



September 30, 2026

Sent via email

Re: Demand to Cease Airing Defamatory Advertisement Concerning State Representative & Candidate for Governor Gina Hinojosa

To the General Counsel or legal representative of this station,

On behalf of the Gina for Texas campaign, we write concerning a demonstrably false, defamatory television advertisement titled “Higher Property Taxes” and featuring State Representative and candidate for Texas Governor, Gina Hinojosa, which was first distributed on or about September 22, 2026 by Texans for Greg Abbott (the “Advertisement”). We believe your television station has aired, and may continue to air, the Advertisement. To avoid potential legal liability, we demand that your station: (A) immediately cease airing, streaming, and distributing the Advertisement, or any derivative thereof containing similar defamatory statements; and (B) publish a correction and retraction in a manner and medium as prominent as the programs on which your station aired the Advertisement.¹

The Advertisement states:

As governor, Gina Hinojosa will make your property taxes go even higher because in the legislature, Hinojosa voted to do just that, not once, not twice, 40 different times Gina Hinojosa voted to raise your property taxes. 40 times.²

That statement is false, and Texans for Greg Abbott know it. The Advertisement does not merely imply that Representative Hinojosa voted to raise Texans’ property taxes; it says so

¹ See Tex. Civ. Prac. & Rem. Code § 73.055. Not also that, because the Advertisement contains no appearance by Governor Abbott, it could not plausibly be seen as a “use” by a legally qualified candidate under 47 U.S.C. § 315(a), and your station retains full discretion to decline to air it.

² Texans for Greg Abbott, *Higher Property Taxes*, <https://host2.adimpact.com/admo/viewer/71099359-f985-4bcb-aede-d6097b87b9c2> (last visited Sept. 29, 2026).



expressly: “Gina Hinojosa voted to do just that.”³ This is explicit defamation.⁴ Representative Hinojosa has *never* voted to raise property taxes in the Texas House. The Legislature does not levy property taxes; only local taxing units set rates. Indeed, Governor Abbott himself has explained in a separate campaign-sponsored advertisement that the State of Texas “does not impose the property tax.”⁵ Instead, “only local governments impose property taxes.”⁶

Falsely telling voters that a candidate for Governor voted forty times to raise their taxes injures the candidate’s reputation and her standing as a candidate for public office.⁷ Texans for Greg Abbott has thus knowingly published false statements concerning Representative Hinojosa and is liable for defamation.⁸

Now that your station is on notice that the Advertisement is both false and defamatory, your continued airing of the Advertisement will amount to a reckless disregard for the truth. Such reckless disregard for the truth would make the station liable for defamation.⁹ Indeed, Texas law

³ *Id.*

⁴ See *Dallas Morning News, Inc. v. Tatum*, 554 S.W.3d 614, 636 (Tex. 2018) (there is no requirement to show the publisher intended a defamatory implication “in cases of explicit defamation because when the defendant speaks explicitly, the court indulges the presumption that the defendant intended the communicatory content that he conveyed”).

⁵ Megan Kimble & Benjamin Wermund, *Greg Abbott Ad Says Gina Hinojosa Voted 40 Times to Raise Property Taxes. Is That True?*, Hous. Chron. (Sept. 24, 2026), <https://www.houstonchronicle.com/politics/texas/article/abbott-ad-hinojosa-property-tax-22444137.php>.

⁶ *Id.*

⁷ See *Hand v. Hughey*, No. 02-15-00239-CV, 2016 WL 1470188 at *5 (Tex. App.—Fort Worth Apr. 14, 2016) (mem. op.) (campaign flyer misstating opponent’s voting record “tended to injure [his] reputation and worthiness as a . . . candidate for public office”); see also *Turner v. KTRK Television, Inc.*, 38 S.W.3d 103, 115 (Tex. 2000) (holding that “a plaintiff can bring a claim for defamation when discrete facts, literally or substantially true, are published in such a way that they create a substantially false and defamatory impression by omitting material facts or juxtaposing facts in a misleading way”).

⁸ *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964); see also *Turner*, 38 S.W.3d at 120 (“To establish actual malice, a public figure must prove that the defendant made the statement with knowledge that it was false or with reckless disregard of whether it was false or not. . . . Although actual malice focuses on the defendant’s state of mind, a plaintiff can prove it through objective evidence about the publication’s circumstances.”) (citation omitted). Governor Abbott’s own public statement that the State does not impose property taxes is precisely such objective evidence.

⁹ See *St. Amant v. Thompson*, 390 U.S. 727, 732 (1968) (“recklessness may be found where there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports”); *Hand*, WL 1470188, at *6 (continued publication of statements about the opponent’s voting record after the opponent disputed the



expressly permits defamation lawsuits against broadcasters who fail to “exercise due care to prevent the publication or utterance of the [defamatory] statement in the broadcast.”¹⁰

Accordingly, the Gina for Texas campaign demands that your station immediately cease airing, streaming, and distributing the Advertisement, or any derivative thereof containing similar defamatory statements. Further, the Gina for Texas campaign demands, under the Texas Defamation Mitigation Act, that the station publish a correction and retraction in a manner and medium as prominent as the programs on which the station aired the Advertisement.¹¹

Please confirm in writing by 5:00 p.m. on Friday, October 2, 2026 that the station has complied with these demands. We further request that you preserve all records related to the Advertisement, including its purchase, scheduling, and airing, as well as all and any communications with Texans for Greg Abbott or its agents.

Nothing in this letter waives any rights or remedies of the Gina for Texas campaign, or of Representative Hinojosa herself, all of which are expressly reserved.

Sincerely,

statements supported a prima facie case of actual malice); *Texas Disposal Sys. Landfill, Inc. v. Waste Mgmt. Holdings, Inc.*, 219 S.W.3d 563, 578 (Tex. App.—Austin 2007) (holding that a defendant’s failure to independently verify the truth of a statement was indicative of a purposeful avoidance of truth and therefore probative of actual malice); *Hearst Corp. v. Skeen*, 159 S.W.3d 633, 637–38 (Tex. 2005) (explaining that actual malice occurs when a party purposefully avoids the truth or bases a statement on obviously dubious information); Restatement (Second) of Torts § 580A cmt. d (1977) (“Republication of a statement after the defendant has been notified that the plaintiff contends that it is false and defamatory may be treated as evidence of reckless disregard.”).

¹⁰ Tex. Civ. Prac. & Rem. Code § 73.004.

¹¹ See Tex. Civ. Prac. & Rem. Code § 73.055.



/s/ Mimi Marziani

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