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*Interim Report*

TO THE EIGHTY-NINTH TEXAS LEGISLATURE

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HOUSE COMMITTEE ON ELECTIONS  
NOVEMBER 2024

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**HOUSE COMMITTEE ON ELECTIONS  
TEXAS HOUSE OF REPRESENTATIVES  
INTERIM REPORT 2024**

**A REPORT TO THE  
HOUSE OF REPRESENTATIVES  
89TH TEXAS LEGISLATURE**

**REGGIE SMITH  
CHAIRMAN**

**COMMITTEE CLERK  
LAUREN MCCARTHY**

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Committee On  
Elections

November 22, 2024

Reggie Smith  
Chairman

P.O. Box 2910  
Austin, Texas 78768-2910

The Honorable Dade Phelan  
Speaker, Texas House of Representatives  
Members of the Texas House of Representatives  
Texas State Capitol, Rm. 2W.13  
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Elections of the Eighty-eighth Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eighty-ninth Legislature.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "RS", written over a horizontal line.

Reggie Smith

A handwritten signature in black ink, appearing to be "J. H. Bucy III", written over a horizontal line.

John H. Bucy III

A handwritten signature in black ink, appearing to be "G. Capriglione", written over a horizontal line.

Giovanni Capriglione

A handwritten signature in black ink, appearing to be "Eddie Morales", written over a horizontal line.

Eddie Morales

A handwritten signature in black ink, appearing to be "Mano DeAyala", written over a horizontal line.

Mano DeAyala

Valoree Swanson

A handwritten signature in black ink, appearing to be "Christian Manuel", written over a horizontal line.

Christian Manuel

A handwritten signature in black ink, appearing to be "Hubert Vo", written over a horizontal line.

Hubert Vo

John H. Bucy III  
Vice-Chairman

Members: Dustin Burrows, Giovanni Capriglione, Mano DeAyala, Christian Manuel, Eddie Morales, Valoree Swanson, Hubert Vo

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## INTRODUCTION

On February 8th, 2023, the Honorable Dade Phelan, Speaker of the Texas House of Representatives, appointed nine members to serve on the House Committee on Elections. The following members were appointed to the committee:

- Chairman Reggie Smith
- Vice Chair John H. Bucy III
- Representative Dustin Burrows
- Representative Giovanni Capriglione
- Representative Mano DeAyala
- Representative Christian Manuel
- Representative Eddie Morales
- Representative Valoree Swanson
- Representative Hubert Vo

Pursuant to House Rule 3, Section 10, the House Committee on Elections has nine members with jurisdiction over all matters pertaining to:

- (1) The right of suffrage in Texas;
- (2) primary, special, and general elections;
- (3) revision, modification, amendment, or change of the Election Code;
- (4) the secretary of state in relation to elections;
- (5) campaign finance; and
- (6) the following state agency: the Office of the Secretary of State.

On May, 8, 2024, Speaker Phelan released interim charges and tasked committees to study and make recommendations on numerous issues facing the State. The interim charges for the House Committee on Elections can be found on the following page.

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## INTERIM STUDY CHARGES

### **CHARGE I: MONITORING**

Monitor the agencies and programs under the Committee’s jurisdiction and oversee the implementation of relevant legislation passed by the 88<sup>th</sup> Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure the intended legislative outcome of all legislation, including the following:

- SB 1070, relating to the interstate voter registration crosscheck program; and
- SB 1750, relating to abolishing the county elections administrator position in certain counties

### **CHARGE II: ADHERENCE TO TEXAS ELECTION LAWS**

Evaluate the Secretary of State’s Election Audit Program’s findings and solicit information regarding emergent election issues in other counties. Make recommendations to ensure counties faithfully adhere to Texas election laws and those tasked with administering and enforcing the law receive appropriate resources and training.



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## SUMMARY OF COMMITTEE ACTIVITIES

The committee held two public hearings during the interim to address its assigned charges and other matters within the jurisdiction of the committee.

On July 12<sup>th</sup>, 2024, the committee convened its first public interim hearing to review Interim Charge I, which focused on monitoring the intended outcomes and implementation of relevant legislation. Key witnesses were invited to testify, providing insights into the implementation of Senate Bill 1070 and Senate Bill 1750. Additionally, the committee addressed the critical issue of ballot secrecy oversight.

To conclude its interim activities, the committee held its second public interim hearing on August 26<sup>th</sup>, 2024. This hearing, which was limited to invited testimony, focused on Interim Charge II, examining the adherence to Texas Election laws. The committee addressed the Secretary of State's Election Audit Program findings, storage and management processes for voter registration data, and potential emergent election issues in Texas counties.

Video recordings of the interim hearings can be found here:

July, 12<sup>th</sup>, 2024

<https://house.texas.gov/videos/20586>

August 26<sup>th</sup>, 2024

<https://house.texas.gov/videos/20692>

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## **CHARGE I: MONITORING**

MONITORING: MONITOR THE AGENCIES AND PROGRAMS UNDER THE COMMITTEE'S JURISDICTION AND OVERSEE THE IMPLEMENTATION OF RELEVANT LEGISLATION PASSED BY THE 88<sup>TH</sup> LEGISLATURE. CONDUCT ACTIVE OVERSIGHT OF ALL ASSOCIATED RULEMAKING AND OTHER GOVERNMENTAL ACTIONS TAKEN TO ENSURE THE INTENDED LEGISLATIVE OUTCOME OF ALL LEGISLATION, INCLUDING THE FOLLOWING:

- SB 1070
  - OVERVIEW
  - BACKGROUND
  - INTERIM STUDY FINDINGS
  - PUBLIC COMMENTS
  - RECOMMENDATIONS
- SB 1750
  - OVERVIEW
  - BACKGROUND
  - INTERIM STUDY FINDINGS
  - PUBLIC COMMENTS
  - RECOMMENDATIONS
- SB 1933
  - OVERVIEW
  - INTERIM STUDY FINDINGS
  - RECOMMENDATIONS

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## SENATE BILL 1070

### OVERVIEW

Senate Bill 1070, enacted during the 88th legislative session, modifies the Texas Election Code regarding the state's participation in an interstate voter registration crosscheck program. SB 1070 aims to enhance the accuracy of voter registration lists by utilizing data from various sources.

When SB 1070 was passed, it effectively removed Texas from ERIC (Electronic Registration Information Center), a multi-state program. ERIC's primary function is to allow states to share data and identify voters who may have moved, died, or have duplicate registrations in other states. SB 1070 shifts the responsibility to the Secretary of State to either cooperate with other states or contract with private systems for a similar purpose.

SB 1070 outlines that any system used for cross-checking voter data must comply with federal laws, like the National Voter Registration Act and the Help America Vote Act. It also limits costs for both setup and ongoing operations, reflecting a concern for efficiency.

This legislation took effect on September 1, 2023.

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## **BACKGROUND**

Law requires Texas to work with other states to develop systems for comparing interstate voter information to make sure that voter rolls are being maintained and that voters who have registered to vote in another state are being removed. In complying with this requirement, Texas has for several years participated in the Electronic Registration Information Center, or ERIC.

While a paper by Judicial Watch published in March 2023, discusses how ERIC bills itself as an efficient and cost-effective mechanism for states to maintain accurate voter rolls, a March 2023 article in the Texas Tribune shows there's a high cost associated with ERIC participation when the article says, "Texas currently pays about \$115,000 for its yearly ERIC dues. It also budgets more than \$1 million on mailing, postage and printing costs associated with inviting eligible voters to register, something required under the ERIC membership agreement."

SB 1070 seeks to ensure an efficient and cost-effective interstate voter registration crosscheck program by expanding the factors a publicly developed system can compare and providing that a private option the state uses must meet certain cost and functionality standards.

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## INTERIM STUDY FINDINGS

At the hearing on July 12<sup>th</sup>, 2024, the following invited witness testified on the implementation of Senate Bill 1070:

- *Christina Adkins, Director of Elections, Texas Secretary of State*

During Christina Adkins' testimony, she outlined the Secretary of State's office approach to the implementation of Senate Bill 1070, which amended the Texas Election Code regarding participation in an interstate cross-check voter registration program. Previously, Texas was a member of the ERIC (Electronic Registration Information Center) program, a multi-state program designed to help states improve the accuracy of voter rolls by sharing data such as voter registrations, death records, and changes in residency. However, after the 88<sup>th</sup> legislative session and in accordance with SB 1070, Texas withdrew from ERIC on July 20, 2023, as the new provisions required adjustments incompatible with ERIC's operational structure.

Adkins emphasized that the state did not want to rely solely on any third-party organization, such as ERIC, for list maintenance and data sharing. As a result, Texas began exploring alternative direct data sources from state and federal agencies. The goal was to reduce dependence on centralized, external programs and instead develop independent partnerships and agreements that would allow Texas to maintain voter registration accuracy through more secure, state-controlled means.

The Secretary of State's office is also in the process of redeveloping its statewide voter registration and election management system, with a strong focus on improving the efficiency and security of data processing and matching. This new system is set to launch in 2025 and will incorporate enhanced data matching capabilities, which will allow for more secure transmission of information to counties, enabling local election offices to verify and update their voter rolls more effectively.

While Texas has yet to formalize new agreements with other states for voter data exchange, Adkins reassured the committee that list maintenance remains robust. She emphasized the Secretary of State's confidence in the accuracy of Texas' voter rolls. The state already collects information from a variety of sources—such as deceased voter records, felony status updates, and non-citizen information—from federal and state agencies. These efforts continue to supplement the data that was previously provided through ERIC. Furthermore, informal collaborations with other states allow Texas to receive notifications of voters who relocate and re-register in different jurisdictions, although these notifications do not come through formalized agreements.

Vice Chair Bucy raised concerns during the hearing about the absence of formal agreements with other states following the withdrawal from ERIC, emphasizing the importance of such cooperation to ensure accurate voter rolls. He inquired about the number of states Texas was collaborating with on voter data sharing, and Adkins explained that while informal notifications from other states are ongoing, no official Memorandums of Understanding (MOUs) have been signed yet. Bucy also questioned whether Texas had seen any labor cost increases or inefficiencies as a result of withdrawing from ERIC, to which Adkins responded that there had

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been no significant cost increases, as the new system would streamline much of the work involved in voter list maintenance.

The broader sentiment among committee members reflected a desire to ensure that Texas continues to explore all available avenues to secure accurate and up-to-date voter registration data, particularly as the state navigates the transition away from reliance on external programs like ERIC.

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## **PUBLIC COMMENTS**

The public comments on SB 1070 reveal a few core areas of concern and suggestions for improving voter roll management and election integrity. Many commenters voiced criticism of the companies responsible for handling Texas voter rolls, particularly DemTech and Civix, alleging that these organizations contribute to issues with undeliverable addresses that can make it challenging for voters to access mail-in ballots. Numerous respondents suggested that bringing voter roll management back under state control could enhance both security and accuracy.

The theme of election integrity was also prevalent, with many comments calling for stricter measures to ensure clean, reliable voter rolls

Overall, the comments reflect a strong desire among constituents for transparency, accountability, and strict compliance with election laws. Many individuals expressed their commitment to an electoral process that is fair, reliable, and administered in a way that ensures voter confidence.

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## RECOMMENDATIONS

Texas House Committee on Elections recommends that the Secretary of State's office prioritize the establishment of formal agreements with other states to facilitate voter data sharing. These agreements are crucial for enhancing the accuracy of Texas' voter rolls, especially in the absence of the previous ERIC program. While the state has taken significant steps to develop independent data sources and maintain robust list maintenance practices, formal collaborations would further bolster these efforts and ensure that Texas remains aligned with best practices for voter registration accuracy.

Additionally, as the Secretary of State's office redevelops its statewide voter registration and election management system, set to launch in 2025, it is vital that the new system incorporates advanced data matching capabilities that facilitate secure and efficient communication with local election offices. This system should not only streamline the data processing but also enhance the overall integrity of voter registration.

The committee also urges continued exploration of innovative partnerships with federal and state agencies to support voter data accuracy. While informal collaborations have been beneficial, formalizing these relationships would provide a more comprehensive approach to maintaining up-to-date voter registration data. Ultimately, these recommendations aim to ensure that Texas navigates its transition from external reliance with efficacy, thereby enhancing the security and accuracy of its electoral processes.

The Secretary of State's office shall continue to update the legislature on the progress of the new voter registration election management system rollout in 2025, as well as any formal agreements with other states regarding voter registrations and related changes.



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## **SENATE BILL 1750**

### **OVERVIEW**

Senate Bill 1750, enacted during the 88th legislative session, modifies the Texas Election Code by abolishing the county elections administrator position in counties with a population of 3.5 million or more. Counties that hit this population threshold are required to transfer the election responsibilities back to the elected positions of the county clerk and the county tax assessor-collector.

This legislation took effect on September 1, 2023.

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## **BACKGROUND**

Senate Bill 1750 was a response to concerns about the management of elections in Harris County, specifically during the 2022 elections, where there were logistical errors such as delayed poll openings and ballot paper shortages. Supporters of the bill argued that returning election administration to the elected officials, such as the county clerk and tax assessor-collector, would improve accountability and transparency.

In July, 2022, the unelected Harris County elections administrator, Isabel Longoria, resigned following delays in releasing vote counts and an announcement that her office failed to enter around 10,000 mail-in ballots into the election night count. She admitted in her resignation that "I didn't meet my own standard or the standard set by the commissioners court."

S.B. 1750 seeks to resolve these issues by abolishing the position of county elections administrator in a county with a population of more than 3.5 million and transferring the administrator's powers and duties to the county tax assessor-collector and county clerk, which are elected positions.

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## INTERIM STUDY FINDINGS

At the hearing on July 12<sup>th</sup>, 2024, the following invited witnesses testified on the implementation of Senate Bill 1750:

- *Christina Adkins, Director of Elections, Texas Secretary of State*
- *Teneshia Hudspeth, Harris County Clerk*

During the public hearing on Senate Bill 1750, Christina Adkins provided a comprehensive overview of the bill's impact on Harris County's election administration. She confirmed that the legislation abolished the office of the county elections administrator, thereby transferring all election duties back to the county clerk's office and voter registration responsibilities to the tax assessor-collector's office. Adkins stated, "Since the county clerk assumed all election duties on September 1, 2023, we have worked very closely with that office as they've made this transition." She highlighted that Hudspeth's office had reached out promptly to discuss ways to collaborate effectively for the benefit of Harris County voters.

Adkins praised Hudspeth's transparency and responsiveness, stating, "Many Harris County stakeholders have reported to the Secretary of State's office that the county clerk has been very transparent regarding any issues that have arisen." She recounted how, during a recent primary runoff election, severe weather posed significant challenges, and Hudspeth's office was in constant communication with the Secretary of State's office. Adkins shared, "They were reaching out to us on a Friday afternoon and continued to provide updates throughout the weekend prior to the start of early voting," underscoring their commitment to ensuring compliance with state law amid unexpected difficulties.

In response to Representative Swanson's question about the improvement of elections since the transition, Adkins confirmed that they had observed a steady enhancement in the timeliness of processing results. She emphasized, "Since Hudspeth took over, we haven't had problems with ballot paper," and noted the absence of complaints regarding delays in reporting election results. This sentiment was echoed by Representative DeAyala, who inquired about the historical context of elections in Harris County. Adkins acknowledged that "there were quite a few comments and complaints with respect to elections during a certain time period," referencing issues like insufficient ballot paper and untimely reporting of election results under the previous elections administrator. Adkins noted that Harris county presents unique challenges in regards to the size and scale of the county.

Teneshia Hudspeth, the Harris County clerk, testified about her experience and the changes implemented since assuming office. She emphasized that she had successfully managed six elections without any issues related to ballot paper, a marked improvement from previous cycles. Hudspeth expressed her dedication to maintaining cost-effective operations, stating, "I have heard great things about how the elections are being run in Harris County," and that there is now increased confidence in the electoral process. When asked about the training and support provided to her staff, Hudspeth indicated that she had invited members of the Secretary of State's office to

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review training materials and observe the election process, fostering transparency and accountability.

The committee members also sought clarification regarding the implications of the bill on local control. Adkins explained that while Senate Bill 1750 specifically targeted Harris County, other counties with populations below 3,500,000 still have the option to establish an elections administrator, thus retaining local control. This prompted Representative Swanson to express gratitude for the return to a more traditional model of election administration in Harris County, remarking, “I have heard great things that Teneshia Hudspeth is running very good, professional elections.” Adkins confirmed this sentiment, stating that since Hudspeth took over, there have been no qualifying complaints that would trigger administrative oversight under Senate Bill 1933.

In conclusion, the testimonies from Adkins and Hudspeth, coupled with insightful questions from committee members, illustrated a significant transformation in Harris County’s election administration following the implementation of Senate Bill 1750. Both officials expressed a commitment to continuous improvement and collaboration, setting a positive tone for the future of electoral processes in the county. Their engagement reflects a proactive approach to addressing past challenges and enhancing the integrity of elections, ultimately benefiting Harris County voters.

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## **PUBLIC COMMENTS**

Several public commenters stressed the importance of transparency in the electoral process and called for thorough audits and verifications of election systems. They argued that the state must adhere strictly to existing election laws to maintain credibility and accountability.

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## RECOMMENDATIONS

The committee acknowledges the positive changes implemented in Harris County's election administration following the transition of duties to the county clerk's office. It is recommended that the Secretary of State's office continue to support collaboration between the county clerk and the tax assessor-collector's office, fostering open lines of communication to address any emerging challenges. Furthermore, the committee encourages the adoption of best practices observed during recent elections, particularly those related to timely reporting of results and effective management of election resources, such as ballot paper.

To enhance transparency and accountability, the committee suggests that the Secretary of State's office participate in ongoing training and support initiatives for local election officials. This engagement could include reviewing training materials and providing real-time assistance during elections. The committee believes that such actions will bolster local control while ensuring compliance with state laws and best practices.

Finally, the committee recommends that the Secretary of State's office regularly evaluate the impact of legislation like Senate Bill 1750 on election administration across the state. By monitoring these changes, the office can better support counties in implementing effective election practices, ultimately leading to improved voter confidence and integrity in the electoral process. The Secretary of State's office should continue to update the committee about the progress of Harris County elections under this new structure. The legislature should monitor if SB 1750's population requirement for enactment should be modified or changed in the future. The Secretary of State's office should also notify the legislature of any additional counties that may be facing similar issues as Harris county did in 2022.

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## SENATE BILL 1933

### OVERVIEW

Senate Bill 1933, introduced during the Texas 88th Legislature, focuses on enhancing the oversight and accountability of election processes within the state. The primary aim of the bill is to provide a structured framework for the investigation and response to complaints regarding election administration, ensuring that allegations of misconduct or irregularities are addressed promptly and transparently. A key component of SB 1933 is the establishment of a trigger mechanism that requires specific qualifying complaints to activate certain administrative oversight measures, which ensures that oversight is initiated based on substantiated claims rather than general dissatisfaction with the electoral process.

The bill allows for the implementation of administrative oversight by state election officials if a qualifying complaint is filed, facilitating a thorough investigation into the allegations and ensuring compliance with state election laws. Additionally, SB 1933 emphasizes the importance of timely and effective responses to complaints, creating a more transparent process for handling allegations and ensuring public trust in the integrity of the electoral system.

This legislation took effect on September 1, 2023.

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## INTERIM STUDY FINDINGS

At the hearing on July 12<sup>th</sup>, 2024, the following invited witnesses testified on the implementation of Senate Bill 1933:

- *Christina Adkins, Director of Elections, Texas Secretary of State*

During the hearing on Senate Bill 1933, the bill's trigger mechanism was discussed, requiring a qualifying complaint for its implementation. Christina Adkins, the director of elections for the Secretary of State, stated that since the effective date of the bill, there have been no qualifying complaints against Harris County Elections concerning any actions or inactions since Teneshia Hudspeth took over as county clerk in September 2023. Although a complaint referencing issues from the November 2022 election was recently received from a qualified individual, this complaint does not pertain to the current administration or any elections conducted after the change in leadership. Adkins further noted that Harris County elections officials have been receptive and transparent in addressing any questions or complaints.



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## RECOMMENDATIONS

The Committee on Elections recommends the need to increase awareness regarding the complaints process associated with elections, ensuring that voters are informed about how to effectively express their concerns. Furthermore, the committee advocates for strengthened training programs for election officials to better equip them in managing complaints and addressing misinformation.

In addition, the committee suggests the development of a robust tracking system for election-related complaints, which will help identify trends and improve accountability within election administration. Enhanced collaboration between the Secretary of State's Office and local election officials is also recommended, promoting effective communication and the sharing of best practices to facilitate better problem-solving.

The Secretary of State's office should continue to update the legislature of any qualified complaints that would trigger the administrative oversight by state election officials.

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## **CHARGE II: ADHERENCE TO TEXAS ELECTION LAWS**

EVALUATE THE SECRETARY OF STATE'S ELECTION AUDIT PROGRAM'S FINDINGS AND SOLICIT INFORMATION REGARDING EMERGENT ELECTION ISSUES IN OTHER COUNTIES. MAKE RECOMMENDATIONS TO ENSURE COUNTIES FAITHFULLY ADHERE TO TEXAS ELECTION LAWS AND THOSE TASKED WITH ADMINISTERING AND ENFORCING THE LAW RECEIVE APPROPRIATE RESOURCES AND TRAINING.

- **BALLOT SECRECY OVERSIGHT**
  - OVERVIEW
  - INTERIM STUDY
  - PUBLIC COMMENTS
  - RECOMMENDATIONS
- **SECRETARY OF STATE ELECTION AUDIT PROGRAM FINDINGS**
  - OVERVIEW
  - INTERIM STUDY
  - PUBLIC COMMENTS
  - RECOMMENDATIONS
- **STORAGE AND MANAGEMENT PROCESSES FOR VOTER REGISTRATION DATA**
  - INTERIM STUDY
  - RECOMMENDATIONS
- **POTENTIAL EMERGENT ELECTION ISSUES IN TEXAS COUNTIES**
  - INTERIM STUDY
  - RECOMMENDATIONS

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# BALLOT SECRECY OVERSIGHT

## OVERVIEW

In 2024, Texas has grappled with significant challenges regarding ballot secrecy, primarily arising from legislative measures aimed at increasing election transparency. The Texas legislature passed House Bill 5180 during the 88<sup>th</sup> legislative session. This bill allows for public access to crucial election records, including ballot images and cast vote records, just 61 days after an election. While proponents argue that this transparency fosters trust in the electoral process, recent investigations have revealed alarming implications for voter privacy. Reports have shown that, under certain conditions, the choices made by voters can be traced back to them using publicly available information.

One notable incident involved an independent news outlet that published what it claimed was the ballot of former Republican Party of Texas Chair Matt Rinaldi. This revelation prompted widespread concern among voter organizations. Christina Adkins, Director of Elections, for the Secretary of State's Office, acknowledged this conflict between the need for transparency and the imperative of protecting ballot secrecy, indicating that as election-related records become more accessible, the potential for breaching voter confidentiality increases.

Litigation concerning ballot secrecy in Texas escalated when five voters filed a lawsuit against several state officials, including Texas Secretary of State Jane Nelson. The plaintiffs allege that the use of unique identifier ballot numbers in electronic voting systems violates their right to ballot secrecy, breaching protections under both state and federal law. They seek to ban these identifiers and any non-compliant voting software. As the case develops, with motions to dismiss pending, it highlights increasing scrutiny over how voter data is managed in Texas, especially following legislation that expanded public access to election records, raising concerns about the potential for identifying individual voters.

In response to growing concerns over ballot secrecy, the Texas Secretary of State's office has issued advisories aimed at safeguarding voters' privacy. Following incidents of publicly disclosed ballots, including Texas Republican Party Chair Matt Rinaldi, the office emphasized the importance of maintaining the confidentiality of voter choices. A June 2024 advisory (Advisory No. 2024-20 and Advisory No. 2024-21) directed counties to redact any identifying information on ballots, such as polling locations and ballot numbers, before making them available for public inspection. This directive aligns with a June 2024 ruling from Texas Attorney General Office, which reaffirmed that government entities have a legal obligation to redact personally identifiable information on voters' ballots and other election records when fulfilling Public Information Act requests. The Attorney General's ruling stated that the disclosure of election records containing such information must preserve voter privacy, emphasizing that voters have an absolute constitutional right to ballot secrecy.

The advisory also introduced new standards for the certification of electronic pollbooks, prohibiting systems from generating ballot numbers that could be traced back to individual voters. This guidance highlights the balance needed between transparency in elections and protecting voter privacy. Entities that publicize ballot information could face legal repercussions, particularly

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if such disclosures are linked to voter intimidation or coercion. Overall, these measures reflect a broader commitment to addressing ballot secrecy concerns while ensuring the integrity of the electoral process in Texas.

In light of these issues, lawmakers are considering various measures to enhance ballot privacy, such as aggregating data from smaller precincts to obscure individual voter records. This ongoing debate underscores the delicate balance between ensuring electoral integrity and protecting individual voter rights, highlighting the need for careful consideration of how election records are managed and disclosed.

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## INTERIM STUDY FINDINGS

At the hearing on July 12<sup>th</sup>, 2024, the following invited witnesses testified on Ballot Secrecy Oversight:

- *Christina Adkins, Director of Elections, Texas Secretary of State*
- *Heather Hawthorne, Chambers County Clerk, County and District Clerks Association of Texas*
- *Jennifer Doinoff, Hays County Election Administrator, Texas Association of Election Administrators*
- *Samuel Derheimer, Director of Government Affairs, Hart InterCivic*
- *Chris Wlaschin, Chief Information Security Officer, Election Systems & Software*

Christina Adkins, representing the Texas Secretary of State's office, addressed significant concerns regarding ballot secrecy and voter privacy following a May 2024 article that suggested voters' ballots could potentially be traced back to them in certain scenarios. In her testimony, Adkins emphasized that Texas law is designed to protect voters' rights to a secret ballot, stating that this principle is foundational to the integrity of the electoral process. In response to the article's implications, Secretary of State Jane Nelson issued a statement reinforcing this commitment to ballot confidentiality.

To further clarify the state's position, Adkins explained that the Secretary of State's office collaborated with the Attorney General to release Advisory 2024-20. This directive instructed counties to take specific actions to redact any information that could connect voters to their ballot choices. The advisory also encouraged election officials to consult the Attorney General on appropriate redaction practices, highlighting a proactive approach to ensuring voter anonymity.

Adkins elaborated on the potential risks of ballot identification, noting that they primarily arise from the "process of elimination," particularly in low-turnout elections. In these scenarios, public voting records, when combined with data on voting locations and times, can enable others to deduce how specific individuals voted. She clarified that this issue is not inherently tied to the technology used in the voting process, such as ES&S or Hart InterCivic systems, but is rather a consequence of the amount of publicly available information.

Addressing the legislative framework, Adkins pointed to recent measures, including HB 5180 and Attorney General opinion KP-0463, which set forth guidelines for redacting personally identifiable information from ballots and voting records. However, she acknowledged that while these efforts aim to protect future elections, the data from past elections remains publicly accessible. This situation raises ongoing challenges regarding the balance between public transparency and voter confidentiality.

During the committee hearing, Chairman Burrows questioned whether all possible measures had been exhausted to safeguard small counties before the upcoming November election, especially regarding the security of small voting locations. Adkins affirmed that they had meticulously examined all available avenues within the current election code.

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Representative Swanson introduced the topic of redistricting precincts, identifying various rules that contribute to the creation of smaller precincts. Adkins discussed significant factors such as laws that prevent precincts from crossing city lines and restrictions on having multiple congressional or state senate districts within a single precinct. She acknowledged the growing challenge of maintaining adequately sized precincts due to Texas's increasing population and the cyclical nature of redistricting. Although Swanson sought potential recommendations for modifying these rules, Adkins indicated that further research is needed before making definitive suggestions.

The discussion also delved into the legal limitations surrounding the aggregation of small precinct results. Adkins clarified that current Texas law does not permit the aggregation of results from small precincts with those of neighboring precincts, dispelling confusion around this issue. She noted that the ability of the public to request information by polling location could compromise voter privacy, suggesting that legislative measures may be needed to restrict such requests to precinct-based data.

Ultimately, Adkins highlighted the importance of ongoing dialogue with the Attorney General to refine redaction practices and fortify the protections surrounding voters' constitutional right to a secret ballot. In closing, she advised that voters could mitigate the risk of their ballots being traced by voting at local, busy polling locations, thereby reducing the likelihood that individual ballots could be easily identified.

Heather Hawthorne, testifying on behalf of the County and District Clerks Association of Texas, commended the Secretary of State's office for receiving additional resources, which have greatly assisted county elections officials. Hawthorne highlighted the pressing issue of ballot secrecy, particularly in light of low voter turnout in recent elections. For instance, during a recent runoff election in Chambers County, out of 27,899 eligible voters, only 40 participated, with just six voters in one precinct, making it easy to identify how individuals voted through the process of elimination.

She emphasized the historical importance of ballot secrecy and acknowledged that while solutions are being developed, a balance must be struck between transparency and confidentiality. Recent challenges have prompted short-term and long-term solutions, with collaboration among officials being key to addressing the issue. Hawthorne pointed out that requests for public records related to ballots have become more frequent but are still manageable. She confirmed that her office would redact identifying information from older voting records to protect voter privacy.

During the testimony, committee members engaged in a dialogue about low voter turnout, the implications of countywide voting, and the need for better promotion of upcoming elections to encourage participation. Hawthorne suggested that budget constraints limit their ability to promote elections effectively, highlighting the need for a holistic approach to both protecting ballot secrecy and increasing voter turnout. She concluded by affirming her commitment to work collaboratively on these issues, recognizing that the collective effort of all stakeholders is essential to safeguard voters' rights while ensuring transparency in the electoral process.

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Jennifer Doinoff, testifying on behalf of the Texas Association of Election Administrators (now to be known as the Texas Association of County Election Officials), addressed concerns regarding ballot secrecy. She emphasized that redistricting and changes in precincts due to population growth can complicate the ability to maintain voter anonymity, especially in elections with low turnout. Doinoff highlighted that the risk of violating ballot secrecy is significant in smaller elections, where fewer votes can easily lead to the identification of individual voters. She noted that while the organization recognizes the challenges surrounding this issue, it is committed to working with members to implement effective redaction practices and seek guidance from the Secretary of State's office.

Doinoff also pointed out that maintaining the confidentiality of voter ballots is not merely a county-wide issue, as even elections that seem larger can have precincts with very few voters. In her responses to committee questions, she acknowledged that around 20 votes in a given precinct could pose a risk of being traced back to individuals. Additionally, she mentioned the potential for aggregating voting totals as a way to enhance voter privacy, although she deferred more technical questions to upcoming vendor testimonies. Overall, her testimony underscored the ongoing efforts to navigate the delicate balance between public transparency and the fundamental right to ballot secrecy.

In his testimony to the committee, Samuel Derheimer, Director of Government Affairs at Hart InterCivic, emphasized the integrity and security of the voting systems his company manufactures. He reassured the committee that Hart's systems are designed to maintain ballot secrecy by ensuring that personally identifiable information (PII) is never linked to ballots. He explained that unique identifiers on ballots serve essential functions, such as preventing fraud and preserving voter anonymity, while ensuring compliance with Texas election laws.

Derheimer addressed concerns regarding the potential for ballot identification through data aggregation, clarifying that while unique identifiers could theoretically be combined with other election data to identify a voter, the information embedded within those identifiers does not include PII. He reiterated that Hart's systems are "air-gapped" from the internet and electronic poll books, significantly enhancing security and ensuring that voters' identities are disconnected from the ballots they cast. He concluded by expressing confidence in the integrity of Hart's voting systems, assuring Texans that their privacy is protected throughout the voting process.

Christopher Wlaschin, Chief Information Security Officer of Election Systems & Software (ES&S), emphasized the company's commitment to secure and private voting technology. He highlighted that ES&S, a 100% American-owned company serving 142 counties in Texas, ensures that their voting systems are designed to prevent any traceability of ballots to individual voters. Wlaschin explained that their ballots do not include any data that could be reverse-engineered or linked back to how a voter cast their ballot.

Addressing concerns about ballot secrecy, he acknowledged the potential issue of "process of elimination" in low voter turnout scenarios, which can make it easier to deduce how a voter may have voted. He noted that this has been a known issue in voting with paper ballots, especially in precincts with few voters. Wlaschin suggested that aggregating results from small precincts

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could mitigate this risk. He also assured the committee that the testing and certification processes in Texas are rigorous, preventing any vulnerabilities that could compromise voter identity.

In conclusion, Wlaschin expressed confidence in the integrity of Texas's election technology and emphasized that as laws evolve, ES&S will comply with necessary changes to ensure continued protection of voter anonymity and privacy.

Christina Adkins followed up with her insights into the ongoing discussions regarding ballot secrecy and the handling of voter data. During her testimony, she noted that her team is examining practices in other states to determine effective thresholds for aggregating results from small precincts, with 20 voters often cited as a potential standard. Adkins clarified the current limitations under Texas law regarding the aggregation of small precinct results, stating that there are no existing provisions allowing such aggregation, and emphasized the need for legislative changes to protect voter anonymity, especially in low-turnout scenarios.

She addressed concerns related to Freedom of Information Act requests, highlighting the necessity for requester consent or Attorney General opinions for redactions. Adkins acknowledged the potential risks involved with allowing public access to ballot images, particularly in unique voting situations where an individual might be the sole voter from their precinct. She suggested that restricting information requests by polling location rather than precinct could mitigate risks of voter identification. Adkins concluded by affirming that discussions about legislative reforms are crucial for enhancing voter privacy and addressing the complexities introduced by evolving election practices.



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## **PUBLIC COMMENTS**

The sentiment among public commenters is one of significant concern over the impact of county-wide voting on ballot secrecy and public trust in Texas elections. Many express strong opposition to county-wide voting, arguing that it compromises voter anonymity and clashes with Texas' precinct-based system. Commenters feel that recent Texas Secretary of State advisories, particularly those involving redactions of public information, threaten election transparency and limit the public's ability to verify results. Additionally, there is apprehension regarding the certification and integrity of electronic voting systems, with some alleging that uncertified equipment is being used unlawfully in Texas elections. Overall, the sentiment reflects a demand for enhanced transparency, a return to precinct-based voting, and legislative action to secure the integrity and confidentiality of Texas elections.

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## RECOMMENDATIONS

The Committee on Elections recommends that the Texas Legislature take several actions to strengthen ballot secrecy and enhance voter privacy in future elections.

First, the committee encourages the legislature to evaluate and potentially revise laws regarding the aggregation of voting results from small precincts. Allowing aggregation could significantly mitigate the risk of voter identification in low-turnout elections while maintaining the integrity of the electoral process.

Second, the committee emphasizes the importance of enhancing public education and outreach initiatives aimed at encouraging voters to utilize busier polling locations. Collaboration with local election officials and community organizations can amplify these efforts, fostering higher voter turnout and safeguarding ballot anonymity.

Additionally, the committee advocates for the implementation of standardized training for election officials on best practices for redacting personally identifiable information from ballots and voting records. Such training, developed in conjunction with legal experts, would help ensure consistency and enhance voter privacy across the state.

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## SECRETARY OF STATE ELECTION AUDIT PROGRAM FINDINGS

### OVERVIEW

Senate Bill 1, enacted during the 87th Legislature Special Session in 2021, introduced significant reforms to Texas's election process, emphasizing enhanced election integrity and security. A crucial component of the bill mandates that the Texas Secretary of State conduct randomized election audits of different counties. This initiative is designed to verify the accuracy of election results and reinforce public confidence in the electoral system by ensuring that voting procedures are followed correctly and that the reported outcomes reflect the actual votes cast.

The randomized audits specified in SB 1 are required to take place following general elections. The Secretary of State is tasked with developing a comprehensive audit plan, which must include a statistically valid sampling of votes from various counties. This approach aims to provide a reliable assessment of election integrity across Texas while identifying any discrepancies in the vote counts. The audits are expected to be carried out in a manner that respects privacy and confidentiality while ensuring transparency in the electoral process.

Additionally, the Texas Secretary of State's office provides resources and guidance on the implementation of these audits, detailing best practices for election officials to follow. The office emphasizes that these audits are part of a broader effort to enhance election security, improve the training of election officials, and foster greater public trust in the electoral process.

SB 1 also responds to concerns raised during the 2020 presidential election about potential vulnerabilities in the electoral system. Audits are necessary to prevent fraud and ensure the integrity of elections.

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## INTERIM STUDY FINDINGS

At the hearing on August 26th, 2024, the following invited witnesses testified on the Secretary of State Elections Audit Program Findings:

- *Christina Adkins, Director of Elections, Texas Secretary of State*

Christina Adkins from the Texas Secretary of State's office testified before the Texas House Committee on Elections regarding the findings of the office's election audit program, which was established by Senate Bill 1 in the 87<sup>th</sup> legislative session. SB1 requires the Secretary of State to perform randomized audits in four counties—two with populations under 300,000 (Eastland and Guadalupe) and two with populations over 300,000 (Cameron and Harris). Adkins explained that the audits covered all elections held in these counties between 2021 and 2022, and that a diverse team of auditors, including former election officials, data analysts, and project managers, was responsible for conducting the audits.

In her testimony, Adkins highlighted several common areas for improvement across all four counties. One key issue was the need for more comprehensive written documentation of election security and contingency plans. Although counties were generally prepared to address emergencies, they often lacked the formal written procedures needed to ensure smooth transitions if key election officials were unavailable. Another consistent area of concern was the completion of paperwork at polling places, especially regarding chain-of-custody documentation and reconciliation processes. Without thorough paperwork, it can be difficult to fully understand what occurred during an election.

Adkins also noted positive findings across the board. Election security was a clear priority in all the counties, and there was a strong culture of self-reflection and improvement among election officials. Many counties regularly audited themselves and sought ways to improve the election process, often making adjustments after each election based on the lessons learned. This willingness to self-correct was viewed as a positive outcome of the audit program.

Adkins then discussed the specific findings for each county. In Eastland County, a small county with limited resources, auditors observed improvements in chain-of-custody procedures over time, though concerns were raised about the security of election records, which were stored in a shared facility that had structural issues, including leaks. Guadalupe County was praised for its robust training programs and internal operations manual, as well as its innovative "Citizens Elections Academy," which engages the public in understanding the election process. Cameron County had issues in its March 2022 election with submitting mail ballot data to the state system, but auditors commended the county's strong physical and cybersecurity measures, as well as its use of federal grants to improve emergency preparedness. Cameron County also stood out for its election worker training program, which was described as one of the best in the state. While Harris County's findings were discussed in other parts of the audit, it was not covered in detail during this segment of Adkins' testimony.

Adkins also underscored the challenges that Texas counties face in running elections, particularly with the frequent natural disasters and emergencies that affect the state. She

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emphasized the importance of election officials remaining prepared for a wide range of issues that could disrupt elections. Overall, the audit findings revealed areas for improvement, but also highlighted the commitment and hard work of election officials across Texas in ensuring secure, reliable elections.

Christina Adkins highlighted the significant findings from the Harris County election audits, particularly emphasizing the challenges faced during the transition to the Hart Verity System. She noted that while the new paper-based system was intended to improve election integrity, it also introduced complexities related to equipment handling and the chain of custody for ballots. A critical issue was the insufficient hands-on training provided to election judges and clerks, which Adkins pointed out as a key factor contributing to operational difficulties at polling locations. She referenced specific incidents from the November 2021 special election, where 26 polling places experienced voting gaps of one hour or more due to equipment malfunctions. Adkins further elaborated on the complications arising from the two-page ballot introduced in the March 2022 primary, which strained election workers' ability to manage the voting process effectively. Additionally, she addressed the discrepancies identified in the reconciliation forms required by Senate Bill 1, underscoring the importance of accurate reporting and accountability. In response to these findings, Adkins commended the changes implemented under Senate Bill 1750, noting that the leadership transition and enhanced training programs initiated by Teneshia Hudspeth have led to significant improvements in election administration. Her testimony reinforced the need for ongoing oversight and proactive measures to ensure the integrity and reliability of elections in Harris County.

During Christina Adkins' testimony, she discussed the process by which the Texas Secretary of State's office validates voter citizenship through transactions with the Department of Public Safety (DPS). When individuals identify themselves as non-citizens and provide the necessary documentation, their prior voter registrations are investigated by county officials. This ongoing effort, initiated in 2021, includes a comprehensive review of the database, and the office receives real-time updates on individuals' citizenship status.

Adkins emphasized that Texas counties take this investigation process seriously, as indicated by the cancellation of voter records based on the data provided. Since 2021, the Secretary of State's office has seen an increase in staff, allowing for better support, training, and monitoring of these activities. This enhancement has resulted in improved oversight of investigations, ensuring counties comply with the necessary follow-up procedures.

Regarding the question of voter registration discrepancies in Harris County, Adkins explained that an issue had arisen during the March 2022 primary, where 10,000 votes were initially unreported due to a thumb drive malfunction. However, she assured that the votes had been counted and that proper measures were in place to address such discrepancies during the canvassing process, reaffirming that Texas law allows corrections for mathematical errors in vote totals.

Adkins also addressed concerns about non-citizens registering to vote, noting that the Secretary of State's office collaborates closely with the Attorney General's voter fraud unit to investigate anomalies. Although there were recent concerns related to non-citizen registrations, she

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highlighted that the state's current systems and processes for voter eligibility verification are robust. Data indicates that Texas is proactive in maintaining clean voter rolls, with efforts to improve list maintenance continuously.

While acknowledging the potential need for additional resources to further strengthen these efforts, Adkins stressed that Texas is already at the forefront of voter list maintenance compared to other states. She pointed out that the recent audits in 2022 and 2024 had not revealed any alarming increases in non-citizen registrations, maintaining that the data trends have remained consistent over the years.

Finally, when questioned about the effectiveness of the Attorney General's office in handling voter fraud cases, Adkins stated that there had been no indication of backlogs or unresolved investigations, suggesting ongoing communication and collaboration between their offices. She noted that any inquiries regarding the internal processes of the Attorney General's office would be better directed to them, given the distinct responsibilities of their respective agencies.

In her testimony, Christina Adkins addressed allegations regarding individuals registering non-citizens outside the Department of Public Safety (DPS) offices in Fort Worth and Weatherford, clarifying that the complaint did not originate from her office and that no formal investigation was initiated by the Secretary of State regarding these claims. She emphasized that internal policies govern permissible activities on government property, which are not directly addressed in election codes. Adkins noted the current situation in Harris County, where there is no elections administrator; instead, the county clerk is managing elections. She reported a positive working relationship between the Secretary of State's office and Harris County, with ongoing communication and cooperation. The county clerk has been transparent and responsive, effectively addressing past issues without prompting from the Secretary of State's office.

Looking ahead to the upcoming elections, Adkins assured that Harris County has adequately prepared, with sufficient paper ballots available and no repeat of prior complaints since the current clerk assumed responsibilities, indicating improvements in election management. The recent audit revealed no intentional targeting of specific precincts regarding resource allocation or equipment issues, with concerns being consistent across various precincts and without bias toward any voting demographic. Adkins also suggested that future audits should consider a one-year back and one-year forward approach to effectively monitor improvements after elections, allowing for necessary adjustments based on findings.

Additionally, she acknowledged the challenges faced by smaller counties in securing reliable voting equipment, confirming that while the Secretary of State's office certifies equipment and provides a resource list, decisions are ultimately made at the county level. There is a strong emphasis on collaboration between counties for shared knowledge and resources. Throughout her testimony, Adkins expressed confidence in maintaining strong communication and support during the November elections, reinforcing the commitment to ensuring voter confidence and operational integrity.

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## **PUBLIC COMMENTS**

The sentiment among these public commenters reflects dissatisfaction with the current Texas election infrastructure, particularly regarding electronic voting systems, ballot tabulation, and countywide polling. Many express a preference for returning to paper ballots and hand-counted methods, viewing these as more secure, reliable, and transparent. There is also frustration with the Secretary of State's audit procedures, with commenters believing these audits to be insufficient in scope and depth for ensuring accurate election results. Additionally, concerns are raised about maintaining accurate voter rolls, with suggestions for implementing stricter verification processes. Collectively, commenters urge Governor Abbott and state officials to intervene with executive actions or legislative changes to restore election integrity and regain public trust.

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## RECOMMENDATIONS

The Texas House Committee on Elections recommends that the Secretary of State's office continue its audit program to improve election administration across the state. Key suggestions include strengthening coordination with local election officials during administrative transitions to ensure real-time support and communication. The committee proposes revising the audit period to one year back and one year forward to facilitate timely assessments and follow-ups on counties' corrective actions.

Additionally, the committee emphasizes the need for increased resources for smaller counties, providing access to certified vendors and centralized equipment standards to help streamline elections. Regular training and tools for maintaining accurate voter registration lists are also crucial, alongside discussions on the effectiveness of using third-party vendors versus state systems.

To build public confidence, transparency in election processes should be prioritized, highlighting improvements and successes in election management. Finally, the committee encourages cross-county collaboration through workshops and forums, enabling election officials to share best practices. By implementing these recommendations, the committee aims to bolster the integrity and efficiency of Texas's election processes.



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## STORAGE AND MANAGEMENT PROCESSES FOR VOTER REGISTRATION DATA

### INTERIM STUDY FINDINGS

At the hearing on August 26th, 2024, the following invited witnesses testified on the Storage and Management Processes for Voter Registration Data:

- *Christina Adkins, Director of Elections, Texas Secretary of State*
- *Heather Hawthorne, Chambers County Clerk, County and District Clerks Association of Texas*
- *Jennifer Doinoff, Hays County Election Administrator, Texas Association of Election Administrators*

Christina Adkins from the Secretary of State's office testified regarding the storage and management processes for voter registration data within Texas's statewide voter registration and election management system. She emphasized that federal law mandates a statewide database, which has evolved over the past decade from a simple registration system into a comprehensive election management system that now includes candidate information and election night reporting.

Initially, the state's system lacked the technological capabilities found in third-party vendors, leading many larger counties to opt for these external services due to their advanced features. Currently, 33 counties remain offline, predominantly using a vendor named VOTEC, which has faced financial challenges recently, prompting some counties to seek alternatives or return to the state system.

Adkins highlighted the importance of data synchronization, noting that while counties are required to update their systems regularly, discrepancies often arise due to the dual systems. She also outlined steps taken to ensure data security and contingency planning, particularly concerning the data backup from offline counties to mitigate risks ahead of upcoming elections.

The Secretary of State's office is developing a new voter registration system, "Team 2.0", set to launch in spring 2025, with enhanced capabilities and a focus on security, aiming to attract more counties to utilize the state system. Adkins concluded by stressing the need for ongoing monitoring of counties' data management processes, particularly for those relying on third-party vendors, to ensure the integrity and security of voter information.

Heather Hawthorne, the Chambers County Clerk, emphasized her experience with the current technology and the anticipated improvements with the upcoming "Team 2.0" system. Hawthorne explained her involvement over the past decade in the development of the initial system and noted the lack of state funding for essential features that could have enhanced its functionality. She expressed optimism about the new system, which promises integrated features that would streamline processes, such as address verification without needing external tools like Google Maps.

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Hawthorne also highlighted the importance of effective training for county election officials, particularly as leadership changes can disrupt the continuity of training. She indicated that the upcoming rollout would be an opportunity for all involved to receive comprehensive training, ensuring they are prepared for the system's features. Additionally, she mentioned that her office has implemented best practices, such as maintaining printed voter rolls as a backup during elections.

In response to questions about potential costs associated with the new system, Hawthorne confirmed that there have been no discussions regarding transitioning from a free system to a cost-based model for counties. She reiterated the value of a unified system, akin to the process for obtaining a driver's license, and stressed the importance of maintaining robust security measures to protect the system from unauthorized access.

Jennifer Doinoff, the Hays County Election Administrator, discussed the challenges faced by offline counties during her testimony, specifically mentioning her experience with VOTEC, the previous election management system used in her county. She noted that many counties turned to offline vendors due to gaps in the original Team system, which led to concerns about reliability during critical election periods. While Doinoff has transitioned to the new Team system and acknowledged improvements, she emphasized that some functionalities are still lacking, which affects confidence among election officials.

Doinoff pointed out that although the Team system has no direct costs, counties incur expenses from supplemental systems for tasks like ballot and image storage, which are necessary for statutory compliance. She shared her experience of having to engage a separate vendor for image storage during the transition and highlighted the importance of contingency planning as vendors increasingly adopt cloud-based solutions.

She expressed optimism about the upcoming version of the Team system, set to launch in 2025, which is expected to offer enhanced features that could improve election management. Throughout her testimony, Doinoff reiterated the importance of collaboration with the Secretary of State's office and other election officials to ensure the new system adequately addresses the needs of all counties.

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## RECOMMENDATIONS

The committee recommends that all counties in Texas evaluate the transition to the state voter registration and election management system, particularly in light of the upcoming enhancements slated for spring 2025. The testimony from Christina Adkins, Director of Elections, underscored significant advancements in the state system, which aims to integrate critical functionalities and improve data security. Transitioning to this unified system could help mitigate the operational challenges faced by the 33 counties currently relying on offline vendors like VOTEC, which has encountered financial difficulties.

Moreover, both Heather Hawthorne and Jennifer Doinoff indicated that a centralized system offers better integration and efficiency for managing voter registration data, reducing reliance on supplemental systems. The committee urges the Secretary of State's office to provide the necessary support and resources during this transition to foster confidence among local election officials and ensure a smooth implementation. Adopting the state system could enhance the overall integrity and management of elections across Texas, ultimately benefiting voters and election administrators alike.

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## POTENTIAL EMERGENT ELECTION ISSUES IN TEXAS COUNTIES

### INTERIM STUDY FINDINGS

At the hearing on August 26th, 2024, the following invited witnesses testified on Potential Emergent Election Issues in Texas Counties:

- *Christina Adkins, Director of Elections, Texas Secretary of State*
- *Heather Hawthorne, Chambers County Clerk, County and District Clerks Association of Texas*
- *Jennifer Doinoff, Hays County Election Administrator, Texas Association of Election Administrators*
- *Lee Chambers, Liberty County Clerk*

Christina Adkins provided a detailed overview of the challenges facing election administration in Texas, particularly regarding compliance with legal standards and interactions between counties and the Secretary of State's Office. She emphasized that many counties dealing with operational issues reached out for support, allowing for proactive communication to ensure they understood their options under existing laws. This outreach is crucial for maintaining compliance and addressing concerns before they escalate.

Adkins also discussed the recent resignation of Bexar County's elections administrator, who chose to remain in her position through the presidential election to navigate the complexities involved in such a significant electoral event. This change raised questions about Bexar County's cooperation with the Secretary of State's Office, particularly given ongoing documented issues and complaints from both political parties. In contrast, she highlighted a stronger communication dynamic with Harris County, indicating a disparity in transparency and support between these two large counties.

When addressing the potential expansion of legislative oversight under Senate Bill 1933 and SB 1750 to include smaller counties, Adkins suggested that her office would need to evaluate existing complaints to determine which counties might require additional oversight. She identified specific counties, such as Starr County, that have faced persistent issues necessitating intervention and support from her office.

Adkins stressed the importance of tracking complaints received by her office, explaining that a newly established team is dedicated to managing public information and complaints. Although detailed statistical data on complaints is not currently available on their website, plans are in place to enhance data analysis capabilities to provide more comprehensive information to the public. She acknowledged the public's demand for accessible data, indicating that more granular information would help identify trends in complaints across counties. This transparency is essential for fostering public trust in the election process.

Furthermore, while there are legal limitations on disclosing certain complaints—especially those involving criminal referrals—Adkins expressed a commitment to balancing accountability with legal requirements. She assured the committee that her office is working towards providing a

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clearer picture of complaint trends, which would help legislators and the public understand the landscape of election administration in Texas better.

Heather Hawthorne, the Chambers County Clerk, addressed several key issues impacting the electoral process in Texas. Representing the Chambers County Clerk's Office and the County and District Clerk's Association of Texas, she highlighted the ongoing preparations for the implementation of the risk-limiting audit mandated for 2026. She emphasized the association's proactive approach to training election officials across the state, detailing recent regional training sessions conducted by the Secretary of State's office, including one that she led for multiple counties. She noted that the goal of these audits, alongside regular manual counts, is to enhance public confidence in election transparency and integrity.

A significant portion of her testimony focused on the issue of misinformation, particularly concerning rumors about election processes in Chambers County. She provided an example of a misleading social media post regarding election materials that she swiftly corrected, underscoring the critical need for training election judges to manage misinformation effectively. Hawthorne advocated for increased funding for training programs to ensure that election officials are well-equipped to handle the complexities of modern voting procedures.

She also raised concerns regarding the lack of training in election law for law enforcement officers, suggesting that such training should be included in their continuing education. This is particularly relevant given the challenges of electioneering complaints, which are frequently reported but often handled ineffectively due to a lack of understanding of the law.

Another issue she discussed was the need for better mechanisms to assist long-haul truck drivers in voting. Given their unique circumstances, she stressed the necessity of developing solutions to ensure that these individuals can participate in elections, similar to provisions already in place for military voters.

Hawthorne further emphasized the need for standardized election hours across the state, arguing that the current mandates impose undue financial burdens on small counties. She also pointed out the difficulty in recruiting election workers due to low compensation compared to other available jobs, urging a reevaluation of pay structures to attract more qualified individuals.

In closing, Hawthorne expressed confidence in the directives from the Secretary of State's office regarding ballot secrecy, acknowledging that while they may serve as temporary fixes, they are crucial for the upcoming election. She also took a moment to praise the committee chairman for his leadership on election issues, expressing gratitude for his support and the collaborative efforts within the committee. Hawthorne emphasized how his guidance has created a productive environment for addressing the complex challenges faced by election officials in Texas, reinforcing her commitment to improving the electoral process.

Jennifer Doinoff, the Hays County Election Administrator, provided testimony to the committee highlighting several pressing issues faced by election officials. She emphasized the need for enhanced law enforcement training to prevent misinformation about election laws, citing recent instances in her county where officers provided incorrect information about polling location

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regulations. Doinoff stressed the importance of clear communication between election officials and law enforcement, particularly regarding authority at polling sites.

She also addressed the challenges posed by recent legislative changes, noting that laws like SB 924 have created difficulties for both small and larger counties in securing polling locations, especially on weekends. Doinoff discussed ongoing emergency preparedness efforts to ensure that polling places can continue functioning during crises, such as power outages, and mentioned collaboration with local emergency management.

Confidentiality for election workers was a major concern for Doinoff, who recounted instances where poll workers were approached at home due to public information requests. She advocated for stronger protections for those who volunteer in the election process. Additionally, she expressed a desire to reconsider the 22-month retention period for physical ballots, proposing a shift toward electronic copies for better privacy management.

Doinoff also highlighted the robustness of Texas's election system, particularly in response to voter challenges, asserting that the system is effectively working. Lastly, she called for mandated training for election officials to enhance their capabilities, thanking the committee for their previous work on ballot by mail reforms and for their ongoing collaboration on training initiatives.

Lee Chambers, the Liberty County Clerk, has articulated the various challenges her office faces in conducting elections, emphasizing the operational complexities stemming from a recent shift in voter registration responsibilities to the tax assessor's office. Since taking office in 2019, she has had to navigate numerous issues, including the acquisition of new election equipment and the temporary hiring of an elections administrator whose subsequent misconduct necessitated a return of those duties to her office. This transition exposed significant inefficiencies in managing voter registrations, particularly as the county grapples with rapid population growth, including a substantial influx of non-English-speaking residents.

Chambers noted that many of these new residents remain unregistered, which hampers their ability to participate in local governance despite the county's strong Republican voting history, where recent elections have shown an 80-83% turnout for Republican candidates. To address these issues, her office employs bilingual staff and strives to provide educational resources that emphasize the importance of voting and civic engagement. She advocates for improved communication between the elections and voter registration offices and calls on local leaders to enhance understanding of the voting process among residents.

Additionally, Chambers highlighted the impact of misinformation regarding election procedures and underscored the need for increased security at polling locations, particularly in light of challenges faced during catastrophic flooding. Her testimony reflects a proactive approach to fostering community engagement and improving the election process in Liberty County, emphasizing structural improvements that can empower all residents to have their voices heard in local governance.

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## RECOMMENDATIONS

Based on the testimony provided by election officials, the Committee on Elections recommends several key actions to address emerging election issues in Texas counties. First, it is crucial to establish enhanced communication protocols between election offices and law enforcement agencies to ensure the accurate dissemination of information regarding polling locations and election laws. This should include mandatory training for law enforcement on election-related matters to prevent the spread of misinformation.

Furthermore, the Committee encourages counties to improve voter registration processes, especially in areas experiencing population growth and an influx of non-English-speaking residents. Support should be provided for hiring bilingual staff and developing outreach programs that educate residents about the voting process. Additionally, there is a need for expanded legislative oversight, particularly in counties like Starr County, which have documented operational issues. This involves implementing systems for tracking and addressing complaints to foster transparency and public trust.

Combating misinformation is another critical focus. The Committee advocates for investing in training programs for election judges and officials to address inaccuracies effectively. Increased funding for public education campaigns can help correct misconceptions and provide accurate information about voting. Additionally, enhancing security measures at polling places is vital, especially in light of challenges such as natural disasters. This includes assessing the impact of recent events, like flooding, and ensuring that contingency plans are in place to protect voters and election workers.

Standardizing election hours and processes across Texas is recommended to reduce burdens on small counties and facilitate recruitment of election workers. A review of compensation structures is necessary to attract qualified individuals into election-related roles. Finally, developing specific mechanisms to assist long-haul truck drivers in voting, recognizing their unique challenges, mirrors provisions already in place for military voters and ensures that all citizens can participate in elections. By implementing these recommendations, the Committee aims to enhance the integrity, transparency, and accessibility of the electoral process across Texas counties, ultimately fostering greater civic engagement and participation in local governance.