The State of Texas

Elections Division
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Jane Nelson
Secretary of State

October 6, 2025

Cheryl Shadden
8405 Contrary Creek Road
Granbury, Texas 76048
cherylshadden@yahoo.com

Ms. Cheryl Shadden,

This letter is in response to the complaint that you submitted to our office regarding your concerns with the alleged invalidation of the application to incorporate the community of Mitchell Bend by Hood County Judge Ron Massingill.

In your complaint, you allege that during a Commissioners Court meeting held on August 12, 2025, Judge Massingill publicly stated that he had invalidated the application to incorporate. You further allege that this action may have been influenced by a letter he reportedly received from the Nelson-Mullins law firm, acting on behalf of MARA Holdings, Inc. Additionally, you state that Judge Massingill had however, subsequently signed the application to incorporate a second time and that the measure remains on the ballot for the November 4, 2025 election.

The Office of the Texas Secretary of State does not have any authority to investigate allegations of criminal conduct. However, if our office receives a complaint that provides reasonable cause to suspect that alleged criminal conduct occurred in connection to an election, our office is required to refer the complaint to the Texas Attorney General for investigation, pursuant to Section 31.006 of the Election Code.

Our office has reviewed each of your concerns, and based on the information provided in the complaint, we understand that potential election irregularities may have occurred. Please be advised that election irregularities, while concerning, are not necessarily criminal in nature. Therefore, our office is not referring this matter to the Texas Attorney General for investigation.

However, our office will be forwarding this complaint to the County to ensure the county is aware that once an election is ordered, it can only be canceled if statutory authority allows it to be. Specifically, Texas Election Code § 2.082 provides that an authority of a political subdivision that orders an election may cancel the election only if the power to cancel the election is specifically provided by statute.

In the case of a proposed municipal incorporation**,** there is no statute granting a county judge — or any other local authority — the unilateral power to cancel the election once it has been formally ordered and placed on the ballot except if the election on the measure is declared moot under Texas Election Code § 2.081.

Furthermore, to the extent there is a dispute concerning the legality or procedural validity of the incorporation process after the election has been ordered**,** the proper venue for resolving such matters is through a district court — not through executive action by a county judge or any other administrative official. Only a court of competent jurisdiction may issue an order enjoining or cancelling an election under appropriate legal standards and after due process.

Therefore, any action that seeks to invalidate or cancel a scheduled incorporation election — absent express statutory authority or a court order — would be inconsistent with the Texas Election Code and may raise concerns under both election law and the principles of due process.

If you have additional information that was not included in your complaint that demonstrates that criminal conduct may have occurred, please send it to us for further review.

If you have any further questions, please do not hesitate to contact the Elections Division toll-free at 1-800-252-(VOTE) 8683.

Sincerely,

Christina W. Adkins

Christina Adkins
Director of Elections

CA:BH

cc: HOOD COUNTY
Elections Administrator
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