk, Patsy Spaw, our – Secretary of the Senate is her official title, but Clerk of this Court, she'll read those at random. That's different than we normally vote, for everyone to know, because we normally vote in alphabetical order. And this way, there's – there's no pressure on someone at the front, the middle, or the back of the alphabet. So this way, it's pulled out at random, and then I will confirm your vote as we go through each article.

Members, you will now vote on Article I. I will read the article for you each time.

Disregard of official duty, protection of charitable organization.

While holding office as attorney general, Warren Kenneth Paxton violated the duties of his office by failing to act as public protector of charitable organizations as required by Chapter 123 of the property code.

Specifically, Paxton caused employees of his office to intervene in a lawsuit brought by the Roy F. And JoAnn Cole Mitte Foundation against several corporate entities controlled by Nate Paul. Paxton harmed the Mitte Foundation in an effort to benefit Paul.

A yea vote is to convict; a nay vote is to acquit. Please mark your ballots on the voting form.

And, again, for everyone watching, of the 16 articles, if he is convicted on one article, he is removed from office.

Looks like everyone has finished writing. Bailiffs, please collect the ballots.

All of the ballots in, bailiffs? Thank you.

THE CLERK: Gutierrez, yea.

Johnson, yea.

Springer, nay.

Schwertner, nay.

Campbell, nay.

Nichols, yea.

Blanco, yea.

La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, yea.

Hancock, yea.

Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Alvarado, yea.

PRESIDING OFFICER: Reminding the people in the gallery and watching, it takes 21 votes to convict on any one article.

THE CLERK: 14 yeas; 16 nays.

PRESIDING OFFICER: I will now confirm the votes.

Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Yea.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: Total 14 yeas, 16 nays. A finding of acquittal is entered as to Article I.

Members, you will now vote on Article II, disregard of official duty, abuse of the opinion process.

While holding office as attorney general, Warren Kenneth Paxton misused his official power to issue written legal opinions under Subchapter C, Chapter 402 Government Code.

Specifically, Paxton caused employees of his office to prepare an opinion in an attempt to avoid the impending foreclosure sales of properties belonging to Nate Paul or business entities controlled by Paul. Paxton concealed his actions by soliciting the chair of a Senate committee to serve as a straw requester. Furthermore, Paxton directed employees of his office to reverse their legal conclusion for the benefit of Paul.

Please fill out your forms.

I believe you can collect the ballots, bailiff. All the ballots are turned in. The clerk will read when ready.

THE CLERK: La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Springer, nay.

Schwertner, nay.

Campbell, nay.

Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

Blanco, yea.

Nichols, yea.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, yea.

Kolkhorst, nay.

Hancock, yea.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Alvarado, yea.

14 yeas; 16 nays.

PRESIDING OFFICER: I will now poll the jury to confirm the votes.
Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?
SENATOR CREIGHTON: Nay.
PRESIDING OFFICER: Senator Eckhardt?
SENATOR ECKHARDT: Yea.
PRESIDING OFFICER: Senator Flores?
SENATOR FLORES: Nay.
PRESIDING OFFICER: Senator Gutierrez?
SENATOR GUTIERREZ: Yea.
PRESIDING OFFICER: Senator Hall?
SENATOR HALL: Nay.
PRESIDING OFFICER: Senator Hancock?
SENATOR HANCOCK: Yea.
PRESIDING OFFICER: Senator Hinojosa?
SENATOR HINOJOSA: Yea.
PRESIDING OFFICER: Senator Huffman?
SENATOR HUFFMAN: Nay.
PRESIDING OFFICER: Senator Hughes?
SENATOR HUGHES: Nay.
PRESIDING OFFICER: Senator Johnson?
SENATOR JOHNSON: Yea.
PRESIDING OFFICER: Senator King?
SENATOR KING: Nay.
PRESIDING OFFICER: Senator Kolkhorst?
SENATOR KOLKHORST: Nay.
PRESIDING OFFICER: Senator La Mantia?
SENATOR LA MANTIA: Yea.
PRESIDING OFFICER: Senator Menendez?
SENATOR MENENDEZ: Yea.
PRESIDING OFFICER: Senator Middleton?
SENATOR MIDDLETON: Nay.
PRESIDING OFFICER: Senator Miles?
SENATOR MILES: Yea.
PRESIDING OFFICER: Senator Nichols?
SENATOR NICHOLS: Nay.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: There being 14 yeas, 16 nays, a finding of acquittal is entered for Article II.

Members, you will now be voting on Article III, disregard of official duty, abuse of the open records process.

While holding office as attorney general, Warren Kenneth Paxton misused his official power to administer the public information law, Chapter 552 of the Government Code.

Specifically, Paxton directed employees of his office to act contrary to law by refusing to render a proper decision relating to a public information request for records held by the Department of Public Safety and by issuing a decision involving another public information request that was contrary to law and applicable to legal precedent.

A yea vote is to convict; a nay vote is to acquit. Please mark your ballot.

You may collect the ballots. You've collected all the ballots. Thank you. Secretary – the clerk will read them when ready.

THE CLERK: La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Springer, nay.

Schwertner, nay.

Blanco, yea.

Campbell, nay.
Nichols, yea.
West, yea.
Whitmire, yea.
Huffman, nay.
Hinojosa, yea.
Zaffirini, yea.
Hancock, yea.
Menendez, yea.
Birdwell, nay.
Hall, nay.
Perry, nay.
Kolkhorst, nay.
Bettencourt, nay.
Creighton, nay.
Middleton, nay.
Alvarado, yea.
Eckhardt, yea.
King, nay.
Sparks, nay.
Flores, nay.
14 yeas; 16 nays.

PRESIDING OFFICER: I'll now confirm the voting.
Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Please speak up.

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Okay. I can barely hear you.
Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: There being 14 ayes, 16 nays, the finding of acquittal is entered for Article III.

Members, you are now voting on Article IV, disregard of official duty, misuse of official information.

While holding office as attorney general, Warren Kenneth Paxton misused his official power to administer the public information law, Chapter 552 of the Government Code. Specifically, Paxton improperly obtained access to information held by his office that had not been publicly disclosed for the purpose of providing information to the benefit of Nate Paul.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your ballots.

Please collect the ballots. All the ballots are in. Clerk will read at random the votes.

THE CLERK: Hancock, nay.

Menendez, nay.

Birdwell, nay.

Hall, nay.

Perry, nay.

Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Alvarado, nay.

Eckhardt, nay.

King, nay.

Sparks, nay.

Flores, nay.

Blanco, nay.

La Mantia, nay.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, nay.

Springer, nay.

Schwertner, nay.

Campbell, nay.

Nichols, nay.

West, nay.

Whitmire, nay.

Huffman, nay.

Hinojosa, nay.

Zaffirini, nay.

Two yeas, 28 nays.

PRESIDING OFFICER: Let me confirm the votes.

Senator Alvarado?

SENATOR ALVARADO: Nay.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Nay.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Nay.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Nay.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Nay.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Nay.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Nay.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Nay.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senate Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Nay.

PRESIDING OFFICER: Senator Miles, did you say "nay"?

SENATOR MILES: Yea.

PRESIDING OFFICER: Nay, okay. You said "yea"? Okay. I just wanted to confirm that. Okay. It is yea. Okay.

Senator Nichols? Senator Nichols, nay, did you say?

SENATOR NICHOLS: Nay.

PRESIDING OFFICER: Okay. Sorry. I couldn't hear you.
Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Nay.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Nay.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Nay.

PRESIDING OFFICER: 28 nays; 2 yeas. A finding of acquittal is entered for Article IV.

Members, you will now vote on Article V, disregard of official duty, engagement of Cammack.

While holding office as attorney general, Warren Kenneth Paxton misused his official powers by violating the laws governing the appointment of prosecuting attorneys pro tem.

Specifically, Paxton engaged Brandon Cammack, a licensed attorney, to conduct an investigation into a baseless complaint during which Cammack issued more than 30 grand jury subpoenas in an effort to benefit Nate Paul or Paul's business entities.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your ballots.

I think they are marked. Bailiffs may pick up. All the ballots are in. The clerk will read them at random.

THE CLERK: Campbell, nay.

Nichols, nay.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, yea.

La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Springer, nay.

Schwertner, nay.

Hancock, yea.

Menendez, yea.

Birdwell, nay.
Hall, nay.
Perry, nay.
Kolkhorst, nay.
Bettencourt, nay.
Creighton, nay.
Middleton, nay.
Alvarado, yea.
Eckhardt, yea.
King, nay.
Sparks, nay.
Flores, nay.
Blanco, yea.
13 yeas; 17 nays.

PRESIDING OFFICER: I'll confirm the votes. Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco.

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Huff – Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King? Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Nay.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: 13 yeas; 17 nays. A finding of acquittal is entered for Article V.

Members, you will now be voting on Article VI, disregard of official duty, termination of whistleblowers.

While holding office as attorney general, Warren Kenneth Paxton violated the duties of his office by terminating and taking adverse personal action against employees of his office in violation of this state's whistleblower law, Chapter 554 of the Government Code.

Specifically, Paxton terminated employees of his office who made good-faith reports of his unlawful actions to law enforcement authorities. Paxton terminated the employees without good cause or due process and in retaliation for reporting his illegal acts and improper conduct. Furthermore, Paxton engaged in a public and private campaign to impugn the employees' professional reputations or prejudice their future employment.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your ballots.

Austin and Matt, you've collected all the ballots. Secretary will read them at random. The clerk will read them at random.

THE CLERK: Campbell, nay.

Schwertner, nay.

Springer, nay.

Johnson, yea.

Gutierrez, yea.

Miles, yea.

Hughes, nay.

Parker, nay.

La Mantia, yea.

Blanco, yea.

Zaffirini, yea.

Hinojosa, yea.

Huffman, nay.

Whitmire, yea.

West, yea.

Nichols, yea.

Hancock, yea.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Alvarado, yea.

Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

14 yeas; 16 nays.

PRESIDING OFFICER: I'll confirm the votes.

Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: There being 14 yeas and 16 nays, a finding of acquittal is entered for Article VI.

Members, we will now move on to – for you to vote on Article VII, misapplication of public resources, whistleblower investigation and report. While holding office as attorney general, Warren Kenneth Paxton misused public resources entrusted to him.

Specifically, Paxton directed employees of his office to conduct a sham investigation into whistleblower complaints made by employees whom Paxton had terminated and to create and publish a lengthy written report containing false and misleading statements in Paxton's defense.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your ballots.

You may collect the ballots. I see all the ballots collected. Secretary will read them at random.

THE CLERK: Springer, nay.

Schwertner, nay.

Campbell, nay.

Nichols, yea.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, yea.

Blanco, yea.

La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Alvarado, yea.

Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

Hancock, yea.

14 yeas; 16 nays.

PRESIDING OFFICER: I'll poll the jury to be sure to confirm the votes.
Senator Alvarado?

SENATOR ALVARADO: Yea.
PRESIDING OFFICER: Senator Bettencourt?
SENATOR BETTENCOURT: Nay.
PRESIDING OFFICER: Senator Birdwell?
SENATOR BIRDWELL: Nay.
PRESIDING OFFICER: Senator Blanco?
SENATOR BLANCO: Yea.
PRESIDING OFFICER: Senator Campbell?
SENATOR CAMPBELL: Nay.
PRESIDING OFFICER: Senator Creighton?
SENATOR CREIGHTON: Nay.
PRESIDING OFFICER: Senator Eckhardt?
SENATOR ECKHARDT: Yea.
PRESIDING OFFICER: Senator Flores?
SENATOR FLORES: Nay.
PRESIDING OFFICER: Senator Gutierrez?
SENATOR GUTIERREZ: Yea.
PRESIDING OFFICER: Senator Hall?
SENATOR HALL: Nay.
PRESIDING OFFICER: Senator Hancock?
SENATOR HANCOCK: Yea.
PRESIDING OFFICER: Senator Hinojosa?
SENATOR HINOJOSA: Yea.
PRESIDING OFFICER: Senator Huffman?
SENATOR HUFFMAN: Nay.
PRESIDING OFFICER: Senator Hughes?
SENATOR HUGHES: Nay.
PRESIDING OFFICER: Senator Johnson?
SENATOR JOHNSON: Yea.
PRESIDING OFFICER: Senator King?
SENATOR KING: Nay.
PRESIDING OFFICER: Senator Kolkhorst?
SENATOR KOLKHORST: Nay.
PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: 14 ayes; 16 nays. A finding of acquittal is entered as to Article VII.

Members, you will vote on Article VIII, disregard of official duty, settlement agreement.

While holding office as attorney general, Warren Kenneth Paxton misused his official powers by concealing his wrongful acts in connection with whistleblower complaints made by employees whom Paxton had terminated.

Specifically, Paxton entered into a settlement agreement with the whistleblowers that provides for payment of the settlement from public funds. The settlement agreement stayed the wrongful termination suit and conspicuously delayed the

discovery of facts and testimony at trial, to Paxton's advantage, which deprived the electorate of its opportunity to make an informed decision when voting for attorney general.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your ballots.

You may pick up the ballots. Ballots are collected. Clerk will read them at random.

THE CLERK: Gutierrez, yea.

Johnson, nay.

Springer, nay.

Schwertner, nay.

Campbell, nay.

Nichols, yea.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, nay.

Blanco, yea.

La Mantia, nay.

Parker, nay.

Hughes, nay.

Miles, nay.

Eckhardt, nay.

Hancock, nay.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Alvarado, yea.

King, nay.

Sparks, nay.

Flores, nay.

8 yeas; 22 nays.

PRESIDING OFFICER: Confirming the votes.
Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Nay.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Nay.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Nay.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Nay.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: We have you marked as a nay on here. Did you say "yea" or "nay"?

SENATOR MILES: I'm sorry. Number 9, nay.

PRESIDING OFFICER: You're nay. Okay.
Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry? Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Nay.

PRESIDING OFFICER: There being 8 yeas and 22 nays, a finding of acquittal is entered for Article VIII.

Members, you will now vote on Article IX, constitutional bribery, Paul's employment of mistress.

While holding office as attorney general, Warren Kenneth Paxton engaged in bribery in violation of Section 41, Article XVI, Texas Constitution.

Specifically, Paxton benefitted from Nate Paul's employment of a woman with whom Paxton was having an extramarital affair. Paul received favorable legal assistance from or specialized access to the Office of the Attorney General.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your voting form.

I believe you can collect. All ballots collected. Secretary – clerk of the court will read at random.

THE CLERK: Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Alvarado, yea.

Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

Hancock, nay.

Blanco, yea.

La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Springer, nay.

Schwertner, nay.

Campbell, nay.

Nichols, nay.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, yea.

12 yeas; 18 nays.

PRESIDING OFFICER: Confirming the vote.

Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?
SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?
SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?
SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?
SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?
SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?
SENATOR HANCOCK: Nay.

PRESIDING OFFICER: Senator Hinojosa?
SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?
SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?
SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?
SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?
SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?
SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?
SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?
SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?
SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?
SENATOR MIDDLETON: Yea.

PRESIDING OFFICER: Senator Nichols?
SENATOR NICHOLS: Nay.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: There being 12 yeas and 18 nays, a finding of acquittal is entered for Article IX.

We have 16 total articles to vote on. We are now on Article Number X, constitutional bribery, Paul's providing renovations to the Paxton home.

While holding office as attorney general, Warren Kenneth Paxton engaged in bribery in violation of Section 41, Article XVI, Texas Constitution.

Specifically, Paxton benefitted from Nate Paul providing renovations to Paxton's home. Paul received favorable legal assistance from or specialized access to the Office of the Attorney General.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your ballots.

You may collect the ballots. All ballots are collected. Clerk will read them at random.

THE CLERK: Springer, nay.

Schwertner, nay.

Campbell, nay.

Nichols, yea.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

PRESIDING OFFICER: Matt, can you come forward, please?

This ballot was not marked, Senator Zaffirini, so we're going to return it to you. This is Article X. Since you have recorded 72,000 consecutive ballots and votes since the mid '80s as a Senator, I didn't want you to miss one. I'm looking out for you.

THE CLERK: Zaffirini, yea.

Blanco, yea.

La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Alvarado, yea.

Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

Hancock, yea.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

14 yeas; 16 nays.

PRESIDING OFFICER: I'll confirm the votes.
Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: There being 14 yeas, 16 nays, a finding of acquittal is entered as to Article X.

And if you've joined us in mid-session online, it takes 21 votes to convict, and the attorney general is removed from office if he's convicted on just one of the 16 articles.

We are now to Article XI. I'm sorry. It's Article XV because we skipped a few numbers.

Excuse me.

False statements in official records, whistleblower response report. This is Article XV.

While holding office as attorney general, Warren Kenneth Paxton made false or misleading statements in official records to mislead both the public and public officials.

Specifically, Paxton made or caused to be made multiple false or misleading statements in a lengthy written report issued by his office in response to whistleblower allegations.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your voting form.

You may pick up the ballots. All the ballots are in. The clerk will read them at random.

THE CLERK: Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

Hancock, yea.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Kolkhorst, nay.

Bettencourt, nay.
Creighton, nay.
Middleton, nay.
Alvarado, yea.
Miles, yea.
Gutierrez, yea.
Johnson, yea.
Springer, nay.
Schwertner, nay.
Campbell, nay.
Nichols, yea.
West, yea.
Whitmire, yea.
Huffman, nay.
Hinojosa, yea.
Zaffirini, yea.
Blanco, yea.
La Mantia, yea.
Parker, nay.
Hughes, nay.
14 yeas; 16 nays.

PRESIDING OFFICER: Confirming the vote.
Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: There being 14 aye – yeas and 16 nays, the finding of acquittal is entered for Article XV.

Members, you will now vote on Article XVI, conspiracy and attempted conspiracy.

While holding office as attorney general, Warren Kenneth Paxton acted with others to conspire or attempt to conspire to commit acts described in one or more articles.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your ballots.

I believe you can collect them. All the ballots are in. Clerk will read them at random.

THE CLERK: Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Alvarado, yea.

Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

Hancock, yea.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Schwertner, nay.

Campbell, nay.

Nichols, yea.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, yea.

Blanco, yea.

La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Springer, nay.

14 yeas; 16 nays.

PRESIDING OFFICER: Confirm the votes.

Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Hugh – I'm sorry, Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: 14 yeas; 16 nays. A finding of acquittal is entered for Article XVI. We have four articles remaining.

Members, you are now voting on Article XVII, misappropriation of public resources.

While holding office as attorney general, Warren Kenneth Paxton misused his official powers by causing employees of his office to perform services for his benefit and the benefit of others.

Shall this article of impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your ballots.

You may pick them up. All ballots have been turned in. The clerk will read them in random.

THE CLERK: Alvarado, yea.

Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

Hancock, yea.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

Schwertner, nay.

Campbell, nay.

Nichols, yea.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, yea.

Blanco, yea.

La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Springer, nay.

14 yeas; 16 nays.

PRESIDING OFFICER: Confirming the vote.

Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator – Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Aye.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Aye.

PRESIDING OFFICER: And Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: 14 yeas; 16 nays. A finding of acquittal is entered to Article XVII.

Members, you will now vote on Article XVIII, dereliction of duty.

While holding office as attorney general, Warren Kenneth Paxton violated the Texas Constitution, his oaths of office, statutes, and public policy against public officials acting contrary to the public interest by engaging in acts described in one or more articles.

Shall this Article of Impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your voting form.

I believe you can collect the ballots. All ballots have been collected. The clerk will read them at random.

THE CLERK: Blanco, yea.

LaMantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.
Gutierrez, yea.
Johnson, yea.
Springer, nay.
Schwertner, nay.
Campbell, nay.
Nichols, yea.
West, yea.
Whitmire, yea.
Huffman, nay.
Hinojosa, yea.
Zaffirini, yea.
Menendez, yea.
Birdwell, nay.
Hall, nay.
Perry, nay.
Kolkhorst, nay.
Bettencourt, nay.
Creighton, nay.
Middleton, nay.
Alvarado, yea.
King, nay.
Sparks, nay.
Flores, nay.
Hancock, yea.
Eckhardt, yea.

PRESIDING OFFICER: We're going to recheck them.

THE CLERK: 14 yeas; 16 nays.

PRESIDING OFFICER: Confirming the vote.
Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: There being 14 yeas and 16 nays, a finding of acquittal is entered as to Article XVIII.

Members, you will now vote on Article XIX, unfitness for office.

While holding office as attorney general, Warren Kenneth Paxton engaged in misconduct, private or public, of such character as to indicate his unfitness for office, as shown by the acts described in one or more articles.

Shall this Article of Impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark – please mark your ballots.

You may pick up the ballots. All the ballots are collected. The clerk will read them at random.

THE CLERK: La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Springer, nay.

Schwertner, nay.

Campbell, nay.

Nichols, yea.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, yea.

Hancock, yea.

Menendez, yea.

Birdwell, nay.
Hall, nay.
Perry, nay.
Kolkhorst, nay.
Bettencourt, nay.
Creighton, nay.
Middleton, nay.
Alvarado, yea.
Eckhardt, yea.
King, nay.
Sparks, nay.
Flores, nay.
Blanco, yea.
14 yeas; 16 nays.

PRESIDING OFFICER: Confirming the vote.
Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez.

SENATOR GUTIERREZ: Aye.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: I got it. Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator – Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: 14 yeas; 16 nays. A finding of acquittal is entered for Article XIX.

Members, this is the last article for you to vote on, Article XX, abuse of public trust.

While holding office as attorney general, Warren Kenneth Paxton used, misused, or failed to use his official powers in a manner calculated to subvert the lawful operation of the government of the State of Texas and to obstruct the fair and impartial administration of justice, thereby bringing the Office of Attorney General into scandal and disrepute to the prejudice of public confidence in the government of this state, as shown by the acts described in one or more articles.

Shall this Article of Impeachment be sustained? A yea vote is to convict; a nay vote is to acquit. Please mark your ballots.

Ready to pick up. All ballots are collected. Clerk will read them at random.

THE CLERK: Springer, nay.

Schwertner, nay.

Campbell, nay.

Nichols, yea.

West, yea.

Whitmire, yea.

Huffman, nay.

Hinojosa, yea.

Zaffirini, yea.

Blanco, yea.

La Mantia, yea.

Parker, nay.

Hughes, nay.

Miles, yea.

Gutierrez, yea.

Johnson, yea.

Alvarado, yea.

Eckhardt, yea.

King, nay.

Sparks, nay.

Flores, nay.

Hancock, yea.

Menendez, yea.

Birdwell, nay.

Hall, nay.

Perry, nay.

Kolkhorst, nay.

Bettencourt, nay.

Creighton, nay.

Middleton, nay.

14 yeas; 16 nays.

PRESIDING OFFICER: Confirming the vote.
Senator Alvarado?

SENATOR ALVARADO: Yea.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Nay.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Nay.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Yea.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Nay.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Nay.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Yea.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Nay.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Yea.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Nay.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hino – that was a yea, correct? Senator Hancock, that was a yea?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Nay.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Nay.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Yea.

PRESIDING OFFICER: Senator King?

SENATOR KING: Nay.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Nay.

PRESIDING OFFICER: Senate La Mantia?

SENATOR LA MANTIA: Yea.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Yea.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Nay.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Yea.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Nay.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Nay.

PRESIDING OFFICER: Senator Schwert – Schwertner? Excuse me.

SENATOR SCHWERTNER: Nay.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Nay.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Nay.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Yea.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Yea.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Yea.

PRESIDING OFFICER: There being 14 yeas and 16 nays, a finding of acquittal is entered as to Article XX.

Senator Birdwell, I understand you have a motion.

SENATOR BIRDWELL: Mr. President, under Rule 30(b), I move the dismissal of the remaining Articles of Impeachment, Article XI, Article XII, Article XIII, and Article XIV, that were held in abeyance. A dismissal in this context does not constitute an acquittal of any charge containing the Articles of Impeachment, but would constitute a final decision by the Senate on the Articles of Impeachment, and the impeachment would no longer be pending for purposes of Article XV, Section 5, of the Texas Constitution. The Court of Impeachment would dissolve upon further motion to adjourn sine die, Mr. President.

PRESIDING OFFICER: Members, you still have a blank form on your desk, so you will vote yea as to dismiss the remaining articles; nay is to deny the motion to dismiss. So yea is to dismiss; a nay vote is to deny. Please mark your ballots carefully. A yea vote is to grant the motion; a nay vote is to deny the motion.

Bailiff, you may collect the votes. The ballots have been collected. The clerk will read them at random. This is a simple 16 vote on the motion, not 21.

THE CLERK: Hall, yea.

Perry, yea.

Kolkhorst, yea.

Bettencourt, yea.

Creighton, yea.

Middleton, yea.

Alvarado, nay.

Eckhardt, nay.

King, yea.

Sparks, yea.

Flores, yea.

Hancock, yea.

Menendez, nay.

Birdwell, yea.

Blanco, nay.

La Mantia, nay.

Parker, yea.

Hughes, yea.

Miles, nay.

Gutierrez, nay.

Johnson, nay.

Springer, yea.

Schwertner, yea.

Campbell, yea.

Nichols, yea.

West, nay.

Whitmire, nay.

Huffman, yea.

Hinojosa, yea.

Zaffirini, nay.

19 yeas; 11 nays.

PRESIDING OFFICER: I'll now confirm these votes to grant the motion by Senator Birdwell.

Senator Alvarado?

SENATOR ALVARADO: Nay.

PRESIDING OFFICER: Senator Bettencourt?

SENATOR BETTENCOURT: Yea.

PRESIDING OFFICER: Senator Birdwell?

SENATOR BIRDWELL: Yea.

PRESIDING OFFICER: Senator Blanco?

SENATOR BLANCO: Nay.

PRESIDING OFFICER: Senator Campbell?

SENATOR CAMPBELL: Yea.

PRESIDING OFFICER: Senator Creighton?

SENATOR CREIGHTON: Yea.

PRESIDING OFFICER: Senator Eckhardt?

SENATOR ECKHARDT: Nay.

PRESIDING OFFICER: Senator Flores?

SENATOR FLORES: Yea.

PRESIDING OFFICER: Senator Gutierrez?

SENATOR GUTIERREZ: Nay.

PRESIDING OFFICER: Senator Hall?

SENATOR HALL: Yea.

PRESIDING OFFICER: Senator Hancock?

SENATOR HANCOCK: Yea.

PRESIDING OFFICER: Senator Hinojosa?

SENATOR HINOJOSA: Yea.

PRESIDING OFFICER: Senator Huffman?

SENATOR HUFFMAN: Yea.

PRESIDING OFFICER: Senator Hughes?

SENATOR HUGHES: Yea.

PRESIDING OFFICER: Senator Johnson?

SENATOR JOHNSON: Nay.

PRESIDING OFFICER: Senator King?

SENATOR KING: Yea.

PRESIDING OFFICER: Senator Kolkhorst?

SENATOR KOLKHORST: Yea.

PRESIDING OFFICER: Senator La Mantia?

SENATOR LA MANTIA: Nay.

PRESIDING OFFICER: Senator Menendez?

SENATOR MENENDEZ: Nay.

PRESIDING OFFICER: Senator Middleton?

SENATOR MIDDLETON: Yea.

PRESIDING OFFICER: Senator Miles?

SENATOR MILES: Nay.

PRESIDING OFFICER: Senator Nichols?

SENATOR NICHOLS: Yea.

PRESIDING OFFICER: Senator Parker?

SENATOR PARKER: Yea.

PRESIDING OFFICER: Senator Perry?

SENATOR PERRY: Yea.

PRESIDING OFFICER: Senator Schwertner?

SENATOR SCHWERTNER: Yea.

PRESIDING OFFICER: Senator Sparks?

SENATOR SPARKS: Yea.

PRESIDING OFFICER: Senator Springer?

SENATOR SPRINGER: Yea.

PRESIDING OFFICER: Senator West?

SENATOR WEST: Nay.

PRESIDING OFFICER: Senator Whitmire?

SENATOR WHITMIRE: Nay.

PRESIDING OFFICER: Senator Zaffirini?

SENATOR ZAFFIRINI: Nay.

PRESIDING OFFICER: There being 19 yeas and 11 nays, the motion is granted.

Members, before we adjourn, I'm going to make a couple of remarks to put in the record. Also I want to remind you under Rule 8 of the rules that you passed, each of you can enter a written statement into the record over the next 72 hours. It would have to be in the next 72 hours. I remind you this is an historic event, and as we look back at the last impeachments here, there was much to learn. And you have that

opportunity to leave your thoughts and your remarks, as I will here in a moment for others to look at in case there's another impeach – impeachment at some time in the future of Texas.

However, before I make my remarks, I want to excuse my legal counsel, Judge Lana Myers, who has been just an extraordinary, extraordinary person to work with and has become a great friend, and she's just been terrific, before a Judge on the Fifth Circuit – on the Fifth Court of Appeals, rather, criminal court Judge, and a longtime prosecutor from Dallas. And I could not have done this without you.

(Applause)

Members, I have just a few minutes of comments, about five minutes. I've been unusually quiet for the last three months since the House of Representatives sent the Articles of Impeachment against the attorney general to us on very short notice in the final hours of the regular legislative session. The law requires the Senate to receive the articles and have a trial. And once I realized I would be the Presiding Officer and Judge, I thought it was my duty to be quiet on this issue. Otherwise, how could I oversee a fair trial? I've done my very best to do so the last three months and especially in the last two weeks.

Now that the trial is over, I want to take a few minutes before we close to put a few remarks in the Court record for future Legislatures to read in the event of another impeachment one day on both what the House and Senate did.

Senators, first, I want to once again thank you for doing your work. You all were thorough. You were thoughtful. You were professional. I watched all of you each day listen intently to every word that was said by every witness. Many of you took notes nonstop.

I want to thank the rules committee, Senator Birdwell, the chair. I want to thank the rules committee for their tireless work, Senator Huffman, Senator West, Senator Hinojosa, Senator Creighton, Senator King, Senator Flores. You worked many hours for the last three months. You wrote 31 rules that were approved by the Senate 25 to 3, and those Senators, when you brought them to them, they made adjustments and suggestions to those rules, as you know. It was a collaborative effort from all members.

All of us studied past impeachments from all across the country to learn from the mistakes of past impeachments so we wouldn't make the same errors. Now, the 31 rules weren't perfect, but you can be proud of the rules you passed. They were our guide for these last 90 days or so and through this process.

I want to mention one rule that really stands out to me for future Legislatures, I believe, to follow, and that was putting a reasonable time clock on both parties to present their case. Otherwise, this trial could have lasted, as some others have, for months or at least four or five weeks. Both sides were in agreement immediately on the time clock and how it should be allocated, and I appreciate both parties for your cooperation not only on that – and much of that was actually part of your suggestion as well – but on every rule. I said to both parties when we met here a week before the trial to do a walk-through that we wanted to have a fair trial and protect the integrity of the body, the integrity of this great chamber, and each of you fulfilled that. I was proud of both of you, how you conducted yourselves on the Court.

I feel it's important to set the full record straight on this trial because I want people in the future to have a full picture of what happened and how did we get here. I've spent most of the last 90 days, as many of you have, preparing for this trial. I've issued over 240 subpoenas. I've studied numerous motions, written multiple orders, read hundreds of pages of history, rules, documents, and worked on every detail of this trial with you and with our incredible Secretary of the Senate, the clerk of the court, who turned this chamber into a courtroom and her great staff.

I have had a total view of this process from the very first day the House sent over the Articles of Impeachment to us in May. With all due respect to the House, we didn't need to be told in the final arguments how important this vote was. I believe the quote was, This will, if you're like me, be the hardest and most difficult, the heaviest vote that you will ever cast in your time in the Legislature. This vote will be the vote you're remembered for most. Our members already knew that and have known that for the last three months.

If only the House members who voted for impeachment would have followed that instruction in the House, we may not have been here. In the House the vote to send the Articles of Impeachment against the attorney general to the Senate happened in only a few days with virtually no time for 150 members to even study the articles. The Speaker and his team rammed through the first impeachment of the statewide official in Texas in over 100 years while paying no attention to the precedent that the House set in every other impeachment before.

In the past, the House had transparent and open investigations for all to see, including other House members. The target of the investigation was notified and invited to attend with counsel and given an opportunity to cross-examine the witnesses that were placed under oath before testimony was taken. At the conclusion of past House investigations, the evidence was laid out for weeks for House members to evaluate, not ours, before they took their vote on Articles of Impeachment.

Representative John Smithee, a longtime House member who has argued cases before the Texas Supreme Court, spoke on the House floor during impeachment vote in May. He was one of only 23 who voted against impeachment. Representative Smithee said the House could not legitimately impeach General Paxton on the record because there was no record to send to the Senate. He said the House was not following the rule of law. He said the House approach – and I quote Representative Smithee – "Hang them now and judge them later."

Confirming this, Representative Murr, the chair of the House investigating committee, said on the House floor, the House is not the body that does the fact finding. The fact finding occurs in the Senate, and the oath for any witnesses would occur there. Well, that's just not true. As Representative Smithee said, that's exactly what they did in 1917. He said the last House impeachment of a statewide official in 1917 was Governor Ferguson. John Smithee said it was conducted like a full trial before the House sent it to the Senate. Witnesses were put under oath and cross-examined by the defendant. He said this time no House witnesses were put under oath, and the defendant was denied the right to cross-examine. Representative Smithee told his fellow members the House process was indefensible. Representative Smithee said the House did not follow the rules of evidence, and their case was based on triple hearsay that would never be allowed in court.

I think Representative Smithee's speech was one of the most honest and courageous speeches I've ever heard in the House. And if you want to watch it online, go to YouTube. Look up John Smithee – that's S-m-i-t-h-e-e – his floor speech on the Paxton impeachment. It's an amazing, courageous speech to give when he knew he was only one of 23 not voting for impeachment.

In the next regular session, we should amend the constitution on the issue of impeachment as currently written that allowed this flawed process to happen. Any testimony given in a House impeachment investigation must be given under oath, and the target of that impeachment must be allowed to present with a lawyer to cross-examine the witnesses; otherwise, people can say anything they want without any accountability or need to be truthful because there is no threat of perjury. The House must also give members a minimum of two weeks to review all evidence given under oath before voting on such a serious matter. Had they done those two things, this trial may never have happened.

And when the House sends Articles of Impeachment to the Senate, if they do in the future, the officials should not be put on unpaid leave through the process. The federal system does not allow that. Why do we allow that in Texas? President Clinton and President Trump did not have to step down from the Oval Office from their duties during their impeachment process.

Members, this is not a partisan issue. We owe it to future Legislatures to make these changes so that no future official impeached by the House, whether Republican, Democrat, or Independent, is subject to the way this impeachment process occurred in the House this year.

Millions of taxpayer dollars have been wasted on this impeachment. Thirty-one Senators and a large Senate staff that made this trial possible have put their family life, their jobs, their business on hold for the last three months after already being here from January to June. I'm going to call next week for a full audit of all taxpayer money spent by the House from the beginning of their investigation in March to their final bills they get from their lawyers. We will provide our cost as well that were forced on us by the House impeachment. One big difference: We didn't pay a huge team of outside lawyers and investigators. We did it mostly with our own staffs working endless hours with no extra pay.

As Representative Smithee said, this is not the way it has happened in the past in the House. That's why I believe we've only had two prior impeachments. Our founders expected better. It should have never happened this year, and hopefully it doesn't again unless we address this in the Constitution.

And, finally, members, may God continue to bless the greatest place God ever created on earth, the place we call Texas. We are the envy of the world. We are the America that all America used to be, and that's why people move here from every state in the union by the hundreds of thousands every year.

Members, each of you took an oath on the Sam Houston Bible on the first day of this trial, and I know no matter how you voted, you lived up to that oath in how you saw the evidence. I thank you again for the professionalism you demonstrated every day for the last three months. I'm honored and I'm proud to serve with you as Lieutenant Governor.

Members, a judgment of acquittal – or dismissal on all Articles of Impeachment satisfies Texas Constitution, Article XV, Section 5. I will now sign the final judgment. This judgment will be filed with the Secretary of State, and Attorney General Warren Kenneth Paxton, Jr., is hereby, at this moment, reinstated to office. The President's desk is clear, and there is no pending business before the Senate.

I'm now going to recognize the dean for a highly privileged motion. The next thing I will do is have the jury retire. So lawyers and House Managers, everyone stay in your seats till the – the members of the jury leave.

Senator Whitmire.

SENATOR WHITMIRE: Thank you, Mr. President. I move that the Court of Impeachment is hereby dissolved, and we adjourn sine die pending submission of final judgment to the Secretary of State.

PRESIDING OFFICER: Is there any objection? Hearing none, this concludes the proceedings. The Court of Impeachment is hereby dissolved, and we are adjourned sine die pending submission of the final judgment to the Secretary of State.

Thank you, members.

(Adjourned at 1:10 p.m.)

**JUDGMENT OF THE SENATE
SITTING AS A COURT OF IMPEACHMENT**

**The Senate of
The State of Texas**

Judgment
Court of Impeachment
Warren Kenneth Paxton, Jr.

On September 5, 2023, the case against Warren Kenneth Paxton, Jr. was called and the parties appeared.

The case was tried to the Senate Jury.

Warren Kenneth Paxton, Jr. entered a plea of not guilty to each of the following Articles of Impeachment preferred by the House of Representatives:

Article I, Article II, Article III, Article IV, Article V, Article VI, Article VII, Article VIII, Article IX, Article X, Article XV, Article XVI, Article XVII, Article XVIII, Article XIX, Article XX.

Article XI, Article XII, Article XIII, and Article XIV were held in abeyance.

On September 16, 2023, the Senate Jury voted on the question "Shall this article of impeachment be sustained?" to each article of impeachment. No article of impeachment was sustained and Warren Kenneth Paxton, Jr. is acquitted of each article of impeachment.

Upon motion by Senator Brian Birdwell, a vote was taken by the Senate jury and articles of impeachment Article XI, Article XII, Article XIII, and Article XIV were dismissed. A dismissal of these articles of impeachment does not constitute an acquittal of any charge contained in the articles of impeachment but constitutes a final decision by the Senate on the articles of impeachment and the impeachment is no

longer pending for purposes of Article 15, Section 5, of the Texas Constitution, and Warren Kenneth Paxton, Jr. is hereby reinstated as Attorney General for the State of Texas.

Signed this 16th day of September, 2023.

/s/Dan Patrick

Presiding Officer of the Court of Impeachment

I certify that the above document is a true and correct copy of the final judgment of the Senate, sitting as a Court of Impeachment, on September 16, 2023.

/s/Patsy Spaw

Clerk of the Court of
Impeachment

9-16-2023

Date

STATEMENT SUBMITTED

Senator Menéndez submitted the following statement:

The Texas Constitution allows the House of Representatives to begin and refer articles of impeachment and requires the Texas Senate to impartially try the articles presented before the body. Over the last couple of months, the Texas Senate has prepared to fulfill its duty. As the State Senator for Senate District 26, it was my duty to impartially review the evidence, listen to the arguments presented, and vote to ensure the protection of the public, the preservation of the integrity of a state government, and the foundation of our democracy.

As a member of the Senate, in the Senate Court of Impeachment, the Constitution grants us the heavy duty of ensuring that we impartially review all of the evidence before us. When holding office as an elected official or staff member of an elected official, we must ensure the trust, integrity, and well-being of the public is always placed first. The courage and bravery of the whistleblowers is what we should hope for those who serve the public. While I do not agree with every viewpoint of the whistleblowers, they put the State of Texas first in making a good-faith report to the proper authorities. When one earns the duty of a public servant, we should hope and expect that they hold the values of and service to people, over party and power. Each elected office does not belong to the office holder, it belongs to the people. We are temporary placeholders of office. The decisions we make during our tenure, and especially during this historic Court of Impeachment, will direct the trajectory of our government, democracy, and how it serves the people.

During the Impeachment Trial of Attorney General Warren Kenneth Paxton, Jr., twenty Articles of Impeachment were brought before the Texas Senate and sixteen were tried. The House Board of Managers provided over 3,000 pages of documents and 7 days' worth of testimony. Moreover, each of the whistleblowers testified providing critical evidence to support these articles. It was shocking to me that several public servants, including a decorated Texas Ranger, were mocked throughout the trial.

It is important to note that the Court of Impeachment is not a civil or criminal court. It is not the House's responsibility to give the Senate every single piece of evidence. Rather, the House must prove beyond a reasonable doubt that the Attorney General violated his oath of office, and committed acts outlined in each respective article of impeachment. After a thorough review, I voted to sustain articles of impeachment, as the House Board of Managers met the high burden of proof, beyond a reasonable doubt.

I am incredibly disappointed with the outcome of this trial. Before and during the trial, external forces applied pressure to prevent jurors from voting impartially. After an intense review of the evidence, an acquittal of every article of impeachment condones the morally bankrupt actions of Warren Kenneth Paxton, Jr. Moreover, it sends a message to future whistleblowers that their bravery may not produce justice. The final chapter of this decision is not written, and it is my belief that this outcome will be known as a profound error.

The confidence in our government institutions is derived from a system of checks and balances necessary to ensure that those in positions of authority serve the best interests of the people. In the future, it is my hope and prayer that we do not find ourselves in a similar circumstance, but if you do, I implore you to put the people of Texas first, as that will be the only way we can ensure that the government serves the people and democracy.

MENÉNDEZ

STATEMENT SUBMITTED

Senator Schwertner submitted the following statement:

Pursuant to Rule 8 of Senate Resolution 35, 88th Legislature (1st Special Session), I hereby submit the following statement to be entered into the *Senate Journal* as part of the official record of the Impeachment Trial of Warren Kenneth Paxton Jr., Attorney General of the State of Texas:

I am proud of the deliberative and measured way the Texas Senate conducted the impeachment trial of Warren Kenneth Paxton Jr., the Attorney General of Texas. Simply put, the burden of proof - beyond a reasonable doubt - was not met. Impeachment is a powerful political tool that should be judiciously, thoughtfully, and rarely used.

SCHWERTNER

STATEMENT SUBMITTED

Senator Flores submitted the following statement:

It is my sworn duty to uphold the Constitution and conduct business in a way that brings honor to my district and the state of Texas," said Flores. "My colleagues and I spent countless hours over the course of several months developing robust and fair rules for the procedures of the trial. These rules were in place to honor and maintain the longstanding decorum of the Texas Senate, and allow the Senate to act, as it is constitutionally obligated, as the deliberative body in this process.

The articles of impeachment brought against Attorney General Ken Paxton were serious allegations that warranted a complete and impartial trial. As a juror, I was sworn to the rule of evidence and the rule of law.

The burden of proof in the impeachment trial follows the same standard as criminal proceedings, therefore a vote of conviction required proof beyond a reasonable doubt. Casting my vote was not something I took lightly – these were some of the most somber votes I've cast as a State Senator. I stand staunchly behind my vote after fully considering the evidence provided in this case.

FLORES

STATEMENT SUBMITTED

Senator Nichols submitted the following statement:

I voted to impeach Attorney General Ken Paxton because of the credible testimony I heard and the many thousands of pages of evidence presented during trial.

The evidence included testimony from many of his top staff, including First Assistant AG Jeff Mateer, Deputy First Assistant AG Ryan Bangert, Deputy AG for Legal Counsel Ryan Vassar, Director of Law Enforcement Texas Ranger David Maxwell, Deputy AG for Criminal Justice Mark Penley, Deputy AG for Civil Litigation Darren McCarty and Deputy AG for Policy and Strategic Initiatives Blake Brickman. I believe these individuals displayed tremendous courage by reporting what they witnessed as violations of law.

Their testimony, combined with the totality of all the other evidence presented by the House Board of Managers, proved to me beyond a reasonable doubt that the Attorney General's actions violated Texas law and his oath of office.

The oath I swore, to render a true verdict based on the evidence presented, did not leave room for politics or second guessing. I have - and always will - vote for what I believe is right.

NICHOLS

STATEMENT SUBMITTED

Senator Hinojosa submitted the following statement:

The impeachment of Attorney General Warren Kenneth Paxton, Jr. was a complex trial that encompassed civil, criminal, and political aspects. Unfortunately, politics prevailed over justice. My vote in this trial speaks for itself. I voted to uphold 15 articles of impeachment. The evidence was beyond a reasonable doubt. Regardless of party affiliation, my decision would have remained unchanged had Attorney General Paxton been a Democrat. I voted based on the facts and evidence guided by my oath and the Constitution.

In reflecting upon this situation, I am reminded of a powerful quote from George Orwell's novel, *1984*: "The party told you to reject the evidence of your eyes and ears. It was their final, most essential command." This quote serves as a stark reminder of the dangers of blindly following party lines, even when faced with undeniable evidence.

HINOJOSA

STATEMENT SUBMITTED

Senator Blanco submitted the following statement:

As a member of the Texas Senate and Court of Impeachment, I took a solemn oath to follow the Constitution and carefully evaluate the evidence presented before me. With a profound sense of responsibility and a heavy heart, I honored and upheld that oath that guided my decision to sustain 15 out of 16 articles of impeachment. However, the prevailing sentiment among my Senate colleagues led to his ultimate acquittal.

These votes were historic and consequential, and the gravity of this impeachment trial cannot be overstated. While I disagree with the acquittals based on the evidence presented, we must respect the collective judgment of this body and recommit ourselves to the rule of law and serving the people of Texas.

BLANCO

STATEMENT SUBMITTED

Senator Eckhardt submitted the following statement:

Message in a Bottle to a Future Impeachment Tribunal

While I hope that the level of corruption that was the subject of this Impeachment trial does not continue and is never repeated in the future, I write this to lay out some basic principles gleaned from my review of previous impeachment trials and my experience in this one just concluded. I suggest these three principles:

1. Neutral
2. Thorough
3. Transparent

In my experience of high stakes confrontations, when the parties commit to the above principles, the validity of the results is more easily accepted.

First and most important is the mutual establishment of legal and administrative neutrality. The members of the Senate should establish rules of procedure in advance, select a neutral jurist to preside, and provide sufficient legal and administrative support to the senators as a body. The Paxton Impeachment started well - Lt. Governor Patrick appointed 7 senators to a Special Rules Committee which garnered near unanimous support for 31 well-crafted rules. The Senate stumbled, however, in succumbing to Lt. Governor Patrick's desire to preside. For this reason, I voted against the Senate Rules. Patrick is not a lawyer. This was evident in his inconsistent and often legally indefensible rulings on motions and objections. Also, he does not have a reputation for neutrality. This was evident in his fundraising immediately prior to the trial and his statements of extreme bias from the bench immediately after the verdict was returned. I recommend that, like almost every other impeachment trial in US history, any future Impeachment Tribunal select an experienced jurist with a strong reputation for neutrality to preside.

I further recommend that, in addition to a neutral presiding jurist, the Senate engage a lawyer to advise the Senators as a body in the drafting of the rules, pretrial motions, trial, and deliberation. Although both of the prior Texas impeachments were presided over by non-lawyer Lt. Governors, both selected seasoned attorneys trusted by the

senators to explain, manage and even participate in the proceedings. The Senate has the authority of judge and jury and the power to execute or delegate all but its juror functions as it sees fit. The Senate can overrule the presiding officer or even take back powers delegated to a presiding officer. But, much of the Lt. Governor's management of this trial occurred outside the view of the senators. Take for instance the Lt. Governor's decision to excuse Ms. Olson, a key prosecution witness, from testifying. If a lawyer representing the senators was on hand for that decision, s/he could have spoken to all senators, together or individually, about the legal standards and options available and, at the senators' direction, asked questions or made demands of the presiding officer. While all 31 of the senators were not aligned on outcome, all 31 should always be aligned in protecting the integrity of the process. Without a single point of legal advice and representation, the senators were at significant disadvantage in overseeing the integrity of this process.

Second, to truly allay the concerns for the integrity of an office through the impeachment process, the trial must be thorough. I cannot speak to the thoroughness of the House investigation. But, I can speak to the thoroughness of the Senate impeachment trial. The Lt. Governor's inconsistent evidentiary rulings were one impediment to thoroughness. Another impediment was the time limitation. Given the breadth of the allegations, the amount of time allotted to the parties was clearly insufficient. This is evident in the thousands of pages and hours of video evidence that were admitted into the record (in spite of the Lt. Governor's erratic rulings) but never published to the jury due to time constraints. For reasons no senator can explain (another reason for senators to have legal counsel), the Lt. Governor asked and both parties agreed to narrower limits on their time than was allowed in the Senate Rules. In the future, I suggest a pretrial conference with the parties and representatives of the Senate (perhaps the Senate's lawyer) after which the Senate sets time limits appropriate to the alleged facts. This impeachment included 20 articles and lasted 2 weeks. Other impeachments are shorter, such as that of S. Dakota Attorney General Ravensborg which included 2 articles and took one day. Further, I recommend that the time limit set by the Senators can only be altered by majority vote of the Senators. In fact, I would advise that no Rule of the Senate be waived or changed without Senate approval, agreement of the parties notwithstanding.

I also recommend a running master list of admitted exhibits shared with the senators and, in a trial with as much documentary evidence as this one had, exhibits be made available to senators for their *in camera* review as soon as they are admitted into evidence. I realize that no ordinary jury in an ordinary trial is afforded this kind of access before ordinary deliberation. But senators are extraordinarily both judge and jury. As judges with a responsibility for management of the trial, the senators needed this access. As it was, the senators were left in the dark about motions and many of the evidentiary rulings made on their behalf by the Lt. Governor during trial. And, when deliberations began, senators were confronted with more than eight hours of video, 14 binders of documents, and no map to guide them through it. Most of the material had been rattled off as an exhibit number admitted by agreement and never published to the jury due to time constraints. Luckily, many of the senators had taken good enough notes to locate the exhibit numbers related to the most contested questions and some of the senators had developed timelines to be checked against the

documents as they were located. In the future, adequate time to present evidence and technology to securely store and make evidence available in real time to the senators can probably solve this problem.

Third, the integrity of the process is highest when the process is transparent and free of undue influence. The excellent work in advance of the trial by the Special Rules Committee was done behind closed doors and will largely be unknown to future impeachment tribunals and historians. Although the vote to approve them was public, the Senate Rules were drafted, debated and amended in private. The three main issues of debate were 1. Whether and how Senators who were implicated by or witnesses to the allegations would participate (Paxton, Hughes and Campbell); 2. Whether and how the Lt. Governor should preside and, 3. Whether all dispositive motions would remain with the senators to be decided by a simple majority or be decided by the Lt. Governor. To that third issue, although the senators retained in their rules authority over all dispositive motions and the Senators voted on the 16 dispositive pretrial motions in open session, the excellent brief on the pretrial motions written by the Special Rules Committee to the full Senate prior to that vote was only available to senators to view *in camera* and then destroyed. I suggest to future Senate tribunals to at least record closed door deliberations and preserve the documents for the historical record.

Senate administration and the Lt. Governor did well with live-streaming the proceedings and limiting all of the public and most of the media access to the gallery. And, the Lt. Governor did well to place the Senate and the parties under a gag order and to call for a fundraising moratorium during the trial (although the Lt. Governor had already accepted \$3M in contributions and loans in late June from a pro-Paxton PAC). The Lt. Governor also admonished senators not to look at social media during the trial and prohibited the use of cell phones on the Senate floor.

Although gag orders, silencing "speech by contribution," and limiting access to and by media seem counter to transparency, it was a necessary although ultimately unsuccessful attempt to curb undue influence. During this impeachment trial senators and supporters were peppered with text messages that appeared coordinated. Former President Donald Trump posted on social media in favor of acquittal the day before closing arguments. Targeted social media posts and texts designed to manipulate outcomes continued into closing arguments and even deliberation. The Republican senators sagged under the weight of political pressure. What had started out as bipartisan deliberation began unraveling late in the afternoon and into Friday evening. By Saturday morning, deliberations had solidified along partisan lines (but for the 2 brave Republicans who would not ignore the overwhelming evidence). I suggest to future Senate Tribunals that a gag order and a fundraising moratorium be voted on by the Senate at the earliest possible date and that enforcement with real teeth be given to a neutral presiding jurist. And I further suggest an investigation into the sources, content and funding for the social media campaigns in defense of Paxton to better understand whether and how they affected the outcome.

In closing, while history will likely view the outcome in this Impeachment trial as unjust, I hope history will also reveal that, in spite of the tremendous pressure focused on my Republican colleagues, the senators built a good process that was in many

respects an improvement on the two prior impeachment trials in Texas. While I hope no future Senate will be called upon to endure another impeachment trial, I hope these notes and the experiences of others will inform an even better process next time.

ECKHARDT

STATEMENT SUBMITTED

Senator Paxton submitted the following statement:

Over the last three months, many of our political leaders have been confronted with rare and complex questions as the impeachment of the Attorney General was rapidly thrust into the forefront of our public lives. I commend my colleagues in the Senate for their deliberative and careful approach in fulfilling their constitutional duty to try this case of impeachment impartially. Although I was prohibited from voting by the Rules adopted by the Senate, I agree with the final judgment in this case, and it accurately reflects the votes I would have cast on behalf of my constituents in Senate District 8.

This was a rushed and premature impeachment, driven by political disagreement, not hard evidence. The flimsiness of the "record" with which the Senate was presented was made painfully obvious during key moments as the impeachment trial progressed. Unfortunately, the House of Representatives did not develop a record of evidence admissible in court, but relied instead on hearsay and assumptions. No witnesses were put under oath, no one was cross examined, no documentary evidence was included, and House members voted to impeach after only four hours of debate. Rather than conduct an actual investigation, the House collected accusations and shoehorned them into articles of impeachment. I doubt whether this case would ever have made it past an actual grand jury (low as that bar may be), and I am certain it would have been thrown out at the pleading stage in an actual court of law. For these reasons, I would also have voted (along with six of my colleagues who did so) to grant the motions to dismiss this impeachment.

That being said, there is one precedent from the Rules adopted in these proceedings which should give all of us grave concern, given that future courts of impeachment will look to this one for guidance. Specifically, this Court included a rule that disenfranchised almost one million Texans: the constituents of the district I am duly elected to represent, Senate District 8. Rule 31 barred "[a] member of the court who is the spouse of a party" from "vot[ing] on any matter, motion, or question, or participat[ing] in closed sessions or deliberations."

Notwithstanding spousal privileges that apply in civil and criminal proceedings, Rule 31 contradicts the clear constitutional and statutory directives that every senator be present, take an oath to try the case impartially, and vote. Our framers explicitly provided for recusal as to other legislative matters, but did not do so for impeachment proceedings. This was not an oversight; it was by design. Entanglements of political, personal, private, and even familial interests between and among officials of the state's highest offices—including senators—are not just inevitable, but routine and pervasive. That is why our Constitution requires that every senator take an oath of impartiality when the Senate sits as a Court of Impeachment. Additionally, recusal is

by definition a self-imposed action, and the determination of the appropriateness of any senator's recusal (or lack thereof) is properly left to that senator's constituents, who will make clear their pleasure or displeasure at the ballot box.

The very dangerous precedent here is that for some matter before a future senate, a group of senators might look to this Court for precedent to collectively ban another senator from voting and thereby disenfranchise the Texans represented by that member. This peril cannot be overstated. The circumstances surrounding this impeachment were unusual, to say the least, but it is precisely in those circumstances that future courts should adhere to a strict construction of our Constitution.

PAXTON

STATEMENT SUBMITTED

Senator Hancock submitted the following statement:

A Court of Impeachment is, and will hopefully remain, a rare occurrence in the Texas Senate. However, when a Senator faces this solemn responsibility, I believe it is useful to reflect on historical precedent and to learn from it.

The Court of Impeachment convened to consider the case brought against Attorney General Ken Paxton was often referred to as a "political trial." As the first impeachment of a statewide officeholder in the modern Information Age, this proved to be an accurate description by every definition, though one future Legislatures would be wise to avoid in order that this critical tool for accountability in state governance does not devolve into a mere political weapon the way many would argue it already has at the federal level.

Specifically, records will show that a great deal of money was invested by registered political entities as well as dark money organizations tied to interested parties with a stated goal of applying political pressure on Senators to sway votes, including an organized campaign to dismiss all articles before conducting the trial. Future Legislatures should be cautious that any impeachment proceeding with significant political implications is conducted in a manner which encourages free political speech and communication with constituents, but sets robust transparency requirements and guardrails for paid political advertising overseen with strict enforcement by the Texas Ethics Commission.

As to my own votes, which are found in this Journal, each reflects deep and prayerful consideration of the facts of the case, as well as scriptural guidance. I was obligated to conduct a thorough review of every item submitted into evidence and all relevant law, as referenced in the oath administered to me. Importantly, evidence in this case included thousands of pages of documentation containing critical detail – not only the points discussed in time-limited oral arguments.

As we move forward with the business of governing this great state, my sincere hope is that this proceeding yields lessons learned and spurs us toward a higher standard of ethics and accountability for our public servants, all consideration of politics set aside.

HANCOCK

STATEMENT SUBMITTED

Senator Kolkhorst submitted the following statement:

For the first time since 1975, the Senate of Texas was convened as a Court of Impeachment in the impeachment trial of Warren Kenneth Paxton, Jr. This was the first impeachment trial of a statewide official in 106 years. Prior trials were held in 1887, 1893, 1917, 1931, and 1975. In those past five trials, final judgement saw three of the accused be acquitted. No matter the claim or charge, the accused in America have been afforded due process and a fair trial and the judicial standard of innocent until proven guilty.

The removal of an elected official from office – to negate the vote of the people – should always be regarded as one of the highest and most difficult actions taken by the Texas Senate.

As for the annals of history, the Texas Senate spent several months preparing this Court of Impeachment. One of the most important points for future Courts of Impeachment to consider is precedent. In the Paxton trial, the Senate based its rules and all pre-trial preparation from the previous Courts of Impeachment. Great amount of detail was considered, even the fact that the 1917 Trial of Governor Ferguson was conducted each Monday through Saturday. The rules based on precedent set forth a fair and impartial trial.

As drafted by the Special Committee on Rules and Procedures for the Court of Impeachment and then approved by a vote of 25-3 [SR 35 (88-1)], the burden of proof was set as "beyond a reasonable doubt." This is the highest standard by which anyone is tried in our court system. It is beyond "reasonable suspicion"; it is beyond "probable cause"; it is beyond "preponderance of evidence"; it is beyond "clear and convincing."

Furthermore, the rules set forth that each Article of Impeachment would require one vote, but within that one vote were posed two questions: Did the evidence prove that he is guilty, and does that guilt reach a level that Warren Kenneth Paxton, Jr. should be removed from office?

On September 5, 2023, the Court of Impeachment for Warren Kenneth Paxton, Jr. convened. The first action of Senators after being sworn in as jurors was to vote on 16 dispositive, pre-trial motions. There were no oral arguments and no deliberation about these motions prior to the vote. I voted in favor to grant those motions. Those votes were predicated on the prior process by which the Articles of Impeachment had been presented and ratified by the Texas House of Representatives, which were delivered to and presented to the Texas Senate on the last day of the 88th Regular Session.

The Texas House, historically and with precedent, has always applied a higher standard to impeachment proceedings than what transpired earlier this year regarding the Paxton impeachment, particularly with regard to transparency of proceedings, presentation of evidence by both parties, and sworn testimony of witnesses.

To delineate between previous trials and the Paxton impeachment, a historical review is imperative. As previously noted, the Texas House had impeached five elected officials prior to Paxton, requiring the Texas Senate to conduct five impeachment trials. In the two trials that led to guilty verdicts, the House procedure was vastly different than in the Paxton affair:

In the 1917 impeachment of Governor Ferguson, the House formed a Committee of the Whole, allowed evidence to be presented by both parties, and swore witnesses to oath. Governor Ferguson was allowed to attend the hearing and be represented by counsel on the House Floor.

In the 1975 impeachment of Judge Carrillo, the House conducted over 20 public meetings hosted by a select committee, allowed evidence presentation by both parties, and swore witnesses to oath. The House members were presented over 170 documents and 15 volumes prior to voting. All members were allowed to submit questions during House proceedings.

My pre-trial motion votes were based wholly on concern with the process conducted by the Texas House of Representatives, especially the lack of any sworn testimony. Legitimate concerns were raised in the allegations that perhaps warranted a House investigation. However, the Paxton investigation that was ultimately completed was not conducted in a public setting nor did it include sworn testimony or properly-vetted evidence. Additionally, before voting on the House floor, Representatives were given only 48 hours to prepare. It has long been admired that the value of precedent provides predictability and stability to a process.

Without sworn testimony, witnesses were not tied to an oath or penalty of perjury when providing House information, building a case not on evidence but hearsay. Eventually when the Texas Senate conducted a proper, precedent-following process, we considered testimony under oath from 19 witnesses and hundreds pieces of submitted evidence by both the House Board of Managers and the defense.

As we learned during the trial, the House General Investigating Committee and House Board of Managers were originally provided testimony that later needed to be clarified or corrected once their witnesses were put under oath on the Senate witness stand. During examination, witnesses would correct what they had told House investigators or admit that they had no first hand knowledge. A case built on hearsay is a case with no evidence.

I remain concerned that straying from past precedents of the impeachment process by creating and endorsing a new process based on the House actions against Attorney General Paxton could lead to future weaponization of impeachment, and lead to unjustifiable, serious consequences for political rivals, future elections, and all Texas voters.

Unlike the United States Constitution and federal impeachment process, a Texas impeachment by the Texas House of Representatives can suspend an elected official indefinitely from office. Because of such immediate consequences, the Texas impeachment process should be conducted very somberly, carefully, thoroughly, and purposefully. It should never be rushed.

Throughout the first and second called special sessions earlier this year, and during the interim, my senior staff and I invested countless days and nights researching legal precedent and carefully examining these prior impeachments in past Texas history.

During the Paxton impeachment trial, the Senate heard 45 hours of sworn testimony from witnesses who were examined and cross-examined. This shed significant light on the circumstances of the allegations. I personally took over 150 pages of handwritten notes on legal pads, noting exhibits to further research once deliberations were to begin. Through diligent attention to the facts presented, as a juror, I concluded that of the 16 Articles of Impeachment considered, none rose to the standard of guilty "beyond a reasonable doubt."

Texas history will now record that we have seen six impeachment trials, with two resulting in impeachment and removal from office. The Paxton Impeachment experience should be a stark reminder of the respect we must all hold for the fragile bond between the government and the governed.

I sincerely hope that all elected officials at every level of government learn from this situation and from the sworn testimony shared in the Senate. Precedent matters. Truth matters. And ethics matter as well. This statement nor my votes in no way condone Mr. Paxton's moral challenges, but rather serve as a call to do better and be above reproach. Still, we should cherish the enduring belief that the accused are to remain innocent until proven guilty. And for this impeachment trial, evidence must meet the standard of "beyond a reasonable doubt." Simply put, that burden was not met.

KOLKHORST

STATEMENT SUBMITTED

Senator Perry submitted the following statement:

PAXTON IMPEACHMENT – NO WINNERS ONLY LOSERS

The impeachment trial of Warren Kenneth Paxton Jr., only the third impeachment in Texas history, has finally come to an end. I write this with the intent to provide perspective into the impeachment process from a Texas Senator who by the Texas Constitution has the roles of juror and judge. The hope is to give transparency to a non-transparent process due to the rarity in which it is used.

People are familiar with civil, criminal, and military trials. Established rules of evidence, due process, and courtroom administration are outlined, taught, and mandated. The Texas Constitution grants the legislature 100% of the rulemaking for impeachment trials. Therefore, impeachment is a 100% political process. The rules of impeachment grant discretion to the House of Representatives on how to originate, investigate, and refer an impeachment to the Senate for trial, where the Senate gets to develop the rules for the trial. There are no baseline standards to start from. In effect, traditional legal standards do not apply unless the legislature chooses to apply them. That said, the previous two impeachments chose to mirror the criminal justice system. The House violated no rules of investigation or referral to the Senate because they are allowed to design their own process. The Senate adopted trial procedures grounded in the criminal justice system. Not all provisions in a criminal case apply to

impeachment, but the most important ones do. Specific to the Ken Paxton trial, the Texas Rules of Evidence, court administration, and standard for the burden of proof "beyond a reasonable doubt" were adopted.

On May 27, 2023, the House referred 20 Articles of Impeachment to the Texas Senate. The Senate is constitutionally required to take up the articles. The articles reflected items that had been in the media for years as well as some newer charges mostly relating to activity that allegedly occurred from 2020-2023. It was the House's responsibility to prove each of the 20 charges beyond a reasonable doubt. The Senate's adopted rules held four of the articles in "abeyance" because the Attorney General is still facing several pending charges related to alleged securities violations from eight years ago. Effectively, the Senate considered 16 of the 20 articles making it 16 mini-trials. Thus, there were 16 votes on the remaining articles, a vote on dismissing the articles held in abeyance, and a possible vote to forbid Ken Paxton from running again for any public office if convicted. In addition, there were 16 pre-trial motions voted on by the jurors. Thus, at the end of the process, we voted 33 times.

The articles were each to be decided on individually, but those with multiple charges under a single article were not divisible. In other words, an article that contained three charges required all three to be proven or the whole article would require an acquittal. Additionally, the article would need to be correct in its form as well as its subject matter. Jurors were to interpret the article as literally written and not based on what the charge should have said. Technical errors in the articles made some articles void. Therefore, several articles automatically failed.

My role as a juror was to determine two things. First, was the article factually supported, did it happen? Second, if it happened, did it rise to the level of impeachment? In other words, does the crime fit the time? Sixteen different articles went through the two-part test. Every Senator took a deep dive into the information presented to make their decision. The final vote was determined based on every individual Senator's vote, not a consensus vote of the 30 eligible voting Senators. In the final analysis, a majority of the individual Senators determined that the House had not met the high bar needed to remove an elected official from office.

Final thoughts, as a juror I made a decision based on the facts. As a judge, I considered the public impact on a more global level. My Senate colleagues treated this issue with the respect it demanded. Deliberations consisted of exhibit reviews and dialogue amongst members from all political persuasions. Anyone believing the politics of an impeachment can be separated from the process itself is naive. No party will ever remove an elected official from office unless the burden of proof beyond a reasonable doubt is proven by more than circumstantial evidence. The "if there's smoke, there's fire" standard is not a legal standard of proof. This is my honest assessment of the Ken Paxton impeachment process. The House strategy was built around 8 former employees of the Office of the Attorney General. They are by all accounts and even on the witness stand appeared to be good people that had a story to tell. The House did not bridge the gap between their testimony and the evidence. I do believe that Ken Paxton overrode internal policies and procedures that are meant to protect the public as well as the Office of the Attorney General. He was within his

rights to do so, but this should serve as a wake-up call to stay within the lines. The conspiracy of personal benefit to the detriment of the public was never tied up with certainty. I have a reason for every article as to why I believe reasonable doubt exists. The last impeachment trial was paused for 30 days in the middle so the defendant could be tried and ultimately convicted by a federal court and then returned to be impeached. This is an example of a "smoking gun" that was missing in the Ken Paxton trial.

There are many questions as to the process. My personal belief is that the unanswered questions created reasonable doubt and may have been answered had more time been devoted to the process before the Senate referral. Reforms to the impeachment process need to be made to protect the integrity of the process.

In the end, EVERYONE LOST - witnesses had to publicly relive their stories, Ken Paxton was involved in one more drama, and the political divide grew wider because half of the population would not be satisfied regardless of the decision.

PERRY

STATEMENT SUBMITTED

Senator Alvarado submitted the following statement:

I offer this statement in support of my votes on the articles of impeachment against Attorney General Ken Paxton. After carefully reviewing the extensive evidence presented during the trial, impeachment and removal from office were warranted in my judgment and I voted to convict on 15 of the 16 articles. My decision was a solemn one, guided by my unwavering commitment to upholding the principles of accountability, transparency and justice.

After the Texas House of Representatives voted 121-23 to impeach Attorney General Paxton, the members of the Texas Senate took our constitutional duty to conduct a trial with the seriousness and import necessitated by the first impeachment of an official in half a century. In preparation for this historic trial, I – like many of my colleagues – spent many months reviewing the journal proceedings of the *Carrillo* trial, case law and other relevant documents. The members of the Senate's Impeachment Rules Committee in particular are to be commended for their efforts in drafting the rules and their legal analysis of pre-trial motions. They applied historic and legal precedent without bias.

The final rules reflected a broad consensus amongst the members as indicated by their near-unanimous passage. However, this experience has highlighted certain deficiencies. This trial placed significant time constraints on the parties to make their presentations unlike prior impeachment trials. With the sheer number of articles under consideration, it quickly became apparent that the time allotted was insufficient. In addition, future senators should consider appointing an impartial jurist to preside over the trial to ensure consistency in trial rulings as well as providing the senators an option to vote to override the presiding officer's ruling as existed in prior impeachment trials. We should have also appointed a general counsel for the senators as a whole to advise us as questions arose during the trial; the rules permitted it but we did not avail ourselves of this option.

Finally – and perhaps most importantly – we should have had stricter rules to curtail the influence of outside groups. The rules provided for a "gag order" but that order should have been issued as soon as possible after the Texas House proffered the articles of impeachment and included a prohibition on political contributions until the end of the trial. By not doing so, outside groups were able to give millions of dollars in political contributions leading up to the trial and bombarded senators with texts, emails, social media and other communications throughout the trial. Neither would have been allowed with a traditional jury. Ultimately, all of this tainted the deliberations and made a mockery of the impartiality of this process.

Throughout the course of the two week trial, the House Board of Managers and their counsel met their burden of proof with diligence and integrity. They presented a compelling case including thousands of pages of documents and hours of witness testimony. The latter included first-hand accounts from Attorney General Paxton's senior staff including First Assistant AG Jeff Mateer, Deputy First Assistant AG Ryan Bangert, Deputy AG for Criminal Justice Mark Penley, Deputy AG for Legal Counsel Ryan Vassar, Deputy AG for Civil Litigation Darren McCarty, Deputy AG for Policy and Strategic Initiatives Blake Brickman and Director of Law Enforcement Texas Ranger David Maxwell. I commend these "whistleblowers" for their steadfast commitment to public service and principled stance against corruption – even in the face of enormous professional and personal cost. We heard over and over from these witnesses how Attorney General Paxton used the power of the office and bent the law for the benefit of one individual against the best interests of the public.

I cast my vote in favor of removal because the overwhelming evidence showed beyond a reasonable doubt Attorney General Paxton had committed the acts of corruption alleged in the impeachment articles. Corruption is a grave threat to the rule of law, especially when the state's top law enforcement officer is implicated. It erodes public trust in our institutions and undermines the very foundations of our democracy.

As elected officials, we are entrusted with the responsibility of upholding the highest ethical standards and it is our duty to hold one another accountable when those standards are breached. I believe all of my colleagues agree with these principles and most acknowledged the seriousness and weight of the evidence presented. Nonetheless, outside groups exerted tremendous pressure and swayed the final verdict away from accountability and justice.

Although I am disappointed in the outcome, I remain resolute in my belief in the resilience of our democracy and our commitment to the rule of law. May this process serve as a reminder of the importance of upholding our moral values, protecting the integrity of our democratic institutions and holding those who breach the public trust accountable.

ALVARADO

STATEMENT SUBMITTED

Senator Parker submitted the following statement:

When the High Court of Impeachment commenced in the Texas Senate, I cast my first votes in favor of dismissing all articles levied against Attorney General Ken Paxton. My reasoning was rooted deeply in the principles of justice, legal propriety, and the preservation of the democratic norms that govern the great state of Texas.

Historically, previous impeachment proceedings afforded the subject the right to be notified, represented by counsel, and the ability to cross-examine sworn witnesses prior to collecting testimonies. These long-standing established standards resulted in the evidence being meticulously laid out for weeks to assist the House members in their evaluation before casting their votes on the impeachment articles.

This deviation from historic precedent, during the impeachment trial of Attorney General Ken Paxton, was emphasized by Representative John Smithee, a veteran member of the House, during the House's vote on impeachment on May 27, 2023. His compelling oratory on the House Floor underscored the inadequacy of the record being sent to the Senate, highlighting the House's divergence from historical proceedings. His powerful words, likening the House's approach to a prejudiced system of "Hang 'em now and judge them later", served as a potent testimony to the inherent flaws in the process.

I firmly believe that the process undertaken by the Texas House General Investigating Committee was marred with glaring procedural errors that fundamentally undermined the credibility of the impeachment proceeding. The stark absence of sworn testimony, a requirement unequivocally stipulated in the Texas Government Code, exhibited a clear violation of legal standards that could potentially cast long-standing repercussions on the rule of law upheld in this state, overshadowing any measure of justice. Furthermore, the haste demonstrated by the House in conducting the impeachment procedure followed by the issuance of subpoenas even after referral to the Senate, significantly muddled the integrity of the investigative process.

Given such substantial digression from prior precedent and the rule of law in this state, I could not, in good conscience, endorse an impeachment process that seemed to have sidestepped the established norms of legal scrutiny and procedural propriety; therefore, leading me to vote to dismiss the articles of impeachment.

After the trial proceeded, acting as an impartial juror, it became abundantly clear that the prosecution's case lacked the evidence necessary to meet the burden of proof beyond a reasonable doubt, the standard established in the rules of this proceeding. Despite the gravity of the charges leveled against Attorney General Paxton, the presented testimonies and exhibits fell short of constructing a compelling and irrefutable case. This stark deficiency not only undermined the credibility of the prosecution's stance but also raised significant concerns regarding the hasty push toward a conclusion without proper due diligence and comprehensive analysis. A trial of this magnitude demands robust and incontrovertible evidence to substantiate claims, thereby ensuring justice is served in a manner that is both fair and beyond reproach.

I stand firm in my conviction that the articles of impeachment lacked the substantiated evidence and legal grounding necessary to warrant a conviction beyond reasonable doubt, and my voting record on each charge reflects this.

Undoubtedly, impeachment represents one of the most profound and consequential actions that can be undertaken against a public servant. It is vitally important that such proceedings adhere to the highest standards of fairness, transparency, and justice, where the substantiation of guilt is unequivocal and beyond any reasonable doubt. Our justice system firmly rests on these pillars, and I could not, with a clear conscience, endorse a trial of impeachment nor a verdict derived from inadequate evidence or that was marred by procedural missteps.

PARKER

STATEMENT SUBMITTED

Senator West submitted the following statement:

With regard to the impeachment of Attorney General Warren Kenneth Paxton, Jr., it is my opinion that the House Board of Managers proved the majority of the Articles of Impeachment beyond a reasonable doubt. Unfortunately, the majority of Republicans did not agree, and Paxton was acquitted.

Nearly every one of my Republican colleagues who voted not to sustain any of the Articles of Impeachment issued public statements in the hours following the verdict, claiming there was insufficient evidence to convict Attorney General Paxton on any of the articles.

At a press conference following the reading of the verdict, one of Attorney General Paxton's attorneys said the public should view the final result of the High Court of Impeachment as "nothing less than a full vindication," of AG Paxton.

I respectfully disagree with both my colleagues and General Paxton's counsel. There was sufficient evidence to convict general Paxton on the majority of articles, and his counsel's statement is outlandish. The final vote is not a vindication of Attorney General Paxton or his conduct in any way, because the evidence remains in the historical record and will be judged by history.

As a former prosecutor, I have been involved in numerous cases in which persons were convicted of more serious crimes with less documentary evidence than was available to the High Court of Impeachment against Attorney General Paxton.

I do not understand how my colleagues in the majority, who voted against sustaining any Articles of Impeachment came to their conclusions. The majority has, however, set a poor example for future generations of elected officials by exonerating Attorney General Ken Paxton. This exoneration will be viewed by Texans as the Senate approving of this despicable and unbecoming behavior committed by a statewide elected official. As a legislative body, we missed an opportunity to reaffirm our expectations of fitness for office, thus lowering the bar for future generations of elected officials.

I challenge those who carefully study the record of this impeachment to look at both the testimonial and documentary evidence proffered by the House Board of Managers. I encourage you to do this particularly with regard to Article IX. The evidence concerning Article IX was clear and convincing: it showed that AG Paxton used an Uber account on his cell phone that was linked to the credit card of Nate Paul, and used that Uber account to visit both Nate Paul and Laura Olsen, his mistress.

The documentary evidence submitted to the High Court of Impeachment concerning this Uber account raises even more questions. The exhibits placed in evidence clearly show that Nate Paul used his World Class Holdings email to set up the Uber account for Paxton, and that many of Paul's credit cards were tied to the account. What the documentary evidence does not show, however, is whether or not the credit cards used by Paul to fund AG Paxton's Uber rides were corporate credit cards or personal credit cards. Because the evidence has been redacted to remove that information, we do not know the answer to that key question. Further, we do not know, based upon the evidence, whether Attorney General Paxton's acceptance of Uber rides from Nate Paul, violated campaign finance laws or penal statutes related to gifts to a public servant.

If the credit cards were corporate credit cards, it raises the important issue of whether or not the Attorney General also took an improper corporate contribution from Nate Paul and World Class Holdings or another Paul-affiliated entity. If the credit cards Nate Paul used to fund the Uber rides were personal credit cards, then the question occurs whether or not Attorney General Paxton accepted individual contributions, which he should have reported to the Texas Ethics Commission.

If the Uber rides would not count as a contribution, they could count as a gift. An examination of Sec. 36.10 of the Texas Penal Code appears to show that, if the Uber rides were gifts, they would not fall under the exceptions to the statute where gifts to public servants are allowed.

No matter how the law ultimately considers the Uber rides—as contributions or gifts—there remain unanswered ethical questions surrounding the Attorney General's conduct which this impeachment did not wash away. Texans deserve answers to these questions.

Although Article IX was proved beyond *all* reasonable doubt, other articles were certainly proven beyond a reasonable doubt. I encourage those interested in getting to the truth to carefully read the testimony of the CEO of Amplify Credit Union, who testified that the so-called, "Midnight Opinion," did, in fact, stop the foreclosure of one of Nate Paul's properties owned by World Class Holdings, proving Article III.

I encourage you to read the testimony of longtime Texas Ranger David Maxwell, who served as Attorney General Ken Paxton's Director of Criminal Law Enforcement, and noted in his testimony, "I told him that Nate Paul was a criminal, he was running a Ponzi scheme that would rival Billy Sol Estes, and that if he didn't get away from this individual and stop doing what he was doing, he was going to get himself indicted." Articles I and II were also proved beyond a reasonable doubt.

Article XVII, relating to misappropriation of public resources, was also proven beyond a reasonable doubt. Read carefully the testimony of former Deputy Attorney General for Criminal Justice Mark Penley, who testified, "[a]s the Attorney General's conduct ramped up to become more and more unreasonable and illogical and crazy, all I can think about in my mind is, he's pressuring me but I don't have one iota of evidence of any wrongdoing by the people that Nate Paul is claiming did something wrong."

Attorney General Ken Paxton, knowing there was no evidence to support that Nate Paul was a victim of a ~~conspiracy of~~ state and federal law enforcement conspiracy, nevertheless continued to urge investigation of these matters—and expending state resources through the Office of Attorney General—to support Nate Paul.

Carefully read the testimony of Katherine Minter "Missy" Carey, the Attorney General's former chief of staff, who testified that she told General Paxton that his ongoing affair with Laura Olson was impacting his staff, including his travel aide and security detail, because he was conducting the affair on state time and with state resources. Carey testified that she told the Attorney General about legal and "ethical implications of a secret affair," as well as that it could "open one up to bribery and misuse of office," allegations.

Article V, related to disregard of official duty in the engagement of attorney Brandon Cammack, who was hired by Paxton to conduct the investigation into search warrants served on Nate Paul's residence and businesses, was also proven beyond a reasonable doubt. Note that Cammack testified that Attorney General Ken Paxton was *the only person* directing his efforts, and that Paxton knew Cammack was coordinating his efforts with Nate Paul's personal attorney with regard to who was subpoenaed. Paxton also knew that the grand jury subpoena process was what Cammack was going to use to conduct his investigation. Consider, too, how Attorney General Paxton attempted to paper over this episode with lies.

Documentary evidence played during the trial showed a Senate Finance Committee meeting from January 2021, in which Paxton refused to answer questions about Cammack, but instead had his deputy, Brent Webster, answer those questions. Webster then lied to the Senate Finance Committee by telling Senator Joan Huffman that Travis County made Brandan Cammack a "special prosecutor."

Follow the evidence, both testimonial and documentary, and it will lead you down a trail of corrupt, unethical behavior, and a documented record of actions which prove the vast majority of the Articles of Impeachment brought against Ken Paxton. Follow the evidence and it will become abundantly clear that Ken Paxton harnessed the resources of the Office of Attorney General to benefit one person: Nate Paul.

Future historians studying this impeachment will note discussion in media coverage of "outside influences," attempting to influence the votes of Senators, particularly my Republican colleagues. I am also on the record in the media mentioning the existence of outside influences.

For the historical record, I would like to expound on these outside influences for a moment, as I believe it is important for future Texans to understand what outside forces did to attempt to influence Senators' votes. Following my return home after the final vote, I undertook research to determine what, if any, outside influences had attempted to influence my colleagues' votes. I was utterly shocked to learn that political action committees had run television ads into some of my colleagues' districts asking their constituents to call their senators and urge them to stand against the impeachment.

I further learned that outside groups engaged in text messaging campaigns, sending text messages to the cellular telephones of constituents of my colleagues, demanding their constituents call their offices to register their opposition to the impeachment. I learned right-wing, radio host Alex Jones conducted a rally at 11th and Congress, just outside the Capitol during the impeachment proceedings. I believe it is important for future historians and members of the public to read this information in the historical record and understand that millions of dollars in outside money was spent in an attempt to influence the impeachment proceedings.

My office alone received several hundred telephone calls and emails concerning the impeachment from every senate district in Texas and at least 20 states. I understand some of my colleagues' offices received as many as 2,000 telephone calls in one day during the final days of the High Court of Impeachment as a result of outside influences attempting to move the public to contact Senate offices.

The reality of the outside influences surrounding the High Court of Impeachment is this: political action committees, radio hosts, podcast hosts, and political activists on the far-right attempted to mis-inform Texans concerning this proceeding. These outside influences attempted to persuade the public into believing that the so-called "Prior-Term Doctrine," applied to Ken Paxton. Outside influences sought to convince the public into believing this impeachment was a so-called "Deep State Conspiracy," involving the Bush family, Texans for Lawsuit Reform, and more. Outside influences worked furiously to make the public believe there was insufficient evidence to sustain a conviction of Ken Paxton.

In my 30 years in the Texas Senate, I have never seen anything quite like what occurred surrounding this impeachment. While it is common for third parties to attempt to influence the legislative process, including occasionally using television ads to do so, what occurred with regard to attempts to influence this impeachment by third-party groups was in my opinion, disconcerting and unprecedented in Texas history.

Future Texans and historians who study this High Court of Impeachment must look carefully at the totality of circumstances surrounding the impeachment, the documentary and testimonial evidence, and the conduct of the impeached himself before coming to their own conclusions about this dark episode in Texas history.

I do not believe history will judge the Texas Senate kindly regarding the vote of the majority to acquit Attorney General Ken Paxton. For historical purposes, everything I have placed in the journal concerning this most unfortunate historical event, I affirm under oath taken using the Sam Houston Bible!

WEST

STATEMENT SUBMITTED

Senator Bettencourt submitted the following statement:

Impeachment is the penultimate act of how to resolve political discourse in American Democracy and Texas, per our State Constitution. It is essential that any such impeachment begins with the foundation of evidence that the jurors, the Texas Senate, can use to make a decision beyond a reasonable doubt to remove any elected official after a vote of the public in an election.

The impeachment of Warren Kenneth Paxton Jr., Texas Attorney General, began when the Office of Attorney General sought the payment of \$3,300,000 for litigation settlement regarding the termination of whistle-blowers in the Office of the Attorney General. Immediately, the House Investigations Committee began a secret investigation wherein they hired investigators to interview witnesses instead of the Committee listening to the testimony of witnesses. The investigators did not take sworn testimony.

On May 24, 2023, the investigators presented their findings to the Committee during a 4-hour hearing. Attorney General Paxton was not allowed to bring any evidence or have his attorney cross-examine the investigators or witnesses. The transcript of the 4-hour hearing was provided to the rest of the House with a 48-hour notice before being brought to the House floor for a vote. Most of the House members were unaware of the investigation or the proposed articles of impeachment before the 48-hour notice.

On May 27, 2023, House members heard only from proponents and opponents of the resolution for articles of impeachment. The debate period was limited to only four hours. The House voted on articles of impeachment after less than four hours of discussion in the chamber on the last weekend of the 88th Legislative Session.

The Texas House spent less than 10 hours listening to reports from unsworn witnesses and discussing the merits of the articles before voting on the articles of impeachment. In contrast, the members of the Texas Senate spent over 700 days of members' time developing rules, preparing for trial, listening to evidence, deliberating, and casting their votes on Saturday September 16, 2023.

The Texas Senate took this matter very seriously, recognizing that impeachment should only be used in extreme cases with the goal of protecting the State. Impeachment should be implemented only for offenses that require immediate action to protect the public and/or state before the next election opportunity. The Senate Rules Committee developed comprehensive rules for the impeachment trial. Timelines and deadlines were created and coordinated with the legal teams for both the House Board of Managers and General Paxton, giving each party equal consideration. The public was apprised of the activities, timing, and accessibility to the process.

All but one of the articles involved issues that occurred before the Attorney General's most recent election. All of the issues were public knowledge and documented in the Attorney General's records, court documents, and/or the media. With this knowledge, 4.2 million voters in the state of Texas voted for the Attorney General in the November election. As such, I voted "yay" for defendant Paxton's motion to dismiss impeachment articles under the Forgiveness Doctrine in Government Code Section 665.081 before the trial began.

By a minimum of 16 votes against impeachment on 16 articles, Warren Kenneth Paxton Jr. was returned to the Attorney General's Office, the job the voters of the great state of Texas elected him to perform. To impeach, at least 21 out of 30 Senators would have to vote for impeachment on any one article. Therefore, due to the standard of beyond a reasonable doubt I voted "nay" on articles I-X, XV-XX, and "yay" on the motion by Chairman Brian Birdwell who moved to dismiss the final four articles of impeachment held in abeyance. The vote was 19-11 to dismiss the final four articles XI-XIV in abeyance.

I agree with Lt. Governor Dan Patrick that the Texas Constitution should be amended to prevent the Texas House from conducting future impeachment hearings without having sworn testimony and cross-examination by the defendant. Without this change, the Senate cannot prevent the House in the future from generating an incomplete and unsworn witness record to support articles of impeachment. At a minimum, the House members should be required to hear directly from witnesses regarding the issues of the articles of impeachment, all witnesses testifying on issues of impeachment should be sworn in before testimony, the accused official should be invited to all hearings, allowed to cross-examine any witness and present evidence, and the public should be invited to all hearings where evidence is being presented.

BETTENCOURT

STATEMENT SUBMITTED

Senator Hall submitted the following statement:

The 2023 attempt to impeach Attorney General Warren Kenneth Paxton was doomed from the start for multiple reasons; not the least of which was the failure of the House to follow the well-established and time-tested principle of "due process." Specifically;

1. Investigation goal: instead of seeking TRUTH and JUSTICE they sought IMPEACHMENT.
2. No testimony was required or allowed to be given under oath.
3. No cross exam was allowed for any witness.
4. Second, third and fourth hand hearsay was accepted without question.
5. No House member was allowed to hear direct testimony.
6. Full house required to vote after hearing only hearsay summaries by House Managers.

Had the House simply required all testimony be given under oath as required by law and witnesses allowed to be cross examined by the defense the House would most likely have reached the same conclusion as the Senate because they would have seen that there was insufficient evidence to convict on "probable Cause" much less "beyond a reasonable doubt".

Clearly, the House goal was IMPEACHMENT. Their goal should have been TRUTH and JUSTICE. Thus, the House failed in their job of requiring EVIDENCE to guide them to the right goal. After reviewing thousands of pages of documents and over 40 hours of testimony, it is clear that the prosecution could not produce any meaningful evidence worthy of an impeachment conviction.

The failure to cross examine under oath, led the House to rely on half truths, misleading information, and hearsay. Even if the House had been interested in seeking TRUTH and JUSTICE, they would not have been able to do so.

As in the words of Representative John Smithee when he spoke in opposition to the impeachment motion in the House, "You've heard this compared to a grand jury proceeding, and in some ways it's like a grand jury proceeding, and in other ways it is not. But I can tell you this, no grand jury can legitimately indict any individual or any potential criminal defendant without evidence. You can't indict without evidence, PERIOD. What you're being asked to do today is to impeach without evidence. It is all rumor, it is all innuendo, it is all speculation, and is all things we may speculate to be true, but we don't have what is defined or what qualifies as evidence in any court at law, not only in Texas, not only in the United States, but in most developed countries in the world. I would just say this—if I'm ever going to be part of any impeachment proceeding that actually results in the impeachment of an officer, I don't want it to look like a Saturday mob out for an afternoon lynching. I want it to look like a clear, deliberative, somber, and sober exercise in the quasi-judicial function that the Constitution gives us the right to engage in."

The trial in the Senate proved Representatives John Smithee, Brian Harrison, Matt Schaefer, Tony Tinderholt and the others who spoke against the motion in the House to be absolutely right in what they said and did by voting against the motion.

The House sent the Senate what was later stipulated in closing, as a "personal" proceeding, drawing distinction from one being either civil or criminal. This was one of the obvious reasons why the House time and time again was unable to present any meaningful evidence on any single article that was beyond a reasonable doubt.

The "impeachment" by the House Managers was thrust upon the House body with only a 48-hour notice and without statutorily required hearing or evidentiary support, sworn statements, for example. Additionally, the impeachment articles were advanced to the House members with emphasis that did not honor the presumption of innocence nor fundamental constitutional protections.

The ensuing trial unraveled for the House because the prosecution relied upon a standard: "what else could it be, nothing else makes sense", instead of dutifully following Texas jurisprudence, statutes and the Constitution. In the end, the trial illuminated Proverbs 18:17, "He who speaks first seems right until another comes to examine him."

Texans deserve better. As our Lt. Governor, Dan Patrick said, we must have legislation to prevent the continuation of the perversion of DUE PROCESS when behavior by an elected official is THOUGHT or SUSPECTED to be a cause for removal from office. Hearsay is not meaningful evidence.

The shortcut the House took by bypassing due process led them down the wrong path to a trial where the scarcity of evidence left the Senate unable to get "beyond a reasonable doubt." THIS must never happen again.

HALL

STATEMENT SUBMITTED

Senator Zaffirini submitted the following statement:

As a member of the Court of Impeachment that acquitted Texas Attorney General Ken Paxton, I devoted countless days and nights to reviewing boxes of materials submitted to us by the prosecution and by the defense. Coupled with the testimony of witnesses and the exhibits admitted into evidence during the trial, they offered dramatically different perspectives about the decisions we faced.

Having served with Attorney General Paxton in the Senate, where I now serve with his wife, Senator Angela Paxton, and having considered him a friend for ten years, I'm confident I would not have been allowed to serve on a jury in a court of law. This friendship made my decisions more difficult, but I determined I could be objective and fair. Because I am a Democrat and he is a Republican, whenever I evaluated evidence or determined how to vote, I asked myself, "If he were a Democrat, would I vote differently?"

Sadly, after closing arguments I voted to sustain fourteen of the sixteen Articles of Impeachment and to deny the other two. My rationale follows: Although I believe the prosecution proved most of Article IV, I voted "Nay" because I did not believe he improperly accessed agency information. As CEO he had the right to access any file. That he used it improperly was another matter....

Article VIII alleged he used the lawsuit settlement process to delay discovery. Although I'm confident he did, I also believe such an action is lawful and, in fact, a legal tool employed daily by attorneys throughout our state. Accordingly, I voted "Nay."

As difficult as it was to vote to sustain the other articles, I did so because we swore to render a true verdict according to the law and the evidence. To vote to acquit my friend would have been a violation of that oath.

Given the extensive debate and conflicting viewpoints about the rules, processes, procedures, rulings, and other actions related to this impeachment, I believe strongly that legislators should collaborate in sharing lessons learned while making and suggesting improvements for any future trials. My suggestions include the following:

*Appoint an Impeachment Integrity Committee. A bipartisan, bicameral committee should review the Texas Constitution, statutes, rules, records, lessons learned, and suggestions for improvement related to the Attorney General's impeachment and to other such trials. Its charge should include recommending legislative changes and serving as an oversight committee should another impeachment occur. This independent oversight should help establish standards of fairness; reduce bicameral disagreements, political bias, and outside influence as much as possible; and ensure all parties believe the process adheres strictly to appropriate legal and ethical standards.

*Differentiate Impeachment Trials. Define in the Texas Constitution or in statute that an impeachment trial differs from criminal and civil trials and has different standards and procedures. This will address the debate, for example, regarding whether

defendants and/or witnesses would be allowed to plead the Fifth Amendment and whether the "preponderance of evidence" or "beyond all reasonable doubt" should be the appropriate standard for determining grounds for impeachment.

*Resolve Questions Related to Conflicts of Interest and Possible Recusals and Disqualifications of Participants. Every precaution should be taken to ensure a fair and impartial process. This could include establishing grounds for recusing and disqualifying participants who clearly are biased in favor of or in opposition to the accused.

*Clarify Standards of Evidence. Standards of evidence and types of impeachable offenses should be clarified and defined. This would reduce ambiguity and the potential for political maneuvering.

*Enhance Transparency. While it's crucial to protect and perhaps redact sensitive information, all proceedings, admitted evidence, and deliberations should be made available for public review in real time. This would foster trust and help keep the public informed and involved.

*Facilitate Preparation. Develop educational materials related to definitions, processes, standards, etc., that would impact participants and empower them to be better prepared to do a better job more efficiently. This would preclude wasting trial time to define terms such as "invoke the rule" and to debate comparisons between an impeachment and criminal and civil trials.

*Develop Educational Outreach. It is imperative that our citizens understand the gravity and intricacies of impeachment. An educational campaign spearheaded by non-partisan groups could help inform the public about impeachment and why it is a vital part of our democratic system of checks and balances.

Our Constitution equipped us with the tools to hold elected leaders accountable, but our duty is to refine them for the 21st Century. As our state evolves, so must our institutions. I hope my colleagues and I will unite in a bipartisan effort to strengthen and improve the impeachment process, ensuring it serves as a beacon of justice and democracy.

ZAFFIRINI

STATEMENT SUBMITTED

Senator Campbell submitted the following statement:

This writing reflects my considerations under oath regarding the Articles of Impeachment, for Attorney General Warren Kenneth Paxton Jr.

Following the Senate's receipt of the Articles of Impeachment for the Attorney General, an impartial and unbiased Senate Impeachment Rules Committee was established. The work product of the committee served as a framework for the impeachment trial. All senators were placed under a gag order limiting discussions, about the trial, to and amongst the senators. September the 5th, 2023, onset of the trial, the Presiding Judge, Lt. Governor Dan Patrick, gave instructions to the senators, now acting as jurors. We were instructed to ignore the circumstances surrounding what led up to and how the articles of impeachment were drawn up. There was to be

no engagement in outside conversations that could influence our decision to convict or acquit in the trial. Decisions regarding the outcome were to be based solely on information presented in court. No evidence outside the court hearing could be considered. The public was given the opportunity to view the trial from the gallery or via the Internet with real time streaming.

Under oath, I listened with understanding. I determined whether each article was upheld or failed. In addition, should an article fail, the decision had to be made if it rose to the level of removing the AG from office. *I voted to acquit on every article.* My decision was free of any outside influences, including threats to have a primary opponent, have financial support withdrawn, or verbal insults. My votes were not biased by the Lieutenant Governor or any Senators; and my votes were not based on previous friendships. None of my votes were based on technicalities. There was no need for a demonstration of courage and thus no cowardice. The Senate is not responsible for fact finding. We are jurors listening to presentations by the prosecution and defense. I did come to the trial with the predicate that we all have *the right to innocence until proven guilty.*

An impeachment trial is a political trial, not a civil or criminal trial. This was not a trial which required just a preponderance of evidence (to prove something is more likely than not). It is not a trial that can be played out in the court of public opinion. We don't convict on public opinion; a conviction or acquittal must be based only on actual evidence submitted at the trial. The impeachment trial demands a heavier burden for the prosecution to meet; they must present evidence on each article, *"beyond a reasonable doubt"* to convict. Looking at the evidence there was reasonable doubt. The prosecution relied on "Good Faith" testimony, which means, what the witness believes occurred. There were opinions disguised as facts and the door was left open to speculation and assumptions. The burden of proof rested squarely on the prosecution, but they failed to prove any article *"beyond a reasonable doubt"*.

Proverbs 18: 17 says "The first to present his case seems right, till another comes forward to question him." This was a historical event and I'm glad the right of *innocent until proven guilty* prevailed.

CAMPBELL

STATEMENT SUBMITTED

Senator Sparks submitted the following statement:

Historically, the bar for impeachment of an elected official in Texas has been extraordinarily high, in large part to guard against its weaponization by political opponents. The "beyond a reasonable doubt" standard adopted by the Senate Select Committee on Rules and Procedures for the Court of Impeachment in this recent proceeding against Attorney General Warren Kenneth Paxton, Jr. is the same that was used by the Texas Senate in both impeachment proceedings that successfully removed Governor James Edward Ferguson in 1917 and District Judge O.P. Carrillo in 1976. Indeed, it is the same standard with which we commit criminal offenders to life in prison, or even death, in the State of Texas. The standard is just as high in impeachment proceedings because the effect of removing a duly elected official is of great consequence on our constitutional system.

As there is little historical precedent to guide the Legislature in this unusual circumstance, I wish to place a few comments in this journal to help guide future Legislatures in their inquiries regarding impeachment to ensure that a fair trial is conducted and that taxpayer dollars are not wasted during such proceedings. I take mostly from the Carrillo proceedings, as they were very well documented, and compare mostly to the Paxton proceedings from which we have just concluded in recent days.

One consideration I would offer to future House committees dedicated to initiating impeachment proceedings is that initial investigations should be conducted not with the purpose of determining guilt or innocence, but rather to decide if sufficient evidence exists to justify furthering the impeachment inquiry. In the Carrillo proceeding, the House created a special select committee to conduct its initial inquiries. In contrast, the standing House Committee on General Investigating conducted the initial inquiries in the Paxton proceeding. Future legislators wishing to commence impeachment proceedings should consider that the composition of select committees specifically dedicated to investigating one individual could easily be manipulated to disfavor the individual being investigated. This is much less likely in the case of the standing Committee on General Investigating, in which it is commonplace for its members to initiate inquiries into public corruption and a whole host of other matters.

Another issue to consider is the public or private nature of these proceedings. In both the Ferguson and Carrillo proceedings, the House conducted its meetings in public, whereas in the Paxton proceeding, committee meetings were conducted mostly in executive session. Presumably, the purpose of holding meetings in executive session and outside of the public eye is, in large part, to protect the reputation of the accused. Accordingly, future House investigatory meetings should continue to be conducted in executive session, as the House did during the Paxton proceeding. The secret nature of these hearings, however, should be paired with other protections for the accused, some of which are described below.

Unlike the Paxton proceeding, in which the House committee appears to have held only two relatively short meetings in executive session before holding one public hearing over the course of four hours, taking testimony from the five attorneys who had been tasked by the committee to investigate the allegations related to the Attorney General, the House committee in the Carrillo proceedings were considerably more extensive. Like the Paxton proceeding, the Carrillo investigation was announced publicly shortly before the end of the 1975 Legislative Session. When the members of the committee realized that they would be unable to fulfill their legislative duties while simultaneously giving the investigation the due diligence it required, the House passed a resolution that allowed the committee to continue its work post *sine die*.

The committee resumed its work the day immediately following *sine die* and subsequently held twenty-one meetings over the course of a month and a half, consisting of over ninety hours of meeting time—seventy of which were dedicated to taking testimony from thirty-two witnesses with both direct and indirect knowledge of the accusations. The committee compiled fifteen volumes of testimony and 170

documents that were offered into evidence for the committee to study when considering whether to issue articles of impeachment to the full House. The process was extensive and should serve as a model.

Also unlike the Paxton proceeding, the House committee in the Carrillo proceeding seemingly made every effort to accommodate the accused. The committee explicitly allowed the opportunity for Judge Carrillo to be heard and fully informed of the accusations made against him. He was also permitted to be present with legal counsel for the entirety of the proceedings. In fact, the first official act of the committee was to send a telegram to Judge Carrillo informing him that he was invited to participate with an attorney present and to provide any evidence bearing on the inquiry.

Judge Carrillo's counsel was allowed limited cross examination of witnesses, where appropriate, and was also allowed to submit written questions to the chair when deemed pertinent. Carrillo was permitted to offer numerous exhibits throughout the proceedings—all of which were recorded in the fifteen-volume compilation of testimony previously mentioned—and was even permitted to request subpoenas be issued for numerous witnesses on his behalf. None of these opportunities for appearance or participation were afforded to Attorney General Paxton in the recent House proceedings, but doing so may have helped to alleviate concerns that the recent proceedings were rushed and political in nature. Affording the accused the opportunity to appear may have also resolved any concerns related to hearsay evidence being proffered as fact to the full House.

After the Carrillo committee concluded its proceedings on July 16, 1975, it issued a lengthy 101-page report to the full House indicating its findings for justification in moving forward with impeachment. In contrast, the Paxton committee sent to the full House a 158-page transcript of the four-hour hearing it conducted, in addition to a three-page memo pushing back on arguments publicly made by General Paxton. Instead of a simple transcript, future House committees should consider compiling a summarization of its proceedings as did the Carrillo committee, with brief justifications added to each article of impeachment it sends to the full House so that members can consider the weight of justifications attached to each article.

As for the articles of impeachment themselves, it is notable that the articles proffered in the Ferguson proceedings were much more extensive than those in the Carrillo or Paxton proceedings. There is a danger in doing this, however, as including more information in the articles allows the possibility that a factual error may be included, potentially throwing the whole article into question. As previously noted, the Carrillo articles were paired with a lengthy report expanding on each one. Future House committees should thus consider expanding on the articles in more detail in a separate report to the full House, in the same way as was done in the Carrillo proceeding, to address initial questions at the outset of the process.

Lastly, the Senate Rules committee appears to have predominately relied on the rules used in the Carrillo trial. These rules have worked over time to both convict and acquit Texas officials—demonstrating their fairness—and thus, future Senators would do well to rely on both the Carrillo and Paxton proceeding's rules to craft their own guidelines for the Senate Court of Impeachment.

STATEMENT SUBMITTED

Senator Creighton submitted the following statement:

Having fulfilled my duty as a juror in the September of 2023 impeachment trial of Attorney General Ken Paxton, I wish to ensure that the Senate journal accurately reflects my overall concerns regarding this impeachment. My intention is for this entry to stand as a source of guidance for future legislators, ensuring the protection of due process, procedural fairness, and unwavering adherence to justice.

Article I, Section 19 of the Texas Constitution establishes the right to due process for all individuals, emphasizing the necessity of upholding these principles in any impeachment proceeding.

These crucial factors underscore the paramount importance of these principles:

Respect for Precedent: The actions we take today will cast a lasting influence on the legislators of tomorrow. I firmly believe that the constitutional framework and procedural standards established in previous impeachments, such as the 1917 impeachment of Governor Ferguson and the 1975 impeachment of Judge Carrillo, allowed for transparency, due process for the accused, legal representation for the accused, cross-examination of witnesses, adherence to evidentiary standards, and testimony under oath. For the Paxton impeachment, when the House General Investigative Committee rushed to hire outside counsel to question witnesses, who were not under oath, the Attorney General was not allowed to come before that committee with counsel, to refute allegations, or to question witnesses.

In the Ferguson impeachment, all witnesses were under oath, and the accused was allowed with counsel to cross examine those same witnesses. Not in this case.

Transparent Proceedings: All forthcoming impeachment proceedings should be mandated to ensure full transparency, accountability, and the meticulous application of the law, following the correct precedent demonstrated in the impeachment trials of Governor Ferguson and Judge Carrillo. Both investigations and trials ensured that witness testimony was under oath, and there were guardrails to prevent swift judgment without deliberation. Both the citizens of Texas, and the accused individual, must have access to information to safeguard the integrity of the process, uphold public trust, and avoid reliance on mere speculation or hearsay.

Due Process and Immediate Consequences: We must reevaluate the provisions in Article XV, Section 7 of the Texas Constitution, which govern the removal of officers, including the Attorney General. This constitutional provision stipulates that an impeached official shall be suspended from office during the impeachment proceedings. The 2023 impeachment of Attorney General Paxton raises concerns that the required suspension does not provide for due process or a comprehensive adjudication of guilt or innocence. If we wish to maintain the principle that an individual is considered innocent until proven guilty, this provision should be revised.

We should also consider revising chapter 665 of the Local Govt. Code, a recodification of the "forgiveness doctrine". Nowhere in that statute, re-codified as recently as 1993, is there a distinction between constitutional and statutory officers.

This statute should be repealed, or this distinction should be made, in order to ensure that there is harmony between caselaw, statute, and the constitutional provisions of Article XV.

As it stands today, an impeachment trial in Texas is a political trial. In a political trial, the "forgiveness doctrine" can be applied. It is not only appropriate and allowed, it is consistent with precedent.

Senate jurors have unequivocal jurisdiction over impeachment proceedings. The Texas Supreme Court reminds us in applicable case law that this is plenary power, in these specific proceedings, which means absolute.

In the Ferguson trial, the House had built a record that totaled over 70 volumes. For the Paxton impeachment trial, the record was 170 pages. In the Ferguson impeachment, the House placed over 30 witnesses under oath. For the Paxton impeachment, the House placed no one under oath. Should the House consider impeachment in the future, it is critically important to build a record that is credible, thorough, and one that takes into consideration the important factors and constitutional rights of the accused, that must be protected, listed above.

The Paxton impeachment trial ended in acquittal for all articles and this was decided correctly. House Managers, and counsel did not prove their case beyond a reasonable doubt. My vote of summary judgment at the beginning of the trial was specifically for concerns related to the process mentioned above and concerns about the weaponization of the impeachment effort due to new precedent being established, which ultimately ignored precedent from past Texas impeachment proceedings. The House does not only serve in a grand jury role in this process. Rule of law and adherence to precedent is incredibly important beyond the grand jury designation.

The impeachment process in Texas must be unimpeachable.

I offer this guidance with the intention of benefiting future generations of Texas lawmakers.

CREIGHTON

STATEMENT SUBMITTED

Senator Johnson submitted the following statement:

The evidence at trial showed beyond any reasonable doubt that Attorney General Ken Paxton ran the state Office of the Attorney General exactly as described by a witness who was called – ironically – on Paxton's behalf: as Paxton's own law firm to use as he wishes. I do not share that view of the office. Nor, presumably, do any of my colleagues. Yet only 14 senators voted to convict. Those senators found proof of abuse of power with respect to between 14 and 16 of the sixteen Articles of Impeachment that were tried. Sixteen senators refused to convict on any Article. This result raises questions about what boundaries remain on the private use of public powers.

Do my colleagues not find the rank abuse of office, demonstrated plainly and clearly and compellingly at trial by brave and credible witnesses and documentation, worthy of impeachment? That in and of itself is a deeply troubling question.

Many contend that their vote to acquit turns on the persistence of a "reasonable doubt" about the alleged actions. I find this to be a convenient escape from a difficult political vote. Proving a matter beyond a reasonable doubt does not mean proving the matter beyond an unreasonable doubt. It does not mean negating the most improbably imagined possibility of an alternative explanation of the facts. Once the prosecution presents evidence that leads to one and only one rational conclusion, the burden shifts to the defendant to present evidence that calls into question some fact that is material to the essential allegation – not to prove anything, but to raise a reasonable doubt.

Perhaps with respect to certain individual Articles rational consideration of the evidence may yield opposite but reasonable conclusions – acquittal or conviction. I myself found that the defense raised material and reasonable doubt with respect to two Articles. What will likely vex us all over time, however, is the seeming refusal by many of my esteemed colleagues to consider the cumulative import of the entire sequence of proven actions over the course of 2020, as required by Articles XVII-XX.

A few notes regarding procedure and process.

"What they did in the House..." doesn't matter. The Senate's constitutional obligation to try the case on the evidence and only on the evidence is not contingent upon a Senator's conclusions about the propriety of the impeachment proceedings in the House of Representatives. The Texas Constitution vests the sole power of impeachment in the House, and the Senate has neither the obligation nor the prerogative to adjudge the exercise of that power (Texas Constitution, Article XV; Tex. Gov. Code § 665.021). For a senator to approach the impeachment trial with any regard to House proceedings is, therefore, both an arrogation of power and an abdication of responsibility.

Motions to dismiss ... aren't really a thing in an impeachment trial. The Texas constitution's delegation of power and responsibility among the House and Senate should be understood, also, to render unconstitutional and improper any pre-trial motion to dismiss – the Senate shall try the case, not throw it out before trial. Likewise, the Senate had no constitutional power to dismiss the Articles that had been held in abeyance under the Senate's Rules of Impeachment.

On the more practical side, impeachment trials would garner greater public trust and proceed with greater fairness with the following departures from what was done in this trial:

The presiding officer of the trial should not be an elected official. Even the most impartial presiding officer will be perceived as biased if they hold a partisan elected office at the time of trial. Public trust would best be served by placing in that role an experienced, demonstrably unbiased former judge.

All court rulings on the admission and exclusion of evidence should be conducted in the presence of the members of the court.

Cross-examination should be limited to the scope of direct. Future courts should also consider limiting time for cross-examination to not more than 50% of the duration of the direct examination of each witness. This may prevent either party from trying their case through the unchecked advantage of leading, bullying, and argumentative questions, a tactic much indulged during this trial.

An alleged co-conspirator who is not a party to the impeachment trial should be required to testify if called, but may of course invoke the Fifth Amendment right against self-incrimination.

An order precluding comments on the merits of the articles of impeachment or of the impeachment process should issue automatically upon preference of the articles of impeachment by the House.

A continually updated master list of admitted exhibits should be shared with the members of the court in real time, and made available in electronic form and *in camera* review immediately upon admission in evidence.

JOHNSON

STATEMENT SUBMITTED

Senator Huffman submitted the following statement:

The impeachment trial of Warren Kenneth Paxton, Jr., has concluded, and I share my thoughts in the Senate Journal on the impeachment process and trial. I have spent the last three months researching the impeachment procedures of the Texas and United States Constitutions and relevant caselaw. I have also sifted through thousands of pages of archaic Texas Senate precedent covering all five prior impeachment trials conducted in this State under our current Constitution. Through my research, I found the statements of former senators to be helpful and enlightening.

As many have said, an impeachment trial is neither criminal nor civil, but inherently political. As a former prosecutor and criminal district court judge who has participated in hundreds of trials, I now know that to be true having gone through this process. I believe that the rules enacted by the senators have proven to be critical in maintaining structure and a certain steadiness throughout the process. I would recommend that future senators enact rules that have broad support and maintain a dedicated commitment to following them.

In regard to the impeachment trial of Warren Kenneth Paxton, Jr., I believe that the Texas Constitution and legal precedents gave the House of Representatives sole control over its own procedures to investigate impeachable conduct. The interest of the State and the due process of the officeholder could have been better protected if the House of Representatives would have followed its own precedent and conducted a thorough and transparent review of the accusations.

Under the Texas Constitution, each senator's duty was to render an impartial verdict based solely on evidence presented at trial. The rules adopted by the senators provided for a two-step process before conviction. First, each Article must be proved beyond a reasonable doubt; and second, the allegations proven in each Article must be conduct that justified the removal of Warren Kenneth Paxton, Jr., from office. This was and always should be an extremely high burden to meet, as the consequence is to reverse a

duly certified election by the people of the State of Texas. Deciding whether to exercise such a power was a heavy responsibility felt keenly by all senators. My vote not to convict on any of the Articles of Impeachment reflects my view of the evidence presented at trial in light of the momentous power with which I have been entrusted to reverse the will of the voters.

HUFFMAN