



Texas Public Policy Foundation  
**LEGISLATOR'S GUIDE  
TO THE ISSUES  
2021-2022**

## Reform the Relationship Between the Texas Secretary of State's Elections Division and the Counties

### The Issue

Duplicate voting, noncitizen voting, deceased voting, and phantom voters, along with the expansion of mail-in ballots, are often decried as issues of little concern. However, data suggest action is needed quickly to protect the integrity of Texas and national elections.

In all states, a minimum standard of citizenship is required to vote. Yet, there is evidence that many who are not qualified are voting in Texas elections. Increased communication is needed between the Texas Secretary of State and Texas counties to ensure requirements for voting are met and voter registration information is correct and accurate.

Moreover, deceased voters and old registrations pose problems for ballot integrity, especially when it comes to mail-in ballots.

Several bills in the Texas 84th, 85th, and 86th legislatures addressed the need to create standardized rules about mail-in ballots and old registrations. Yet, vote harvesters and mail-in ballot fraud have continued to affect Texas elections since their passage.

Critics who oppose strengthening election regulations that ensure a fair and standardized practice of holding elections claim that election fraud is not a widespread issue, is easily caught, or that counties can run elections how they see fit. However, recent stories reveal confusing situations capable of abetting voter fraud and inconsistent county election practices creating a massive problem for our elections:

- Texas Attorney General Ken Paxton reported that DPS discovered approximately 95,000 noncitizens on voter registration lists, even though much of the data contained naturalized citizens. The result suggests better oversight of voter rolls is needed to clarify and correct errors in voting rolls where they exist.
- During the COVID-19 pandemic, Harris County decided to mail an absentee ballot to every voter 65 or over regardless of their voting intentions. The action created confusion and inconsistency in election practices with other Texas counties.
- Texas Attorney General Ken Paxton warned that fear of the novel coronavirus is not a valid reason to claim a disability for the mail-in ballot while the clerk of Travis County's website said that a voter does not have to declare what their disability is on a mail-in ballot application. The information is confusing for the voter between the view of the county election official and the contradicting view of the Office of the Attorney General.
- Research conducted by the Presidential Advisory Commission on Election Integrity showed multiple instances of fraud and illegal voting from 2004 to 2010 in Texas.

- The Office of the Attorney General is actively prosecuting 75 cases of voter fraud and since 2004 has prosecuted over 450 election fraud offenses.
- In 2018, in Beaumont, Texas, a 57-year-old noncitizen from El Salvador who used false documents to obtain a U.S. birth certificate, a U.S. passport, and a Social Security number was indicted on five counts, including voter fraud and false representation of U.S. citizenship.
- In Starr County, Texas, between 2010 and 2018, a voter illegally used deceased Judge Blas Chapa's name to vote three times. A resulting investigation by DA Omar Escobar led to seven arrests on charges of illegal voting by felons.

### The Facts

- Several cases of voting fraud, including noncitizen voting, indicate this is an issue that endangers our election system's integrity.
- Noncitizens are not allowed to vote in federal and Texas elections. Yet there are cases of noncitizens and other categories of ineligible voters casting a ballot in Texas.
- Different and sometimes contradictory directives coming from election officials at different levels of government can confuse voters.
- Counties have variant standards and may in some cases refuse to share data to help determine if a voter is eligible.

### Recommendations

Reform the relationship between the Texas Secretary of State's elections division and the counties:

- Require the Texas Secretary of State to establish and administer a standardized system for voter-registration information and communication.
- Require all Texas counties to adhere to the minimum standards for voter-registration information and communication set by the Texas Secretary of State.
- Require all Texas counties to exchange voter-registration information and to modify their own voter-registration lists, on the demand of the Texas Secretary of State.
- Require the Texas Secretary of State to perform a full audit of all county voter-registration lists every 5 years.
- Require all Texas counties that fail to pass the 5-year audit, and/or fail to adhere to the minimum standards set for voter-registration information and communication—at the

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assessment and discretion of the Texas Secretary of State—to have their elections and voter-registration operations wholly run and supervised by the Texas Secretary of State for a 5-year period.

## **Resources**

[“Election Integrity Initiative,”](#) Attorney General of Texas.

[“Election Law Violations Submitted to PACEI,”](#) Moritz-Veasey, Ohio State University (2014).

[“Nearly 400K Vote-by-Mail Applications Sent to Harris Co. Seniors Ahead of Election”](#) by Shelley Childers, *ABC 13 Eyewitness News* (June 11, 2020).

[“You Can Vote by Mail Despite Texas AG’s Warning”](#) by Ken Martin, *Austin Bulldog* (June 15, 2020).

[“Someone Did Not Do Their Due Diligence’: How an Attempt to Review Texas’ Voter Rolls Turned Into a Debacle”](#) by Alexa Ura, *Texas Tribune* (Feb. 1, 2019).

[“Salvadoran Immigrant Indicted for Voter Fraud in Texas”](#) by AP News, *U.S. News and World Report* (June 22, 2018).

[“Voter Fraud Case Reveals Deceased Texans Still Voting”](#) by Erin Anderson, *Texas Scorecard* (March 8, 2018).

