

Talking Points:

Main Point:

Texas has a number of safeguards to ensure the integrity of its election processes, such as the Secretary of State's oversight power to ensure the uniformity of state election administration and the ability to pursue civil action in court to compel election officials to meet their statutorily required election duties.

Nonetheless, we identified a number of potential vulnerabilities to the integrity of processes and officials responsible for administering the elections. This includes the complexity and ambiguity around election administration structure in the state, potential challenges to certification, delay tactics, and extreme partisanship. While past cycles have been relatively uneventful regarding efforts to refuse or delay local certification of election results, it remains a potential area for concern.

Additionally, the election denial movement in Texas is strong, which causes concern despite the safeguards for election administration. The state of Texas played a central role in furthering Donald Trump's false "stolen election" claims when Attorney General Ken Paxton [sued](#) to overturn the election results in Georgia, Michigan, Pennsylvania and Wisconsin—a case rejected by the Supreme Court. While the 2020 results in Texas were not in question, in 2021 Governor Greg Abbott made "election integrity" one of his emergency items for the state legislature to address. The law is [described](#) as "sweeping legislation that further tightens state election laws and constrains local control of elections by limiting counties' ability to expand voting options." Texas' elections and election-denying officials will need to be closely watched to ensure that 2024's elections are run freely and fairly, and decided by the voters.

Additional Guidance:

- Texas is the second largest U.S. state (both in terms of area and population) and has more counties than any other, at 254.
 - ◆ At the county level, there is significant variation in how counties administer elections and to whom they delegate key election responsibilities. Each county administers its own elections and delegates responsibility to key county officials.
- Notably, the Republican-led state government's enactment of clearly partisan laws to target Harris County, home to Houston and the largest concentration of Democratic votes, calls into question the impartiality of election administration and oversight in the state
- By identifying potential threats and providing in-depth information about what each step in the vote counting and certification process should look like,

we've given pro-democracy advocates and journalists the tools they need to monitor elections, target corrective action, and hold officials accountable.

On Vulnerabilities:

The main concerns we have identified in conducting a thorough review of the processes and personnel involved in administering the state's elections include:

- **Complexity and Scope of Texas Elections:** Given the size and complexity of the state, the Secretary of State and their Elections Divisions face a significant administrative challenge in overseeing elections. The Elections Division is a complex bureaucracy with consistent challenges around its funding and staffing capacity. The challenges are also affected by whether or not the State Legislature and the Governor allocate sufficient resources.
 - ◆ Confusion over County Administrator Duties: It is not always clear under Texas law which county official has responsibility for which election duties and in some cases this can lead to officials being endorsed for acting outside their direct authority. In the case of sorting out the ambiguity, an election official may request that the Secretary of State provide clarification about responsibility and duties. However, the need to go to a third party about ambiguity could create delays in election processes should there be disagreements.
- **Election Denial:**
 - ◆ In regards to the canvass and certification of elections, the County Commissioners Courts have a non-discretionary duty to canvass without delay. We are not aware of any examples of direct votes against certification in the state.
 - ◆ There are legal mechanisms should certification be challenged: tight state canvass deadlines, the power of County Commissioners to take over the County Judge role to ensure the canvass proceeds, and most importantly, the Secretary of State's obligation to go to court to force county officials to certify should they refuse.
- **Delay Tactics:** Losing candidates have used the election code's permissive recount provisions and election contest rules in bad faith to drag out their challenges. Election denial activists made other challenges claiming counties' voting equipment was not properly certified and officials face increased recount petitions, which can strain resources.
- **Politicization of Election Processes:** Texas elections have become increasingly politicized by state lawmakers following the 2020 election.
 - ◆ Election deniers in the state legislature have pushed sweeping voting bills that have: Inserted statewide officials into local election

administration, created criminal penalties for aspects of voter assistance, and gave poll watchers greater autonomy, among other things.

- ◆ Some of the recent changes to the election law that appear to be motivated by extreme partisanship include limiting the number of ballot dropboxes in each county to only one—disproportionately affecting Democratic-leaning voters in populous counties—and withdrawing Texas (based on right-wing conspiracy theories) from the Electronic Registration Information Center (ERIC), a cross-state system that helps maintain accurate voter roles.
- ◆ Harris County, the largest county in the state that includes Houston, in particular has been a primary focus of these politically motivated efforts.
 - In 2023, the State Legislature passed a bill that abolished the Harris County Elections Administrator and elections office and transferred their duties to the County Clerk and Tax-Assessor-Collector. Notably, neither of these officials have any institutional knowledge of how to run elections in the county.
 - The 2023 law also empowered the Secretary of State to initiate administrative oversight of any county with a population of more than four million if there is evidence that a "recurring pattern of problems with election administration or voter registration exists."
 - Harris is currently the only county in the state that meets this criteria—in a sense this creates a two-tiered election system. It is also the county with the single largest total of Democratic votes, indicating the clear partisan intent of this law.
- ◆ **Election-Related Prosecutions:** Attorney General Ken Paxton appears to have a history of making unfounded claims about election fraud that rarely resulted in conviction and primarily serve to increase distrust in elections while potentially dissuading eligible voters from taking part in the process.
 - In August 2024, he directed raids against organizations registering voters, including Latino civil rights organization LULAC, alleging illegal efforts to register non-eligible voters. That same month, he executed search warrants in Bexar, Atascosas, and Frio counties, alleging without evidence that he was investigating "election fraud and vote harvesting" during the 2022 election.

- Texas's 2021 election law created criminal penalties for some aspects of voter assistance, like so-called "vote harvesting," and for election officials. In October 2024, a federal judge struck down the portions of the law affecting voter assistance and blocked any prosecutions from violations of those provisions.

→ **Poll Watcher Autonomy:** The 2021 election law gave partisan poll watchers greater autonomy to observe a broad range of election procedures, greater ability to object to activity they "reasonably believe" is fraudulent, and greater range of physical movement in polling places when observing. These increased powers raise concern for voter intimidation at the polls and disruption during the voting and post-vote processes.

→ **Hand Counting Ballots:** Gillespie County Republicans chose to hand-count ballots cast for the 2024 presidential primary; the final totals were riddled with errors. Fortunately, Texas's state Elections Division director Christina Adkins hosted a September 2023 meeting of party chairs focused on the many drawbacks of hand-counting ballots that dissuaded most other counties from pursuing that vote counting method for their primaries.

Likely Questions & Answers On Report:

Q: What is in this report? How is it helpful to advocates and journalists?

- This guide is a must-use resource for journalists and advocates alike to understand the processes and personnel that oversee Texas elections, vulnerabilities to monitor for, and election officials to keep a close eye on as votes are counted in November.
- The report includes:
 - ◆ A timeline for the ongoing and overlapping processes for vote counting, recounts, and certification, with different customizable view options;
 - ◆ An extensive library of research on election personnel focusing on whether they may pose a threat to election administration, with supporting evidence; and
 - ◆ An overview of anti-democracy trends and the potential impact on Texas elections.

Q: Who works for Informing Democracy? Who wrote the report?

- Our team is made up of election professionals, researchers, and lawyers who are dedicated to addressing threats to our elections by providing research and information about everything that happens in election administration after votes are cast.
- We have a team of researchers and lawyers who all contributed to the effort, with experience in public records research and election law. Other members of the research team have experience in state government and issue advocacy.

Q: How did you determine the methodology?

- For the research on election officials, Informing Democracy conducted public record background reviews of local election officials to identify whether any past behavior raises concerns about their commitment to fair election administration.
 - ◆ **Researchers sought evidence that an individual in a position of trust in elections administration aligned with the election denial movement or otherwise signaled a lack of commitment to the democratic process.** These indicators included past attempts to subvert the electoral process, rejecting the results of the 2020 election, or belief that there is otherwise widespread fraud in the system.
 - ◆ Informing Democracy then categorized these findings based on the areas of concern they raised. Categories include election denial, election subversion, election skepticism, election conspiracies, anti-democracy,

support for full hand counts or baseless audits, and or opposition to certification.

- Informing Democracy worked to identify laws governing our elections and supplemented that material with analysis of prior practice through public records where available.

Q: How do you hope that people will use this report?

- Our main goal is to bring transparency to the post-election process so people understand the steps and feel confident in the fact that their vote will be counted accurately.
- This report is a must-use resource for those reporting on the upcoming election and as a critically important resource for the groups focused on election protection, defending the vote counting and certification process, and to combat far-right extremists' attacks.
- Whether it's a media outlet shining a light on these officials or an advocacy group that is organizing on the ground in support of democracy, this report will help identify who in the system is attempting to undermine our elections.
- **Potential Follow-up Question: Are you encouraging people to run against the officials you identified?**

- **PIVOT:** Back to Informing Democracy's mission:
 - We don't get involved in campaigns. We want to make sure that officials responsible for administering our elections and writing our election laws are following the rules to ensure that in a democracy it's the voters who are the ones deciding elections, not the people responsible for counting the votes.
 - We think there needs to be visibility into every part of the process to make sure there's accountability, and that that can lead to greater confidence in election outcomes.

Q: Who is behind Informing Democracy? Where does your funding come from?

- We've got two entities: A 501(c)(3) nonprofit and a 501(c)(4) funded through several grants; we don't have any single one majority donor.
 - **IF PRESSED:** The boards for both entities are public, and I'm happy to provide that list, I don't know all the names off the top of my head.

Likely Questions & Answers On Findings:

Q: What trends are you most worried about in Texas?

- Election denialism and delays from elected officials, outside groups, candidates, and their supporters
- Continued politicization of election processes and laws that target Democratic-leaning counties beyond Harris County
- Election-related prosecutions by Attorney General
- The challenge of overseeing the complex election administration of 254 counties
- Confusion over county administrator duties

Q: Do you think election deniers and other bad actors will be able to stop the certification of Texas' election?

- Ultimately no, but current protections may not be sufficient to deter anti-certification actions which may lead to substantial delays and the need for litigation.

Q: Who are a few of the officials or localities you're most concerned about?

- Attorney General Ken Paxton, who filed the unsuccessful *Texas v. Pennsylvania* case in the U.S. Supreme Court, created an election integrity unit that announced high-profile election fraud prosecutions that rarely resulted in conviction, and sued counties over voter registration outreach.
- State Legislature and Governor Abbott

Q: What does tabulation mean in the vote counting process?

- Tabulation refers to the initial counting of votes after voting concludes.

Q: What is the difference between the canvass and certification?

- Canvassing is the review of the election results to ensure that they are true, correct and a complete tabulation of the votes cast. Certification is a process that effectively makes the canvass "official," which may be accomplished by a vote or signing a specific document.

Potential Tough Questions & Answers:

Q: Your report seems to only include concerns about bad actors with Republican-leaning sentiments, how did partisanship play into your research?

- We focused our work based on who was working against or obstructing our elections, not on political parties—and we've found Republicans, Independents, and Democrats who have caused concern.

- We have also identified in, Georgia, Arizona, Nevada, and other states staunch Republicans who are vigorously defending the fairness of our elections and pushing back against election deniers' conspiracies.
- Our work isn't about party—it is about who is spreading the Big Lie and who is standing up for our democracy.
- Crucially, these election officials are supposed to be nonpartisan actors—so it isn't really a question of their personal political beliefs. It's that they should operate in these roles without consideration of their personal political beliefs.