



EXECUTIVE SUMMARY

TEXAS (TX)

Discussion: Election Integrity

Heritage Foundation: Scorecard - Texas

<https://www.heritage.org/electionscorecard/pages/states/tx.html>

Voter ID Implementation

- Policy: Texas Voter ID policy has individuals present legal ID (e.g., drivers license, passport) and an option for an "Election Identification Certificate" (which requires verification of U.S. Citizenship and Eligibility).
- Concerns: Some people show up to vote lacking ID. Some are told they previously voted by mail (but did not). Their "provisional" ballots go through a curing process to preserve their vote. That process has holes.

Accuracy of Voter Registration Lists

- Concerns: Lack of clean voter rolls
- Inquiry: *Judical Watch review of voter roll accuracy*

Absentee Ballot Management

- Concern: Absentee ballots have identity & signature verification issues (a subject of legislative discussion).

Vote Harvesting/Trafficking Restrictions

- Concern: Laws are in place, but are not sufficiently, and there are reports that nursing homes are involved in vote harvesting, and USPS has reportedly been involved in trafficking.

Access of Election Observers

- Concern: Reportedly there have been incidents of county GOPs blocking or misinforming election observers, that the counties do not need help, when in reality there are vacancies and a need for assistance.

Verification of Citizenship

- Concern: No Systematic Alien Verification for Entitlement (SAVE) use to find non-citizens registering to vote.

Identification for Voter Assistance

- Policy: Those who assist voters must provide ID and reason for assistance, take an oath and swear-in.

Vote Counting Practices

- Concern: The state connects voting and tabulating machines to the internet

Election Litigation Procedures

- Concern: Residents do not have standing to sue election officials who fail to abide by state election laws (general standing to contest the results of an election is not sufficient for purposes of this question). Due to "open voting centers" outside of your precinct, legislatively it is cost-prohibitive to request a recount.

Legislative: Selected Action

Texas Secretary of State, 2020 Audit

Addressed Harris, Dallas, Tarrant and Collin Counties cooperating with county elections officials. This was a partial audit with sample vote tallies and indicators, not a full forensic audit.

<https://www.sos.texas.gov/elections/forms/phase1-progress-report.pdf>

<https://www.texastribune.org/2021/12/31/secretary-state-texas-election-audit/>

<https://www.dallasobserver.com/news/tarrant-county-sees-red-after-reports-county-turned-blue-in-election-11966329>

Litigation: Selected Cases

- 28 lawsuits in Texas in both the federal and state courts
- Attorney General Ken Paxton reported he is prosecuting > 500 cases of election fraud in Texas (9/21/21).
- See also: “Democrats Fighting Against Legitimate Elections” – AG Ken Paxton on Bannon’s War Room: <https://rumble.com/vmwxwj-democrats-fighting-against-legitimate-elections.html>

Anti-Defamation League (Austin TX) v. Abbott

Re: Vote-by-Mail Drop-Off Location Availability (Covid-19)

The ADL, Common Cause Texas, and an individual sued Texas alleging violations of Article 1, Section 3 of the Texas Constitution and statute, claiming the governor’s order lacked legal authority, interferes with early voting, burdens the right to vote, and disenfranchises voters in certain counties, thus depriving them of equal protection.

<https://www.brennancenter.org/our-work/court-cases/voting-rights-litigation-tracker-2020#Texas>

Chambers County: Texas v. Stephens

Ruling: Texas Legislature cannot delegate to the Attorney General (a member of the executive branch) the prosecution of election-law violations in district courts. Such power properly resides with the judicial department.

<https://search.txcourts.gov/SearchMedia.aspx?MediaVersionID=7dbdaca3-3a6d-4a75-925f-883fa825acae&coa=coscca&DT=OPINION&MediaID=8976a0aa-8fa8-4814-91bb-f0d79f1108fc>

<https://www.texastribune.org/2021/12/15/ken-paxton-election-prosecute-court/>

Harris County: Texas v. Harris County

Texas Supreme Court

Drive-by voting centers: Contest against 127,000 Harris County votes, that is in conflict with HAVA. A handful of GOP activists and candidates had asked the state’s highest civil court to rule Harris County’s drive-thru voting locations illegal and invalidate votes that have already been cast. The challenge was filed in federal court, went to SCOTUS but the petition was rejected and not heard by the court.

<https://www.texastribune.org/2020/11/01/texas-drive-thru-votes-harris-county/>

Harris County: Texas v. Hollins

(Tex. Dist. Ct., Harris Cnty.)

Mail-In Ballots: Texas Attorney General seeks to prevent the Harris County Clerk from mailing applications for mail ballots to every registered voter, claiming that doing so will increase fraud and exceeds the clerk’s statutory authority. Texas seeks a TRO, temporary injunction, and permanent injunction restraining the action.

<https://healthyelections-case-tracker.stanford.edu/detail?id=229>

Waller County: Allen v. Waller County

Re: Early Voting

Individual voters and the Panther Party sued Waller County, Texas, the Waller County Commissioners Court and others, challenging the county’s refusal to provide plaintiffs with early voting opportunities equal to those provided to non-Black, non-student voters.

<https://www.brennancenter.org/our-work/court-cases/voting-rights-litigation-tracker-2020#Texas>

Texas v. Pennsylvania

Motion for leave to file a bill of complaint denied on Dec. 11, 2020. All other pending motions dismissed as moot.

Issue: Whether the Supreme Court should temporarily prevent Georgia, Michigan, Pennsylvania and Wisconsin from certifying their 2020 election results because changes to those states’ election procedures in light of the COVID-19 pandemic violated the Constitution.

<https://www.scotusblog.com/case-files/cases/texas-v-pennsylvania/>