Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722 (1 of 3)
Date: Monday, April 17, 2023 at 3:31:05 PM Eastern Daylight Time
From: GeneralCounsel
To: AO Records
CC: GeneralCounsel
Attachments: 4.17.23 Documents Batch 1.zip

EXTERNAL SENDER

Good afternoon,

As a follow up to our March 31 email, please see the attached zipped folder containing documents responsive to your request for information under the Public Information Act, Chapter 552 of the Texas Government Code. Due to file sizes, two additional emails will follow containing zipped folders.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

Additionally, certain information has been redacted from the attached production in accordance with OR2022-32589.

We have completed the review of our records and do not anticipate any additional production of documents in response to your request.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, March 31, 2023 3:25 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good afternoon,

As a follow up to our March 10 email, please see the attached zipped folder containing documents responsive to your request for information under the Public Information Act, Chapter 552 of the Texas Government Code.

Certain information has been redacted from the attached production in accordance with OR2022-32589.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on April 17, 2023. *See* Tex. Gov't Code § 552.221(d).

AMERICAN OVERSIGHT

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, March 10, 2023 1:37 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722 (1of 2)

Good afternoon,

As a follow up to our February 21 email, please see the attached zipped folder containing documents responsive to your request for information under the Public Information Act, Chapter 552 of the Texas Government Code. Due to file sizes, an additional email will follow containing another zipped folder.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

The information you requested also contains access device information that is collected, assembled, or maintained by or for a governmental body. This information is confidential under section 552.136 of the Texas Government Code. Section 552.136 allows us to withhold this specific information without requesting a ruling from the attorney general. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are attached. If you do not want to appeal, you do not need to do anything else.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on March 31, 2023. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

AMERICAN OVERSIGHT

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, February 21, 2023 2:40 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good afternoon,

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on March 10, 2023. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, January 24, 2023 1:50 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good afternoon,

As a follow up to our December 27 email, please see the attached zipped folder containing documents responsive to your request for information under the Public Information Act, Chapter 552 of the Texas Government Code.

Certain information has been redacted from the attached production in accordance with OR2022-32589.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

The responsive documents also contain a partial or full Social Security number. Section 552.147(b) of the Government Code authorizes a governmental body to redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a

AMERICAN OVERSIGHT

decision from the attorney general.

Finally, the information you requested also contains access device information that is collected, assembled, or maintained by or for a governmental body. This information is confidential under section 552.136 of the Texas Government Code. Section 552.136 allows us to withhold this specific information without requesting a ruling from the attorney general. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are attached. If you do not want to appeal, you do not need to do anything else.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on February 21, 2023. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, December 27, 2022 11:59 AM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good afternoon,

As a follow up to our November 22 email, please see the attached zipped folder containing documents responsive to your request for information under the Public Information Act, Chapter 552 of the Texas Government Code.

The information you requested contains access device information that is collected, assembled, or maintained by or for a governmental body. This information is confidential under section 552.136 of the Texas Government Code. Section 552.136 allows us to withhold this specific information without requesting a ruling from the attorney general. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are attached. If you do not want to appeal, you do not need to do anything else.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on January 24, 2023. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

AMERICAN OVERSIGHT

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, November 22, 2022 8:23 AM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good morning,

As a follow-up to our October 25, 2022 email, please find the attached zipped folder containing documents responsive to your request for information under the Public Information Act, Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under Section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion. *See* Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We require more time to continue reviewing our records and produce additional responsive information. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on December 27, 2022. *See* Tex. Gov't Code § 552.221(d).

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, October 25, 2022 2:38 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good afternoon,

Consistent with our September 27 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

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The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

In addition, please find attached a courtesy copy of OR2022-32589 regarding your request for information under Chapter 552 of the Texas Government Code. The Office of the Attorney General has determined that we may withhold certain information and must withhold other information responsive to your request pursuant to the Public Information Act.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on November 22, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, September 27, 2022 10:45 AM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good morning,

Consistent with our September 13 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on October 25, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

AMERICAN OVERSIGHT

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, September 13, 2022 2:23 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good afternoon,

Regarding our August 23 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on September 27, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, August 23, 2022 2:03 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good afternoon,

Please see the attached letters, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code. We have also included the "Packing Slip" receipt for your deposit.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

The information you requested also contains access device numbers that are collected, assembled, or maintained by or for a governmental body. This information is confidential under section 552.136 of the Texas Government Code. Section 552.136 allows us to withhold this specific information without requesting a ruling from the attorney general. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are attached. If you do not want to appeal, you do not need to do anything else.

As stated in our letter, we require more time to continue reviewing our records and produce additional responsive information. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on September 13, 2022. *See* Tex. Gov't Code § 552.221(d).

AMERICAN OVERSIGHT

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, August 16, 2022 11:45 AM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

Good morning,

Please see the attached letter, with enclosure, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Tuesday, August 2, 2022 2:32 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Re: Public Information Request (TX-SOS-22-0651) PIR 22-0722

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Good afternoon,

Sorry about that. The credit card payment form should be attached now.

Best,
Mariuxi Pintado
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Date: Tuesday, August 2, 2022 at 10:05 AM
To: AO Records <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

EXTERNAL SENDER

Good morning,

The payment form was not attached. Please resend. Thank you.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Tuesday, August 2, 2022 8:43 AM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Re: Public Information Request (TX-SOS-22-0651) PIR 22-0722

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Good morning,

American Oversight approves the cost estimate associated with this request. Attached is the credit card payment form to authorize the deposit. Please send us a receipt once the credit card payment has been completed.

Thank you,

Mariuxi Pintado
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Date: Tuesday, July 26, 2022 at 3:18 PM
To: AO Records <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0651) PIR 22-0722

EXTERNAL SENDER

Good afternoon,

Please see the attached letter, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Tuesday, July 12, 2022 11:06 AM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-22-0651)

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Dear Public Information Officer:

Please find attached a request for records under Texas public records laws.

Sincerely,

Mariuxi Pintado
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

Public Information Request: TX-SOS-22-0651

From: Zac Rhines
Sent: Tuesday, May 10, 2022 8:55 AM
To: Dan Teczar
Subject: Accepted: DIR & SOS DBITS System Integration SOW

AMERICAN OVERSIGHT

[redacted]

From: Boekhoudt, Caspar <cboekhoudt@deloitte.com>
Sent: Monday, June 13, 2022 1:43 PM
To: Shamika Fehr <sfehr@sos.texas.gov>; Dan Page <DPage@sos.texas.gov>
Cc: Clark, Jim <jim.clark@capgemini.com>; Hansson, Aron <ahansson@deloitte.com>; Dan Teczar <DTeczar@sos.texas.gov>; sheldy.starkes@dir.texas.gov
Subject: RE: AWS Self Service Project Customer Kick-Off Meeting

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Hi Shamika and Dan,

I hope you were able to get some well-deserved rest this past weekend.
I wanted to circle back with you to see how your schedule is looking for this week or next to schedule a meeting regarding the AWS Self Service project.
If you are able to carve up an hour in your schedule, could you please send me some availabilities?

Thank you,

Caspar Boekhoudt
Deloitte Consulting LLP
Mobile: +1 703 420 9156
cboekhoudt@deloitte.com | www.deloitte.com

From: Boekhoudt, Caspar
Sent: Thursday, June 2, 2022 2:03 PM
To: Shamika Fehr <sfehr@sos.texas.gov>; Dan Page <DPage@sos.texas.gov>

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Cc: Clark, Jim <jim.clark@capgemini.com>; Hansson, Aron <ahansson@deloitte.com>; Dan Teczar <DTeczar@sos.texas.gov>
Subject: AWS Self Service Project Customer Kick-Off Meeting

Hi Shamika and Dan,

TSS and PCM are seeking customer participation in the development of the AWS Self-service solution. If you and the team are available, we would like to setup a meeting with individuals at the agency that have insight to assist with the following:

- Help TSS along with Rackspace/Onica to clearly understand SOS' needs as it relates to public cloud resources.
    - How you are consuming public cloud resources
    - How that relates to your DevOps or Deployment practices.
    - What Permission levels allow you to achieve these goals
- Identify current issues you're experiencing.

Agenda

- Introduction to project and offering
- Introduction to key players in project
- Discuss how customer can assist in development of solution
- Establish cadence in communication with customer

Attendees will be:

- PCM Resources
- Onica Resources
- TSS Resources
- AWS Resources
- Customer Business Resources
- Customer Technical Resources

If available, could you please send me some availabilities for next or following week(s) and the list of individuals you'd like to include?

Thank you

Caspar Boekhoudt
Deloitte Consulting LLP
Mobile: +1 703 420 9156
cboekhoudt@deloitte.com | www.deloitte.com

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From: Reynolds, Leslie [redacted]
Sent: Friday, February 4, 2022 1:16 PM
To: Reynolds, Leslie
Cc: Dodd, Stacy; Milhofer, John; Maria Benson; Lindsey Forson
Subject: NASS Elections Committee: Call on 2/10 at 2:30PM ET, NASED Call with DOJ Grants Administrator on 2/08, NASS Summary of Electoral Count Modernization Act, Security Clearance Reminder
Attachments: NASS Elections Committee Bi-Weekly Mtg. 2/10/22; NASED/DOJ JAG Q&A; SLTPS (PSCP) Annual Security Training and Acknowledgement Letter; summary-ecma-020122.docx

Importance: High

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CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Dear NASS Elections Committee Members, IT Directors and Communications Directors:

NASS Elections Committee Call on Thursday, Feb 10 at 2:30 PM ET

The next NASS Elections Committee call is on Thursday, Feb 10 at 2:30PM ET. **Calendar info attached.**
John Keller of DOJ Task Force will be on the call to explain how/when:

(1) DOJ case opens for potential prosecution,
(2) FBI investigates for potential threat mitigation, or
(3) threat does not rise to either level but is logged for analysis and possibly referred to state or local authorities.
(4)what made the current 2 cases that DOJ has announced so different and prosecutable from other existing threats?

NASED to Host Call with DOJ Grants Administrator for the JAG Grants on Tuesday, Feb 6 at 2PM ET

Many of the states have followed up with questions about the DOJ grants announced last week. The administrator of the grant program will answer question in WebEx organized by NASED. You are welcome to participate. **The calendar information is attached**.

Electoral Count Modernization Act (ECMA) Discussion Draft Released – Summary attached

This week, Senators Klobuchar (D-MN), King (I-ME) and Durbin (D-IL) released a discussion draft to revise the Electoral Count Act. The draft is titled Electoral Count Modernization Act and we have attached a summary of this draft for your review.

It is also worth noting there is a bipartisan group of Senators working on a bill that has been described as clarifying the language of the Electoral Count Act as well as some other election reforms. We have not seen any language for that bill yet.

DHS Security Clearance Training Requirement Due by Feb 18

Don't forget, in order to keep your security clearance, you must review the annual security training materials and sign and return the paperwork to DHS. Some of you did not receive the email from pscptraining@hq.dhs.gov this week, so I have copied it and attached to this email. Please review and return so that you can keep your security clearance. Any questions, please contact Lindsey at [redacted].

AMERICAN OVERSIGHT

Thanks,
Leslie

Leslie Reynolds
Executive Director
National Association of Secretaries of State
444 N Capitol Street, NW Suite 401
Washington, DC 20001
202-624-3525
[redacted]
www.nass.org
https://www.nass.org/can-I-vote

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From: Dodd, Stacy [redacted]
Sent: Tuesday, December 28, 2021 9:41 PM
To: Dodd, Stacy; Reynolds, Leslie; Milhofer, John; Maria Benson; Lindsey Forson
Subject: NASS Elections Committee Bi-Weekly Mtg. 2/10/22

-- Do not delete or change any of the following text. --

When it's time, join your Webex meeting here.

Join meeting

More ways to join:

Join from the meeting link
https://nass.webex.com/nass/j[redacted]

Join by meeting number
Meeting number (access code): [redacted]
Meeting password: [redacted]

Tap to join from a mobile device (attendees only)
+1-415-655-0001,[redacted] US Toll

Join by phone
+1-415-655-0001 US Toll

Join from a video system or application
Dial [redacted]@nass.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial[redacted].nass@lync.webex.com

If you are a host, click here to view host information.

Need help? Go to https://help.webex.com

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Subject: NASED/DOJ JAG Q&A
Location: WebEx

Start: Tue 2/8/2022 1:00 PM
End: Tue 2/8/2022 2:00 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: [redacted]

Amy Cohen - NASED is inviting you to a scheduled Webex meeting.

Tuesday, February 8, 2022
2:00 PM | (UTC-05:00) Eastern Time (US & Canada) | 1 hr

Join meeting

More ways to join:

Join from the meeting link
https://nased1.webex.com/nased1/[redacted]

Join by meeting number
Meeting number (access code): [redacted]
Meeting password: [redacted] ([redacted] from phones and video systems)

Tap to join from a mobile device (attendees only)

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1-844-621-3956,[redacted] United States Toll Free

+1-646-992-2010,[redacted] United States Toll (New York City)

Some mobile devices may ask attendees to enter a numeric password.

Join by phone

1-844-621-3956 United States Toll Free

+1-646-992-2010 United States Toll (New York City)

Global call-in numbers | Toll-free calling restrictions

Join from a video system or application

Dial [redacted]@nased1.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial[redacted].nased1@lync.webex.com

Need help? Go to https://help.webex.com

AMERICAN OVERSIGHT

NASS Summary of the Electoral Count Modernization Act

Time of Choosing Electors

- Prohibits states from establishing any day other than Election Day for choosing electors of President and Vice President, and prohibits any ballots from being cast in a Presidential election after Election Day (except as provided in the section below).
- The above requirements do not impact state laws regarding early or mail/absentee voting on or before Election Day, including the processing or counting of those ballots.

Extension of Time for Choosing Electors

- Allows for extending the time period for voting in a Presidential election if a candidate for President or Vice President demonstrates beyond a reasonable doubt that a catastrophic event has occurred that prevented a potentially outcome determinative number of eligible voters from casting ballots, or caused the destruction of a potentially outcome determinative number of ballots, and the event is potentially outcome determinative for whether that candidate wins the state's popular vote.
- A "catastrophic event" includes an act of terrorism, act of war, insurrection, power outage, arson, cyber-attack, malicious destruction of property, or major disaster (e.g., hurricane, tornado, storm, tsunami, earthquake, fire, flood, explosion).
- Any action to extend the time period for casting ballots must be filed in federal court no later than the day after the election by a qualified candidate for President or Vice President. Any extension granted by the court applies throughout the entire state and for the shortest duration necessary, but no longer that 14 days after Election Day.

Vacancies in Electoral College

- Allows states to provide alternative electors to fill any vacancies that may occur after Election Day. The alternative electors must be identified in accordance with state law by Election Day

Final Determination of Appointment of Electors

- Establishes that the final determination of the appointment of electors by a state is conclusive and will govern in the counting of electoral votes by Congress. Any other purported determination or certification of electors is void and without legal effect.
- The final determination of electors must be made in accordance with the final election results, as certified by the appropriate state official(s) under state law in effect prior to Election Day.
- Establishes a deadline of December 20th for a state to complete the final determination of electors. Any recount or judicial proceeding pertaining to the outcome of the Presidential election must be resolved by the deadline.

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- If a state has not reached a final determination of electors by the deadline because state official(s) fail to certify a winner, a candidate for President or Vice President may bring a civil action in federal court seeking relief to ensure that the certificates of identification of electors reflect the final election results. The action must be filed within 3 days after the deadline.
- A person may bring a civil action in federal court to challenge any aspect of a final determination of the appointment of electors by a state and seek equitable relief. The action must be filed no later than 3 days after the person knew, or should have known, about the circumstances giving rise to the action.

Credentials of Electors; Transmission to U.S. Archivist and Congress; Public Inspection

- The Governor of each state must issue 14 duplicate original certificates of identification of electors, and make a copy of one original certificate available on the Governor's website.
- The certificates issued by the Governor must meet the following requirements:
    - reflect the appointment of electors of the state pursuant to the Act
    - be signed by the Governor and affixed with the seal of the state
    - include the names of the appointed and alternate electors chosen by state law
    - include the number of votes cast for each candidate for President and Vice-President
- The Governor must transmit the duplicate certificates (as specified in the Act) to the U.S. Senate, the U.S. House, the Supreme Court, the U.S. Archivist, the chief state election official, and the electors of the state.
- The Governor must transmit the duplicate certificates no later than 3 days after the date of the final determination of electors is made (or in the case of electors, no later than the date the electors meet).
- If the Governor fails to execute the above duties, the chief state election official must execute those duties within 1 day of the Governor's failure. If the chief state election official also fails to execute the duties, a candidate for President or Vice President may bring an action in federal court seeking equitable relief to ensure the certificate of identification of electors reflects the final determination of electors.
- Requires the U.S. Archivist to ensure that the certificates of identification of electors are available online, and transmit copies of each certificate to Congress.
- Requires each chief state election official to preserve one duplicate certificate for 1 year as a public record; hold the other duplicate subject to the order of the President of the Senate; and make the certificate available online.

Time and Place for Meeting and Voting of Electors

- Changes the date for the Electors to meet and cast their votes from the first Monday after the second Wednesday in December to December 29th of each presidential election year.

Certificate of Votes for President and Vice President

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- Requires electors to sign 7 duplicate original certificates of recorded electoral votes, with each certificate containing a list of the votes for President, and a list of the votes for Vice President. Each list must identify the candidates for which each elector voted.
- Establishes procedures for sealing the certificate of votes and the certificate of identification of electors in required envelopes and transmitting the certificates to the U.S. House, the U.S. Senate, the U.S. Archivist, the Supreme Court, and the chief state election official.
- If the President of the Senate or the U.S. Archivist have not received the certificate of vote from a state by January 3rd, they must request that the chief state election official of the state provide the certificate. If the President of the Senate or the U.S. Archivist have not received the certificate of vote from the chief state election official by January 4th, they must request the certificate from the Supreme Court.

Counting of Electors' Vote in Congress

- Requires Congress to meet in joint session on January 6th following the meeting of the electors.
- Establishes that neither the presiding officer or the President of the Senate (Vice President) have any power to determine or otherwise resolve disputes over the proper list of electors, the validity of electors, or the votes of electors outside of the procedures in the Act.
- Establishes procedures for opening the envelopes containing the certificates of identification of electors and the certificates of votes, and tallying and counting the electoral votes.
- Establishes procedures for consideration of objections to a certificate of identification of electors or a certificate of vote. Requires that the objection be made in writing, specify the specific grounds for the objection, and be signed by at least 1/3rd of Senate members and 1/3rd of House members.
- An objection to a certificate of identification of electors may be made on the following grounds:
    - the certificate is not the valid certificate submitted under the Act
    - an individual elector or electors is not eligible to serve under the Constitution
- An objection to a certificate of vote may be made on the following grounds:
    - a vote was cast for a candidate for President and a candidate for Vice President both of which reside in the same state at the electors (in violation of the 12th Amendment)
    - a vote was cast for a candidate who is constitutionally ineligible to serve as President or Vice President
    - a vote was cast on a day other than the day prescribed under the Act
- Requires that 3/5th of Senate member and 3/5th of House members vote to agree to an objection in order for it to be sustained.

Modification to Presidential Transition Act

- Requires GSA to announce the apparent winner of a Presidential election (for purposes of a presidential transition) no later than the earlier of:

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    - the date on which there is a majority of pledged votes of electors, based on certifications of state canvas
    - December 20th of a Presidential election year

- If GSA has not made an announcement of an apparent winter by the 3rd Tuesday after Election Day, GSA must treat the 2 candidates with the most pledged votes of electors (based on state canvass certifications) as President-elect.

AMERICAN OVERSIGHT

From: PSCPTraining <pscptraining@hq.dhs.gov>
Sent: Friday, January 28, 2022 9:25 AM
Subject: SLTPS (PSCP) Annual Security Training and Acknowledgement Letter
Attachments: 2022 Annual Security Refresher Training.pdf; 2022 SLTPS Acknowledement Letter.pdf; 11000-07 Visit Authorization Request.pdf; Reporting Foreign Contact - DHS Form 11053.pdf; Reporting Foreign Travel - DHS Form 11043-1.pdf

Importance: High

IMPORTANT NOTE: You will be signing **TWO DOCUMENTS** and returning them to the SLTPS office. Do not submit the entire Training Slide deck. Do not submit the entire Acknowledgement Document – **ONLY** the final page of those documents are to be returned. If both documents are not returned, your Annual Security Training will be incomplete.

As a current member of the Critical Infrastructure State, Local, Tribal and Private Sector (SLTPS) Clearance Program with the Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS), you hold a DHS sponsored clearance and play a vital role in the security and resilience of our Nation's critical infrastructure. The attached documents provide important information about the SLTPS and requires your review, acknowledgement, signature and submittal.

SLTPS: Acknowledgement Letter

PLEASE READ, THOROUGHLY COMPLETE AND SIGN ACKNOWLEDGMENT LETTER, AND RETURN IT TO PSCPTRAINING@HQ.DHS.GOV. Only return the signed Acknowledgement Form – not the entire document

- Critical Infrastructure State, Local, Tribal and Private Sector Clearance Program Overview
- Access to Classified Briefings
- SLTPS Contact information

Annual Security Refresher Training

PLEASE REVIEW THE SLIDES, SIGN THE CERTIFICATE AND RETURN IT TO PSCPTRAINING@HQ.DHS.GOV. Only return the signed/dated certificate which is the last slide of the slide presentation

Reportable Security Requirements Only submit these documents if you will be doing any foreign travel/contacts or attending classified briefings.

- DHS 11000.7 - Visitor Authorization Request (VAR) – When attending a classified briefing and your clearance need to be passed via the CISA VARS Office (CISA.VARS@cisa.dhs.gov)
- DHS 11053.5 - Foreign Contacts – When traveling out of the country and or having foreign contact, this form will need to be submitted to FAM.Report@hq.dhs.gov.
- DHS 11043.5 – Foreign Travel – When traveling out of the country, this form will need to be submitted to FAM.Report@hq.dhs.gov.

If you have any questions about this correspondence, please do not hesitate to reached out to the SLTPS Administrators at PSCPTraining@hq.dhs.gov.

State, Local, Tribal and Private Sector (SLTPS)
Office of the Chief Security Office (OCSO)

AMERICAN OVERSIGHT

Cybersecurity and Infrastructure Security Agency
Email: PSCPTraining@hq.dhs.gov

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From: Zac Rhines
To: Scott Marvel
Sent: Friday, April 1, 2022 6:57 PM
Subject: Not read: Texas SoS Election Analytics

Your message

To: Chad Ennis; Zac Rhines
Cc: Anu Jain; Paul Falkenberg
Subject: Texas SoS Election Analytics
Sent: 3/16/2022 6:59 PM

was deleted without being read on 4/1/2022 6:57 PM.

AMERICAN OVERSIGHT

From: GeneralCounsel
To: [redacted]
Cc: [redacted]; GeneralCounsel
Subject: RE: Response to Letter Seeking Clarification to PIA Requests, received November 12, 2021 [IMAN-JWDOCS.FID4320547]
Date: Wednesday, March 30, 2022 11:53:04 AM
Attachments: 3.30.22 Documents.zip
image001.png
image002.jpg

Ms. Coates,

Consisted with our March 16 email, please see the attached zipped folder containing documents responsive to your clarified request for information under Chapter 552 of the Texas Government Code (the "PIA").

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 20, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Wednesday, March 16, 2022 4:28 PM
To: [redacted]
Cc: [redacted]>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Response to Letter Seeking Clarification to PIA Requests, received November 12, 2021 [IMAN-JWDOCS.FID4320547]

Ms. Coates,

Regarding our February March 2 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We are reviewing our records and correspondence going back to 2010 to locate information responsive to your request. We expect to provide you responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 30, 2022. *See* Tex. Gov't Code § 552.221(d).

AMERICAN OVERSIGHT

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Wednesday, March 2, 2022 11:14 AM
To: [redacted]
Cc: [redacted]>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Response to Letter Seeking Clarification to PIA Requests, received November 12, 2021 [IMAN-JWDOCS.FID4320547]

Ms. Coates,

Regarding our February 16 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We are reviewing our records and correspondence going back to 2010 to locate information responsive to your request. We expect to provide you responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 16, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Wednesday, February 16, 2022 4:28 PM
To: 'Coates, Tori' [redacted]
Cc: 'Embertson, Jess' [redacted]>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Response to Letter Seeking Clarification to PIA Requests, received November 12, 2021 [IMAN-JWDOCS.FID4320547]

Good afternoon,

Consisted with our January 26 email, please see the attached zipped folder containing documents responsive to your clarified request for information under Chapter 552 of the Texas Government Code (the "PIA").

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the

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public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 2, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Wednesday, January 26, 2022 3:29 PM
To: 'Coates, Tori' <[redacted]>
Cc: 'Embertson, Jess' [redacted]>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Response to Letter Seeking Clarification to PIA Requests, received November 12, 2021 [IMAN-JWDOCS.FID4320547]

Good afternoon,

Regarding our January 5 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents —to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on February 16, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Wednesday, January 5, 2022 2:09 PM
To: 'Coates, Tori' [redacted]>
Cc: 'Embertson, Jess' [redacted]>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Response to Letter Seeking Clarification to PIA Requests, received November 12, 2021 [IMAN-JWDOCS.FID4320547]

Good afternoon,

AMERICAN OVERSIGHT

We appreciate your clarification. Thank you. Please see the attached zipped folder containing documents responsive to your clarified request for information under Chapter 552 of the Texas Government Code (the "PIA").

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on January 26, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel
Sent: Friday, December 17, 2021 4:05 PM
To: 'Coates, Tori' [redacted]>
Cc: Embertson, Jess [redacted]>
Subject: RE: Response to Letter Seeking Clarification to PIA Requests, received November 12, 2021 [IMAN-JWDOCS.FID4320547]

This email acknowledges receipt of your clarified request for information under the Public Information Act, and we will process it in accordance with Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: Coates, Tori [redacted]>
Sent: Wednesday, December 15, 2021 6:04 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Cc: Embertson, Jess [redacted]>; Elections Internet <Elections@sos.texas.gov>
Subject: Response to Letter Seeking Clarification to PIA Requests, received November 12, 2021 [IMAN-JWDOCS.FID4320547]

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to

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Informationsecurity@sos.texas.gov.

Hi Adam,

I am attaching a letter providing clarification to certain requests made pursuant to the Public Information Act in response to your letter requesting such clarification which I received on November 12, 2021. Please let me know if you would like to discuss. I appreciate your time and assistance with these requests.

Thank you,

Tori Coates | Associate Attorney
100 Congress Avenue Suite 1100 | Austin, TX | 78701
V: (512) 236-2381 | F: | [redacted]
https://www.jw.com/people/tori-coates/
Jackson Walker L.L.P

COVID-19 Resources

AMERICAN OVERSIGHT

From: Jerry Lominac
To: Elections Internet
Subject: 2020 Tabulators
Date: Sunday, November 15, 2020 10:50:05 AM
Attachments: State of Texas Software Evaluation.pdf

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Greetings,

I have learned that the Texas Secretary of State denied certification to the Dominion Tabulator Software, signed Jan 24, 2020.

However, with all the long reaches offered by the internet, I am unable to find whether the Dominion Tabulators and Software were used in the November 23 2020 election in the State. Or was hardware/software from a different vendor used this year?

Thank you for any help you might offer.

Jerry Lominac
Pawleys Island SC 29585
843 237-3036

AMERICAN OVERSIGHT

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Ruth R. Hughs
Secretary of State

REPORT OF REVIEW OF DOMINION VOTING SYSTEMS DEMOCRACY SUITE 5.5-A

PRELIMINARY STATEMENT

On October 2-3, 2019, Dominion Voting Systems ("Dominion" or the "Vendor") presented the Democracy Suite 5.5-A system for examination and certification. The examination was conducted in Austin, Texas. Pursuant to Sections 122.035(a) and (b) of the Texas Election Code, the Secretary of State appointed the following examiners:

1. Mr. Tom Watson, an expert in electronic data communication systems;
2. Mr. Brian Mechler, an expert in electronic data communication systems;
3. Mr. Brandon Hurley, an expert in election law and procedure; and
4. Mr. Charles Pinney, an expert in election law and procedure.

Pursuant to Section 122.035(a), the Texas Attorney General appointed the following examiners:

1. Dr. Jim Sneeringer, an expert in electronic data communication systems; and
2. Mr. Ryan Vassar, an employee of the Texas Attorney General.

On October 2, 2019, Mr. Pinney, Mr. Mechler, and Dr. Sneeringer witnessed the installation of the Democracy Suite 5.5-A software and firmware that the Office of the Texas Secretary of State (the "Office") received directly from the Independent Testing Authority. The next day, Mr. Pinney examined the accessibility components of the ImageCast X Ballot Marking Device.

On October 3, 2019, the Vendor demonstrated the Democracy Suite 5.5-A system and answered questions presented by the examiners. Test ballots were then processed on each voting device. The results were accumulated and later verified for accuracy by staff of the Secretary of State.

Examiner reports regarding the Democracy Suite 5.5-A system are attached hereto and incorporated herein by this reference.

On December 27, 2019, pursuant to Section 122.0371 of the Texas Election Code, the Office held a public hearing for interested persons to express views for or against the certification of the Democracy Suite 5.5-A system.

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BRIEF DESCRIPTION OF DEMOCRACY SUITE 5.5-A

The Democracy Suite 5.5-A system is an updated version of the Democracy Suite 5.5 system, which was denied certification by the Office on June 20, 2019. The Democracy Suite 5.5-A system includes certain software and hardware updates to the Suite 5.5 version.

Democracy Suite 5.5-A has been evaluated at an accredited independent voting system laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). Democracy Suite 5.5-A was certified by the Election Assistance Commission (EAC) on January 30, 2019.

The components of Democracy Suite 5.5-A are as follows:

Component	Version	Description
EMS – Election Management System	5.5.12.1	Election Management System
ADJ – Adjudication	5.5.8.1	
ICC – ImageCast Central	5.5.3.0002	Central scanner
ICX – ImageCast X BMD	5.5.10.30	Ballot marking device
ICP – ImageCast Precinct	5.5.3-0002	Precinct scanner

FINDINGS

The following are the findings, based on written evidence submitted by the Vendor in support of its application for certification, oral evidence presented at the examination, and the findings of the voting system examiners as set out in their written reports.

The examiner reports identified multiple hardware and software issues that preclude the Office of the Texas Secretary of State from determining that the Democracy Suite 5.5-A system satisfies each of the voting-system requirements set forth in the Texas Election Code. Specifically, the examiner reports raise concerns about whether the Democracy Suite 5.5-A system is suitable for its intended purpose; operates efficiently and accurately; and is safe from fraudulent or unauthorized manipulation. Therefore, the Democracy Suite 5.5-A system and corresponding hardware devices do not meet the standards for certification prescribed by Section 122.001 of the Texas Election Code.

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CONCLUSION

Accordingly, based upon the foregoing, I hereby deny certification of Dominion Voting Systems' Democracy Suite 5.5-A system for use in Texas elections.

Signed under my hand and seal of office, this 24th day of January 2020.

JOSE A. ESPARZA
DEPUTY SECRETARY OF STATE

AMERICAN OVERSIGHT

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov

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Ruth R. Hughs
Secretary of State

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AMERICAN OVERSIGHT

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ICX – ImageCast X BMD	5.5.10.30	Ballot marking device
ICP – ImageCast Precinct	5.5.3-0002	Precinct scanner

FINDINGS

The following are the findings, based on written evidence submitted by the Vendor in support of its application for certification, oral evidence presented at the examination, and the findings of the voting system examiners as set out in their written reports.

The examiner reports identified multiple hardware and software issues that preclude the Office of the Texas Secretary of State from determining that the Democracy Suite 5.5-A system satisfies each of the voting-system requirements set forth in the Texas Election Code. Specifically, the examiner reports raise concerns about whether the Democracy Suite 5.5-A system is suitable for its intended purpose; operates efficiently and accurately; and is safe from fraudulent or unauthorized manipulation. Therefore, the Democracy Suite 5.5-A system and corresponding hardware devices do not meet the standards for certification prescribed by Section 122.001 of the Texas Election Code.

AMERICAN OVERSIGHT

CONCLUSION

Accordingly, based upon the foregoing, I hereby deny certification of Dominion Voting Systems' Democracy Suite 5.5-A system for use in Texas elections.

Signed under my hand and seal of office, this 24th day of January 2020.

JOSE A. ESPARZA
DEPUTY SECRETARY OF STATE

AMERICAN OVERSIGHT

From: Tiffany Owens
To: [redacted]
Cc: [redacted]; Christina Adkins; Elections Internet; Timothy Juro
Subject: Dominion Voting Exam January 24-25,2018
Date: Monday, January 8, 2018 11:59:27 AM
Attachments: Blank Sample Ballot_Pct 1.doc
Blank Sample Split Ballot_Pct 2(A).doc
Blank Sample Split Ballot_Pct 2(B).doc
Dominion Voting Examination .pdf
image001.jpg

Good morning, attached is the updated letter and sample ballot information regarding the Dominion Voting Exam on January 24 and 25, 2018.

Tiffany Owens
Legal Administrative Assistant IV – Elections Division
Office of the Texas Secretary of State
Telephone: 1.800.252.VOTE
www.sos.state.tx.us
Elections Related Questions: elections@sos.texas.gov

For Voter Related Information, please visit:

To better serve you, the Texas Secretary of State is conducting a "Customer Satisfaction Survey". Your responses are confidential and will be used only for the purposes of evaluating our services. Please consider taking the survey, and thank you for your time.

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

AMERICAN OVERSIGHT

VOTING SYSTEM EXAMINATION
SAMPLE BALLOT PRECINCT 1

STRAIGHT PARTY
(Vote for One)
UN SOLO PARTIDO
(*Vote por uno*)

- ☐ REPUBLICAN PARTY
- ☐ DEMOCRATIC PARTY
- ☐ LIBERTARIAN PARTY
- ☐ GREEN PARTY

U.S. SENATOR
(Vote for One)
SENADOR DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ JOHN DOE (Rep)
- ☐ HARRY SMITH (Dem)
- ☐ BOB LILLY (Lib)
- ☐ RENEE NEWS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

U.S. REPRESENTATIVE
(Vote for One)
REPRESENTANTE DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ STEVE BLACK (Rep)
- ☐ KATHY CAMERON (Dem)
- ☐ JACKIE BEXAR (Lib)
- ☐ GLORIA DALLAS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

GOVERNOR
(Vote for One)
GOBERNADOR
(*Vote por uno*)

- ☐ TIM GREEN (Rep)
- ☐ MATHEW BOX (Dem)
- ☐ DAN CARNS (Lib)
- ☐ _____ WRITE-IN (Voto Escrito)

LT. GOVERNOR
(Vote for One)
GOBERNADOR TENIENTE
(*Vote por uno*)

- ☐ ETHAN BLUE (Rep)
- ☐ CHRIS CAR (Dem)
- ☐ JOE BUS (Lib)
- ☐ EMMA WEST (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

STATE REPRESENTATIVE
(Vote for One)
REPRESENTANTE ESTATAL
(*Vote por uno*)

- ☐ THOMAS KIMBLE (Rep)
- ☐ EVA WALKER (Dem)
- ☐ RUTH SUTTON (Lib)
- ☐ CARL RUSK (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COURT OF APPEALS
(Vote for One)
CORTE DE APELACIONES
(*Vote por uno*)

- ☐ MARK PANOLA (Rep)
- ☐ KEVIN TARRANT (Dem)
- ☐ PAUL TAYLOR (Lib)
- ☐ TERESA GREEN (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COUNTY JUDGE
(Vote for One)
JUEZ DEL CONDADO
(*Vote por uno*)

- ☐ RICH YOUNG (Rep)
- ☐ SCOTT WALLER (Dem)
- ☐ LARRY EVANS (Lib)
- ☐ DEBRA HARRIS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COUNTY COMMISSIONER PCT. 1
(Vote for One)
COMISIONADO DEL CONDADO PCT. 1
(*Vote por uno*)

- ☐ IRENE CASS (Rep)
- ☐ KATIE CAMP (Dem)
- ☐ BILL MONTGOMERY GRANDPA CASTRO (Lib)
- ☐ ADAM COKE (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

DOG CATCHER
(Vote for One)
COLECTOR DE PERROS
(*Vote por uno*)

- ☐ NANCY CHILDRESS
- ☐ GLENN COLEMAN
- ☐ IRBY WHITE
- ☐ JOE CAMERON
- ☐ _____ WRITE-IN (Voto Escrito)

SCHOOL BOARD TRUSTEE
(Vote for none, one, two, or three)
MIEMBRO DE LE JUNTA ESCOLAR
(*Vote por ninguno, uno, dos, o tres*)

- ☐ KEN COLEMAN
- ☐ JIM BASTROP
- ☐ BRIAN BELL
- ☐ CHERYL RICHARDSON
- ☐ DORIS BAILEY
- ☐ TRAVIS AUSTIN
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

ALDERMAN
(Vote for none, one, or two)
CONCEJAL
(*Vote por ninguno, uno o dos*)

- ☐ TOM ARMSTRONG
- ☐ CHARLIE ARCHER
- ☐ RITA TYSON
- ☐ ETTIE HUBBARD
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

PROPOSITION # 1
(*Vote for One*)
TO ELIMINATE SCHOOL FOR ALL CHILDREN UNDER AGE 10

PROPOSICIÓN # 1
(Vote por uno)
ELIMINAR LA ESCUELA PARA TODOS LOS NIÑOS MENORES DE 10 AÑOS

- ☐ IN FAVOR (*A Favor*)
- ☐ AGAINST (*En Contra*)

PROPOSITION # 2 City
(Vote for One)

SHALL THE CITY CHARTER BE AMENDED: (A) TO REQUIRE THAT ALL PRIVATE CITIZENS' EMAILS TO ANY PUBLIC OFFICIAL BE PLACED ON THE CITY WEBSITE IN "REAL TIME," INCLUDING EMAILS OR ELECTRONIC COMMUNICATIONS BETWEEN PRIVATE CITIZENS AND PUBLIC OFFICIALS IN ALL CITY DEPARTMENTS, INCLUDING THE LIBRARY DEPARTMENT, POLICE DEPARTMENT, CITY HEALTH CLINICS, AND CITY DEPARTMENTS HANDLING UTILITY BILLS AND CODE ENFORCEMENT, AND LIMIT THE ABILITY OF CITIZENS TO KEEP PRIVATE THE DETAILS OF THESE COMMUNICATIONS; (B) TO REQUIRE THAT THE HEADS OF ALL CITY DEPARTMENTS, INCLUDING THE POLICE DEPARTMENT, PARKS DEPARTMENT, LIBRARY DEPARTMENT, ALL CITY MANAGER'S STAFF AND ALL CITY COUNCIL MEMBERS AND THEIR STAFF POST ONLINE IN REAL TIME INFORMATION ABOUT ALL MEETINGS AND PHONE CALLS WITH PRIVATE CITIZENS; (C) TO PROHIBIT THE CITY FROM EXERCISING STATE LAW PROTECTION FOR INFORMATION THAT COULD EXPOSE THE CITY AND TAXPAYERS TO GREATER FINANCIAL AND LEGAL LIABILITY AND RISK; (D) TO REQUIRE THE CITY TO CREATE AT TAXPAYER EXPENSE AN ONLINE ELECTRONIC DATA SYSTEM FOR MOST CITY COMMUNICATIONS AND DOCUMENTS, WHICH FOR THE MOST PART ARE ALREADY AVAILABLE TO THE PUBLIC; AND (E) TO INSTALL AND PERMANENTLY OPERATE SUCH A SYSTEM AT AN ESTIMATED COST OF APPROXIMATELY $36 MILLION INITIALLY AND $12 MILLION ANNUALLY THEREAFTER IF FULLY

AMERICAN OVERSIGHT

IMPLEMENTED, WHICH COULD REQUIRE A TAX INCREASE EQUIVALENT TO THREE CENTS PER $100 VALUATION OR A REDUCTION IN CITY SERVICES.

PROPOSICIÓN # 2 CIUDAD
(Vote Por Uno)

LA CARTA DE LA CIUDAD SERÁ ENMENDADA: (A) PARA REQUERIR QUE LOS EMAIL DE TODOS LOS CIUDADANOS PRIVADOS A CUALQUIER FUNCIONARIO ESTÉN COLOCADOS EN EL WEB SITE DE LA CIUDAD EN "TIEMPO REAL," INCLUYENDO EMAIL O COMUNICACIONES ELECTRÓNICAS ENTRE LOS CIUDADANOS PRIVADOS Y LOS FUNCIONARIOS EN TODOS LOS DEPARTAMENTOS DE LA CIUDAD, INCLUYENDO EL DEPARTAMENTO DE LA BIBLIOTECA, EL DEPARTAMENTO DE POLICÍA, CLÍNICAS DE SALUD DE LA CIUDAD Y DEPARTAMENTOS DE LA CIUDAD ENCARGADOS DE LAS FACTURAS DE SERVICIOS Y CUMPLIMIENTO DE LOS CÓDIGOS, Y LIMITAR LA CAPACIDAD DEL CIUDADANO DE PODER MANTENER EN PRIVADO LOS DETALLES DE TALES COMUNICACIONES; (B) EL REQUERIR QUE LOS JEFES DE DEPARTAMENTOS DE LA CIUDAD, INCLUYENDO EL DEPARTAMENTO DE POLICÍA, DEPARTAMENTO DE PARQUES, DEPARTAMENTO DE BIBLIOTECAS, TODO PERSONAL DEL DIRECTOR DE LA CIUDAD Y TODO MIEMBRO DEL CONCILIO DE LA CIUDAD Y SU PERSONAL EXPONGAN INFORMACIÓN EN LÍNEA Y EN TIEMPO REAL SOBRE TODA JUNTA Y LLAMADA TELEFÓNICA CON CIUDADANOS; (C) EL PROHIBIR QUE LA CIUDAD EJERZA PROTECCIÓN BAJO LEY ESTATAL SOBRE INFORMACIÓN QUE PODRÍA EXPONER LA CIUDAD Y LOS CONTRIBUYENTES DE IMPUESTOS A MAYOR RIESGO Y RESPONSABILIDAD JURÍDICA Y FINANCIERA; (D) EL REQUERIR QUE LA CIUDAD CREA A COSTA DE LOS CONTRIBUYENTES DE IMPUESTOS, UN SISTEMA ELECTRÓNICO DE DATOS EN LÍNEA PARA LA MAYORÍA DE LAS COMUNICACIONES Y DOCUMENTOS DE LA CIUDAD, EL CUAL, MAYORMENTE YA ESTÁ DISPONIBLE AL PÚBLICO; Y (E) EL INSTALAR Y CONSTANTEMENTE MANEJAR TAL SISTEMA A UN COSTE APROXIMADO INICIAL DE $36 MILLONES Y DE ALLÍ EN ADELANTE $12 MILLONES ANUALMENTE SI SE LLEVA A CABO EN SU TOTALIDAD, LO CUAL PODÍA REQUERIR UN AUMENTO DEL IMPUESTO EQUIVALENTE A LA TASACION DE TRES CENTAVOS POR $100 O UNA REDUCCIÓN EN SERVICIOS DE LA CIUDAD.

☐ IN FAVOR (*A Favor*)

☐ AGAINST (*En Contra*)

AMERICAN OVERSIGHT

VOTING SYSTEM EXAMINATION
SPLIT SAMPLE BALLOT PRECINCT 2(A)

STRAIGHT PARTY
(Vote for One)
UN SOLO PARTIDO
(*Vote por uno*)

- ☐ REPUBLICAN PARTY
- ☐ DEMOCRATIC PARTY
- ☐ LIBERTARIAN PARTY
- ☐ GREEN PARTY

U.S. SENATOR
(Vote for One)
SENADOR DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ JOHN DOE (Rep)
- ☐ HARRY SMITH (Dem)
- ☐ BOB LILLY (Lib)
- ☐ RENEE NEWS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

U.S. REPRESENTATIVE
(Vote for One)
REPRESENTANTE DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ STEVE BLACK (Rep)
- ☐ KATHY CAMERON (Dem)
- ☐ JACKIE BEXAR (Lib)
- ☐ GLORIA DALLAS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

GOVERNOR
(Vote for One)
GOBERNADOR
(*Vote por uno*)

- ☐ TIM GREEN (Rep)
- ☐ MATHEW BOX (Dem)
- ☐ DAN CARNS (Lib)
- ☐ _____ WRITE-IN (Voto Escrito)

LT. GOVERNOR
(Vote for One)
GOBERNADOR TENIENTE
(*Vote por uno*)

- ☐ ETHAN BLUE (Rep)
- ☐ CHRIS CAR (Dem)
- ☐ JOE BUS (Lib)
- ☐ EMMA WEST (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

STATE REPRESENTATIVE
(Vote for One)
REPRESENTANTE ESTATAL
(*Vote por uno*)

- ☐ THOMAS KIMBLE (Rep)
- ☐ EVA WALKER (Dem)
- ☐ RUTH SUTTON (Lib)
- ☐ CARL RUSK (Grn)
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COURT OF APPEALS
(Vote for One)
CORTE DE APELACIONES
(*Vote por uno*)

- ☐ MARK PANOLA (Rep)
- ☐ KEVIN TARRANT (Dem)
- ☐ PAUL TAYLOR (Lib)
- ☐ TERESA GREEN (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COUNTY JUDGE
(Vote for One)
JUEZ DEL CONDADO
(*Vote por uno*)

- ☐ RICH YOUNG (Rep)
- ☐ SCOTT WALLER (Dem)
- ☐ LARRY EVANS (Lib)
- ☐ DEBRA HARRIS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

DOG CATCHER
(Vote for One)
COLECTOR DE PERROS
(*Vote por uno*)

- ☐ NANCY CHILDRESS
- ☐ GLENN COLEMAN
- ☐ IRBY WHITE
- ☐ JOE CAMERON
- ☐ _____ WRITE-IN (Voto Escrito)

SCHOOL BOARD TRUSTEE
(Vote for none, one, two or three)
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(*Vote por ninguno, uno, dos, o tres*)

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- ☐ BRIAN BELL
- ☐ CHERYL RICHARDSON
- ☐ DORIS BAILEY
- ☐ TRAVIS AUSTIN
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

ALDERMAN
(Vote for none, one, or two)
CONCEJAL
(*Vote por ninguno, uno, o dos*)

- ☐ TOM ARMSTRONG
- ☐ CHARLIE ARCHER
- ☐ RITA TYSON
- ☐ ETTIE HUBBARD
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

PROPOSITION # 1
(*Vote for One*)
TO ELIMINATE SCHOOL FOR ALL CHILDREN UNDER AGE 10

PROPOSICIÓN # 1
(Vote por uno)
ELIMINAR LA ESCUELA PARA TODOS LOS NIÑOS MENORES DE 10 AÑOS

- ☐ IN FAVOR (*A Favor*)
- ☐ AGAINST (*En Contra*)

AMERICAN OVERSIGHT

VOTING SYSTEM EXAMINATION
SPLIT SAMPLE BALLOT PRECINCT 2(B)

STRAIGHT PARTY
(Vote for One)
UN SOLO PARTIDO
(*Vote por uno*)

- ☐ REPUBLICAN PARTY
- ☐ DEMOCRATIC PARTY
- ☐ LIBERTARIAN PARTY
- ☐ GREEN PARTY

U.S. SENATOR
(Vote for One)
SENADOR DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ JOHN DOE (Rep)
- ☐ HARRY SMITH (Dem)
- ☐ BOB LILLY (Lib)
- ☐ RENEE NEWS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

U.S. REPRESENTATIVE
(Vote for One)
REPRESENTANTE DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ STEVE BLACK (Rep)
- ☐ KATHY CAMERON (Dem)
- ☐ JACKIE BEXAR (Lib)
- ☐ GLORIA DALLAS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

GOVERNOR
(Vote for One)
GOBERNADOR
(*Vote por uno*)

- ☐ TIM GREEN (Rep)
- ☐ MATHEW BOX (Dem)
- ☐ DAN CARNS (Lib)
- ☐ _____ WRITE-IN (Voto Escrito)

LT. GOVERNOR
(Vote for One)
GOBERNADOR TENIENTE
(*Vote por uno*)

- ☐ ETHAN BLUE (Rep)
- ☐ CHRIS CAR (Dem)
- ☐ JOE BUS (Lib)
- ☐ EMMA WEST (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

STATE REPRESENTATIVE
(Vote for One)
REPRESENTANTE ESTATAL
(*Vote por uno*)

- ☐ THOMAS KIMBLE (Rep)
- ☐ EVA WALKER (Dem)
- ☐ RUTH SUTTON (Lib)
- ☐ CARL RUSK (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COURT OF APPEALS
(Vote for One)
CORTE DE APELACIONES
(*Vote por uno*)

- ☐ MARK PANOLA (Rep)
- ☐ KEVIN TARRANT (Dem)
- ☐ PAUL TAYLOR (Lib)
- ☐ TERESA GREEN (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COUNTY JUDGE
(Vote for One)
JUEZ DEL CONDADO
(*Vote por uno*)

- ☐ RICH YOUNG (Rep)
- ☐ SCOTT WALLER (Dem)
- ☐ LARRY EVANS (Lib)
- ☐ DEBRA HARRIS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

DOG CATCHER
(Vote for One)
COLECTOR DE PERROS
(*Vote por uno*)

- ☐ NANCY CHILDRESS
- ☐ GLENN COLEMAN
- ☐ IRBY WHITE
- ☐ JOE CAMERON
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ALDERMAN
(Vote for none, one, or two.)
CONCEJAL
(*Vote por ninguno, uno, o dos*)

- ☐ TOM ARMSTRONG
- ☐ CHARLIE ARCHER
- ☐ RITA TYSON
- ☐ ETTIE HUBBARD
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

PROPOSITION # 1
(*Vote for One*)
TO ELIMINATE SCHOOL FOR ALL CHILDREN UNDER AGE 10

PROPOSICIÓN # 1
(Vote por uno)
ELIMINAR LA ESCUELA PARA TODOS LOS NIÑOS MENORES DE 10 AÑOS

- ☐ IN FAVOR (*A Favor*)
- ☐ AGAINST (*En Contra*)

AMERICAN OVERSIGHT

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Rolando B. Pablos
Secretary of State

January 8, 2018

Jessica Bowers
Certification Manager
Dominion Voting Systems, Inc.
1201 18th Street, Suite 210
Denver, Colorado 80202

Dear Ms. Bowers:

This letter is to confirm receipt of your application for the January 2018 voting system examination. The examination of your voting system will be held on January 24 and 25, 2018 from 9:00 a.m. – 5:00 p.m. in the James E. Rudder Building, Conference Room 220, Second Floor, 1019 Brazos Street, Austin, Texas 78701.

Rule 81.60 of the Texas Administrative Code provides that the certification fee for a new election management system, tabulation device, electronic ballot marker, and other complex component of a system is $3,000 each. After reviewing your original application, we find that there are multiple components that are being tested.

The following chart provides a breakdown of the component parts and the fees we charge for examination. We have received your wire transfer for the full amount of the examination fee so there is no balance due.

Component Submitted for Certification	Version	Fee
EMS – Election Management System	5.0.16.1	$3,000
ADJ- Adjudication	5.0.0.44402	$3,000
ICC – ImageCast Central	5.0.2-0001	$3,000
ICX – ImageCast X	5.0-A.6366	$3,000
ICP – ImageCast Precinct	5.0.2-US	$3,000
	TOTAL	$15,000

Attached are the sample ballots to use when programming your voting systems for examination. Be prepared to allow all components to provide all three ballot styles.

If you have any questions, please contact our office toll-free at 1-800-252-VOTE (8683).

Sincerely,

Keith Ingram
Director of Elections

KI:CA

Attachments: Sample Ballot

AMERICAN OVERSIGHT

VOTING SYSTEM EXAMINATION
SAMPLE BALLOT PRECINCT 1

STRAIGHT PARTY
(Vote for One)
UN SOLO PARTIDO
(*Vote por uno*)

- ☐ REPUBLICAN PARTY
- ☐ DEMOCRATIC PARTY
- ☐ LIBERTARIAN PARTY
- ☐ GREEN PARTY

U.S. SENATOR
(Vote for One)
SENADOR DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ JOHN DOE (Rep)
- ☐ HARRY SMITH (Dem)
- ☐ BOB LILLY (Lib)
- ☐ RENEE NEWS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

U.S. REPRESENTATIVE
(Vote for One)
REPRESENTANTE DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ STEVE BLACK (Rep)
- ☐ KATHY CAMERON (Dem)
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GOVERNOR
(Vote for One)
GOBERNADOR
(*Vote por uno*)

- ☐ TIM GREEN (Rep)
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- ☐ DAN CARNS (Lib)
- ☐ _____ WRITE-IN (Voto Escrito)

LT. GOVERNOR
(Vote for One)
GOBERNADOR TENIENTE
(*Vote por uno*)

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- ☐ CHRIS CAR (Dem)
- ☐ JOE BUS (Lib)
- ☐ EMMA WEST (Grn)
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STATE REPRESENTATIVE
(Vote for One)
REPRESENTANTE ESTATAL
(*Vote por uno*)

- ☐ THOMAS KIMBLE (Rep)
- ☐ EVA WALKER (Dem)
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COURT OF APPEALS
(Vote for One)
CORTE DE APELACIONES
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COUNTY JUDGE
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COUNTY COMMISSIONER PCT. 1
(Vote for One)
COMISIONADO DEL CONDADO PCT. 1
(*Vote por uno*)

- ☐ IRENE CASS (Rep)
- ☐ KATIE CAMP (Dem)
- ☐ BILL MONTGOMERY GRANDPA CASTRO (Lib)
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DOG CATCHER
(Vote for One)
COLECTOR DE PERROS
(*Vote por uno*)

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- ☐ GLENN COLEMAN
- ☐ IRBY WHITE
- ☐ JOE CAMERON
- ☐ _____ WRITE-IN (Voto Escrito)

SCHOOL BOARD TRUSTEE
(Vote for none, one, two, or three)
MIEMBRO DE LE JUNTA ESCOLAR
(*Vote por ninguno, uno, dos, o tres*)

- ☐ KEN COLEMAN
- ☐ JIM BASTROP
- ☐ BRIAN BELL
- ☐ CHERYL RICHARDSON
- ☐ DORIS BAILEY
- ☐ TRAVIS AUSTIN
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

ALDERMAN
(Vote for none, one, or two)
CONCEJAL
(*Vote por ninguno, uno o dos*)

- ☐ TOM ARMSTRONG
- ☐ CHARLIE ARCHER
- ☐ RITA TYSON
- ☐ ETTIE HUBBARD
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

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(*Vote for One*)
TO ELIMINATE SCHOOL FOR ALL CHILDREN UNDER AGE 10

PROPOSICIÓN # 1
(Vote por uno)
ELIMINAR LA ESCUELA PARA TODOS LOS NIÑOS MENORES DE 10 AÑOS

- ☐ IN FAVOR (*A Favor*)
- ☐ AGAINST (*En Contra*)

PROPOSITION # 2 City
(Vote for One)

SHALL THE CITY CHARTER BE AMENDED: (A) TO REQUIRE THAT ALL PRIVATE CITIZENS' EMAILS TO

AMERICAN OVERSIGHT

ANY PUBLIC OFFICIAL BE PLACED ON THE CITY WEBSITE IN “REAL TIME,” INCLUDING EMAILS OR ELECTRONIC COMMUNICATIONS BETWEEN PRIVATE CITIZENS AND PUBLIC OFFICIALS IN ALL CITY DEPARTMENTS, INCLUDING THE LIBRARY DEPARTMENT, POLICE DEPARTMENT, CITY HEALTH CLINICS, AND CITY DEPARTMENTS HANDLING UTILITY BILLS AND CODE ENFORCEMENT, AND LIMIT THE ABILITY OF CITIZENS TO KEEP PRIVATE THE DETAILS OF THESE COMMUNICATIONS; (B) TO REQUIRE THAT THE HEADS OF ALL CITY DEPARTMENTS, INCLUDING THE POLICE DEPARTMENT, PARKS DEPARTMENT, LIBRARY DEPARTMENT, ALL CITY MANAGER’S STAFF AND ALL CITY COUNCIL MEMBERS AND THEIR STAFF POST ONLINE IN REAL TIME INFORMATION ABOUT ALL MEETINGS AND PHONE CALLS WITH PRIVATE CITIZENS; (C) TO PROHIBIT THE CITY FROM EXERCISING STATE LAW PROTECTION FOR INFORMATION THAT COULD EXPOSE THE CITY AND TAXPAYERS TO GREATER FINANCIAL AND LEGAL LIABILITY AND RISK; (D) TO REQUIRE THE CITY TO CREATE AT TAXPAYER EXPENSE AN ONLINE ELECTRONIC DATA SYSTEM FOR MOST CITY COMMUNICATIONS AND DOCUMENTS, WHICH FOR THE MOST PART ARE ALREADY AVAILABLE TO THE PUBLIC; AND (E) TO INSTALL AND PERMANENTLY OPERATE SUCH A SYSTEM AT AN ESTIMATED COST OF APPROXIMATELY $36 MILLION INITIALLY AND $12 MILLION ANNUALLY THEREAFTER IF FULLY IMPLEMENTED, WHICH COULD REQUIRE A TAX INCREASE EQUIVALENT TO THREE CENTS PER $100 VALUATION OR A REDUCTION IN CITY SERVICES.

PROPOSICIÓN # 2 CIUDAD
(Vote Por Uno)

LA CARTA DE LA CIUDAD SERÁ ENMENDADA: (A) PARA REQUERIR QUE LOS EMAIL DE TODOS LOS CIUDADANOS PRIVADOS A CUALQUIER FUNCIONARIO ESTÉN COLOCADOS EN EL WEB SITE DE LA CIUDAD EN "TIEMPO REAL," INCLUYENDO EMAIL O COMUNICACIONES ELECTRÓNICAS ENTRE LOS CIUDADANOS PRIVADOS Y LOS FUNCIONARIOS EN TODOS LOS DEPARTAMENTOS DE LA CIUDAD, INCLUYENDO EL DEPARTAMENTO DE LA BIBLIOTECA, EL DEPARTAMENTO DE POLICÍA, CLÍNICAS DE SALUD DE LA CIUDAD Y DEPARTAMENTOS DE LA CIUDAD ENCARGADOS DE LAS FACTURAS DE SERVICIOS Y CUMPLIMIENTO DE LOS CÓDIGOS, Y LIMITAR LA CAPACIDAD DEL CIUDADANO DE PODER MANTENER EN PRIVADO LOS DETALLES DE TALES COMUNICACIONES; (B) EL REQUERIR QUE LOS JEFES DE DEPARTAMENTOS DE LA CIUDAD, INCLUYENDO EL DEPARTAMENTO DE POLICÍA, DEPARTAMENTO DE PARQUES, DEPARTAMENTO DE BIBLIOTECAS, TODO PERSONAL DEL DIRECTOR DE LA CIUDAD Y TODO MIEMBRO DEL CONCILIO DE LA CIUDAD Y SU PERSONAL EXPONGAN INFORMACIÓN EN LÍNEA Y EN TIEMPO REAL SOBRE TODA JUNTA Y LLAMADA TELEFÓNICA CON CIUDADANOS; (C) EL PROHIBIR QUE LA CIUDAD EJERZA PROTECCIÓN BAJO LEY ESTATAL SOBRE INFORMACIÓN QUE PODRÍA EXPONER LA CIUDAD Y LOS CONTRIBUYENTES DE IMPUESTOS A MAYOR RIESGO Y RESPONSABILIDAD JURÍDICA Y FINANCIERA; (D) EL REQUERIR QUE LA CIUDAD CREA A COSTA DE LOS CONTRIBUYENTES DE IMPUESTOS, UN SISTEMA ELECTRÓNICO DE DATOS EN LÍNEA PARA LA MAYORÍA DE LAS COMUNICACIONES Y DOCUMENTOS DE LA CIUDAD, EL CUAL, MAYORMENTE YA ESTÁ DISPONIBLE AL PÚBLICO; Y (E) EL INSTALAR Y CONSTANTEMENTE MANEJAR TAL SISTEMA A UN COSTE APROXIMADO INICIAL DE $36 MILLONES Y DE ALLÍ EN ADELANTE $12 MILLONES ANUALMENTE SI SE LLEVA A CABO EN SU TOTALIDAD, LO CUAL PODÍA REQUERIR UN AUMENTO DEL IMPUESTO EQUIVALENTE A LA TASACION DE TRES CENTAVOS POR $100 O UNA REDUCCIÓN EN SERVICIOS DE LA CIUDAD.

☐ IN FAVOR (*A Favor*)

☐ AGAINST (*En Contra*)

AMERICAN OVERSIGHT

VOTING SYSTEM EXAMINATION
SPLIT SAMPLE BALLOT PRECINCT 2(A)

STRAIGHT PARTY
(Vote for One)
UN SOLO PARTIDO
(*Vote por uno*)

- ☐ REPUBLICAN PARTY
- ☐ DEMOCRATIC PARTY
- ☐ LIBERTARIAN PARTY
- ☐ GREEN PARTY

U.S. SENATOR
(Vote for One)
SENADOR DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ JOHN DOE (Rep)
- ☐ HARRY SMITH (Dem)
- ☐ BOB LILLY (Lib)
- ☐ RENEE NEWS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

U.S. REPRESENTATIVE
(Vote for One)
REPRESENTANTE DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ STEVE BLACK (Rep)
- ☐ KATHY CAMERON (Dem)
- ☐ JACKIE BEXAR (Lib)
- ☐ GLORIA DALLAS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

GOVERNOR
(Vote for One)
GOBERNADOR
(*Vote por uno*)

- ☐ TIM GREEN (Rep)
- ☐ MATHEW BOX (Dem)
- ☐ DAN CARNS (Lib)
- ☐ _____ WRITE-IN (Voto Escrito)

LT. GOVERNOR
(Vote for One)
GOBERNADOR TENIENTE
(*Vote por uno*)

- ☐ ETHAN BLUE (Rep)
- ☐ CHRIS CAR (Dem)
- ☐ JOE BUS (Lib)
- ☐ EMMA WEST (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

STATE REPRESENTATIVE
(Vote for One)
REPRESENTANTE ESTATAL
(*Vote por uno*)

- ☐ THOMAS KIMBLE (Rep)
- ☐ EVA WALKER (Dem)
- ☐ RUTH SUTTON (Lib)
- ☐ CARL RUSK (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COURT OF APPEALS
(Vote for One)
CORTE DE APELACIONES
(*Vote por uno*)

- ☐ MARK PANOLA (Rep)
- ☐ KEVIN TARRANT (Dem)
- ☐ PAUL TAYLOR (Lib)
- ☐ TERESA GREEN (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COUNTY JUDGE
(Vote for One)
JUEZ DEL CONDADO
(*Vote por uno*)

- ☐ RICH YOUNG (Rep)
- ☐ SCOTT WALLER (Dem)
- ☐ LARRY EVANS (Lib)
- ☐ DEBRA HARRIS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

DOG CATCHER
(Vote for One)
COLECTOR DE PERROS
(*Vote por uno*)

- ☐ NANCY CHILDRESS
- ☐ GLENN COLEMAN
- ☐ IRBY WHITE
- ☐ JOE CAMERON
- ☐ _____ WRITE-IN (Voto Escrito)

SCHOOL BOARD TRUSTEE
(Vote for none, one, two or three)
MIEMBRO DE LE JUNTA ESCOLAR
(*Vote por ninguno, uno, dos, o tres*)

- ☐ KEN COLEMAN
- ☐ JIM BASTROP
- ☐ BRIAN BELL
- ☐ CHERYL RICHARDSON
- ☐ DORIS BAILEY
- ☐ TRAVIS AUSTIN
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

ALDERMAN
(Vote for none, one, or two)
CONCEJAL
(*Vote por ninguno, uno, o dos*)

- ☐ TOM ARMSTRONG
- ☐ CHARLIE ARCHER
- ☐ RITA TYSON
- ☐ ETTIE HUBBARD
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

PROPOSITION # 1
(*Vote for One*)
TO ELIMINATE SCHOOL FOR ALL CHILDREN UNDER AGE 10

PROPOSICIÓN # 1
(Vote por uno)
ELIMINAR LA ESCUELA PARA TODOS LOS NIÑOS MENORES DE 10 AÑOS

- ☐ IN FAVOR (*A Favor*)
- ☐ AGAINST (*En Contra*)

AMERICAN OVERSIGHT

VOTING SYSTEM EXAMINATION
SPLIT SAMPLE BALLOT PRECINCT 2(B)

STRAIGHT PARTY
(Vote for One)
UN SOLO PARTIDO
(*Vote por uno*)

- ☐ REPUBLICAN PARTY
- ☐ DEMOCRATIC PARTY
- ☐ LIBERTARIAN PARTY
- ☐ GREEN PARTY

U.S. SENATOR
(Vote for One)
SENADOR DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ JOHN DOE (Rep)
- ☐ HARRY SMITH (Dem)
- ☐ BOB LILLY (Lib)
- ☐ RENEE NEWS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

U.S. REPRESENTATIVE
(Vote for One)
REPRESENTANTE DE LOS ESTADOS UNIDOS
(*Vote por uno*)

- ☐ STEVE BLACK (Rep)
- ☐ KATHY CAMERON (Dem)
- ☐ JACKIE BEXAR (Lib)
- ☐ GLORIA DALLAS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

GOVERNOR
(Vote for One)
GOBERNADOR
(*Vote por uno*)

- ☐ TIM GREEN (Rep)
- ☐ MATHEW BOX (Dem)
- ☐ DAN CARNS (Lib)
- ☐ _____ WRITE-IN (Voto Escrito)

LT. GOVERNOR
(Vote for One)
GOBERNADOR TENIENTE
(*Vote por uno*)

- ☐ ETHAN BLUE (Rep)
- ☐ CHRIS CAR (Dem)
- ☐ JOE BUS (Lib)
- ☐ EMMA WEST (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

STATE REPRESENTATIVE
(Vote for One)
REPRESENTANTE ESTATAL
(*Vote por uno*)

- ☐ THOMAS KIMBLE (Rep)
- ☐ EVA WALKER (Dem)
- ☐ RUTH SUTTON (Lib)
- ☐ CARL RUSK (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COURT OF APPEALS
(Vote for One)
CORTE DE APELACIONES
(*Vote por uno*)

- ☐ MARK PANOLA (Rep)
- ☐ KEVIN TARRANT (Dem)
- ☐ PAUL TAYLOR (Lib)
- ☐ TERESA GREEN (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

COUNTY JUDGE
(Vote for One)
JUEZ DEL CONDADO
(*Vote por uno*)

- ☐ RICH YOUNG (Rep)
- ☐ SCOTT WALLER (Dem)
- ☐ LARRY EVANS (Lib)
- ☐ DEBRA HARRIS (Grn)
- ☐ _____ WRITE-IN (Voto Escrito)

DOG CATCHER
(Vote for One)
COLECTOR DE PERROS
(*Vote por uno*)

- ☐ NANCY CHILDRESS
- ☐ GLENN COLEMAN
- ☐ IRBY WHITE
- ☐ JOE CAMERON
- ☐ _____ WRITE-IN (Voto Escrito)

ALDERMAN
(Vote for none, one, or two.)
CONCEJAL
(*Vote por ninguno, uno, o dos*)

- ☐ TOM ARMSTRONG
- ☐ CHARLIE ARCHER
- ☐ RITA TYSON
- ☐ ETTIE HUBBARD
- ☐ _____ WRITE-IN (Voto Escrito)
- ☐ _____ WRITE-IN (Voto Escrito)

PROPOSITION # 1
(*Vote for One*)
TO ELIMINATE SCHOOL FOR ALL CHILDREN UNDER AGE 10

PROPOSICIÓN # 1
(Vote por uno)
ELIMINAR LA ESCUELA PARA TODOS LOS NIÑOS MENORES DE 10 AÑOS

- ☐ IN FAVOR (*A Favor*)
- ☐ AGAINST (*En Contra*)

AMERICAN OVERSIGHT

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Rolando B. Pablos
Secretary of State

January 8, 2018

Jessica Bowers
Certification Manager
Dominion Voting Systems, Inc.
1201 18th Street, Suite 210
Denver, Colorado 80202

Dear Ms. Bowers:

This letter is to confirm receipt of your application for the January 2018 voting system examination. The examination of your voting system will be held on January 24 and 25, 2018 from 9:00 a.m. – 5:00 p.m. in the James E. Rudder Building, Conference Room 220, Second Floor, 1019 Brazos Street, Austin, Texas 78701.

Rule 81.60 of the Texas Administrative Code provides that the certification fee for a new election management system, tabulation device, electronic ballot marker, and other complex component of a system is $3,000 each. After reviewing your original application, we find that there are multiple components that are being tested.

The following chart provides a breakdown of the component parts and the fees we charge for examination. We have received your wire transfer for the full amount of the examination fee so there is no balance due.

Component Submitted for Certification	Version	Fee
EMS – Election Management System	5.0.16.1	$3,000
ADJ- Adjudication	5.0.0.44402	$3,000
ICC – ImageCast Central	5.0.2-0001	$3,000
ICX – ImageCast X	5.0-A.6366	$3,000
ICP – ImageCast Precinct	5.0.2-US	$3,000
	TOTAL	$15,000

Attached are the sample ballots to use when programming your voting systems for examination. Be prepared to allow all components to provide all three ballot styles.

If you have any questions, please contact our office toll-free at 1-800-252-VOTE (8683).

Sincerely,

Keith Ingram
Director of Elections

KI:CA

Attachments: Sample Ballot

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Juan Serratti [redacted]
Sent: Thursday, March 1, 2018 1:57 PM
To: Christina Adkins
Subject: Dominion Voting Names Former Federal Law Enforcement Executive as Chief Security Officer
Attachments: Release-Dominion-Voting-Chief-Security-Announce-022718.pdf

Importance: High

Hi Christina and good afternoon,

The attached document is for your information. Please let me know if you have any questions.

Regards,

JUAN SERRATTI | DOMINION VOTING
2010 N. Redbud Blvd, Suite 110, McKinney TX 75070
1.866.654.8683 | DOMINIONVOTING.COM

214.491.5218 XT 9333 OFFICE
214.218.1439 MOBILE

DOMINION VOTING

Our customers come first.

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TX-SOS-22-0651-H-000133

For Immediate Release
February 27, 2018

Dominion Voting Names Former Federal Law Enforcement Executive as Chief Security Officer

(DENVER, CO) - Dominion Voting Systems, a U.S. election services provider based in Denver, Colorado, today announced the hiring of Matthew Horace as Vice President and Chief Security Officer. In this role, he will oversee both physical and cyber aspects of Dominion's global corporate security program, which aims to expand upon existing risk management and government compliance efforts to provide customers with secure, high-quality election products and services.

Horace is a senior security executive with decades of distinguished service, including roles with the U.S. Department of Justice, the U.S. Department of Treasury and training for private industry with high-security requirements and operations.

He has led security assessments, evaluations and investigations for protected entities and critical infrastructure operators, including federal government facilities, hospitals, aviation facilities, bridge and tunnel authorities and corporations. Horace has also developed cyber awareness and training campaigns for business.

"Matt brings a wealth of knowledge and expertise in critical infrastructure protection and emergency management that will help us align Dominion's robust security practices with our government customers' strategic goals," said company CEO John Poulos. "The addition of his leadership to our existing team will help us drive innovation, accelerate readiness and energize our mission to serve as an industry leader."

As chief security officer, Horace will also bring his experience in crisis management and law enforcement coordination to Dominion Voting's security collaborations with federal government partners working to protect U.S. election infrastructure, including the U.S. Department of Homeland Security and the U.S. Election Assistance Commission.

"I'm pleased to accept this role within the elections industry at such an exciting and meaningful time," said Horace. "My goal is to ensure that Dominion and its customers have a strong alignment to the latest threats and risks while safeguarding their valuable assets, most notably their state-of-the-art technology solutions that help them run safe and fair elections."

Horace is an advisory board member of the New York-based Federal Enforcement Homeland Security Foundation, a lifetime member of the National Organization of Black Law Enforcement Executives (NOBLE) and a member of the International Association

AMERICAN OVERSIGHT

of Chiefs of Police. He has also been a featured security analyst for multiple national news outlets, including CNN, MSNBC and the *Wall Street Journal*.

###

CONTACT: Kay Stimson, Vice President of Government Affairs
[redacted] | 703-869-5868 (mobile)

Dominion Voting Systems, 1201 18th Street,
Suite 210, Denver, CO 80202

SafeUnsubscribe™ [redacted]

About our service provider

AMERICAN OVERSIGHT

TX-SOS-22-0651-H-000135

Contact: Kay Stimson
Government Affairs
703-869-5868
kay.stimson@dominion.com
www.dominionvoting.com

For Immediate Release
February 27, 2018

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###

AMERICAN OVERSIGHT

From: Moody, Chris
To: Christina Adkins
Subject: FW: ExpressVote Feedback
Date: Thursday, June 9, 2016 10:14:03 AM

I didn't know if this could be sent as a part of the certification because there were negative comments made about our competitors so I will let you decide how you use this feedback. It's pretty interesting though.

From: Schmidt, Jim
Sent: Tuesday, May 31, 2016 11:56 AM
To: *OPS MGT Team
Subject: ExpressVote Feedback

Nice feedback from a blind voter

J. Meddaugh Friday, 20-May-2016 10:44 PM ET

Advertisement:

Place your ad here

Recently, I had the opportunity to test three of the latest voting machines equipped with accessibility features. The Michigan Bureau of Elections held a Mock Election which allowed testers and poll workers to experience each of the machines and tabulate votes for both disabled and non-disabled voters. From my testing of the three machines, it was apparent that the usability of each system ranged from pleasant to downright frustrating. Below are some initial impressions of each machine, presented in the order they were tested.

Dominion ImageCast Democracy Suite

The voting system from Dominion included an accessible keypad, touchscreen, and a printer for paper ballots. Initial set-up of the machine required the use of a digital programming card which included information to load and verify the ballot. While I was able to insert the card, several set-up steps needed to be performed by a poll worker. Among these were choice of language, and the screen privacy guard option, which allows a voter to turn off the visual screen output. It's worth noting that this is the only machine which does not allow the voter to change this setting after initial set-up.

Once speech was finally available, I was presented with initial instructions read by Google's Android text-to-speech voice and an options menu which allowed me to change volume, speech rate, and visual display options. Unfortunately, the maximum volume was not loud enough for a noisy room, and the fastest speech rate was less than what is available on Android and too slow for an advanced speech user.

The keypad features buttons in various shapes which can be readily identified. Left and right arrows are on the left side while up and down arrows are on the right. There is a large X in the center which is used for selection. Dedicated buttons to adjust the volume and speech rate are found near the top. All buttons have braille labels near them, though the layout of the keys often made the placement of the braille labels confusing. The design choice to place the two

AMERICAN OVERSIGHT

sets of arrows far away from each other is perplexing at best.

The machine was plagued by user interface issues, often requiring the voter to press several key presses to accomplish a simple task. For example, when reviewing a ballot, if the user wanted to change a vote from NO to Yes, no less than 9 key presses were required to accomplish this task. In addition, the function of the right and down arrows are duplicated, as well as the up and left arrows. I was told this was done because of the needs of low vision users, but it made the navigation of the ballot needlessly time-consuming and complicated. Often, help and tutorial messages were spoken before important content, such as when speaking the name of an entered write-in candidate.

Another issue arose when speaking the names of the candidates and ballot proposal language. This information was spoken using the Cepstral text-to-speech engine, with the recordings in a much lower quality and volume than the rest of the speech feedback. Using the same text-to-speech voice throughout the system would be ideal. Care also needs to be taken when speaking the titles of ballot proposals and other items. The word millage, a common election term, was mispronounced.

Help information was given throughout the process, and presented in the manner of screen reader hints. Speech could be easily interrupted if the user chose to not listen to the help information.

While I was able to complete and print my ballot, I'm hard-pressed to recommend this system in its current form. That being said, many of the issues identified are software-based and could be fixed using a firmware update.

Hart intetcivic Verity Touch Writer

Hart intetcivic calls their Verity system "The Future of Elections". To be completely blunt, if this is the case, I'm worried for the state of accessible voting equipment.

Set-up involved the poll worker entering in a code to load the appropriate ballot using the touch-screen. This process did not include speech feedback and was not accessible. Once the ballot was loaded, prerecorded instructions in a male voice were spoken through the headset.

The accessible keypad includes two buttons (Select and Help), and a dial called the Move Wheel which can be turned using the thumb. The dial emulates arrow keys and allows the user to go through menus while the Select button locks in the current choice. The use of only three controls was an intentional design choice, but it quickly became limiting when attempting to efficiently navigate the screen.

The initial screen included a menu to adjust audio settings including volume and speech rate. To adjust the volume, one must select the raise or lower options and then press select for the new volume level to take effect. This is the only machine of the three tested which did not include dedicated volume and speed controls, which presents a hassle if one wants to make adjustments during the voting process. Only three speech rates were available, with the fastest option still quite slow for advanced users. In addition, since human speech is used throughout the process, the faster speech level resulted in choppiness and audio artifacts which made it more difficult to understand the recorded prompts.

I did not complete my ballot with this machine because of one major reason...HORRENDOUS

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LAG. Users of electronic devices may often become frustrated when it takes a quarter second or more to hear audio feedback after pressing a button. When using the Move dial on the Verity, it often took 3 or 4 seconds for any feedback to be given after the dial was turned. In addition, after pressing the Help button, it was often difficult or impossible to interrupt the instructional message and return to the previous screen.

After spending about 10 minutes with the machine and still working on my first ballot selection of 23 contests, my frustration level reached a point where I had completely lost interest in completing my ballot.

ES&S ExpressVote

With my faith in modern voting technology quickly running out, I moved to the last of the machines, The ExpressVote from Election Systems & Software. ES&S purchased the assets of the former AutoMARK system, and the design of this model takes many cues from the previous version, which is a good thing.

I walked up to the machine and inserted my paper ballot into the reader, which immediately caused speech feedback to begin. No intervention was necessary from the election workers.

The keypad includes a rocker button for Volume labeled VOL in braille and another for voice speed labeled TPO for tempo. To the left of this is a five-way navigation pad with a select button in the center. A button to turn on and off screen input can be found near the top. Beeps are heard when buttons are pressed, and speech feedback is given within a quarter second. A more modern male voice is used on this model, as opposed to Eloquence speech on the AutoMARK, but it was clear and easily understood.

For those familiar with the AutoMARK, the voting process was nearly identical. Up and down arrows are used to move through ballot choices, and right and left arrows move between contests. For new users, contextual help information is given as hints. Warnings are given if a ballot question is skipped without the appropriate number of votes or if a user attempts to vote for too many candidates in a contest. Overall, I completed my 23-question ballot in about 5 minutes.

Conclusion

Of the three systems tested , the ExpressVote is the only one I am comfortable recommending in its current form. Set-up was achieved independently vy the voter, prompts were spoken efficiently, and a ballot could be completed using the fewest number of key presses.

It's worth noting that none of the machines tested offered support for refreshable braille displays, meaning that deaf-blind individuals are still excluded from the accessible voting process. In addition, the machines often produced ballots which looked differently than those completed by voters not using these machines, meaning it would be easy for one to discern electronically-completed ballots from others.

In conclusion, it became quite apparent that not all election equipment is created equal, and many systems fall short of providing a true voting experience. As states look to modernize and replace their voting equipment, it becomes important for disabled voters to become a part of the process and provide their feedback to help ensure that accessible and usable equipment is purchased. I'd like to thank the State of Michigan's Bureau of Elections for the opportunity to

AMERICAN OVERSIGHT

participate in this process, and hope they use the feedback provided to make smart decisions about the future of voting equipment.

Category: Articles

Displaying 1 comment.

darknexus Monday, 23-May-2016 11:32 AM ET:

I got to test the ExpressVote here in Maryland recently. While I didn't have any others to compare it against, from your description it does sound like the optimal solution of the three. I had no trouble using it myself.

You must be logged in to post comments.

- Username or Email:

Jim Schmidt
Sr. VP Product & Customer Operations
11208 John Galt Blvd
Omaha, NE 68164
Office 402-970-1157
Cell 402-850-3920

AMERICAN OVERSIGHT

From: Christina Adkins
To: Lichtenheld, Peter ([redacted]); Moody, Chris ([redacted])
Subject: FW: MASS EMAIL--CC/EA/CSO(4131)--Voter ID advisory
Date: Wednesday, October 11, 2017 9:06:00 AM
Attachments: image001.png
image002.png

FYI --

From: Elections Internet
Sent: Wednesday, October 11, 2017 9:05 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL--CC/EA/CSO(4131)--Voter ID advisory

Hello Everyone,

This is a reminder that the District Court's interim remedy is in place for elections this fall. Please see the below advisory for current voter ID procedures. As an additional reminder, we would like for you to send to us scanned copies of any Reasonable Impediment Declarations submitted by voters for this November's election. Let us know if you have any questions.

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)
www.sos.state.tx.us/elections/index.shtml
For Voter Related Information, please visit:

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

Election Advisory No. 2017-15

To: Election Officials

From: Keith Ingram, Director of Elections

Date: October 11, 2017
RE: Voter Identification Procedures

On August 10, 2016, a federal district court entered an order (PDF) changing the voter identification

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requirements for all elections held in Texas. This order is currently in effect for the November 7, 2017 election. This advisory will explain the order's procedure and provide answers to frequently asked questions.

Summary of the Procedure

Voters who possess an **acceptable form of photo ID** for voting are still required to present it in order to vote in person in all Texas elections. However, the acceptable form of photo identification may be expired up to four years. (Please remember some IDs, including U.S. citizenship certificates, do not expire.)

These are the 7 forms of acceptable photo ID:

1. Texas driver license issued by the Texas Department of Public Safety (DPS)
2. Texas Election Identification Certificate issued by DPS
3. Texas personal identification card issued by DPS
4. Texas license to carry a handgun issued by DPS
5. United States military identification card containing the person's photograph
6. United States citizenship certificate containing the person's photograph
7. United States passport

Further, voters who do not possess one of the forms of acceptable photo ID, and cannot reasonably obtain one, may present a **supporting form of identification** of the voter and execute a **Reasonable Impediment Declaration** (in English (PDF) or Spanish (PDF)), noting the voter's reasonable impediment to obtaining an acceptable form of photo identification, stating that the voter is the same person who personally appeared at the polling place, and stating that the voter is casting a ballot while voting in-person.

These are the 7 forms of supporting ID:

1. Valid voter registration certificate
2. Certified birth certificate (must be an original)
3. Copy of or original current utility bill
4. Copy of or original bank statement
5. Copy of or original government check
6. Copy of or original paycheck
7. Copy of or original government document with the voter's name and an address (original required if it contains a photograph)

Examples of government documents include driver's licenses from other states, ID cards issued by federally recognized Native American tribes (if the ID card contains an address), DPS Receipts (without a photo), expired voter registration certificates, and expired Texas DPS-issued driver licenses or personal ID cards (over 4 years). Government documents do NOT include Social Security cards (no address), public college or university IDs without an address, state/federal employee ID cards without an address, or library cards without an address. The address on the government document has to be an address of the voter. It does not have to match the address on the Official List of Registered Voters.

Training Polling Place Workers and Procedures for County Election Officials

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Preparing the Polling Place

The election officials should be prepare the polling place as usual; however, they should be provided with the following versions of the following forms:

1. **Voter Information Poster (Form 7-7)**: This (as of 9/2016) form should be posted in both English (PDF) and Spanish (PDF) in a prominent location at each polling place.
2. **Notice of Acceptable Identification Poster**: This form (as of 9/2016) should be posted in both English (PDF) and Spanish (PDF) in a prominent location outside of each polling location (available in three sizes; 8.5x14 sizes are linked; other sizes are available here).

Qualifying the Voter

1. The poll worker should ask the voter whether the voter possesses one of the acceptable forms of photo ID, and if so, to present that acceptable form of photo ID.
    - *If* the voter presents an acceptable form of photo ID, the poll worker should proceed to Step 2.
    - NOTE: If a voter has continued access to their acceptable form of photo ID, but, for example, forgets to bring their acceptable form of photo ID to the polling place and/or left it, for example, at home or in their car, the voter still possesses the acceptable photo ID and must use it to vote. Accordingly, *if* the voter states that they possess an acceptable form of photo ID, but they did not bring it to the polling place, the poll worker should explain that the voter may take one of two actions:
        - The voter may leave the polling place and return with their acceptable form of photo ID. Once they return with their acceptable form of photo ID, the poll worker should proceed to Step 2.
        - The voter may cast a provisional ballot, and "cure" by appearing at the county voter registrar's office within 6 calendar days of election day and presenting an acceptable form of photo ID, or fill out a natural disaster affidavit because the voter's acceptable photo ID is inaccessible due to certain natural disasters. If the voter casts a provisional ballot due to lack of acceptable photo ID, the procedures for casting a provisional ballot have not changed, but poll worker should provide to the voter an updated Notice to Provisional Voter (ID Voter) (Form 7-15c) (as of 08/2016), available in English (PDF) and Spanish (PDF).
    - *If* the voter states that they do not possess an acceptable form of photo ID, the poll worker should ask the voter whether the voter cannot reasonably obtain one of the acceptable forms of photo ID.
        - *If* the voter says "yes", that they cannot reasonably obtain an acceptable form of photo ID, explain to the voter that the voter can present a supporting form of ID and execute a **Reasonable Impediment Declaration** (in English PDF) or Spanish (PDF))

          Note: If the voter states that they do not possess and cannot reasonably obtain an acceptable form of photo ID, the poll worker should not question the voter as to why. The poll worker should simply state that if the voter does not possess and cannot reasonably obtain an acceptable form of photo ID, they can show a supporting form of ID and execute a Reasonable Impediment Declaration.

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Note: The poll worker may not question the reasonableness of the voter's reasonable impediment or the truth of the declaration. For example, if the voter checks "lack of transportation", the poll worker may not challenge the voter's access to a bus route or other means of transportation. A signed reasonable impediment declaration shall be rejected only upon conclusive evidence that the person completing the declaration is not the person in whose name the ballot is cast.

Note: A voter who does not possess an acceptable form of photo ID includes a voter who does not possess a *valid* form of acceptable photo identification. Accordingly, a voter with a lost, stolen, suspended, or expired more than four years, form of photo ID listed above does not possess one of the acceptable forms of photo ID, and the voter could execute the Reasonable Impediment Declaration and present a supporting form of identification if the voter cannot reasonably obtain a replacement of the identification that was lost, stolen, suspended, revoked, expired or another form of acceptable form of photo ID.

The poll worker should provide the voter with a Reasonable Impediment Declaration, and ask the voter to complete the form by writing their name, indicating at least one reasonable impediment to obtaining an acceptable form of photo ID, and signing and dating the Declaration.

After the Declaration is completed by the voter, the voter should return the Declaration to the poll worker, and the poll worker should ask the voter to present one of the forms of supporting ID of the voter. The poll worker should indicate on the Declaration which supporting form of identification was presented, and proceed to Step 2.

- *If* the voter states that they do not possess an acceptable form of photo ID, and that they can reasonably obtain an acceptable form of photo ID, **or if the voter would otherwise not be able to reasonably obtain an acceptable form of photo ID, but has not brought a supporting form of ID to the polling place**, the voter should be offered a provisional ballot.The voter may "cure" by appearing at the county voter registrar's office within 6 calendar days of election day and presenting an acceptable form of photo ID, or qualifying for one of the exemptions (disability, natural disaster, or religious objection to being photographed). If the voter casts a provisional ballot due to lack of acceptable photo ID, the procedures for casting a provisional ballot have not changed, but poll worker should provide to the voter a Notice to Provisional Voter (ID Voter)(Form 7-15c)(as of 08/2016), available in English(PDF) and Spanish (PDF). In addition, if the voter would otherwise not be able to reasonably obtain an acceptable form of photo ID, but has not brought a supporting form of ID to the polling place, the poll worker should explain that that voter may also opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration at that time.

  Note: A voter may only "cure" by showing an acceptable form of photo ID. A voter who does not possess and would otherwise not be able to reasonably obtain an acceptable form of photo ID who did not bring a supporting form of ID to the polling place may **not** "cure" at

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the county voter registrar's office by showing an acceptable form of supporting ID and executing a Reasonable Impediment Declaration at the county voter registrar's office. For voters who vote in person at the polling place, the Reasonable Impediment Declaration process is an election day/early voting procedure **only, and there is no "cure" option involving execution of a Reasonable Impediment Declaration or the presentation of supporting ID.**

- Voters who do not present an acceptable form of photo ID (including, but not limited to, those who do not possess and cannot reasonably obtain an acceptable form of photo ID who present a supporting form of ID and execute a Reasonable Impediment Declaration), should be provided with a copy of Form 13-1 (as of 09/2016) – Notice of Required Identification (PDF).

2. The poll worker should confirm that the voter is on the official list of registered voters, by finding the voter's name on the official list of registered voters. If the voter is not on the official list of registered voters, the poll worker should follow the procedure specified in Section 63.006, except that for voters who do not possess and cannot reasonably obtain an acceptable form of photo ID, and who execute a Reasonable Impediment Declaration and present a supporting form of ID, the supporting form of ID may also be used as the "acceptable voter ID" (referenced on Form 7-27) along with the voter's voter registration certificate (and the supporting form of ID may also be the voter's valid registration certificate).

   Note: The Registrations Omissions List (Form 7-27 (PDF)) has not been updated at this time to reflect the August 10, 2016 Court Order referenced herein. The "acceptable voter ID" referred to in the definition of "Required documentation" on the instructions for that form now includes a "supporting form of ID" for voters who do not possess and cannot reasonably obtain an acceptable form of photo ID and who execute a Reasonable Impediment Declaration and present a supporting form of ID.

3. The poll worker should fully compare the voter's name as listed on the official list of registered voters to the voter's name as it appear on present form of ID.

   Note: This comparison should be done regardless of whether the voter presents an acceptable form of photo ID *or* presents a supporting form of ID while executing a Reasonable Impediment Declaration.

4. The poll worker should confirm that the voter's address on the official list of registered voters is current by confirming that the voter has not moved.

   Note: The address on the voter's presented ID (either an acceptable photo ID or a supporting ID) does not have to match the voter's address on the official list of registered voters.

5. The voter should sign the combination form/signature roster, and execute any required affidavits, such as the substantially similar name affidavit.

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Note: The combination forms/signature rosters and instructions for the combination form have not been updated at this time to reflect the August 10, 2016 Court Order referenced herein, but the substantially similar name affidavit on the forms should be considered still valid not withstanding that it references Section 63.0101 of the Texas Election Code.

6. The voter should complete the check-in proceed to voting a regular or provisional ballot as appropriate. **Voters who do not possess and cannot reasonably obtain an acceptable form of photo ID, who complete the Reasonable Impediment Declaration and present a supporting form of ID, are permitted to cast a regular ballot if they are otherwise qualified to vote a regular ballot.**

   Note: The Affidavit of Provisional Voter (Form 7-15 (PDF)) does not contain a specific reference to the August 10, 2016 Court Order referenced herein. The "other" box may be used for situations not explicitly covered on the form.

Receiving Mail Ballots

The procedure for the early voting clerk to receive ballot by mail will not change, except that the early voting clerk should use the 09/2016 version of the Hand Delivery Roster (**Form 5-11a (PDF)**) for accepting carrier envelopes delivered to the early voting clerk on election day, which now also permits voters who do not possess and cannot reasonably obtain an acceptable form of photo ID, delivering their ballots in this manner, to complete the Reasonable Impediment Declaration and present a form of supporting identification.

Cure Period After the Election

The voter registrar should use the following forms (as of 08/2016) during the cure period.

Cure list (Form 9-7 (PDF)
Request for Disability Exemption (Form 13-6 (PDF))
Temporary Exemption (Form 13-7 (PDF))

Additional Forms for the November 7, 2017 Election

The following forms (applicable to voters voting for the first time with an "ID Required" flag also account for first time voters who do not possess and cannot reasonably obtain an acceptable form of photo ID):

- **Form 5-22a**: Notice to Voter Who Must Provide Identification (For Voters Voting by Mail (For Voters Voting by Mail (in English (PDF) and Spanish (PDF)) (updated 9/2016))
- **Form 5-8 (PDF)**: List of Voters Indicated as ID Voters (updated 9/2016)

Records Requirement

All Reasonable Impediment Declarations should be scanned or photocopied and submitted to the Secretary of State not later than 30 days after the election.

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From:	Christina Adkins
To:	Lichtenheld, Peter [redacted]); Moody, Chris [redacted]); [redacted]
Cc:	[redacted]; Pearson, Steve [redacted]; Thernes, Brooke [redacted]); Jessica Bowers; [redacted]
Subject:	FW: MASS EMAIL--CC/EA/CSO(4132)--Advisory 2017-17 - Updates to Voting System Procedures Precinct Ballot Counters and Central Accumulators
Date:	Friday, October 20, 2017 2:46:00 PM
Attachments:	image001.png ADV2017-17 -- Updates to Voting System Procedures Precinct Ballot Counters and Central Accumulators.pdf

FYI—This went out today and will be posted on our website by tomorrow. Let me know if you have any questions or concerns.

From: Elections Internet
Sent: Friday, October 20, 2017 2:43 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL--CC/EA/CSO(4132)--Advisory 2017-17 - Updates to Voting System Procedures Precinct Ballot Counters and Central Accumulators

Hello Everybody,

Please find attached Advisory 2017-17 - Updates to Voting System Procedures Precinct Ballot Counters and Central Accumulators. This advisory discusses and provides guidance on implementing new voting system procedures and policies put in place as a result of recent legislation and amendments to the Texas Administrative Code.

Please feel free to contact us with any questions you may have.

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)
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The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Rolando B. Pablos
Secretary of State

ELECTION ADVISORY
NO. 2017-17

TO: County Election Officers and City, School and Other Political Subdivision Officials

FROM: Keith Ingram, Director of Elections

DATE: October 20, 2017

RE: Updates to Voting System Procedures – Precinct Ballot Counters and Central Accumulators

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As a result of recent legislation and amendments to the Texas Administrative Code, there several new voting system procedures and policies. This advisory will discuss each of those changes and provide guidance on implementing those changes.

The changes discussed include:

1. Revisions to Texas Administrative Code
    a. Rule 81.52
    b. Rule 81.62
2. New Procedures for the use of Precinct Ballot Counters.
    a. Testing Requirements
    b. Establishing a Central Counting Station
3. Early Voting by Personal Appearance – Precinct Ballot Counter Procedures
    a. Counting by Early Voting Ballot Board
    b. Counting by Central Counting Station
4. Early Voting by Mail Ballots –Precinct Ballot Counter Procedures
5. Election Day Ballots – Precinct Ballot Counter Procedures
    a. Precinct Returns Completed at Polling Place
    b. Precinct Returns Completed at Central Counting Station
6. Ballot Box Capacity Emergencies

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1. Revisions to Texas Administrative Code

On June 28, 2017, the Office of the Secretary of State received a petition requesting changes to certain Texas Administrative Code rules related to the requirement that a continuous feed (dot matrix) printer must be attached to all precinct ballot counters during early voting (1 T.A.C. § 81.52) and attached to all central accumulators (1 T.A.C. §81.62). The proposed rules also created a procedure by which a poll watcher can request printed copies of the audit logs contained in the Election Management System's central accumulator on election night while the central counting station is convened and tabulating election results.

1 T.A.C. § 81.52 – Precinct Ballot Counters

Previously, under 1 T.A.C. § 81.52(h), if a precinct ballot counter was to be used during early voting by personal appearance, a continuous feed audit log printer was required to remain attached to the precinct ballot counter throughout the early voting period. As of September 28, 2017, the requirement for this continuous feed audit log printer was repealed from the Texas Administrative Code. Therefore, precinct ballot counters can now be used for early voting by personal appearance provided that certain procedures are followed.

All precinct ballot counters certified for use in Texas election maintain internal audit logs. This is a requirement under both the state and federal certification process and will remain in place. Precinct ballot counters used during early voting must be secured to prevent tampering in accordance with procedures provided in 1 T.A.C § 81.52 and procedures outlined in this advisory.

1 T.A.C. § 81.62 – Audit Logs for an Election Management System's Central Accumulator

Under 1 T.A.C. § 81.62, a central accumulator is defined as the part of an Election Management System that tabulates and/or consolidates the vote totals for multiple precincts/devices. Currently, all central accumulators are required to have a continuous feed audit log printer. As a result of the petition-initiated rule change, this requirement for the continuous feed audit log printer will be repealed effective November 7, 2017.

All central accumulators certified for use in Texas election maintain internal audit logs. This is a requirement under both the state and federal certification process and will remain in place. Any audit log produced by a central accumulator is an election record and must be retained for the proper preservation period.

In addition to eliminating the requirement for the continuous feed printer, the changes to 1 T.A.C. § 81.62 require a full audit log to be printed after the tabulation of results is completed on election night, and provide a procedure for poll watchers to gain access to these audit logs during the tabulation process.

1 T.A.C. § 81.62(g) provides that a poll watcher may request a printed copy of an audit log produced by a central accumulator:

1. Before any votes are tabulated,

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2. After early voting results are tabulated, and
3. Immediately following the completion of the vote tabulation.

Once a request for a report has been made, the central counting station manager or tabulation supervisor is required to print a copy of the audit log at the required time and make a copy of it available to any and all poll watchers that have requested a copy of the audit log. You do not need to print an official audit log separately for multiple requestors. Once a copy is printed, it can be copied and provided to the different requestors. Additionally, if you anticipate receiving these requests, we would suggest you provide for the printing of these audit logs in your central counting station plan.

2. New Procedures for the use of Precinct Ballot Counters

The changes to Sections 81.52 and 81.62 of the Texas Administrative Code have the immediate effect of allowing precinct ballot counters to be used in additional ways to efficiently and accurately count ballots. As a result of the changes, precinct ballot counters can now also be used as central accumulators, allowing for their use by the early voting ballot board or at a central counting station. The Secretary of State has provided the following procedures to ensure the proper use of precinct ballot counters when used for counting early voting in person ballots, election day ballots, and by mail ballots:

a. Testing Requirements

Acceptance Testing
Acceptance testing must be done on the precinct ballot counters when they are first delivered by the vendors. The acceptance testing includes verification that the system delivered is certified by the Secretary of State, a hardware diagnostic test, and a logic and accuracy (L&A) test simulating a mock election. See Election Advisory No. 2014-06.

Pre-Election Testing
Like central counting station tabulators, precinct ballot counters must be tested in accordance with Subchapter D of Chapter 127 of the Texas Election Code, to the extent those procedures can be made applicable to the devices. This means you have to conduct the first required test of the tabulation equipment. The Secretary of State has determined that it is not feasible to conduct a second and third tabulation test in the case of precinct ballot counters. (Section 127.152 of the Texas Election Code; Election Advisory No. 2014-06). In addition to the requirements for the testing of the tabulation equipment, precinct ballot counters must also be included in pre-election testing including the L&A test and the hardware diagnostic test.

Post-Election Testing
After each election, precinct ballot counters are subject to a post-election audit, known as the partial manual count. The directions for a partial manual count may be found in Section 127.201 of the Texas Election Code and in subsequent communications from the SOS related to each election.

b. Establishing a Central Counting Station

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When an entity decides to use a precinct ballot counter for the counting of their early voting or election day ballots, they must decide whether they will have a traditional polling place set up or establish a central counting station.

In a **traditional polling place** set-up, precinct returns are generated at each precinct polling place and early voting in person ballots and early voting by mail ballots are counted by the early voting ballot board. The returns are then delivered to the General Custodian of election records and the unofficial tabulation of election results is generated in accordance with Section 66.056 of the Texas Election Code.

In a **central counting station** set-up, the authority ordering the election must create a central counting station and appoint a central counting station manager, tabulation supervisor, and presiding judge. The central counting station counts all early voting by mail ballots. The precinct records, voted ballots, and electronic media from the precinct ballot counters used for early voting in person and election day would be delivered to the central counting station where the electronic media would be read in a central accumulator. The central counting station would be responsible for creating both precinct returns and the unofficial tabulation of election results in accordance with Section 66.056 of the Texas Election Code.

Even if your entity has decided to use a **traditional polling place** set-up, you are still required to establish a central counting station and appoint the required personnel, in case there are discrepancies of four or more in your ballot totals under Section 127.156 of the Election Code or two or more irregularly marked ballots under Section 127.157 of the Texas Election Code. This central counting station is not required to convene unless it is necessary under Section 127.156 and Section 127.157 of the Election Code. They are on "stand by" in case one of those scenarios requires your ballots be counted at the central counting station. If you do not have individuals you can appoint to these positions, the SOS recommends that you appoint your early voting ballot board presiding judge and clerks as central counting station personnel as these individuals will have experience and knowledge of counting procedures.

3. Early Voting by Personal Appearance - Precinct Ballot Counter Procedures

1 T.A.C. § 81.52, certain provisions of the Texas Election Code and this advisory provide procedures on how to use precinct ballot counters for early voting in person.

1. General Requirements
    a. Precinct ballot counters used during early voting may not be used for voting on election day. You are prohibited under Texas law from counting your ballots (printing results tapes) until the polls open on election day or the when the ballot have been delivered to the early voting ballot board or central counting station for counting, whichever is applicable to your election (Sec. 87.0241, Texas Election Code).
    b. In accordance with Section 85.032 of the Texas Election Code, the ballot box connected to a precinct ballot counter that is used during early voting by personal appearance must have two locks, each with a different key, and must be designed

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and constructed so that the box can be sealed to detect an unauthorized opening of the box.

c. The precinct ballot counter must have the capability of being sealed to prevent any unauthorized deposit of ballots in the box.

2. At the Early Voting Location

a. The early voting clerk or deputy early voting clerk at each early voting location shall inspect the precinct ballot counter to ensure that all locks and seals are properly affixed to the precinct ballot counter.

b. Immediately prior to the opening of the polls on the first day of early voting by personal appearance, a zero tape shall be run. If the tape properly reads "0" for all candidates and propositions, voting may begin. (1 T.A.C. § 81.52)

c. At the close of each day's voting, the presiding judge shall print a report showing the total number of ballots cast on the precinct ballot counter through that day (the "daily ballot count report").

i. **Alternate Procedure for ES&S M100:**

1. If the precinct ballot counter is not capable of printing reports that show the total number of ballots cast on the device during the early voting period, the early voting officials at each early voting location shall complete a daily ballot count report by reviewing the public counter on each precinct ballot counter at the beginning of each day of voting and at the end of each day of voting and noting the public count from each reading on the form.
2. This report will indicate how many ballots were cast on the precinct ballot counter at the start of early voting and at the close of voting each day during the early voting period.
3. This report must be signed by at least two early voting officials every time an entry is made on the form. If poll watchers are present, they must be permitted to sign the form.

d. The precinct ballot counter's doors must be locked and sealed with a numbered paper seal. The precinct ballot counter must be unplugged and secured for the evening. (1 T.A.C. § 81.52)

NOTE: A numbered paper seal is the minimum requirement or securing the precinct ballot counter's door. Some precinct ballot counters will provide slots for more sophisticated tamper-evident or tamper-resistant seals. If a stronger, more secure numbered seal can be used, this will meet the security requirements outlined in the rule.

e. Prior to voting on each day of the period, the precinct ballot counter must be plugged back in and a tape (report) run to indicate that the counter has not been disturbed since the previous day's voting and that voting may continue. (1 T.A.C. § 81.52)

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f. At the conclusion of early voting by personal appearance, the precinct ballot counter shall be locked, sealed, and secured by the Early Voting Clerk until Election Day (1 T.A.C. § 81.52).
g. The precinct ballot counter, electronic media, voted ballots, and election records shall be secured and transferred to the General Custodian of Election records (if different from the Early Voting Clerk) until election day or the time for counting ballots under Section 87.0241 of the Texas Election Code.

a. <u>Counting by Early Voting Ballot Board</u>

1. For each meeting of the early voting ballot board meeting that involves the breaking of seals and running of totals, the early voting clerk shall place a notice in the same place and same manner as any other required notices posted in accordance with Section 87.023 of the Texas Election Code. (1 T.A.C. § 81.52)
2. At the proper time designated for tabulation, the presiding judge of the early voting ballot board must inspect the precinct ballot counter to determine whether the seals are intact and that they match the serial numbers listed on the ballot and seal certificate. (1 T.A.C. § 81.52)
3. The audit log must also be inspected by the presiding judge of the early voting ballot board to determine that there has been no unauthorized access to the precinct ballot counter. (1 T.A.C. § 81.52)
    a. **<u>Alternate Procedure for Hart Verity Scan and HVS eScan, and ES&S M100</u>**:
        i. If the device is not capable of printing an audit log without breaking the seals, the presiding judge shall compare the daily ballot count reports to determine whether or not there has been any unauthorized access to the precinct ballot counter.
4. If the seal is not intact, the early voting results may not be used and the early voting ballots must be re-counted either manually or with a different tabulation device, if available. (1 T.A.C. § 81.52)
5. If the audit log (or daily ballot count reports, if applicable) indicate unauthorized activity, the early voting results may not be used and the early voting ballots must be re-counted using the standard election day procedures. (1 T.A.C. § 81.52)
6. If the seal is intact and the log (or daily ballot count reports, if applicable) appear(s) in order, the seal should be broken and the ballots removed to a separate container. The electronic media should be removed and transferred to the accumulator, if applicable. (1 T.A.C. § 81.52)
7. The polls are closed on the counter and a "totals" printout is printed. The judge shall print out three copies of the results tape or results report, whichever is applicable, unless instructed to print more by the general custodian of election records. (1 T.A.C. § 81.52)
8. The presiding judge of the early voting ballot board shall prepare early voting precinct returns using the printed results tapes or reports, and any tally sheets used for the manual counting of write-in votes, if applicable.

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9. The early voting results, electronic media, voted ballots, and any other associated records shall be transferred to the general custodian of election records.
10. If a full audit log was not previously printed, a full audit log from the device must be printed and maintained with the precinct election records.
11. The audit log shall be preserved for six months after election day, or 22 months following election day in an election involving a federal office, for elections taking place prior to December 1, 2017. For elections taking place on or after December 1, 2017, the audit log shall be preserved for 22 months following election day for all elections (*See* 65.058, Texas Election Code; 66.058(a), Texas Election Code (as amended by SB 5 (85th 1st Special Session))
12. Any deviation from this procedure must be approved in writing by the Secretary of State. (1 T.A.C. § 81.52)

b. <u>Counting by Central Counting Station</u>

1. The early voting clerk shall place a notice of the hour and location of the convening of the central counting station, in the same manner as any other required notices posted in accordance with the Texas Election Code.
2. At the proper time designated for tabulation, the presiding judge of the central counting station must inspect the precinct ballot counter to determine whether the seals are intact and that they match the serial numbers listed on the ballot and seal certificate. (1 T.A.C. § 81.52)
3. The audit log must also be inspected by the presiding judge of the central counting station to determine that there has been no unauthorized access to the precinct ballot counter. (1 T.A.C. § 81.52)
    a. **<u>Alternate Procedure for Hart Verity Scan and HVS eScan and ES&S M100</u>**:
        i. If the device is not capable of printing an audit log without breaking the seals, the presiding judge shall compare the daily ballot count reports to determine whether or not there has been any unauthorized access to the precinct ballot counter.
4. If the seal is not intact, the early voting results may not be used and the early voting ballots must be re-counted either manually or with a different tabulation device, if available. (1 T.A.C. § 81.52)
5. If the audit log (or daily ballot count reports, if applicable) indicates unauthorized activity, the early voting results may not be used and the early voting ballots must be re-counted using the standard election day procedure.(1 T.A.C. § 81.52)
6. If the seal is intact and the audit log (or daily ballot count reports, if applicable) appears in order, the seal should be broken and the ballots removed to a separate container. The electronic media should be removed and transferred to the accumulator. (1 T.A.C. § 81.52)
7. The polls are closed on the counter, and a "totals" printout is printed. The judge shall print out three copies of the results tape or results report, whichever is applicable, unless instructed to print more by the general custodian of election records. (1 T.A.C. § 81.52)

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8. The number of ballots recorded on the ballot and seal certificate shall be compared to the number of ballots listed on the results tape or results report, whichever is applicable. If a discrepancy of four or more exists, the official tabulation of the ballots shall be conducted at a central counting station in accordance with § 127.156 of the Texas Election Code.
9. The counted ballots shall be removed from the precinct ballot counter and examined for irregularly marked ballots for processing in accordance with §127.157(b) - (e) of the Texas Election Code. If there are two or more irregularly marked ballots that must be reconciled, the official tabulation of the ballots shall be conducted at a central counting station in accordance with § 127.157(c).
10. If there is no discrepancy of four or more in ballot totals and not more than two or more irregularly marked ballots that must be reconciled, the electronic media contained in the precinct ballot counter shall be given to the presiding judge for accumulation of early voting results. The printed results shall be maintained with the election records for that election.
11. If a full audit log was not previously printed, a full audit log from the device must be printed and maintained with the precinct election records.
12. The audit log shall be preserved for six months after election day, or 22 months following election day in an election involving a federal office, for elections taking place prior to December 1, 2017. For elections taking place on or after December 1, 2017, the audit log shall be preserved for 22 months following election day for all elections (*See* 65.058, Texas Election Code; 66.058(a), Texas Election Code (as amended by SB 5 (85th 1st Special Session))
13. Any deviation from this procedure must be approved in writing by the Secretary of State. (1 T.A.C. § 81.52)

4. Early Voting by Mail Ballots – Counting on a Precinct Ballot Counter

Early voting by mail ballots may be counted on a precinct ballot counter. If you have a separate precinct ballot counter used exclusively for by mail ballots, you will need to follow the same steps you would follow for the counting of ballots as you would if you were using a central scanner as the precinct ballot counter. If you would like to use the same precinct ballot counter that was used to count your early voting in person ballots, the procedures below must be followed.

1. If a precinct ballot counter was used during early voting by personal appearance, the **same** precinct ballot counter can be used to count early voting ballots by mail. The following requirements must be met:
    a. All appropriate documentation including rosters and voting history must be maintained separately for early voting ballots cast by mail and early voting ballots cast in person.
    b. The presiding judge of the central counting station or presiding judge of the early voting ballot board, (if the central counting station is not convened), whichever is applicable, shall print a report that shows no unauthorized ballots were cast on the

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precinct ballot counter after the close of early voting by personal appearance. The report shall show that the total number of ballots from early voting in person is equal to the number of ballots cast on the machine.

c. The presiding judge of the central counting station or presiding judge of the early voting ballot board, whichever is applicable, shall remove from the precinct ballot counter the voted ballots from early voting in person and place them in a secure container.
d. The presiding judge of the central counting station or presiding judge of the early voting ballot board, whichever is applicable, shall scan the early voting by mail ballots that were accepted for counting.
e. Upon completion of the scanning, the early voting by mail ballots shall be removed from the precinct ballot counter, and shall be placed in a secure container.
f. The early voting in person ballots and the early voting by mail ballots may be stored in the same container, but must be maintained separately within that container.

2. The presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable, shall record the total number of early voting by mail ballots that were run through the precinct ballot scanner on the ballot and seal certificate.
3. The presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable, shall print two copies of the results tape or results report, whichever is applicable, unless instructed to print more by the general custodian of election records.
4. The presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable, shall verify that the total number of ballots scanned on the precinct ballot counter is equal to the sum of the total number of ballots scanned from early voting by personal appearance at that location and the total number of early voting by mail ballots scanned on the precinct ballot counter.
5. Upon completion of the verification of ballot numbers, the presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable, shall follow the same steps required for counting ballots by the early voting ballot board or central counting station as applicable.
6. Any deviation from this procedure must be approved in writing by the Secretary of State.

5. Election Day Ballots - Precinct Ballot Counter Procedures

In addition to the procedures outlined in Section 81.52 of the Texas Administrative Code, these are the procedures that should be followed on election day when using a precinct ballot counter in a polling place.

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1. Immediately prior to the opening of the polls, the election judge shall inspect the precinct ballot counter to ensure that all locks and seals are properly affixed to the precinct ballot counter.
2. The election judge shall verify and document the serial numbers of the equipment in use at that polling place.
3. The election judge shall run a report that shows that zero ballots have been cast on the precinct ballot counter. If the tape properly reads "0" for all candidates and propositions, voting shall begin.
4. After the polls close or the last voter has voted, whichever is later, the election judge must secure the precinct ballot counter so that no additional ballots can be deposited in to the precinct ballot counter.
5. The election judge must close or suspend the polls, whichever is applicable to that system, on the precinct ballot counter and print three copies of the results tape or results report, whichever is applicable.
6. The election judge shall compare the number of ballots recorded on the ballot and seal certificate to the number of ballots listed on the results tape. If a discrepancy of four or more exists, or there are two or more irregularly marked ballots, the official tabulation of the ballots shall be conducted at a central counting station in accordance with 127.157(b)-(e) of the Texas Election Code. (See Section 5b of this Advisory, Election Day Ballots --- Precincts Completed at the Central Counting Station).
7. If no ballots need to be sent to the Central Counting Station, then election judge can continue to process results in the polling place. (See Section 5a of this Advisory, Election Day Ballots – Precinct Returns Completed at the Polling Place).

a. <u>Election Day Ballots -- Precinct Returns Completed at the Polling Place.</u>

These procedures should be followed if the political subdivision does **<u>NOT</u>** intend to be completing their final tabulation at a central counting station.

1. After the results tapes have been printed, the counted ballots shall be removed from the precinct ballot counter and examined for irregularly marked ballots for processing in accordance with Section 127.156 of the Texas Election Code.
2. If there are two or more irregularly marked ballots that were improperly tabulated because of the irregular marks, the ballots shall be separated from the ballots that were properly marked and all of the ballots shall be delivered to a central counting station.
3. If there is no discrepancy in ballot totals and no irregularly marked ballots, the election official shall review the write-in votes, if any, in accordance with Section 65.008 of the Texas Election Code.
4. The election judge shall then prepare the precinct returns from the results tape printed, and if applicable, from the write-in votes hand tallied by the precinct election judges and clerks.

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5. The precinct returns, voted ballots, electronic media from the precinct ballot counter, precinct election records, and the remaining supplies shall be delivered to the general custodian of election records, immediately after the precinct returns are completed in accordance with Section 66.053 of the Texas Election Code.
6. The custodian shall prepare unofficial tabulation of election results in accordance with Section 66.056 of the Texas Election Code.

b. Election Day Ballots -- Precinct Returns Completed at Central Counting Station

These procedures should be followed if the political subdivision has created a central counting station for the processing of election results. At a central counting station, the presiding judge is responsible for producing both precinct returns and election totals.

1. At the Polling Place
    a. Precinct ballot counter returned to central counting station.
        i. After the results tapes have been printed, the election judge shall lock and seal the precinct ballot counter to prepare it for delivery back to the central counting station. The voted ballots and precinct election records shall be placed in a secure transfer case.
        ii. The precinct ballot counter and the transfer case containing the voted ballots and precinct election records shall be delivered to the presiding judge of the central counting station in accordance with Section 127.066(c) of the Texas Election Code.
    b. Precinct Ballot Counter NOT returned to central counting station.
        i. If the precinct ballot counter itself cannot be removed from the polling place, the election judge shall remove the electronic media from the precinct ballot counter.
        ii. The electronic media, voted ballots and precinct election records shall be placed in a secure transfer case and shall be delivered to the presiding judge of the central counting station in accordance with Section 127.066(c) of the Texas Election Code.
2. At the Central Counting Station:
    a. The presiding judge shall unlock and unseal the precinct ballot counter, if applicable and remove the electronic media.
    b. If the electronic media was transported in a separate transfer case, the presiding judge shall open the transfer case and remove the electronic media.
    c. The voted ballot shall be removed from the transfer case.
    d. The ballots shall be examined for the irregularly marked ballots for processing in accordance with Section 127.157 (c)-(e) of the Texas Election Code.
    e. If there are no irregularly marked ballots, the electronic media shall be transferred to the manager of the central counting station for accumulation.

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f. Write-in votes shall be reviewed for voter intent by the presiding judge or clerks designed by the presiding judge. The results shall be added either manually or electronically to those for ballots counted by the precinct ballot counter. (127.130)
g. The presiding judge of the central counting station shall be responsible for preparing precinct returns in accordance with Section 127.131 of the Texas Election Code.

6. Ballot Box Capacity Emergencies

There have been instances reported to the Secretary of State, during the early-voting-in-person period, when the number of ballots inserted into a precinct ballot counter exceeded the capacity of the precinct ballot counter's ballot box. As a best practice, the number of ballots placed in the precinct ballot counter should be monitored, and when the capacity of the box is being neared, a new precinct ballot counter should be brought in, and the first one locked, sealed and secured until the time for counting ballots. However, not all political subdivisions will have the funding to purchase additional equipment for this purpose as not all elections will have the same turnout and require additional equipment.

If a political subdivision has an insufficient quantity of precinct ballot counters, the Secretary of State has authorized the following procedures in accordance with 85.032(e) when: (1) the number of voted ballots will exceed the precinct ballot counter's ballot box capacity, (2) all precinct ballot counters at that location are full, and (3) no additional precinct ballot counters are available.

1. When the early voting clerk determines that a precinct ballot counter is nearing capacity, the early voting clerk shall notify the County Sheriff (or whoever has possession of the second ballot box key in accordance with Sec. 66.060 of the Texas Election Code) of the need to transfer voted ballots out of a precinct ballot counter.
2. In an election in which a political party has a candidate on the ballot, the early voting clerk shall also notify the county party chairs of the need to transfer voted ballots out of a precinct ballot counter.
3. When the polls are closed for the day, and in the presence of the Sheriff (or other key-holder), the early voting clerk shall open the precinct ballot counter and remove the voted ballots.
4. The ballots shall be placed in a transfer case that contains two locks and can be sealed with a tamper evident or tamper resistant seal as required under Section 85.032(b) of the Texas Election Code.
5. The deputy early voting clerk, Sheriff (or other key-holder), and any poll watchers present must sign a log that details:
    a. the date and time that the precinct ballot counter was opened,
    b. the numbers of the seals that have been removed,
    c. the numbers of the seals that are attached, and
    d. the seal numbers of the ballot box(es) to which the voted ballots were removed.

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6. The voted ballots shall then be transported to the general custodian of election records for storage.
7. Poll Watchers can be present for this process.

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The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Rolando B. Pablos
Secretary of State

ELECTION ADVISORY
NO. 2017-17

TO: County Election Officers and City, School and Other Political Subdivision Officials

FROM: Keith Ingram, Director of Elections

DATE: October 20, 2017

RE: Updates to Voting System Procedures – Precinct Ballot Counters and Central Accumulators

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As a result of recent legislation and amendments to the Texas Administrative Code, there several new voting system procedures and policies. This advisory will discuss each of those changes and provide guidance on implementing those changes.

The changes discussed include:

1. Revisions to Texas Administrative Code
    a. Rule 81.52
    b. Rule 81.62
2. New Procedures for the use of Precinct Ballot Counters.
    a. Testing Requirements
    b. Establishing a Central Counting Station
3. Early Voting by Personal Appearance – Precinct Ballot Counter Procedures
    a. Counting by Early Voting Ballot Board
    b. Counting by Central Counting Station
4. Early Voting by Mail Ballots –Precinct Ballot Counter Procedures
5. Election Day Ballots – Precinct Ballot Counter Procedures
    a. Precinct Returns Completed at Polling Place
    b. Precinct Returns Completed at Central Counting Station
6. Ballot Box Capacity Emergencies

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1. Revisions to Texas Administrative Code

On June 28, 2017, the Office of the Secretary of State received a petition requesting changes to certain Texas Administrative Code rules related to the requirement that a continuous feed (dot matrix) printer must be attached to all precinct ballot counters during early voting (1 T.A.C. § 81.52) and attached to all central accumulators (1 T.A.C. §81.62). The proposed rules also created a procedure by which a poll watcher can request printed copies of the audit logs contained in the Election Management System's central accumulator on election night while the central counting station is convened and tabulating election results.

1 T.A.C. § 81.52 – Precinct Ballot Counters

Previously, under 1 T.A.C. § 81.52(h), if a precinct ballot counter was to be used during early voting by personal appearance, a continuous feed audit log printer was required to remain attached to the precinct ballot counter throughout the early voting period. As of September 28, 2017, the requirement for this continuous feed audit log printer was repealed from the Texas Administrative Code. Therefore, precinct ballot counters can now be used for early voting by personal appearance provided that certain procedures are followed.

All precinct ballot counters certified for use in Texas election maintain internal audit logs. This is a requirement under both the state and federal certification process and will remain in place. Precinct ballot counters used during early voting must be secured to prevent tampering in accordance with procedures provided in 1 T.A.C § 81.52 and procedures outlined in this advisory.

1 T.A.C. § 81.62 – Audit Logs for an Election Management System's Central Accumulator

Under 1 T.A.C. § 81.62, a central accumulator is defined as the part of an Election Management System that tabulates and/or consolidates the vote totals for multiple precincts/devices. Currently, all central accumulators are required to have a continuous feed audit log printer. As a result of the petition-initiated rule change, this requirement for the continuous feed audit log printer will be repealed effective November 7, 2017.

All central accumulators certified for use in Texas election maintain internal audit logs. This is a requirement under both the state and federal certification process and will remain in place. Any audit log produced by a central accumulator is an election record and must be retained for the proper preservation period.

In addition to eliminating the requirement for the continuous feed printer, the changes to 1 T.A.C. § 81.62 require a full audit log to be printed after the tabulation of results is completed on election night, and provide a procedure for poll watchers to gain access to these audit logs during the tabulation process.

1 T.A.C. § 81.62(g) provides that a poll watcher may request a printed copy of an audit log produced by a central accumulator:

1. Before any votes are tabulated,

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2. After early voting results are tabulated, and
3. Immediately following the completion of the vote tabulation.

Once a request for a report has been made, the central counting station manager or tabulation supervisor is required to print a copy of the audit log at the required time and make a copy of it available to any and all poll watchers that have requested a copy of the audit log. You do not need to print an official audit log separately for multiple requestors. Once a copy is printed, it can be copied and provided to the different requestors. Additionally, if you anticipate receiving these requests, we would suggest you provide for the printing of these audit logs in your central counting station plan.

2. New Procedures for the use of Precinct Ballot Counters

The changes to Sections 81.52 and 81.62 of the Texas Administrative Code have the immediate effect of allowing precinct ballot counters to be used in additional ways to efficiently and accurately count ballots. As a result of the changes, precinct ballot counters can now also be used as central accumulators, allowing for their use by the early voting ballot board or at a central counting station. The Secretary of State has provided the following procedures to ensure the proper use of precinct ballot counters when used for counting early voting in person ballots, election day ballots, and by mail ballots:

a. Testing Requirements

Acceptance Testing
Acceptance testing must be done on the precinct ballot counters when they are first delivered by the vendors. The acceptance testing includes verification that the system delivered is certified by the Secretary of State, a hardware diagnostic test, and a logic and accuracy (L&A) test simulating a mock election. See Election Advisory No. 2014-06.

Pre-Election Testing
Like central counting station tabulators, precinct ballot counters must be tested in accordance with Subchapter D of Chapter 127 of the Texas Election Code, to the extent those procedures can be made applicable to the devices. This means you have to conduct the first required test of the tabulation equipment. The Secretary of State has determined that it is not feasible to conduct a second and third tabulation test in the case of precinct ballot counters. (Section 127.152 of the Texas Election Code; Election Advisory No. 2014-06). In addition to the requirements for the testing of the tabulation equipment, precinct ballot counters must also be included in pre-election testing including the L&A test and the hardware diagnostic test.

Post-Election Testing
After each election, precinct ballot counters are subject to a post-election audit, known as the partial manual count. The directions for a partial manual count may be found in Section 127.201 of the Texas Election Code and in subsequent communications from the SOS related to each election.

b. Establishing a Central Counting Station

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When an entity decides to use a precinct ballot counter for the counting of their early voting or election day ballots, they must decide whether they will have a traditional polling place set up or establish a central counting station.

In a **traditional polling place** set-up, precinct returns are generated at each precinct polling place and early voting in person ballots and early voting by mail ballots are counted by the early voting ballot board. The returns are then delivered to the General Custodian of election records and the unofficial tabulation of election results is generated in accordance with Section 66.056 of the Texas Election Code.

In a **central counting station** set-up, the authority ordering the election must create a central counting station and appoint a central counting station manager, tabulation supervisor, and presiding judge. The central counting station counts all early voting by mail ballots. The precinct records, voted ballots, and electronic media from the precinct ballot counters used for early voting in person and election day would be delivered to the central counting station where the electronic media would be read in a central accumulator. The central counting station would be responsible for creating both precinct returns and the unofficial tabulation of election results in accordance with Section 66.056 of the Texas Election Code.

Even if your entity has decided to use a **traditional polling place** set-up, you are still required to establish a central counting station and appoint the required personnel, in case there are discrepancies of four or more in your ballot totals under Section 127.156 of the Election Code or two or more irregularly marked ballots under Section 127.157 of the Texas Election Code. This central counting station is not required to convene unless it is necessary under Section 127.156 and Section 127.157 of the Election Code. They are on "stand by" in case one of those scenarios requires your ballots be counted at the central counting station. If you do not have individuals you can appoint to these positions, the SOS recommends that you appoint your early voting ballot board presiding judge and clerks as central counting station personnel as these individuals will have experience and knowledge of counting procedures.

3. Early Voting by Personal Appearance - Precinct Ballot Counter Procedures

1 T.A.C. § 81.52, certain provisions of the Texas Election Code and this advisory provide procedures on how to use precinct ballot counters for early voting in person.

1. General Requirements
    a. Precinct ballot counters used during early voting may not be used for voting on election day. You are prohibited under Texas law from counting your ballots (printing results tapes) until the polls open on election day or the when the ballot have been delivered to the early voting ballot board or central counting station for counting, whichever is applicable to your election (Sec. 87.0241, Texas Election Code).
    b. In accordance with Section 85.032 of the Texas Election Code, the ballot box connected to a precinct ballot counter that is used during early voting by personal appearance must have two locks, each with a different key, and must be designed

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and constructed so that the box can be sealed to detect an unauthorized opening of the box.

c. The precinct ballot counter must have the capability of being sealed to prevent any unauthorized deposit of ballots in the box.

2. At the Early Voting Location

a. The early voting clerk or deputy early voting clerk at each early voting location shall inspect the precinct ballot counter to ensure that all locks and seals are properly affixed to the precinct ballot counter.

b. Immediately prior to the opening of the polls on the first day of early voting by personal appearance, a zero tape shall be run. If the tape properly reads "0" for all candidates and propositions, voting may begin. (1 T.A.C. § 81.52)

c. At the close of each day's voting, the presiding judge shall print a report showing the total number of ballots cast on the precinct ballot counter through that day (the "daily ballot count report").

i. **Alternate Procedure for ES&S M100:**

1. If the precinct ballot counter is not capable of printing reports that show the total number of ballots cast on the device during the early voting period, the early voting officials at each early voting location shall complete a daily ballot count report by reviewing the public counter on each precinct ballot counter at the beginning of each day of voting and at the end of each day of voting and noting the public count from each reading on the form.
2. This report will indicate how many ballots were cast on the precinct ballot counter at the start of early voting and at the close of voting each day during the early voting period.
3. This report must be signed by at least two early voting officials every time an entry is made on the form. If poll watchers are present, they must be permitted to sign the form.

d. The precinct ballot counter's doors must be locked and sealed with a numbered paper seal. The precinct ballot counter must be unplugged and secured for the evening. (1 T.A.C. § 81.52)

NOTE: A numbered paper seal is the minimum requirement or securing the precinct ballot counter's door. Some precinct ballot counters will provide slots for more sophisticated tamper-evident or tamper-resistant seals. If a stronger, more secure numbered seal can be used, this will meet the security requirements outlined in the rule.

e. Prior to voting on each day of the period, the precinct ballot counter must be plugged back in and a tape (report) run to indicate that the counter has not been disturbed since the previous day's voting and that voting may continue. (1 T.A.C. § 81.52)

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f. At the conclusion of early voting by personal appearance, the precinct ballot counter shall be locked, sealed, and secured by the Early Voting Clerk until Election Day (1 T.A.C. § 81.52).
g. The precinct ballot counter, electronic media, voted ballots, and election records shall be secured and transferred to the General Custodian of Election records (if different from the Early Voting Clerk) until election day or the time for counting ballots under Section 87.0241 of the Texas Election Code.

a. <u>Counting by Early Voting Ballot Board</u>

1. For each meeting of the early voting ballot board meeting that involves the breaking of seals and running of totals, the early voting clerk shall place a notice in the same place and same manner as any other required notices posted in accordance with Section 87.023 of the Texas Election Code. (1 T.A.C. § 81.52)
2. At the proper time designated for tabulation, the presiding judge of the early voting ballot board must inspect the precinct ballot counter to determine whether the seals are intact and that they match the serial numbers listed on the ballot and seal certificate. (1 T.A.C. § 81.52)
3. The audit log must also be inspected by the presiding judge of the early voting ballot board to determine that there has been no unauthorized access to the precinct ballot counter. (1 T.A.C. § 81.52)
    a. **<u>Alternate Procedure for Hart Verity Scan and HVS eScan, and ES&S M100</u>**:
        i. If the device is not capable of printing an audit log without breaking the seals, the presiding judge shall compare the daily ballot count reports to determine whether or not there has been any unauthorized access to the precinct ballot counter.
4. If the seal is not intact, the early voting results may not be used and the early voting ballots must be re-counted either manually or with a different tabulation device, if available. (1 T.A.C. § 81.52)
5. If the audit log (or daily ballot count reports, if applicable) indicate unauthorized activity, the early voting results may not be used and the early voting ballots must be re-counted using the standard election day procedures. (1 T.A.C. § 81.52)
6. If the seal is intact and the log (or daily ballot count reports, if applicable) appear(s) in order, the seal should be broken and the ballots removed to a separate container. The electronic media should be removed and transferred to the accumulator, if applicable. (1 T.A.C. § 81.52)
7. The polls are closed on the counter and a "totals" printout is printed. The judge shall print out three copies of the results tape or results report, whichever is applicable, unless instructed to print more by the general custodian of election records. (1 T.A.C. § 81.52)
8. The presiding judge of the early voting ballot board shall prepare early voting precinct returns using the printed results tapes or reports, and any tally sheets used for the manual counting of write-in votes, if applicable.

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9. The early voting results, electronic media, voted ballots, and any other associated records shall be transferred to the general custodian of election records.
10. If a full audit log was not previously printed, a full audit log from the device must be printed and maintained with the precinct election records.
11. The audit log shall be preserved for six months after election day, or 22 months following election day in an election involving a federal office, for elections taking place prior to December 1, 2017. For elections taking place on or after December 1, 2017, the audit log shall be preserved for 22 months following election day for all elections (*See* 65.058, Texas Election Code; 66.058(a), Texas Election Code (as amended by SB 5 (85th 1st Special Session))
12. Any deviation from this procedure must be approved in writing by the Secretary of State. (1 T.A.C. § 81.52)

b. <u>Counting by Central Counting Station</u>

1. The early voting clerk shall place a notice of the hour and location of the convening of the central counting station, in the same manner as any other required notices posted in accordance with the Texas Election Code.
2. At the proper time designated for tabulation, the presiding judge of the central counting station must inspect the precinct ballot counter to determine whether the seals are intact and that they match the serial numbers listed on the ballot and seal certificate. (1 T.A.C. § 81.52)
3. The audit log must also be inspected by the presiding judge of the central counting station to determine that there has been no unauthorized access to the precinct ballot counter. (1 T.A.C. § 81.52)
    a. **<u>Alternate Procedure for Hart Verity Scan and HVS eScan and ES&S M100</u>**:
        i. If the device is not capable of printing an audit log without breaking the seals, the presiding judge shall compare the daily ballot count reports to determine whether or not there has been any unauthorized access to the precinct ballot counter.
4. If the seal is not intact, the early voting results may not be used and the early voting ballots must be re-counted either manually or with a different tabulation device, if available. (1 T.A.C. § 81.52)
5. If the audit log (or daily ballot count reports, if applicable) indicates unauthorized activity, the early voting results may not be used and the early voting ballots must be re-counted using the standard election day procedure.(1 T.A.C. § 81.52)
6. If the seal is intact and the audit log (or daily ballot count reports, if applicable) appears in order, the seal should be broken and the ballots removed to a separate container. The electronic media should be removed and transferred to the accumulator. (1 T.A.C. § 81.52)
7. The polls are closed on the counter, and a "totals" printout is printed. The judge shall print out three copies of the results tape or results report, whichever is applicable, unless instructed to print more by the general custodian of election records. (1 T.A.C. § 81.52)

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8. The number of ballots recorded on the ballot and seal certificate shall be compared to the number of ballots listed on the results tape or results report, whichever is applicable. If a discrepancy of four or more exists, the official tabulation of the ballots shall be conducted at a central counting station in accordance with § 127.156 of the Texas Election Code.
9. The counted ballots shall be removed from the precinct ballot counter and examined for irregularly marked ballots for processing in accordance with §127.157(b) - (e) of the Texas Election Code. If there are two or more irregularly marked ballots that must be reconciled, the official tabulation of the ballots shall be conducted at a central counting station in accordance with § 127.157(c).
10. If there is no discrepancy of four or more in ballot totals and not more than two or more irregularly marked ballots that must be reconciled, the electronic media contained in the precinct ballot counter shall be given to the presiding judge for accumulation of early voting results. The printed results shall be maintained with the election records for that election.
11. If a full audit log was not previously printed, a full audit log from the device must be printed and maintained with the precinct election records.
12. The audit log shall be preserved for six months after election day, or 22 months following election day in an election involving a federal office, for elections taking place prior to December 1, 2017. For elections taking place on or after December 1, 2017, the audit log shall be preserved for 22 months following election day for all elections (*See* 65.058, Texas Election Code; 66.058(a), Texas Election Code (as amended by SB 5 (85th 1st Special Session))
13. Any deviation from this procedure must be approved in writing by the Secretary of State. (1 T.A.C. § 81.52)

4. Early Voting by Mail Ballots – Counting on a Precinct Ballot Counter

Early voting by mail ballots may be counted on a precinct ballot counter. If you have a separate precinct ballot counter used exclusively for by mail ballots, you will need to follow the same steps you would follow for the counting of ballots as you would if you were using a central scanner as the precinct ballot counter. If you would like to use the same precinct ballot counter that was used to count your early voting in person ballots, the procedures below must be followed.

1. If a precinct ballot counter was used during early voting by personal appearance, the **same** precinct ballot counter can be used to count early voting ballots by mail. The following requirements must be met:
    a. All appropriate documentation including rosters and voting history must be maintained separately for early voting ballots cast by mail and early voting ballots cast in person.
    b. The presiding judge of the central counting station or presiding judge of the early voting ballot board, (if the central counting station is not convened), whichever is applicable, shall print a report that shows no unauthorized ballots were cast on the

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precinct ballot counter after the close of early voting by personal appearance. The report shall show that the total number of ballots from early voting in person is equal to the number of ballots cast on the machine.

c. The presiding judge of the central counting station or presiding judge of the early voting ballot board, whichever is applicable, shall remove from the precinct ballot counter the voted ballots from early voting in person and place them in a secure container.
d. The presiding judge of the central counting station or presiding judge of the early voting ballot board, whichever is applicable, shall scan the early voting by mail ballots that were accepted for counting.
e. Upon completion of the scanning, the early voting by mail ballots shall be removed from the precinct ballot counter, and shall be placed in a secure container.
f. The early voting in person ballots and the early voting by mail ballots may be stored in the same container, but must be maintained separately within that container.

2. The presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable, shall record the total number of early voting by mail ballots that were run through the precinct ballot scanner on the ballot and seal certificate.
3. The presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable, shall print two copies of the results tape or results report, whichever is applicable, unless instructed to print more by the general custodian of election records.
4. The presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable, shall verify that the total number of ballots scanned on the precinct ballot counter is equal to the sum of the total number of ballots scanned from early voting by personal appearance at that location and the total number of early voting by mail ballots scanned on the precinct ballot counter.
5. Upon completion of the verification of ballot numbers, the presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable, shall follow the same steps required for counting ballots by the early voting ballot board or central counting station as applicable.
6. Any deviation from this procedure must be approved in writing by the Secretary of State.

5. Election Day Ballots - Precinct Ballot Counter Procedures

In addition to the procedures outlined in Section 81.52 of the Texas Administrative Code, these are the procedures that should be followed on election day when using a precinct ballot counter in a polling place.

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1. Immediately prior to the opening of the polls, the election judge shall inspect the precinct ballot counter to ensure that all locks and seals are properly affixed to the precinct ballot counter.
2. The election judge shall verify and document the serial numbers of the equipment in use at that polling place.
3. The election judge shall run a report that shows that zero ballots have been cast on the precinct ballot counter. If the tape properly reads "0" for all candidates and propositions, voting shall begin.
4. After the polls close or the last voter has voted, whichever is later, the election judge must secure the precinct ballot counter so that no additional ballots can be deposited in to the precinct ballot counter.
5. The election judge must close or suspend the polls, whichever is applicable to that system, on the precinct ballot counter and print three copies of the results tape or results report, whichever is applicable.
6. The election judge shall compare the number of ballots recorded on the ballot and seal certificate to the number of ballots listed on the results tape. If a discrepancy of four or more exists, or there are two or more irregularly marked ballots, the official tabulation of the ballots shall be conducted at a central counting station in accordance with 127.157(b)-(e) of the Texas Election Code. (See Section 5b of this Advisory, Election Day Ballots --- Precincts Completed at the Central Counting Station).
7. If no ballots need to be sent to the Central Counting Station, then election judge can continue to process results in the polling place. (See Section 5a of this Advisory, Election Day Ballots – Precinct Returns Completed at the Polling Place).

a. <u>Election Day Ballots -- Precinct Returns Completed at the Polling Place.</u>

These procedures should be followed if the political subdivision does **<u>NOT</u>** intend to be completing their final tabulation at a central counting station.

1. After the results tapes have been printed, the counted ballots shall be removed from the precinct ballot counter and examined for irregularly marked ballots for processing in accordance with Section 127.156 of the Texas Election Code.
2. If there are two or more irregularly marked ballots that were improperly tabulated because of the irregular marks, the ballots shall be separated from the ballots that were properly marked and all of the ballots shall be delivered to a central counting station.
3. If there is no discrepancy in ballot totals and no irregularly marked ballots, the election official shall review the write-in votes, if any, in accordance with Section 65.008 of the Texas Election Code.
4. The election judge shall then prepare the precinct returns from the results tape printed, and if applicable, from the write-in votes hand tallied by the precinct election judges and clerks.

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5. The precinct returns, voted ballots, electronic media from the precinct ballot counter, precinct election records, and the remaining supplies shall be delivered to the general custodian of election records, immediately after the precinct returns are completed in accordance with Section 66.053 of the Texas Election Code.
6. The custodian shall prepare unofficial tabulation of election results in accordance with Section 66.056 of the Texas Election Code.

b. Election Day Ballots -- Precinct Returns Completed at Central Counting Station

These procedures should be followed if the political subdivision has created a central counting station for the processing of election results. At a central counting station, the presiding judge is responsible for producing both precinct returns and election totals.

1. At the Polling Place
    a. Precinct ballot counter returned to central counting station.
        i. After the results tapes have been printed, the election judge shall lock and seal the precinct ballot counter to prepare it for delivery back to the central counting station. The voted ballots and precinct election records shall be placed in a secure transfer case.
        ii. The precinct ballot counter and the transfer case containing the voted ballots and precinct election records shall be delivered to the presiding judge of the central counting station in accordance with Section 127.066(c) of the Texas Election Code.
    b. Precinct Ballot Counter NOT returned to central counting station.
        i. If the precinct ballot counter itself cannot be removed from the polling place, the election judge shall remove the electronic media from the precinct ballot counter.
        ii. The electronic media, voted ballots and precinct election records shall be placed in a secure transfer case and shall be delivered to the presiding judge of the central counting station in accordance with Section 127.066(c) of the Texas Election Code.
2. At the Central Counting Station:
    a. The presiding judge shall unlock and unseal the precinct ballot counter, if applicable and remove the electronic media.
    b. If the electronic media was transported in a separate transfer case, the presiding judge shall open the transfer case and remove the electronic media.
    c. The voted ballot shall be removed from the transfer case.
    d. The ballots shall be examined for the irregularly marked ballots for processing in accordance with Section 127.157 (c)-(e) of the Texas Election Code.
    e. If there are no irregularly marked ballots, the electronic media shall be transferred to the manager of the central counting station for accumulation.

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f. Write-in votes shall be reviewed for voter intent by the presiding judge or clerks designed by the presiding judge. The results shall be added either manually or electronically to those for ballots counted by the precinct ballot counter. (127.130)
g. The presiding judge of the central counting station shall be responsible for preparing precinct returns in accordance with Section 127.131 of the Texas Election Code.

6. Ballot Box Capacity Emergencies

There have been instances reported to the Secretary of State, during the early-voting-in-person period, when the number of ballots inserted into a precinct ballot counter exceeded the capacity of the precinct ballot counter's ballot box. As a best practice, the number of ballots placed in the precinct ballot counter should be monitored, and when the capacity of the box is being neared, a new precinct ballot counter should be brought in, and the first one locked, sealed and secured until the time for counting ballots. However, not all political subdivisions will have the funding to purchase additional equipment for this purpose as not all elections will have the same turnout and require additional equipment.

If a political subdivision has an insufficient quantity of precinct ballot counters, the Secretary of State has authorized the following procedures in accordance with 85.032(e) when: (1) the number of voted ballots will exceed the precinct ballot counter's ballot box capacity, (2) all precinct ballot counters at that location are full, and (3) no additional precinct ballot counters are available.

1. When the early voting clerk determines that a precinct ballot counter is nearing capacity, the early voting clerk shall notify the County Sheriff (or whoever has possession of the second ballot box key in accordance with Sec. 66.060 of the Texas Election Code) of the need to transfer voted ballots out of a precinct ballot counter.
2. In an election in which a political party has a candidate on the ballot, the early voting clerk shall also notify the county party chairs of the need to transfer voted ballots out of a precinct ballot counter.
3. When the polls are closed for the day, and in the presence of the Sheriff (or other key-holder), the early voting clerk shall open the precinct ballot counter and remove the voted ballots.
4. The ballots shall be placed in a transfer case that contains two locks and can be sealed with a tamper evident or tamper resistant seal as required under Section 85.032(b) of the Texas Election Code.
5. The deputy early voting clerk, Sheriff (or other key-holder), and any poll watchers present must sign a log that details:
    a. the date and time that the precinct ballot counter was opened,
    b. the numbers of the seals that have been removed,
    c. the numbers of the seals that are attached, and
    d. the seal numbers of the ballot box(es) to which the voted ballots were removed.

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6. The voted ballots shall then be transported to the general custodian of election records for storage.
7. Poll Watchers can be present for this process.

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From: Christina Adkins
To: Moody, Chris [redacted]; Lichtenheld, Peter [redacted]
Subject: FW: MASS EMAIL--CC/EA--FPCA deadline advisories
Date: Wednesday, January 10, 2018 1:13:00 PM
Attachments: image001.png

FYI -

From: Elections Internet
Sent: Wednesday, January 10, 2018 10:05 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: MASS EMAIL--CC/EA--FPCA deadline advisories

Dear Election Officials,

As a reminder, **all** military and overseas voters that have submitted their request to vote by mail **must** have their ballot **placed in the mail by January 20, 2018** (45 days before the March 6, 2018 primary election). This deadline must be met. We are aware that there have been a number of late changes to the ballots and that making the FPCA deadline will be a challenge. However, **not having ballots prepared or back from the vendor is not an excuse**. If your ballots are not ready, you must prepare emergency ballots and meet the deadline with them. We are eager to assist you with the preparation of emergency ballots. Please let us know if you need any help.

To assist you in meeting his deadline, our office has released the following three advisories related to voting by mail.

These three advisories are currently available live on our website:

Advisory 2018-02 – Ballot by Mail Deadlines; HB 1151, HB 929 (Regular Session); SB 5 (Special Session)

Advisory 2018-03 – Instructions and Deadlines for Mailing/Emailing Ballots Under the Federal "MOVE Act" for Overseas Vote

Advisory 2018-04 – FWABs and Voters in Hostile Fire Pay and Combat Zones

These advisories and other materials are posted at your Conducting Your Elections pages.

Please let us know if you have any questions or concerns.

Thank you,

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)

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www.sos.state.tx.us/elections/index.shtml

For Voter Related Information, please visit:

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as legal advice for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

To better serve you, the Texas Secretary of State is conducting a "Customer Satisfaction Survey". Your responses are confidential and will be used only for the purposes of evaluating our services. Please consider taking the survey, and thank you for your time.

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From: Christina Adkins
To: [redacted]
Subject: FW: Precinct Ballot Counter Procedures
Date: Friday, October 13, 2017 12:43:00 PM
Attachments: image001.png

Steve,

As you know, recent changes to our administrative rules have resulted in expanded use of precinct ballot counters (PBCs). As of September 28, 2017 they can now be used for early voting in person, and we are anticipating the rule changes related to central accumulators being adopted very soon. In anticipation of this, I've prepared an advisory that will be sent out to the counties informing them of this change and providing some additional procedures for the use of PBCs.

Below is an advance copy of these procedures. The yellow and green are some alternate procedures that will likely be included in the advisory. Take a look and let me know if you have any questions or concerns.

Thanks,

Christina

Early Voting by Personal Appearance - Precinct Ballot Counter Procedures

1. General Requirements
    a. Precinct ballot counters used during early voting may not be used for voting on election day. You are prohibited under Texas law from counting your ballots (printing results tapes) until the polls open on election day or the when the ballot have been delivered to the early voting ballot board or central counting station for counting, whichever is applicable to your election (Sec. 87.0241, Texas Election Code).
    b. In accordance with Section 85.032 of the Texas Election Code, the ballot box connected to a precinct ballot counter that is used during early voting by personal appearance must have two locks, each with a different key, and must be designed and constructed so that the box can be sealed to detect an unauthorized opening of the box.
    c. The precinct ballot counter must have the capability of being sealed to prevent any unauthorized deposit of ballots in the box.
2. At the Early Voting Location
    a. The early voting clerk or deputy early voting clerk at each early voting location shall inspect the precinct ballot counter to ensure that all locks and seals are properly affixed to the precinct ballot counter.
    b. Immediately prior to the opening of the polls on the first day of early voting by

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personal appearance, a zero tape shall be run. If the tape properly reads "0" for all candidates and propositions, voting may begin. (1 T.A.C. § 81.52)

c. At the close of each day's voting, the presiding judge shall print a report showing the total number of ballots cast on the precinct ballot counter through that day.

d. The precinct ballot counter's doors must be locked and sealed with a numbered paper seal. The precinct ballot counter must be unplugged and secured for the evening. (1 T.A.C. § 81.52)

> **NOTE**: A paper numbered seal is the minimum requirement or securing the precinct ballot counter's door. Some precinct ballot counters will provide slots for more sophisticated tamper-evident or tamper-resistant seals. If a stronger, more secure numbered seal can be used, this will meet the security requirements outlined in this Administrative code rule.

e. Prior to voting on each day of the period, the precinct ballot counter must be plugged back in and a tape (report) run to indicate that the counter has not been disturbed since the previous day's voting and that voting may continue. (1 T.A.C. § 81.52)

i. **Alternate Procedures:** If the precinct ballot counter is not capable of printing reports that show the total number of ballots cast on the device during the early voting period, the early voting officials at each early voting location shall complete a daily ballot count report by reviewing the public counter on each precinct ballot counter at the beginning of each day of voting and at the end of each day of voting and noting the public count from each reading on the form.

ii. (ii) This report will indicate how many ballots were cast on the precinct ballot counter at the start of early voting and at the close of voting each day during the early voting period.

iii. This report must be signed by at least two early voting officials every time an entry is made on the form. If poll watchers are present, they must be permitted to sign the form.

f. At the conclusion of early voting by personal appearance, the precinct ballot counter shall be locked, sealed, and secured by the Early Voting Clerk until Election Day (1 T.A.C. § 81.52).

g. The precinct ballot counter, electronic media, voted ballots, and election records shall be secured and transferred to the General Custodian of Election records until election day or the time for counting ballots under Section 87.0241 of the Texas Election Code.

Early Voting by Personal Appearance Ballots --Counting by Early Voting Ballot Board

1. The early voting clerk shall place a notice of the early voting ballot board meeting that involves the breaking of seals and running of totals in the same place and same manner, as any other required notices posted in accordance with Section 87.023 of the Texas Election Code. (1 T.A.C. § 81.52)
2. At the proper time designated for tabulation, the presiding judge of the early voting ballot board must inspect the precinct ballot counter to determine whether the seals

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are intact and that they match the serial numbers listed on the ballot and seal certificate. (1 T.A.C. § 81.52)

3. The audit log must also be inspected to determine that there has been no unauthorized access to the precinct ballot counter. (1 T.A.C. § 81.52)
4. **Alternate Procedure for Hart's Verity Touch and HVS eScan**: If the device is not capable of printing an audit log without breaking the seals, the presiding judge shall compare the daily ballot count reports to determine whether or not there has been any unauthorized access to the precinct ballot counter.
5. If the seal is not intact, the early voting results may not be used and the early voting ballots must be re-counted either manually or with a different tabulation device, if available. (1 T.A.C. § 81.52)
6. If the audit log (or daily ballot count reports, if applicable) indicate unauthorized activity, the early voting results may not be used and the early voting ballots must be re-counted using the standard election day procedures. (1 T.A.C. § 81.52)
7. If the seal is intact and the log appears in order, the seal should be broken and the ballots removed to a separate container. (1 T.A.C. § 81.52)
8. The polls are closed on the counter and a "totals" printout is printed. The judge shall print out three copies of the results tape or results report, whichever is applicable, unless instructed to print more by the general custodian of election records. (1 T.A.C. § 81.52)
9. The presiding judge of the early voting ballot board shall prepare early voting precinct returns using the printed results tapes, and any tally sheets used for the manual counting of write-in votes, if applicable.
10. The early voting results, electronic media, voted ballots and any other associated records shall be transferred to the general custodian of election records.
11. If an audit log was not previously printed, a full audit log from the device must be printed and maintained with the precinct election records.
12. The audit log shall be preserved for 22 months following election day. (1 T.A.C. § 81.52, 65.058(a), Texas Election Code)
13. Any deviation from this procedure must be approved in writing by the Secretary of State. (1 T.A.C. § 81.52)

Early Voting by Personal Appearance Ballots --Counting by Central Counting Station

1. The early voting clerk shall place a notice on the bulletin board of the hour and location of the convening of the central counting station, in addition to any other required notices.
2. At the proper time designated for tabulation, the presiding judge of the central counting station must inspect the precinct ballot counter to determine whether the seals are intact and that they match the serial numbers listed on the ballot and seal certificate. (1 T.A.C. § 81.52)
3. The audit log must also be inspected to determine that there has been no unauthorized access to the precinct ballot counter. (1 T.A.C. § 81.52)
4. **Alternate Procedure for Hart's Verity Touch and HVS eScan**: If the device is not capable of printing an audit log without breaking the seals, the presiding judge shall compare the daily ballot count reports to determine whether or not there has been any unauthorized access to the precinct ballot counter.
5. If the seal is not intact, the early voting results may not be used and the early voting ballots must be re-counted either manually or with a different tabulation device, if

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available. (1 T.A.C. § 81.52)

6. If the audit (or daily ballot count reports, if applicable) log indicates unauthorized activity, the early voting results may not be used and the early voting ballots must be re-counted using the standard election day procedure.(1 T.A.C. § 81.52)
7. If the seal is intact and the log appears in order, the seal should be broken and the ballots removed to a separate container. (1 T.A.C. § 81.52)
8. The polls are closed on the counter and a "totals" printout is printed. The judge shall print out three copies of the results tape or results report, whichever is applicable, unless instructed to print more by the general custodian of election records. (1 T.A.C. § 81.52)
9. The number of ballots recorded on the ballot and seal certificate shall be compared to the number of ballots listed on the results tape or results report, whichever is applicable. If a discrepancy of four or more exists, the official tabulation of the ballots shall be conducted at a central counting station in accordance with §127.156 of the Texas Election code.
10. The counted ballots shall be removed from the precinct ballot counter and examined for irregularly marked ballots for processing in accordance with §127.157(b) - (e) of the Texas Election Code.
11. If there is no discrepancy of four or more in ballot totals and not more than two irregularly marked ballots that must be reconciled, the electronic media contained in the precinct ballot counter shall be given to the presiding judge for accumulation of early voting results. The printed results shall be maintained with the election records for that election.
12. If an audit log was not previously printed, a full audit log from the device must be printed and maintained with the precinct election records.
13. The audit log shall be preserved for 22 months following election day. (1 T.A.C. § 81.52, 65.058(a), Texas Election Code)
14. Any deviation from this procedure must be approved in writing by the Secretary of State. (1 T.A.C. § 81.52)

Early Voting by Mail Ballots – Counting on a Precinct Ballot Counter

1. Early voting ballots by mail may be counted on a precinct ballot counter.
2. If a precinct ballot counter was used during early voting by personal appearance, the **same** precinct ballot counter can be used to count early voting ballots by mail. The following requirements must be met:
    a. All appropriate documentation including rosters and voting history must be maintained separately for early voting ballots cast by mail and early voting ballots cast in person.
    b. The presiding judge of the central counting station or presiding judge of the early voting ballot board, (if the central counting station is not established), whichever is applicable, shall print a report that shows no unauthorized ballots were cast on the precinct ballot counter after the close of early voting by personal appearance. The report shall show that the total number of ballots from early voting in person is equal to the number of ballots cast on the machine.
    c. The presiding judge shall remove from the precinct ballot counter the voted ballots from early voting in person and place them in a secure container.
    d. The presiding judge shall scan the early voting by mail ballots that were accepted for counting.
    e. Upon completion of the scanning, the early voting by mail ballots shall be

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removed from the precinct ballot counter, and shall be placed in a secure container.

f. The early voting in person ballots and the early voting by mail ballots may be stored in the same container, but must be maintained separately within that container.

3. The presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable, shall record the total number of early voting by mail ballots that were run through the precinct ballot scanner on the ballot and seal certificate.
4. The presiding judge of the central counting station or the presiding judge of the early voting ballot board, whichever is applicable shall print two copies of the results tape or results report, whichever is applicable, unless instructed to print more by the general custodian of election records.
5. The presiding judge shall verify that the total number of ballots scanned on the precinct ballot counter is equal to the sum of the total number of ballots scanned from early voting by personal appearance at that location and the total number of early voting by mail ballots scanned on the precinct ballot counter.
6. Upon completion of the verification of ballot numbers, the presiding judge shall follow the same steps required for counting ballots by the early voting ballot board or central counting station as applicable.
7. Any deviation from this procedure must be approved in writing by the Secretary of State.

Election Day Ballots - Precinct Ballot Counter Procedures

In addition to the procedures outlined in Section 81.52 of the Texas Administrative Code, these are the procedures that should be followed on election day when using a precinct ballot counter in a polling place.

1. Immediately prior to the opening of the polls, the election judge shall inspect the precinct ballot counter to ensure that all locks and seals are properly affixed to the precinct ballot counter.
2. The election judge shall verify and document the serial numbers of the equipment in use at that polling place.
3. The election judge shall run a report that shows that zero ballots have been cast on the precinct ballot counter. If the tape properly reads "0" for all candidates and propositions, voting shall begin.
4. After the polls close or the last voter has voted, whichever is later, the election judge must secure the precinct ballot counter so that no additional ballots can be deposited in to the precinct ballot counter.
5. The election judge must close or suspend the polls, whichever is applicable to that system, on the precinct ballot counter and print three copies of the results tape or results report, whichever is applicable.
6. The election judge shall compare the number of ballots recorded on the ballot and seal certificate to the number of ballots listed on the results tape. If a discrepancy of four or more exists, the official tabulation of the ballots shall be conducted at a central counting station in accordance with 127.157(b)-(e) of the Texas Election Code. (See Section ___ of this Advisory, Election Day Ballots --- Precincts Completed at the Central Counting Station).
7. If no ballots need to be sent to the Central Counting Station, then election judge can continue to process results in the polling place. (See Section __of this Advisory,

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Election Day Ballots – Precinct Returns Completed at the Polling Place).

Election Day Ballots -- Precinct Returns Completed at the Polling Place.

These procedures should be followed if the political subdivision does **NOT** intend to be completing their final tabulation at a central counting station.

1. After the results tapes have been printed, the counted ballots shall be removed from the precinct ballot counter and examined for irregularly marked ballots for processing in accordance with Section 127.156 of the Texas Election Code.
2. If there are two or more irregularly marked ballots that were improperly tabulated because of the irregular marks, the ballots shall be separated from the ballots that were properly marked and all of the ballots shall be delivered to a central counting station.
3. If there is no discrepancy in ballot totals and no irregularly marked ballots, the election official shall review the write-in votes, if any, in accordance with Section 65.008 of the Texas Election Code.
4. The election judge shall then prepare the precinct returns from the results tape printed, and if applicable, from the write-in votes hand tallied by the precinct election judges and clerks.
5. The precinct returns, voted ballots, electronic media from the precinct ballot counter, precinct election records, and the remaining supplies shall be delivered to the general custodian of election records, immediately after the precinct returns are completed in accordance with Section 66.053 of the Texas Election Code.
6. The custodian shall prepare unofficial tabulation of election results in accordance with Section 66.056 of the Texas Election Code.

Election Day Ballots -- Precinct Returns Completed at Central Counting Station

These procedures should be followed if the political subdivision has created a central counting station for the processing of election results. At a central counting station, the presiding judge is responsible for producing both precinct returns and election totals.

1. At the Polling Place
    a. After the results tapes have been printed, the election judge shall remove the electronic media from the precinct ballot counter.
    b. The electronic media, voted ballots, and precinct election records shall be placed in a secure transfer case, and delivered to the presiding judge of the central counting station in accordance with Section 127.066(c) of the Texas Election Code.
2. At the central counting station:
    a. The presiding judge shall open the transfer case and remove the voted ballots and electronic media. The ballots shall be examined for the irregularly marked ballots for processing in accordance with Section 127.157 (c)-(e) of the Texas Election Code.
    b. If there are no irregularly marked ballots, the electronic media shall be transferred to the manager of the central counting station for accumulation.
    c. Write-in votes shall be reviewed for voter intent by the presiding judge or clerks designed by the presiding judge. The results shall be added either manually or electronically to those for ballots counted by the precinct ballot counter. (127.130)
    d. The presiding judge of the central counting station shall be responsible for

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preparing precinct returns in accordance with Section 127.131 of the Texas Election Code.

Ballot Box Capacity Emergencies

There have been instances reported to the Secretary of State, during the early-voting-in-person period, when the number of ballots inserted into a precinct ballot counter exceeded the capacity of the precinct ballot counter's ballot box. As a best practice, the number of ballots placed in the precinct ballot counter should be monitored, and when the capacity of the box is being neared, a new precinct ballot counter should be brought in, and the first one locked, sealed and secured until the time for counting ballots. However, not all political subdivisions will have the funding to purchase additional equipment for this purpose as not all elections will have the same turnout and require additional equipment.

If a political subdivision has an insufficient quantity of precinct ballot counters, the Secretary of State has authorized the following procedures in accordance with 85.032(e) when: (1) the number of voted ballots will exceed the precinct ballot counter's ballot box capacity, (2) all precinct ballot counters at that location are full, and (3) no additional precinct ballot counters are available.

1. When the early voting clerk determines that a precinct ballot counter is nearing capacity, the early voting clerk shall notify the County Sheriff (or whoever has possession of the second ballot box key in accordance with Sec. 66.060 of the Texas Election Code) of the need to transfer voted ballots out of a precinct ballot counter.
2. In an election in which a political party has a candidate on the ballot, the early voting clerk shall also notify the county party chairs of the need to transfer voted ballots out of a precinct ballot counter.
3. When the polls are closed for the day, and in the presence of the Sheriff, if applicable, the early voting clerk shall open the precinct ballot counter and remove the voted ballots.
4. The ballots shall be placed in a transfer case that contains two locks and can be sealed with a tamper evident or tamper resistant seal as required under Section 85.032(b) of the Texas Election Code.
5. The deputy early voting clerk, sheriff, and any poll watchers present must sign a log that details:
    a. the date and time that the precinct ballot counter was opened,
    b. the numbers of the seals that have been removed,
    c. the numbers of the seals that are attached, and
    d. the seal numbers of the ballot box(es) to which the voted ballots were

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removed.

6. The voted ballots shall then be transported to the general custodian of election records for storage.

7. Poll Watchers can be present for this process.

Christina Worrell Adkins
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

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AMERICAN OVERSIGHT

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From: Christina Adkins
To: Stephen Berger [redacted] "Tom Watson" [redacted]; Brandon Hurley [redacted]; "amanda.crawford@texasattorneygeneral.gov"; "John.Ellis@texasattorneygeneral.gov"
Subject: Hearing Update
Date: Thursday, September 1, 2016 3:44:00 PM
Attachments: image001.png

Dear Examiners,

As you know, yesterday we had the hearings for both the Hart and ESS certifications. The first hearing was for Hart, followed by ES&S. If I had to describe the hearings in one word, I think I would use the word "brutal." We had approximately 34 show up for the hearings. Almost everyone that was there testified in both hearings. Many times, people would make comments, then yield the rest of their time to Laura Pressley. By and large, this people that participated in the hearing expressed a desire to return to hand counted paper ballots. Across the board they are against DREs and have issues with Hart InterCivic. However, the SOS bore the brunt of their acrimony. They are very unhappy with our office for a number of things and they used these hearings to air grievances. Here are a couple of key points.

1. Almost everyone requested a new hearing because they said they did not have enough notice as to this hearing. The hearing was properly noticed up in the Texas Register, and we did put additional notes on our website. The problem was that the Hart examiner reports didn't get posted to our website until Tuesday. Only one person went looking for them and called to ask us about the situation. I immediately got the situation fixed and had the reports posted. Most of the attendees (including Laura Pressley) didn't know about this until they arrived at the hearing and heard me talking about it with someone. However, they used this repeatedly in their testimony.
2. They asked for a written response to their comments and the questions they posed.
3. Almost every examiner's report(s) were referenced at some point in the hearing. Some us got to hear our own words read back to us in an accusatory fashion.
4. They repeatedly accused us of violating state law because ballot images are not cast vote records.
5. They repeatedly accused the SOS of certifying systems in violation of the law because the Texas Constitution requires ballot numbers and DREs don't have ballot numbers. (As I've mentioned before, this issue has been resolved by the courts and is a non-issue).
6. They expressed dislike for the countywide polling place program.
7. They expressed dislike for DREs.
8. They expressed concerns over the proposed TAC rules.
9. They called for my resignation and for Ashley Fisher's resignation.
10. They called for Keith's Ingram resignation and for him to be arrested and put in jail. As the hearings wore on, these cries got more and more prevalent.
11. There was yelling and crying and lots of supportive clapping for the commenters.

What's going to happen now?

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1. In the future, I will not be scheduling two hearings in one day.
2. At this time, we are NOT going to do another hearing for Hart. The SOS and the Deputy SOS do not see a need for this as this hearing was properly noticed.
3. We are going to extend the written comment period.
4. We are going to work on responding to the comments in writing, and will likely be posting this response to our website.
5. The Hart certification will likely not happen by October 1. The ESS certification is possibly still on the table --- this still needs to be discussed with our General Counsel.
6. The SOS and the Deputy SOS are of the opinion that we need to issue a response and continue to take some comments before they make a decision on certification. We are being accused of violating state law. If we certify without any official response on some of these issues, it's conceivable that someone could try to sue is so are going to address what we can ahead of time.
7. The comment period for the proposed rules was already extended another 30 days and will be extended an additional 45 days on top of that. The public hearing that we are going to do for the TAC rules is also likely to be pushed back later.
8. This will affect the Dominion certification exam (again), and my impact the ES&S exam. I am going to get that figured out tomorrow.

Once I finsih the written response to the qustions and issues posed in the hearing, I'll send it out for review before we post it or email it out. I'm also going to get everyone a copy of the hearing recordings. Stephen came to the hearing and watched the whole thing play out. I was careful not to draw too much attention to Stephen as I didn't want the crowed to get aggressive with him unnecessariy since we were just taking commnets and not responding to the statements offered.

Stephen --- if you have any othe thoughts on the hearing that you want to add or that you think the others should be aware of, feel free to let everyone know your take on the situation.

If you all have any questions or concerns about where we stand on everything, let me know!

Christina Worrell Adkins
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

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From: mariangop
To: Elections Internet
Subject: Questions about Election Equipment
Date: Thursday, November 19, 2020 9:32:51 AM
Attachments: ES&S-Corruption-07-16-2019.pdf

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Hi Legal:

The attached conspiracy-riddled 40-page document was posted on my FaceBook profile page this morning. The file came from fairfight.com. Do you know a subject matter expert who can dispute or confirm these allegations against ES&S?

Also, does any county in Texas utilize Dominion software or election-related equipment? I was told that Texas did not certify the vendor's products.

May I get a current list(s) of the voting, tabulating, and voter registration equipment, software, vendor, model #, year installed, and methods (DRE, Optical, manual, etc.) used in each county in Texas for EVBM, EVIP, and Election Day, plus any other information that you are able to provide? Does any county in Texas use automated signature recognition software/hardware to compare ABBM/EVBM signatures? If so, is there an audit of its success/fail rate? If a county is changing systems, do you have the information of their intended system or a notation of an upcoming change? It is for our Election Integrity Committee on the SREC.

Happy Thanksgiving and
Thank you for all that you do,

Marian Stanko
*SREC Committeewoman, Senate District 26,
State Republican Executive Committee, Republican Party of Texas
Precinct Chair, Precinct 2110, Republican Party of Bexar County
2016 Presidential Elector CD20-TX
210-602-6550 | [redacted]
@Marian.Stanko10 | @MarianStanko
*Titles for identification purposes only

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ELECTION SYSTEMS AND SOFTWARE (ES&S) CORRUPTION DOC

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ES&S PAY-FOR-PLAY SCHEMES RUN RAMPANT ACROSS U.S. AS ELECTION OFFICIALS TRADE MILLION DOLLAR VOTER MACHINE CONTRACTS FOR DONATIONS AND GIFTS

IN GEORGIA—THE CHIEF OF STAFF TO THE FORMER SECRETARY OF STATE, THE DEPUTY CHIEF OF STAFF TO THE GOVERNOR, THE HEAD OF LEGISLATIVE AFFAIRS FOR THE FORMER GOVERNOR, THE FORMER SECRETARY OF STATE, AND THE FORMER STATE ELECTION DIRECTOR WERE ALL EITHER ES&S LOBBYISTS OR ACCEPTED LARGE DONATIONS/GIFTS

David Dove, Chief of Staff to former Secretary of State Brian Kemp, Accepted Las Vegas Trips From ES&S While His Office Was In The Market For New Voter Machines. In March of 2017, when Dove attended an E.S. & S. junket in Las Vegas, Kemp's office was in the market to replace the state's entire inventory of voting machines. "It's highly inappropriate for any election official to be accepting anything of value from a primary contractor," Virginia Canter, the chief ethics officer at Citizens for Responsibility and Ethics in Washington, told McClatchy. "It shocks the conscience." (The New Yorker, 1/22/2019)

Kathy Rogers, Georgia's Former State Elections Director Who Opposed Paper Ballot Records, Is Now an ES&S Lobbyist and ES&S's Senior Vice President for Government Affairs. "Kathy Rogers, E.S. & S.'s senior vice-president for governmental affairs, told McClatchy that there was nothing untoward about the advisory board, which she said has been "immensely valuable in providing customer feedback."…In 2006, a bill requiring a verifiable paper record of each ballot, introduced in the Georgia legislature at the urging of election-integrity advocates, failed after the state's elections director, Kathy Rogers, opposed it. Rogers, of course, later went to work for E.S. & S. Election-integrity advocates sued in response, challenging the legality of the state's voting equipment." (The New Yorker, 1/22/2019)

Karen Handel, Georgia's former Secretary of State, Received $25,000 in Contributions From Voting Machine Lobbying Firm. "In the three years that the case wended its way through the courts, where it was eventually dismissed by the Georgia Supreme Court, the new secretary of state, Karen Handel, was found to have received twenty-five thousand dollars in campaign contributions from employees and family members associated with Massey and Bowers' lobbying firm." (The New Yorker, 1/22/2019)

Charles Harper, Brian Kemp's current Deputy Chief of Staff and former Legislative Director, Was a Lobbyist for ES&S as Recently as June 2018. "In 2012, Charles Harper, a sod farmer who had been elected to the Georgia House of Representative a decade earlier, became a registered lobbyist in the office of the Georgia secretary of state, Brian Kemp, where he served as legislative director. At the end of 2017, as Kemp was ramping up his campaign for governor, Harper did not renew his lobbying credentials with the secretary of state. Instead, he registered to lobby for E.S. & S...After Kemp won the governor's race, in November, he named Harper, whose contract with E.S. & S. ended in June, 2018, to his transition team. Harper is now Kemp's deputy chief of staff." (The New Yorker, 1/22/2019)

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John Bozeman, the Head of Legislative Affairs for Former Governor Sonny Perdue, Has Been a Registered Lobbyist with ES&S Since 2017. "At the end of 2017, as Kemp was ramping up his campaign for governor, Harper did not renew his lobbying credentials with the secretary of state. Instead, he registered to lobby for E.S. & S. Around the same time, John Bozeman, then the head of legislative affairs for Georgia's former governor, Sonny Perdue (who is now the Secretary of Agriculture in the Trump Administration), also registered to lobby on behalf of E.S. & S." (The New Yorker, 1/22/2019)

IN ORDER TO PASS BILL TO PURCHASE $150 MILLION OF NEW, UNSAFE VOTING EQUIPMENT (LIKELY FROM ES&S), GA LAWMAKERS REPEATEDLY LIED AND PRODUCED ANALYSIS CONSERVATIVE GROUPS DEEMED "PROFOUNDLY MISLEADING"

Georgia Lawmakers Chose New Voting Equipment that Shared "Similar Risks" to Machines a Federal Judge Deemed a Constitutional Risk. "The new equipment would replace the state's paperless, electronic machines — technology so risky that a federal judge said last year that its continued use threatened Georgians' "constitutional interests." But security researchers say similar risks exist in the new electronic machines that the GOP-led legislature has chosen, which would embed the voter's choice in a barcode on a slip of paper." (Politico, 3/28/2019)

Cybersecurity Experts Said Georgia Lawmakers Made "False and Misleading" Statements that Flatly Contradicted Objective Evidence in Support of Bad Voting Machine Bill. "The bill's sponsors made false and misleading statements during the entire legislative session in hearings leading up to the vote, often flatly contradicting objective evidence or mischaracterizing scientific writing," said Georgia Institute of Technology computer science professor Rich DeMillo, who testified throughout the process." (Politico, 3/28/2019)

Two Conservative Groups Called GOP Sec. of State's Brad Raffensperger's Hand-Marked Ballot vs Machine Marked Analysis "Profoundly Misleading." "Two conservative groups, the National Election Defense Coalition and FreedomWorks, called the voting-machine deal a "boondoggle" in a letter last week to state Senate Republicans. "The Secretary of State is circulating a cost analysis that is profoundly misleading and wildly inflates the costs of conducting elections with hand-marked paper ballots," they wrote." (The New Republic, 3/06/2019)

GOP State Senator William Ligon Repeatedly Demonstrated a Lack of Understanding of Cyber Security and Ignored Warnings from Experts During Debate. "Ligon, who praised ballot-marking devices as "the technology of today built upon the experience of the past," repeatedly demonstrated what experts called a lack of understanding about the cybersecurity implications of using computers to generate ballots, based on his comments during the Senate debate on the bill. "If there is any discrepancy discovered in an audit between what the machine says and what the paper says," he assured his colleagues, "the paper will control." But the paper ballot is generated by the machine and can thus be corrupted at the source, rendering a meaningful audit impossible. Stark, who invented the widely recommended audit technique known as a risk-limiting audit, warned Georgia lawmakers about this, but "they ignored his warning," DeMillo said." (Politico, 3/28/2019)

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State Sen. Ligon Falsely Stated that Barcode Devices and Hand-Marked Paper Ballots Posed Equal Hacking Risk. "State Sen. William Ligon, the bill's chief defender in the chamber, said the barcode devices and hand-marked paper ballots were equally at risk of hacking. That's just not the case, researchers said. "Hacking and configuration errors cannot cause pens to put the wrong votes on hand-marked paper ballots, but they can cause ballot-marking devices to print the wrong votes on the paper record," Philip Stark, a statistics professor and voting security expert at the University of California at Berkeley, said in an email." (Politico, 3/28/2019)

State Sen. Ligon Falsely Stated that Optical Scanners Had Not Changed in 20 Years. "Ligon said the technology of optical scanners was "pretty much the same" as it was in 2000, even though, as DeMillo noted, "imaging capabilities have increased by orders of magnitude in the last twenty years." (Politico, 3/28/2019)

State Sen. Ligon Falsely Denied that Hand-Marked Paper Ballots Eliminated Need for Voter Verification. "During a colloquy with Parent, Ligon also denied (wrongly, experts said) that removing the ballot-generating computer — as hand-marked ballots do — eliminated the need for a voter to verify his or her ballot, despite this being one of the chief advantages of not using computers to mark ballots. (Research shows that voters using ballot-marking devices do not check to make sure the computer marked their ballot properly.)" (Politico, 3/28/2019)

HB316 Bill Sponsor, Georgia State. Sen. Ligon, Later Claimed He Was Not Familiar with Recommendations Provided by Election Experts on the GA [SAFE] Commission. "Georgia state Senator William T. Ligon Jr. doesn't agree that touchscreens are a less reliable method for casting votes. He was a sponsor of the bill, now signed into law, overhauling Georgia's election system… Ligon said he wasn't familiar with Lee and his advice to the commission." (Quartz, 7/9/2019)

GOP State Senator Greg Dolezal Falsely Stated that "Hackability" of Various Voting System Was Uniform. "Republican Sen. Greg Dolezal, too, said the "hackability" of various voting systems was "uniform," despite the widespread consensus from technical experts that it's not." (Politico, 3/28/2019)

GOP State Senator P.K. Martin IV Claimed, Without Evidence, that There Were No Instances of Hackers Breaching GA Voting Systems. "Sen. P.K. Martin IV, another Republican, said there had been "zero" instances of hackers breaching Georgia's current voting machines. But there's no evidence that hackers haven't tampered with Georgia's current voting system — paperless machines can be hacked to prevent any signs of tampering — and the machines have previously generated results that prompted questions about their reliability." (Politico, 3/28/2019)

Despite the National Academies Recommending Against Barcode Technology in Voting Systems Last Year, GOP State Rep Barry Fleming Claimed the Technology Would Bring GA Into the 21st Century. "Republicans largely hailed the [barcode] technology. "We can put our voters first in Georgia and bring us into the 21st century," Republican state Rep. Barry Fleming said after the vote, according to The Atlanta Journal-Constitution… In a landmark report published last year, the National Academies recommended against voting devices that tally barcodes. "Electronic voting systems that do not produce a human-readable paper ballot of record raise security and verifiability concerns," it said. "Additional research on ballots produced by BMDs will be necessary to understand the effectiveness of such ballots." (Politico, 3/01/2019)

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GA State Senator, Elena Parent, Said the Relationship Between ES&S and GA Officials "Reeks of Corruption" and There is "No Good Reason" to Buy ES&S Machines. "Democratic state Sen. Elena Parent, who opposes the type of equipment the state is preparing to purchase — which includes an electronic marking device that produces a paper ballot — condemned the close ties between the company [ES&S] and the state. "I've been given absolutely no good reason why we should buy these things. There's not one good reason. So therefore it just reeks of corruption, that we're prioritizing vendors over voters," Parent said on the Senate floor during a debate in March." (NPR, 5/2/2019)

ES&S Repeatedly Told Georgia State Officials That Its Machines Were Not Connected to the Internet, Despite Strong Disagreement from Cyber Security Experts. Quotes from ES&S Request For Information Response: "Furthermore, the EMS [Election Management System] system is closed (air-gapped) and therefore has no connection to the internet." (pg. 17) "Standalone hardened system that is not connected to the Internet or any other network." (pg. 17) "The data is accessed by the database server through a service account, thereby protecting the data files from being directly accessed. The EMS is isolated from any connection to the internet or other networks." (pg. 18) (ES&S GA RFI, 8/24/2018)

> **National Election Defense Coalition Said the Assertion Voting Machines Are "Not Connected to the Internet" is a Damaging Myth Preventing Election Officials from Using Paper Ballots.** ''The incorrect assertion that voting machines or voting systems can't be hacked by remote attackers because they are 'not connected to the internet' is not just wrong, it's damaging,'' says Susan Greenhalgh, a spokeswoman for the National Election Defense Coalition, an elections integrity group. ''This oft-repeated myth instills a false sense of security that is inhibiting officials and lawmakers from urgently requiring that all voting systems use paper ballots and that all elections be robustly audited.'' (NYT, 2/21/2018)
>
> **Cybersecurity Experts Explain Election Data Transmitted Via Phone Lines Are Still Connected to the Internet.** "Election officials and vendors insist that the modem transmissions are safe because the connections go over phone lines and not the internet. But as security experts point out, many of the modems are cellular…These routers are technically part of the internet." (NYT, 2/21/2018)

Cybersecurity Experts Detail How Election Results Can Still Be Intercepted Since Phone Lines Are Part of the Internet. "Because of this, attackers could theoretically intercept unofficial results as they're transmitted on election night — or, worse, use the modem connections to reach back into election machines at either end and install malware or alter election software and official results. ''Almost any phone call, whether on a cellular network or a so-called landline, goes through a part of the internet,'' says Andrew Appel, a computer-science professor at Princeton University and longtime voting-machine security expert." (NYT, 2/21/2018)

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Georgia's SAFE Commission Ignored Security Measures Directly Recommended by Georgia Tech, Stanford, Yale, Princeton, MIT & Google Election Experts. "Earlier this year, Georgia's [SAFE] Commission held a public meeting at the state capitol to answer a pressing question: What should Georgia do to replace its aging, touchscreen voting machines, as well as other parts of its election system?... Computer scientists and elections experts from around the country had weighed in during the seven months of the commission's deliberations on the issue…Despite this, the commission ultimately did not recommend measures backed by Lee and his colleagues at places like Stanford, Yale, Princeton, MIT, and Google—including the recommendation that the state return to a system of paper ballots filled out by hand, combined with what scientists call risk-limiting audits." (Quartz, 7/9/2019)

Elections Experts Fear Georgia's Ignorance of Election Security Issues Will be Copied by Other States & Cause Nationwide Erosion of Election Integrity. "Georgia's decision has computer scientists and election experts worried that lessons learned over nearly two decades of computerized voting are being woefully ignored. Indeed, hundreds of millions of dollars have been or will soon be spent in these and other states on technology that experts say decreases election security and erodes election integrity." (Quartz, 7/9/2019)

Including Georgia, Only 33% of Counties Nationwide Use Machines with No Paper Trail or Machines that "Print" Ballots. "With its decision, Georgia's counties remain among the 33% of counties nationwide that use either machines with no paper trail or machines that print paper ballots, which are then scanned on separate machines. The vast majority of the rest of the counties use paper ballots filled out by hand, which are then scanned or counted by hand." (Quartz, 7/9/2019)

Georgia New Machines May Run On Unsupported Software. "The AP surveyed all 50 states, the District of Columbia and territories, and found multiple battleground states affected by the end of Windows 7 support, including Pennsylvania, Wisconsin, Florida, Iowa, Indiana, Arizona and North Carolina. Also affected are Michigan, which recently acquired a new system, and Georgia, which will announce its new system soon. (AP, 7/13/2019)

It Is Unclear Whether Georgia Counties Will Be Forced to Pay for Windows 10 Software Update. "Critics say the situation is an example of what happens when private companies ultimately determine the security level of election systems with a lack of federal requirements or oversight. Vendors say they have been making consistent improvements in election systems. And many state officials say they are wary of federal involvement in state and local elections. It's unclear whether the often hefty expense of security updates would be paid by vendors operating on razor-thin profit margins or cash-strapped jurisdictions." (AP, 7/13/2019)

ES&S Implied "Jurisdictions" May Ultimately be Responsible for Updating Software Expenses. "ES&S said it expects by the fall to be able to offer customers an election system running on Microsoft's current operating system, Windows 10. It's now being tested by a federally accredited lab. For jurisdictions that have already purchased systems running on Windows 7, ES&S said it will be working with Microsoft to provide support until jurisdictions can update. Windows 10 came out in 2015. (AP, 7/13/2019)

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GA Sec of State Failed to Follow Federal Judge Orders to Preserve FBI Election Data Evidence After Secretly Deleting Data on State Server. "Nearly two years ago, state lawyers in a closely watched election integrity lawsuit told the judge they intended to subpoena the FBI for the forensic image, or digital snapshot, the agency made of a crucial server before state election officials quietly wiped it clean. Election watchdogs want to examine the data to see if there might have been tampering, given that the server was left exposed by a gaping security hole for more than half a year. A new email obtained by The Associated Press says state officials never did issue the subpoena, even though the judge had ordered that evidence be preserved, including from the FBI." (AP, 7/3/2019)

Brian Kemp Denied Ordering Election Data Destruction in 2017, Called Destruction "Reckless, Inexcusable, and Inept." Technicians at the Center for Elections Systems at Kennesaw State University, which then ran the state's election system, erased the server's data on July 7, 2017, less than a week after the voting integrity suit was filed. After the AP reported on it three months later, Kemp denied ordering the data destruction or knowing about it in advance and called it reckless, inexcusable and inept. (AP, 7/3/2019)

Georgia Officials Failed to Disclose that the Department of Homeland Security Warned them that the State May Be a Cyber Target. "As lawyers for Georgia's secretary of state argued vehemently last fall that the state's obsolete electronic voting infrastructure was secure from hackers, they failed to mention a warning from the U.S. Department of Homeland Security that Georgia might already be a cyber target. "Foreign governments may engage in cyber operations targeting the election infrastructure and political organizations in Georgia and engage in influence operations that aim to interfere with the 2018 U.S. elections," according to a memo by the U.S. Department of Homeland Security Southeast region addressing "a Georgia Perspective on Threats to the 2018 U.S. Elections." (Law.com, 7/15/2019)

The Department of Homeland Security Warned Georgia Election Officials That Foreign Actors May Attempt to Enter Polling Places, Hack Voter Registration Systems, and Access Information Technology. "The DHS memo warned Georgia election officials that the agency's Office of Intelligence and Analysis was particularly concerned that foreign actors would employ at least 10 different methods in efforts to interfere with the 2018 election in Georgia. They included: Unauthorized entry to polling places…Attempts to hack voter registration systems…Attempts to access information technology infrastructure used to manage elections, display results, or for counting or certifying votes…Efforts to compromise networks or election-related systems…" (Law.com, 7/15/2019)

IN FEBURARY 2018, GEORGIA SECRETARY OF STATE AWARED ES&S WITH $450,000 SOLE SOURCE CONTRACT – GIVING PRIVATE CORPORATION DIRECT ACCESS TO AND/OR RESPONSIBILITY OVER VOTER REGISTRATION, BALLOT ACCESS, AND BALLOT COUNTING THROUGH DECEMBER 31, 2019

In 2019 RFP, GASOS Said Their Office Was Responsible for Maintaining Voter Registration System, Building Ballots, and Creating Poll Book Files. "Election Structure: State law provides for a uniform voting system where every county uses the same type of voting equipment…The GASOS

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maintains the Voter Registration System ("eNet"), builds ballots for each federal, state, and county election, and creates Electronic Poll Book ("EPoll") files. (GASOS RFP, 3/15/19)

In 2018, GASOS Transferred Georgia Election Data Preparation Services—Previously Performed by State Entity, Center for Election Systems—to Private Corporation, ES&S. "Exclusive Capability: …Assistance in data preparation requires a license to utilize both pieces of software. These services were previously provided by the Center for Election System, which, as a state entity, was able to utilize the license purchased by the State of Georgia from ES&S…Now that the functions of the Center for Election Systems have been moved to the State Entity, State Entity requires a vendor who has licenses to both components of the voting system to assist in the data preparation. State Entity also requires a vendor…who knows the specific processes utilized by the Center for Election Systems in how they built their data sets." (CGG Subpoena, page 15, 7/5/2019)

In 2018, GASOS Paid Private Corporation-ES&S $300,000 to Prepare Data Necessary for the Entire Georgia Election Management System (GEMS) & for All Voter Rolls. "Scope of Work: State Entity seeks to enter into a contract to provide assistance in data preparation for ExpressPoll 4000 and 5000 running EZRoster version 2.1.2 and the Georgia Election Management System (GEMS) database version 1.18.22g!... The cost will be $25,000 per month for the calendar year 2018." (CGG Subpoena, page 14, 7/5/2019)

> **In 2019, GASOS Paid Private Corporation, ES&S, an Additional $150,000 to Extend Data Preparation and Ballot Layout Services Through December 31, 2019.** "The Agreement between Election Systems & Software ("Contractor" or "ES&S") and Georgia Secretary of State dated February 8, 2018 for Ballot Building Support Services is hereby renewed for a term of January 1, 2019 through December 31, 2019 and amended as set forth below:…Payment Terms: 50% of total due ($75,000) shall be payable on January 1, 2019 upon receipt of corresponding contractor invoice. The remaining 50% of total due (%75,000) shall be payable on July 1, 2019 upon receive (sic) of corresponding contractor invoice." (CGG Subpoena, page 12, 7/5/2019)

ES&S Prepared Election Data for All 159 Georgia Counties & for Every County, State, and Federal Race in 2018. "State Entity requires data preparation for 159 counties for all county, state, and federal races in Georgia including primary, primary runoffs, general election, general election runoffs, and any special elections. The cost will be $25,000 per month for the calendar year 2018." (CGG Subpoena, page 14, 7/5/2019)

GASOS Failed to Document Any Effort to Locate Other Vendors—Claimed Vendor Change Would Be "Too Costly." "Market Research: Sole Source: A purchasing situation in which the procurement is available from only one source. The announcement must be posted to the GPR in accordance with the Georgia Procurement Manual, Section 2.3.3.3. Question: Identify efforts made to locate other possible sources: Answer: "Current License provider for Georgia Election Management System. Changing systems would be to (sic) costly." (CGG Subpoena, page 19, 7/5/2019)

GASOS Claimed 2018 "Sole-Source" Award to Private Corporation, ES&S, Justified Because ES&S Was Only Company with Licenses to Work Both Components of Georgia's Voting System.

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"Sole-Source Intent to Award Justification: Exclusive Capability: The State of Georgia utilizes ExpressPoll 4000 & 5000 running EZRoster version 2.1.2 and GEMS version 1.18.22g!. Assistance in data preparation requires a license to utilize both pieces of software….ES&S provided both systems to the state and has a license to maintain both databases… ES&S has specific knowledge that is necessary to the fulfillment of these services and is the only company that has licenses to work with both components of Georgia's voting system." (CGG Subpoena, page 15, 7/5/2019)

> **Election Expert Disputed GASOS Sole-Source Argument Claim—Said GASOS Awards Licenses, Not the Vendor/ES&S.** "Vendors are in the business of providing software licenses for a fee, so election administrators should be the ones to get a license to use the necessary software. In the U.S., our federalist system says that election officials administer elections –not private corporations. (Twitter, @eddiepereztx, 7/5/2019)
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> **Election Expert Said GASOS Claim that Only ES&S Could Provide Election Administration Services "Exceptional" and Uncommon.** "NOT common (exceptional): D) Assertions by a state or county authority that no one other than the vendor can provide election administration services, because no one other than the vendor has a license to use voting system software." (Twitter, @eddiepereztx, 7/5/2019)
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> **Election Expert Said Georgia Sec. of State's Decision to Pay ES&S to Maintain Election Databases Was "Atypical" & "NOT common."** "NOT common (atypical): C) Paying a vendor to *maintain* ballot programming databases. (Once the vendor's ballot programming is complete, the databases are typically turned over to state or county election officials, so they can run the election under their own auspices)." (Twitter, @eddiepereztx, 7/5/2019)

Election Expert Said Georgia's 2018 Contract with ES&S "Robbed" State & County Officials Power to Run their Own Elections. Vendors are in the business of providing software licenses for a fee, so election administrators should be the ones to get a license to use the necessary software. In the U.S., our federalist system says that election officials administer elections — not private corporations. 6/ Saying "Only the vendor that holds the license has the license to use election software" is tautological, and it robs both the state and county officials from having the wherewithal to run their own elections." (Twitter, @eddiepereztx, 7/5/2019)

Contract Said ES&S is Responsible for All Ballot Layout, Coding & Voice File Services in Georgia. "1. BALLOT LAYOUT, CODING, AND VOICE FILE SERVICES – Scope of Services includes the data entry and maintenance of County level databases in the State of Georgia for all county (including municipal elections that are administered by counties), state and federal elections in Georgia in calendar year 2019, including primary, primary runoffs, general election, general election runoffs, and special elections. ES&S will receive the data required to facilitate the creation of paper and electronic ballots as well as audio file recording to the State of Georgia for review and approval." (CGG Subpoena, page 12, 7/5/2019)

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Election Expert Said Counting of Votes Should "Never, Ever" be Done by the Vendor. "If a state or local official outsources programming, that's one thing; but the actual tabulation function, i.e. insertion of memory cards into the tabulation computer, and the counting of the votes, should be done solely by election officials, and never, ever by the vendor." (Twitter, 7/5/2019)

Texas Secretary of State's Office Said ES&S Ballots Failed to Present Candidates Consistently or Separate Races Properly During Initial Examination. "The full-face ballot layout used during the examination was less than ideal. Too much of the available screen real - estate was unused. Also, the candidates were not presented consistently for each race. Sometimes the candidates for a race were presented vertically and sometimes they were presented horizontally." (Texas Secretary of State, 1/22/19

Texas Secretary of State's Office Said ES&S Poor Ballots Designed Caused Candidates to be "Lost in the Mix" During Initial Examination. "Ballot layout requires consideration of how the candidates and parties are displayed. At the very least, a blank line or race separator (i.e. double line) should between each race. This should be enforced by the layout software so the ballot isn't presented like the test ballot which had races stacked on top of each other. With many candidates listed across the columns, and no gap before the next race, some of the candidates were "lost" in the mix due to their unfavorable location. The ES&S representative said that the poor layout was because she is not an expert in ballot design on the XL." (Texas Secretary of State, 1/22/19)

ES&S Representative Failed to Properly Display Candidates During State Examination—Said She was "Not an Expert in Ballot Design." "With many candidates listed across the columns, and no gap before the next race, some of the candidates were "lost" in the mix due to their unfavorable location. The ES&S representative said that the poor layout was because she is not an expert in ballot design on the XL." (Texas Secretary of State, 1/22/19)

ES&S is Responsible for All Data Entry & Maintenance of County Level Data Sets in Georgia. "2. EXPRESSPOLL DATA SETS FOR ADVANCE VOTING PURPOSES – Scope of Services includes the data entry and maintenance of County level data sets in the State of Georgia for all county (including municipal elections that are administered by counties), state, and federal elections in Georgia in calendar year 2019, including primary, primary runoffs, general election, general election runoffs, and special elections. ES&S will receive the data required to facilitate the creation of ExpressPoll data sets for Advance Voting purposes to the State of Georgia for review and approval. Creation of ExpressPoll data sets does not include any handling or conversion of voter data." (CGG Subpoena, page 12, 7/5/2019)

ES&S Provided Georgia with its Election Management System & Has License to Maintain that System. Purpose of the Sole Source. The State of Georgia utilizes ExpressPoll 4000 & 5000 running EZRoster version 2.1.2 and GEMS version 1.18.22g!...ES&S provided both systems to the state and has a license to maintain both databases. Through contracts with all Georgia counties, ES&S has been the sole maintenance provider on the system since its purchase… (CGG Subpoena, page 18, 7/5/2019)

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GASOS Stated EPoll Data Management System (EPDMS) Combines Voter Registration & Election Ballot Data into Voter Lists for Poll Books & Voter Specific Ballots. "EPoll Data Management System (EPDMS) – Used to combine voter registration and election ballot data into an election-specific elector's list that powers the electronic poll book (EPoll) and provides each voter with the properly assigned ballot style." (GASOS RFP, Attachment M, 3/15/19)

GASOS Stated EPDMS Must Accept Imports of Voter Registration Data from eNet Including Voter Name, Driver License Number, Voter Status, & Voter Polling Place. "Confirm That Capability Exists and is Able to be Demonstrated: Capabilities: a. Accept imports of voter registration data from eNet on removable devices for the purposes of building an elector's list for any given election. The data transferred from eNet includes but is not limited to: Voter Name…Voter Street Address, Voter City, State, Zip, Driver License number, Voter Registration ID, Voter Status, Assigned Precinct, Assigned District Combination Value, Assigned Polling Place, Polling Place Street Address, Polling Place City, State, Zip, and Absentee Status. (GASOS RFP, Attachment M, 3/15/19)

Winning Vendor of RFP Process Must Complete Pilot Program In 10 Counties During November 2019 Election. "For the purposes of this eRFP, the Supplier's preliminary plan and estimates for delivery are to be in a phased roll-out as a pilot project and then a full roll-out to all counties. Phase 1 will be the full inventory distribution and necessary training of up to 10 counties selected by GASOS to participate in a pilot project to be executed in November 2019. The pilot equipment will be used in any associated November 2019 election schedule for the selected counties." (GASOS RFP, Page 42, 3/15/19)

Winning Vendor of RFP Process Must Distribute 1,272 Voting Machine Components by December 31, 2019. "Phase 2 will be broken into two parts. Phase 2-Part 1 will be distributing a minimum of five BMD, two PPS, and 1 EMS computer to each county (159). These components will facilitate election official and poll worker training activities…Completion of Phase 2 – Part 1 will be completed by endo for the fourth quarter of 2019 (December 31st 2019)." (GASOS RFP, Page 42, 3/15/19)

GASOS Said ES&S "Knows the Specific Processes" Used by KSU's Center for Election Systems to Build Their Data Sets. "ES&S also worked closely with the Center for Election Systems and is most familiar with the processes it utilized to provide these data sets…State Entity also requires a vendor who best knows the Georgia voting system, who is familiar with Georgia counties, and who knows the specific processes utilized by the Center for Election Systems in how they built their data sets." (CGG Subpoena, page 15, 7/5/2019)

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MASSIVE CONFLICTS OF INTEREST UNCOVERED WITH ES&S AND ELECTIONS OFFICIALS IN NEW YORK, ARKANSAS, SOUTH CAROLINA, PENNSYLVANIA, TEXAS, LOUISIANA, NORTH CAROLINA, OHIO AND FLORIDA

In Order to Secure $40 Million NY Contract, ES&S Paid Anthony Mangone $50,000 to Act as Lobbyist--Despite Mangone Being Under Federal Investigation for Corruption and Previously Pleading Guilty to Election Rigging (2010). "While a Republican lawyer was under federal investigation in a Yonkers corruption case, he was paid nearly $50,000 last year to help a Nebraska company win a contract to provide New York City with new voting machines. Anthony Mangone was indicted this month with Yonkers Councilwoman Sandy Annabi and former city GOP Chairman Zehy Jereis on extortion, bribery and other federal charges related to payments made to Annabi for her to change votes on city projects. Coincidentally that same day, the New York City Board of Elections voted to buy thousands of new electronic voting machines - a contract expected to be worth more than $40 million - from Mangone's client, Election Systems & Software…Mangone was implicated in a Westchester vote-rigging scheme a decade ago, admitting that he opened about 30 sealed absentee ballots during the 2000 Green Party primary and wrote in the names of his boss, Republican state Sen. Nicholas Spano, and a judicial candidate… Mangone agreed to plead guilty to a misdemeanor in the case but was never charged." (*The Journal News*, Bandler, 1/21/2010)

New York Board of Elections Head Resigned From ES&S Advisory Board After Conflicts of Interest Uncovered (2018). "The head of the city's Board of Elections Michael Ryan, a native Staten Islander, abruptly resigned from his post on the advisory board of the maker of New York City's voting machines, Election Systems and Software (ES&S), earlier this week. His resignation came after a NY1 report found that ES&S had flown Ryan around the country to destinations like Las Vegas putting him up in hotels and buying him dinners. Ryan reportedly did not disclose several ES&S paid trips in his annual disclosure forms with the city's conflict of interest board." (SI Live, 10/13/2018)

Arkansas Secretary of State Bill McCuen Pleaded Guilty to Felony Charges that He Took Bribes and Accepted Kickbacks from Company that Would Become ES&S (2002). "Arkansas. February 2002. Arkansas Secretary of State Bill McCuen pleaded guilty to felony charges that he took bribes, evaded taxes, and accepted kickbacks. Part of the case involved Business Records Corp. now merged into Election Systems & Software. The scheme also involved Tom Eschberger, an employee of BRC, but Eschberger received immunity from prosecution for his cooperation. Today, Eschberger remains employed with ES&S." (Voters Unite, 7/10/2007)

South Carolina's Director of Elections Resigned From ES&S Advisory Board Right Before State Reviewed Voting Machine Bids, Claimed No Impropriety After Conflicts of Interest Uncovered. "For more than a decade, Marci Andino, executive director of the S.C. Election Commission, served on an advisory board formed by Elections Systems and Software, known commonly as ES&S. Andino received more than $19,000 worth of flights, hotels and meals from ES&S since 2009 to attend regular conferences at the company's headquarters in Nebraska and other cities across the country, according to records with the South Carolina Ethics Commission...On Monday, Andino confirmed she stepped down from her advisory position with the company last year in anticipation of the state requesting bids for a new voting system. She promised her connection to ES&S would in no way impact the state's decision over which company wins the multimillion dollar contract. Andino said she will not be taking part in selecting the winning bid." (Post & Courier, 1/29/2019)

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Pennsylvania County Election Director Resigned From ES&S Advisory Board Right Before County Vote To Purchase ES&S Poll Book System, Claimed No Impropriety After Undisclosed Conflicts of Interest Uncovered. "Crispell traveled to Las Vegas and Nebraska last year for meetings of the Election Systems & Software (ES&S) customer advisory board. Her travel expenses were paid for by ES&S, which supplied the voting machines Luzerne County has used for more than 10 years, as well as an electronic poll book system the county purchased this year for $324,802. Crispell resigned from the advisory board in October 2017, before the county requested proposals for the poll book system from vendors. She did not disclose her service on the board to county council before it voted on the poll book purchase, in April." (Citizens' Voice, 12/7/2018)

Dallas, Texas Elections Administrator Asked To Resign After "Troubling" ES&S Conflicts of Interest Uncovered. "State ethics laws are clear when it comes to the relationship between public officials and vendors. Over the past two years, Dallas County has paid them or their subsidiaries $3.5 million dollars for software and services. As Dallas County Elections Administrator, Toni Pippins-Poole recommends to the Commissioners Court which vendors get hired...In a June 7 email, she asks a county employee... "Have you checked with [vendor] ES&S to sponsor the Texas Delegation pins for IGO or the shirts?" The next day, a representative from ES&S emailed Pippins-Poole regarding paying for the lapel pins. He writes... "In the past we simply wrote a check to Toni..." He adds..."We can send a check made out to you (Toni) for the $1500 amount...."'"For an elections administrator to solicit contributions from a vendor is troubling," said Joe Kulhavy, a former staff attorney for the Texas Secretary of State's elections division who looked at Pippins-Poole's emails at WFAA's request." (WFAA ABC, 10/19/2017)

> "A candidate for Dallas County commissioner on Tuesday asked a judge to remove Elections Administrator Toni Pippins-Poole from office, alleging incompetence and official misconduct. J.J. Koch, a Republican, accused Pippins-Poole of improperly soliciting a gift from a county contractor." (Dallas News, 10/2017)

Louisiana Elections Commissioner Accepted $3000 in Donations from ES&S Prior to Recommending ES&S for a $4 Million Voting Machine Contract. "Elections Commissioner Suzanne Terrell won praise for the way she selected the vendor for computerized absentee voting machines. But Legislative Auditor Daniel Kyle said he was still troubled by the selection of a company that has a top official who was allegedly involved in illegal dealings in Arkansas…Terrell was given a chance to explain how she chose Elections Systems and Software for a $4 million contract to provide the new voting machines…Terrell said she has contributed Eschberger's $2,000 campaign gift to a charity, later identified by staff aide Pat Bergeron as Girls' State. She said it was "naive" of her to have accepted the gift from Eschberger and another $1,000 contribution from the Adams and Reese law firm that lobbies for ES&S." (*Daily Town Talk*, Morgan, 2/7/2002)

North Carolina Election Directors Accepted Large Cash Donations From ES&S, Allowed Vendors to Charge Double for Ballots, After $3 Million Statewide Voting Machine Contract. "A group made up of election directors from across North Carolina has received large cash donations from the owner of a New Bern company that maintains the state's voting machines and prints most of its ballot…Printelect is the sole agent in the state for Election Systems & Software, a company that won a concession in 2006 to sell and maintain all of the voting machines in the state. That arrangement gives

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Print elect, which also represents ES&S in South Carolina and Virginia, a big advantage in getting printing jobs. The company prints ballots for 85 of the North Carolina's 100 counties, sometimes charging double what it costs to buy from a competitor not certified by ES&S." (*The News & Observer*, Biesecker, 08/11/2010) ($3 Million Contract Link)

North Carolina Board of Elections Delayed Certification of ES&S Machines Until Security Concerns Regarding Company Ownership Disclosed. "The State Board of Elections said cybersecurity worries prompted a delay in certifying election system vendors to sell voting machines to counties.In her first state board meeting Thursday, June 13, new Executive Director Karen Brinson Bell urged the board to require vendors seeking certification to disclose all ownership interests of 5% or greater. After a lengthy closed executive session, the board unanimously approved Bell's proposal…The board was scheduled to certify three voting machine vendors — Massachusetts-based Clear Ballot, Nebraska-headquartered Election Systems & Software, and Hart Intercivic of Texas." (*The Daily Courier*, Way, 6/20/2019)

Deputy Director of Franklin County, Ohio Board of Elections Lied to Board, Failed to Disclose He Was Offered a Job By ES&S, and Failed His Wife was on Board of ES&S linked Group In order to Ensure $12.3 Million ES&S Contract Signed. Conflict-of-interest questions surrounding Michael R. Hackett Jr.'s relationship with owners of SST Systems, a New Albany company that supplies storage carts for voting machines, concerned board members for much of last year. Those worries appeared to be resolved on Nov. 23,when elections board Director Matthew Damschroder, a co-worker and close friend of Hackett's, told the board, "We've consulted with the county prosecutor and there are no conflicts of interest." The board then approved the SST contract. But County Prosecutor Ron O'Brien said last week that he never cleared Hackett of conflict questions. (*The Columbus Dispatch*, 5/14/2006)

> **Ohio Election Official Joined Board of ES&S Linked Company Despite Ohio Ethics Board finding "Significant Issues" With the Arrangement.** "In fact, when an Ohio Ethics Commission lawyer took an initial look at the relationship, she said there were "significant issues" with the arrangement. Hackett did not respond to the lawyer's questions for almost four months, and then he retired without receiving an opinion from the commission… For three or four months last year, Hackett's wife, Mary, was a one-third partner in SST. The company was incorporated in January 2005 by Mrs. Hackett; John Fike, one of Mr. Hackett's childhood friends; and Richard Prohl. On Jan. 3, five weeks after he retired from the board, Mr. Hackett became a partner of Fike and Prohl's by forming an affiliate of SST. * For months last year, SST Systems was negotiating a sales agreement with Election Systems & Software, a Nebraska-based company that was simultaneously seeking a contract to supply Franklin County's new voting machines." (*The Columbus Dispatch*, 5/14/2006)

Former Florida Secretary of State Profited by Acting as ES&S Lobbyist and as the Lobbyist for State Counties To Receive Vendor Recommendations. "A former Florida secretary of state profited by being a lobbyist for both the state's counties and the company that sold some of them touchscreen voting machines used in last month's botched primary election. Sandra Mortham, who served as the state's top elections official from 1995 to 1999, is a lobbyist for both Election Systems & Software and the Florida Association of Counties, which exclusively endorsed the company's touchscreen machines

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in return for a commission…After the association's June 2001 endorsement, ES&S received orders totaling more than $70.6 million from Florida counties. That includes Miami-Dade County's $24.5 million purchase and Broward County's $18 million contract. The association will receive about $300,000 in commissions, according to the agreement." (*AP News*, 10/5/2002)

After John Bel Edwards was Elected Governor of Louisiana, He Sided With ES&S and Successfully Blocked a $95 Million Voting Machine Contract Awarded to Their Competitor. "Ardoin's office had announced Aug. 9 that it had selected Dominion to replace Louisiana's current stock of voting machines, which were last purchased in 2005...The $95 million contract was held up a few weeks after it was awarded when one of the losing bidders, Election Systems & Software, the largest U.S. manufacturer of voting equipment, objected to the contracting process." (State Scoop, 10/11/2018)

> **Between 2014-2018, ES&S Donated $13,250 to Louisiana Governor John Bel Edwards (D).** "Louisiana campaign finance records show that ES&S's lobbyist in Baton Rouge, William "Bud" Courson, has donated $13,250 to Edwards' campaigns since 2014." (State Scoop, 10/11/2018)

"Independent" Voting Machine Testing Labs Accepted Thousands of Dollars in Donations From ES&S. "The private testing system of independent labs was created in 1994 by a group of election officials who were brought together by the National Association of State Election Directors (NASED)…In 2002, the Houston-based Election Center operated on a $462,000 budget. Executive Director Doug Lewis said Election Center's budget comes mostly from membership dues and training fees. But he acknowledges accepting up to $10,000 a year in donations from voting-equipment manufacturers like Sequoia Voting Systems and Election Systems & Software. That doesn't sit well with California's top election official. "Where I come from, any firm regulatory or approval scheme should be conducted by entities that are entirely independent from any reliance -- financial or otherwise -- from the people that they have to oversee," Shelley said." (*San Jose Mercury News*, Ackerman, 5/30/2004)

SOUTH CAROLINA REPUBLICANS TO REASSESS VOTER MACHINE PROCUREMENT AFTER ES&S CORRUPTION UNCOVERED DURING PROCESS TO PICK VENDOR FOR $60 MILLION STATE CONTRACT

South Carolina's Election Commission Executive Director, Marci Andino, Proposed $60M ES&S Contract After Serving on ES&S Advisory Board and Receiving Over $19,000 Worth of Flights, Hotels Meals, and Conferences From ES&S. "The relationship between South Carolina's director of elections and the country's largest voting equipment company has caught the attention of lawmakers as the state prepares to spend a proposed $60 million to replace 13,000 voting machines. For more than a decade, Marci Andino, executive director of the S.C. Election Commission, served on an advisory board formed by Elections Systems and Software, known commonly as ES&S. Andino received more than $19,000 worth of flights, hotels and meals from ES&S since 2009 to attend regular conferences at the company's headquarters in Nebraska and other cities across the country, according to records with the South Carolina Ethics Commission." (Post & Courier, 1/29/2019)

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S.C. Republican Lawmaker Said Conduct by ED of Election Commission May Give the Appearance of a Conflict and Urged Director to Avoid All Involvement in Solicitation Process. "Some of the lawmakers advocating for a new voting system in South Carolina worry Andino's connection to ES&S could cause the public to question that relationship, especially if the company is awarded another state contract. "I think if we're not careful it gives the appearance — and underline that, the 'appearance' — of a conflict," Rep. Kirkman Finlay, R-Columbia, said. "The director should avoid any and all involvement in the solicitation of bids." (Post & Courier, 1/29/2019)

S.C. Republicans Called for More Oversight and Transparency In the Bidding Process for Voting Machines, Move to Reassess Procurement Process, After Conflict of Interests Arise. "But lawmakers are working on a joint resolution to give the State Fiscal Accountability Authority — made up of top S.C. elected officials — the authority to approve or veto that decision. We feel like there needs to be some more oversight and the process needs to be a little bit more open," said state Rep. Kirkman Finlay, a Columbia Republican on the House Ways and Means Committee. "A lot of vendors, a lot of individuals, a lot of groups have contacted us and felt it was moving a little too quickly. With something like voting machines, we need to make sure everybody is included and everybody gets a shot at it." (The State, 2/21/2019

> **S.C. Chooses to Limit the Election Commission's Authority to Buy New Voting Machines Amid Concerns Over the Commission Director's Relationship with ES&S.** "S.C. lawmakers are working to limit the State Election Commission's authority to buy new voting machines, amid concerns over the projected cost and the commission director's longtime relationship with a possible vendor [ES&S]. (The State, 2/21/2019)

South Carolina Approves $51Million Contract for ES&S Despite Long History of Pay-For-Play with Election Officials. "State officials on Monday announced that a $51 million contract had been awarded to Election Systems and Software, the nation's largest voting equipment vendor, to provide the new voting machines which promise more security in producing a paper ballot…The company also has ties to elections officials in South Carolina and other states, an investigation by McClatchy and The State revealed…For at least nine years, ES&S invited dozens of state and local elections officials to serve on an "advisory board" that gathers twice annually for company-sponsored conferences, including at a ritzy Las Vegas resort hotel, a McClatchy investigation found. Andino was among the attendees. The State reported last June that the company had covered $19,200 in expenses associated with those trips for Andino during her decade as an adviser for ES&S." (*The State*, Barton, 6/10/2019)

South Carolina League of Women Voters Criticized Decision, Said Hand Marked Paper Ballots Cost Half as Much as ES&S Machines and Are More Secure. "Critics of the Election Commission, including the League, say the state could move toward hand-marked ballots that can't be hacked at half the projected cost -- about $25 million. Teague contends poorly designed ES&S software has led to problems in the past, including miscounted votes, according to League audits of South Carolina elections. She also argued hand-marked ballots have worked well in other states, and problems reading them have been exaggerated. "We are paying extra money for something that produces extra problems," she said. (*The State*, Barton, 6/10/2019)

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PENNSYLVANIA STATE AUDITOR WARNED OF NATIONWIDE ES&S VENDOR CORRUPTION "IF IT'S HAPPENING HERE, IT MUST BE HAPPENING ELSEWHERE."

Pennsylvania State Auditor Warned Auditors Nationwide to Review Potential ES&S Corruption. **"**Even if this activity was permitted under the law, county officials who are making decisions about spending taxpayer dollars should not accept anything of value from the companies that are asking for their business," DePasquale said... Costs are expected to range from $125 million to $150 million...DePasquale is urging auditors general nationwide to conduct similar reviews of elections-related gifts. "If it's happening here, it must be happening elsewhere," he said. (TribLive, 2/22/2019)

Pennsylvania State Auditor Called For Stronger Ethics Rules to Prevent County Officials From Benefiting from Voting Machine Vendor Corruption. "DePasquale called for updating disclosure laws and strengthening state ethics rules to encompass more public officials. He said it doesn't matter if the gifts were large or small. He took issue with the fact that people accepted them. "Even if this activity was permitted under the law, county officials who are making decisions about spending taxpayer dollars should not accept anything of value from the companies that are asking for their business," DePasquale said." (TribLive, 2/22/2019)

Pennsylvania State Auditor Cited Several Counties For Accepting Gifts From ES&S That "Smacks Of Impropriety." Elections officials in Western Pennsylvania say they're rethinking accepting even small gifts like coffee and doughnuts from potential vendors after state Auditor General Eugene DePasquale flagged counties around the state for behavior that "smacks of impropriety." Westmoreland, Butler and Washington counties were among those cited for accepting gifts from voting machine vendors since 2016. (TribLive, 2/22/2019)

Pennsylvania State Auditor Was Concerned When ES&S Offered Flights to Las Vegas, Tickets to Wine Festivals, Admission to Amusement Parks, Dinners at High End Restaurants, and Open Bars at Conferences to Public Officials in 27% of Pennsylvania Counties. "Flights to Las Vegas, tickets to wine festivals, admission to an amusement park, dinners at high-end restaurants and open bars at conferences were among gifts that companies provided to public officials in 18 of Pennsylvania's 67 counties, DePasquale said in a report released Friday. "As Pennsylvania counties choose new voting equipment, I want them to make decisions based on the best interest of voters — and no other factors," DePasquale said." (TribLive, 2/22/2019)

Philadelphia City Controller Refused to Approve Payment for ES&S Voting Machines Amid Process and Legal Concerns. "Philadelphia City Controller Rebecca Rhynhart says she will not approve payment for new voting machines that will cost the city tens of millions of dollars. "I'm deeply concerned about the legality of this process," she said in a statement Tuesday night, "and as city controller, I will not release $1 of payment while these questions go unanswered." (The Inquirer, 5/1/2019)

Philadelphia Controller is Investigating Accusations Voting Machine Selection Process Biased to Favor Electronic Voting Machines Over Paper Ballots. "Until her office completes an investigation of the voting-machine selection process, including accusations that it was biased to favor electronic voting machines over paper ones that voters fill out manually, Rhynhart said she won't sign

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off on payment. Her approval is one of several that are required along the way when the city purchases new equipment or services." (The Inquirer, 5/1/2019)

Philadelphia Commission Approved ES&S Machines Despite Fierce Criticism from Controller, Auditor General and Hand-Marked Paper Ballot Supporters. "The Philadelphia city commissioners chose a new voting machine system Wednesday to be used starting in November, despite criticism of the process from the city controller, the state auditor general, and a group of advocates who want hand-marked paper ballots." (The Inquirer, 2/20/19)

Unnamed City Employees Selected ES&S Through a "Fast-Tracked and Secret Selection Process." "New voting machines were selected Feb. 20 by two of the three current commissioners, Lisa Deeley and Al Schmidt, after a fast-tracked and secret selection process in which a committee of unnamed city employees evaluated proposals from vendors and made recommendations to the commissioners. Deeley has defended that process as intentionally rushed to meet Gov. Tom Wolf's directive to purchase new machines by next year and intentionally secretive to protect it from outside influence, in accordance with city rules." (The Inquirer, 5/1/2019)

Commissioner Anthony Clark Voted Against the Proposal Because He Was Denied All Information Pertaining to the Selection Process as it Occurred. "Later, he called The Inquirer to reiterate his position. He said that since he had not signed a confidentiality form that would have allowed him to receive information on the selection as it was occurring, he was essentially left out of the process. He added that he learned about the machines only at the public meetings and as advocates criticized the system. "I didn't have enough information," Clark said. "I didn't even know what options were available, because I didn't sign the confidentiality [form] and no information was coming to me." (The Inquirer, 4/10/19)

Pennsylvania Councilwoman Called For ES&S to be Removed from Consideration of $4M Contract Following Pay-For-Play Controversy. "Luzerne County Councilwoman Linda McClosky Houck has called for a potential vendor of planned new voting machines to be removed from the process, based on the company's ties to the county election director…The company, known as ES&S, became embroiled in controversy in December when it came to light that county election director Marisa Crispell had served on the ES&S advisory board in 2017, and attended advisory board meetings for which the company paid her travel expenses. The county plans to purchase new paper-trail voting machines this year, to comply with a directive from state officials. The new voting system will cost about $4 million, county officials said. (*The Citizen's Voice*, Mark, 6/19/2019)

Pennsylvania Officials Say "Almost Impossible" for Voting Machines to be in Place for November Elections Given Training Required. "McGinley said he hopes the committee will forward its recommendation to council this summer. However, it is not likely the new voting machines will be in place for the November election, as officials had hoped, according to county Manager David Pedri. Even if the machines arrive in time, the amount of training required for election officials, poll workers and voters would make that almost impossible, Pedri said." (*The Citizen's Voice*, Mark, 6/19/2019)

Pennsylvania Governor Announced $90 Million Bond Issue to Fund State Mandated Voting Machines. "Pennsylvania Gov. Tom Wolf announced a $90 million bond issue Tuesday to fund a statewide voting machine upgrade effort that he ordered more than a year ago to ensure that every

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vote cast creates a paper trail that can be checked by voters and audited …The statewide voting machine upgrade requires all counties to use new systems with paper trails that voters can verify in plain text before casting their votes, allowing for audits and manual recounts. While some counties have used paper-based systems for years, most Pennsylvania voters have used insecure systems that store votes electronically." (The Philadelphia Inquirer, 7/9/2019)

ES&S LIED TO FEDERAL LAWMAKERS REGARDING DATA SECURITY AND CONSISTENTLY DEMONSTRATED A DANGEROUS LACK OF COMPETENCE IN CREATING SECURE AND RELIABLE MACHINES. "CRIMINALLY NEGLIGENT" SOFTWARE CAUSED ELECTION ALTERING UNDERVOTES, EXPOSED PERSONAL DATA OF MILLIONS, AND VIOLATED STATE LAWS.

ES&S MACHINES ARE DIRECTLY TIED TO SIGNIFICANT UNDERVOTES AT EVERY LEVEL IN GEORGIA, FLORIDA, TEXAS, ARIZONA, PENNSYLVANIA, AND NORTH CAROLINA

Georgia's ES&S Unreliable Machines Led to an Undervote In the Lieutenant Governor's Race of over 60,000 votes (2018). "The conduct of the election "was so defective and marred by material irregularities as to place in doubt the result of the election under Georgia law. This court should therefore declare the contested election invalid and set the date for a second election between the same candidates," the lawsuit states…"Citizens must not permit flawed elections to stand," said Bruce Brown, an Atlanta-based attorney representing the plaintiffs…The lawsuit notes the lieutenant governor's race reported only 3,780,034 votes, while every other statewide race tally exceeded 3.843 million votes. The plaintiffs allege that "this high under-vote rate is a likely result of the touchscreen voting system malfunctions, and that the un-auditable system does not permit a reliable determination of the vote count." (AP News, 11/24/2018) (Note: GA signed a $54 million voting machines deal with Diebold Election Systems in 2002, Diebold sold Election System business to ES&S after Antitrust lawsuit in 2009.)

In 2015, Georgia Officials Said State Protocol Required *Every* Precinct in *Every* County to Compare Tabulated Results with Physical Poll Tape to Avoid ES&S Software Bug that Causes Undervote. "Some counties in Virginia and Georgia still use the problem software, as well. But they employ special protocols to make sure that votes aren't dropped, officials in both states say. In Georgia, that includes comparing tabulated precinct results with each physical poll tape—essentially replicating Smith's experiment, but for every precinct in every county." (Bloomberg, 9/29/2016)

ES&S General Election Software "Dropped" Over 1000 Votes from Black Precincts in Memphis—Some Were Incorrectly Labeled "Double Votes" By the System. "Not all of the precincts are named in the e-mail, but a master record for the voting machines shows missing uploads at four polling places on election night, all in areas with large concentrations of black voters. Three are located at black churches… The weird thing is, the GEMS system recognized at least some of the missing votes—stored on the memory cards of seven voting machines—as already counted when officials tried to reload them on Oct. 19, according to an e-mail exchange between Young and operations manager Darral Brown. But it was clear from Smith's poll tape and other data dug up by

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Young that they hadn't been. In all, 1,001 votes had been dropped from the election night count, according to the master record, including almost 400 from an early voting center at Mt. Zion, the most from any single polling place." (Bloomberg, 9/29/2016)

2015 Memphis Undervote Caused by Software Bug ES&S [Diebold] Aware of Since 2008. "Among the documents released to Chumney is a user's manual for the county's version of GEMS. It shows they're using a version of the software that contains the bug known to drop votes, the subject of that 10-month investigation in Ohio in 2008. The software flaw creates exactly the situation described in the e-mails by Young and other officials, one that has been well-known for eight years. Diebold didn't replace the flawed versions outside of Ohio, and for counties to do so on their own was expensive." (Bloomberg, 9/29/2016)

In 2008, ES&S [Diebold] Lied to Ohio Secretary of State About Software Bug That Caused Primary Undervote in 11 Counties. "Ohio Secretary of State Jennifer Brunner sued Diebold following the 2008 primaries after 11 counties using the company's AccuVote-TSX voting machines and GEMS tabulator dropped votes. The company claimed the problem was the result of the antivirus program the counties were using. After a 10-month fight, Diebold conceded the lost votes were the result of a software bug. The bug was fixed in later versions, and more than half of Ohio counties received free or discounted voting machines and software as part of the settlement." (Bloomberg, 9/29/2016)

In Florida, a Major Congressional Race in Florida Imploded After 18,000 Votes From Paperless ES&S iVotronic Machines Went Missing in a Race Decided By Less Than 400 Votes (2006). "But the tipping point came in 2006, when a major congressional race between Vern Buchanan and Christine Jennings in Florida's 13 th District imploded over the vote counts in Sarasota County—where 18,000 votes from paperless machines essentially went missing (technically deemed an "undervote") in a race decided by less than 400 votes. Felten drew an immediate connection to the primary suspect: The ES&S iVotronic machine…".(Politico, 8/5/2016)

A 2002 ES&S Software Error Caused 103,222 Votes to Not Be Counted in The Original Tally in Broward County, Florida. "CNN reported that a software error caused 103,222 votes, cast with ES&S iVotronic paperless machines, to be left uncounted in the original tally. The error was discovered the morning after Election Day. When the missing votes were added, voter turnout for the county was adjusted from 35% to 45%." (Brennan Center For Justice, 2010)

In 2007, Florida's ES&S Machines Were Responsible for a 5% Undervote of Absentee Ballots in the US Senate and US Governor's Race. "In 2007, the Florida Division of Elections listed Orange County as experiencing the highest undervote rates in the state on absentee ballots cast in the 2006 general election for both the U.S. Senate race and the state Governor's race. Alarmed by the exceptionally high rate of undervoted ballots in a major election – nearly 5 percent – the Florida Fair Elections Center's Associate Director contacted the Orange County Elections Administrator, who promised to investigate the issue. According to the Center, Orange County officials responded to the inquiry by stating that their manual inspection of the ballots confirmed that some legitimately cast ballots had not been counted... Bill Cowles, Supervisor of Elections for Orange County noted in an interview with us that the county switched to a different model of ES&S scanner after the 2006 general election." (Brennan Center For Justice, 2010)

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An ES&S Software Glitch Led to 32,000 Votes to Not Be Counted on Certain Florida State Amendments. “Two days after Election Day in November 2004, Broward County election officials double-checked election results and discovered that tens of thousands of votes on certain state amendments were not counted. The problem: a “software glitch” in the system used to count the county’s absentee ballots.91 According to the Palm Beach Post, the software started counting backward after it logged 32,000 votes in a race. Once officials identified the problem and obtained correct vote totals, the newfound votes contributed to a changed result for a statewide gambling amendment and sparked angry calls for a recount.” (Brennan Center For Justice, 2010)

ES&S Machines Led to Nearly 3000 Votes Disappearing in Florida 2018 Recount. “Nearly 3,000 votes effectively disappeared during the machine recount of Florida's midterm races, according to election records, calling into question whether officials relied on a flawed process to settle the outcome of three statewide contests. With extremely narrow gaps separating candidates in the still-undeclared races for both governor and United States Senate, the results of the machine recount of all votes cast in the Nov. 6 election, posted by the Florida secretary of state's office, showed 900 fewer votes than those reported in the original statewide tally. The discrepancy was expected to grow by an additional 2,000 votes when updated numbers from Broward County [are added]…Teresa Paulsen, spokeswoman for ES & S, the other company, said machine recounts depend on the same number of ballots being entered into the system. Some ballots could have been torn or damaged after the election, which could have cause a different result in the recount, she said.” (New York Times,11/17/2018)

In Dallas County, Texas ES&S Machines Failed to Count 41,000 Votes Do to Software Error (1998). “In its maiden run almost two years ago, Dallas County's new $ 3.8 million computerized election system overlooked 41,000 votes, one of every eight cast. A software error made it think the votes had already been counted. Thirty elections later, in the March 14 primaries, the county released "final" totals that left out 11,000 votes…"We are concerned that it failed to operate properly in Dallas," said Ann McGeehan, the state's director of elections. "This election-reporting system is very clunky.” (*The Dallas Morning News*, Gillman, 4/1/2000)

In the 2008 Presidential Primary, an ES&S Software Error Resulted in Romney Incorrectly Being Declared Winner of Cochise County, Arizona and More Votes Cast than People Registered. “The Douglas Dispatch reported that, in Cochise County, during the 2008 primary presidential race, “a computer glitch that kept counting five polling places over and over again-for five times-caused [a] reporting error” of the election’s results…Consequently, the error resulted in Mitt Romney erroneously being declared winner of Cochise County over John McCain in news reports on the day after the election…Moreover, “the error got worse when the cumulative error went through five updates. It was then realized that the total number of ballots cast according to the wrong report was more than the people registered in the county, Schelling said.” (Brennan Center For Justice, 2010)

ES&S Coding Error Resulted in 2,452 Votes Not Counted in Lackawanna County, Pennsylvania (2009). “The good news is, with paper, we have the ballots." The large-scale recount was forced by the disclosure last week of a coding error in the county's computerized vote counters. The error cost city tax collector candidate Bill Courtright and city Councilwoman Janet Evans up to 2,452 straight-party votes. The revelation prompted a flurry of requests for recounts, based partly on fears the error was more widespread, despite Director of Elections Maryann Spellman Young's assurances to the contrary… Omaha, Neb.-based Election Systems & Software, the machine provider, will lend the

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county a new, high-speed vote counter… Party secretary Lance Stange said he is skeptical about the new, high-speed machine recount because Election Systems & Software is providing the machine. "It's from the same company that made the earlier error," he said." (*The Times-Tribune*, Krawczeniuk, 11/13/2009)

ES&S Software Error Caused 94,000 Votes to be Counted Late in North Carolina, Resulting in a Late-Night Lead Change and Complaints Regarding Accuracy (2016). "Similarly, this round of upgrades comes on the heels of concerns regarding the technology used in the 2016 election. In North Carolina, Durham County faced difficulties transferring data off of the memory cards in its vote scanning machine bought from Election Systems & Software. The glitch, the result of memory limitations in the counting software, caused a late-night lead change in the gubernatorial race from then-incumbent Pat McCrory to challenger and eventual victor Roy Cooper, despite the state's website reporting that the county had already completed tallying its votes." (*The News & Observer*, Lewontin, 8/2/2018) (94,000 votes citation)

ES&S Software Error Resulted in 436 Ballots In North Carolina Not Counted (2002). "Problems with voting machines in elections were also making headlines. In 2002 in North Carolina, for example, D.R.E.s made by ES&S failed to record 436 entire ballots during early voting in Wake County, a failure the company attributed to a software bug. Two years later, in Jacksonville, N.C., a D.R.E. made by UniLect lost more than 4,500 ballots when its memory became full and stopped recording; it continued to let voters cast ballots, however, instead of locking up. The incidents that made headlines were disturbing enough, but the real concerns were the ones that weren't being caught." (New York Times, 9/26/2018)

OHIO ES&S SOFTWARE CALLED "HIGHLY DANGEROUS," "CRIMINALLY NEGLIGENT FROM THE STANDPOINT OF DATA SECURITY" AND "INSANELY RISKY" BY ELECTION SECURITY EXPERTS

Attorney Cliff Arnebeck Called the Installation of ES&S Software in Ohio Machines a "Flagrant Violation of the law." His attorney, Cliff Arnebeck, has also referred the case to the Cincinnati FBI for a criminal investigation. Arnebeck says, "It's a flagrant violation of the law. Before you add new software, you need approval of a state board. They are installing an uncertified, suspect software patch that interfaces between the a county's vote tabulation equipment and state tabulators." He adds, "This may be criminal conduct. If they're not doing something wrong, why are they covering it up?" (Huffington Post, 1/23/2014)

In 2014, Free Press Editor-In-Chief Robert Fitrakis Filed a Lawsuit Against ES&S and the Ohio Secretary of State To Halt the Use of Secretly Installed, Unauthorized "Experimental" Voting Machine Software. "Those worries about a rigged election were given new urgency today as The Ohio-based Free Press editor-in-chief Robert Fitrakis, also a Green Party candidate for Congress, announced plans to file a lawsuit later today seeking an immediate injunction against Ohio Secretary of State Jon Husted and the ES&S manufacturer to halt the use of secretly installed, unauthorized "experimental" software in 39 counties' tabulators in an alleged violation of state election law. (Huffington Post, 1/23/2014)

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In Sworn Declaration, Election Security Expert Jim March Called ES&S Custom Software Update in Ohio Voting Machines "Highly Dangerous." "For a number of reasons, I believe that this custom software is not necessary for the conduct of elections and is in fact highly dangerous – the presence of this software significantly reduces the odds that the election results (on a county or statewide level) will be illegally and/or unconstitutionally incorrect. My analysis follows." (PDF, 11/03/2012)

Election Security Expert Jim March Called ES&S Software "Extremely Dangerous" and Said Deliberate Tampering of Software Would Be "Child's Play." "9) What ES&S has chosen to do here is extremely dangerous and exactly what you'd want to do if you wanted to plant a "cheat" onto the central tabulator. Their custom application written in a variant of the COBOL programming language would have full contact with the central tabulator database on both a read and write basis, while running on the same computer as where the "master vote records" are stored. 10) Under this structure a case of accidental damage to the "crown jewels" of the election data is possible. A case of deliberate tampering of that data using uncertified, untested software would be child's play." (PDF, 11/03/2012)

ES&S Called "Criminally Negligent From a Standpoint of Data Security" by Election Security Expert Jim March in Sworn Declaration. "What they have done instead is criminally negligent just from a standpoint of data security. To double-check the results after this new system is implemented you'd have to go back to the original paper and/or any remaining "poll tapes" from the precincts ("cash register" type paper strips containing that precinct's vote totals). "Poll tapes" from the mail-in vote process may not even exist – most systems feed mail-in votes from scanners straight into the central tabulator with no independent record of the vote. In either case there would need to be public records access to either the poll tapes...or the original paper ballots. There has been widespread media complaints about the access to either sort of public records in Ohio." (PDF, 11/03/2012)

Election Security Expert Jim March Says ES&S Chosen Methods of Data Collection Are "Unspeakably Stupid, Excessively Complex and Insanely Risky." "In conclusion, the idea of producing industry-standard .CSV data files of election results is not inherently bad. The method of execution chosen however is unspeakably stupid, excessively complex and insanely risky. In medical terms it is the equivalent of doing open heart surgery as part of a method of removing somebody's hemorrhoids. Whoever came up with this idea is either the dumbest Information Technology "professional" in the US or has criminal intent against the Ohio election process and if I were to guess it would be the latter." (PDF, 11/03/2012)

Ahead of 2019 Elections, ES&S Has Failed to Install Software Patch Needed for Voting Machines Across Ohio Counties. "[ES&S] which currently supplies the sign-in equipment voters use at their polling location, has said it would provide a software update to make the equipment compatible with recently ordered voting machines. But ES&S has been behind on compliance of its pledge, which has put some election boards across the state in a bind…getting it installed and being trained on operation, the [Hancock County] board's motion Monday requires a decision from ES&S and the Secretary of State's office on systems compatibility by July 12…If a decision hasn't been received, the board authorized contacting KnowInk, a St. Louis, Missouri-based company, to provide the "poll pad" equipment." (The Courier, 6/25/2019)

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In 2005, ES&S Surprised Small Ohio County With $40,000 Per Year Service Fee for Election Software Written in 1996. "When Allen County, Ohio, replaced its old voting machines in 2005 with equipment from ES&S, officials didn't realize they'd also be stuck with a service fee of $40,000 per year to help run an election system that handled about 70,000 votes. "When we found out the cost, our jaws just about hit the floor," says Ken Terry, who was election director there until this year. To top it off, Terry discovered that the county was paying top dollar for antiquated technology. It wasn't until the machines were purchased, and in place, that county officials realized their new system ran on software written in 1996." (Bloomberg, 9/29/2016)

ES&S HAS CONSISTENTLY DEMONSTRATED A SYSTEMATIC DISREGARD FOR BASIC SECURITY BEST PRACTICES AND A COMPLETE LACK OF COMPETENCE IN THE MANUFACTURING OF RELIABLE VOTING MACHINES

In May 2019, A Critical Firewall Vulnerability that Allowed Attackers to "Fully Compromise" Device Networks, Was Found in ES&S Voting Machines. "The first is a bug in Cisco's IOS operating system—not to be confused with Apple's iOS—which would allow a hacker to remotely obtain root access to the devices. This is a bad vulnerability, but not unusual, especially for routers…. The second vulnerability, though, is much more sinister. Once the researchers gain root access, they can bypass the router's most fundamental security protection…In practice, this means an attacker could use these techniques to fully compromise the networks these devices are on…"That means we can make arbitrary changes to a Cisco router, and the Trust Anchor will still report that the device is trustworthy. Which is scary and bad, because this is in every important Cisco product. Everything." (Wired, 5/13/19)

> **Cisco Security Advisory Lists Firewall "ASA 5506-X" as First Affected Product.** (Ciscos.com, 5/13/2019)
>
> **The ES&S Firewall Systems "ASA-5506-X", Made by Cisco, Was Used by ES&S in Michigan[1], Florida[2], and Iowa[3].** ([1]MI Contract, 3/1/2017) ([2]FL Certification, 2/9/2012) ([3]State of Iowa, 9/18/18)

Did ES&S Properly Warn States and Counties that their Voting Machines Could Be "Fully Compromised?" Has ES&S Installed the Recommended Software Patch in Every Single Affected Voting Machine?

Nearly Every Make and Model of Voting Machine Created in the Last 15 Years Is Vulnerable to Hacking. It was just another example of something that Eckhardt and other experts had suspected for many years: that many critical election systems in the United States are poorly secured and protected against malicious attacks. In the 15 years since electronic voting machines were first adopted by many states, numerous reports by computer scientists have shown nearly every make and model to be vulnerable to hacking. (New York Times, 2/21/2018)

As of September 2018, ES&S Failed to Fix Massive Security Flaw in Scanners Originally Discovered 11 Years Ago—Still Selling Scanners on Website. An uncorrected security flaw in a vote-counting machine used in 23 U.S. states leaves it vulnerable to hacking 11 years after the manufacturer was alerted to it, security researchers say. The M650 high-speed ballot scanner is made

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by Election Systems & Software, the nation's leading elections equipment vendor. The vulnerability was the most serious noted in voting equipment in a report Thursday… "If successfully hacked by someone intent on changing vote totals in a swing-state county, "it could flip the Electoral College," [Jake Braun] said… ES&S did not respond when asked by The Associated Press why it had not corrected the Zip drive vulnerability despite knowing about it for more than a decade. It also did not say whether it continues to sell the M650, which was listed on its website product offerings as recently as last month." (*St. Louis Post-Dispatch*, Bajak, 11/28/2018)

Election Expert on ES&S 'What I've seen in the past 10 years is that the vendors have absolutely fumbled every single attempt in security.'' "What I've seen in the past 10 years is that the vendors have absolutely fumbled every single attempt in security,'' says Jacob D. Stauffer, vice president of operations for Coherent Cyber, who has conducted voting-machine security assessments for California's secretary of state for a decade. In a report Stauffer and colleagues published last year about their recent assessment of ES&S machines, they found the voting machines and election-management systems to be rife with security problems." (New York Times, 2/21/2018)

ES&S's New Barcode-Ballot Producing Machines Called "A Ruse" that "Makes a Mockery of Notion that the Ballot is 'Voter-Verifiable." "The new machines being peddled by companies like Election Security & Software (ES&S), the nation's biggest vendor of voting technology, are designed to give the impression of being "voter-verifiable." But it's a ruse. The machines produce a so-called "paper ballot," which voters can use to verify a text printout of their votes if they take the time. But it's not the text the voter is reading and reviewing, but the barcode beneath, that is actually tallied electronically as their vote…Elections officials can't, either. The barcode-based setup "makes a mockery of the notion that the ballot is 'voter-verifiable,'" agreed Duncan Buell, a computer science professor at the University of South Carolina, because "what the voter verifies is not what is tallied." (The New Republic, 3/06/2019)

University of Iowa Computer Scientist Slammed ES&S For "Mediocre Programming," "Insufficient Pre-Election Testing," and a Complete Lack of "Security Conscious" in Any Phase of Their Design. "University of Iowa computer scientist Douglas Jones said both incidents reveal mediocre programming and insufficient pre-election testing. And voting equipment vendors have never seemed security conscious "in any phase of their design," he said." (AP News, 10/29/2018)

ES&S Sold 22,619 Faulty Voting Machines That Lose Calibration Throughout Election Day Causing "Vote Flipping." "There is a real chance that voters using iVotronic machines in your state will experience 'vote flipping' similar to that experienced by voters in West Virginia," the letter said. "What they've seen is calibration drift on a unit," Merriman said. "They're fine in the morning, but by afternoon they're starting to lose their calibration." The phenomenon is described in a federal lawsuit filed in November 2005 by Bergquist Co., which makes touch screens for ES&S…It described how air pockets between layers of the screen and residual acid in an ink compound were causing the touchscreens to malfunction…" "Ultimately, Bergquist determined that the dielectric ink, which had caused the sudden 'out-of-calibration' problems, had been used in 22,619 touch screens sold by Pivot and incorporated in voting machines, and thus every screen had failed and required replacement." (Salina Journal, 4/10/2009)

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2018 Report Commissioned by California Secretary of State Found 115 Critical and Important Software Patches to Be Missing and 176 Instances of Server Misconfigurations on ES&S Machines. Please See Appendix A. (ES&S Security Test Report, 8/28/2017)

ES&S Misconfigured Windows 7 Software 96 Times on Machines They Chose to Provide to California Secretary of State for Security Testing. Please See Appendix A. (ES&S Security Test Report, 8/28/2017)

The AP Said ES&S Faced No Significant Oversight and Operated Under a Shroud of Financial and Operational Secrecy. "A trio of companies — ES&S of Omaha, Nebraska; Dominion Voting Systems of Denver and Hart InterCivic of Austin, Texas — sell and service more than 90 percent of the machinery on which votes are cast and results tabulated. Experts say they have long skimped on security in favor of convenience, making it more difficult to detect intrusions such as occurred in Russia's 2016 election meddling. The businesses also face no significant federal oversight and operate under a shroud of financial and operational secrecy despite their pivotal role underpinning American democracy." (AP News, 10/29/2018)

In 2017, Rigorous Scrutiny of Voting Systems Found Multiple Vulnerabilities in ES&S's Electionware System That Could Allow Intruders to Erase All Recorded Votes. "California conducts some of the most rigorous scrutiny of voting systems in the U.S. and has repeatedly found chronic problems with the most popular voting systems. Last year, a state security contractor found multiple vulnerabilities in ES&S's Electionware system that could, for instance, allow an intruder to erase all recorded votes at the close of voting. (AP News, 10/29/2018)

Security Researchers Discovered Critical Vulnerabilities In ES&S Software That Would Allow Attackers to Seize Control of System. "Around this same time, security researchers discovered a critical vulnerability in pcAnywhere that would allow an attacker to seize control of a system that had the software installed on it, without needing to authenticate themselves to the system with a password. And other researchers with the security firm Rapid7 scanned the internet for any computers that were online and had pcAnywhere installed on them and found nearly 150,000 were configured in a way that would allow direct access to them. It's not clear if election officials who had pcAnywhere installed on their systems, ever patched this and other security flaws that were in the software." (MotherBoard, 7/17/2018)

ES&S Installed Third Party Software On Its Election System During the Same Time Period That Software Was Hacked. "In 2006, the same period when ES&S says it was still installing pcAnywhere on election systems, hackers stole the source code for the pcAnyhere software, though the public didn't learn of this until years later in 2012 when a hacker posted some of the source code online, forcing Symantec, the distributor of pcAnywhere, to admit that it had been stolen years earlier. Source code is invaluable to hackers because it allows them to examine the code to find security flaws they can exploit." (MotherBoard, 7/17/2018)

ES&S Used Easily Hackable Cell Phone Modems to Upload Election Night Results. "The ES&S model DS200 optical-scan voting machine has a cell-phone modem that it uses to upload election-night results from the voting machine to the "county central" canvassing computer. We know it's a bad idea

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to connect voting machines (and canvassing computers) to the Internet, because this allows their vulnerabilities to be exploited by hackers anywhere in the world...So, in summary: phone calls are not unconnected to the Internet; the hacking of phone calls is easy (police departments with Stingray devices do it all the time); and even between the cell-towers (or land-line stations), your calls go over parts of the Internet." (Freedom to Tinker, 2/22/2018)

Despite Hackers Ability to Change Votes In ES&S Machines, ES&S Has No Way to Audit Its Own Firmware, So Corrupt Firmware Would Remain Indefinitely. "In all three cases, the practical implication of this attack would be to allow attackers to change votes and hence election outcomes. This attack is potentially persistent, because unless iVotronic machines are audited before future elections, it is plausible that the firmware will remain on the iVotronic system indefinitely. According to the EVEREST report, ES&S has no way to audit its own firmware, so this means that persistently corrupted firmware is the rule, not the exception." (David Cahn – University of Pennsylvania, 4/26/2017)

The 30,000 ES&S Optical Scanners Across 43 States Are "Naively Designed" and Allow For Attacks That Could Infect Central Unity Systems Used To Count Votes Countywide. "ES&S M100 Optical Scan voting machines are paper ballot tabulators. 30,000 M100 Optical Scan machines are used to count votes in 43 states. Due to their design, the attack surface for these machines is smaller than that of touch screen voting systems. Since there is no user interface, regular voters might find it difficult to attack the M100. Not so for poll workers; M100 machines are naively designed, allowing for malware and firmware attacks that could, at best, alter the voting results for a single precinct, and at worst infect the central Unity system used to count countywide votes. (David Cahn – University of Pennsylvania, 4/26/2017)

ES&S Did Not Hire A Data Security Officer Until April of 2018. "ES&S hired its first chief information security officer in April. None of the big three vendors would say how many cybersecurity experts they employ. Stimson said that "employee confidentiality and security protections outweigh any potential disclosure." (AP News, 10/29/2018)

An Election Specialist Said the ES&S Breach "Raises A Lot of Questions About Their Ability To Keep Both the Voting Systems They Run and Their Own Networks Secure." "The implications of the exposure are much broader than Chicago because Election Systems & Software is the largest vendor of voting systems in the United States, said Susan Greenhalgh, an election specialist with Verified Voting, a non-partisan election integrity non-profit."If the breach in Chicago is an indicator of ES&S's security competence, it raises a lot of questions about their ability to keep both the voting systems they run and their own networks secure," she said." (USA Today, 08/18/2017)

Election Technology Expert Said It Would Be "Unprofitable" For ES&S to Build Truly Secure Systems. "In much of the nation, especially where tech expertise and budgets are thin, the companies effectively run elections either directly or through subcontractors. "They cobble things together as well as they can," University of Connecticut election-technology expert Alexander Schwartzman said of the industry leaders. Building truly secure systems would likely make them unprofitable, he said." (AP News, 10/29/2018)

ES&S Passed ProCircular Testing Yet Barred Company from Releasing Any Details. "ProCircular's team spent several weeks conducting penetration testing on the hardware,

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software, and way the device performed. The firm found the [ES&S] devices to be, in their words, "reliable and secure."… ProCircular did not release further details on the report due to a confidentiality agreement with ES&S. Such agreements are standard when a company undergoes a penetration test." (Cyberscoop, 4/24/2019)

Cybersecurity Reporter, Eric Geller, Called the Brief Statement by ProCircular, Published Without Data, "The Exact Opposite of What Independent Experts Have Been Recommending for Decades. "Does ES&S actually think a brief statement from a company that can't publish its test results will reassure anyone? This is the exact opposite of what independent experts have been recommending for decades." (Twitter, 4/24/2019)

Microsoft Will Stop Providing Free Support for ES&S Certified Windows 7 Software on January 14th. "That's significant because Windows 7 reaches its "end of life" on Jan. 14, meaning Microsoft stops providing technical support and producing "patches" to fix software vulnerabilities, which hackers can exploit. In a statement to the AP, Microsoft said Friday it would offer continued Windows 7 security updates for a fee through 2023." (AP, 7/13/2019)

ES&S May Not Be Able To Certify Windows 10 Before 2020 Primaries. "For many people, the end of Microsoft 7 support means simply updating. However, for election systems the process is more onerous. ES&S and Hart don't have federally certified systems on Windows 10, and the road to certification is long and costly, often taking at least a year and costing six figures…Though ES&S is testing a new system it's unclear how long it will take to complete the process — federal and possible state recertification, plus rolling out updates — and if it will be done before primaries begin in February." (AP, 7/13/2019)

ES&S Did Not Complete Windows 7 Certification (Released in 2009) Until March 2019. "ES&S, the nation's largest vendor, completed its latest certification four months ago, using Windows 7. Hart's last certification was May 29 on a Windows version that also won't be supported by November 2020." (AP, 7/13/2019)

ES&S LARGE-SCALE NEGLIGENCE EXPOSED PERSONAL DATA OF MILLIONS OF VOTERS, LEFT TENS OF THOUSANDS OF NAMES OFF ROLLS AND LED TO MASSIVE DELAYS IN VOTE COUNTS ACROSS THE COUNTRY

In Chicago, ES&S Negligence Exposed Personal Data of 1.8 Million Voters, Including Partial Social Security Numbers and Driver's License Information in 2017. "Names, addresses, dates of birth and other information about Chicago's 1.8 million registered voters was left exposed and publicly available online on an Amazon cloud-computing server for an unknown period of time, the Chicago Board of Election Commissions said. The database file was discovered August 11 by a security researcher at Upguard, a company that evaluates cyber risk. The company alerted election officials in Chicago on August 12 and the file was taken down three hours later. The exposure was first made public on Thursday." (USA Today, 08/18/2017)

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In Alabama, ES&S Used Critically Flawed and Unsecured Wireless Connections In Voting Machines Until the State Forced Them To Remove Wireless Connections Last Year. "For instance, industry leader ES&S sells vote-tabulation systems equipped with cellular modems, a feature that experts say sophisticated hackers could exploit to tamper with vote counts. A few states ban such wireless connections; in Alabama, the state had to force ES&S to remove them from machines ordered for one of its counties earlier this year. "It seemed like there was a lot more emphasis about how cool the machines could be than there was actual evidence that they were secure," said John Bennett, the Alabama secretary of state's deputy chief of staff." (AP News, 10/29/2018)

In Los Angeles County, ES&S "Sloppy System Integration" Left 118,000 Names Off Printed Voter Rolls In 2018. "During this year's primary elections, ES&S technology stumbled on several fronts. In Los Angeles County, more than 118,000 names were left off printed voter rolls. A subsequent outside audit blamed sloppy system integration by an ES&S subsidiary during a database merge." (AP News, 10/29/2018)

In 2008, Florida's ES&S DS200 Machines Had an Overvote Rate on Election Day that Was 18 Times Greater Than Any Other System in Florida. "A study from the Florida Fair Elections Center shows that counties using the ES&S DS200, which in the event of an overvote displayed a confusing message and did not automatically reject a ballot, had an overvote rate on Election Day 2008 that was as much as 18 times that of systems used in other Florida counties." (Brennan Center For Justice, 2010)

ES&S Failed to Notify Elections Officials in Pulaski County, Arkansas that Screens Would Appear Distorted for Voters Over 6ft Tall, Potentially Causing Them to Choose Incorrect Candidate (2006). "During early voting in the May primary, several voters complained of problems with an ES&S touch screen DRE. According to a local newscast, Pulaski County election officials tested the machine and determined that the machine was not broken; an optical illusion perceived by voters who were over six feet tall caused the problem. Officials determined that the angle at which particularly tall voters viewed the screen caused them to believe that they were voting for the candidate below the one for whom a vote was recorded… a company employee told her that they were already aware of optical illusion problems experienced by tall voters… Officials were livid at the thought that ES&S could have known about the problem and failed to warn them." (Brennan Center For Justice, 2010)

ES&S Sent Madison County, Indiana 7,400 Faulty Ballots, Then Blamed County For Not Testing The Ballots First (2008). "The Herald Bulletin reported "that as many as 7,400 of the 12,000-some ballots used for early voting could not be counted by the machines. As it turns out, the coding on that portion of the early ballots was in the wrong position on the paper, tripping up the machines." According to an editorial in the paper, "an official from Omaha-based Election Systems & Software, which provided the counting system, seemed to acknowledge that the company had sent the county ballots that wouldn't work. But the county should take some blame too for not taking the precaution of testing the new set of ballots when they arrived." (Brennan Center For Justice, 2010)

ES&S Sent Tennessee County Incorrect Early Vote File, More than 10,000 Names Missing (2014). **"**Last Tuesday, as Davidson County voters were casting their ballots in local judicial primaries, election officials realized there was a problem - more than 10,000 people could have voted twice, and no one working the polls would have known to stop them…After more than 13,000 people voted early for the

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May elections, the commission sent those records to ES&S. But when the files came back, to be entered into the EPBs for use on election day, Wall says they only contained the records of a little more than 2,000 voters. The missing records meant that more than 10,000 early voters could have shown up again on Election Day and voted a second time without being detected at the time." (*Nashville Scene*, Hale, 5/12/2014)

In Kansas, ES&S Did Not Do Any Audit After Software Error Led To Kansas' Most Populous County's Vote Count Being Stalled For 13 Hours in 2018. "No such audit was done in Kansas' most populous county after a different sort of error in newly installed ES&S systems delayed the vote count by 13 hours as data uploading from thumb drives crawled." (AP News, 10/29/2018)

US SENATORS EXPRESS NATIONAL SECURITY CONCERNS AFTER ES&S LIED TO FEDERAL LAWMAKERS, REFUSED TO REVEAL WHICH STATES WERE SENT CRITICALLY FLAWED MACHINES, & VIGOROUSLY FOUGHT ATTEMPTS TO REVEAL RELIABILITY INFORMATION

ES&S Revealed it is Owned by Private Equity Firm McCarthy Group, LLC. "Pursuant to the recently modified State of North Carolina Election Systems Certification Program, the following entities and/or individuals own a 5% or greater interest or share in ES&S, any subsidiary company of ES&S, and ES&S' parent company. Government Systems, Software & Services, Inc. owns 100% of the membership units of Election Systems & Software… Please be advised that McCarthy Group, LLC owns a controlling interest in Government Systems, Software, & Services, LLC." (PBS.TWIMG, 6/21/2019)

In Letter to ES&S & Other Vendors, US Senators Warn Decades Old Voting Machine Vulnerabilities Are a Significant National Security Concern. "Despite the progress that has been made, election security experts and federal and state government officials continue to warn that more must be done to fortify our election systems. Of particular concern is the fact that many of the machines that Americans use to vote have not been meaningfully updated in nearly two decades. Although each of your companies has a combination of older legacy machines and newer systems, vulnerabilities in each present a problem for the security of our democracy and they must be addressed." (Office of Senator Amy Klobuchar, 3/26/2019)

US Senators Call Market for Election Equipment "Broken," Claim ES&S/Others of Producing Vulnerable Voting Machines. "In other words, the fact that VVSG 2.0 remains a work in progress is not an excuse for the fact that our voting equipment has not kept pace both with technological innovation and mounting cyber threats…The fact that you continue to manufacture and sell outdated products is a sign that the marketplace for election equipment is broken. (Office of Senator Amy Klobuchar, 3/26/2019)

US Senators Conclude "Voter-Verifiable Paper Ballots" Are Basic Necessities For A Reliable Voting System. "There is a consensus among cybersecurity experts regarding the fact that voter-verifiable paper ballots and the ability to conduct a reliable audit are basic necessities for a reliable voting system. Despite this, each of your companies continues to produce some machines without paper ballots" (Office of Senator Amy Klobuchar, 3/26/2019)

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Senator Ron Wyden Said ES&S has "Figured Out a Way to be Above the Law" and Georgia Showed the Company is "Accountable to Nobody." "We're up against some really entrenched, powerful interests, who have really just figured out a way to be above the law," he said. "There is no other way to characterize it." Furthermore, Wyden said, voting machine vendors have "been able to hotwire the political system in certain parts of the country." He noted that newly elected Georgia Gov. Brian Kemp picked the top lobbyist for the voting giant Election Systems & Software as his deputy chief of staff. The companies, he said, "are accountable to nobody." (Politico, 3/14/19)

Senator Ron Wyden Demanded ES&S Explain "Suspect Claims" the Company Made to the League of Women Voters of South Carolina that ES&S Machines Have Never Been Breached. "I write to seek an explanation of suspect claims that Election Systems and Software (ES&S) has made regarding the security of your voting machines. In a January 15, 2019, letter to the League of Women Voters of South Carolina, ES&S wrote that 'no ES&S machine has ever been breached or comprised in an election.' Your company's letter does not explain the basis for its assessment that its voting machines have a spotless cybersecurity track record." (Office of Senator Ron Wyden, 4/2/2019)

Senator Ron Wyden Said Vendors like ES&S had "Sketchy Ethics," "Lie to Public Officials," and "Repeatedly Gouge Taxpayers." "Sen. Ron Wyden (D-Ore.) on Thursday attacked the small but powerful group of companies that controls the production of most voting equipment used in the U.S. 'The maintenance of our constitutional rights should not depend on the sketchy ethics of these well-connected corporations that stonewall the Congress, lie to public officials, and have repeatedly gouged taxpayers, in my view, selling all of this stuff,' Wyden said…" (Politico, 3/14/19)

ES&S Added Two New Lobbying Firms Last Fall in Anticipation of Increasing Pressure from Lawmakers to Protect Elections. "Voting machine manufacturers are increasing their Capitol Hill presence as lawmakers demand they do more to protect U.S. elections against foreign hackers …In October, ES&S hired Peck Madigan Jones, and paid the firm $80,000 during the last three months of 2018. The company also reported hiring the lobbying firm Vectre Corp." (Bloomberg, 4/1/2019)

ES&S Initially Lied When Asked If It Installed Third Party Hackable Software on Election-Management Systems Over Six Years. "The nation's top voting machine maker has admitted in a letter to a federal lawmaker that the company installed remote-access software on election-management systems it sold over a period of six years, raising questions about the security of those systems and the integrity of elections that were conducted with them. In a letter sent to Sen. Ron Wyden (D-OR) in April and obtained recently by Motherboard, Election Systems and Software acknowledged that it had "provided pcAnywhere remote connection software … to a small number of customers between 2000 and 2006," which was installed on the election-management system ES&S sold them. The statement contradicts what the company told me and fact checkers for a story I wrote for the New York Times in February. At that time, a spokesperson said ES&S had never installed pcAnywhere on any election system it sold." (MotherBoard, 7/17/2018)

ES&S Refused to Tell Federal Lawmakers Which States/Counties Were Sold Critically Flawed Voting Machines. "He notes that election officials who purchased the systems likely were not aware of the potential risks they were taking in allowing this and didn't understand the threat landscape to make

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intelligent decisions about installing such software...Although Wyden's office asked ES&S to identify which of its customers were sold systems with pcAnywhere installed, the company did not respond. ES&S would only say that it had confirmed with customers who had the software installed that they "no longer have this application installed."...As late as 2011 pcAnywhere was still being used on at least one ES&S customer's election-management system in Venango County, Pennsylvania." (MotherBoard, 7/17/2018)

ES&S Refused to Comment to Federal Lawmakers on Whether Critical Security Flaws in Voting Machine Software Were Adequately Patched. "It's not clear if election officials who had pcAnywhere installed on their systems, ever patched this and other security flaws that were in the software...But when Wyden's office asked in a letter to ES&S in March what settings were used to secure the communications, whether the system used hard-coded or default passwords and whether ES&S or anyone else had conducted a security audit around the use of pcAnywhere to ensure that the communication was done in a secure manner, the company did not provide responses to any of these questions." (MotherBoard, 7/17/2018)

In Wisconsin, ES&S Filed A Lawsuit Demanding Presidential Campaigns Sign NDA's to Prevent Public Discussion of Machine Reliability Following Election Issues. "Electronic Systems & Software and Dominion Voting Systems supply most of the machines used in Wisconsin elections. The two companies filed a lawsuit in April demanding the nondisclosure agreement prohibit Stein's auditors and campaign from publicly discussing any conclusions and criticisms stemming from the review. The companies argued public discussion amounts to an unauthorized use or disclosure of proprietary information." (The Journal Times, 1/30/2019)

In Colorado, ES&S Refused to Seek Certification After the State Required Vulnerability Testing of Voting Machines. "In an April 2014 meeting with Colorado elections officials, ES&S objected to a new state requirement for vulnerability testing because it didn't allow for the results to be kept secret, Colorado Deputy Secretary of State Suzanne Staiert said in an interview. She said the company ultimately didn't seek certification because the system it was offering didn't meet state requirements. ES&S did not directly respond to a query about this incident. A company spokeswoman said a review of company correspondence found no sign that it resisted the testing requirement, although it did "ask clarifying questions." (AP News, 10/29/2018)

The Brennan Center For Justice Said there are "More Federal Regulations for Ballpoint Pens & Magic Markers Than There Are For Voting Systems." "In contrast to other sectors, particularly those that the federal government has designated 'critical infrastructure,' there is almost no federal oversight of private vendors that design and maintain the systems that allow us to determine who can vote, how they vote, what voters see when they cast their vote, how votes are counted, and how those vote totals are communicated to the public," [the Brennan Center for Justice's Lawrence] Noren told Congress recently in a testimony. "In fact, there are more federal regulations for ballpoint pens and magic markers than there are for voting systems and other parts of our federal election infrastructure." (Sludge, 6/10/2019)

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Following Pressure from Lawmakers, ES&S CEO Tom Burt Said the Company Would No Longer Sell Paperless Voting Machines as Primary Device for Casting Ballots. "Voting machine maker ES&S has said it "will no longer sell" paperless voting machines as the primary device for casting ballots in a jurisdiction. ES&S chief executive Tom Burt confirmed the news in an op-ed. TechCrunch understands the decision was made around the time that four senior Democratic lawmakers demanded to know why ES&S, and two other major voting machine makers, were still selling decade-old machines known to contain security flaws." (TechCrunch, 6/9/2019)

After Facing Criticism for Denouncing Machine Vulnerabilities, ES&S CEO Called for Legislation Mandating Stronger Election Machine Testing Programs. "The chief executive also called on Congress to pass legislation mandating a stronger election machine testing program. Burt's remarks are a sharp turnaround from the company's position just a year ago, in which the election systems maker drew ire from the security community for denouncing vulnerabilities found by hackers at the annual Defcon conference. (TechCrunch, 6/9/2019)

ES&S CEO Tom Burt Also Called For "Physical Paper Records of Votes" (not the same as hand-marked paper ballots*).** "Second, we must have physical paper records of votes. Our company, Election Systems & Software, the nation's leading elections equipment provider, recently decided it will no longer sell paperless voting machines as the primary voting device in a jurisdiction. That's because it is difficult to perform a meaningful audit without a paper record of each voter's selections. Mandating the use of a physical paper record sets the stage for all jurisdictions to perform statistically valid postelection audits. (Roll Call, 6/7/2019)

Critics Called the ES&S Pivot New "Marketing" "After Years of Selling Voting Equipment It Knew Was Insecure." "But critics say Election Systems & Software's open pivot to paper is simply marketing, after the company saw that paperless machines were on the way out. "After years of selling voting equipment that it knew was insecure, and fighting tooth and nail against real election security, ES&S is finally admitting that paper ballots are the most secure system currently available," Sen. Ron Wyden, whose PAVE Act is one of the strictest security bills introduced in the Senate, told CNN in a statement." (CNN, 6/19/2019)

Senator Wyden Said ES&S Should Tell Its "Friends in Georgia" to Stop Standing in the Way of Legislation to Help Protect American Democracy. "If it is serious about this change of heart, ES&S would tell its friends in Georgia and Speaker McConnell to stop standing in the way of the PAVE Act's common-sense requirements to protect American democracy," the Oregon Democrat said. (CNN, 6/19/2019)

ES&S Paid Lobbying Firm Peck Madigan Jones $150,000 to Lobby House and Senate Members. ES&S hired lobbying firm Peck Madigan Jones in Oct. 2018 and paid it a combined $150,000 to lobby the U.S. Senate and House of Representatives in the fourth quarter of 2018 and the first quarter of 2019. (Sludge, 6/10/2019)

ES&S Lobbyists Donated to Mitch McConnell—Who is "Single-Handedly" Standing in the Way of Any Election Security Legislation. "Emily Kirlin, a lobbyist for Peck Madigan Jones who lobbies for ES&S on election security and H.R. 1, gave McConnell's campaign committee $1,000 on February 19, and her colleague who works with her on the contract, Jen Olson, gave McConnell $1,000 on March 4.

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"It's not surprising to me that Mitch McConnell is receiving these campaign contributions," the Brennan Center for Justice's Lawrence Noren told Sludge. "He seems single-handedly to be standing in the way of anything passing in Congress around election security…" (Sludge, 6/10/2019)

Public Citizen Called the ES&S Contributions to McConnell "A Reward from the Industry for Letting Them Off the Hook." "Mitch McConnell's conflicts of interest in blocking any and all election security legislation is not only shameful, it is placing our democracy at risk," Craig Holman, government affairs lobbyist at Public Citizen, told Sludge. "The conflicts of interest arise from more than the campaign contributions he is receiving from voting machine vendors—contributions which certainly appear to be a reward from the industry for letting them off the hook—but it is also a self-serving act for strictly partisan purposes. (Sludge, 6/10/2019)

Ballot Marking Devices Cost About 3x As Much as Truly Paper-Based Systems, Says Election Security Expert in Congressional Testimony. "According to testimony from Alex Halderman, Professor of Computer Science and Engineering at the University of Michigan, equipping a precinct with ballot-marking electronic devices costs about three times as much as equipping it with a truly paper-based system along with a dedicated electronic device for voters with disabilities. "Fortunately, the most cost-effective approach is also the most secure: hand-marked paper ballots counted using optical scanners," Halderman stated. (Sludge, 6/10/2019)

ES&S INDIANA CONTRACT TERMINATED AFTER INVESTIGATION REVEALS ES&S VIOLATED INDIANA STATE LAW, LIED TO ELECTION OFFICIALS, AND WERE RESPONSIBLE FOR ERRORS RESULTING IN LONG WAIT TIMES, VOTER ANXIETY, DISCOURAGED VOTERS, AND EMBARRASMENT

Johnson County Terminated Contract with ES&S After State Investigation Determined ES&S Responsible for Technical Issues that Triggered Long Lines in 2018. What struggled to work were the electronic poll books used to check a voter's registration, triggering long lines at polling stations. A state investigation determined that the vendor for the e-poll books, Election Systems & Software (ES&S), was responsible for the technical issue, and the Johnson County election board ultimately voted to terminate the contract. (The Hill, 3/24/19)

Johnson County Clerk Said the Community Had Lost Trust in ES&S. "Trena McLaughlin, the county clerk for Indiana's Johnson County who took office after the November vote, told The Hill that the election board decided to terminate its contract with ES&S because the community had lost trust in the vendor. "We have had a lot of people asking, 'should we be using ES&S?'" she said." (The Hill, 3/24/19)

ES&S Issues Resulted in Voter Anxiety, Discouraged Voting, and Brought Embarrassment and Negative Publicity to Johnson County. "The problems which occurred in Johnson County was a source of negative publicity for the County. In addition to embarrassment, the more important impact was on voters who did not understand what was occurring and this likely created voter anxiety, impacted confidence in the electoral process, and probably discouraged voters from continuing to wait to cast a ballot. The work around offered on Election Day was not in compliance with the Indiana Election Code." (Voting System Technical Oversight Program Report, 12/31/2018)

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Indiana Officials Called Election Day Issues "Unacceptable" and Said the Responsibility "Rests on the Shoulders of ES&S. "The situation which occurred in Johnson is unacceptable for any Indiana electronic poll book vendor. The responsibility for what occurred rests on the shoulders of ES&S, because they opted for a limited WAF instance configuration with Microsoft Azure after switching from Amazon Web Services. The premise that their pre-election load testing adequately predicted election day needs is difficult to accept." (Voting System Technical Oversight Program Report, 12/31/2018)

ES&S Violated Indiana State Law When It Failed to Report Several System "Anomalies" Prior to Election Day. "The VSTOP investigators also concluded that ES&S failed to report several system "anomalies" that occurred prior to election day, which violates Indiana election law. And, attempts to fix the lagging computer issues on election day also resulted in a violation of state code." (CBS4Indy.com, 1/09/2019)

ES&S Violated Indiana Law When It Offered County A Work-Around for Its Own Performance Issues. "3. ES&S made a business decision to move from Amazon Web Service (AWS) to Microsoft Azure but did not notify the State of Indiana or VSTOP. 4.ES&S offered Johnson County a work-around to allow voters to be checked in at the vote centers. However, this work-around resulted in electronic poll books not being able to communicate between vote centers in Johnson County. This solution was not in compliance with the Indiana Election Code. 5. ES&S has stated that the Microsoft Azure Web Application Firewall (WAF), which is part of the Application Gateway, is the key reason for the performance issues on Election Day. 6." (Voting System Technical Oversight Program Report, 12/31/2018)

"After Tests Failed to Predict Election Day Server Needs, ES&S Erased All Logs Prior to Election Day and All Diagnostic Logs For The General Election." "ES&S misjudged server needs and the impact of WAF instances for Election Day. Pre-election load tests conducted by ES&S did not adequately predict Election Day server needs. The logs for the load tests prior to the primary were not retained. Moreover, diagnostic logs were not retained by Microsoft or by ES&S for the General Election. 8. ES&S admitted, in retrospect, that 7 WAF instances was not sufficient for Election Day." (Voting System Technical Oversight Program Report, 12/31/2018)

ES&S Lied to Indiana Officials About the Cause of Slow Electronic Poll Books On Election Day. "ES&S initially maintained that the problem with slow electronic poll book performance on Election Day was caused by the Microsoft Azure Web Application Firewall (WAF). It was discovered in responses to VSTOP questions by ES&S, and in subsequent conversations with ES&S, that the problem was caused by the limited number of instances in the WAF that ES&S secured through Microsoft Azure for electronic poll book data traffic." (Voting System Technical Oversight Program Report, 12/31/2018)

Indiana Officials Believe ES&S Issues May Have Occurred in All Counties On Election Day In 2018. "The anomaly report from ES&S, required by law, was limited in scope concerning the issues encountered. Issues may have also occurred in all ES&S counties on Election Day as well as during early voting (see Appendix A)." (Voting System Technical Oversight Program Report, 12/31/2018)

ES&S Did Not Have Their Systems Properly Set Up To Handle High Voter Turnout. "The VSTOP report claims Johnson County's election software vendor, ES&S inadequately anticipated server needs

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on election day, and did not have their systems properly set up to handle the high voter turnout seen around the county." (CBS4Indy.com, 1/09/2019)

In 2018, ES&S Pollbooks Did Not Meet Performance Expectations in Indiana and Resulted In Longer Wait Times. "The ES&S ExpressPoll EZRoster 3.2.2.1 did not meet performance expectations at vote centers in Johnson County, Indiana on Election Day, November 6, 2018. 2. The ExpressPoll EZ Roster 3.2.2.1 performance issues resulted in longer than expected wait times for voters." (Voting System Technical Oversight Program Report, 12/31/2018)

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Appendix A: (ES&S Security Test Report, 8/28/2017)

Information Assurance Compliance

Using the NIST Security Content Automation Protocol (SCAP), all Electionware servers and workstations were scanned for misconfigurations in accordance with US federal IA standards. These standards conform to mitigating known vulnerabilities and hardening target systems on a US government network.

The following table presents a summary of patches missing on the operating system and misconfigurations on each class (workstation or server) of systems in the Electionware suite.

Electionware Servers

Missing Operating System Patches	
Critical	17
Important	49
Moderate	2
Unrated	8

SCAP Misconfigurations	
Windows 2008 R2 STIG[3]	46
Firewall STIG Configuration	3
.NET Framework 4 STIG Configuration	2
Internet Explorer 9 STIG Configuration	13

Electionware Clients

Missing Operating System Patches	
Critical	24
Important	51
Moderate	1
Unrated	9

SCAP Misconfigurations	
Windows 7 STIG	51
Firewall STIG Configuration	3
.NET Framework 4 STIG Configuration	2
Internet Explorer 9 STIG Configuration	3
Windows 7 USGCB[4] **Configuration**	45
Firewall USGCB Configuration	8

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Appendix B: Vendor RFI Analysis: Statewide Voting Machine Contracts

Georgia Vendor RFI Analysis: Statewide Voting Machine Contracts (Millions)							
	ES&S	SOS	OSET	Hart	Smartmatic	Clear Ballot	UNISYN
Total: Hand-Marked Paper Ballots	**45.8**	**247**	**112**	**68.5**	**-**	**-**	**63**
*Total w/ Printing Cost Est ($28M)**	*73.8*	*247*	*112*	*96.5*			*91*
Machines	22.8	60	50	41	-	-	48
*Printing, Licensing/Maintenance***	23	187	62	27.5	-	-	15
Caveats	NP	+LM		NP	None	None	NP
Total: Ballot Marking Devices	**207.4**	**207.4**	**202**	**174**	**169**	**156.5**	**185.4**
*Total w/ Printing Cost Est ($5.8M)**	*213.2*	*213.2*	*202*	*179.8*	*174.8*	*162.3*	*191.2*
Machines	150	150	131	117	135	101.5	137
Printing, Licensing/Maintenance	57.4	57.4	71	57	34	55	48.4
Caveats	NP	NP		NP	Avg, NP	DNA, NP	NP

**for vendors that did not provide printing cost estimates, OSET Institute's 10 yr estimates were used*
***printing, licensing/maintenance costs are over a 10 yr period*

KEY

- **NP:** No printing costs were included in originial vendor estimate
- **+LM:** Licensing/maintenance cost added from ES&S report
- **DNA:** Data is not available…unredacted Clear Ballot link broken
- **None:** Did not provide details
- **Avg:** This is the average of the range provided in RFI

Dominion only provided a basic pricing sheet for every voting machine technology they offered. Which machines, how many, additional costs, were time prohibitive details. As such, Dominion was not included.

(GPR, 3/13/2019)

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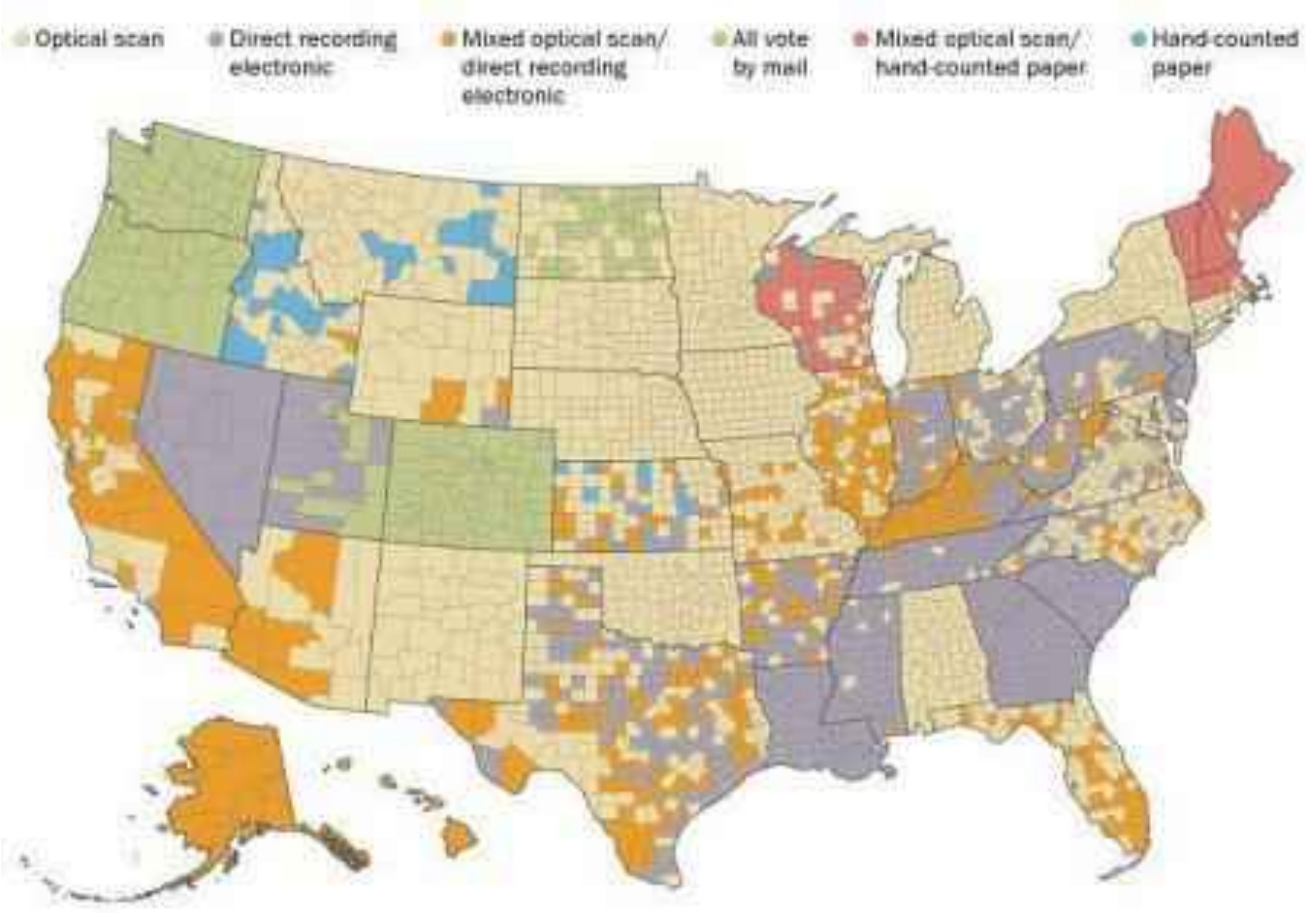
Appendix C: Map of Voting Systems Across the U.S.—Pew Research Center/Verified Voting Foundation



(Quartz, 7/9/2019)

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From: Charles Pinney
To: [redacted]
Subject: Re: 2020 Tabulators (EI Response)
Date: Wednesday, November 18, 2020 8:43:15 AM
Attachments: Outlook-4jj22yhk.png

Hello,

There is no county that uses the Democracy Suite system from Dominion Voting Systems, as our office denied certification of that system. Premier is owned by Dominion Voting Systems, and there was one county in Texas (Wilson County) that used Premier's AccuVote system in the November 2020 election. That county has already purchased a different voting system for future elections, but they were unable to implement the new system in time for this most recent November elections.

Each county has the authority to determine which voting system to adopt for their county, but the system they adopt must be certified by the federal government through the Election Assistance Commission and must also be certified by our office for use in Texas. The systems adopted in Texas will vary from county to county.

You can find a list of voting systems by county on our website. Note that the list is updated annually, and does not reflect very recent acquisitions by some of the counties listed. You can find that list here: https://www.sos.texas.gov/elections/forms/sysexam/voting-sys-bycounty.pdf

You can also find the certification status of different voting systems here on our website: https://www.sos.texas.gov/elections/laws/certinfobyvendor.shtml

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Chuck Pinney
Attorney -- Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: Jerry Lominac [redacted]
Sent: Sunday, November 15, 2020 10:49 AM
To: Elections Internet <Elections@sos.texas.gov>

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Subject: 2020 Tabulators

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Greetings,

I have learned that the Texas Secretary of State denied certification to the Dominion Tabulator Software, signed Jan 24, 2020.

However, with all the long reaches offered by the internet, I am unable to find whether the Dominion Tabulators and Software were used in the November 23 2020 election in the State. Or was hardware/software from a different vendor used this year?

Thank you for any help you might offer.

Jerry Lominac
Pawleys Island SC 29585
843 237-3036

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From: Elections Internet
To: [redacted]
Subject: Re: Ballot machine software (EI Response)
Date: Monday, December 7, 2020 9:38:49 AM

Hello,

Different counties in Texas use different voting systems. Under Texas Election Code 123.001, each county in Texas must make their own decision regarding which system to acquire. However, a voting system must be certified by both the federal government and by our office before it may be acquired by a county and used in a Texas election.

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020. Smartmatic does not currently have any certified voting systems in the state of Texas.

Premier's AccuVote is a currently certified system in Texas, and Premier is owned by Dominion Voting Systems. Only one county in Texas (Wilson County) used that system in the November 2020 election. They have already purchased a new system for future elections, but were unable to implement it in time for this most recent November election.

You can find a list of the voting systems and equipment used by each county on our website. Note that the list is updated based on information submitted annually by the counties, and does not reflect very recent acquisitions by some of the counties listed. You can find that list here: https://www.sos.texas.gov/elections/forms/sysexam/voting-sys-bycounty.pdf

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Elections Staff
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

-----Original Message-----
From: Abigail McClane <[redacted]
Sent: Tuesday, December 1, 2020 1:59 PM
To: Elections Internet <Elections@sos.texas.gov>

AMERICAN OVERSIGHT

Subject: Ballot machine software

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

What software is used to record/tabulate votes in Texas? I'm seeing news that the Smartmatic/Sequoia software is being used in almost every state even if Dominion machines are not being used. How can we be assured that these corrupt companies don't have their hands on Texas votes?

I would like to thank you in advance for answering my questions.

Abigail McClane
Coryell county resident

AMERICAN OVERSIGHT

From:	Christina Adkins
To:	Steve Moreland
Bcc:	Elections Internet
Subject:	RE: Brief to AG
Date:	Friday, September 23, 2016 9:41:00 AM
Attachments:	Request for Opinion RQ-0126-KP - Final SOS Brief.pdf image001.png

Steve,

Thanks for the email. Attached is the brief you requested. Let me know if there's anything else you need from us.

Thanks,

Christina Worrell Adkins
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

From: Steve Moreland [mailto[redacted]
Sent: Friday, September 23, 2016 9:00 AM
To: Christina Adkins <CAdkins@sos.texas.gov>
Subject: Brief to AG

Hi Christina,
Could you please provide us with a copy of the brief the department provided to the AG?

Regards,

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

DOMINION VOTING
2010 Redbud, Suite 110, McKINNEY, TX 75069
1.866.654.8683 | WWW.DOMINIONVOTING.COM

214.491.5218 OFFICE (ext 9331)
214.930.8659 MOBILE

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The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov
www.votetexas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Carlos H. Cascos
Secretary of State

September 20, 2016

Honorable Ken Paxton
Office of the Attorney General
PO Box 12548
Austin, TX 78711-2584

Via Electronic Mail

RE: RQ-0126-KP, Submitted by District Attorney, 33rd and 424th Judicial District, dated (as amended) September 6, 2016

Dear General Paxton:

The Office of the Texas Secretary of State (the "Secretary of State") is in receipt of a request for opinion from the District Attorney of the 33rd and 424th Judicial Districts (RQ-0126-KP) (the "Request"), which was forwarded by the Office of the Attorney General to the Secretary of State as an interested party.

The Request concerns the requirements of the Texas Election Code (hereinafter referred to as the "Election Code") in regards to ballots and ballot images, early voting procedures and poll watcher rights.

Ballots and Ballot Images

The Request primarily concerns the legal requirements of a ballot image. However, the Request does not properly state the legal requirements of a ballot[1] for a direct recording electronic voting machine (DRE)[2] as, for example, Section 52.062 does not apply to a ballot for a DRE.[3] Therefore, this brief will address both legal requisites of ballots and of ballot images.

[1] The Request states "if the ballot is required to contain the various items detailed above" referencing Sections 52.003, 52.062, 52.063, 52.064, and 52.070 of the Election Code.
[2] The Request references "electronic voting systems" in regards to ballot images. However, only a direct recording electronic voting machine ("DRE") produces a ballot image. Therefore, this brief will address the requirements of a DRE.
[3] A direct recording electronic voting machine is defined as a "voting machine that is designed to allow a direct vote on the machine by the manual touch of a screen, monitor, or other device and that records the individual votes and vote totals electronically." TEX. ELEC. CODE § 121.003(12).

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Ballots

The Secretary of State is charged with the duty of approving voting systems and voting system equipment for use in Texas elections. TEX. ELEC. CODE § 122.031. In order for a system to receive certification it must comply with the Texas Constitution and the Election Code. The Secretary of State has approved only those DREs that meet these requirements.

Requirements of the Texas Constitution

The Texas Constitution states:

> In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

Tex. Const. art. VI, § 4.

The first part of this sentence mandates that the "vote shall be by ballot" which guarantees all voters the right to a secret ballot. Carroll v State, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (stating "[t]he mandate of the Constitution of this state that the vote be by ballot must be construed as meaning a 'secret ballot.'"). The second part of this sentence mandates that the Legislature "provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box."[4] The Legislature has met these two charges of the Constitution, and importantly, the Legislature did not only fulfill its duties in regards to paper ballots, but also for DRE ballots.

The Texas Legislature has secured all voters' right to a secret ballot by prohibiting a voting system from being used in an election unless the voting system "preserves the secrecy of the ballot." TEX. ELEC. CODE § 122.001(a)(1). The Secretary of State reviews each voting system to ensure that it provides a secret ballot, and only certifies those systems that comply with the law. Tex. Sec'y of State Form 101 – Voting System Certification, http://texreg.sos.state.tx.us/fids/201501578-3.pdf (requiring applicants to explain how the voting system preserves the secrecy of the ballot).

The Texas Legislature provides for the "numbering of tickets" by requiring a DRE to be equipped with a "public counter," which displays the number of ballots cast on the voting machine. TEX. ELEC. CODE § 122.033(3); TEX. ELEC. CODE § 121.003(6) (providing the definition of a "public counter"). The use of a public counter as the method of numbering ballots began in 1930 when the Legislature first authorized the use of a "voting machine," which referred to a lever voting machine.[5] Act of February 18, 1930, 41st Leg., 4th C.S., ch. 33, 1930 Tex. Gen. Laws 60. The

[4] The word "ticket" as it appears in the text of Article 6 is synonymous with the word "ballot." Wood v. State, 126 S.W.2d 4, 9 (Tex. 1939).

[5] The Help America Vote Act (HAVA) of 2002 required the phase out and replacement of lever voting systems and punch card voting systems. Pub. L. 107-252, 116 Stat. 1666 (codified at 52 U.S.C. §§ 2091-2096); Act of May 28, 2003, 78th Leg., R.S., ch. 1315, 2003 Tex. Gen. Laws 4819 (implementing the Help America Vote Act of 2002). Texas complied with the requirements of HAVA, and all political subdivisions have ceased using lever voting systems

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passage of this legislation created two separate and distinct methods of numbering ballots: one for paper ballots and one for voting machine ballots:

- Paper Ballots: After a voter marked their ballot, they were required to fold it, and provide their ballot to a poll worker who was required to "number the ballot, writing on the blank side the number opposite the voter's name on the voting list." Act of May 11, 1905, 29th Leg., 1st C.S., ch. 11, § 74, 1905 Tex. Gen. Laws 520, 537. In practical terms, this meant that the name of each voter was written down on a numbered poll list, and the number next to the voter's name on the poll list was written on the ballot by the poll worker.
- Voting Machine Ballots: As noted above, the Legislature provided for the "numbering of tickets" through the voting machine's "public counter." The "public counter" was defined as "a device in full view of the election officials while the voter is voting which records only the number of votes cast on the machine." Act of February 18, 1930, 41st Leg., 4th C.S., ch. 33, § 18, 25, 1930 Tex. Gen. Laws 60, 67, 70.

Additionally, the prescribed method for numbering voting machine ballots affected election contest procedures. The numbering requirements for paper ballots, as described above, created a traceable connection between the voter and their ballot. In an election contest, poll lists and voted ballots were reviewable. Act of March 17, 1911, 32nd Leg., R.S., ch. 80, § 9, 1911 Tex. Gen. Laws 144, 147. However, the method of numbering for voting machine ballots, and the mechanics of a lever machine, did not allow for a traceable connection between the voter and their ballot.

This method of numbering ballots, and its effect on election contest procedures, led to a number of legal proceedings. However, the courts have consistently upheld the constitutionality of the public counter's numbering of ballots. In 1939, the Texas Supreme Court determined that the public counter method of "numbering of tickets" satisfied the requirements of the Constitution. Wood v. State, 126 S.W.2d 4, 9 (1939). Further, the court also found that the Constitution did not require ballots to be numbered in such a manner as to reveal a voter's selection during an election contest: "As we understand this machine, it is not possible from the record made by it to determine, in an election contest, how each voter voted. Be that as it may, the Constitution contains no such requirement. The Constitution simply requires that the ticket shall be numbered. The machine does that." Id. The court went on to say: "We think that one of the ways to ascertain how a voter voted, where a machine like this has been used, is to put such voter on the witness stand, and ask him the question." Id. The Legislature then amended the statute to provide that any voter "who casts a fraudulent or illegal ballot upon a voting machine…shall be compelled and required to disclose the names of the candidate or candidates for whom he cast such ballot at such election." Act of June 13, 1939, 46th Leg., R.S., ch. 3, § 5, 1939 Tex. Gen. Laws 301, 307. Subsequently, two courts of appeals reaffirmed that the Legislature's method of numbering voting machine ballots was constitutional. Reynolds v. Dallas County, 203 S.W.2d 320, 324 (Ct. Civ. App. Amarillo 1947); Christy v. Oliphint, 291 S.W.2d 406, 408 (Ct. Civ. App. Galveston 1956) (holding that the failure of a poll worker to write down the number on the public counter next to the voter's name on the poll list, as then required by law for voting machines, did not void the election as doing so would "effectually deprive electors of the right of suffrage without serving any useful purpose."). Further, the Oliphint court, hearing an election contest, determined that the privilege

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and punch voting systems, and have met the requirement to have an accessible voting system available at required elections.

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of a secret ballot could not "inure to the benefit of an elector who is shown to have illegally cast a ballot," and admonished the lower court for not following the 1939 statute providing that a person who cast an illegal ballot should be compelled to disclose how they voted as a means to detect and punish fraud. Oliphint, 291 S.W.2d at 410. In regards to paper ballots, the fact that all ballots could be reviewed with the poll lists, therefore allowing all voters' selections to become known, was at odds with the Constitution's guarantee of a secret ballot. Ultimately, the Legislature changed the method of numbering paper ballots, and applied the same provisions to election contests involving paper ballots.[6] Therefore, in regards to ensuring secrecy and means of detecting and punishing fraud,[7] paper ballots came to be like voting machine ballots.

The Legislature has also defined the DRE as a voting machine, and, as noted *supra,* provides for the same method for the numbering of ballots-through a public counter. TEX. ELEC. CODE § 121.003(12); TEX. ELEC. CODE § 122.033(3). Further, the Legislature has expressly authorized the use of DREs in Texas elections. Act of May 24, 2001, 77th Leg., R.S., ch. 1054, § 10, 2001 Tex. Gen. Laws 2329, 2330. The Legislature's requirements in regards to DREs also faced legal challenges, but the Texas Supreme Court once again concluded that the DRE "numbers ballots" as required by the Constitution. Andrade v. NAACP of Austin, 345 S.W.3d 1, 15 (2011). If there is to be a change in the numbering requirements for DRE ballots or a change in the procedures for detecting and punishing fraud and preserving the purity of the ballot box, it is wholly within the purview of the Legislature. Tex. Const. art. VI, § 4; see also Wood v. State, 126 S.W.2d 4, 9 (1939); Reynolds v. Dallas County, 203 S.W.2d 320, 324 (Ct. Civ. App. Amarillo 1947) (stating: "The duty of making provision for numbering the ballots and making such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box is placed upon the legislature and, if the present Article does not meet the requirement of the constitution, it is properly a matter for the consideration of the legislature and not the courts."); Andrade v. NAACP of Austin, 345 S.W.3d 1, 16 (2011) (citing to Wood v. State, 126 S.W.2d 4 (1939), and stating: "[T]he voters assert that the lack of a contemporaneous paper record neither provides a means of detecting and punishing fraud, nor preserves the purity of the ballot box. But we have held that the 'purity of the ballot box' provision requires only that the Legislature pass laws as necessary to deter fraud and protect ballot purity…. The voters do not complain that the Legislature has failed to do so; to the contrary, they admit that it has.").

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[6] In 1949, the Legislature required there to be a detachable stub on the ballot to further ensure secrecy. In passing this legislation, the Legislature stated that "the present system of numbering ballots with corresponding numbers on polling lists renders available the information as to how a voter casts his vote at an election," and the Legislature noted the "importance of securing for the electorate of this State a system which will insure a secret ballot." Act of May 30, 1949, 51st Leg., R.S., ch. 329, 1949 Tex. Gen. Laws 615. In 1977, the ballot stub was eliminated, and paper ballots were required to be serially numbered. This enactment provided the predecessor to Section 52.062. This enactment also provided the predecessor to Chapter 221 of the Election Code, allowing an ineligible voter's vote to be discovered through testimony, and allowing an election to be declared void if the results could not be ascertained. Act of May 12, 1977, 65th Leg., R.S., ch. 247, 1977 Tex. Gen. Laws 657.

[7] The Legislature has also provided additional methods of detecting and punishing fraud. In regards to numbering, the serial numbers on paper ballots allow for the number of ballots printed and cast to be accounted for and compared to the number of voters on the poll list and provided on the election returns. The public counter on a voting machine, similar to a serial number on a paper ballot, allows for the number of ballots cast to be compared to the number of voters on the poll list and provided on the election returns.

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Therefore, the DREs certified by the Secretary of State meet the requirements of the Constitution, and the Secretary of State has been found to have "made a reasonable, politically neutral, and non-discriminatory choice" in certifying DREs. See Tex. Democratic Party v. Williams, No. A-07-CA-115-SS (W.D. Tex. August 16, 2007).

Requirements of the Texas Election Code

As noted *supra*, in 1930 the Legislature provided requirements for voting machine ballots, and these requirements were added in a separate section of the statutes.[8] The dual set of procedures continues to exist in today's Election Code. The requirements of a DRE ballot are located in Subchapter A, Chapter 124 (entitled "Voting System Ballots"). The DREs certified for use in Texas meet these requirements.[9] The provisions of Subchapter C, Chapter 52 are not to be applied to a DRE ballot if they are "inconsistent" with Title 8 (entitled "Voting Systems") or "cannot feasibly be applied" to a DRE ballot. TEX. ELEC. CODE § 121.001. For example, Section 52.061 cannot feasibly be applied as a DRE ballot cannot be printed on "white or light-colored paper" as a DRE is an electronic device, but Section 52.063 can be applied on the screen presented to the voter on a DRE, as the nature and date of election can be programmed on that DRE ballot. TEX. ELEC. CODE § 52.061; TEX. ELEC. CODE § 52.063. However, Section 52.062 is inconsistent with Title 8 because the Legislature has provided for a different method of numbering DRE ballots, discussed *supra*. TEX. ELEC. CODE § 52.062; TEX. ELEC. CODE § 121.003(12); TEX. ELEC. CODE § 122.033(3). Further, Section 52.075 of the Election Code provides the Secretary of State the authority to "prescribe the form and content of a ballot for an election using a voting system." TEX. ELEC. CODE § 52.075.

Therefore, the DREs certified by the Secretary of State meet the requirements of the Election Code.

Ballot Images

There is no requirement in the Election Code which requires ballot images stored by a DRE voting machine in accordance with Section 128.001(a) of the Election Code to comply with Subchapter C, Chapter 52 of the Election Code. Further, there is nothing in the Election Code which requires a ballot image to be an "exact likeness" of a DRE ballot.

The Request correctly states that the Election Code does not define a "ballot image." However, the term has been properly defined by the Secretary of State. The Secretary of State's definition is in concert with the definition of "ballot image" in standards authored by the United States

[8] In 1930, the law mandated that paper ballots be "printed with black ink on clear white paper of uniform style" and required that the words "Official Ballot" be printed at the top of the ballot in large letters. Act of May 11, 1905, 29th Leg., 1st C.S., ch. 11, § 46, 53, 1905 Tex. Gen. Laws 520, 531, 532. In regards to voting machine ballots, the law mandated that the ballots "be printed in black ink on white, clear material, of such size as will fit in the ballot frame," and provided that the word "ballot" meant "that portion of the cardboard or other material within the ballot frames containing the name of the candidate and the office or a statement of a constitutional amendment, bond issue or other proposition with the words 'yes' or 'no' for voting for or against." Act of February 18, 1930, 41st Leg., 4th C.S., ch. 33, § 8, 25, 1930 Tex. Gen. Laws 60, 63, 70.

[9] Chapter 124 requires that straight party voting be arranged, provides procedures for party alignment and the listing of unopposed candidates. The DREs in Texas provide these capabilities. TEX. ELEC. CODE § 124.001; TEX. ELEC. CODE § 124.002; TEX. ELEC. CODE § 124.003.

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Election Assistance Commission ("EAC"). The Secretary of State is limited to certifying only voting systems that comply with the voting system standards adopted by the EAC. TEX. ELEC. CODE § 122.001(a)(3). Further, the Secretary of State has been required by the Legislature to "ensure the orderly and proper administration of elections" using DREs, and to "prepare detailed and comprehensive written directives and instructions." TEX. ELEC. CODE § 129.002(c); TEX. ELEC. CODE § 31.003. The Secretary of State, in complying with the directive of the Legislature, developed recount procedures for elections involving DREs as Title 13 of the Election Code (entitled "Recounts") does not have specific procedures related to DREs. Those procedures allow for a manual recount of ballot images, or as they are commonly known, cast vote records. The directive also contains a glossary of voting system related terms, including the definition of a ballot image and a cast vote record:

Ballot Image	Electronically produced record of all votes cast by a single voter.
Cast Vote Record (CVR)	Permanent record of all votes produced by a single voter whether in electronic or paper copy form. Used for counting votes. Also referred to as ballot image when used to refer to electronic ballots.

Tex. Sec'y of State Election Advisory No. 2014-06, http://www.sos.state.tx.us/elections/laws/electronic-voting-system-procedures.shtml.

The definition of a ballot image, being synonymous with a cast vote record, does not provide that a ballot image contain all of the requirements of a DRE ballot, nor does it provide that a ballot image must be a "reproduction" or "exact likeness" of a ballot. Further, the Secretary of State has been providing the same directive and voting system definitions for many years.[10] In addition to these procedures, the Secretary of State requires a DRE to be capable of printing ballot images for the conduct of a recount before it can be certified. TEX. ELEC. CODE §122.032(b) (authorizing the Secretary of State to provide "more specific requirements" for the approval of a voting system); Tex. Sec'y of State Form 101 – Voting System Certification, http://texreg.sos.state.tx.us/fids/201501578-3.pdf (requiring applicants to explain their procedure for printing ballot images).

The Request references a definition found in a separate glossary published by the Secretary of State which defines a ballot images as: "The ballot as it appears on a direct recording electronic (DRE) voting system." Tex. Sec'y of State, Glossary of Elections Terminology, http://www.sos.state.tx.us/elections/laws/glossary.shtml#B. This glossary of elections terminology is not a glossary of voting system terminology, as the voting system terminology has been included in the above-referenced advisory. The voting system glossary includes definitions for such terms as "audit logs" and "zero tape," whereas the glossary of election terms does not include definitions of these terms. Therefore, the voting system glossary, contained in a formal advisory by the Secretary of State, is the best source of information when considering terms related to a voting system. Further, the definition of a ballot image found in the elections terminology glossary, while not technical, is not incorrect. The ballot image printed from a DRE does reflect

[10] The Secretary of State has attached advisories from 2006, 2007, 2008, 2010, and 2012 providing the definition of a ballot image, and stating that a cast vote record is another term for a ballot image.

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the DRE ballot, specifically the voter's selections as they *appeared* on the DRE when the voter cast their ballot. However, the requirement that a ballot image accurately reflect the voter's selections does not equate to a requirement that a ballot image be an "exact likeness" of the DRE ballot.

As further evidence that the ballot image produced by a DRE is consistent with Texas and federal law, in 2001, the Legislature added Chapter 129 regarding DREs. Act of May 24, 2001, 77th Leg., R.S., ch. 1054, § 10, 2001 Tex. Gen. Laws 2329, 2330 (current version at TEX. ELEC. CODE §§ 129.001, et. seq.). The DREs certified for use, both then and now, produced a ballot image/cast vote record that did not have an "exact likeness" to a DRE ballot. Certainly, the Legislature would have not added Chapter 129 to the Election Code if the ballot images stored and printed by DREs were considered insufficient. However, it is clear that the Legislature has found the ballot images produced by DREs acceptable for use in recounts as it has twice more added the term "ballot image" to the Election Code. First, the Legislature added Section 213.016, which provided provisions related to whom may be present during the printing of ballot images for a recount. Act of May 31, 2003, 78th Leg., R.S., ch. 583, § 2, 2003 Tex. Gen. Laws 1952 (current version at TEX. ELEC. CODE § 213.016). Next, the Legislature clarified that only the "actual expense incurred" for printing ballot images could be assessed against a recount requestor. Act of May 27, 2013, 83rd Leg., R.S., ch. 1178, § 21, 2013 Tex. Gen. Laws 2923, 2927 (current version at TEX. ELEC. CODE § 215.002).

Therefore, the DREs certified for use in Texas meet all federal guidelines, including those relating to ballot images, and requirements of the Election Code and Secretary of State for the storage and printing of ballot images.

NOTE: The Request's question regarding ballot images is currently pending before the 3rd Court of Appeals. Case Number: 03-15-00368-CV. The appeal is a result of a no evidence summary judgment ruling, which cited many years of precedent. Pressley v. Casar, No. D-1-GN-15-000374 (Dist. Ct. of Travis County, 201st Judicial Dist. of Texas, May 24, 2015).

Ballot Images and Recount Requirements

The Request also references Section 213.007(a) of the Election Code, which provides:

> On presentation by a recount committee chair of a written order signed by the recount supervisor, the custodian of voted ballots, voting machines or test materials or programs used in counting electronic voting system ballots shall make the ballots, machines, or materials or programs, including the records from which the operation of the voting system may be audited, available to the committee.

TEX. ELEC. CODE § 213.007(a).

The Request seems to indicate that in order for a recount committee to complete a recount, it must have the ballots to review. However, Section 213.007 states the "ballots, machines, *or* materials *or* programs…" (emphasis added). TEX. ELEC. CODE § 213.007(a). The fact that the Legislature included the word "or" instead of "and" was purposeful. In 1985, the Texas Legislature recodified

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the Election Code, and included Section 213.007 and Section 214.022. Section 214.022 provided the recount method for an election using a mechanical voting machine. Act of May 16, 1985, 69th Leg., R.S., ch. 211, 1985 Tex. Gen. Laws 802, *repealed by* Act of May 30, 2005, 79th Leg., R.S. ch. 1107, § 2.21, 2005 Tex. Gen. Laws 3670, 3678. The prescribed method involved comparing the results on the registering counter (on the voting machine) to the original election returns. The voting machine ballots were not capable of being reproduced and could not be made available to the recount committee. In compliance with Section 213.007, it was the voting machine that was made available to the recount committee.

Similarly, in the case of a DRE voting machine, the DRE ballots are not capable of being reproduced, nor are they required to be reproduced. Instead, the machines themselves are made available, as well as the "records from which the operation of the voting system may be audited" which would include the ballot images. The Texas Supreme Court concluded that variations in recount procedures depending on whether paper, optical scan or DRE ballots were used did not violate a voter's right to a recount and did not violate Texas' guarantees of equal protection. Andrade v. NAACP of Austin, 345 S.W.3d 1, 13 (2011).

In addition to being upheld by the Texas Supreme Court, the use of ballot images produced from a DRE in a recount has been upheld by other courts. See Wexler v. Anderson, 452 F.3d 1226, 1233 (11th Cir. 2006); Weber v. Shelley, 347 F.3d 1101 (9th Cir. 2003); Favorito v. Handel, 684 S.E.2d 257 (Ga. 2009); Mills v. Shelby County Election Comm'n, 218 S.W.3d 33 (Tenn. Ct. App. 2006); Gusciora v. Christie, 2013 N.J. Super. Unpub. LEXIS 2278 (N.J. Super. Ct. App. Div. 2013); Banfield v. Cortés, 110 A.3d 155 (Pa. 2015); Schade v. Md. State Bd. of Elections, 930 A.2d 304 (Md. 2007). In Wexler v. Anderson,[11] the court noted:

> The differences between these procedures are necessary given the differences in the technologies themselves and the types of errors voters are likely to make in utilizing those technologies. Voters casting optical scan ballots can make a variety of mistakes that will cause their ballots not to be counted. For example, a voter casting an optical scan ballot might leave a stray pencil mark or circle a candidate's name rather than filling in the appropriate bubble. Thus, although an optical scan tabulation machine may register an undervote for a particular race on a particular ballot, there may be sufficient indicia on the ballot that the voter actually chose a candidate in that race such that the vote would be counted in a manual recount. In contrast, a voter in a touchscreen county either chooses a candidate for a particular race or does not; the touchscreen machines do not record ambiguous indicia of voter intent that can later be reviewed during a manual recount.

Therefore, a DRE voting machine provides the ability for an accurate recount and complies with the provisions of the Election Code.

Early Voting Tally Lists and Precinct Returns

As to the Requestor's second question; i.e., whether the Texas Election Code "require[s] the Election Judge at each polling location to print, sign, and return to the County Election Officers"

[11] 452 F.3d 1226, 1233 (11th Cir. 2006).

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a tally list and precinct returns, the Office contends that the answer is no; in fact, the Texas Election Code and case law prohibits it.

The early voting poll worker[12] at each early voting polling location should *not* print, sign and return neither a tally list, nor complete precinct returns. The Request quotes language from Sections 65.004 and 65.005 of the Election Code, and notes that the "statutes do not distinguish between early voting and election day results." However, the Texas Legislature has enacted Chapter 87 of Title 7 of the Election Code, which is entitled "Processing Early Voting Results," and provides separate and distinct procedures[13] for the counting of early voting ballots and completion of precinct returns for early voting ballots. Therefore, Sections 65.004 and 65.005 of the Election Code do not apply to the counting of early voting ballots. As a result, the Legislature has not provided any procedures for an early voting poll worker to count early voting by personal appearance ballots, or any authority for an early voting poll worker to tally ballots cast during the early voting period, or any authority for an early voting poll worker to complete a precinct return.

Specifically, Section 85.032, which relates to the security of the early voting ballot box, states that the procedure for rotating ballot boxes (which is used to count paper ballots on election day) does not apply to an early voting polling place. TEX. ELEC. CODE § 65.003 (providing procedures for rotating ballot boxes); TEX. ELEC. CODE § 85.032. In fact, the early voting poll worker is not entitled to have the keys to the early voting ballot box which would allow access to ballots for counting. Id.

Next, Chapter 87 of the Election Code provides that early voting by personal appearance ballots, including paper ballots, are counted by the Early Voting Ballot Board, which also completes the precinct returns for these ballots. TEX. ELEC. CODE § 87.001, TEX. ELEC. CODE § 87.062. However, if the authority holding the election has adopted a voting system, including a DRE, and established a central counting station, early voting by personal appearance ballots are counted at the central counting station, and it is the presiding judge of the central counting station who is charged with completing the precinct returns. TEX. ELEC. CODE § 87.101; TEX. ELEC. CODE § 87.103; TEX. ELEC. CODE § 127.131.

The Secretary of State, in fulfilling its duties under the Election Code to provide advice and to obtain and maintain uniformity in the application of the Election Code, has informed County Election Officers and early voting poll workers of the requirements of Chapter 87. TEX. ELEC. CODE § 31.003; TEX. ELEC. CODE § 31.004. In regards to electronic versions of tally lists, which are those that are printed by a voting system, and commonly referred to as a "tally tape" or "results

[12] The Election Code does not have a single title for poll workers serving at an early voting polling place location. In regards to the general election for state and county officers, these poll workers are referred to as "election officers" for early voting polling places. TEX. ELEC. CODE § 85.009. In regards to other elections, these poll workers are referred to as "deputy early voting clerks." TEX. ELEC. CODE § 83.031. Colloquially, these workers are often referred to as "election judges" and "election clerks" in concert with the titles of election day workers appointed under Chapter 32 of the Election Code. In this brief, the Secretary of State will refer to poll workers appointed to serve at early voting polling place locations as "early voting poll workers," and this reference does not include the early voting clerk.

[13] Section 81.002 states: "The other titles of this code apply to early voting except provisions that are inconsistent with this title or that cannot feasibly be applied to early voting." TEX. ELEC. CODE § 81.002. Therefore, while portions of Title 6 related to the "Conduct of Elections" apply to early voting, the provisions of Chapter 65 relating to the counting of election day ballots, are inconsistent with the early voting provisions and cannot be applied.

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tape." The Secretary of State has advised all early voting poll workers to not print such a tape at the close of early voting since the early voting poll worker does not have the authority to tally these ballots or complete a precinct return. Tex. Sec'y of State ADV2014-06 – Voting Systems Procedures Advisory, http://www.sos.state.tx.us/elections/laws/electronic-voting-system-procedures.shtml, (stating: "WARNING: Do not print out the results tape during Early Voting; this includes the last day of Early Voting."). If an early voting poll worker were to print this tape, it would be the equivalent of them opening the ballot box and counting ballots which is prohibited under 85.032, and it would equate to the unauthorized counting of early voting ballots. TEX. ELEC. CODE § 85.032; TEX. ELEC. CODE § 87.001; TEX. ELEC. CODE § 87.062; TEX. ELEC. CODE § 87.101; TEX. ELEC. CODE § 87.103; TEX. ELEC. CODE § 127.131.

Further, the federal guidelines for voting system certification require that a voting system have a "suspending" of the polls functionality for the early voting period. 2005 Voluntary Voting System Guidelines, Vol. 1, Section 2.4.3, http://www.eac.gov/assets/1/workflow_staging/Page/124.PDF. This allows the early voting poll worker to return voting system ballots to the early voting clerk without counting the ballots. Tex. Sec'y of State ADV2014-06 – Voting Systems Procedures Advisory, http://www.sos.state.tx.us/elections/laws/electronic-voting-system-procedures.shtml.

Next, the Texas Legislature did not intend for a poll watcher to view election results printed at the close of early voting as evidenced by the language found in Chapter 33 of the Election Code. Sections 33.052, 33.054 and 33.055, prescribing the hours of service for a watcher appointed to an election day polling place, meeting of the early voting ballot board, or convening of a central counting station, all have restrictions on a watcher's service while ballots are being counted. TEX. ELEC. CODE § 33.052; TEX. ELEC. CODE § 33.054; TEX. ELEC. CODE § 33.055. For example, Section 33.052 states that "if the watcher is present at the polling place when ballots are counted, the watcher may not leave until the counting is complete." TEX. ELEC. CODE § 33.052. However, there are no such restrictions found in Section 33.053 which prescribes the hours of service at an early voting polling place. TEX. ELEC. CODE § 33.053. In stark contrast to the aforementioned Sections of the Election Code, Section 33.053 does not reference the counting of ballots, but instead states: "A watcher serving at an early voting polling place may be present at the polling place at any time it is open and until completion of the securing of any voting equipment used at the polling place that is required to be secured on the close of voting each day." Id. The plain language of the statute envisions that a poll watcher would only watch the securing of the equipment and closing of an early voting polling location.

If early voting poll workers were authorized to print "results tapes" at the close of early voting, it could lead to an untimely release of election results, which would violate the Legislature's prohibition on the improper release of election results, and carry a criminal penalty. TEX. ELEC. CODE § 61.007.

Finally, the guidance of the Secretary of State is in keeping with the Texas Constitution's guarantee of the secrecy of the ballot. Carroll v. State, 61 S.W.2d 1005 (1933). In regards to protecting a voter's right to secrecy, the Legislature amended the Election Code to prevent the election officer from reporting early voting by personal appearance results to the canvassing authority by early voting polling location. Act of May 30, 1997, 75th, R.S., ch. 1349, § 40, 1997 Tex. Gen. Laws 5080, 5087 (current version at TEX. ELEC. CODE § 87.1231). The amendment was made because

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reporting the results of an early voting polling location with low turnout could reveal a voter's selections. The amendment was also in concert with a finding by a district court that the pre-amendment version of the statute violated the Constitution. Sherbet v. Hannah, No. 91-13587 (Dist. Ct. of Travis County, 345th Judicial Dist. of Texas, Oct. 8, 1992). Therefore, the Election Code requires these results to be reported by precinct along with all other early voting ballots. TEX. ELEC. CODE § 87.1231. If early voting poll workers were authorized to print tapes at the close of the early voting period, a voter's right to casting a secret ballot would be in jeopardy.

Poll Watcher Statutes

As to the third question in the request for opinion; i.e., "[w]hat is the remedy at law if an elections administrator excludes a poll watcher's access to any of the authorized activities provided in the Texas Election Code", the Election Code provides that a poll watcher may be appointed to certain places. Those locations include a precinct polling place, a main of branch early voting location, a meeting of the early voting ballot board, or a central counting station. TEX. ELEC. CODE § 33.007. Further, the Election Code states that any action that unlawfully obstructs a poll watcher is a Class A misdemeanor. TEX. ELEC. CODE § 33.061.

If you have any questions or need additional information, please do not hesitate to contact me at (512) 463-5770 or at GeneralCounsel@sos.texas.gov.

Regards,

/s/

Lindsey Wolf
General Counsel

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The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov
www.votetexas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Carlos H. Cascos
Secretary of State

September 20, 2016

Honorable Ken Paxton
Office of the Attorney General
PO Box 12548
Austin, TX 78711-2584

Via Electronic Mail

RE: RQ-0126-KP, Submitted by District Attorney, 33rd and 424th Judicial District, dated (as amended) September 6, 2016

Dear General Paxton:

The Office of the Texas Secretary of State (the "Secretary of State") is in receipt of a request for opinion from the District Attorney of the 33rd and 424th Judicial Districts (RQ-0126-KP) (the "Request"), which was forwarded by the Office of the Attorney General to the Secretary of State as an interested party.

The Request concerns the requirements of the Texas Election Code (hereinafter referred to as the "Election Code") in regards to ballots and ballot images, early voting procedures and poll watcher rights.

Ballots and Ballot Images

The Request primarily concerns the legal requirements of a ballot image. However, the Request does not properly state the legal requirements of a ballot[1] for a direct recording electronic voting machine (DRE)[2] as, for example, Section 52.062 does not apply to a ballot for a DRE.[3] Therefore, this brief will address both legal requisites of ballots and of ballot images.

[1] The Request states "if the ballot is required to contain the various items detailed above" referencing Sections 52.003, 52.062, 52.063, 52.064, and 52.070 of the Election Code.

[2] The Request references "electronic voting systems" in regards to ballot images. However, only a direct recording electronic voting machine ("DRE") produces a ballot image. Therefore, this brief will address the requirements of a DRE.

[3] A direct recording electronic voting machine is defined as a "voting machine that is designed to allow a direct vote on the machine by the manual touch of a screen, monitor, or other device and that records the individual votes and vote totals electronically." TEX. ELEC. CODE § 121.003(12).

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Ballots

The Secretary of State is charged with the duty of approving voting systems and voting system equipment for use in Texas elections. TEX. ELEC. CODE § 122.031. In order for a system to receive certification it must comply with the Texas Constitution and the Election Code. The Secretary of State has approved only those DREs that meet these requirements.

Requirements of the Texas Constitution

The Texas Constitution states:

> In all elections by the people, the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

Tex. Const. art. VI, § 4.

The first part of this sentence mandates that the "vote shall be by ballot" which guarantees all voters the right to a secret ballot. Carroll v State, 61 S.W.2d 1005, 1007 (Tex. Crim. App. 1933) (stating "[t]he mandate of the Constitution of this state that the vote be by ballot must be construed as meaning a 'secret ballot.'"). The second part of this sentence mandates that the Legislature "provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box."[4] The Legislature has met these two charges of the Constitution, and importantly, the Legislature did not only fulfill its duties in regards to paper ballots, but also for DRE ballots.

The Texas Legislature has secured all voters' right to a secret ballot by prohibiting a voting system from being used in an election unless the voting system "preserves the secrecy of the ballot." TEX. ELEC. CODE § 122.001(a)(1). The Secretary of State reviews each voting system to ensure that it provides a secret ballot, and only certifies those systems that comply with the law. Tex. Sec'y of State Form 101 – Voting System Certification, http://texreg.sos.state.tx.us/fids/201501578-3.pdf (requiring applicants to explain how the voting system preserves the secrecy of the ballot).

The Texas Legislature provides for the "numbering of tickets" by requiring a DRE to be equipped with a "public counter," which displays the number of ballots cast on the voting machine. TEX. ELEC. CODE § 122.033(3); TEX. ELEC. CODE § 121.003(6) (providing the definition of a "public counter"). The use of a public counter as the method of numbering ballots began in 1930 when the Legislature first authorized the use of a "voting machine," which referred to a lever voting machine.[5] Act of February 18, 1930, 41st Leg., 4th C.S., ch. 33, 1930 Tex. Gen. Laws 60. The

[4] The word "ticket" as it appears in the text of Article 6 is synonymous with the word "ballot." Wood v. State, 126 S.W.2d 4, 9 (Tex. 1939).

[5] The Help America Vote Act (HAVA) of 2002 required the phase out and replacement of lever voting systems and punch card voting systems. Pub. L. 107-252, 116 Stat. 1666 (codified at 52 U.S.C. §§ 2091-2096); Act of May 28, 2003, 78th Leg., R.S., ch. 1315, 2003 Tex. Gen. Laws 4819 (implementing the Help America Vote Act of 2002). Texas complied with the requirements of HAVA, and all political subdivisions have ceased using lever voting systems

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passage of this legislation created two separate and distinct methods of numbering ballots: one for paper ballots and one for voting machine ballots:

- Paper Ballots: After a voter marked their ballot, they were required to fold it, and provide their ballot to a poll worker who was required to "number the ballot, writing on the blank side the number opposite the voter's name on the voting list." Act of May 11, 1905, 29th Leg., 1st C.S., ch. 11, § 74, 1905 Tex. Gen. Laws 520, 537. In practical terms, this meant that the name of each voter was written down on a numbered poll list, and the number next to the voter's name on the poll list was written on the ballot by the poll worker.
- Voting Machine Ballots: As noted above, the Legislature provided for the "numbering of tickets" through the voting machine's "public counter." The "public counter" was defined as "a device in full view of the election officials while the voter is voting which records only the number of votes cast on the machine." Act of February 18, 1930, 41st Leg., 4th C.S., ch. 33, § 18, 25, 1930 Tex. Gen. Laws 60, 67, 70.

Additionally, the prescribed method for numbering voting machine ballots affected election contest procedures. The numbering requirements for paper ballots, as described above, created a traceable connection between the voter and their ballot. In an election contest, poll lists and voted ballots were reviewable. Act of March 17, 1911, 32nd Leg., R.S., ch. 80, § 9, 1911 Tex. Gen. Laws 144, 147. However, the method of numbering for voting machine ballots, and the mechanics of a lever machine, did not allow for a traceable connection between the voter and their ballot.

This method of numbering ballots, and its effect on election contest procedures, led to a number of legal proceedings. However, the courts have consistently upheld the constitutionality of the public counter's numbering of ballots. In 1939, the Texas Supreme Court determined that the public counter method of "numbering of tickets" satisfied the requirements of the Constitution. Wood v. State, 126 S.W.2d 4, 9 (1939). Further, the court also found that the Constitution did not require ballots to be numbered in such a manner as to reveal a voter's selection during an election contest: "As we understand this machine, it is not possible from the record made by it to determine, in an election contest, how each voter voted. Be that as it may, the Constitution contains no such requirement. The Constitution simply requires that the ticket shall be numbered. The machine does that." Id. The court went on to say: "We think that one of the ways to ascertain how a voter voted, where a machine like this has been used, is to put such voter on the witness stand, and ask him the question." Id. The Legislature then amended the statute to provide that any voter "who casts a fraudulent or illegal ballot upon a voting machine…shall be compelled and required to disclose the names of the candidate or candidates for whom he cast such ballot at such election." Act of June 13, 1939, 46th Leg., R.S., ch. 3, § 5, 1939 Tex. Gen. Laws 301, 307. Subsequently, two courts of appeals reaffirmed that the Legislature's method of numbering voting machine ballots was constitutional. Reynolds v. Dallas County, 203 S.W.2d 320, 324 (Ct. Civ. App. Amarillo 1947); Christy v. Oliphint, 291 S.W.2d 406, 408 (Ct. Civ. App. Galveston 1956) (holding that the failure of a poll worker to write down the number on the public counter next to the voter's name on the poll list, as then required by law for voting machines, did not void the election as doing so would "effectually deprive electors of the right of suffrage without serving any useful purpose."). Further, the Oliphint court, hearing an election contest, determined that the privilege

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and punch voting systems, and have met the requirement to have an accessible voting system available at required elections.

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of a secret ballot could not "inure to the benefit of an elector who is shown to have illegally cast a ballot," and admonished the lower court for not following the 1939 statute providing that a person who cast an illegal ballot should be compelled to disclose how they voted as a means to detect and punish fraud. Oliphint, 291 S.W.2d at 410. In regards to paper ballots, the fact that all ballots could be reviewed with the poll lists, therefore allowing all voters' selections to become known, was at odds with the Constitution's guarantee of a secret ballot. Ultimately, the Legislature changed the method of numbering paper ballots, and applied the same provisions to election contests involving paper ballots.[6] Therefore, in regards to ensuring secrecy and means of detecting and punishing fraud,[7] paper ballots came to be like voting machine ballots.

The Legislature has also defined the DRE as a voting machine, and, as noted *supra*, provides for the same method for the numbering of ballots-through a public counter. TEX. ELEC. CODE § 121.003(12); TEX. ELEC. CODE § 122.033(3). Further, the Legislature has expressly authorized the use of DREs in Texas elections. Act of May 24, 2001, 77th Leg., R.S., ch. 1054, § 10, 2001 Tex. Gen. Laws 2329, 2330. The Legislature's requirements in regards to DREs also faced legal challenges, but the Texas Supreme Court once again concluded that the DRE "numbers ballots" as required by the Constitution. Andrade v. NAACP of Austin, 345 S.W.3d 1, 15 (2011). If there is to be a change in the numbering requirements for DRE ballots or a change in the procedures for detecting and punishing fraud and preserving the purity of the ballot box, it is wholly within the purview of the Legislature. Tex. Const. art. VI, § 4; see also Wood v. State, 126 S.W.2d 4, 9 (1939); Reynolds v. Dallas County, 203 S.W.2d 320, 324 (Ct. Civ. App. Amarillo 1947) (stating: "The duty of making provision for numbering the ballots and making such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box is placed upon the legislature and, if the present Article does not meet the requirement of the constitution, it is properly a matter for the consideration of the legislature and not the courts."); Andrade v. NAACP of Austin, 345 S.W.3d 1, 16 (2011) (citing to Wood v. State, 126 S.W.2d 4 (1939), and stating: "[T]he voters assert that the lack of a contemporaneous paper record neither provides a means of detecting and punishing fraud, nor preserves the purity of the ballot box. But we have held that the 'purity of the ballot box' provision requires only that the Legislature pass laws as necessary to deter fraud and protect ballot purity…. The voters do not complain that the Legislature has failed to do so; to the contrary, they admit that it has.").

[6] In 1949, the Legislature required there to be a detachable stub on the ballot to further ensure secrecy. In passing this legislation, the Legislature stated that "the present system of numbering ballots with corresponding numbers on polling lists renders available the information as to how a voter casts his vote at an election," and the Legislature noted the "importance of securing for the electorate of this State a system which will insure a secret ballot." Act of May 30, 1949, 51st Leg., R.S., ch. 329, 1949 Tex. Gen. Laws 615. In 1977, the ballot stub was eliminated, and paper ballots were required to be serially numbered. This enactment provided the predecessor to Section 52.062. This enactment also provided the predecessor to Chapter 221 of the Election Code, allowing an ineligible voter's vote to be discovered through testimony, and allowing an election to be declared void if the results could not be ascertained. Act of May 12, 1977, 65th Leg., R.S., ch. 247, 1977 Tex. Gen. Laws 657.

[7] The Legislature has also provided additional methods of detecting and punishing fraud. In regards to numbering, the serial numbers on paper ballots allow for the number of ballots printed and cast to be accounted for and compared to the number of voters on the poll list and provided on the election returns. The public counter on a voting machine, similar to a serial number on a paper ballot, allows for the number of ballots cast to be compared to the number of voters on the poll list and provided on the election returns.

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Therefore, the DREs certified by the Secretary of State meet the requirements of the Constitution, and the Secretary of State has been found to have "made a reasonable, politically neutral, and non-discriminatory choice" in certifying DREs. See Tex. Democratic Party v. Williams, No. A-07-CA-115-SS (W.D. Tex. August 16, 2007).

Requirements of the Texas Election Code

As noted *supra*, in 1930 the Legislature provided requirements for voting machine ballots, and these requirements were added in a separate section of the statutes.[8] The dual set of procedures continues to exist in today's Election Code. The requirements of a DRE ballot are located in Subchapter A, Chapter 124 (entitled "Voting System Ballots"). The DREs certified for use in Texas meet these requirements.[9] The provisions of Subchapter C, Chapter 52 are not to be applied to a DRE ballot if they are "inconsistent" with Title 8 (entitled "Voting Systems") or "cannot feasibly be applied" to a DRE ballot. TEX. ELEC. CODE § 121.001. For example, Section 52.061 cannot feasibly be applied as a DRE ballot cannot be printed on "white or light-colored paper" as a DRE is an electronic device, but Section 52.063 can be applied on the screen presented to the voter on a DRE, as the nature and date of election can be programmed on that DRE ballot. TEX. ELEC. CODE § 52.061; TEX. ELEC. CODE § 52.063. However, Section 52.062 is inconsistent with Title 8 because the Legislature has provided for a different method of numbering DRE ballots, discussed *supra*. TEX. ELEC. CODE § 52.062; TEX. ELEC. CODE § 121.003(12); TEX. ELEC. CODE § 122.033(3). Further, Section 52.075 of the Election Code provides the Secretary of State the authority to "prescribe the form and content of a ballot for an election using a voting system." TEX. ELEC. CODE § 52.075.

Therefore, the DREs certified by the Secretary of State meet the requirements of the Election Code.

Ballot Images

There is no requirement in the Election Code which requires ballot images stored by a DRE voting machine in accordance with Section 128.001(a) of the Election Code to comply with Subchapter C, Chapter 52 of the Election Code. Further, there is nothing in the Election Code which requires a ballot image to be an "exact likeness" of a DRE ballot.

The Request correctly states that the Election Code does not define a "ballot image." However, the term has been properly defined by the Secretary of State. The Secretary of State's definition is in concert with the definition of "ballot image" in standards authored by the United States

[8] In 1930, the law mandated that paper ballots be "printed with black ink on clear white paper of uniform style" and required that the words "Official Ballot" be printed at the top of the ballot in large letters. Act of May 11, 1905, 29th Leg., 1st C.S., ch. 11, § 46, 53, 1905 Tex. Gen. Laws 520, 531, 532. In regards to voting machine ballots, the law mandated that the ballots "be printed in black ink on white, clear material, of such size as will fit in the ballot frame," and provided that the word "ballot" meant "that portion of the cardboard or other material within the ballot frames containing the name of the candidate and the office or a statement of a constitutional amendment, bond issue or other proposition with the words 'yes' or 'no' for voting for or against." Act of February 18, 1930, 41st Leg., 4th C.S., ch. 33, § 8, 25, 1930 Tex. Gen. Laws 60, 63, 70.

[9] Chapter 124 requires that straight party voting be arranged, provides procedures for party alignment and the listing of unopposed candidates. The DREs in Texas provide these capabilities. TEX. ELEC. CODE § 124.001; TEX. ELEC. CODE § 124.002; TEX. ELEC. CODE § 124.003.

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Election Assistance Commission ("EAC"). The Secretary of State is limited to certifying only voting systems that comply with the voting system standards adopted by the EAC. TEX. ELEC. CODE § 122.001(a)(3). Further, the Secretary of State has been required by the Legislature to "ensure the orderly and proper administration of elections" using DREs, and to "prepare detailed and comprehensive written directives and instructions." TEX. ELEC. CODE § 129.002(c); TEX. ELEC. CODE § 31.003. The Secretary of State, in complying with the directive of the Legislature, developed recount procedures for elections involving DREs as Title 13 of the Election Code (entitled "Recounts") does not have specific procedures related to DREs. Those procedures allow for a manual recount of ballot images, or as they are commonly known, cast vote records. The directive also contains a glossary of voting system related terms, including the definition of a ballot image and a cast vote record:

Ballot Image	Electronically produced record of all votes cast by a single voter.
Cast Vote Record (CVR)	Permanent record of all votes produced by a single voter whether in electronic or paper copy form. Used for counting votes. Also referred to as ballot image when used to refer to electronic ballots.

Tex. Sec'y of State Election Advisory No. 2014-06, http://www.sos.state.tx.us/elections/laws/electronic-voting-system-procedures.shtml.

The definition of a ballot image, being synonymous with a cast vote record, does not provide that a ballot image contain all of the requirements of a DRE ballot, nor does it provide that a ballot image must be a "reproduction" or "exact likeness" of a ballot. Further, the Secretary of State has been providing the same directive and voting system definitions for many years.[10] In addition to these procedures, the Secretary of State requires a DRE to be capable of printing ballot images for the conduct of a recount before it can be certified. TEX. ELEC. CODE §122.032(b) (authorizing the Secretary of State to provide "more specific requirements" for the approval of a voting system); Tex. Sec'y of State Form 101 – Voting System Certification, http://texreg.sos.state.tx.us/fids/201501578-3.pdf (requiring applicants to explain their procedure for printing ballot images).

The Request references a definition found in a separate glossary published by the Secretary of State which defines a ballot images as: "The ballot as it appears on a direct recording electronic (DRE) voting system." Tex. Sec'y of State, Glossary of Elections Terminology, http://www.sos.state.tx.us/elections/laws/glossary.shtml#B. This glossary of elections terminology is not a glossary of voting system terminology, as the voting system terminology has been included in the above-referenced advisory. The voting system glossary includes definitions for such terms as "audit logs" and "zero tape," whereas the glossary of election terms does not include definitions of these terms. Therefore, the voting system glossary, contained in a formal advisory by the Secretary of State, is the best source of information when considering terms related to a voting system. Further, the definition of a ballot image found in the elections terminology glossary, while not technical, is not incorrect. The ballot image printed from a DRE does reflect

[10] The Secretary of State has attached advisories from 2006, 2007, 2008, 2010, and 2012 providing the definition of a ballot image, and stating that a cast vote record is another term for a ballot image.

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the DRE ballot, specifically the voter's selections as they *appeared* on the DRE when the voter cast their ballot. However, the requirement that a ballot image accurately reflect the voter's selections does not equate to a requirement that a ballot image be an "exact likeness" of the DRE ballot.

As further evidence that the ballot image produced by a DRE is consistent with Texas and federal law, in 2001, the Legislature added Chapter 129 regarding DREs. Act of May 24, 2001, 77th Leg., R.S., ch. 1054, § 10, 2001 Tex. Gen. Laws 2329, 2330 (current version at TEX. ELEC. CODE §§ 129.001, et. seq.). The DREs certified for use, both then and now, produced a ballot image/cast vote record that did not have an "exact likeness" to a DRE ballot. Certainly, the Legislature would have not added Chapter 129 to the Election Code if the ballot images stored and printed by DREs were considered insufficient. However, it is clear that the Legislature has found the ballot images produced by DREs acceptable for use in recounts as it has twice more added the term "ballot image" to the Election Code. First, the Legislature added Section 213.016, which provided provisions related to whom may be present during the printing of ballot images for a recount. Act of May 31, 2003, 78th Leg., R.S., ch. 583, § 2, 2003 Tex. Gen. Laws 1952 (current version at TEX. ELEC. CODE § 213.016). Next, the Legislature clarified that only the "actual expense incurred" for printing ballot images could be assessed against a recount requestor. Act of May 27, 2013, 83rd Leg., R.S., ch. 1178, § 21, 2013 Tex. Gen. Laws 2923, 2927 (current version at TEX. ELEC. CODE § 215.002).

Therefore, the DREs certified for use in Texas meet all federal guidelines, including those relating to ballot images, and requirements of the Election Code and Secretary of State for the storage and printing of ballot images.

NOTE: The Request's question regarding ballot images is currently pending before the 3rd Court of Appeals. Case Number: 03-15-00368-CV. The appeal is a result of a no evidence summary judgment ruling, which cited many years of precedent. Pressley v. Casar, No. D-1-GN-15-000374 (Dist. Ct. of Travis County, 201st Judicial Dist. of Texas, May 24, 2015).

Ballot Images and Recount Requirements

The Request also references Section 213.007(a) of the Election Code, which provides:

> On presentation by a recount committee chair of a written order signed by the recount supervisor, the custodian of voted ballots, voting machines or test materials or programs used in counting electronic voting system ballots shall make the ballots, machines, or materials or programs, including the records from which the operation of the voting system may be audited, available to the committee.

TEX. ELEC. CODE § 213.007(a).

The Request seems to indicate that in order for a recount committee to complete a recount, it must have the ballots to review. However, Section 213.007 states the "ballots, machines, *or* materials *or* programs…" (emphasis added). TEX. ELEC. CODE § 213.007(a). The fact that the Legislature included the word "or" instead of "and" was purposeful. In 1985, the Texas Legislature recodified

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the Election Code, and included Section 213.007 and Section 214.022. Section 214.022 provided the recount method for an election using a mechanical voting machine. Act of May 16, 1985, 69th Leg., R.S., ch. 211, 1985 Tex. Gen. Laws 802, *repealed by* Act of May 30, 2005, 79th Leg., R.S. ch. 1107, § 2.21, 2005 Tex. Gen. Laws 3670, 3678. The prescribed method involved comparing the results on the registering counter (on the voting machine) to the original election returns. The voting machine ballots were not capable of being reproduced and could not be made available to the recount committee. In compliance with Section 213.007, it was the voting machine that was made available to the recount committee.

Similarly, in the case of a DRE voting machine, the DRE ballots are not capable of being reproduced, nor are they required to be reproduced. Instead, the machines themselves are made available, as well as the "records from which the operation of the voting system may be audited" which would include the ballot images. The Texas Supreme Court concluded that variations in recount procedures depending on whether paper, optical scan or DRE ballots were used did not violate a voter's right to a recount and did not violate Texas' guarantees of equal protection. Andrade v. NAACP of Austin, 345 S.W.3d 1, 13 (2011).

In addition to being upheld by the Texas Supreme Court, the use of ballot images produced from a DRE in a recount has been upheld by other courts. See Wexler v. Anderson, 452 F.3d 1226, 1233 (11th Cir. 2006); Weber v. Shelley, 347 F.3d 1101 (9th Cir. 2003); Favorito v. Handel, 684 S.E.2d 257 (Ga. 2009); Mills v. Shelby County Election Comm'n, 218 S.W.3d 33 (Tenn. Ct. App. 2006); Gusciora v. Christie, 2013 N.J. Super. Unpub. LEXIS 2278 (N.J. Super. Ct. App. Div. 2013); Banfield v. Cortés, 110 A.3d 155 (Pa. 2015); Schade v. Md. State Bd. of Elections, 930 A.2d 304 (Md. 2007). In Wexler v. Anderson,[11] the court noted:

> The differences between these procedures are necessary given the differences in the technologies themselves and the types of errors voters are likely to make in utilizing those technologies. Voters casting optical scan ballots can make a variety of mistakes that will cause their ballots not to be counted. For example, a voter casting an optical scan ballot might leave a stray pencil mark or circle a candidate's name rather than filling in the appropriate bubble. Thus, although an optical scan tabulation machine may register an undervote for a particular race on a particular ballot, there may be sufficient indicia on the ballot that the voter actually chose a candidate in that race such that the vote would be counted in a manual recount. In contrast, a voter in a touchscreen county either chooses a candidate for a particular race or does not; the touchscreen machines do not record ambiguous indicia of voter intent that can later be reviewed during a manual recount.

Therefore, a DRE voting machine provides the ability for an accurate recount and complies with the provisions of the Election Code.

Early Voting Tally Lists and Precinct Returns

As to the Requestor's second question; i.e., whether the Texas Election Code "require[s] the Election Judge at each polling location to print, sign, and return to the County Election Officers"

[11] 452 F.3d 1226, 1233 (11th Cir. 2006).

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a tally list and precinct returns, the Office contends that the answer is no; in fact, the Texas Election Code and case law prohibits it.

The early voting poll worker[12] at each early voting polling location should *not* print, sign and return neither a tally list, nor complete precinct returns. The Request quotes language from Sections 65.004 and 65.005 of the Election Code, and notes that the "statutes do not distinguish between early voting and election day results." However, the Texas Legislature has enacted Chapter 87 of Title 7 of the Election Code, which is entitled "Processing Early Voting Results," and provides separate and distinct procedures[13] for the counting of early voting ballots and completion of precinct returns for early voting ballots. Therefore, Sections 65.004 and 65.005 of the Election Code do not apply to the counting of early voting ballots. As a result, the Legislature has not provided any procedures for an early voting poll worker to count early voting by personal appearance ballots, or any authority for an early voting poll worker to tally ballots cast during the early voting period, or any authority for an early voting poll worker to complete a precinct return.

Specifically, Section 85.032, which relates to the security of the early voting ballot box, states that the procedure for rotating ballot boxes (which is used to count paper ballots on election day) does not apply to an early voting polling place. TEX. ELEC. CODE § 65.003 (providing procedures for rotating ballot boxes); TEX. ELEC. CODE § 85.032. In fact, the early voting poll worker is not entitled to have the keys to the early voting ballot box which would allow access to ballots for counting. Id.

Next, Chapter 87 of the Election Code provides that early voting by personal appearance ballots, including paper ballots, are counted by the Early Voting Ballot Board, which also completes the precinct returns for these ballots. TEX. ELEC. CODE § 87.001, TEX. ELEC. CODE § 87.062. However, if the authority holding the election has adopted a voting system, including a DRE, and established a central counting station, early voting by personal appearance ballots are counted at the central counting station, and it is the presiding judge of the central counting station who is charged with completing the precinct returns. TEX. ELEC. CODE § 87.101; TEX. ELEC. CODE § 87.103; TEX. ELEC. CODE § 127.131.

The Secretary of State, in fulfilling its duties under the Election Code to provide advice and to obtain and maintain uniformity in the application of the Election Code, has informed County Election Officers and early voting poll workers of the requirements of Chapter 87. TEX. ELEC. CODE § 31.003; TEX. ELEC. CODE § 31.004. In regards to electronic versions of tally lists, which are those that are printed by a voting system, and commonly referred to as a "tally tape" or "results

[12] The Election Code does not have a single title for poll workers serving at an early voting polling place location. In regards to the general election for state and county officers, these poll workers are referred to as "election officers" for early voting polling places. TEX. ELEC. CODE § 85.009. In regards to other elections, these poll workers are referred to as "deputy early voting clerks." TEX. ELEC. CODE § 83.031. Colloquially, these workers are often referred to as "election judges" and "election clerks" in concert with the titles of election day workers appointed under Chapter 32 of the Election Code. In this brief, the Secretary of State will refer to poll workers appointed to serve at early voting polling place locations as "early voting poll workers," and this reference does not include the early voting clerk.

[13] Section 81.002 states: "The other titles of this code apply to early voting except provisions that are inconsistent with this title or that cannot feasibly be applied to early voting." TEX. ELEC. CODE § 81.002. Therefore, while portions of Title 6 related to the "Conduct of Elections" apply to early voting, the provisions of Chapter 65 relating to the counting of election day ballots, are inconsistent with the early voting provisions and cannot be applied.

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tape." The Secretary of State has advised all early voting poll workers to not print such a tape at the close of early voting since the early voting poll worker does not have the authority to tally these ballots or complete a precinct return. Tex. Sec'y of State ADV2014-06 – Voting Systems Procedures Advisory, http://www.sos.state.tx.us/elections/laws/electronic-voting-system-procedures.shtml, (stating: "WARNING: Do not print out the results tape during Early Voting; this includes the last day of Early Voting."). If an early voting poll worker were to print this tape, it would be the equivalent of them opening the ballot box and counting ballots which is prohibited under 85.032, and it would equate to the unauthorized counting of early voting ballots. TEX. ELEC. CODE § 85.032; TEX. ELEC. CODE § 87.001; TEX. ELEC. CODE § 87.062; TEX. ELEC. CODE § 87.101; TEX. ELEC. CODE § 87.103; TEX. ELEC. CODE § 127.131.

Further, the federal guidelines for voting system certification require that a voting system have a "suspending" of the polls functionality for the early voting period. 2005 Voluntary Voting System Guidelines, Vol. 1, Section 2.4.3, http://www.eac.gov/assets/1/workflow_staging/Page/124.PDF. This allows the early voting poll worker to return voting system ballots to the early voting clerk without counting the ballots. Tex. Sec'y of State ADV2014-06 – Voting Systems Procedures Advisory, http://www.sos.state.tx.us/elections/laws/electronic-voting-system-procedures.shtml.

Next, the Texas Legislature did not intend for a poll watcher to view election results printed at the close of early voting as evidenced by the language found in Chapter 33 of the Election Code. Sections 33.052, 33.054 and 33.055, prescribing the hours of service for a watcher appointed to an election day polling place, meeting of the early voting ballot board, or convening of a central counting station, all have restrictions on a watcher's service while ballots are being counted. TEX. ELEC. CODE § 33.052; TEX. ELEC. CODE § 33.054; TEX. ELEC. CODE § 33.055. For example, Section 33.052 states that "if the watcher is present at the polling place when ballots are counted, the watcher may not leave until the counting is complete." TEX. ELEC. CODE § 33.052. However, there are no such restrictions found in Section 33.053 which prescribes the hours of service at an early voting polling place. TEX. ELEC. CODE § 33.053. In stark contrast to the aforementioned Sections of the Election Code, Section 33.053 does not reference the counting of ballots, but instead states: "A watcher serving at an early voting polling place may be present at the polling place at any time it is open and until completion of the securing of any voting equipment used at the polling place that is required to be secured on the close of voting each day." Id. The plain language of the statute envisions that a poll watcher would only watch the securing of the equipment and closing of an early voting polling location.

If early voting poll workers were authorized to print "results tapes" at the close of early voting, it could lead to an untimely release of election results, which would violate the Legislature's prohibition on the improper release of election results, and carry a criminal penalty. TEX. ELEC. CODE § 61.007.

Finally, the guidance of the Secretary of State is in keeping with the Texas Constitution's guarantee of the secrecy of the ballot. Carroll v. State, 61 S.W.2d 1005 (1933). In regards to protecting a voter's right to secrecy, the Legislature amended the Election Code to prevent the election officer from reporting early voting by personal appearance results to the canvassing authority by early voting polling location. Act of May 30, 1997, 75th, R.S., ch. 1349, § 40, 1997 Tex. Gen. Laws 5080, 5087 (current version at TEX. ELEC. CODE § 87.1231). The amendment was made because

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reporting the results of an early voting polling location with low turnout could reveal a voter's selections. The amendment was also in concert with a finding by a district court that the pre-amendment version of the statute violated the Constitution. Sherbet v. Hannah, No. 91-13587 (Dist. Ct. of Travis County, 345th Judicial Dist. of Texas, Oct. 8, 1992). Therefore, the Election Code requires these results to be reported by precinct along with all other early voting ballots. TEX. ELEC. CODE § 87.1231. If early voting poll workers were authorized to print tapes at the close of the early voting period, a voter's right to casting a secret ballot would be in jeopardy.

Poll Watcher Statutes

As to the third question in the request for opinion; i.e., "[w]hat is the remedy at law if an elections administrator excludes a poll watcher's access to any of the authorized activities provided in the Texas Election Code", the Election Code provides that a poll watcher may be appointed to certain places. Those locations include a precinct polling place, a main of branch early voting location, a meeting of the early voting ballot board, or a central counting station. TEX. ELEC. CODE § 33.007. Further, the Election Code states that any action that unlawfully obstructs a poll watcher is a Class A misdemeanor. TEX. ELEC. CODE § 33.061.

If you have any questions or need additional information, please do not hesitate to contact me at (512) 463-5770 or at GeneralCounsel@sos.texas.gov.

Regards,

/s/

Lindsey Wolf
General Counsel

AMERICAN OVERSIGHT

From: Charles Pinney
To: [redacted]
Subject: Re: Did Texas reject Dominion voting machines because results could be easily changed? (EI Response)
Date: Tuesday, December 22, 2020 9:32:36 AM

Hello,

Different counties in Texas use different voting systems. Under Texas Election Code 123.001, each county (or other political subdivision) in Texas must make their own decision regarding which system to acquire. However, a voting system must be certified by both the federal government and by our office before it may be acquired by a county and used in a Texas election.

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020. The reasons for the denial of certification are outlined in the orders linked in the preceding two links, and in the examiner reports for each of those systems that were presented for certification.

You can find the examiner reports for those two systems here on our website:

Examiner Reports for Dominion Democracy Suite 5.5

Examiner Reports for Dominion Democracy Suite 5.5-A

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Elections Staff
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: Peter Pursley [redacted]>
Sent: Monday, December 14, 2020 6:12 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Did Texas reject Dominion voting machines because results could be easily changed?

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Dear Secretary of State

I have read that Texas refused to purchase Dominion voting machines because you found them too vulnerable and risky because they could easily be tampered with to change election results? Is that correct?

If you have any written findings on this question, I would appreciate your attaching them to your reply.

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

From: Steve Moreland
To: Christina Adkins
Subject: RE: Dominion Meeting
Date: Friday, March 11, 2016 1:10:33 PM

If we could start set up around 8am and then be ready to begin the meeting at 9am would that work for your team? We would certainly be available to stay as long as needed that day.

We may decide to truck everything down, but if that changes I appreciate the opportunity to ship prior, but will let you know. Also, do you have a list of attendees from the State?

Regards,

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

DOMINION VOTING
2010 Redbud, Suite 110, McKINNEY, TX 75069
1.866.654.8683 | DOMINIONVOTING.COM

214.491.5218 OFFICE (ext 9331)
214.930.8659 MOBILE

From: Christina Adkins [mailto:CAdkins@sos.texas.gov]
Sent: Friday, March 11, 2016 1:03 PM
To: Steve Moreland
Subject: RE: Dominion Meeting

Steve,

Thanks for the update. Shipping stuff here ahead of time would be fine. Our street address is:

Texas Secretary of State
Elections Division
Attn: Christina Adkins
1019 Brazos Street
Austin Texas 78701

Just let me know what you plan on sending so that I will know what to expect. 2-2.5 hours would work fine. Do you all want to do morning or afternoon? I don't think we actually figured out a specific time when we talked about the meeting.

As for the rules….the change is happening soon. I just need one more person to sign off on the changes before we go forward with posting them. When that happens, I will let you know ASAP!

Let me know what other questions or concerns you may have!

Thanks,

Christina

AMERICAN OVERSIGHT

From: Steve Moreland [mailto:[redacted]]
Sent: Thursday, March 10, 2016 10:44 AM
To: Christina Adkins
Subject: Dominion Meeting

Good Morning Christina,

We are preparing for our meeting in Austin on March 31. Attending from Dominion will be:

Waldeep Singh – Executive VP Sales
Steve Moreland – VP Fulfillment
Eric Coomer – Director of Product Strategy
Phil Foster – Regional Sales Mgr
Josh Price – Regional Sales Mgr
Juan Serratti – Product Specialist

Not sure how much time your team has allowed, but we are preparing to demonstrate our legacy TSx product as you requested, as well as demonstrate the current and future Dominion family of products. We can probably accomplish that in about 2 – 2 ½ hours, and could probably use about an hour or so prior to the meeting start for set up of the equipment. Additionally, if we choose to ship down some equipment prior, would it be possible to ship to your office? If not, that's not a problem.

Also, I wanted to inquire as to the progress on the real time audit log language change?

Thanks and look forward to meeting you.

Regards,

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

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From: Elections Internet
To: [redacted]
Subject: Re: Dominion Voting System (EI Response)
Date: Monday, November 23, 2020 9:24:02 AM
Attachments: Outlook-mdsygkvk.png

Hello,

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020.

Premier's AccuVote is a currently certified system in Texas, and Premier is owned by Dominion Voting Systems. Only one county in Texas (Wilson County) used that system in the November 2020 election. They have already purchased a new system for future elections, but were unable to implement it in time for this most recent November election.

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Elections Staff
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

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From: Judy Lee [redacted]t>
Sent: Thursday, November 19, 2020 10:54 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Dominion Voting System

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To Whom It May Concern,

Considering the current state of elections in our country where the Dominion system was being used, I am very concerned. It is my understanding that Texas does not use this system, but I wanted to clarify that this is indeed the case. I have heard conflicting reports on the "news" and knowing

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that you really can't rely on them to tell the whole truth, I just wanted to be sure.

I look forward to your response.

Sincerely,

Judy Lee
Giddings, TX

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Charles Pinney
To: [redacted]
Subject: Re: Dominion Voting Systems? (EI Response)
Date: Thursday, March 4, 2021 9:43:14 AM

Hello,

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020.

Premier's AccuVote is a currently certified system in Texas, and Premier is owned by Dominion Voting Systems. Only one county in Texas (Wilson County) used that system in the November 2020 election. They have already purchased a new system for future elections, but were unable to implement it in time for this most recent November election.

You can find a list of the voting systems and equipment used by each county on our website. Note that the list is updated annually, and does not reflect very recent acquisitions by some of the counties listed. You can find that list here: https://www.sos.texas.gov/elections/forms/sysexam/voting-sys-bycounty.pdf

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Chuck Pinney
Attorney -- Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

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From: Jeanne Flowers <[redacted]
Sent: Tuesday, March 2, 2021 12:19 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Dominion Voting Systems?

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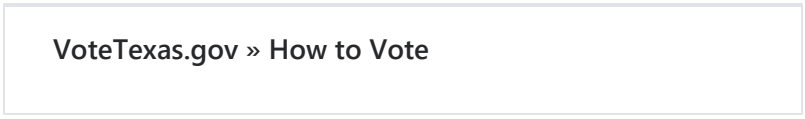
Based on your website, Texas is using the Dominion Voting System. Can you please confirm?

VoteTexas.gov » How to Vote



Thank you.
Jeanne Flowers
Live Oak, TX 78233
[redacted]

AMERICAN OVERSIGHT

From: Charles Pinney
To: [redacted]
Subject: Re: Election Integrity &Voting machines (EI Response)
Date: Thursday, January 21, 2021 9:34:25 AM

Hello,

Many of the concerns you raised in your email are addressed under existing state law in the Texas Election Code.

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020.

Premier's AccuVote is a currently certified system in Texas, and Premier is owned by Dominion Voting Systems. That AccuVote system is the system you referred to on our webpage. Only one county in Texas (Wilson County) used that system in the November 2020 election. They have already purchased a new system for future elections, but were unable to implement it in time for this most recent November election.

You can find a list of the voting systems and equipment used by each county on our website. Note that the list is updated annually, and does not reflect very recent acquisitions by some of the counties listed. You can find that list here: https://www.sos.texas.gov/elections/forms/sysexam/voting-sys-bycounty.pdf

In a federal election in Texas, poll workers are appointed from both parties based on lists submitted by the political party chairs for each party. Those party chairs will submit lists of individuals who are eligible to serve as poll workers on election day and during early voting, and the county is required to appoint an equal number of names from each list unless one of the chairs fails to submit a list or the number of names submitted on the chair's list is insufficient to meet the staffing needs for the election. Those appointment procedures are outlined in Texas Election Code 32.002 and 85.009, and are outlined in more detail in Advisory 2020-18. For more information on how your county met these procedural requirements in the most recent election, you may wish to reach out directly to your local county election office.

While the law does not currently allow for a livestream viewing of the ballot counting process in Texas, it does allow for the appointment of poll watchers by candidates, political parties, and PACs that support or oppose a ballot measure on the ballot. Those poll watchers provide oversight over the election workers who are conducting the ballot counting process. Those election workers who are actually counting the ballots are also appointed in an equal number from lists submitted by both political parties under a similar appointment process to the one used for election day and early voting poll workers. That process is outlined in more detail in Advisory 2020-18.

The Texas Election Code currently addresses the three voter registration concerns you identified at the end of your email. Texas Election Code 16.001 provides a process for automatic cancellation of ineligible voters due to death, based on information submitted on a monthly or weekly basis by various different agencies including the Bureau of Vital Statistics, the Social Security Administration,

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and the local registrar of deaths. Texas Election Code 16.031 provides for cancellation of a voter's registration when the voter registrar receives certain information indicating that the voter has registered in another state. Finally, Texas Election Code 11.002 and 13.001 both provide that a person must be a US citizen in order to register to vote and to vote in a Texas election.

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Chuck Pinney
Attorney -- Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

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From: Carolyn Wong <[redacted]
Sent: Thursday, January 14, 2021 6:02 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Election Integrity &Voting machines

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Dear Ms. Ruth Hughes,

I have a question on what protocols we have to ensure all voting machines in Texas are secure and count our votes accurately and honestly. I became deeply concerned when I saw Dominion Voting Systems were used in the state of Texas on the VoteTexas.Gov website (web page view attached).

Another concern I have was finding out that polling locations had only 1-political party oversight. I was told the Republicans were not allowed to work as a poll worker unless they worked full time for the entire time frame of early voting and election day. This with other

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stringent requirements (have to live in the county, etc.) made it difficult for Republican voters in Harris county and neighboring counties to volunteer. I was surprised when this Democrat poll worker standing in front of me mentioned she was working part time at the polls.

Some states have given access to the public for viewing and monitoring of ballot counting and the ability to object if cheating occurs. What remedy or protocols does Texas have?

Is it too much to ask for the following? Do I need to contact the Texas state legislature to pass bills that require the following?

1. Clean voter registration rolls of dead people.
2. Clean voter registration rolls of people that have moved out of the state.
3. Allow only American citizens to vote.

Carolyn Wong
Harris County, Texas
832-941-6771

AMERICAN OVERSIGHT

From:	Stephen Berger
To:	"Brandon Hurley"; Christina Adkins; [redacted] ""Tom Watson""; amanda.crawford@texasattorneygeneral.gov; John.Ellis@texasattorneygeneral.gov
Subject:	RE: Hearing Follow-Up
Date:	Friday, September 2, 2016 9:00:54 AM
Attachments:	image001.png image002.png

Brandon,

Good advice. I think we are here to be a resource to Christina and Keith, not be separate voices in this part of the public process.

Mostly to educate myself I have been asking a couple of others on the VVSG revision committee what other states are doing. It is an interesting education.

I have picked up 2 phrases that I like quite a bit as quick summary communication tools:

- Evidence based elections
- Risk-limiting audits

Neither term is strictly defined anywhere to my knowledge but I like the concepts they communicate. We are running elections in a way that there is solid evidence of the validity of the results. There are audits run in ways that limit the risks from all those monsters-under-the-bed. A scientist I know who is heavily involved in Colorado's risk-limiting audits sent me the following links that provide more options than I was aware of and a useful comparison to what other states are doing:

For audits in support of Evidence-Based Elections, a good starting point is this database:

http://www.ceimn.org/searchable_databases/state_audit_laws

For system / event log info, this is a good set of info:

https://sites.google.com/site/electionaudits/event-logs

A couple of weeks ago I did a pre-assessment of the laboratories for a company that makes flight data recorders for military aircraft. Interestingly they use USB sticks to store the data, but very different devices than those we buy at retail. They use a very well designed and structured FMECA (FAILURE MODES, EFFECTS AND CRITICALITY ANALYSIS) in which the list every possible failure that can occur and judge its probability of occurrence and consequential impact. In their method they put numbers on the probability of occurrence and severity of the consequences, which they can summarize into a total score. They then work continually to reduce the total score by finding ways to reduce or mitigate the high probability and high impact failure modes.

I wonder how the engineers who testified on Wednesday would respond to a statement that summarized like this:

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"The elections division continually seeks to improve the quality of our elections. We use a use a failure modes, effects and criticality analysis to identify areas of risk, which we then seek to eliminate or mitigate. Our goal is to have evidence based elections, in which the results are supported by solid evidence for correctness. Risk-limiting audits are an important tool in this process. Risk-limiting audits have been used for some time in Texas but we continually seek to improve them."

I think most people, especially most technically trained people would respect such a statement, assuming they believed it was supported by the facts and I believe it is supported by facts. I also think most would want us to go ahead and take the next best steps to improve quality and security, which I suspect all of us would agree with.

Best Regards,

Stephen Berger
TEM Consulting, LP
Web Site - **www.temconsulting.com**
E-MAIL - [redacted]
Phone - (512) 864-3365
Mobile - (512) 466-0833
FAX - (512) 869-8709

From: Brandon Hurley [mailto[redacted]]
Sent: Thursday, September 1, 2016 5:09 PM
To: Christina Adkins <CAdkins@sos.texas.gov>; Stephen Berger [redacted]>; 'Tom Watson' [redacted]) [redacted]>; 'amanda.crawford@texasattorneygeneral.gov' <amanda.crawford@texasattorneygeneral.gov>; 'John.Ellis@texasattorneygeneral.gov' <John.Ellis@texasattorneygeneral.gov>
Subject: RE: Hearing Update

Thanks Christina.

I know I am not a lawyer for the SoS; however, I will suggest that if anyone starts getting calls or inquiries from anyone about the issues that were raised in the hearing (or anything along those lines), it is best to direct all inquiries to Christina or Keith. There may be a plan afoot to try to get sound bites from Examiners that will be used to create confusion later. To be blunt, our opinions probably do not matter much on these topics and cannot be binding on the SoS or AG (and we really cannot speak on either office's behalf).

Brandon T. Hurley

201 MAIN STREET, SUITE 2500
FORT WORTH, TEXAS 76102

AMERICAN OVERSIGHT

TELEPHONE (817) 878-3542
FAX (817) 878-9280
[redacted]
www.kellyhart.com

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From: Christina Adkins [mailto:CAdkins@sos.texas.gov]
Sent: Thursday, September 01, 2016 3:45 PM
To: Stephen Berger ([redacted]'; 'Tom Watson' [redacted]); Brandon Hurley; 'amanda.crawford@texasattorneygeneral.gov'; 'John.Ellis@texasattorneygeneral.gov'
Subject: Hearing Update

Dear Examiners,

As you know, yesterday we had the hearings for both the Hart and ESS certifications. The first hearing was for Hart, followed by ES&S. If I had to describe the hearings in one word, I think I would use the word "brutal." We had approximately 34 show up for the hearings. Almost everyone that was there testified in both hearings. Many times, people would make comments, then yield the rest of their time to Laura Pressley. By and large, this people that participated in the hearing expressed a desire to return to hand counted paper ballots. Across the board they are against DREs and have issues with Hart InterCivic. However, the SOS bore the brunt of their acrimony. They are very unhappy with our office for a number of things and they used these hearings to air grievances. Here are a couple of key points.

1. Almost everyone requested a new hearing because they said they did not have enough notice as to this hearing. The hearing was properly noticed up in the Texas Register, and we did put additional notes on our website. The problem was that the Hart examiner reports didn't get posted to our website until Tuesday. Only one person went looking for them and called to ask us about the situation. I immediately got the situation fixed and had the reports posted. Most of the attendees (including Laura Pressley) didn't know about this until they arrived at the hearing and heard me talking about it with someone. However, they used this repeatedly in their testimony.
2. They asked for a written response to their comments and the questions they posed.
3. Almost every examiner's report(s) were referenced at some point in the hearing. Some us got to hear our own words read back to us in an accusatory fashion.
4. They repeatedly accused us of violating state law because ballot images are not cast vote records.
5. They repeatedly accused the SOS of certifying systems in violation of the law because the Texas Constitution requires ballot numbers and DREs don't have ballot numbers. (As I've mentioned before, this issue has been resolved by the courts and is a non-issue).
6. They expressed dislike for the countywide polling place program.
7. They expressed dislike for DREs.
8. They expressed concerns over the proposed TAC rules.
9. They called for my resignation and for Ashley Fisher's resignation.

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10. They called for Keith's Ingram resignation and for him to be arrested and put in jail. As the hearings wore on, these cries got more and more prevalent.
11. There was yelling and crying and lots of supportive clapping for the commenters.

What's going to happen now?

1. In the future, I will not be scheduling two hearings in one day.
2. At this time, we are NOT going to do another hearing for Hart. The SOS and the Deputy SOS do not see a need for this as this hearing was properly noticed.
3. We are going to extend the written comment period.
4. We are going to work on responding to the comments in writing, and will likely be posting this response to our website.
5. The Hart certification will likely not happen by October 1. The ESS certification is possibly still on the table --- this still needs to be discussed with our General Counsel.
6. The SOS and the Deputy SOS are of the opinion that we need to issue a response and continue to take some comments before they make a decision on certification. We are being accused of violating state law. If we certify without any official response on some of these issues, it's conceivable that someone could try to sue is so are going to address what we can ahead of time.
7. The comment period for the proposed rules was already extended another 30 days and will be extended an additional 45 days on top of that. The public hearing that we are going to do for the TAC rules is also likely to be pushed back later.
8. This will affect the Dominion certification exam (again), and my impact the ES&S exam. I am going to get that figured out tomorrow.

Once I finsih the written response to the qustions and issues posed in the hearing, I'll send it out for review before we post it or email it out. I'm also going to get everyone a copy of the hearing recordings. Stephen came to the hearing and watched the whole thing play out. I was careful not to draw too much attention to Stephen as I didn't want the crowed to get aggressive with him unnecessariy since we were just taking commnets and not responding to the statements offered.

Stephen --- if you have any othe thoughts on the hearing that you want to add or that you think the others should be aware of, feel free to let everyone know your take on the situation.

If you all have any questions or concerns about where we stand on everything, let me know!

Christina Worrell Adkins
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

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KELLY HART

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From: Steve Moreland
To: Christina Adkins
Subject: RE: Precinct Ballot Counter Rule Change
Date: Friday, June 24, 2016 1:37:00 PM
Attachments: image001.png

In addition to the list sent on Monday, I'm also told that the following have early voting and use the public counter to maintain daily totals.

Illinois
Indiana
Michigan
Missouri
Iowa

Regards,

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

DOMINION VOTING
2010 Redbud, Suite 110, McKINNEY, TX 75069
1.866.654.8683 | WWW.DOMINIONVOTING.COM

214.491.5218 OFFICE (ext 9331)
214.930.8659 MOBILE

From: Steve Moreland
Sent: Monday, June 20, 2016 12:55 PM
To: 'Christina Adkins'
Subject: RE: Precinct Ballot Counter Rule Change

Hi Christina,
Here is a list of states that use the public counter on the screen to log daily totals:
California
Nevada
Arizona
Washington
Florida
Tennessee

There are more that I'm still waiting to hear on but wanted to get this to you as soon as possible.

Regards,

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

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From: Christina Adkins [mailto:CAdkins@sos.texas.gov]
Sent: Thursday, June 16, 2016 10:28 AM
To: Steve Moreland
Subject: RE: Precinct Ballot Counter Rule Change

Yes.

From: Steve Moreland [mailto[redacted]
Sent: Thursday, June 16, 2016 10:25 AM
To: Christina Adkins
Subject: RE: Precinct Ballot Counter Rule Change

States?

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

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214.491.5218 OFFICE (ext 9331)
214.930.8659 MOBILE

From: Christina Adkins [mailto:CAdkins@sos.texas.gov]
Sent: Thursday, June 16, 2016 10:24 AM
To: Steve Moreland
Subject: RE: Precinct Ballot Counter Rule Change

Yes. Can you give me a list of other jurisdictions that allow that alternative procedure?

From: Steve Moreland [mailto:[redacted]
Sent: Thursday, June 16, 2016 10:19 AM
To: Christina Adkins
Subject: RE: Precinct Ballot Counter Rule Change

Hi Christina,
There is one point of concern in the draft. On page 3, (e) (6) – it provides for the printing of a report at the end of each early voting day to show the # of ballots cast. Typically I believe that this has been done in the past by the voting clerk obtaining this information from the screen as opposed to printing a report. At least that is how the legacy Premier/Diebold system as well as the current Dominion precinct ballot counter operates. The only way to print a report is to end the election which would also show results. Is this adjustment in language something you could please consider?

Regards,

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

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2010 Redbud, Suite 110, McKINNEY, TX 75069
1.866.654.8683 | DOMINIONVOTING.COM

214.491.5218 OFFICE (ext 9331)
214.930.8659 MOBILE

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From: Christina Adkins [mailto:CAdkins@sos.texas.gov]
Sent: Wednesday, June 15, 2016 3:37 PM
To: Lichtenheld, Peter [redacted]; [redacted]; Pearson, Steve [redacted]; Moody, Chris [redacted]; Thernes, Brooke [redacted]; Steve Moreland
Subject: Precinct Ballot Counter Rule Change

Dear Vendors,

As you all know, the SOS has been working to make revisions to the Precinct Ballot Counter (PBC) Administrative Code Rule. The primary revision was to eliminate the requirement of a real-time audit log printer when a precinct ballot counter is used during early voting. In reviewing the rule, we discovered that striking through that requirement also meant that we need to write substantially more procedure on how PBCs could properly be used. These changes do not address the use of a PBC as central scanner in an central counting station environment. We (SOS attorneys) are all in agreement that this should be allowable as well, but we think this should be addressed in a separate rule. We plan on having a draft of this proposed rule later this summer.

Attached is the new rule.

Here is the link to the existing rule: https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=4&ch=81&rl=52

Because there were so many changes, it would be too difficult to amend the rule so we would like to fully repeal the current rule and adopt a new one in whole. The new rule does the following things.

1. Eliminates the real-time printer requirement for PBCs.
2. Provides procedures on how to use a **PBC during election day** in (1) a traditional polling place set-up (precinct returns completed at polling place), and (2) a central counting station set up (precinct returns completed by a central counting station).
3. Provides procedures on how to use a **PBC during early voting** in (1) a traditional polling place set-up, and (2) a central counting station set up.
4. Provides procedures on how to properly **count EV and Eday ballots on a PBC** in (1) a traditional polling place set-up, and (2) a central counting station set up.
5. Provides procedures on how to **count early voting ballots by mail** on a PBC in (1) a traditional polling place set-up, and (2) a central counting station set up.

No precinct ballot counter on the market could do what the current rule requires. Precinct ballot counters that were being used during early voting or as a central scanner without a real-time audit log printer were doing so in violation of Texas law. Keep this in mind while reviewing this rule.

This is in draft format and is NOT to be circulated to any customers. If we find out that this was circulated or is being used in conjunction with a sales pitch, we will have a big problem. The rule will be proposed soon enough and once it is proposed, you can use it as you would like.

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We are allowing you all to review this before posting it in the Texas Register in case you see any major compliance issues that your product may have that we may not have been aware of during the drafting process. We would like this rule to be as complete as possible before formally proposing it and opening it up to public comment. We would like to propose the rule in the next couple of weeks. Once proposed it will be posted for 90 days where the public can offer comments. After that period, we can formally adopt the rule. As we move along that process, we will keep you informed as to the progress of rule.

Please let me know if you have any questions or concerns. We look forward to your comments.

Christina Worrell Adkins
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

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From: [redacted]
To: Elections Internet
Subject: Re: Purchase of Dominion Voting Machined (EI Response)
Date: Monday, November 23, 2020 1:05:43 PM
Attachments: Outlook-qgmv3ow1.png

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Thank you I always like the folks in Texas now I know why.

-----Original Message-----
From: Elections Internet <Elections@sos.texas.gov>
To: [redacted]
Sent: Mon, Nov 23, 2020 12:41 pm
Subject: Re: Purchase of Dominion Voting Machined (EI Response)

Hello,

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020.

The examiner reports for those exams can be found here on our website:

- https://www.sos.texas.gov/elections/laws/oct2019-dominion.shtml
- https://www.sos.texas.gov/elections/laws/jan2019_dominion.shtml

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Elections Staff
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

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From: [redacted]>
Sent: Monday, November 23, 2020 9:21 AM
To: Elections Internet <Elections@sos.texas.gov>

AMERICAN OVERSIGHT

Subject: Purchase of Dominion Voting Machined

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I believe I heard a spokesperson for Dominion state that Texas rejected the purchase of their machine because they were too complex can you tell the place where I MIGHT SEE A MORE DEFINITIVE REPORT.? thank you

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AMERICAN OVERSIGHT

From: Elections Internet
To: [redacted]
Subject: Re: Purchase of Dominion Voting Machined (EI Response)
Date: Monday, November 23, 2020 11:42:01 AM
Attachments: Outlook-qgmv3ow1.png

Hello,

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020.

The examiner reports for those exams can be found here on our website:

- https://www.sos.texas.gov/elections/laws/oct2019-dominion.shtml
- https://www.sos.texas.gov/elections/laws/jan2019_dominion.shtml

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Elections Staff
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: [redacted]>
Sent: Monday, November 23, 2020 9:21 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Purchase of Dominion Voting Machined

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

I believe I heard a spokesperson for Dominion state that Texas rejected the purchase of their machine because they were too complex can you tell the place where I MIGHT SEE A MORE DEFINITIVE REPORT.? thank you

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AMERICAN OVERSIGHT

From: Charles Pinney
To: [redacted]
Subject: Re: Questions about Election Equipment (EI Response)
Date: Monday, November 23, 2020 11:39:21 AM
Attachments: pastedImagebase640.png

Hello,

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020.

Premier's AccuVote is a currently certified system in Texas, and Premier is owned by Dominion Voting Systems. Only one county in Texas (Wilson County) used that system in the November 2020 election. They have already purchased a new system for future elections, but were unable to implement it in time for this most recent November election.

You can find a list of the voting systems and equipment used by each county on our website. Note that the list is updated annually, and does not reflect very recent acquisitions by some of the counties listed. You can find that list here: https://www.sos.texas.gov/elections/forms/sysexam/voting-sys-bycounty.pdf

I am not aware of any counties that use any kind of electronic software for signature comparison by the Early Voting Ballot Board.

Under Texas Election Code 123.035, before a county purchases a new electronic voting system they are required to submit a copy of the proposed contract to our office for written approval of that contract before the contract can be executed. If the voting system and equipment that the county wishes to acquire is certified for use in Texas, then our office will issue a written approval letter for that particular contract for that system.

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Chuck Pinney
Attorney -- Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

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From: mariangop [redacted]>
Sent: Thursday, November 19, 2020 9:32 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Questions about Election Equipment

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Hi Legal:

The attached conspiracy-riddled 40-page document was posted on my FaceBook profile page this morning. The file came from fairfight.com. Do you know a subject matter expert who can dispute or confirm these allegations against ES&S?

Also, does any county in Texas utilize Dominion software or election-related equipment? I was told that Texas did not certify the vendor's products.

May I get a current list(s) of the voting, tabulating, and voter registration equipment, software, vendor, model #, year installed, and methods (DRE, Optical, manual, etc.) used in each county in Texas for EVBM, EVIP, and Election Day, plus any other information that you are able to provide? Does any county in Texas use automated signature recognition software/hardware to compare ABBM/EVBM signatures? If so, is there an audit of its success/fail rate? If a county is changing systems, do you have the information of their intended system or a notation of an upcoming change? It is for our Election Integrity Committee on the SREC.

Happy Thanksgiving and
Thank you for all that you do,
Marian Stanko
*SREC Committeewoman, Senate District 26,
State Republican Executive Committee, Republican Party of Texas
Precinct Chair, Precinct 2110, Republican Party of Bexar County
2016 Presidential Elector CD20-TX
210-602-6550 | [redacted]
@Marian.Stanko10 | @MarianStanko
*Titles for identification purposes only

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AMERICAN OVERSIGHT

From: Christina Adkins
To: Steve Moreland
Subject: RE: Real time audit log
Date: Wednesday, May 10, 2017 9:01:00 AM
Attachments: image001.png

Steve – Here are my responses –

1. We understand the requirement to have a RTAL printer attached to the EMS. Correct.
2. But for Central Count systems – would each scanner have to have it's own RTAL printer? Yes. Any central scanners or precinct ballot scanners that scan ballots from multiple precincts are required under our administrative code rule to have a continuous feed real time audit log printer attached to the scanner.
3. Based on the requirement for a "continuous feed printer" that mandates it be a dot-matrix printer – correct? Correct. That's the only continuous feed printer that I'm aware of at this time.

Let me know if you have any additional questions.

Christina

From: Steve Moreland [mailto:[redacted]
Sent: Tuesday, May 09, 2017 3:01 PM
To: Christina Adkins <CAdkins@sos.texas.gov>
Subject: RE: Real time audit log

Thanks Christina – as a follow up a couple questions:

1. We understand the requirement to have a RTAL printer attached to the EMS.
2. But for Central Count systems – would each scanner have to have it's own RTAL printer?
3. Based on the requirement for a "continuous feed printer" that mandates it be a dot-matrix printer – correct?

Regards,

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

DOMINION VOTING
2010 Redbud Blvd, Suite 110, McKINNEY, TX 75069
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214.491.5218 OFFICE (ext 9331)
214.930.8659 MOBILE

From: Christina Adkins [mailto:CAdkins@sos.texas.gov]
Sent: Tuesday, May 09, 2017 2:55 PM
To: Steve Moreland
Subject: RE: Real time audit log

Hey Steve,

The requirement is in two places in our administrative code rules. Rule 81.62 and 81.52. Here are

AMERICAN OVERSIGHT

links to both rules –

http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=4&ch=81&rl=62

http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=4&ch=81&rl=52

I hope this helps. Let me know if you have any additional questions.

Christina Worrell Adkins
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

From: Steve Moreland [mailto[redacted]
Sent: Tuesday, May 09, 2017 7:51 AM
To: Christina Adkins <CAdkins@sos.texas.gov>
Subject: Real time audit log

Hi Christina,
I hope you are doing well. I'm trying to assist our eng team with making sure they understand all of the requirements of the RTAL. Could you point me to all of the appropriate references in the election code or elsewhere that define the requirements?

Thanks,

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

DOMINION VOTING
2010 Redbud Blvd, Suite 110, McKINNEY, TX 75069
1.866.654.8683 | WWW.DOMINIONVOTING.COM

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From: Elections Internet
To: [redacted]
Subject: Re: Regarding dominion voting machines and smartmatic software (EI Response)
Date: Friday, December 4, 2020 11:55:25 AM

Hello,

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020. Smartmatic does not currently have any certified voting systems in the state of Texas.

Premier's AccuVote is a currently certified system in Texas, and Premier is owned by Dominion Voting Systems. Only one county in Texas (Wilson County) used that system in the November 2020 election. They have already purchased a new system for future elections, but were unable to implement it in time for this most recent November election.

You can find a list of the voting systems and equipment used by each county on our website. For example, Tarrant County uses the Verity Voting system from Hart Intercivic. Note that the list is updated annually, and does not reflect very recent acquisitions by some of the counties listed. You can find that list here: https://www.sos.texas.gov/elections/forms/sysexam/voting-sys-bycounty.pdf

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Elections Staff
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: pamela allen [redacted]>
Sent: Saturday, November 28, 2020 6:17 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Regarding dominion voting machines and smartmatic software

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Dear Secretary,
As a concerned citizen, I want the above voting machines and software to be declared illegal in the State of Texas. We cannot allow this fraudulent system in our state or Country. I recently have been made aware that Tarrant county a Red county turned blue after new machines from a former fraudulent employee if one of these companies introduced them in that county. This has to be investigated and we Texans will Not stand for this. We are a nation of one legal vote!! I expected a satisfactory response to this email. Do Your job or our way of voting will become like a third world country.

Sincerely,
Pamela Jackson

Sent from Yahoo Mail on Android

AMERICAN OVERSIGHT

From: Christina Adkins
To: [redacted]
Cc: Jessica Bowers; "[redacted]
Subject: RE: Rule 81.62 Revision
Date: Wednesday, October 19, 2016 2:01:00 PM

I am sending this language to all our Texas vendors --- I clearly forgot to change the reference from Hart's systems to your systems.

My apologies!

From: Christina Adkins
Sent: Wednesday, October 19, 2016 1:59 PM
To: [redacted]>
Cc: Jessica Bowers[redacted]'
[redacted]>
Subject: Rule 81.62 Revision

Steve,

Can you take a look at the new subsection (f) below? This is a change we are thinking of incorporating based on some of the feedback we have received on the rule. We would like to make sure that there isn't anything technical that would prevent something along these lines from taking place with HVS or Verity before we finalize this potential change. I didn't have email addresses for the others that were on our call when I first discussed this with you. Can you forward this to them to review as well?

Let me know what you all think.

Christina

RULE 81.62 - ~~Continuous Feed Printer Dedicated to the Central Accumulator Audit Log~~ Audit Logs for an Election Management System's Central Accumulator.

(a) For any Election Management System's central accumulator to be certified for use in Texas elections, the central accumulator shall include ~~a continuous feed printer dedicated to~~ a real-time audit log. All significant election events and their date and time stamps shall be ~~printed to~~ maintained in the audit log.

(b) The definition of "significant election events" in subsection (a) of this rule includes but is not limited to:

(1) error and/or warning messages and operator response to those messages;
(2) number of ballots read for a given precinct;
(3) completion of reading ballots for a given precinct;

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(4) identity of the input ports used for modem transfers from precincts;
(5) users logging in and out from election system;
(6) precincts being zeroed;
(7) reports being generated; and
(8) diagnostics of any type being run.~~; and~~
~~(9) change to printer status.~~

(c) The ~~continuous-feed printed~~ audit logs for an election shall be retained by the custodian of election records for the appropriate preservation period.

(d) The "Election Management System" in subsection (a) of this rule is defined as a system that consists of any or all of the following elements: functions and databases within a voting system that define, develop and maintain election databases, perform election definition and setup
functions, format ballots, count votes, consolidate and report results, and maintain audit trails.

(e) The definition of "central accumulator" in subsection (a) of this rule is the part of an Election Management System that tabulates and/or consolidates the vote totals for multiple precincts/devices.

f) Access to Audit Logs.

(1) During the authorized times that a central counting station has convened, poll watchers that are present may request a printed copy of the audit log associated with the Election Management System's **software that consolidates vote totals from different devices**. The audit logs may be requested at the following times:

(a) Prior to the start of tabulation,

(b) After the tabulation of early voting results, and

(d) Immediately following the completion of tabulation.

(2) Upon completion of the tabulation that occurred during the time the central station was convened, the central counting station manager shall print one full copy of the audit log to retain with election records for the required preservation period.

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From: Elections Internet
To: [redacted]
Subject: Re: State election tallying questions (EI Response)
Date: Wednesday, November 18, 2020 9:07:05 AM
Attachments: Outlook-2bn3bvv4.png

Hello,

Voting systems in Texas do not use a "Weight Race Algorithm". A vote cast for a candidate would be tabulated as a single whole number vote for that candidate rather than as any decimal fraction.

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020.

Premier's AccuVote is a currently certified system in Texas, and Premier is owned by Dominion Voting Systems. Only one county in Texas (Wilson County) used that system in the November 2020 election. They have already purchased a new system for future elections, but were unable to implement it in time for this most recent November election.

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

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From: Darrell <[redacted]
Sent: Tuesday, November 17, 2020 8:03 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: State election tallying questions

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Dear Secretary Ruth Hughs,

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I have read several news reports including one from three highly qualified engineers in Michigan that state that OUR voting machines possibly tabulated votes as a decimal fraction (1.00). Several of the reports detail out an algorithm in the software called the "Weight Race Algorithm" that supposedly has been present in all electronic voting machine since the Diebold models in 2001. This algorithm if utilized has the ability of using the decimal fraction to change the weight or direction of the election based on the number of ballots cast for one party. These same engineers were able to prove that the algorithm was used and active in four of five sampled Michigan counties that resulted in the moving of a minimum of 138,000 votes from Trump, and moved to Biden. My personal belief is the ONLY reason a machine would record a vote as a decimal fraction is so that an algorithm CAN BE used to manipulate the vote. Otherwise, why would large voting systems and software completely disregard the core concept of one man – one vote?

Regardless of your political party, or personal opinions, your position is unique in that you may not show bias or preference, but instead must be focused on the integrity of the process.
To that end, was any type of voting weighing algorithm used in the Texas voting machines from October and November of this year?
Do our machines contain software from Dominion Software or any of its affiliates?
Is the root software in our machines based of the original Diebold software that is already proven to contain the a race weighting algorithm?
Was the output vote tally of any precinct or voting locations machine recorded or outputted from the machines as a decimal fraction? (i.e. 27,432.76)
If any machine, precinct, or district machine produced a decimal fraction output, how is that possible if it is one vote per person?
If you find that a machine produced a decimal fraction, what is the difference in the recorded vote with AND without the algorithm applied?

In my mind, the ONLY valid vote strictly follows the One man – One vote concept. It is the ONLY way that an election can be valid. No other justification can be made for altering or manipulating our votes in any way for any reason.

Please advise.

Darrell Butler
832-758-8404 (Cell)
Kingwood TX

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AMERICAN OVERSIGHT

From: Elections Internet
To: [redacted]
Subject: Re: Voting machines (EI Response)
Date: Thursday, June 3, 2021 8:58:56 AM

Hello,

The Democracy Suite system from Dominion Voting Systems is not currently certified in Texas. Our office denied certification of that system in 2019 and again in 2020.

Premier's AccuVote is a currently certified system in Texas, and Premier is owned by Dominion Voting Systems. Only one county in Texas (Wilson County) used that system in the November 2020 election. They have already purchased a new system for future elections, but were unable to implement it in time for this most recent November election.

You can find a list of the voting systems and equipment used by each county on our website. Please note that this list is updated annually, and does not reflect very recent acquisitions by some of the counties listed. You can find that list here: https://www.sos.texas.gov/elections/forms/sysexam/voting-sys-bycounty.pdf

Texas Election Code 129.054 provides that a voting system may not be connected to any external communications network, including the internet, at any time. This provision prohibits any aspect of that system from being connected to the internet, including the devices that mark the ballots, the scanning devices that tabulate the devices, and the election management system computers that are used to program those devices and to generate results for election. No aspect of that system can ever connect to the internet.

Before a voting system may be used in a Texas election, that system must be certified by both the federal government through the Election Assistance Commission (EAC) and then subsequently by our office. Our certification process involves physical examination of the equipment by examiners appointed by our office and by the Office of the Attorney General to determine whether the system meets the requirements outlined in Texas Election Code 122.001. During that examination process, the examiners will examine that equipment to ensure that the voting system equipment does not have any network capabilities and that the equipment does not contain any hardware that can allow it to access an external network.

Once a voting system has been certified at both the federal and state level, an entity may acquire that system. Entities that acquire these systems must conduct a number of tests at the time they first acquire the system and immediately before and after each election in order to ensure that this equipment is functioning properly and that those votes are being recorded and tabulated correctly.

For more information on election security in Texas, please visit our website at: https://www.sos.texas.gov/elections/conducting/security-update.shtml

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our

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website at sos.state.tx.us/elections/index.shtml.

Thanks,

Elections Staff
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From: Strfowens [redacted]
Sent: Saturday, May 29, 2021 3:21 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: Voting machines

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Dear Ms. Hughs:

I would like to know what you are doing to protect voter's rights in Texas regarding Dominion and other voting machines. From the amount of evident fraud that has taken place in other states, I am concerned about Texas and it's voting machines.

From what I have read, all voting machines contain the same software and might be capable of being connected to the internet. I want to know if this is true and what is being done to prevent such a thing from happening.

I would also like to know what brands of voting machines are used for each county in Texas. Do these companies have any ties to Smartmatic or Dominion? Have you done the essential research to determine whether they are connected or not? Lastly, how is each machine programmed for proper adjudication, and how is this adjustment of the machine overseen to prevent fraud?

Thank you for your prompt response.

Sincerely,

Muriel D. Owens, D.C.
71 E. County Road 136
Alvin, Texas 77511
832-524-5698

AMERICAN OVERSIGHT

From: Steve Moreland
To: Christina Adkins
Subject: Security & Auditability Talking Points
Date: Wednesday, October 19, 2016 2:58:21 PM
Attachments: DSuite - Security + Auditability Talking Points v3.docx

---

Hi Christina,

As discussed last week, please see the attached with regard to security & auditability talking points for our Democracy Suite products.

Regards,

STEVE MORELAND | VICE PRESIDENT FULFILLMENT

DOMINION VOTING
2010 Redbud, Suite 110, McKINNEY, TX 75069
1.866.654.8683 | WWW.DOMINIONVOTING.COM

214.491.5218 OFFICE (ext 9331)
214.930.8659 MOBILE

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Security & Auditability – Democracy Suite System

Digital Ballot Imaging & AuditMark

- Every time a ballot is scanned through a Dominion tabulator, a complete duplex image of the ballot is created, and stored alongside the results in the encrypted memory cards.
- Dominion's Democracy Suite is the only system that digitally stores an image of every ballot cast **along with a record of how the tabulator interpreted the voter's marks**, ensuring a completely transparent and auditable election.
- Election Officials can review ballot images with the AuditMark in performing election canvasses and risk-limiting audits. The AuditMark, which is appended to each ballot image securely, allows for this tool to assist in these time consuming and costly post-election activities.
- Administrators find it a great comfort when reviewing ballot images during recounts and every image is accompanied by this clear, digital, human-readable AuditMark record.
- Combined with our cast vote record export, electronic records can be compared ballot-by-ballot to the images and associated AuditMark records, to provide greater transparency into the auditing process.

In practice, the AuditMark feature can be used as:

- a method to test machine integrity before an election
- a method of obtaining confidence that the equipment is functioning properly
- a method to completely audit the entire election
- a method to enhance re-counts

Dual Threshold Technology – Ambiguous Marks

- When a ballot is fed into a Dominion tabulator a complete duplex image is created and then analyzed for tabulation by evaluating the pixel count of a voter mark. The pixel count of each mark is compared with two thresholds to determine if the voter mark(s) constitute a vote.
    - If a mark falls above the upper threshold, it's a valid vote.
    - If a mark falls below the lower threshold, it will not be counted as a vote.
- However, if a mark falls between the two thresholds (known as the "ambiguous mark zone"), the tabulator will alert the voter, and the ballot will be returned to the voter to clarify their intent.
- Because the determination of voter intent is the very heart of the democratic process, the tabulators are specifically configured to return any ballot containing an Ambiguous Mark back to the voter, requesting that the voter make the necessary change to make their intent definitive (either by requesting a new ballot, or by using the proper marking pen to make a heavier, well-defined mark). This ensures that the voter intent is correctly captured for each and every ballot that is cast through the tabulators.

System Security

- Dominion implements security protocols that meet or exceed EAC VVSG 2005 requirements. All of Dominion's security protocols are designed and implemented to stay

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current with the rapidly evolving EAC security requirements set forth by various iterations of the VVSG.

- **Dominion's security technology is unprecedented insofar as it takes into account every aspect and every component of the Democracy Suite platform.** This includes – but is not limited to – the full encryption of election projects, iButton security keys, Compact flash cards, election data, software applications, elections results files, and data transmission.

Maintaining Data Integrity

- Data generated by the Democracy Suite platform is protected by the deployment of FIPS-approved symmetric AES and asymmetric RSA encryption for all election and results files.
- SHA-256 hashes are used for all data integrity and verification. Should an intrusive process or altering of any file occur, hash values will be, in turn, altered as well. With that said, any presence of an intrusive process will be detected, as the hashes of any altered data will not match the value initially determined.

Hardware Access Controls

- Democracy Suite utilizes hardware-based security tokens (iButton security keys) in the process of access control for ImageCast Precinct and ImageCast Evolution tabulators.
- These password paired hardware tokens contain data encryption information used in the voting process (encryption and signing keys). Without a valid security token, and paired access password, the administrative functions of election tabulators are locked.

Communications

- For communication channels (as well as data storage) a combination of security techniques for data integrity, authenticity and confidentiality is implemented.
- Democracy Suite integrates AES or RSA encryption algorithms for data confidentiality, along with SHA-256 and HMAC digital signatures for data signing (data authenticity and integrity). The system does not require external Internet connections.

Audit Log

- From the initial state of the election project, until the deactivation state, the EMS system maintains an activity log within the EMS Database.
- This activity log contains every action that any of the users have performed within the system and represents a detailed audit log that can be analyzed and printed in the form of an audit report.
- The audit record information cannot be modified or permanently deleted using the EMS client applications. It can, however, be exported for archiving purposes as part of the record retention policy.
- During the voting phase of the election event, ImageCast devices also keep an activity audit log which tracks events happening on the device itself.
- On the ImageCast Central, events are permanently logged to an audit file that exists on the host workstation and the host results server. All audit record entries include a time-and-date stamp.

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- Audit log reports contain a chronological list of all messages generated by the tabulator software. All audit record entries include a time-and-date stamp. This file is digitally signed to protect its integrity. After the election, all tabulator audit log files can be loaded into the Results Tally and Reporting module of EMS, for a consolidated record.

The types of events logged by the ImageCast tabulators include:

- System start up messages (recorded by Application Loader).
- System self-diagnostic messages (module initializations, security verifications).
- All administrator operations (messages include “iButton” id names and numbers).
- All accepted, rejected and diverted ballots.
- All voter notifications
- All system errors (paper jams, power failures, hardware failures, data errors, etc.).
- Source and disposition of system interrupts resulting in entry into exception handling outlines
- All messages generated by exception handlers
- Notification of system login or access errors, file access errors, and physical violations of security as they occur, and a summary record of these events after processing
- Non-critical status messages that are generated by the machine’s data quality monitor or by software and hardware condition monitors.

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- ☐ All voter notifications
- ☐ All system errors (paper jams, power failures, hardware failures, data errors, etc.).
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- ☐ All messages generated by exception handlers
- ☐ Notification of system login or access errors, file access errors, and physical violations of security as they occur, and a summary record of these events after processing
- ☐ Non-critical status messages that are generated by the machine’s data quality monitor or by software and hardware condition monitors.

AMERICAN OVERSIGHT

From: Christina Adkins
Sent: Wednesday, July 20, 2016 4:04 PM
To: [redacted]
Subject: Texas Requirements
Attachments: Texas VS Requirements Chart.docx

Christina Worrell Adkins
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

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Texas Secretary of State Voting System Examination

Vendor_____

System, Version No._____

Date of Examination: _____

Category	Source of Law	Requirement	Assessment Method	Notes
General Requirements	122.001(a)(1)	Must preserve the Secrecy of the Ballot	General Review	
	122.001(a)(2)	Must be suitable for the purpose for which it is intended	General Review	
	122.001(a)(3)	Operates safely, efficiently, and accurately and complies with the voting system standards adopted by the EAC.	EAC Certification #	
	122.001(a)(4)	Is safe from fraudulent or unauthorized manipulation	General Review	
	122.001(a)(5)	Permits voting on all offices and measures to be voted on at the election.	L&A test	
	122.001(a)(6)	Prevents counting votes on offices and measures on which the voter is not entitled to vote	L&A Test	
	122.001(a)(7)	Prevents counting vote by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevents counting votes for more than the number of candidates for which the voter is entitled to vote.	L&A Test	
	122.001(a)(8)	Prevents counting a vote on the same office or measure more than once	L&A Test	
	122.001(a)(9)	Permits write-in voting	L&A Test	
	122.001(a)(10)	Is capable of permitting straight-party voting (See also, Straight Party Voting in checklist)	L&A Test	
	122.001(a)(11)	Is capable of providing records from which the operation of the voting system may be audited.	Review of Audit Logs	
	122.001(e)	For an election for federal office in which a state or federal court	General Review	

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Category	Source of Law	Requirement	Assessment Method	Notes
		order has extended the time for voting beyond the time allowed by Subchapter B, Chapter 42, a voting system must provide a separate count of the votes cast after the time allowed by that subchapter.		
	122.033(1)	Must be equipped with a security system capable of preventing operation of the machine	General Review	
	122.033(2)	Must be equipped with registering counter that can be secured against access	General Review	
	122.033(3)	Must be equipped with a public counter	General Review	
	122.033(4)	Voting system must be equipped with a protective counter.	General Review	
	122.0331(a)	Copies of program codes and other user and operator manuals and copies or units of all other software and any other information, specifications, or documentation required by the SOS related to an approved electronic voting system and its equipment must be filed with the Secretary.	Certification Packet	
	122.001(d)(2)	Must not use a punch-card ballot or similar form of tabulating	General Review	
	122.001(d)1)	Must not be a mechanical voting machine	General Review	
	127.1231	Procedure to ensure that any computer terminals located outside the central counting station that are capable of accessing the automatic tabulating equipment during the tabulation are capable of inquiry functions only	General Review	
	127.1231	No modem access to the tabulating equipment is available during the tabulation	General Review	
	129.054	A voting system may not be connected to any external communications network, including the internet.	General Review	
		A voting system may not have the capability or permitting wireless communication unless the system uses line-of-sight infrared technology that shields the transmitter and receiver from eternal infrared transmission and the system can only accept transmissions generated by the system.	General Review	
	85.032	Ballot box in which voters deposit their marked EV ballots must have two locks, each with a different key and must be designed	Review of Equipment	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		and constructed to that the box ca be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box.		
	127.154	Each unit of automatic tabulation equipment must have a permanent identification number Each part of that equipment that contains the ballot tabulation must also have a permanent identification number.	Review of Equipment	
	272.005	Ballots must be printed with all ballot instructions, office titles, column headings, proposition heading, and propositions appearing in English and Spanish.	Review Ballot	
	129.055	The sole purpose of voting system equipment is the conduct of an election, and only software certified by the SOS and necessary for an election may be loaded on the equipment.	General Review	
	11.054, Education Code	Must allow for cumulative voting.	General Review	
Straight-Party Voting	122.001(b)	Must be capable of allowing straight party voting in accordance with 65.007(c) and (d)	L&A test	
	65.007 (c)	If a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees, a vote shall be counted for the opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes. (**cross-over voting)**	L&A test	
	65.007 (d)	If a ballot indicates straight-party votes for more than one party, those votes may not be tallied. Only candidates receiving individual votes will be counted.	L&A test	
Ballot Requirements	43.007	DRE's only authorized for CWPP --- must have the capability of more than 1 ballot style.		
	124.001	In an election in which voters are entitled to case straight-party votes, the voting system ballot shall be arranged to permit the voters to do so.	Review of Ballot	
	124.002(a)	In an election in which a candidate's name is to appear on the	Review of Ballot	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		ballot as the nominees of a political party, the voting system ballot shall be arranged (1) in party column in the same manner as for a regular paper ballot, or (2) by listing the office titles in a vertical column in the same manner as for a regular paper ballot on which a party nominee does not appear, except that the nominees' party alignment shall be indicated next to their names.		
	124.002(b)	The order in which party nominees listed by office title appear on a voting system ballot is determined in accordance with the same priorities and in the same manner as for party nominees listed in party column, with the changes appropriate to the circumstances.	Review of Ballot	
	124.062(b)	The SOS may authorize the use of electronic system ballots that comprise two or more separate parts and may prescribe conditions and limitation under which the multipart ballots may be used. Multipart ballots must comply with the same standards as a voting system using a ballot consisting only of a single part. **(See op scan ballot requirements in TAC rules 81.43 – at end of checklist.)**	Review of Ballot	
	124.063	Certain Instructions Required on Electronic Voting System Ballot -- "Vote for the candidates of your choice in each race by making a mark in the space provided adjacent to the name of that candidate" "Make a mark in the space provided beside the statement indicating the way you desire to vote" (b)Instructions can be changed in certain circumstances (c) Must contain instructions for casting a write-in vote. SOS will prescribe wording. (d) Must contain instruction under Section 52.071(b) of the code	Review of Ballot	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		for straight party voting. (Vendor must show that instructions are customizable to fit appropriate ballot)		
	129.002(a) **(DRE Only)**	Each direct recording electronic voting machine must provide the voter with a screen in summary format of the voter's choices for the voter to review before the vote is actually cast.	Review of Summary Screen	
Provisional Ballots	124.006	The SOS shall prescribe the form of a provisional ballot and the necessary procedure to implement the casting of a provisional ballot as described by Section 63.011 and the verification and processing of provisional ballots under Subchapter B, Chapter 65.	Review Provisional Ballot	
	52.074	The authority responsible for having the official ballot prepared shall have a provisional ballot prepared in a form approved by the Secretary of State for use by a voter who executed an affidavit in accordance with Section 63.011 of the Code. **(NOTE: Need to show SOS how provisional ballot works)**	Review Provisional Ballot	
	81.173, TAC **(DRE ONLY)**	Provisional ballots may be cast electronically on a Direct Record Electronic (DRE) voting system if: (C) the system segregates provisional votes from regularly-cast votes on the precinct returns; and (D) the system provides a method for the cast provisional ballots to be accepted and added to the election results by the Early Voting Ballot Board or central counting station personnel, as applicable.	Review Provisional Ballot	
	127.063	Sealed ballot box must be: 1. Equipped with a lock to prevent opening the box without a key 2. Ballots can be deposited and delivered w/o damage 3. Box can be sealed to detect any unauthorized opening of the box 4. Slot used by the voters to deposit ballots can be sealed to prevent any unauthorized deposit in the	Review of Equipment	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		box. NOTE: for Ballots to be counted at CCS.		
Optical scan Systems	81.43, TAC	1. Optical scanner ballots may be divided into parts and printed upon two or more pages. 2. When party columns appear on the ballot, the names of the parties and spaces for voting a straight-party ticket must be printed oat the head of the ballot so the voter may cast a straight ticket by making a single mark on the first page. 3. Where all candidates for the same office cannot be placed on the same face of the same page, the names can appear on more than one page, but the first page must contain a statement that the names of other candidates appear on the following pages(s). 4. If the ballot is printed on more than one page, different tints of paper other than yellow, or some other suitable means may be used to facilitate the sorting of ballots. 5. Each page shall bear the same ballot number.	Review of Ballot	
	81.52(1)	If the machine returns a ballot to the voter because the ballot is blank, mismarked damaged, or otherwise spoiled, the voter may either attempt to correct the ballots, request another ballot, or request the election official to override the rejection so that the precinct counter accepts the ballot and outstacks the write- in.	L&A Test	
	81.52, TAC	The precinct counter must be set up to reject and return the ballot to the voter rather than outstack the ballot if it is blank, mismarked, undervoted, or overvoted.	L&A test/General Review	
	81.52, TAC	If a precinct ballot counter is to be used during early voting by personal appearance, a continuous feed audit log printer must remain attached to the precinct counter throughout the early voting period	General Review	
	81.62, TAC	1. For any Election Management System's central accumulator to be certified for use in Texas elections,	Review of Audit Logs	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		the central accumulator shall include a continuous feed printer dedicated to a real-time audit log. All significant election events and their date and time stamps shall be printed to the audit log. 2. The definition of "significant election events" in subsection (a) of this rule includes but is not limited to: a. error and/or warning messages and operator response to those messages; b. number of ballots read for a given precinct; c. completion of reading ballots for a given precinct; d. identity of the input ports used for modem transfers from precincts; e. users logging in and out from election system; precincts being zeroed; f. reports being generated; g. diagnostics of any type being run; and h. change to printer status.		
Accessibility for Disabled Voters	81.57, TAC	See checklist for details of requirement.	Checklist for Voting System Accessibility for more details.	
	64.009, TEC	If a voter is physically unable to enter the polling place without personal assistance or likelihood if injuring the voter's health, on the voter's request, an election officer shall deliver a ballot to the voter at the poling place entrance or curb. NOTE: "Curbside voting"	General Review	

AMERICAN OVERSIGHT

From: Christina Adkins
To: Juan Serratti
Cc: Jessica Bowers
Subject: Texas Requirements
Date: Tuesday, August 1, 2017 12:43:31 PM
Attachments: Texas VS Requirements Chart.docx

I'll update the this list to reflect recent changes, but this should give you all an idea of what we look at during a certification exam.

AMERICAN OVERSIGHT

Texas Secretary of State Voting System Examination

Vendor_____

System, Version No._____

Date of Examination: _____

Category	Source of Law	Requirement	Assessment Method	Notes
General Requirements	122.001(a)(1)	Must preserve the Secrecy of the Ballot	General Review	
	122.001(a)(2)	Must be suitable for the purpose for which it is intended	General Review	
	122.001(a)(3)	Operates safely, efficiently, and accurately and complies with the voting system standards adopted by the EAC.	EAC Certification #	
	122.001(a)(4)	Is safe from fraudulent or unauthorized manipulation	General Review	
	122.001(a)(5)	Permits voting on all offices and measures to be voted on at the election.	L&A test	
	122.001(a)(6)	Prevents counting votes on offices and measures on which the voter is not entitled to vote	L&A Test	
	122.001(a)(7)	Prevents counting vote by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevents counting votes for more than the number of candidates for which the voter is entitled to vote.	L&A Test	
	122.001(a)(8)	Prevents counting a vote on the same office or measure more than once	L&A Test	
	122.001(a)(9)	Permits write-in voting	L&A Test	
	122.001(a)(10)	Is capable of permitting straight-party voting (See also, Straight Party Voting in checklist)	L&A Test	
	122.001(a)(11)	Is capable of providing records from which the operation of the voting system may be audited.	Review of Audit Logs	
	122.001(e)	For an election for federal office in which a state or federal court	General Review	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		order has extended the time for voting beyond the time allowed by Subchapter B, Chapter 42, a voting system must provide a separate count of the votes cast after the time allowed by that subchapter.		
	122.033(1)	Must be equipped with a security system capable of preventing operation of the machine	General Review	
	122.033(2)	Must be equipped with registering counter that can be secured against access	General Review	
	122.033(3)	Must be equipped with a public counter	General Review	
	122.033(4)	Voting system must be equipped with a protective counter.	General Review	
	122.0331(a)	Copies of program codes and other user and operator manuals and copies or units of all other software and any other information, specifications, or documentation required by the SOS related to an approved electronic voting system and its equipment must be filed with the Secretary.	Certification Packet	
	122.001(d)(2)	Must not use a punch-card ballot or similar form of tabulating	General Review	
	122.001(d)1)	Must not be a mechanical voting machine	General Review	
	127.1231	Procedure to ensure that any computer terminals located outside the central counting station that are capable of accessing the automatic tabulating equipment during the tabulation are capable of inquiry functions only	General Review	
	127.1231	No modem access to the tabulating equipment is available during the tabulation	General Review	
	129.054	A voting system may not be connected to any external communications network, including the internet.	General Review	
		A voting system may not have the capability or permitting wireless communication unless the system uses line-of-sight infrared technology that shields the transmitter and receiver from eternal infrared transmission and the system can only accept transmissions generated by the system.	General Review	
	85.032	Ballot box in which voters deposit their marked EV ballots must have two locks, each with a different key and must be designed	Review of Equipment	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		and constructed to that the box ca be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box.		
	127.154	Each unit of automatic tabulation equipment must have a permanent identification number Each part of that equipment that contains the ballot tabulation must also have a permanent identification number.	Review of Equipment	
	272.005	Ballots must be printed with all ballot instructions, office titles, column headings, proposition heading, and propositions appearing in English and Spanish.	Review Ballot	
	129.055	The sole purpose of voting system equipment is the conduct of an election, and only software certified by the SOS and necessary for an election may be loaded on the equipment.	General Review	
	11.054, Education Code	Must allow for cumulative voting.	General Review	
Straight-Party Voting	122.001(b)	Must be capable of allowing straight party voting in accordance with 65.007(c) and (d)	L&A test	
	65.007 (c)	If a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees, a vote shall be counted for the opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes. (**cross-over voting)**	L&A test	
	65.007 (d)	If a ballot indicates straight-party votes for more than one party, those votes may not be tallied. Only candidates receiving individual votes will be counted.	L&A test	
Ballot Requirements	43.007	DRE's only authorized for CWPP --- must have the capability of more than 1 ballot style.		
	124.001	In an election in which voters are entitled to case straight-party votes, the voting system ballot shall be arranged to permit the voters to do so.	Review of Ballot	
	124.002(a)	In an election in which a candidate's name is to appear on the	Review of Ballot	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		ballot as the nominees of a political party, the voting system ballot shall be arranged (1) in party column in the same manner as for a regular paper ballot, or (2) by listing the office titles in a vertical column in the same manner as for a regular paper ballot on which a party nominee does not appear, except that the nominees' party alignment shall be indicated next to their names.		
	124.002(b)	The order in which party nominees listed by office title appear on a voting system ballot is determined in accordance with the same priorities and in the same manner as for party nominees listed in party column, with the changes appropriate to the circumstances.	Review of Ballot	
	124.062(b)	The SOS may authorize the use of electronic system ballots that comprise two or more separate parts and may prescribe conditions and limitation under which the multipart ballots may be used. Multipart ballots must comply with the same standards as a voting system using a ballot consisting only of a single part. **(See op scan ballot requirements in TAC rules 81.43 – at end of checklist.)**	Review of Ballot	
	124.063	Certain Instructions Required on Electronic Voting System Ballot -- "Vote for the candidates of your choice in each race by making a mark in the space provided adjacent to the name of that candidate" "Make a mark in the space provided beside the statement indicating the way you desire to vote" (b)Instructions can be changed in certain circumstances (c) Must contain instructions for casting a write-in vote. SOS will prescribe wording. (d) Must contain instruction under Section 52.071(b) of the code	Review of Ballot	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		for straight party voting. (Vendor must show that instructions are customizable to fit appropriate ballot)		
	129.002(a) **(DRE Only)**	Each direct recording electronic voting machine must provide the voter with a screen in summary format of the voter's choices for the voter to review before the vote is actually cast.	Review of Summary Screen	
Provisional Ballots	124.006	The SOS shall prescribe the form of a provisional ballot and the necessary procedure to implement the casting of a provisional ballot as described by Section 63.011 and the verification and processing of provisional ballots under Subchapter B, Chapter 65.	Review Provisional Ballot	
	52.074	The authority responsible for having the official ballot prepared shall have a provisional ballot prepared in a form approved by the Secretary of State for use by a voter who executed an affidavit in accordance with Section 63.011 of the Code. **(NOTE: Need to show SOS how provisional ballot works)**	Review Provisional Ballot	
	81.173, TAC **(DRE ONLY)**	Provisional ballots may be cast electronically on a Direct Record Electronic (DRE) voting system if: (C) the system segregates provisional votes from regularly-cast votes on the precinct returns; and (D) the system provides a method for the cast provisional ballots to be accepted and added to the election results by the Early Voting Ballot Board or central counting station personnel, as applicable.	Review Provisional Ballot	
	127.063	Sealed ballot box must be: 1. Equipped with a lock to prevent opening the box without a key 2. Ballots can be deposited and delivered w/o damage 3. Box can be sealed to detect any unauthorized opening of the box 4. Slot used by the voters to deposit ballots can be sealed to prevent any unauthorized deposit in the	Review of Equipment	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		box. NOTE: for Ballots to be counted at CCS.		
Optical scan Systems	81.43, TAC	1. Optical scanner ballots may be divided into parts and printed upon two or more pages. 2. When party columns appear on the ballot, the names of the parties and spaces for voting a straight-party ticket must be printed oat the head of the ballot so the voter may cast a straight ticket by making a single mark on the first page. 3. Where all candidates for the same office cannot be placed on the same face of the same page, the names can appear on more than one page, but the first page must contain a statement that the names of other candidates appear on the following pages(s). 4. If the ballot is printed on more than one page, different tints of paper other than yellow, or some other suitable means may be used to facilitate the sorting of ballots. 5. Each page shall bear the same ballot number.	Review of Ballot	
	81.52(1)	If the machine returns a ballot to the voter because the ballot is blank, mismarked damaged, or otherwise spoiled, the voter may either attempt to correct the ballots, request another ballot, or request the election official to override the rejection so that the precinct counter accepts the ballot and outstacks the write- in.	L&A Test	
	81.52, TAC	The precinct counter must be set up to reject and return the ballot to the voter rather than outstack the ballot if it is blank, mismarked, undervoted, or overvoted.	L&A test/General Review	
	81.52, TAC	If a precinct ballot counter is to be used during early voting by personal appearance, a continuous feed audit log printer must remain attached to the precinct counter throughout the early voting period	General Review	
	81.62, TAC	1. For any Election Management System's central accumulator to be certified for use in Texas elections,	Review of Audit Logs	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		the central accumulator shall include a continuous feed printer dedicated to a real-time audit log. All significant election events and their date and time stamps shall be printed to the audit log. 2. The definition of "significant election events" in subsection (a) of this rule includes but is not limited to: a. error and/or warning messages and operator response to those messages; b. number of ballots read for a given precinct; c. completion of reading ballots for a given precinct; d. identity of the input ports used for modem transfers from precincts; e. users logging in and out from election system; precincts being zeroed; f. reports being generated; g. diagnostics of any type being run; and h. change to printer status.		
Accessibility for Disabled Voters	81.57, TAC	See checklist for details of requirement.	Checklist for Voting System Accessibility for more details.	
	64.009, TEC	If a voter is physically unable to enter the polling place without personal assistance or likelihood if injuring the voter's health, on the voter's request, an election officer shall deliver a ballot to the voter at the poling place entrance or curb. NOTE: "Curbside voting"	General Review	

AMERICAN OVERSIGHT

Texas Secretary of State Voting System Examination

Vendor_____

System, Version No._____

Date of Examination: _____

Category	Source of Law	Requirement	Assessment Method	Notes
General Requirements	122.001(a)(1)	Must preserve the Secrecy of the Ballot	General Review	
	122.001(a)(2)	Must be suitable for the purpose for which it is intended	General Review	
	122.001(a)(3)	Operates safely, efficiently, and accurately and complies with the voting system standards adopted by the EAC.	EAC Certification #	
	122.001(a)(4)	Is safe from fraudulent or unauthorized manipulation	General Review	
	122.001(a)(5)	Permits voting on all offices and measures to be voted on at the election.	L&A test	
	122.001(a)(6)	Prevents counting votes on offices and measures on which the voter is not entitled to vote	L&A Test	
	122.001(a)(7)	Prevents counting vote by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevents counting votes for more than the number of candidates for which the voter is entitled to vote.	L&A Test	
	122.001(a)(8)	Prevents counting a vote on the same office or measure more than once	L&A Test	
	122.001(a)(9)	Permits write-in voting	L&A Test	
	122.001(a)(10)	Is capable of permitting straight-party voting (See also, Straight Party Voting in checklist)	L&A Test	
	122.001(a)(11)	Is capable of providing records from which the operation of the voting system may be audited.	Review of Audit Logs	
	122.001(e)	For an election for federal office in which a state or federal court order has extended the time for voting beyond the time allowed by Subchapter B, Chapter 42, a voting system must provide a separate count of the votes cast after the time allowed by that subchapter.	General Review	
	122.033(1)	Must be equipped with a security system capable of preventing operation of the machine	General Review	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
	122.033(2)	Must be equipped with registering counter that can be secured against access	General Review	
	122.033(3)	Must be equipped with a public counter	General Review	
	122.033(4)	Voting system must be equipped with a protective counter.	General Review	
	122.0331(a)	Copies of program codes and other user and operator manuals and copies or units of all other software and any other information, specifications, or documentation required by the SOS related to an approved electronic voting system and its equipment must be filed with the Secretary.	Certification Packet	
	122.001(d)(2)	Must not use a punch-card ballot or similar form of tabulating	General Review	
	122.001(d)1)	Must not be a mechanical voting machine	General Review	
	127.1231	Procedure to ensure that any computer terminals located outside the central counting station that are capable of accessing the automatic tabulating equipment during the tabulation are capable of inquiry functions only	General Review	
	127.1231	No modem access to the tabulating equipment is available during the tabulation	General Review	
	129.054	A voting system may not be connected to any external communications network, including the internet.	General Review	
		A voting system may not have the capability or permitting wireless communication unless the system uses line-of-sight infrared technology that shields the transmitter and receiver from eternal infrared transmission and the system can only accept transmissions generated by the system.	General Review	
	85.032	Ballot box in which voters deposit their marked EV ballots must have two locks, each with a different key and must be designed and constructed to that the box ca be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box.	Review of Equipment	
	127.154	Each unit of automatic tabulation equipment must have a permanent identification number Each part of that equipment that contains the ballot tabulation must also have a permanent identification number.	Review of Equipment	
	272.005	Ballots must be printed with all ballot instructions, office titles, column headings, proposition heading, and propositions appearing in English and Spanish.	Review Ballot	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
	129.055	The sole purpose of voting system equipment is the conduct of an election, and only software certified by the SOS and necessary for an election may be loaded on the equipment.	General Review	
	11.054, Education Code	Must allow for cumulative voting.	General Review	
Straight-Party Voting	122.001(b)	Must be capable of allowing straight party voting in accordance with 65.007(c) and (d)	L&A test	
	65.007 (c)	If a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees, a vote shall be counted for the opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes. (**cross-over voting)**	L&A test	
	65.007 (d)	If a ballot indicates straight-party votes for more than one party, those votes may not be tallied. Only candidates receiving individual votes will be counted.	L&A test	
Ballot Requirements	43.007	DRE's only authorized for CWPP --- must have the capability of more than 1 ballot style.		
	124.001	In an election in which voters are entitled to case straight-party votes, the voting system ballot shall be arranged to permit the voters to do so.	Review of Ballot	
	124.002(a)	In an election in which a candidate's name is to appear on the ballot as the nominees of a political party, the voting system ballot shall be arranged (1) in party column in the same manner as for a regular paper ballot, or (2) by listing the office titles in a vertical column in the same manner as for a regular paper ballot on which a party nominee does not appear, except that the nominees' party alignment shall be indicated next to their names.	Review of Ballot	
	124.002(b)	The order in which party nominees listed by office title appear on a voting system ballot is determined in accordance with the same priorities and in the same manner as for party nominees listed in party column, with the changes appropriate to the circumstances.	Review of Ballot	
	124.062(b)	The SOS may authorize the use of electronic system ballots that comprise two or more separate parts and may prescribe conditions and limitation under which the multipart ballots may be used. Multipart ballots must comply with the same standards as a voting system using a ballot consisting only of a single part. **(See op scan ballot requirements in TAC rules 81.43 – at end of checklist.)**	Review of Ballot	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	**Assessment Method**	**Notes**
	124.063	Certain Instructions Required on Electronic Voting System Ballot -- "Vote for the candidates of your choice in each race by making a mark in the space provided adjacent to the name of that candidate" "Make a mark in the space provided beside the statement indicating the way you desire to vote" (b)Instructions can be changed in certain circumstances (c) Must contain instructions for casting a write-in vote. SOS will prescribe wording. (d) Must contain instruction under Section 52.071(b) of the code for straight party voting. (Vendor must show that instructions are customizable to fit appropriate ballot)	Review of Ballot	
	129.002(a) **(DRE Only)**	Each direct recording electronic voting machine must provide the voter with a screen in summary format of the voter's choices for the voter to review before the vote is actually cast.	Review of Summary Screen	
Provisional Ballots	124.006	The SOS shall prescribe the form of a provisional ballot and the necessary procedure to implement the casting of a provisional ballot as described by Section 63.011 and the verification and processing of provisional ballots under Subchapter B, Chapter 65.	Review Provisional Ballot	
	52.074	The authority responsible for having the official ballot prepared shall have a provisional ballot prepared in a form approved by the Secretary of State for use by a voter who executed an affidavit in accordance with Section 63.011 of the Code. **(NOTE: Need to show SOS how provisional ballot works)**	Review Provisional Ballot	
	81.173, TAC **(DRE ONLY)**	Provisional ballots may be cast electronically on a Direct Record Electronic (DRE) voting system if: (C) the system segregates provisional votes from regularly-cast votes on the precinct returns; and (D) the system provides a method for the cast provisional ballots to be accepted and added to the election results by the Early Voting Ballot Board or central counting station personnel, as applicable.	Review Provisional Ballot	
	127.063	Sealed ballot box must be: 1. Equipped with a lock to prevent opening the box without a key 2. Ballots can be deposited and delivered w/o damage	Review of Equipment	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		3. Box can be sealed to detect any unauthorized opening of the box 4. Slot used by the voters to deposit ballots can be sealed to prevent any unauthorized deposit in the box. NOTE: for Ballots to be counted at CCS.		
Optical scan Systems	81.43, TAC	1. Optical scanner ballots may be divided into parts and printed upon two or more pages. 2. When party columns appear on the ballot, the names of the parties and spaces for voting a straight-party ticket must be printed oat the head of the ballot so the voter may cast a straight ticket by making a single mark on the first page. 3. Where all candidates for the same office cannot be placed on the same face of the same page, the names can appear on more than one page, but the first page must contain a statement that the names of other candidates appear on the following pages(s). 4. If the ballot is printed on more than one page, different tints of paper other than yellow, or some other suitable means may be used to facilitate the sorting of ballots. 5. Each page shall bear the same ballot number.	Review of Ballot	
	81.52(1)	If the machine returns a ballot to the voter because the ballot is blank, mismarked damaged, or otherwise spoiled, the voter may either attempt to correct the ballots, request another ballot, or request the election official to override the rejection so that the precinct counter accepts the ballot and outstacks the write- in.	L&A Test	
	81.52, TAC	The precinct counter must be set up to reject and return the ballot to the voter rather than outstack the ballot if it is blank, mismarked, undervoted, or overvoted.	L&A test/General Review	
	81.52, TAC	If a precinct ballot counter is to be used during early voting by personal appearance, a continuous feed audit log printer must remain attached to the precinct counter throughout the early voting period	General Review	
	81.62, TAC	1. For any Election Management System's central accumulator to be certified for use in Texas elections, **the central accumulator shall include a continuous feed printer dedicated to a real-time audit log**. All significant election events and their date and time	Review of Audit Logs	

AMERICAN OVERSIGHT

Category	Source of Law	Requirement	Assessment Method	Notes
		stamps shall be printed to the audit log. 2. The definition of "significant election events" in subsection (a) of this rule includes but is not limited to: a. error and/or warning messages and operator response to those messages; b. number of ballots read for a given precinct; c. completion of reading ballots for a given precinct; d. identity of the input ports used for modem transfers from precincts; e. users logging in and out from election system; precincts being zeroed; f. reports being generated; g. diagnostics of any type being run; and h. change to printer status.		
Accessibility for Disabled Voters	81.57, TAC	See checklist for details of requirement.	Checklist for Voting System Accessibility for more details.	
	64.009, TEC	If a voter is physically unable to enter the polling place without personal assistance or likelihood if injuring the voter's health, on the voter's request, an election officer shall deliver a ballot to the voter at the poling place entrance or curb. NOTE: "Curbside voting"	General Review	

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Zac Rhines
Sent: Monday, June 13, 2022 4:40 PM
To: Dan Teczar
Cc: Shamika Fehr
Subject: RE: AWS Self Service Project Customer Kick-Off Meeting

[redacted] I should be here for another ½ hour or so, or we can talk by phone tomorrow.

Zac Rhines
Assistant General Counsel
Office of the Texas Secretary of State
(512) 463-5268
zrhines@sos.texas.gov

[redacted]

From: Boekhoudt, Caspar <cboekhoudt@deloitte.com>
Sent: Monday, June 13, 2022 1:43 PM
To: Shamika Fehr <sfehr@sos.texas.gov>; Dan Page <DPage@sos.texas.gov>
Cc: Clark, Jim <jim.clark@capgemini.com>; Hansson, Aron <ahansson@deloitte.com>; Dan Teczar <DTeczar@sos.texas.gov>; sheldy.starkes@dir.texas.gov
Subject: RE: AWS Self Service Project Customer Kick-Off Meeting

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Hi Shamika and Dan,

AMERICAN OVERSIGHT

I hope you were able to get some well-deserved rest this past weekend.
I wanted to circle back with you to see how your schedule is looking for this week or next to schedule a meeting regarding the AWS Self Service project.
If you are able to carve up an hour in your schedule, could you please send me some availabilities?

Thank you,

Caspar Boekhoudt
Deloitte Consulting LLP
Mobile: +1 703 420 9156
cboekhoudt@deloitte.com | www.deloitte.com

From: Boekhoudt, Caspar
Sent: Thursday, June 2, 2022 2:03 PM
To: Shamika Fehr <sfehr@sos.texas.gov>; Dan Page <DPage@sos.texas.gov>
Cc: Clark, Jim <jim.clark@capgemini.com>; Hansson, Aron <ahansson@deloitte.com>; Dan Teczar <DTeczar@sos.texas.gov>
Subject: AWS Self Service Project Customer Kick-Off Meeting

Hi Shamika and Dan,

TSS and PCM are seeking customer participation in the development of the AWS Self-service solution. If you and the team are available, we would like to setup a meeting with individuals at the agency that have insight to assist with the following:

- Help TSS along with Rackspace/Onica to clearly understand SOS' needs as it relates to public cloud resources.
    - How you are consuming public cloud resources
    - How that relates to your DevOps or Deployment practices.
    - What Permission levels allow you to achieve these goals
- Identify current issues you're experiencing.

Agenda

- Introduction to project and offering
- Introduction to key players in project
- Discuss how customer can assist in development of solution
- Establish cadence in communication with customer

Attendees will be:

- PCM Resources
- Onica Resources
- TSS Resources
- AWS Resources
- Customer Business Resources
- Customer Technical Resources

If available, could you please send me some availabilities for next or following week(s) and the list of individuals you'd like to include?

Thank you

Caspar Boekhoudt
Deloitte Consulting LLP
Mobile: +1 703 420 9156
cboekhoudt@deloitte.com | www.deloitte.com

AMERICAN OVERSIGHT

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v.E.1

AMERICAN OVERSIGHT

From: Zac Rhines
Sent: Tuesday, March 29, 2022 4:32 PM
To: Dan Teczar
Subject: Re: Nexus Question

No rush. We can talk tomorrow or some other time this week. I'm about to head out of the office as well. Enjoy the game!

Zac Rhines
Assistant General Counsel
Office of the Texas Secretary of State
(512) 463-5268
zrhines@sos.Texas.gov

From: Dan Teczar <DTeczar@sos.texas.gov>
Sent: Tuesday, March 29, 2022 4:31:08 PM
To: Zac Rhines <ZRhines@sos.texas.gov>
Subject: RE: Nexus Question

Sure! [redacted], but I will give you a call on the number below.

[redacted]

AMERICAN OVERSIGHT

From: Zac Rhines
Sent: Wednesday, March 30, 2022 3:21 PM
To: Dan Teczar
Subject: RE: Nexus Question

Let me know if you have some time today or tomorrow!

Zac Rhines
Assistant General Counsel
Office of the Texas Secretary of State
(512) 463-5268
zrhines@sos.texas.gov

From: Dan Teczar
Sent: Tuesday, March 29, 2022 4:31 PM
To: Zac Rhines <ZRhines@sos.texas.gov>
Subject: RE: Nexus Question

Sure[redacted], but I will give you a call on the number below.

[redacted]

AMERICAN OVERSIGHT

From: GeneralCounsel
Sent: Thursday, March 24, 2022 2:56 PM
To: 'AO Records'
Cc: GeneralCounsel
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good afternoon,

Regarding our March 3 email, we appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 14, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Thursday, March 3, 2022 4:43 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good afternoon,

Regarding our February 17 email, we appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on February 24, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel
Sent: February 17, 2022 4:30 PM
To: 'AO Records' <records@americanoversight.org>

AMERICAN OVERSIGHT

Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good afternoon,

Regarding our January 21 email, we appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 3, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel
Sent: Friday, January 21, 2022 1:04 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good afternoon,

Regarding our January 5 email, we appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on February 17, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Wednesday, January 5, 2022 2:13 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good afternoon,

Regarding our December 15 email, we appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on January 21, 2022. *See* Tex. Gov't Code § 552.221(d).

AMERICAN OVERSIGHT

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Wednesday, December 15, 2021 3:18 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good afternoon,

Regarding our November 19 email, we appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on January 5, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, November 19, 2021 10:32 AM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good morning,

Consistent with our November 2 email, please see the attached documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

The responsive information also includes password information that "has no other significance than its use as a tool for the maintenance, manipulation, or protection of public property." *See* Open Records Decision No. 581 at 7 (1990); OR2019-09843 at 2 (Apr. 11, 2019) (username and password information). The Attorney General's Open Records Division has concluded that this type of information is not subject to the Public Information Act and thus need not be released in response to a public-information request. Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on December 15, 2021. *See* Tex. Gov't Code § 552.221(d).

AMERICAN OVERSIGHT

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, November 2, 2021 11:41 AM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good morning,

Consistent with our October 19 letter, Please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on November 19, 2021. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, October 26, 2021 3:00 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good afternoon,

Please see the attached letter, with enclosure, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel

AMERICAN OVERSIGHT

Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, October 19, 2021 10:51 AM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1369) PIR 21-1011

Good morning,

Please see the attached letter, with enclosure, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Tuesday, October 5, 2021 11:11 AM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-21-1369)

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Dear Public Information Officer:

Please find attached a request for records under Texas's Public Information Act.

Sincerely,
--
Olivia Bravo
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PRR: TX-SOS-21-1369

AMERICAN OVERSIGHT

From: GeneralCounsel
To: "AO Records"
Cc: GeneralCounsel
Subject: RE: Public Information Request (TX-SOS-21-1809) PIR 21-1230
Date: Thursday, March 24, 2022 2:53:15 PM
Attachments: OR2022-07733.pdf

Good afternoon,

Please find attached a courtesy copy of OR2022-07733 regarding your request for information under Chapter 552 of the Texas Government Code. The Office of the Attorney General has determined that we may withhold certain information responsive to your request pursuant to the Public Information Act (the "PIA").

Regarding our February 24 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce responsive documents. We will provide you any responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 14, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Thursday, February 24, 2022 1:29 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1809) PIR 21-1230

Good afternoon,

Regarding our February 2 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce responsive documents. We will provide you any responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 24, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

AMERICAN OVERSIGHT

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Wednesday, February 2, 2022 2:45 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1809) PIR 21-1230

Good afternoon,

Regarding our January 6 letter, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce responsive documents. We will provide you any responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on February 24, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Thursday, January 13, 2022 3:21 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1809) PIR 21-1230

Good afternoon,

Please see the attached letter, with enclosure, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Thursday, January 6, 2022 1:09 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1809) PIR 21-1230

AMERICAN OVERSIGHT

Good afternoon,

Please see the attached letter, with enclosure, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Friday, December 17, 2021 10:11 AM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-21-1809)

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Dear Public Information Officer:

Please find attached a request for records under the Texas Public Information Act.

Sincerely,
--
Sarah Wishingrad
Pronouns: she/her
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PIR: TX-SOS-21-1809

AMERICAN OVERSIGHT

KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 16, 2022

Mr. Adam Bitter
General Counsel
Office of the Texas Secretary of State
P.O. Box 12887
Austin, Texas 78711-2887

OR2022-07733

Dear Mr. Bitter:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 936247 (PIR# 21-1230).

The Office of the Texas Secretary of State (the "secretary's office") received a request for communications regarding certain audits. You state the secretary's office has released some of the requested information. You claim the submitted information is excepted from disclosure under sections 552.107 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.[1]

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. *See* Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate the information constitutes or documents a communication. *Id*. at 7. Second, the communication must have been made "to facilitate the rendition of professional legal services" to the client governmental body. TEX. R. EVID. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal

[1] We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

AMERICAN OVERSIGHT

services to the client governmental body. *In re Tex. Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. TEX. R. EVID. 503(b)(1). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies only to a confidential communication, *id*., meaning it was "not intended to be disclosed to third persons other than those: (A) to whom disclosure is made to further the rendition of professional legal services to the client; or (B) reasonably necessary to transmit the communication." *Id*. 503(a)(5). Whether a communication meets this definition depends on the intent of the parties involved at the time the information was communicated. *See Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.—Waco 1997, orig. proceeding). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

You state the information you marked consists of communications between attorneys and employees for the secretary's office that were made for the purpose of providing legal services to the secretary's office. You state the communications were intended to be confidential and have remained confidential. Based on your representations and our review, we find the information you marked consists of privileged attorney-client communications. Therefore, the secretary's office may withhold the information you marked under section 552.107(1) of the Government Code.[2]

Section 552.111 of the Government Code excepts from disclosure "[a]n interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency[.]" Gov't Code § 552.111. This exception encompasses the deliberative process privilege. *See* Open Records Decision No. 615 at 2 (1993). The purpose of section 552.111 is to protect advice, opinion, and recommendation in the decisional process and to encourage open and frank discussion in the deliberative process. *See Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.—San Antonio 1982, writ ref'd n.r.e.); Open Records Decision No. 538 at 1-2 (1990).

In Open Records Decision No. 615, this office re-examined the statutory predecessor to section 552.111 in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.—Austin 1992, no writ). We determined section 552.111 excepts from disclosure only those internal communications that consist of advice, recommendations, opinions, and other material reflecting the policymaking processes of

[2] As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

AMERICAN OVERSIGHT

the governmental body. *See* ORD 615 at 5. A governmental body's policymaking functions do not encompass routine internal administrative or personnel matters, and disclosure of information about such matters will not inhibit free discussion of policy issues among agency personnel. *Id*.; *see also City of Garland v. Dallas Morning News*, 22 S.W.3d 351 (Tex. 2000) (section 552.111 not applicable to personnel-related communications that did not involve policymaking). A governmental body's policymaking functions do include administrative and personnel matters of broad scope that affect the governmental body's policy mission. *See* Open Records Decision No. 631 at 3 (1995).

Further, section 552.111 does not protect facts and written observations of facts and events severable from advice, opinions, and recommendations. *Arlington Indep. Sch. Dist. v. Tex. Attorney Gen.*, 37 S.W.3d 152 (Tex. App.—Austin 2001, no pet.); see ORD 615 at 5. But if factual information is so inextricably intertwined with material involving advice, opinion, or recommendation as to make severance of the factual data impractical, the factual information also may be withheld under section 552.111. *See* Open Records Decision No. 313 at 3 (1982).

This office has also concluded a preliminary draft of a document intended for public release in its final form necessarily represents the drafter's advice, opinion, and recommendation with regard to the form and content of the final document, so as to be excepted from disclosure under section 552.111. *See* Open Records Decision No. 559 at 2 (1990) (applying statutory predecessor). Section 552.111 protects factual information in the draft that also will be included in the final version of the document. See id. at 2-3. Thus, section 552.111 encompasses the entire contents, including comments, underlining, deletions, and proofreading marks, of a preliminary draft of a policymaking document that will be released to the public in its final form. *See id*. at 2.

Section 552.111 can also encompass communications between a governmental body and a third party, including a consultant or other party with a privity of interest. *See* Open Records Decision No. 561 at 9 (1990) (section 552.111 encompasses communications with party with which governmental body has privity of interest or common deliberative process). For section 552.111 to apply, the governmental body must identify the third party and explain the nature of its relationship with the governmental body. Section 552.111 is not applicable to a communication between the governmental body and a third party unless the governmental body establishes it has a privity of interest or common deliberative process with the third party. *See* ORD 561.

You state some of the remaining information consists of advice, opinions, and recommendations of employees of the secretary's office and the Office of the Governor, with whom the secretary's office shares a privity of interest, regarding policymaking matters. Upon review, we find the secretary's office may withhold the information we marked under section 552.111 of the Government Code. However, we find the remaining information at issue consists of information that is administrative or purely factual in nature or does not pertain to policymaking. Thus, you have failed to demonstrate the remaining information reveals advice, opinions, or recommendations that pertain to policymaking. Accordingly, the secretary's office may not withhold any portion of the remaining information at issue under section 552.111 of the Government Code on the basis of the deliberative process privilege.

AMERICAN OVERSIGHT

In summary, the secretary's office may withhold the information you marked under section 552.107(1) of the Government Code. The secretary's office may withhold the information we marked under section 552.111 of the Government Code. The secretary's office must release the remaining information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Emily Kunst
Assistant Attorney General
Open Records Division

EK/jxd

Ref: ID# 936247

Enc. Submitted documents

c: Requestor
(w/o enclosures)

AMERICAN OVERSIGHT

From: GeneralCounsel
Sent: Thursday, March 24, 2022 3:03 PM
To: 'AO Records'
Cc: GeneralCounsel
Subject: RE: Public Information Request (TX-SOS-21-1810) PIR 21-1231

Good afternoon,

Regarding our February 24 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 7, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Thursday, February 24, 2022 1:35 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1810) PIR 21-1231

Good afternoon,

Regarding our February 2 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 24, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Wednesday, February 2, 2022 2:42 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1810) PIR 21-1231

Good afternoon,

AMERICAN OVERSIGHT

Regarding our January 6 letter, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on February 24, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Thursday, January 6, 2022 1:13 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-21-1810) PIR 21-1231

Good afternoon,

Please see the attached letter and zipped folder in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Friday, December 17, 2021 10:13 AM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-21-1810)

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Dear Public Information Officer:

Please find attached a request for records under the Texas Public Information Act.

Sincerely,
--
Sarah Wishingrad
Pronouns: she/her
Paralegal
American Oversight

AMERICAN OVERSIGHT

records@americanoversight.org
www.americanoversight.org | @weareoversight

PIR: TX-SOS-21-1810

From: GeneralCounsel
To: "AO Records"
Cc: GeneralCounsel
Subject: RE: Public Information Request (TX-SOS-22-0092) PIR 22-0134
Date: Friday, April 29, 2022 3:31:35 PM
Attachments: 4.29.22 Documents.zip

Good afternoon,

Consistent with our April 1 email, please find the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on May 27, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, April 1, 2022 2:24 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0092) PIR 22-0134

Good afternoon,

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 29, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams

AMERICAN OVERSIGHT

Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Monday, March 21, 2022 3:32 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0092) PIR 22-0134

Good afternoon,

Regarding our February 28 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 1, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Monday, February 28, 2022 4:38 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0092) PIR 22-0134

Good afternoon,

Consistent with our February 7 letter, please see the attached document containing information responsive to Items 1-5 of your request. We appreciate your patience as we continue to process this portion of your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 21, 2022. *See* Tex. Gov't Code § 552.221(d).

We received your clarification with respect to Items 6 and 7 and will address this clarified portion of the request on March 4, 2022.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel

AMERICAN OVERSIGHT

Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Monday, February 7, 2022 3:51 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0092) PIR 22-0134

Good afternoon,

Please see the attached letter in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel
Sent: Wednesday, January 26, 2022 2:03 PM
To: 'AO Records' <records@americanoversight.org>
Subject: RE: Public Information Request (TX-SOS-22-0092) PIR 22-0134

Thank you for contacting the Office of the Texas Secretary of State. This email acknowledges receipt of your request for information under the Public Information Act, and we will process it in accordance with Chapter 552 of the Texas Government Code.

We will let you know if we have any questions or need clarification.

Regards,

Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Monday, January 24, 2022 2:28 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-22-0092)

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Dear Public Information Officer:

AMERICAN OVERSIGHT

Please find attached a request for records under the Texas Public Information Act.

Sincerely,
--
Sarah Wishingrad
Pronouns: she/her
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PIR: TX-SOS-22-0092

AMERICAN OVERSIGHT

From:	Sam Taylor
To:	"michael.scarpello@dallascounty.org"
Cc:	John Scott; Keith Ingram
Subject:	Dallas County - Partial Manual Count - November 2020
Date:	Wednesday, December 29, 2021 4:37:08 PM
Attachments:	image001.png Dallas County_Partial Manual Count_November 2020 Election.xlsx
Sensitivity:	Personal

Hi Michael,

Thanks for chatting earlier and apologies for bothering you on your travels! I've attached the chart of the partial manual count numbers that your office provided us after the November 2020 election.

You'll see the red highlighted cells (J15 and K15) show that the electronic count for candidate Matt Sterett was 1, while the manual count was 11. We presume this was because of a data entry/clerical error, but wanted to make sure and confirm with your office.

Please let us know if y'all have any information on this you'd like to provide so we can note it in our progress report.

Much appreciated!

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

AMERICAN OVERSIGHT

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	COUNTYN	PARTY	PRECINC	CORDER	VSID	CANDIDA	VOTINGS	EVBMEC	EVBMMC	EVIPEC	EVIPMC	EDEC	EDMC	PROV	TXTEVBM	TXTEVBM	TXTEVIPE
2	57	0	1062	0	3	CHRYSTA	ES&S DS2	0	0	10	10	54	54	0	txtEVBME	txtEVBMM	txtEVIPEC
3	57	0	1062	0	6	CHRYSTA	ES&S DS8	2	2	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
4	57	0	1062	1	3	KATIJA "K	ES&S DS2	0	0	0	0	1	1	0	txtEVBME	txtEVBMM	txtEVIPEC
5	57	0	1062	1	6	KATIJA "K	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
6	57	0	1062	2	3	MATT STE	ES&S DS2	0	0	0	0	5	5	0	txtEVBME	txtEVBMM	txtEVIPEC
7	57	0	1062	2	6	MATT STE	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
8	57	0	1062	3	3	JAMES "J	ES&S DS2	0	0	6	6	82	82	0	txtEVBME	txtEVBMM	txtEVIPEC
9	57	0	1062	3	6	JAMES "J	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
10	PRECINCT TOTAL							**2**	**2**	**16**	**16**	**142**	**142**				
11	57	0	1111	0	3	CHRYSTA	ES&S DS2	0	0	427	427	252	252	0	txtEVBME	txtEVBMM	txtEVIPEC
12	57	0	1111	0	6	CHRYSTA	ES&S DS8	13	13	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
13	57	0	1111	1	3	KATIJA "K	ES&S DS2	0	0	8	8	5	5	0	txtEVBME	txtEVBMM	txtEVIPEC
14	57	0	1111	1	6	KATIJA "K	ES&S DS8	2	2	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
15	57	0	1111	2	3	MATT STE	ES&S DS2	0	0	1	11	15	15	0	txtEVBME	txtEVBMM	txtEVIPEC
16	57	0	1111	2	6	MATT STE	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
17	57	0	1111	3	3	JAMES "J	ES&S DS2	0	0	104	104	155	155	0	txtEVBME	txtEVBMM	txtEVIPEC
18	57	0	1111	3	6	JAMES "J	ES&S DS8	8	8	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
19	PRECINCT TOTAL							**23**	**23**	**540**	**550**	**427**	**427**				
20	57	0	1726	0	3	CHRYSTA	ES&S DS2	0	0	458	458	59	59	0	txtEVBME	txtEVBMM	txtEVIPEC
21	57	0	1726	0	6	CHRYSTA	ES&S DS8	75	75	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
22	57	0	1726	1	3	KATIJA "K	ES&S DS2	0	0	15	15	1	1	0	txtEVBME	txtEVBMM	txtEVIPEC
23	57	0	1726	1	6	KATIJA "K	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
24	57	0	1726	2	3	MATT STE	ES&S DS2	0	0	2	2	1	1	0	txtEVBME	txtEVBMM	txtEVIPEC
25	57	0	1726	2	6	MATT STE	ES&S DS8	2	2	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
26	57	0	1726	3	3	JAMES "J	ES&S DS2	0	0	330	330	30	30	0	txtEVBME	txtEVBMM	txtEVIPEC
27	57	0	1726	3	6	JAMES "J	ES&S DS8	44	44	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
28	PRECINCT TOTAL							**121**	**121**	**805**	**805**	**91**	**91**				
29	57	0	2003	0	3	CHRYSTA	ES&S DS2	0	0	811	811	137	137	0	txtEVBME	txtEVBMM	txtEVIPEC
30	57	0	2003	0	6	CHRYSTA	ES&S DS8	185	185	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
31	57	0	2003	1	3	KATIJA "K	ES&S DS2	0	0	10	10	4	4	0	txtEVBME	txtEVBMM	txtEVIPEC
32	57	0	2003	1	6	KATIJA "K	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
33	57	0	2003	2	3	MATT STE	ES&S DS2	0	0	29	29	15	15	0	txtEVBME	txtEVBMM	txtEVIPEC
34	57	0	2003	2	6	MATT STE	ES&S DS8	1	1	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
35	57	0	2003	3	3	JAMES "J	ES&S DS2	0	0	914	914	180	180	0	txtEVBME	txtEVBMM	txtEVIPEC
36	57	0	2003	3	6	JAMES "J	ES&S DS8	108	108	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
37	PRECINCT TOTAL							**294**	**294**	**1,764**	**1,764**	**336**	**336**				
38	57	0	3401	0	3	CHRYSTA	ES&S DS2	0	0	0	0	54	54	0	txtEVBME	txtEVBMM	txtEVIPEC
39	57	0	3401	0	6	CHRYSTA	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
40	57	0	3401	1	3	KATIJA "K	ES&S DS2	0	0	0	0	1	1	0	txtEVBME	txtEVBMM	txtEVIPEC
41	57	0	3401	1	6	KATIJA "K	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
42	57	0	3401	2	3	MATT STE	ES&S DS2	0	0	0	0	5	5	0	txtEVBME	txtEVBMM	txtEVIPEC
43	57	0	3401	2	6	MATT STE	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
44	57	0	3401	3	3	JAMES "J	ES&S DS2	0	0	3	3	82	82	0	txtEVBME	txtEVBMM	txtEVIPEC
45	57	0	3401	3	6	JAMES "J	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
46	PRECINCT TOTAL							**0**	**0**	**3**	**3**	**142**	**142**				
47	57	0	4046	0	3	CHRYSTA	ES&S DS2	0	0	385	385	122	122	0	txtEVBME	txtEVBMM	txtEVIPEC
48	57	0	4046	0	6	CHRYSTA	ES&S DS8	47	47	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
49	57	0	4046	1	3	KATIJA "K	ES&S DS2	0	0	6	6	2	2	0	txtEVBME	txtEVBMM	txtEVIPEC
50	57	0	4046	1	6	KATIJA "K	ES&S DS8	1	1	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
51	57	0	4046	2	3	MATT STE	ES&S DS2	0	0	3	3	1	1	0	txtEVBME	txtEVBMM	txtEVIPEC
52	57	0	4046	2	6	MATT STE	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
53	57	0	4046	3	3	JAMES "J	ES&S DS2	0	0	40	40	12	12	0	txtEVBME	txtEVBMM	txtEVIPEC
54	57	0	4046	3	6	JAMES "J	ES&S DS8	2	2	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
55	PRECINCT TOTAL							**50**	**50**	**434**	**434**	**137**	**137**				

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	R	S	T	U	V	W	X	Y
1	TXTEVIPM	TXTEDEC	TXTEDMC	TXTPROV	ALTPC	TXTALTPCT		
2	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-1062		
3	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-1062		
4	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-1062		
5	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-1062		
6	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-1062		
7	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-1062		
8	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-1062		
9	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-1062		
10								
11	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	4607	txtALTPCT-057-0-1111		
12	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	4607	txtALTPCT-057-0-1111		
13	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	4607	txtALTPCT-057-0-1111		
14	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	4607	txtALTPCT-057-0-1111		
15	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	4607	txtALTPCT-057-0-1111		
16	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	4607	txtALTPCT-057-0-1111		
17	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	4607	txtALTPCT-057-0-1111		
18	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	4607	txtALTPCT-057-0-1111		
19								
20	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3102	txtALTPCT-057-0-1726		
21	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3102	txtALTPCT-057-0-1726		
22	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3102	txtALTPCT-057-0-1726		
23	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3102	txtALTPCT-057-0-1726		
24	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3102	txtALTPCT-057-0-1726		
25	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3102	txtALTPCT-057-0-1726		
26	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3102	txtALTPCT-057-0-1726		
27	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3102	txtALTPCT-057-0-1726		
28								
29	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2715	txtALTPCT-057-0-2003		
30	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2715	txtALTPCT-057-0-2003		
31	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2715	txtALTPCT-057-0-2003		
32	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2715	txtALTPCT-057-0-2003		
33	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2715	txtALTPCT-057-0-2003		
34	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2715	txtALTPCT-057-0-2003		
35	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2715	txtALTPCT-057-0-2003		
36	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2715	txtALTPCT-057-0-2003		
37								
38	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-3401		
39	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-3401		
40	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-3401		
41	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-3401		
42	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-3401		
43	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-3401		
44	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-3401		
45	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	2006	txtALTPCT-057-0-3401		
46								
47	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3058	txtALTPCT-057-0-4046		
48	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3058	txtALTPCT-057-0-4046		
49	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3058	txtALTPCT-057-0-4046		
50	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3058	txtALTPCT-057-0-4046		
51	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3058	txtALTPCT-057-0-4046		
52	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3058	txtALTPCT-057-0-4046		
53	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3058	txtALTPCT-057-0-4046		
54	txtEVIPMC	txtEDEC-0	txtEDMC-0	txtPROV-0	3058	txtALTPCT-057-0-4046		
55								

OVERSIGHT

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
56	57	0	4629	0	3	CHRYSTA	ES&S DS2	0	0	432	432	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
57	57	0	4629	0	6	CHRYSTA	ES&S DS8	32	32	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
58	57	0	4629	1	3	KATIJA "K	ES&S DS2	0	0	5	5	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
59	57	0	4629	3	3	JAMES "J	ES&S DS2	0	0	200	200	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
60	57	0	4629	1	6	KATIJA "K	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
61	57	0	4629	2	3	MATT STE	ES&S DS2	0	0	19	19	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
62	57	0	4629	2	6	MATT STE	ES&S DS8	0	0	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
63	57	0	4629	3	6	JAMES "J	ES&S DS8	19	19	0	0	0	0	0	txtEVBME	txtEVBMM	txtEVIPEC
64	PRECINCT TOTAL							**51**	**51**	**656**	**656**	**0**	**0**				

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	R	S	T	U	V	W	X	Y
56	txtEVIPM(	txtEDEC-(	txtEDMC-(	txtPROV-057-0-00-0(		txtALTPCT-057-0-4629		
57	txtEVIPM(	txtEDEC-(	txtEDMC-(	txtPROV-057-0-00-0(		txtALTPCT-057-0-4629		
58	txtEVIPM(	txtEDEC-(	txtEDMC-(	txtPROV-057-0-01-0(		txtALTPCT-057-0-4629		
59	txtEVIPM(	txtEDEC-(	txtEDMC-(	txtPROV-057-0-03-0(		txtALTPCT-057-0-4629		
60	txtEVIPM(	txtEDEC-(	txtEDMC-(	txtPROV-057-0-01-0(		txtALTPCT-057-0-4629		
61	txtEVIPM(	txtEDEC-(	txtEDMC-(	txtPROV-057-0-02-0(		txtALTPCT-057-0-4629		
62	txtEVIPM(	txtEDEC-(	txtEDMC-(	txtPROV-057-0-02-0(		txtALTPCT-057-0-4629		
63	txtEVIPM(	txtEDEC-(	txtEDMC-(	txtPROV-057-0-03-0(		txtALTPCT-057-0-4629		
64								

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	A	B	C	D	E	F	G	H
1								
2								
3								
4								
5								
6								
7								
8	DALLAS COUNTY							
9	Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Early Voting In Person Electronic Count	Early Voting In Person Hand Count	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
10	1062	2	2	16	16	142	142	0
11	1111	23	23	540	550	427	427	10
12	1726	121	121	805	805	91	91	0
13	2003	294	294	1,764	1,764	336	336	0
14	3401	0	0	3	3	142	142	0
15	4046	50	50	434	434	137	137	0
16	4629	51	51	656	656	0	0	0
17							Total Discrepancy:	10

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The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov
www.votetexas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

John B. Scott
Secretary of State

December 10, 2021

Bruce Sherbet
Collin County Elections Administrator
2010 Redbud Blvd, Suite 102
McKinney, TX 75069

Isabel Longoria
Harris County Elections Administrator
1001 Preston
Houston, TX 77002

Michael Scarpello
Dallas County Elections Administrator
1520 Round Table Drive
Dallas, TX 75247

Heider Garcia
Tarrant County Elections Administrator
100 E. Weatherford
Fort Worth, Texas 76196

Dear Bruce, Michael, Isabel and Heider:

Thank you for your service to Texas voters and for your commitment to transparency in our election process. As indicated in our office's previous communications, the Texas Secretary of State's office is conducting the largest and most comprehensive forensic audit of the November 2020 General Election in your respective counties. The purpose of this audit is to provide clarity and confidence for Texas voters that all applicable laws and procedures were followed during the 2020 Election, and to identify any irregularities or issues that need to be addressed going forward.

Enclosed, please find a comprehensive list of documents and records our office will be examining as part of Phase 2 of the Full Forensic Audit, as well as requests for information from your office that will be instrumental in completing the audit process. We request that your respective offices begin locating the documents listed to prepare for our Forensic Audit Division's on-site examinations, which will be coordinated at a mutually convenient time in January 2022.

In the near term, we request that you provide us the following information, in writing, to our office by **Tuesday, December 21st** in order to guide the next phase of the forensic audit process:

- **A list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters that checked in to the number of votes cast at that location.**
- **Whether any voting sites were closed or added due to an emergency or other necessity**
- **Any known procedural or chain of custody defects**
- **Any other issues discovered that you would like to disclose now that may be relevant to our audit process**

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- **A list of complaints received and resolved, with a description of any known investigative steps or known resolution.**
- **A detailed accounting of the following:**
    - **Total Early Voting Ballots by Mail Requested**
    - **Total Early Voting Ballots by Mail Sent out**
    - **Total Early Voting Ballots requested by FPCA**
    - **Breakdown of Early Voting Ballots by Mail accepted/rejected**
    - **Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted in person**
    - **Total number of mail ballot voters that surrendered their mail ballot and voted in person**
- **A detailed accounting of the following:**
    - **Total Number of Provisional Votes Cast**
    - **A list of Provisional Voters by reason for voting provisionally**
    - **Total Number of Provisional Votes cast for voters lacking ID**
    - **Total number of Provisional Voted Accepted/Rejected**
- **List of entities that conducted recounts or had election contests**

We thank you in advance for your responses to this initial audit survey and request that you begin preparing the enclosed list of documents and records for our agency's review.

Please feel free to reach out to our office directly if you have any questions or concerns.

Sincerely,

John B. Scott
Texas Secretary of State

Encl.: 2020 Forensic Election Audit – Phase 2: Comprehensive Records Examination

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2020 Forensic Election Audit

Phase 2: Comprehensive Records Examination

The purpose of this document is to outline the records and procedures that the Texas Secretary of State's office is reviewing for the forensic audit of the 2020 General Election in Collin, Dallas, Tarrant, and Harris counties. The specific review process for each category will be based on the county's response to the initial survey questions provided. Once the scope is established on a county-by-county basis, we will provide detailed documentation regarding the specific review of each applicable category.

We recognize that some counties may use different terminology for certain forms and procedures. The terminology used in this document is based on commonly used terms in the Texas Election Code and based on industry standards. To the extent that counties use different terminologies to describe the election materials and procedures used in the November 2020 General Election, county election officials will have the opportunity to provide an explanation in their responses ahead of our office's on-site visits.

Election Security

The following questions pertain to each county's election security measures. Please elaborate to the fullest extent possible in your responses:

- Do you have badge-controlled access to your election office?
- Do you keep track of who enters into the office, especially sensitive areas?
- Are visitors escorted at all times?
- Do you keep track of who enters the ballot programming area? Are the number of people authorized to access the programming area limited?
- Did your county attend Texas Secretary of State webinars that discussed the Election Security Toolkit?
- Did your county create individual versions of all six documents that address the procedures in your county?
- If you did not complete all 6 documents, which of these did you complete?
    - Vendor Risk Management Policy (VRMP)
    - Continuity of Operations Plan (COOP)
    - Incident Response Plan (IRP)
    - Election Information Security Policy (EISP)
    - Election System Security Plan (ESSP)
    - Election Security Best Practices
- Does your county have an offsite version of the Election Security Toolkit in a printed or electronically stored format?
- Does your county have a segmented election network?
- Does your county have a next generation firewall?

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- Does your county IT Department regularly patch and maintain the latest software version throughout the division?
- Does your county employ the Principle of Least Privilege?

Acceptance Testing Records if New Voting System was Used for the First Time

An examination of the following records will gauge the percentage of equipment that did not pass the acceptance testing and, therefore, was not operable during the November 2020 General Election:

- Logs for each device tested
- Logs that show if a device did not function properly or had to be returned for vendor review or service

L&A Testing Records

An examination of the following documents and records will determine if the voting system accurately recorded the test voters' choices and therefore demonstrated that the voting system accurately recorded voters' ballot choices:

- Public Notice of Logic and Accuracy (L&A) Test
- All test ballots voted in the election
- Tally Sheets
- Test Deck Records
- List of participants who voted test ballots
- Records showing test outcomes and if tests had to be repeated
- Testing media, including:
  - memory sticks
  - mobile ballot boxes (MBBs)
  - paper ballots used for L&A test voting and tabulation)
- All testing seals or other test materials

Election Preparation

An examination of the following documents and records will determine whether or not protocols to secure the voting system and ballot were followed to protect the integrity of the election:

- List of Presiding Judges and Alternate Judges by Precinct and Party
- Notification of Election Training Program
- Ballot Programming: Please indicate whether your vendor programmed your ballot or if the ballot was programmed by in-house staff.
- Electronic Poll Books (EPBs) programming: Please indicate how your EPBs were programmed and at what intervals was the Official List of Registered Voters on the EPB updated.

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Early Voting In Person

An examination of the following documents will provide a summary of all processes executed to conduct in-person Early Voting:

- **Election Workers**
  - List of Early Voting Deputies, Alternate Deputies and Early Voting Clerks
  - Lists of Early Voting Workers who dropped out of the election, the date they dropped out and the names of the replacement workers
    - Please indicate the training that any emergency replacement workers received.
  - List of "no show" Early Voting workers

- **Documentation related to Ordering and Providing Notice of the Election**
  - Order of November General Election for State and County Officers (GESCO)
  - Location of the Main Early Voting Polling Place as noted on the Order of Election
  - List of Early Voting Branch Polling Places as noted on the Order of Election
  - Notice of General Election (copy of posted notice and publication)
    - Record for Posting Notice of Election if posted in this manner

- **Documentation for Ballot Corrections, if applicable**
  - Notice of Ballot Correction, if applicable
  - Notice of Ballot Destruction, if applicable
  - Record of Ballot Destruction, if applicable
  - Notice of Ballot Reprint Order, if applicable

- **Documentation for Tracking Ballots**
  - Register of Official Ballots for Early Voting at the Main Location (if ballots are pre-serialized, if not the number of ballot cards delivered)
  - Register of Official Ballots for Early Voting at a Branch Location (if ballots are pre-serialized, if not the number of ballot cards delivered)

- **Polling Place Paperwork**
  - Combination Forms for each day of Early Voting OR a report generated by the general custodian to accurately create a summary of all processes that were required to be executed as noted on paper Combination Forms
  - Daily Balancing Envelope or Report (contain copy of daily returns for Early Voting, to the extent possible)
  - Ballot Styles of voters who were given a ballot vs. how many votes of each ballot style should have been cast, based on voter registration precinct (this identifies when a voter is given the wrong ballot style)
  - Results Tapes/Suspend Reports
  - List of Declared Write-In Candidates for posting in the voting booth
  - Reasonable Impediment Declarations, if applicable
  - Statements of Residence, if applicable
  - Standard Affidavits

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- Registration Omissions List

- **Other Information to be Reviewed**
  - List of Registered Voters that was used in the 2020 Presidential Election (electronic copy).
  - List of any Early Voting Site that had to be closed or changed according to county records
  - Signature Roster for Hand Delivery of a Ballot by Mail Forms (usually this process is only done only on Election Day, but the hand delivery period was extended only for the November 3, 2020 General Election)

- **Chain of Custody Paperwork**
  - Chain of Custody forms (Record of Early Voting Ballot Seals) that document the seals on the ballot boxes for each day of Early Voting
  - Chain of Custody delivery of equipment to voting sites (with seal numbers and equipment serial numbers noted) (signatures of persons who delivered equipment)
  - Chain of Custody of pickup of equipment from voting sites (with seal numbers and equipment serial numbers noted) (signatures of persons who picked up equipment)
  - Chain of Custody forms for when troubleshooters picked up completed forms from Early Voting sites for daily processing
  - List of Early Voting Daily seals for Provisional Secure Container

- **Voting System Equipment Management**
  - Trouble Logs and equipment replacement records
  - Troubleshooter visit logs
  - Equipment returned to vendor for technical support
  - Call Center Event/Complaint Logs

- **Poll Watcher Paperwork**
  - Poll Watcher Certificates of Appointment

Ballot by Mail – Early Voting

An examination of these documents and records will determine whether Early Voting by Mail was conducted in accordance with state and federal law:

- Applications for Ballot by Mail (ABBMs)
- List of Annual ABBM Voters
- List of Declared Write-In Candidates
- Notices of Improper Delivery (and to whom they were sent)
- Emails from the county to voters regarding ABBM and Federal Post Card Application (FPCA) rejections
- Notices of Rejected ABBMs and reasons

- **Mail Ballot Cancellation Paperwork**
  - Request to Cancel a Ballot by Mail for Use in the Polling Place

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- Request to Cancel a Ballot by Mail for Use in the Early Voting Clerk's Office
- Notice of Denial of Request to Cancel Application for a Ballot by Mail
- Notice of ABBM or FPCA Cancellation (Formerly Notice to Presiding Judge)

- **Ballot By Mail Forms**
  - A sample of the November 3, 2020 Special Ballot Envelope to demonstrate that the correct version was used
  - A sample of the November 3, 2020 Special Carrier Envelope to demonstrate that the correct version was used
  - Special Carrier Insert for an ABBM voter for November 3, 2020 Election to demonstrate that the correct version was used

- **Other Information to be Reviewed**
  - List of FPCA ballots transmitted by email to the voter
  - List of FPCAs that were physically mailed to the voter
  - List of Voters Mailed a Corrected Ballot, if applicable
    - Statistics of how many uncorrected ballots were returned and counted as well as how many corrected ballots were returned and counted, if applicable.
  - List of Voters who were required to complete and return a Statement of Residence with their Ballot by Mail

- **Special Early Voting Forms**
  - Restricted Ballot Rosters for Chapter 112, 113 and 114 Ballots
  - Poll List of Voters Voting a Limited Ballot by Personal Appearance
  - Applications for a Limited Ballot
  - Notice to Voter Registrar of Application for a Presidential Ballot
  - Applications for an Emergency Early Voting Ballot Due to Sickness or Physical Disability
  - Applications for Emergency Ballot Due to Death in the Family
  - List of persons who voted on a space flight, if any

Election Day

An examination of the following documents and records from voting sites will determine if election officials followed proper chain of custody procedures, produce documentation of the chain of custody of ballots and election materials, and determine whether all state and federal laws were followed:

Election Workers

- Final List of Election Day Polling Places
- List of Presiding Judges and Alternate Judges by Precinct and Party
- Order of Appointment of Election Judges and Alternates
- Notifications of Appointment as Election Judge
- Writs of Election for the General Election for State and County Officers

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- List of emergency appointments for Election Day Workers
- Lists of Election Day Workers who dropped out of the election, the date they dropped out and the names of the replacement workers.
    - Please indicate the training that any emergency replacement workers received.
- List of "no show" workers on Election Day

Election Day Forms

- Combination Forms for election day OR a report generated by the general custodian to accurately create a summary of all processes that were required to be executed as noted on paper Combination Forms
- Ballot Styles of voters who were given a ballot vs. how many votes of each ballot style should have been cast based on voter registration precinct (this identifies when a voter is given the wrong ballot style)
- Results Tapes/Suspend Reports
- List of Declared Write-In Candidates for posting in the voting booth
- Reasonable Impediment Declarations, if needed
- Statements of Residence, if needed
- Standard Affidavits
- Registration Omissions List
- Envelope Containing Spoiled Ballots with the Register of Spoiled Ballots
- Defectively Printed Ballots
- Ballot by Mail Cancellation Requests attached to the surrendered ballots
- Register of Official Ballots for each Polling Place or the Combined Ballot and Seal Certificate and Official Ballot Register
- Ballot and Seal Certificates by Polling Location or the Combined Ballot and Seal Certificate and Official Ballot Register
- Applications to Cancel a Ballot by Mail for Use in the Polling Place

Chain of Custody Paperwork

- Chain of Custody delivery of equipment to voting sites (with seal numbers and equipment serial numbers noted) (signatures of persons who delivered equipment)
- Chain of custody of pickup of equipment from voting sites (with seal numbers and equipment serial numbers noted) (signatures of persons who picked up equipment)
- Chain of custody forms for when troubleshooters picked up completed forms from Election Day sites for processing (if performed on Election Day)
- List of seals put on equipment for Election Day, including:
    - Those put on at elections office in the morning; and
    - Those put on by Presiding Judge at the polling place in the evening when voting has concluded

Election Day Notices

- Notices of Consolidated Precincts and records of which staff member posted the notices at the various sites, if any

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- Record for Posting Notice of Election if posted in this manner
- Notices of Previous Precinct and records of which staff member posted the notices at the various sites, if any
- Notices of Four Nearest Countywide Polling Places and records of which staff member posted the notices at the various sites, if any

Additional Items for Consideration

- All sign-out sheets for those picking up supplies for Election Day.
    - Please indicate who picked up supplies for Election Day.
- List of any Election Day Site that had to be closed or changed and the reason for the closure or change
- Trouble Logs and equipment replacement records
- Names of individuals who returned supplies to the Receiving Substation/Central Receiving Station
- Names of individuals who received the supplies into his or her custody when the supplies were returned by election workers

Provisional Ballots

An examination of the Provisional Forms will determine if voters' provisional ballots were accepted or rejected according to the law, as well as determine the percentage of provisional ballots accepted vs. rejected:

- Affidavits of Provisional Voter
- Early Voting List of Provisional Voters
- Election Day List of Provisional Voters
- Summary of Provisional Ballots
- List of Seals for Provisional Secure Containers for Early Voting and chain of custody forms where they were documented
- List of Seals for Provisional Secure Containers for Election Day and chain of custody forms where they were documented
- Notice of Delivery of Provisional Ballots – To Voter Registrar on Election Night
- List of Rejected Provisional Ballots and reason
- Number of Provisional Ballots cured for lack of ID
- Verification of Provisional Ballots and Seal Numbers
- Review Notices of Outcome to Provisional Voter
    - Number of provisional ballots accepted
    - Number of provisional ballots rejected
- Breakdown of percentage of Provisional Ballots counted and rejected

Signature Verification Committee

An examination of the following documents related to the Signature Verification Committee (SVC) will determine whether there was party balance on the Committee and who was responsible for the processes of accepting and rejecting signatures:

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- Order Calling for Signature Verification Committee – date posted
- Notification of Appointed Members to SVC
- Notice of Appointment of SVC
- Chain of custody forms when ballots were transmitted to Central Counting Station from SVC
- Poll Watcher Certificates of Appointment for SVC

Early Voting Ballot Board

An examination of the following documents related to the Early Voting Ballot Board (EVBB) will determine whether there was party balance and properly review adjudications, acceptances and rejections, as well as who was responsible for those processes:

- Order for EVBB
- Notice of Convening of EVBB
- Notification of members appointed to the EVBB
- Notice of appointment of the EVBB
- Notice of delivery of balloting materials to the EVBB (Receipt of Sealed Early Voting Ballot Boxes)
- Chain of Custody forms when ballots were delivered to the EVBB
- Samples of Notice of Rejected Ballot by Mail and reasons for rejection
- Samples of Notice of Rejected FPCAs Carriers and reasons for rejection
- Poll Watcher Certificates of Appointment

Central Counting Station

An examination of these documents will determine whether the Central Counting Station (CCS) Plan was followed along with all applicable laws and procedures, and whether proper Chain of Custody procedures for voted ballots were followed:

- Central Counting Station Plan
  - Please indicate whether it posted 5 days before Election Day, as required by law.
- Public Notice of Test of Automatic Tabulating Equipment
- Certification of First Test of Automated Tabulating Equipment
- Oaths for Early Voting Ballot Board and Central Counting Station Personnel
- Chain of Custody documents related to the transmittal of ballots to the CCS from Election Day polling places, Early Voting Clerk's storage, or Early Voting Ballot Board.

Partial Manual Count Records

An examination of these documents and records will determine whether the Partial Manual Count was performed according to the law, as well as who performed the count:

- All records associated with the post-election Partial Manual Count
  - Please indicate who performed the partial manual count.
- Record of the Partial Manual Count results submitted to the Texas Secretary of State's office
- Poll Watcher Certificates of Appointment, if any

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Post-Election and Canvass Records

An examination of these documents will determine whether certification of election results was conducted properly and whether proper documentation to support the official results was provided:

- Canvass of the General Election
- Summary of Precinct Returns
- Canvass reports by official in charge of certifying results
- Records of any recounts requested and performed after the election
- Records related to any election contests filed

Records Retention

An examination of these documents and records will determine whether Chain of Custody of records was maintained, and whether officials properly followed the 1st to 60th day rule and the 61st day to 22-month retention rule. If records must be opened, please supply a copy of the court order:

- Records of seal numbers put on and taken off records when the initial 60-day period for records retention ended
- Record of seals that were placed on the ballots and other materials on the 61st day for the remainder of the 22-month record retention period
    - Please indicate whether records were stored in a locked in a surveilled room.
- Please indicate whether county officials keep a log of anyone accessing the room where the records/ballots are stored.
- Please indicate whether any court order necessitated the unsealing of the records.
    - Provide a copy of any court order requesting opening of the records.

Central Counting Station Test Records

An examination of these records will validate the test procedures that were performed before and after counting on the automatic tabulating equipment:

- Central Counting Station (CCS) Plan
- Certification of 1st test of automated tabulating equipment
- Records from 2nd Logic and Accuracy (L&A) test before ballots are counted in the CCS
- Certification of the 3rd L&A test after ballots were counted at the Central Counting Station
- Records indicating whether there was a + or – 4 ballots tabulated that necessitated a recounting of ballots at the CCS
- Copy of final reports (unofficial results, precinct returns) signed by the presiding judge of the CCS

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Training Materials

An examination of these materials will determine whether poll workers were trained according to all state and federal laws and procedures. Examining the training materials allows auditors to know if the poll workers were instructed to perform their duties accurately:

- Manuals, PowerPoint presentations, materials that were used in poll worker training and sent to the field
- An example of the forms kit that was deployed to the field, if possible
- Training attendance records, including in-person and online training

General

Any video surveillance records that were recorded from the time the election was ordered until the canvass was completed.

Additional Audit Compliance Questions

1. Are any of your election materials that are required for the audit, stored at facility not under your control?
2. How quickly could you access the materials from the storage vendor?
3. Will it take longer than one month to locate and have your records ready for examination?
4. Do you still have the same voting systems as when your county conducted the 2020 Presidential Election?
5. Of the records listed in the Audit requirements, please specify which are electronically stored and which are physical copies.
6. Are there any records that you may not be able to produce? If so, why?
7. Are there any permanent staff members who have left your office since the Presidential Election? Please give names and job duties.

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From: Governor Greg Abbott Press Office
To: Sam Taylor
Subject: Governor Abbott Approves Funding To Launch Election Audit Division Within Texas Secretary Of State"s Office
Date: Friday, November 19, 2021 3:01:37 PM

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GOVERNOR GREG ABBOTT

For Immediate Distribution | November 19, 2021 | (512) 463-1826

Governor Abbott Approves Funding To Launch Election Audit Division Within Texas Secretary Of State's Office

AUSTIN - Governor Greg Abbott today approved a Legislative Budget Board proposal transferring the funding needed for the Texas Secretary of State's office to establish a new Election Audit Division. This division will be conducting comprehensive forensic audits in the State of Texas. Currently, the Texas Secretary of State is conducting the largest forensic audit in the country.

The Governor requested these funds on Thursday. The Lt. Governor and Speaker issued a proposal for the transfer this morning and the Governor approved it.

"Ensuring the integrity of our elections is critical to our democracy, and the Texas Secretary of State's office deserves the resources and support needed to thoroughly complete this ongoing task," said Governor Abbott. "The people of Texas must have trust and confidence in the election process, as well as the outcomes of our elections, which is why the state of Texas will transfer funding needed so that the Texas Secretary of State can create a division dedicated entirely to this important issue."

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From: Texas Secretary of State Press Office
To: Sam Taylor
Subject: ICYMI: Secretary John Scott: Full Forensic Audit will Restore Faith in Texas Elections
Date: Monday, November 22, 2021 11:03:27 AM

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Texas Secretary of State

John B. Scott

For Immediate Distribution
November 22, 2021

Contact: Sam Taylor
smtaylor@sos.texas.gov
(512) 463-6116

ICYMI: Secretary John Scott: Full Forensic Audit will Restore Faith in Texas Elections

AUSTIN — Writing in the *Houston Chronicle* yesterday, Texas Secretary of State John Scott explained the need for the full forensic audit of the 2020 General Election currently underway, highlighting that the ultimate goal of the audit is to restore Texas voters' trust in our state's election systems. The column comes after Governor Abbott and state legislative leadership approved $4 million for the creation of a permanent Election Audit Division within the Texas Secretary of State's office to complete the ongoing full forensic audit of the 2020 General Election and subsequent audits required by Senate Bill 1.

"For the past several election cycles, voters have faced a crisis of confidence in the very system that underpins our representative form of government," Secretary Scott wrote in the column.

"Whether it was the specter of foreign interference in our elections or allegations of widespread mail ballot fraud during the pandemic, voters have been hit with a barrage of reasons to doubt the system. And, unsurprisingly, it's starting to take its toll on their faith in the integrity of our elections..."

"...This is why, in order to restore voters' confidence in the strength and resilience of our

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election systems, Texas is conducting the largest and most comprehensive forensic audit of the 2020 General Election."

Secretary Scott continued: "While county election officials have already conducted partial manual recounts, election security assessments and voter eligibility verification, the Texas Forensic Audit goes well beyond any other legislative election audit proposals or models in other states. Our audit examines, among other items: chain of custody records of voted ballots and voting equipment, audit logs from electronic voting systems, and materials from Early Voting Ballot Boards and Signature Verification Committees to ensure that mail ballots were not subjected to tampering and match the list of voters who requested them.

"Importantly, this will be the country's most comprehensive 'forensic' audit of the 2020 election, using analytical tools to examine the literal nuts and bolts of election administration to determine if any illegal activity may have occurred. Using the authority given to our agency by the Legislature, we will conduct additional full manual recounts of any and all precincts affected by election irregularities.

"We will follow the facts, follow the evidence and ensure any cases of illegal voting or election crimes are investigated by the proper law enforcement authorities, including the Texas Attorney General's Office.

"Texans should be encouraged by the dedicated county election officials who work cycle after cycle to conduct elections with the integrity and professionalism that voters deserve.

"But voters also need peace of mind — they need assurances that Texas election law and federal laws protecting the rights of legal, eligible voters are being followed at every step in the process. When irregularities occur, no matter how inconsequential they may seem, it takes a concerted effort to restore voters' faith in elections."

Read Secretary Scott's full column in the *Houston Chronicle*.

###

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The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov
www.votetexas.gov

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

John B. Scott
Secretary of State

December 31, 2021

Phase 1 Progress Report:
Full Forensic Audit of November 2020 General Election

On September 23, 2021, the office of the Texas Secretary of State (SOS) announced a full forensic audit of the November 2020 General Election in Collin, Dallas, Harris and Tarrant counties. Combined, a total of 3,885,875 votes were cast in these four counties in the November 2020 election – approximately 35% of the roughly 11.3 million votes cast statewide.

During Phase 1 of the full forensic audit, the SOS announced it would review available data and documents concerning the security and accuracy of voting systems used in each of the four counties, as well as the counties' work to maintain the accuracy of their respective lists of registered voters.

The below progress report on Phase 1 of the full forensic audit outlines the SOS's findings within four categories:

I. Completion of the statutorily required partial manual count of electronic voting system ballots;
II. Completion of statutorily required Election Security Assessments (ESAs) and dedication of remediation funds to address any gaps in security;
III. Maintaining the accuracy of the statewide voter registration database; and
IV. Identifying potential non-U.S. citizens who are registered to vote in Texas and who cast a ballot in the November 2020 election, individuals registered in Texas and another state who cast more than one ballot in the November 2020 election, and potential votes cast in the name of deceased people.

This information, together with each of the four counties' timely responses to the SOS's pre-audit survey, will help guide the SOS's in-person comprehensive document examinations conducted in Phase 2. To the extent any information was not made available to our office before the publication of this report, the SOS will endeavor to include any outstanding data figures in the final forensic audit report released after the completion of Phase 2.

I. Partial Manual Count of Electronic Voting System Ballots

Pursuant to Section 127.201 of the Texas Election Code, Texas counties are required to initiate a partial manual count of electronic voting system ballots within 72 hours of the polls closing, and are required to complete the partial manual count not later than the 21st day after Election Day. The purpose of this requirement is to ensure that votes cast and counted on electronic voting systems were tabulated accurately. To be used in Texas elections, voting systems must be certified

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by the U.S. Election Assistance Commission (EAC) and certified by the State of Texas through an examination by the SOS and the Office of the Texas Attorney General, under TEC Chapter 122. All information regarding voting system certification is available on the Texas SOS web site.

Under TEC Section 127.201, counties are required to conduct a manual count in at least one percent of the election precincts or in three precincts, whichever is greater, in which an electronic voting system was used in a general election. The SOS is responsible for choosing the race(s) and precinct(s) used to conduct the partial manual count in a general election. For the November 2020 Election, the office of Texas Railroad Commissioner was chosen as the race for which counties conducted their respective partial manual counts. In order to protect the security and integrity of the voted ballots, the SOS has provided alternate Election Day locations for the partial manual count for counties that are part of the Countywide Polling Place Program (CWPP). This is done to ensure that the accuracy of the voting system equipment is thoroughly audited in a specific location while also ensuring that fewer election office personnel are handling voted ballots from across the county. None of the four counties reported any discrepancies in Election Day ballots counted electronically versus those counted by hand.

Under Sec. 127.201(e), counties are required to deliver a written report of the results of the partial manual count to the SOS within three days of completing the count.

In Collin County, precincts 126, 209 and 66 were chosen for the partial manual count. Among these three precincts, the results provided to the SOS office showed a 17 vote discrepancy between electronic and hand counts. Collin County indicated that the discrepancy between the electronic count and hand count in these precincts was due to the use of direct-recording electronic (DRE) voting machines in curbside voting for individuals who are physically unable to enter the polling place. The DREs that Collin County employed for curbside voting do not produce a paper record and therefore were not included in the manual count. The SOS office will verify this explanation during its on-site examination of records in Collin County as part of Phase 2 of the full forensic audit.

Collin County Partial Manual Count November 2020

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Early Voting In Person Electronic Count	Early Voting In Person Hand Count	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
126	198	197	2,906	2,899	175	175	8
209	32	32	611	609	308	308	2
66	141	137	1,266	1,263	127	127	7
						Total Discrepancy:	**17**

In Dallas County, precincts 1062, 1111, 1726, 2003, 3401, 4046 and 4269 were included in the partial manual count. Among these seven precincts, the results of the partial manual count provided to the SOS office showed a 10 vote discrepancy between electronic and hand counts. The 10 vote discrepancy in early in-person votes in precinct 1111 appears to have resulted from a data entry error by county officials when transmitting the partial manual count report to the SOS. The SOS office will verify the cause of this discrepancy during its on-site examination of records in Dallas County as part of Phase 2 of the full forensic audit.

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Dallas County Partial Manual Count November 2020

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Early Voting In Person Electronic Count	Early Voting In Person Hand Count	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
1062	2	2	16	16	142	142	0
1111	23	23	540	550	427	427	10
1726	121	121	805	805	91	91	0
2003	294	294	1,764	1,764	336	336	0
3401	0	0	3	3	142	142	0
4046	50	50	434	434	137	137	0
4629	51	51	656	656	0	0	0
						Total Discrepancy:	**10**

In Harris County, precincts 130, 188, 553, 600, 668, 783, 791, 924, 948 and 952 were included in the partial manual count. Among these 10 precincts, the results of the partial manual count provided to the SOS office showed a 5 vote discrepancy between electronic and hand counts. Because Harris County employed DRE devices during the November 2020 General Election, a hand count of ballots cast on DRE systems was impossible. Therefore, Harris County was only able to provide electronic and manual count figures for mail ballots cast. Harris County indicated that the 5 ballot discrepancy occurred due to an error in the manual counting of mail-in ballots. The SOS office will verify this explanation during its on-site examination of Harris County's records as part of Phase 2.

Harris County Partial Manual Count November 2020

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Count Discrepancy
130	352	348	4
188	68	68	0
553	127	127	0
600	354	353	1
668	278	278	0
783	15	15	0
791	3	3	0
924	0	0	0
948	0	0	0
952	7	7	0
		Total Discrepancy:	**5**

In Tarrant County, precincts 1061, 1460, 2381, 3160, 4285, 4452 and 4591 were included in the partial manual count. Among these seven precincts, the results of the partial manual count provided to the SOS office showed a 0 vote discrepancy between electronic and hand counts.

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Tarrant County Partial Manual County November 2020

Precinct	Mail Ballot Electronic Count	Mail Ballot Hand Count	Early Voting In Person Electronic Count	Early Voting In Person Hand Count	Election Day Electronic Count	Election Day Hand Count	Count Discrepancy
1061	17	17	103	103	594	594	0
1460	109	109	1,295	1,295	106	106	0
2381	14	14	287	287	437	437	0
3160	118	118	1,358	1,358	402	402	0
4285	23	23	331	331	0	0	0
4452	69	69	2,029	2,029	0	0	0
4591	89	89	1,780	1,780	0	0	0
						Total Discrepancy:	**0**

II. Election Security Assessments

Pursuant to Section 279.003 of the Texas Election Code, all 254 Texas counties are required to undergo an Election Security Assessment (ESA) to identify potential gaps in the cybersecurity and physical security postures of each county's election office, and recommend steps the county must take to address the issues identified. In 2018, the EAC released $23,252,604 in Help America Vote Act (HAVA) funds to strengthen the security of Texas' election infrastructure. While a portion of those funds were used to conduct the ESAs at no cost to the counties, additional funding was reserved for remediation in the event that county elections offices needed assistance to fill gaps in their respective cybersecurity postures.

Contracts for the ESAs were executed with each county through the Texas Department of Information Resources (DIR) Managed Security Services (MSS) program. Although the results of these assessments are confidential under state law, we are able to disclose the following information regarding each county's request for remediation funds to enhance election security:

- **Collin County**'s ESA was completed in July 2020. The county requested $120,000 in federal HAVA funds, which required $16,000 in matching funds from the county. Collin County used a portion of these funds for security enhancements that included additional ballot scanners and security cameras.

- **Dallas County**'s ESA was completed in February 2019. The county requested $120,000 in federal HAVA funds, requiring a $16,000 match from the county. Security enhancements included products to secure band service to help improve and secure network communication between E-pollbooks and the data center. The combination of features provide for an end-to-end, highly secure encrypted environment to transport voter registration data.

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- **Harris County**'s ESA was completed in February 2020. The county requested $120,000 in federal HAVA funds, which required $16,000 in county matching funds. Security enhancements included E-pollbook software development and maintenance.

- **Tarrant County**'s ESA was completed in October 2020. The county requested $120,000 in federal HAVA funds, requiring a $16,000 county match. Security enhancements included: upgrading and repairing election equipment containers used to transport and secure equipment during distribution to polling locations; curbside voting equipment; security components for the voter registration system; and security cameras and video surveillance equipment.

III. Accuracy of Statewide Voter Registration List[1]

The National Voter Registration Act of 1993 (NVRA) requires states to adopt and implement procedures to maintain accurate and current voter registration lists. Additionally, states are required to implement a voter registration list maintenance program that makes a reasonable effort to remove ineligible persons from the voter lists in accordance with the NVRA and state law.

Likewise, the Texas Election Code (TEC) enumerates the importance of maintaining accurate voter registration lists through defining the acquisition of data from other specified agencies, outlining the procedures and processes required of the SOS and county voter registrars, and identifying the criteria used to match this information with the statewide voter registration list. Specifically, Sections 18.068 and 18.0681 of the Texas Election Code require the SOS to conduct comparative reviews of the statewide voter registration list with information received under TEC Chapter 16. Following the identification of matched records, the SOS is required to send this information to county voter registrars for further review. It is the responsibility of the county voter registrar to review these records on the grounds of eligibility and/or to eliminate duplicative records to ensure the accuracy and integrity of the county voter list.

Each county voter registrar, pursuant to TEC Section 18.061, is required to provide to the SOS on an expedited basis the information necessary to maintain the registration list for their respective counties. This includes the electronic submission of all voter registration related maintenance activities. Data collected and represented in this progress report is dependent on the electronic submission of information from the counties included in this audit to the statewide voter registration database. All four counties currently use an independent voter registration system.

Please note that removal of ineligible and/or deceased voters from the statewide voter registration list in and of itself does not indicate that any illegal votes were cast. These maintenance activities are prescribed by state law to ensure the integrity and accuracy of the statewide voter registration list. Voter list maintenance is performed on a regular and ongoing basis in Texas to prevent ineligible voters from casting ballots and to prevent individuals from casting ballots using another person's voter registration information.

[1] The data in this section reflects information in the SOS's statewide voter registration database as of December 7, 2021.

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Ineligibility Due to Death

Section 18.068 of the Texas Election Code requires a quarterly comparison of the statewide voter registration list to identify all potential deceased voters. To meet this requirement, the SOS implemented a comparative analysis of the statewide system to records provided by the Local Registrars of Death, Clerks of the Court, the Bureau of Vital Statistics, the Electronic Registration Information Center (ERIC), and the Social Security Administration, in accordance with the Texas Election Code.

Based on the matching criteria outlined in TEC 18.068 and the SOS's administrative rules (1 Tex. Admin. Code § 81.6(a)), records that are strong matched with the above identified sources are cancelled by the state system. 'Strong' matches are those whose last name, date of birth, and full Social Security Number are all an exact match. Records that are considered 'weak' matches, on the other hand, require an additional review process to be conducted by each individual county voter registrar. Since November 2020, 190,227 strong matched records have been cancelled by the state and 67,551 weak matched records have been provided to county voter registrars statewide for further review. Overall, since November 2020, a review of the voter registration system indicates that 257,778 potential deceased voters were identified through the statewide voter registration system, resulting in the identification and cancellation of 224,585 voter registrations for deceased voters.

An overview of the data of the counties included in this audit is indicated below for the time period of November 2020 to the present.

Cancellation of Deceased Voter Registrations

County	Strong Matches Cancelled by State	Weak Matches Provided to County	Number of Reviews Completed by County	Number of Reviews Remaining Unresolved	Weak Matches Cancelled by County	Total Number of Cancellations
Collin	4,074	1,674	1,619	55	815	4,889
Dallas	12,507	6,153	6,153	0	2,419	14,926
Harris	19,064	11,361	11,356	5	4,850	23,914
Tarrant	11,876	4,740	4,730	10	2,079	13,955

Ineligibility due to Felony Conviction

TEC Section 16.003 requires the Department of Public Safety (DPS) to prepare and file an abstract of final judgment of a felony conviction for any person 18 years of age or over each weekday. The SOS compares this information to the statewide voter registration records and provides this information to county voter registrars for further review.

A review of the cancellation trend reports indicates that 1,628 potential felon voters were identified, investigated and had their voter registrations cancelled statewide since November 2020. Specifically, a review of data related to the felon process for the respective counties examined in this audit found the following information since November 2020:

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Cancellation of Felon Voter Registrations

County	Number of Reviews Remaining Unresolved	Total Number of Cancellations
Collin	114	0
Dallas	46	16
Harris	65	13
Tarrant	103	4

The SOS has limited visibility into all notices provided to county voter registrars from various local and court authorities, which occur independent of the statewide system. However, when these records are cancelled, those cancellations are ultimately reported in the SOS's statewide voter registration database.

Ineligibility due to Non-U.S. Citizenship

TEC Section 18.068, TEC Section 16.0332, and Section 62.113 of the Government Code require the SOS to compare the statewide voter registration records to identify any possible non-U.S. citizen records and to provide this information to county voter registrars for further review. Voting records in need of review are identified through a comparison of voter registration records, data provided by DPS, and information reported under Section 62.113 of the Texas Government Code.

Based on the matching criteria outlined in the TEC, all records that matched with the above identified sources are sent to county voter registrars for further review. As with the felon process, information obtained through the numerous court authorities prevents the SOS from tracking the overall number of notices provided to county voter registrars from these sources as some notifications are independent of the statewide system. However, all voter registration cancellations are reported to the SOS through the statewide voter registration system. Since November 2020, a review of the cancellation trend reports suggest that 74 potential non-U.S. citizen voters were identified, investigated and voter registrations cancelled statewide from data provided by local and court authorities, including responses to jury summons in which an individual indicated that he or she is not a U.S. citizen.

Beginning in September of 2021, the SOS implemented a comparative process utilizing DPS citizenship data pursuant to a 2019 settlement agreement. Since that time, 11,737 possible non-U.S. citizen voter records have been sent to county registrars for review statewide. Of the 11,737 records, 278 voting records have been cancelled due to confirmation of non-U.S. citizenship by the county. Additionally, 2,049 voter records have been cancelled for failure to respond to a notice from the county voter registrar requesting documentation of proof of citizenship. Overall, 2,327 voting records have been removed from the active statewide voter registration list as a result of this agreed-upon process, which has now been codified into state law.

A review of data specifically related to this maintenance activity for Collin, Dallas, Harris and Tarrant counties is listed below. Voting records currently under review and/or pending response from a voter as part of the examination process are not reflected as this information has not been electronically submitted to the statewide voter registration system. It is important to note that some

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voter records may have been examined and resolved as part of the deceased, felony, and/or duplicate process.

Cancellation of Non-U.S. Citizen Voter Registrations

County	Number of Records Provided to County	Number of Cancellations for Confirmed Non-U.S. citizenship	Number of Cancellations for Failure to Respond to Notice of Examination	Number of Reviews Remaining in State System	Total Number of Cancellations
Collin	327	0	0	14	0
Dallas	1,385	5	1,188	0	1,193
Harris	3,063	0	0	11	0
Tarrant	708	1	0	528	1

Due to the lack of data available to track the status of this maintenance activity, the SOS requested an update from all Texas counties on the agreed-upon noncitizen review process. Collin County indicated that 273 notices had been sent to possible noncitizens requesting proof of citizenship and the review of these records remains in progress at this time. Tarrant County indicated that it was in the process of reviewing each of the records and confirming citizenship documentation with DPS. No status update was provided from Dallas or Harris County. Dallas County has reported no outstanding reviews to complete. The SOS will work to determine what steps were taken to investigate these records in Harris County.

The NVRA requires that states complete their generalized programs to remove voters from the rolls not later than 90 days before a federal primary or general election (52 U.S.C. § 20507(c)). The SOS has provided notice to county registrars that the 90-day period for the March 1, 2022 primary election has begun. Under the NVRA, the only permissible voter removal programs that voter registrars may undertake until after the primary election, and any subsequent primary runoff election, is to remove voters who voluntarily cancel their voter registration, voters who are deceased, and voters who are finally convicted of a felony or adjudicated mentally incompetent for voting.

Duplicate Registration Records

TEC Section 18.0681 requires the SOS to periodically compare the county voter registration records to determine if any voters have more than one voter registration record on file. Upon completion of the statewide database comparative process, potentially duplicative records are sent to county voter registrars with the oldest registration record for further investigation.

If the duplicative records are within the same county, the voter registrar may merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under TEC Section 15.022. If the records are located in more than one county, the registrar of the county with the oldest record may deliver a written confirmation notice in accordance with Section 15.051 or cancel the registration of the voter in accordance with Section 16.031(a)(1), provided that the voter's record in the county with the newest registration record is not on the suspense list.

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A review of the cancellation trend reports from the statewide voter registration system indicated that during the timeline included in this audit, 11,803 duplicative records were within the same county of registration. This figure does not include records that were reviewed and merged within the same county of registration to retain voting participation information. Additionally, the review reveals that 437,559 duplicative records were cancelled for voters having a voter registration record in more than one county. Overall, the state review process resulted in the identification and removal of 449,362 duplicate voter registrations from the statewide voter registration list.

A review of data specifically for Collin, Dallas, Harris and Tarrant counties is listed below for the timeframe of November 2020 to the present.

Cancellation of Duplicate Voter Registrations

County	Number of Cancellations Within the Same County	Number of Cancellations Outside the County	Number of Reviews Remaining in State System	Total Number of Cancellations
Collin	200	19,564	66	19,764
Dallas	81	39,717	1	39,798
Harris	1,117	53,255	7,801	54,372
Tarrant	615	30,160	28	30,775

IV. Non-U.S. Citizen Voters, Cross-State Duplicate Voters and Deceased Voters

Non-U.S. Citizen Voters

As noted above, the SOS comparative process utilizing DPS citizenship data pursuant to a 2019 settlement agreement has identified 11,737 possible non-U.S. citizen voter records statewide. Those records have been sent to county voter registrars for further review. Potential non-U.S. citizen records do not indicate an illegal vote has been cast, and are not resolved until the county investigation is complete and the voter has been removed from the statewide voter list due to non-U.S. citizenship.

In the four counties included in this audit, the breakdown of the possible non-U.S. citizen voter records were as follows:

County	Possible non-U.S. citizen voter records identified
Collin	327
Dallas	1,385
Harris	3,063
Tarrant	708

The SOS is actively reviewing the 2,327 voting records that have recently been cancelled throughout the state as part of this review process for voter participation history. Of those 2,327, county voter registrars reported 278 registered voters as confirmed non-U.S. citizens. The SOS, in coordination with county voter registrars, continues to verify the number of non-U.S. citizens registered to vote statewide to identify those that may have voted in the November 2020 election.

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All records with voting history suggesting the potential of an illegal vote cast will be referred to the Office of the Attorney General (OAG) for further investigation, pursuant to Sec. 31.006 of the Texas Election Code.

While several counties took action promptly to work their potential non-U.S. citizen matches, others did not begin investigating or send notices of examination until mid to late November of 2021. As a result, the 30-day window in which the registrant could provide proof of U.S. citizenship fell *after* the federally-required NVRA moratorium on voter registration cancellations had begun. This means that many potential non-U.S. citizens identified through the agreed-upon process would have until, at the latest, May 25th, 2022 to respond to a notice of examination before their voter registration is cancelled.

Cross-State Duplicate Voters

Section 18.062 of the Texas Election Code requires the SOS to participate in an interstate crosscheck program to prevent duplication of registration in more than one state or jurisdiction. As a member of the Electronic Registration Information Center (ERIC), the State of Texas—through the SOS's Elections Division—works with the 31 other member states to compare voter registration lists and voter participation records to identify voters whose addresses may have changed, as well as to identify any voters who may have voted in more than one state or jurisdiction.

The SOS, in collaboration with other states, is currently conducting a thorough review of voters who may have voted in more than one state or jurisdiction as well as voters that have been identified through the cross-state program as deceased. This extensive review includes the sharing of information such as voter identification verification and voter participation records.

Though this collaborative work is still in progress with other states or jurisdictions, the SOS is actively engaged in a review of 509 voter records in which the voter may have cast a vote in the 2020 November General Election in more than one state or jurisdiction. Initially, the work involves the elimination of any records that were erroneously matched due to missing or incomplete data and/or data entry errors to clearly identify remaining records that warrant further investigation. The continued review of the remaining records is expected to be completed in January 2022, contingent upon timely information sharing from other ERIC member states in which cross-state duplicate votes may have been cast. Upon completion of the review process, all records indicating potential illegal voter registration and/or voter participation across more than one state or jurisdiction will be referred to the OAG for further investigation. Below is a breakdown of the information specific to the counties included in this audit review.[2]

County	Number of Potential Cross-State Voters Under Review
Collin	9
Dallas	12
Harris	27
Tarrant	12

[2] These figures are current as of December 29, 2021.

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Deceased Voters

Additionally, the SOS has completed an initial review of 236 potentially deceased voters who were recorded as having voted in the 2020 November General Election. Like the cross-state review process, the initial work involves the elimination of any records that were erroneously matched due to missing or incomplete data and/or data entry errors to clearly identify remaining records that warrant further investigation. Of the 236 potential deceased voters included on the initial review list, 169 have been eliminated as erroneous matches. The investigation of the remaining 67 records is ongoing and is expected to be completed in January 2022. Below is a breakdown of the information specific to the counties included in this audit review.[3]

County	Number of Potentially Deceased Voters Under Review
Collin	3
Dallas	9
Harris	4
Tarrant	1

[3] These figures are current as of December 29, 2021.

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Hi Christina,

Last night Michael send documentation in response to the correspondence from Secretary Scott. There were two files that were too big to email. On a separate email from Serv-U you will able to retrieve and download those documents. The following is your password to access the files:
[redacted]

Let me know if you have any additional questions.

Best,

Laura Varela
Alternate Language Coordinator
Dallas County Elections Department
1520 Round Table Drive
Dallas, TX 75247
214-819-6009

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From: Michael Scarpello <Michael.Scarpello@dallascounty.org>
Sent: Wednesday, December 22, 2021 1:58 PM
To: Laura Varela <Laura.Varela@dallascounty.org>
Subject: FW: [External Sender]Letter from Secretary Scott

AMERICAN OVERSIGHT

Sensitivity: Personal

Michael Scarpello

Dallas County Elections Administrator
1520 Round Table Drive
Dallas, TX 75247
(214) 819-6335

From: Michael Scarpello
Sent: Tuesday, December 21, 2021 6:54 PM
To: Christina Adkins <CAdkins@sos.texas.gov>
Subject: RE: [External Sender]Letter from Secretary Scott
Sensitivity: Personal

Christina, please see the attached documents in response to the correspondence from Secretary Scott.

Michael Scarpello

Dallas County Elections Administrator
1520 Round Table Drive
Dallas, TX 75247
(214) 819-6335

From: Christina Adkins <CAdkins@sos.texas.gov>
Sent: Friday, December 10, 2021 4:32 PM
To: Collin - Bruce Sherbet (bsherbet@co.collin.tx.us) <bsherbet@co.collin.tx.us>; Michael Scarpello <Michael.Scarpello@dallascounty.org>; Heider I. Garcia <HIGarcia@tarrantcounty.com>; Harris - Isabel Longoria (Isabel.Longoria@vote.hctx.net) <Isabel.Longoria@vote.hctx.net>
Subject: [External Sender]Letter from Secretary Scott
Sensitivity: Personal

Please see the attached correspondence from Secretary Scott.

Thank you,

Christina Worrell Adkins
Legal Director – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
512-463-9859 (direct) | 1.800.252.VOTE (8683)

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elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:

The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

This message came from outside of Dallas County Government. Please be thoughtful before you click a link or provide your login information!

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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Sam Taylor
To: "Wiersema, Alisa"
Subject: RE: ABC News Question
Date: Tuesday, December 21, 2021 2:08:51 PM
Attachments: image001.png

Hi Alisa,

Thanks for reaching out – just to be clear, we asked that the county election officials provide us responses to the questions in the initial audit survey (the bolded, bulleted list included in the cover letter of the document request) by today. We expect at least two counties will be providing us the information requested for the initial survey by today's deadline, and look forward to hearing from all four counties so that our office can prepare for the on-site visits next year. The on-site visits will cover the remaining documents and records listed in the comprehensive records examination portion of the request.

Hope this helps – and Merry Christmas to you and your family as well!

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Wiersema, Alisa <[redacted]
Sent: Tuesday, December 21, 2021 1:42 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: ABC News Question

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Good afternoon, Sam,

AMERICAN OVERSIGHT

I hope you and yours are looking forward to a Merry Christmas in the coming days!

I want to follow up on whether all four counties that were required to turn over information for the next phase of the 2020 election audit had already done so, or whether the timeline was extended in any way?

Thank you for your help.

Best,
Alisa

Alisa Wiersema
ABC News | Politics Producer
O: 202.222.7039 | C: 202.812.7161
@alisawiersema

AMERICAN OVERSIGHT

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From: Sam Taylor
To: "Wiersema, Alisa"
Subject: RE: ABC News Question
Date: Tuesday, December 21, 2021 3:08:48 PM
Attachments: image001.png

Hi Alisa,

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We expect and encourage Tarrant, Dallas and Harris counties to respond to the survey in a timely manner.

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Sam Taylor
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Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Wiersema, Alisa <[redacted]
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To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Re: ABC News Question

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AMERICAN OVERSIGHT

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ABC News | Politics Producer
O: 202.222.7039 | C: 202.812.7161
@alisawiersema

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Tuesday, December 21, 2021 3:08 PM
To: Wiersema, Alisa [redacted]
Subject: RE: ABC News Question

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smtaylor@sos.texas.gov
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From: Wiersema, Alisa <[redacted]
Sent: Tuesday, December 21, 2021 1:42 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
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[redacted]

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O: 202.222.7039 | C: 202.812.7161
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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Sam Taylor
To: Wiersema, Alisa
Subject: Re: ABC News Question
Date: Tuesday, December 21, 2021 4:26:40 PM
Attachments: image001.png

No problem — yes that was me!

Also another update: Tarrant County has also responded to our audit survey. That leaves Dallas and Harris that still need to respond, as of 4:30pm CT this afternoon.

Best,

-Sam

From: Wiersema, Alisa [redacted]>
Sent: Tuesday, December 21, 2021 3:49:26 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Re: ABC News Question

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Thank you, Sam.
And apologies if I missed you-- I was in a meeting and saw a missed call from an Austin area code afterwards.
I'm sure we will be in touch more. In the meantime, enjoy the holiday season!

Alisa Wiersema
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@alisawiersema

From: Sam Taylor <SMTaylor@sos.texas.gov>
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Subject: RE: ABC News Question

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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Sam Taylor
To: Wiersema, Alisa
Subject: Re: ABC News Question
Date: Tuesday, December 21, 2021 7:35:30 PM
Attachments: image001.png

Additional update: Dallas County has also responded to our audit survey request. That leaves Harris County which has yet to respond as of 7:15 pm Today.

Best,

-Sam

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Tuesday, December 21, 2021 4:26:38 PM
To: Wiersema, Alisa <[redacted]>
Subject: Re: ABC News Question

No problem — yes that was me!

Also another update: Tarrant County has also responded to our audit survey. That leaves Dallas and Harris that still need to respond, as of 4:30pm CT this afternoon.

Best,

-Sam

From: Wiersema, Alisa [redacted]
Sent: Tuesday, December 21, 2021 3:49:26 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Re: ABC News Question

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Thank you, Sam.
And apologies if I missed you-- I was in a meeting and saw a missed call from an Austin area code afterwards.
I'm sure we will be in touch more. In the meantime, enjoy the holiday season!

Alisa Wiersema
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AMERICAN OVERSIGHT

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We expect and encourage Tarrant, Dallas and Harris counties to respond to the survey in a timely manner.

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Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

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Sent: Tuesday, December 21, 2021 2:17 PM
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AMERICAN OVERSIGHT

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O: 202.222.7039 | C: 202.812.7161
@alisawiersema

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smtaylor@sos.texas.gov
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Sent: Tuesday, December 21, 2021 1:42 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: ABC News Question

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Thank you for your help.

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Alisa

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@alisawiersema

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Sam Taylor
To: Wiersema, Alisa
Subject: Re: ABC News Question
Date: Wednesday, December 22, 2021 8:02:26 AM
Attachments: image001.png

Harris County responded by 10:00 p.m. last night. All 4 counties are in.

Best,

-Sam

From: Wiersema, Alisa <[redacted]
Sent: Tuesday, December 21, 2021 8:27:55 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Re: ABC News Question

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Got it, thank you!

Alisa Wiersema
ABC News | Politics Producer
O: 202.222.7039 | C: 202.812.7161
@alisawiersema

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Tuesday, December 21, 2021 8:35:28 PM
To: Wiersema, Alisa [redacted]
Subject: Re: ABC News Question

Additional update: Dallas County has also responded to our audit survey request. That leaves Harris County which has yet to respond as of 7:15 pm Today.

Best,

-Sam

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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O: 202.222.7039 | C: 202.812.7161

AMERICAN OVERSIGHT

@alisawiersema

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Sam Taylor
To: [redacted]
Subject: RE: Audit
Date: Thursday, December 30, 2021 5:19:48 PM
Attachments: Initial Audit Survey Responses_12.21.21.pdf

Yes I will! Here you go – attached here are the four counties' responses.

From: [redacted] >
Sent: Thursday, December 30, 2021 3:32 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Audit

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Hi Sam,

Can you send me the responses from the election administrators for the Dec. 21 survey?

Also, will you be in tomorrow morning? I've got a couple of follow up questions.

I truly appreciate the time you've given me already.

Darlene McCormick Sanchez

214-578-9477

AMERICAN OVERSIGHT

Bruce Sherbet
Elections Administrator

2010 Redbud Blvd. Ste 102
McKinney, Texas 75069
972-547-1990 / 800-687-8546
972-424-1460 Ext 1990 Metro
Fax 972-547-1914

December 21, 2021

John B. Scott
Secretary of State
State of Texas
P.O. Box 12060
Austin, TX 78711-2060

RE: Initial Audit Survey

Dear Secretary Scott,

Thank you so much for reaching out to our office, and also for your kind words in regards to the transparency in the election process that we strive for here in Collin County. With every passing election we become more efficient and adept in what we are asked to do as an election department in the great State of Texas. It is our hope that through this audit process our hard work and dedication to transparency is evident in the findings and documentation that we are able to provide to you.

As requested in your previous letter (dated December 10, 2021), the following are the responses of the Collin County Election Department to the initial audit survey that was contained within said letter. We hope that the information provided below helps guide you into Phase 2 of this audit. The following are our responses:

- **A list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters that checked in to the number of votes cast at that location.**

We had no locations that had a 1% discrepancy between the number of voters that checked in to the number of votes cast at that location.

- **Whether any voting sites were closed or added due to an emergency or other necessity**

We had no voting sites that were closed or added due to an emergency during the November 2020 General and Special Election.

- **Any known procedural or chain of custody defects**

Looking back on the November 2020 General and Special Election we can acknowledge some defects in our chain of custody process that was in play then. It is important to note that we are constantly enhancing our processes to become more efficient each election. An area of deficiency that we noticed from the November 2020 election was the tracking of full ballot boxes as they moved from a polling location to our office. We were able to indicate what location a full ballot box came from, however, there was some uncertainty about what specific tabulator the box was in at the location. Some of our larger locations had multiple DS200s, adding a level of difficulty in tracking this information. We have since changed how we track each piece of equipment that we have at each location by adding serialized barcodes to all hardware devices. These barcodes were also added to location tabulator USB/media sticks, which we noticed was another deficiency in our process. We now know specifically what USB/media stick went into each device pre-delivery and tabulation instead of the backend of the process. These changes have enhanced our security and chain of custody moving forward.

- **Any other issues discovered that you would like to disclose now that may be relevant to our audit process**

There are no other issues that we have discovered that may be relevant to the Secretary of State's audit process.

AMERICAN OVERSIGHT

Bruce Sherbet
Elections Administrator

2010 Redbud Blvd. Ste 102
McKinney, Texas 75069
972-547-1990 / 800-687-8546
972-424-1460 Ext 1990 Metro
Fax 972-547-1914

- **A list of complaints received and resolved, with a description of any known investigative steps or known resolution.**

Below is a list of complaints received by the Collin County Election Department during the November 2020 General and Special Elections. For more detailed information regarding these complaints, please refer to the attached PDF titled "November 2020 General and Special Election Complaints – Compiled", which is document containing the scanned images of these complaints, including some of the resolutions of the complaints.

- BBM Complaints
  - Dr. Elvira White-Lewis
  - Joseph Michael Phillips
  - Kennedy Pickering
  - Michael and Marsha Santarcangelo
  - Nate Fox
  - Rita and Carl Fischer
- Curbside Voting Complaint – David Spangler
- Election Complaint Filed with SOS - Alemtsehay Bayyan
- J. Springfield Response to B. Brown RE Alleged Voter Fraud-10-14-21
- Notice of Outcome to Provisional Voter-Brianna Jones
- Polling Place Complaints
  - McKinney Fire Station #5
  - Parr Library
  - Patrick Dalrymple
  - Richardson Office Complex
- Polling Place Procedure Complaint - Joy Bergmann
- Rejected Provisional-Ramiro Edgar Ojeda Garcia
- State of Texas vs. Fred Lusk - 11-3-20
- Voter Registration Complaint - Judy Cote
- Voting Concerns - Scot Bontrager
- Voting Machine Complaint - Joanne Summit
- Election results and voting equipment certification question

- **A detailed accounting of the following:**
  - **Total Early Voting Ballots by Mail Requested**
    - 43,931 Early Voting Mail Ballots requested
  - **Total Early Voting Ballots by Mail Sent out**
    - 43,814 Early Voting Mail Ballots sent out
  - **Total Early Voting Ballots requested by FPCA**
    - 3,581 Early Voting Mail Ballots requested by FPCA
  - **Breakdown of Early Voting Ballots by Mail accepted/rejected**
    - 35,650 Early Voting Mail Ballots accepted
    - 27 Early Voting Mail Ballots rejected
  - **Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted in person**
    - 2,393 voters did not surrender their mail ballots and voted in person during Early Voting
    - 81 voters did not surrender their mail ballots and voted in person on Election Day
    - A total of 2,474 voters did not surrender their mail ballots and voted in person during the November 2020 General and Special Election

AMERICAN OVERSIGHT

Bruce Sherbet
Elections Administrator

2010 Redbud Blvd. Ste 102
McKinney, Texas 75069
972-547-1990 / 800-687-8546
972-424-1460 Ext 1990 Metro
Fax 972-547-1914

- **Total number of mail ballot voters that surrendered their mail ballot and voted in person**
  - 4,764 mail ballot voters surrendered their mail ballot and voted in person during Early Voting
  - 68 mail ballot voters surrendered their mail ballot and voted in person on Election Day
  - A total of 4,832 mail ballot voters surrendered their mail ballot and voted in person during the November 2020 General and Special Election

- **A detailed accounting of the following:**
  - **Total Number of Provisional Votes Cast**
    - 4,162 Provisional Ballots were cast during Early Voting
    - 2,087 Provisional Ballots were cast on Election Day
    - A total of 6,249 Provisional Ballots were cast during the November 2020 General and Special Election
  - **A list of Provisional Voters by reason for voting provisionally**
    - A list and Provisional Ballot voters report in PDF and Excel formats titled "20201103_Provisional Ballot Tracking" have been included with this letter. Please review this document for more information.
  - **Total Number of Provisional Votes cast for voters lacking ID**
    - 10 Provisional Ballots cast for voters lacking ID during Early Voting
    - 10 Provisional Ballots cast for voters lacking ID on Election Day
    - A total of 20 Provisional Ballots cast for voters lacking ID during the November 2020 General and Special Election
  - **Total number of Provisional Voted Accepted/Rejected**
    - 2,725 Provisional Ballots cast during Early Voting were accepted
    - 1,437 Provisional Ballots cast during Early Voting were rejected
    - 225 Provisional Ballots cast on Election Day were accepted
    - 1,862 Provisional Ballots cast on Election Day were rejected
    - A total of 2,950 Provisional Ballots cast during the November 2020 General and Special Election were accepted
    - A total of 3,299 Provisional Ballots cast during the November 2020 General and Special Election were rejected

- **List of entities that conducted recounts or had election contests**

There were no entities that conducted recounts are had election contests from the results of the November 2020 General and Special Election.

If you require any further explanation for any of the responses listed above, please feel to reach out to me or anyone in our office. We are happy to provide any assistance that we can as we all navigate our way through these difficult and trying times. We look forward to hearing from you and working with you all during this endeavor.

Sincerely,

Bruce Sherbet

Bruce Sherbet
Elections Administrator
Collin County Elections
(972) 547-1900

AMERICAN OVERSIGHT

HEIDER GARCIA
Elections Administrator

TROY HAVARD
Assistant Elections Administrator

TARRANT COUNTY
ELECTIONS ADMINISTRATION

December 21, 2021

Honorable John Scott
Texas Secretary of State
P.O. Box 12060
Austin, TX 78711-2060

Mr. Secretary,

I am in receipt of your letter dated December 10, 2021. I sincerely appreciate the work being done by your office to provide clarity and confidence to all Texas voters about the 2020 Election and, as we have said from the day the audit was announced, Tarrant County stands ready to assist your office in the process. I am 100% confident that the outcome will show, once again, what has been clear from the beginning: that Texas has safe and secure elections, and that the 2020 Presidential Election was not an exception.

The list below is our response to the information you requested us to provide in writing by today:

- *A list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters that checked in to the number of votes cast at that location.*

  Official results are not generated per location, but rather per election precinct as required in Chapter 67 of the Texas Election Code. To produce the numbers per location as requested, we have turned to other documentation we use to check on the progress of the election activities.

  During Early Voting, Lead Clerks are required to call in to our office and report, at the end of every day, the number of voters checked into the electronic poll book and the number of ballots cast in the ballot scanner. While the number of voters checked in is accessible from our offices, the fact that the voting system is air-gapped leaves no choice but to obtain this information through a phone call. Using that daily phone report, we have verified that while there are minor discrepancies, all of them are below the 1% threshold you have inquired about.

  For Election Day, we compared the number of voters who signed in on the electronic poll book to the numbers of ballots cast as reported by the ballot scanners on election night. As a regular practice, Tarrant County does a comparison of these two numbers on election night, which allows us to detect any potential problems and address them immediately, and we keep a record of what was done that night (we call it the Election-night audit). That report, however, ***does not include the provisional ballots that are approved by the ballot board after election day***, hence there are minor variations that are not considered red flags. The table below summarizes the 16 sites (out of 323) that fall within the specified range:

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eScan	Location	Key Pct.	ePoll Book Checked in A	Provisional Checked in B	Ballots in scanner C	EPB - Scanner (A - C) D	% of discrepancy (D / C)
122	Atwood McDonald Elementary School	1279	179	10	177	2	1.13%
165	Western Hills Church of Christ	4135	423	16	432	-9	-2.08%
210	St. Matthew's Lutheran Church	1022	117	9	112	5	4.46%
230	Carter Park Elementary School	1154	172	29	170	2	1.18%
281	Ruby Ray Swift Elementary School	2052	282	14	279	3	1.08%
297	Jones Academy	2281	153	38	147	6	4.08%
32	Pantego Town Hall Council Chambers	2112	170	7	166	4	2.41%
40	Edify Community Fellowship Church	2229	158	2	155	3	1.94%
405	St. Martin in-the-Fields Episcopal	3626	315	9	307	8	2.61%
423	Independence Elementary School	3486	247	38	244	3	1.23%
516	Benbrook YMCA	1208	339	33	335	4	1.19%
519	Crouch Event Center at Bicentennial	1717	669	44	662	7	1.06%
555	Northeast Courthouse	3196	457	30	450	7	1.56%
583	R. L. Paschal High School	1108	336	33	340	-4	-1.18%
96	Van Zandt-Guinn Elementary School	1005	63	3	62	1	1.61%
97	Versia L. Williams Elementary	1008	59	5	60	-1	-1.67%

Table 1 - Election Day sites that have a 1% or greater discrepancy between the number of voters checked in the number of ballots cast

- *Whether any voting sites were closed or added due to an emergency or other necessity*

  The list below are the Early Voting locations that had to be closed due to COVID-19 cases:

  - Monday 10/12: Keller Town Hall, Villages of Woodland Springs and Euless Family Life Senior Center had staff affected by a COVID-19 case in a training class. The Keller Town Hall and Villages of Woodland Springs locations opened by 9:00 a.m., and the Euless location opened by 10:00 a.m.
  - Friday 10/22: The Lead Clerk for the Brookside Community Center tested positive for COVID-19 and the site had to close for the day.
  - Monday 10/26: JPS Como closed for the day due to a poll worker testing positive for COVID-19.

  There were no Election Day polling locations closed.

- *Any known procedural or chain of custody defects*

  There are no known procedural or chain of custody issues to report.

- *Any other issues discovered that you would like to disclose now that may be relevant to our audit process*

  There are no known issues to report.

- *A list of complaints received and resolved, with a description of any known investigative steps or known resolution.*

  Complaints received from voters are handled via emails. These emails are over a year old, and as such have been archived by our IT Department. We are in the process of retrieving and sorting them, so that they are available in January when the audit team arrives on site. I apologize for not having them attached to this response, but on such short notice, and so close to the holidays, it was just not possible to complete this request.

- *A detailed accounting of the following:*
  - *Total Early Voting Ballots by Mail Requested*: 89,305.

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- *Total Early Voting Ballots by Mail Sent out*: 89,305.
- *Total Early Voting Ballots requested by FPCA*: 4,983.
- *Breakdown of Early Voting Ballots by Mail accepted/rejected*: 65,995 accepted/311 rejected.
- *Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted in person*: 11,735 voters cancelled an absentee ballot and voted in person. The system does not record whether the voter surrendered the ballot or not.
- *Total number of mail ballot voters that surrendered their mail ballot and voted in person*: 11,735 voters cancelled an absentee ballot and voted in person. The system does not record whether the voter surrendered the ballot or not.

- *A detailed accounting of the following:*
  - *Total Number of Provisional Votes Cast*: 10,845.
  - *A list of Provisional Voters by reason for voting provisionally*: Please refer to the report attached "1120 Provisionals".
  - *Total Number of Provisional Votes cast for voters lacking ID*: 96.
  - *Total number of Provisional Voted Accepted/Rejected*:
    - *Accepted*: 4,385.
    - *Rejected*: 6,460.
- *List of entities that conducted recounts or had election contests*

There were no recounts or election contests requested.

Please note Tarrant County is currently engaged in litigation which may impact the ability of the Tarrant County Elections Administration to retrieve some of the data sought by the Secretary of State's Office. Specifically, an individual sought and received a Temporary Restraining Order and then an Agreed Temporary Injunction which has led to the powering down and secure storage of various servers and hard drives used in the November 2020 election. This lawsuit seeks to allow the plaintiff to access some data and information on these devices pursuant to the Texas Public Information Act. Should the Secretary of State wish to consider having Tarrant County approach the District Court with jurisdiction over the information to seek permission to access the information to aid your audit, please contact us so that we may explore that possibility.

Finally, the Tarrant County Elections Administration will assist the Secretary of State in procuring a secure space for the performance of this audit in January 2022. However, because the Elections Administration will be in the midst of preparing for the March 2022 primary elections, it is highly likely such a work area for the Secretary of State would be in a building separate from the main Elections Administration office. The Elections Administration will also assist in finding a way to transport the data, documents, and other information sought by the Secretary of State to this secure location.

In closing, Mr. Secretary, I want to reiterate once again that we are here to assist your office and fully cooperate in this process. I know you and your staff will understand the need to balance out the workload of this project with the conduct of the Primary and Municipal elections happening in the first half of 2022. The successful completion of both projects will be our utmost priority for the new year.

Sincerely,

Heider Garcia
Elections Administrator

AMERICAN OVERSIGHT

DALLAS COUNTY ELECTIONS DEPARTMENT

John B. Scott
Texas Secretary of State
P.O. Box 12887
Austin, TX 78711-2887

December 21, 2021

Dear Secretary Scott,

In response to your letter dated December 10th, 2021, please see the table below that provides information regarding the questions posed in your letter. The table also references attached files that contain the information requested.

Item numbers 5, 6A, and 6B are available, but could not be attached due to the size of the file. If you provide a method for us to electronically deliver this information, we will get it to you right away. We need to research Items #1 and #2 further and may follow up with further information at a later date.

Sincerely,

Michael Scarpello
Dallas County Elections Administrator

Item #	Requested	Available	Notes
1	Early Voting or Election Day polling locations with a discrepancy of 1% or more between the number of voters checked in to the number of votes cast	Undetermined	Further research is required to determine whether any responsive material is available.
2	Whether any voting sites were closed or added due to an emergency or other necessity	Yes, for Early Voting Sites – Attached (2_ListofVotingSites) Undetermined for Election Day Sites	Further research needed to find Election Day location information.
3	Any known procedural or chain of custody defects	Yes – Attached (3_MemoProvBallots)	
4	Any other issues discovered that you would like to disclose now that may be relevant to our audit process	No	

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5	A list of complaints received and resolved, with a description of any known investigative steps or known resolution.	Yes – not attached – too large to send via email.	
6	A detailed accounting of the following: A. Total Early Voting Ballots by Mail Requested B. Total Early Voting Ballots by Mail Sent out C. Total Early Voting Ballots requested by FPCA D. Breakdown of Early Voting Ballots by Mail accepted/rejected E. Total number of mail ballot voters that canceled their mail ballot without surrendering the mailed ballot and voted in person F. Total number of mail ballot voters that surrendered their mail ballot and voted in person	Yes A. Not attached – too large to send via email B. Not attached – too large to send via email File: 6C_2020GeneralJointBallotListFPCA C. File: 6D_2020EV_ABBM2020GeneralJoint D. File: 6EF_BallotsCancelledByVoter E. (same as above)	
7	A detailed accounting of the following: A. Total Number of Provisional Votes Cast B. List of Provisional Voters by reason for voting provisionally C. Total Number of Provisional Votes cast for voters lacking ID D. Total number of Provisional Voted Accepted/Rejected	Yes – Attached (7_ProvisionalVoters2020Gen)	The attached file contains all information requested for A-D
8	List of entities that conducted recounts or had election contests	No	No entities conducted recounts or had election contests.

AMERICAN OVERSIGHT

OFFICE OF ISABEL LONGORIA
ELECTIONS ADMINISTRATOR
HARRIS COUNTY ★ STATE OF TEXAS

December 21, 2021

John B. Scott
Texas Secretary of State
Elections Division
P.O. Box 12060
Austin, Texas 78711-2060

Dear Secretary Scott:

I write in response to your letter dated December 10, 2021, regarding "Phase 2 of the Full Forensic Audit," in which you asked my office to compile a list of responses by December 21, and you provided an almost 8-page list of documents indicating you would like our office to "begin locating the documents listed to prepare for our Forensic Audit Division's on-site examinations, which will be coordinated at a mutually convenient time in January 2022." That is an impossible timeline by which to complete the tasks requested.

Our office is in the process of preparing to hold six elections over the course of the next six months, four of which are countywide elections, some even ordered by the state legislature: a special election in January, the Primary elections in March, a likely runoff for the special election, the May 7 uniform election, the May 24 Primary election runoff and the election for Precinct Chairs, and the likely runoff for the May 7 uniform election. Every day from now until June 2022 there is either voting actively occurring or a critical deadline our office must complete for at least one of those six elections. Thus, it would be cumbersome and potentially irresponsible for us to divert staff and resources away from active elections to host an "audit" of a past, certified election.

Additionally, the extensive requirements of Senate Bill 1 will be in effect, for the first time, for the Republican and Democratic Primary Elections. Planning and executing the implementation of such a wide sweeping legislation is a massive undertaking and requires my staff's full time and attention. Because your office has released little guidance on how to implement these important new provisions, we are left to sort through the logistics on our own in hopes that they meet the undisclosed SOS standards.

In short, taking hundreds of hours from staff time to pull documents listed in your prior letter instead of working toward implementation of SB1, nor preparing for the massive election calendar over the next six months, would be asking us to put the 2022 Primaries and compliance with Senate Bill 1 in jeopardy.

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Since I was sworn into office on November 18, 2020, 15 days after the November 2020 Presidential Election concluded, the Elections Administrator's Office has endeavored to run elections fairly, equitably, accurately, and smoothly. That is why we are doing everything in our power to fully prepare for the upcoming 2022 elections for the sake of Harris County voters.

We attach responses to the questions in your December 10, 2021 letter. For the remainder of your requests, we await your call to discuss the time and resources it would take to go through the documents.

Sincerely,

Isabel Longoria
Harris County Elections Administrator

Attachments:
Attachment 1: Response to Texas SOS December 10 Initial Requests

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Harris County Elections Administrator
Attachment 1: Response to Texas SOS December 10 Initial Requests

1. **A list of Early Voting or Election Day polling locations that had a discrepancy of one percent or more between the number of voters that checked in to the number of votes cast at that location.**
   Our office has gathered information and is in the process of comparing for any percentage discrepancies.

2. **Whether any voting sites were closed or added due to an emergency or other necessity.**
   Yes, three locations were closed for the remainder of a day due to weather-related issues.

3. **Any known procedural or chain of custody defects.**
   Procedural and Chain of Custody documents from the November 2020 Election have been maintained and are available for review to ascertain the existence and nature of any defects.

4. **Any other issues discovered that you would like to disclose now that may be relevant to our audit process.**
   Please see response to no. 3.

5. **A list of complaints received and resolved, with a description of any known investigative steps or known resolution.**
   Our office is in the process of gathering the ADA complaints from Nov 2020.

6. **A detailed accounting of the following:**
   a. **Total Early Voting Ballots by Mail Requested** 194,566 (does not include FPCA or Emergency ballot applications)
   b. **Total Early Voting Ballots by Mail Sent out** 206,020
   c. **Total Early Voting Ballots requested by FPCA** 12,895
   d. Breakdown of Early Voting Ballots by Mail accepted/rejected
      i. Total received: 180,007
      ii. Accepted: 179,174
      iii. Rejected: 224
      iv. Late ballots: 609
   e. Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted in person

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i. Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted provisionally in person: 8,337
ii. Total number of mail ballot voters that cancelled their mail ballot without surrendering the mailed ballot and voted regularly in person: 57

f. **Total number of mail ballot voters that surrendered their mail ballot and voted in person:** 45,225

7. **A detailed accounting of the following:**
   a. **Total Number of Provisional Votes Cast:** 13,835
   b. A list of Provisional Voters by reason for voting provisionally: A comprehensive list does not exist. While our office does not currently have the capacity to go through the nearly 14,000 provisional ballot affidavits from the November 2020 election, the provisional ballot affidavits and additional provisional ballot documentation are available for review and our office will provide them to you at a mutually agreed upon time.
   c. **Total Number of Provisional Votes cast for voters lacking ID:** 8,528
   d. **Total number of Provisional Voted Accepted/Rejected:** 5,307

8. **List of entities that conducted recounts or had election contests:**
   Harris County MUD 24 conducted a recount of their November 2020 election.

AMERICAN OVERSIGHT

From: Sam Taylor
Sent: Friday, November 19, 2021 5:21 PM
To: 'Garrett, Robert T.'
Subject: RE: could I see your statement?

Hi Bob,

The total $4M figure is for hiring new staff, including their travel budgets for on-site visits to the four counties during the audit process, so it's not possible to parse out exactly how much will be used on the 2020 General Election Audit vs the additional four-county audits required under Rep. Slaton's amendment to SB 1 (the one requiring us to randomly choose two counties over 300,000 and two counties under 300,000 for audits going forward). In short, this overall figure is for costs to conduct both current and ongoing election audits required under law passed by the lege.

Here's our full statement:

"We thank Governor Abbott, Lieutenant Governor Patrick, Speaker Phelan, Senator Nelson and Representative Bonnen for approving critical funds to support the Texas Secretary of State's Forensic Audit Division. In order to complete our ongoing full forensic audit of the 2020 General Election and conduct subsequent audits as required by SB 1, our agency will be using these funds to dedicate additional staff to oversee audit activities, including: verifying counties' removal of ineligible voters from the rolls, meticulously reviewing each county's election materials for our comprehensive document examination, and ensuring compliance with state and federal election laws. These resources are essential for maintaining the integrity of Texas elections and identifying issues that must be fixed in order to restore voters' confidence in our state's election systems."

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Garrett, Robert T. <[redacted]>
Sent: Friday, November 19, 2021 5:08 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: could I see your statement?

AMERICAN OVERSIGHT

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Sam,

Did you say how much of the $4M would be used for the 2020, four-county audit?

I see reference in Trib story (below).

Thanks,

Bob

--
Robert T. Garrett
Austin Bureau Chief
The Dallas Morning News
M: (512) 413-7793
O: (512) 370-3815

Know now.

The Dallas Morning News

In a statement later Friday, the secretary of state's office referenced both its 2020 audit and future audits required under the new state law, saying that the latest funds would be used for "additional staff to oversee audit activities," such as "verifying counties' removal of ineligible voters from the rolls ... and ensuring compliance with state and federal election laws."

AMERICAN OVERSIGHT

From: Sam Taylor
To: "Daniel Friend"
Subject: RE: Election Audit Division Funding
Date: Friday, November 19, 2021 2:31:04 PM
Attachments: Leadership Letter_11.19.21.pdf
image001.png
Gov. Abbott Letter to Legislative Leadership 11.18.21.pdf

Hi Daniel,

Yes – I've attached both letters here and you can attribute the following statement to me/the Texas Secretary of State's office:

"We thank Governor Abbott, Lieutenant Governor Patrick, Speaker Phelan, Senator Nelson and Representative Bonnen for approving critical funds to support the Texas Secretary of State's Forensic Audit Division. In order to complete our ongoing full forensic audit of the 2020 General Election and conduct subsequent audits as required by SB 1, our agency will be using these funds to dedicate additional staff to oversee audit activities, including: verifying counties' removal of ineligible voters from the rolls, meticulously reviewing each county's election materials for our comprehensive document examination, and ensuring compliance with state and federal election laws. These resources are essential for maintaining the integrity of Texas elections and identifying issues that must be fixed in order to restore voters' confidence in our state's election systems."

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Daniel Friend <[redacted]
Sent: Friday, November 19, 2021 1:28 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Election Audit Division Funding

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Hi Sam,

Are you able to provide any additional background information and/or statement regarding Rep. Greg Bonnen's announcement that he signed approval of $4 million of funding for forensic election audits?

Additionally, do you know if it would be possible to obtain copies of the letters sent regarding the subject between Gov. Abbott and lawmakers that was reported by the *Dallas Morning News*?

If you're able to respond this afternoon, that would be greatly appreciated.

Thanks,
Daniel

--
Daniel Friend
Reporter, *The Texan*
C: (918) 316-2703

AMERICAN OVERSIGHT

LEGISLATIVE BUDGET BOARD

Robert E. Johnson Bldg.
1501 N. Congress Ave. - 5th Floor
Austin, TX 78701

512/463-1200
Fax: 512/475-2902
http://www.lbb.state.tx.us

November 19, 2021

The Honorable Greg Abbott
Governor of the State of Texas
Capitol Building
Room 2S.1
Austin, Texas 78701

Dear Governor Abbott,

Pursuant to Texas Government Code, Section 317.002, this budget execution order is proposed for the following action affecting items of appropriation made by Senate Bill No. 1, General Appropriations Act, Acts of the 87th Legislature, Regular Session, 2021.

There are not sufficient funds appropriated to the Secretary of State to ensure election integrity for the 2022-2023 state fiscal biennium and this insufficiency of funds creates an emergency. We therefore propose that:

From appropriations made to the Texas Department of Criminal Justice by Senate Bill No. 1, General Appropriations Act, Acts of the 87th Legislature, Regular Session, 2021, the amount of $4,000,000 in General Revenue appropriated for fiscal year 2023 in Strategy C.1.1. Correctional Security Operations, shall be transferred to the Secretary of State for use during the 2022-2023 state fiscal biennium, for the purpose of ensuring election integrity.

Respectfully,

Dan Patrick
Lieutenant Governor
Joint Chair, Legislative Budget Board

Dade Phelan
Speaker of the House
Joint Chair, Legislative Budget Board

Jane Nelson
Chair, Senate Finance Committee

Greg Bonnen, MD
Chair, House Appropriations Committee

AMERICAN OVERSIGHT

LEGISLATIVE BUDGET BOARD

Robert E. Johnson Bldg.
1501 N. Congress Ave. - 5th Floor
Austin, TX 78701

512/463-1200
Fax: 512/475-2902
http://www.lbb.state.tx.us

November 19, 2021

The Honorable Greg Abbott
Governor of the State of Texas
Capitol Building
Room 2S.1
Austin, Texas 78701

Dear Governor Abbott,

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Respectfully,

Dan Patrick
Lieutenant Governor
Joint Chair, Legislative Budget Board

Dade Phelan
Speaker of the House
Joint Chair, Legislative Budget Board

Jane Nelson
Chair, Senate Finance Committee

Greg Bonnen, MD
Chair, House Appropriations Committee

AMERICAN OVERSIGHT

GOVERNOR GREG ABBOTT

November 18, 2021

The Honorable Dan Patrick
Lieutenant Governor of Texas
P.O. Box 2910
Austin, Texas 78711

The Honorable Dade Phelan
Speaker of the Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768

Dear Governor Patrick and Speaker Phelan,

Election integrity is a core tenet of any healthy and successful democracy. The people of Texas must have trust and confidence in the election process as well as in the outcomes of our elections.

The Legislature clearly showed a strong commitment to this principle when it passed Senate Bill 1 during the Second Called Session of the 87th Legislature, which I signed into law. This law makes it easier to vote—and harder to cheat—in Texas elections by expanding voting hours while also taking steps to stop voter fraud.

Importantly, the law includes county audits to be carried out by the Texas Secretary of State (SOS). Currently, the SOS is conducting the largest forensic audit in the country.

As we expand voting opportunities in Texas, we must also ensure the integrity of those elections. To do that, the SOS needs resources to establish an Election Audit Division.

However, the SOS does not currently have the budget authority to adequately accomplish the goals sought by the Legislature. That is why I am requesting that you provide $4 million to the SOS in order to establish an Election Audit Division.

Sincerely,

Greg Abbott
Governor

GA: cww

cc: The Honorable Jane Nelson, Chair, Senate Finance Committee
The Honorable Greg Bonnen, Chair, House Appropriations Committee

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TX-SOS-22-0651-H-000442

AMERICAN OVERSIGHT

LEGISLATIVE BUDGET BOARD

Robert E. Johnson Bldg.
1501 N. Congress Ave. - 5th Floor
Austin, TX 78701

512/463-1200
Fax: 512/475-2902
http://www.lbb.state.tx.us

November 19, 2021

The Honorable Greg Abbott
Governor of the State of Texas
Capitol Building
Room 2S.1
Austin, Texas 78701

Dear Governor Abbott,

Pursuant to Texas Government Code, Section 317.002, this budget execution order is proposed for the following action affecting items of appropriation made by Senate Bill No. 1, General Appropriations Act, Acts of the 87th Legislature, Regular Session, 2021.

There are not sufficient funds appropriated to the Secretary of State to ensure election integrity for the 2022-2023 state fiscal biennium and this insufficiency of funds creates an emergency. We therefore propose that:

From appropriations made to the Texas Department of Criminal Justice by Senate Bill No. 1, General Appropriations Act, Acts of the 87th Legislature, Regular Session, 2021, the amount of $4,000,000 in General Revenue appropriated for fiscal year 2023 in Strategy C.1.1. Correctional Security Operations, shall be transferred to the Secretary of State for use during the 2022-2023 state fiscal biennium, for the purpose of ensuring election integrity.

Respectfully,

Dan Patrick
Lieutenant Governor
Joint Chair, Legislative Budget Board

Dade Phelan
Speaker of the House
Joint Chair, Legislative Budget Board

Jane Nelson
Chair, Senate Finance Committee

Greg Bonnen, MD
Chair, House Appropriations Committee

AMERICAN OVERSIGHT

From: Sam Taylor
To: "Windy Johnson"
Subject: RE: Election Audit Funds
Date: Friday, November 19, 2021 5:33:35 PM
Attachments: image002.png
image003.png

Hi Windy,

Please see our statement from this afternoon after the funding was announced:
https://twitter.com/TXsecofstate/status/1461815486551887872/photo/1

Happy to chat at a later time if you'd like to know additional details. Thanks, have a great weekend!

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Windy Johnson <[redacted]
Sent: Friday, November 19, 2021 4:09 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Election Audit Funds

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Good afternoon Sam,

Hope you are doing well. Can you please share how the additional funds will be used for election audits? I know my counties have a particular interest in how it will affect us. Thank you!

Windy Johnson
Program Manager
Texas Conference of Urban Counties

AMERICAN OVERSIGHT

500 W 13th St. | Austin TX 78701
P: 512.476.6174 Cell: 512.731.3246
E: [redacted] | W: www.cuc.org

AMERICAN OVERSIGHT

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January 12-14, 2022

Texas A&M Hotel & Conference Center

Early Registration - $400

General Registration - $425

Late Registration - $475

cuc.org/cstat2022

AMERICAN OVERSIGHT

From: Sam Taylor
Sent: Friday, November 19, 2021 3:20 PM
To: 'Cassandra Pollock'
Subject: RE: Texas Tribune inquiry

Hi Cassi,

Yes – you can attribute the following statement to me/the Texas Secretary of State's office:

"We thank Governor Abbott, Lieutenant Governor Patrick, Speaker Phelan, Senator Nelson and Representative Bonnen for approving critical funds to support the Texas Secretary of State's Forensic Audit Division. In order to complete our ongoing full forensic audit of the 2020 General Election and conduct subsequent audits as required by SB 1, our agency will be using these funds to dedicate additional staff to oversee audit activities, including: verifying counties' removal of ineligible voters from the rolls, meticulously reviewing each county's election materials for our comprehensive document examination, and ensuring compliance with state and federal election laws. These resources are essential for maintaining the integrity of Texas elections and identifying issues that must be fixed in order to restore voters' confidence in our state's election systems."

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Cassandra Pollock [redacted]>
Sent: Friday, November 19, 2021 3:18 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Texas Tribune inquiry

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Hi Sam, it's Cassi with the Texas Tribune. Hope you're doing great.

Wanted to see if there was a statement from the SOS we could include about the emergency transfer of funds to the agency, announced this afternoon by Gov. Greg Abbott and other GOP leaders.

AMERICAN OVERSIGHT

Please call anytime with questions: 972-358-8659.

Thanks,
Cassi

--
--
THE TEXAS TRIBUNE

Cassi Pollock
Reporter

919 Congress Avenue
Sixth Floor
Austin, TX 78701
www.texastribune.org

M (972) 358-8659
@cassi_pollock

AMERICAN OVERSIGHT

From: laura.varela@dallascounty.org
To: Christina Adkins
Subject: Serv-U File Sharing Link [expires 1/4/2022 1:38:00 PM]
Date: Wednesday, December 22, 2021 2:22:33 PM

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You have received access to a Serv-U File Share from laura.varela@dallascounty.org. The link to transfer your file(s) will expire on Tuesday, January 4, 2022 1:38 PM.

https://dcsftp.dallascounty.org/?ShareToken[redacted]

On behalf of Michael Scarpello and Dallas County. Enclosed, you will find a list of Dallas County Nov 2020 Complaints and the 2020 General/Joint All Types of Ballot by Mail List.

Disclaimer

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AMERICAN OVERSIGHT

From: Texas Secretary of State Press Office
To: Sam Taylor
Subject: Texas Secretary of State Issues Document Request for Phase 2 of Full Forensic Audit of 2020 Election in Collin, Dallas, Harris and Tarrant Counties
Date: Friday, December 10, 2021 4:50:02 PM

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Texas Secretary of State

John B. Scott

For Immediate Distribution
December 10, 2021

Contact: Sam Taylor
smtaylor@sos.texas.gov
(512) 463-6116

Texas Secretary of State Issues Document Request for Phase 2 of Full Forensic Audit of 2020 Election in Collin, Dallas, Harris and Tarrant Counties

AUSTIN — The Texas Secretary of State's office today issued an exhaustive document request of publicly available election materials from Collin, Dallas, Harris and Tarrant counties as part of the office's Full Forensic Audit of the November 2020 General Election. The document request, which covers more election materials than any other election audit in the United States to date, includes all documents that county election officials are required to maintain for 22 months following each election under both federal and state law. In total, the full forensic audit of Collin, Dallas, Harris and Tarrant counties will cover approximately 35% of all votes cast in the November 2020 General Election in Texas.

"Texas is leading in election integrity. As we embark on Phase 2 of our agency's Full Forensic Audit of the 2020 Election, we want to ensure every single eligible Texas voter knows that ballots in Texas are being properly processed, tabulated, and reported by county election officials in accordance with state and federal law," Secretary John Scott said. "Where there are irregularities or issues discovered, our office will absolutely be fully transparent about our findings, and we have all of the resources we need at our disposal to do so. To the extent that systemic reforms to our election processes are needed, we will report those to the Texas Legislature. To the extent that any criminal activity may have occurred, we will refer any and all information to the Texas Attorney General's office for investigation."

AMERICAN OVERSIGHT

A summary of findings of Phase 1 of the audit will be issued publicly by the end of December 2021.

Read the full request issued to Collin, Dallas, Harris and Tarrant counties today.

###

Please DO NOT REPLY to this message. It comes from an un-monitored mailbox. If you have any questions regarding this announcement, please e-mail Sam Taylor at smtaylor@sos.texas.gov

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This email was sent to smtaylor@sos.texas.gov using GovDelivery Communications Cloud on behalf of: Texas Secretary of State · 707 17th St, Suite 4000 · Denver, CO 80202

AMERICAN OVERSIGHT

From: Sam Taylor
Sent: Friday, November 19, 2021 3:06 PM
To: 'Mankad, Raj'
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections

Sensitivity: Personal

Hi Raj,

Just wanted to flag that the legislature has approved $4M in additional funds for our agency to conduct the election audit, both for the 2020 General Election and for election audits as required under SB 1. This makes the piece all the more timely for Sunday's opinion section. Let me know if any additional changes are needed or if there's additional feedback from your editorial team.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Friday, November 19, 2021 11:34 AM
To: 'Mankad, Raj' <[redacted]>
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

Hi Raj,

That's exactly the type of claim that our audit will investigate and, if not true, debunk and, if true, provide a full detailed report of what happened. We haven't been given access to the documents yet. And, as HC has reported, the Harris County Commissioners court has openly opposed complying with the audit or our request for documents, so we're weighing our options on how to obtain these documents in order to verify/debunk this claim in our audit findings.

To be fair, can we characterize it as a claim? Such as:

AMERICAN OVERSIGHT

"We will work to investigate claims of irregularities in Harris County, such as the allegation that the county initially reported 1,884 more votes than voters who checked in across several drive-thru locations during the 2020 General Election."

Let me know if that works better. Don't want to get ahead of our audit findings and provide a possible explanation or theory of how that number came to be, because we haven't been provided the documents yet, which include the sign-in sheets for those drive-thru voting locations in Harris County.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Mankad, Raj <[redacted]>
Sent: Friday, November 19, 2021 11:22 AM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

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Hello Sam,

I'm still expecting one more editor to read the piece.

I do have one concern with the added claim on Harris County: "We will work to determine why, for example, Harris County recorded 1,884 more votes than voters who checked in across several drive-thru locations during the 2020 General Election."

The only source for that 1,884 number is Bettencourt. The Chronicle article that notes that claim from Bettencourt doesn't provide any detail. I would either like to cut that sentence or for the secretary of state's office to provide some explanation of how that number came to be. Are there official tallies that you can point me to that show that discrepancy?

Best wishes,
Raj

AMERICAN OVERSIGHT

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Friday, November 19, 2021 11:07 AM
To: Mankad, Raj <[redacted]>
Subject: [EXTERNAL] RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

Morning Raj,

Just wanted to check back in to see if there were any additional edits on the Secretary's op-ed that we need to review. As long as they are not too substantive, we can probably sign off very quickly. Let me know and I'll make sure to give them a look today. Thanks!

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Thursday, November 18, 2021 9:13 AM
To: 'Mankad, Raj' <[redacted]>
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

Sure, no problem! Let me know when you have additional changes to review and we'll be happy to sign off when ready. Thank you for your time!

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

AMERICAN OVERSIGHT

From: Mankad, Raj <[redacted]>
Sent: Thursday, November 18, 2021 9:11 AM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

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Hello Sam,

I think it's a stronger piece with the changes. I'm planning on publishing it Sunday. I will likely have some additional edits for you to review, hopefully before the end of the day.

Thanks for your patience and persistence as well. We're pulled in a lot of directions and I wish I could get back to everyone more efficiently.

Best wishes,
Raj

Raj Mankad
Op-Ed Editor
Houston Chronicle

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Wednesday, November 17, 2021 4:04 PM
To: Mankad, Raj <[redacted]>
Subject: [EXTERNAL] FW: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

Afternoon Raj,

Let me know if y'all are interested in publishing the updated version of the piece (attached here). This is still being offered as an exclusive to the Chronicle if you choose to publish it. Thanks again for your time, feedback, and consideration.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

AMERICAN OVERSIGHT

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Wednesday, November 17, 2021 11:22 AM
To: 'Mankad, Raj' <[redacted]>
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

Thank you for the feedback, Raj. Attached, please find an updated version of the piece addressing your comments.

To answer your first question, the theme of the piece is restoring confidence among a voting public that has voiced diminished faith in our election systems. Nevertheless, we added a notable example in Harris county that specifically involves a discrepancy in the number of votes cast vs. the number of voters who checked in at drive-thru locations in Harris County in 2020. This is an example of the type of irregularity that, while maybe not nefarious in nature, does diminish voters' confidence in the integrity of elections if it is not resolved and explained by an objective third party – which is the role our agency is taking on through this election audit.

To your second question about 'why these four counties?' – as noted in the updated piece, these are the two largest counties with Democratic and Republican Commissioners Courts, who oversee the elections offices in each county. It is only fair that we examine the two largest Democratic and two largest Republican counties, rather than choosing the four largest counties by population, which would undoubtedly be panned as a partisan 'witch hunt' against Democratic-leaning counties only. If you'd like that clarified more in the piece, we're happy to make adjustments as needed.

Thanks again for your time to carefully review and consider the piece, and please let me know ASAP if you'd like to publish the attached version.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

AMERICAN OVERSIGHT

From: Mankad, Raj <[redacted]>
Sent: Wednesday, November 17, 2021 9:15 AM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

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Hello Sam,

I'm open to publishing this piece but there are a couple of counter arguments that I'd like the op-ed to anticipate.

One is that there haven't been specific allegations of irregularities in Texas. The Texas AG devoted considerable resources to look for fraud and found almost nothing, and nothing that would impact the integrity of the elections. Why should there be an audit here? The previous secretary of state said that the election in Texas was secure.

And why just those four counties? I think our readers will be quick to point out that the one example of an election-changing irregularity cited in the piece took place in a county that's not being audited.

Best wishes,
Raj

Raj Mankad
Op-Ed Editor
Houston Chronicle

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Tuesday, November 16, 2021 10:05 AM
To: Mankad, Raj <[redacted]>
Subject: [EXTERNAL] RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

Hi Raj,

Just checking back in on this submission. Feel free to give me a call on my direct line if any questions – 512-463-6116.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

AMERICAN OVERSIGHT

From: Sam Taylor
Sent: Monday, November 15, 2021 3:12 PM
To: 'Mankad, Raj' <[redacted]>
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

Got it – let me know if any questions in the meantime. Thanks!

Best,

-Sam

From: Mankad, Raj <[redacted]>
Sent: Monday, November 15, 2021 2:58 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

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Hello Sam,

I need a little more time to finish reviewing it.

Best wishes,
Raj

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Monday, November 15, 2021 12:10 PM
To: Mankad, Raj[redacted]>
Subject: [EXTERNAL] Re: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

AMERICAN OVERSIGHT

Hi Raj,

Circling back on the Secretary's op-ed submission. Have you/your team had an opportunity to review it yet? Let me know, thank you!

Best,

Sam Taylor
Texas Secretary of State's office
512-463-6116

From: Mankad, Raj <[redacted]>
Sent: Friday, November 12, 2021 9:01 AM
To: Sam Taylor
Subject: RE: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections

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Good morning,

I've received the op-ed and will be back in touch early next week.

Best wishes,
Raj

Raj Mankad
Op-Ed Editor
Houston Chronicle

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Friday, November 12, 2021 8:45 AM
To: Mankad, Raj <[redacted]>
Subject: [EXTERNAL] FW: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

Good Morning Raj,

Passing this along to you because I received an out-of-office reply from Lisa.

Please let me know if you have any questions.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State

AMERICAN OVERSIGHT

smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Friday, November 12, 2021 8:42 AM
To: [redacted]
Cc: [redacted]
Subject: Op-Ed Submission: John B. Scott, Texas Secretary of State: Full Forensic Audit Will Restore Faith in Integrity of Texas Elections
Sensitivity: Personal

Good Morning,

On behalf of Texas Secretary of State John B. Scott, I am submitting the attached op-ed on our agency's full forensic audit of the 2020 Election. In the op-ed, Secretary Scott makes clear that the purpose of the audit is to restore voters' confidence in the integrity of our election system – which has been brought into question by critics on both sides of the political aisle since 2016. Contrary to narratives published in the Chronicle and elsewhere that Secretary Scott's previous representation of former President Trump disqualifies him to run an independent and objective audit, the piece makes clear that our agency approaches this election audit with no preconceived notions regarding what the results and conclusions will be. Secretary Scott's legal career has been defined by following the evidence and the facts, which is exactly what the Texas Secretary of State's office is doing in undertaking the full forensic election audit in Harris, Dallas, Tarrant and Collin counties.

We'd like to submit this piece **exclusively** to the Houston Chronicle for publication. Please let me know if you are interested in publishing this piece early next week, as I understand we may have missed the deadline for a Sunday opinion publication.

Thank you in advance for your consideration.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

AMERICAN OVERSIGHT

From: GeneralCounsel
Sent: Friday, March 25, 2022 2:45 PM
To: 'AO Records'
Cc: GeneralCounsel
Subject: RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Regarding our March 4 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on April 22, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, March 4, 2022 3:49 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Please see the attached letter, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code.

Dates of birth have been redacted from the attached documents as we await a determination from the Attorney General's Open Records Division on our request for a ruling.

The responsive documents also contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

Additionally, the information you requested also contains information that relates to a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country. This information is confidential under section 552.130 of the Texas Government Code. Section 552.130 allows us to withhold this specific information without requesting a ruling from the attorney general. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are also attached. If you do not want to appeal, you do not need to do anything else.

Consistent with our February 24, 2022 letter, please find the attached zipped folder containing documents responsive to the Request. We require more time to continue reviewing our records and produce additional responsive information. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from

AMERICAN OVERSIGHT

disclosure under state or federal law—with our next production by 5:00 p.m. on March 25, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Thursday, February 24, 2022 2:10 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0148) PIR 22-0218

Good afternoon,

Please see the attached letter, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Wednesday, February 9, 2022 1:00 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Re: Public Information Request (TX-SOS-22-0148)

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Dear Public Information Officer:

Unfortunately, our tracking number for this request was incorrect. Please find the corrected version here.

For clarification with the last batch of emails, TX-SOS-22-0132 is TX-SOS-22-0147, and TX-SOS-22-0133 is TX-SOS-22-0148. Apologies for these mix-ups.

Sincerely,

AMERICAN OVERSIGHT

Dylan Winters (he/him)
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PIR: TX-SOS-22-0148

From: Dylan Winters <dylan.winters@americanoversight.org> on behalf of AO Records <records@americanoversight.org>
Date: Wednesday, February 9, 2022 at 10:12 AM
To: "generalcounsel@sos.texas.gov" <generalcounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-22-0133)

Dear Public Information Officer:

Please find attached a request for records under the Texas Public Information Act.

Sincerely,
Dylan Winters (he/him)
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PIR: TX-SOS-22-0133

AMERICAN OVERSIGHT

From:	GeneralCounsel
To:	"AO Records"
Cc:	GeneralCounsel; Sam Taylor
Subject:	RE: Public Information Request (TX-SOS-22-0335) PIR 22-0407
Date:	Friday, April 22, 2022 3:48:53 PM
Attachments:	4-22-22 Response Letter to Requestor - American Oversight (Lewis) PIR 22-0407.pdf 4.22.22 Documents.zip

Good afternoon,

Please see the attached letter and zipped folder in response to your request for information under Chapter 552 of the Texas Government Code.

As stated in the attached letter, we require more time to review our records and produce any additional responsive information. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on May 20, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Wednesday, April 6, 2022 3:41 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-22-0335)

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Dear Public Information Officer:

Please find attached a request for records under the Texas Public Information Act.

Sincerely,

--
Marwah Adhoob
Pronouns: she/her
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

AMERICAN OVERSIGHT

PIR: TX-SOS-22-0335

AMERICAN OVERSIGHT

From:	Buff Kizer
To:	Secretary; Kim Bergmann
Cc:	Dan Bates; Bill Fearer
Subject:	1. A big development 2. Who will be joining you Dec 10th (as requested)
Date:	Thursday, December 2, 2021 5:23:15 AM
Attachments:	DLB_Preservation_of_Voting_Records_Request May 21, 2021.pdf Voter Records Preservation_Letter_June_5__2021.pdf Supplemental_Preservation_of_Voting_Data_Letter Jun 7, 2021.pdf

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Hello John,

1. We learned yesterday that the software update planned for the Tarrant County Hart Voting System Jan 6, 2022, is being moved up to next week.

That means the three attached preservation demands we had in place for the May and June 2021 elections AND any later detailed forensic exams you may find necessary for your audit of the Nov 2020 election will be at least partially in jeopardy UNLESS forensic images of all the relevant Hart devices are made BEFORE the updates. We have an easy and convenient means available for Heider Garcia's staff to be able to do this under their control.

Dan Bates and Bill Fearer, our attorneys, will be filing the appropriate request on our behalf with Heider Garcia our Election Administrator and Tarrant County officials and we hope you will communicate the necessity of these forensic images for the data you need to be preserved also.

We will be in touch with your office today to coordinate. Dan Bates may be reached at 817-729-7740, Bill Fearer at 815-520-5095.

2. The individuals joining you for breakfast Friday Dec 10 at 8:00am at Colonial are Chad Fillmore who you know and Jay Meadows, Dan Bates, Bill Fearer, Cheryl Chapman, Brian Childers, Scott Britton, TK Campbell and me - Buff Kizer. We will be sending a short two-line bio on each of us so you know who we are.

All God's blessing,

Buff

Cell 913-356-7447

AMERICAN OVERSIGHT

May 21, 2021

To Whom It May Concern:

Re: Preservation of Data, Information and Documents-

Spoliation Warning

This is to request that all reasonable steps be taken to preserve all the data, ballots, information, and data on all the configuration files for each voting machine at all precincts from which votes were cast in the May 1, 2021 Fort Worth election. This includes preservation of all data, however transmitted, from all precincts to central count. Also, please preserve all of the logs for any precinct or central count equipment.

You are specifically requested NOT to permit, allow, or facilitate any of the data from the May 2, 2021 on any voting, counting or other machine or device to be overwritten, altered, or corrupted through the use of any such machine, including without limitation, in any voting for the June 5, 2021 run-off election or thereafter.

Please preserve all of the voter rolls that were in place for the May 1, 2021 election. Please preserve all of the cast ballot images from the May 1, 2021 election. Please preserve all of the cast voter records by day from the May 1, 2021 election. Again, do not allow any this data to be overridden in the upcoming run-off election.

All of this data and information is public information within the Open Records Act. Having received this request for preservation you are hereby reminded of spoliation of evidence and public information concerns if these requests are ignored.

Your kind attention and cooperation are much appreciated.

With kind regards,

Daniel L. Bates, Esq.

DANIEL L. BATES
ATTORNEY AT LAW
801 CHERRY ST. UNIT 46
FORT WORTH, TX 76102
817-336-2400 EXT 215

AMERICAN OVERSIGHT

DANIEL L. BATES

ATTORNEY AT LAW

JUNE 5, 2021

Mr. Heider Garcia
Tarrant County Election Administrator
100 East Weatherford
Fort Worth, TX 76102

Sheriff Bell E. Waybourn
200 Taylor St. -7th Floor
Fort Worth, TX 76196

Re: Preservation of Data, Information and Documents-
Spoliation Warning

Dear Mr. Garcia and Sheriff Waybourn:

This is to request that all reasonable steps be taken to preserve all the data, ballots, information, and data on all the configuration files for each voting machine at all precincts from which votes were cast in today's June 5, 2021 Fort Worth mayoral run-off election. This includes preservation of all data, however transmitted, from all precincts to central count. Please preserve all of the logs for any precinct or central count equipment. Please preserve the poll books, scanners/tabulators, flash drives (both configuration and vote conveyance) and routers. We request that all the voting machines, precinct and central count equipment, scanner/tabulators, and all flash drives be impounded and preserved in a secure location, along with all the paper ballots.

We understand that a request for audit of the May 1, 2021 election has been made. You are specifically requested NOT to permit, allow, or facilitate any of the data from either the May 1 election or the June 5, 2021 run-off election on any voting, counting or other machine or device to be overwritten, altered, or corrupted through the use of any such machine or device, including without limitation, in any voting for the upcoming congressional run-off election on July 27, 2021 or thereafter.

Please preserve all of the voter rolls that were in place for the June 5, 2021 election. Please preserve all of the cast ballot images and all cast voter records by day from the June 5, 2021 election. Again, do not allow any this data to be overridden in

801 Cherry Street Unit No. # 46
Fort Worth, Texas 76102
817-336-2400

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subsequent election. All of this data and information is public information within the Open Records Act. Having received this request for preservation you are hereby reminded of spoliation of evidence and public information concerns if these requests are ignored.

Your kind attention and cooperation are much appreciated.

Respectfully submitted,

Daniel L. Bates
State Bar No. 01899900
Burnett Plaza, Suite 2000
801 Cherry Street, Unit #46
Fort Worth, Texas 76102-6836
Telephone: (817) 336-2400
Telecopier: (817) 336-2181
[redacted]

ATTORNEY AT LAW

AMERICAN OVERSIGHT

DANIEL L. BATES

ATTORNEY AT LAW

JUNE 7, 2021

Mr. Heider Garcia
Tarrant County Election Administrator
100 East Weatherford
Fort Worth, TX 76102

Sheriff Bell E. Waybourn
200 Taylor St. -7th Floor
Fort Worth, TX 76196

Re: Supplemental Preservation of Data, Information and Documents-
Spoliation Warning

Dear Mr. Garcia and Sheriff Waybourn:

Although it should not be necessary, to avoid any potential for loss of information and data, we submit this request for preservation of data in information to supplement the requests previously made by letter dated May 21, 2021 and June 5, 2021. This is to request that all reasonable steps be taken to preserve all the voter rolls and to refrain from altering, modifying or deleting any of the names, addresses, birthdates, voting histories and any other personal information of all eligible voters, including without limitation, those that may be considered for removal from the voter rolls until further notice. This includes all of the voter rolls that were in place for the May 1, 2021 mayoral election and the June 5, 2021 election.

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Your kind attention and cooperation are much appreciated.

801 Cherry Street Unit No. # 46
Fort Worth, Texas 76102
817-336-2400

AMERICAN OVERSIGHT

Respectfully submitted,

Daniel L. Bates
State Bar No. 01899900
Burnett Plaza, Suite 2000
801 Cherry Street, Unit #46
Fort Worth, Texas 76102-6836
Telephone: (817) 336-2400
Telecopier: (817) 336-2181
[redacted]

ATTORNEY AT LAW

AMERICAN OVERSIGHT

From:	Buff Kizer
To:	Secretary; Kim Bergmann
Cc:	Jay Meadows; Dan Bates; Cheryl Chapman; Brian Childers; Bill Fearer; TK Campbell; Scott Britton; Chad Fillmore
Subject:	Background on those meeting you for breakfast in Ft. Worth Dec 10th
Date:	Tuesday, December 7, 2021 8:15:17 AM
Attachments:	Dec 10, 2021 background info.pdf

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Hello John,

As indicated we'd be sending along when we provided our names as requested, attached is some brief background info.

We are looking forward to greeting you at Colonial at 8:00am this Friday.

Also, we wanted to let you know that a temporary restraining order we requested was granted yesterday afternoon preventing the Tarrant County Election Office from updating their machines and compromising data until further ruling or agreement.

All God's blessings,

Buff

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In addition to Chad Fillmore who you know, the following will be present Dec 10th.

Dan Bates, [redacted], (817) 729-7740. Dan's 43-year legal career began clerking for the then 2nd Court of Civil Appeals in Fort Worth. He joined Fillmore and Camp, an insurance defense boutique in 1980. He was among the founding partners establishing, through merger, Decker Jones in 1990 and has been blessed to have tried some 80 jury cases to verdicts in state and federal court cases. He is a private pilot with instrument and multiengine ratings, a member of the Tournament Committee for the Charles Schwab Challenge PGA golf tournament at Colonial Country Club and serves as current Board Chair for the Texas Center for Arts + Academics, the trustee of two arts-based public charter schools and the Texas Boys Choir. His most important achievements are his 36 years of marriage, 3 children and 6 grandchildren, along with his 20 + years of service in the Bible Study Fellowship School Program.

Scott Britton, [redacted], (214) 208-5051. Tulane Univ BS Elec Engineer. Petroleum Engineer, IT Consultant, Small Business Owner of multiple IT software companies (one 25+ yrs.), Real Estate. Collin County GOP PCT Captain. CEITX since May 2021 looking at processes, FOIA responses, and database work.

TK Campbell, [redacted], (281) 414-2381 Fort Worth native, TCU BBA and MBA, Retired CPA, entrepreneur. Precinct chair in Tarrant County. CEITX and other election integrity groups

Cheryl Chapman, [redacted], (817) 797-4054. Cheryl went to the Neeley School of Business at TCU and ended her academic career at UT Arlington. In 2004 Cheryl started her career at Empire Roofing a commercial roofing company and is now the General Manager for their Fort Worth operation. She is a mother of 3 and wants to make sure that the city and country she lives in continues to be the best city and country in the world which is why she is so passionate about this cause. CEITX member since May of 2021.

Brian Childers, [redacted] (817) 966-4559. Founder/President – Comport Consulting Group. Brian has been in the technology industry since

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1981. He has worked in municipal and federal government sectors as well as private sector businesses ranging from small and mid-sized companies to Fortune 500 corporations. He started his career in management in 1995. He founded and launched Comport Consulting group in November of 2001.

Bill Fearer, [redacted], (815) 520-5095. Bill has been a litigator for 37 years. During that time, he has been very deeply involved in the public sector serving as city attorney, school board president, and legal counsel to mayors, sheriffs, judges and other state, county and city leaders.

Buff Kizer, [redacted] (914) 356-7447. Paschal High School. University of Texas BA Math/Computer Science. Auburn MBA. USAF - Captain. Exxon - IT. UBS Financial Services - Exec Dir Operational Risk. Part-time Chaplain. CEITX since Jan 2021 promoting 1 legal vote cast = 1 legal vote counted.

Jay Meadows, [redacted] (817) 475-1696. Jay is an entrepreneur and philanthropist with a strong history of giving back to his community. A former TCU baseball player, he transitioned away from his role in financial services to embark on an entrepreneurial venture in fintech, as he founded Rapid Reporting Verification Company, the organization that pioneered income and asset verification for the private sector. Rapid Reporting was acquired by Equifax in 2009. Today, Jay works as a Rancher in Aledo, Texas, is an avid Team Roper, and advises and sits on the Boards of several philanthropic organizations, and actively mentors professionals and entrepreneurs. With CEITX since its inception in Jan 2021.

AMERICAN OVERSIGHT

From: Buff Kizer
To: Secretary; Kim Bergmann
Cc: Dan Bates; Bill Fearer
Subject: Fwd: 1. A big development 2. Who will be joining you Dec 10th (as requested)
Date: Friday, December 3, 2021 6:58:26 AM
Attachments: DLB_Preservation_of_Voting_Records_Request May 21, 2021.pdf
Voter Records Preservation_Letter_June_5__2021.pdf
Supplemental_Preservation_of_Voting_Data_Letter Jun 7, 2021.pdf

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Thank you so much for forwarding this yesterday Kim!

With it's time sensitivity, please also give the Secretary a "heads up" on item 1 if he has not already had the opportunity to see it.

Thank you very much and all God's blessings,

Buff

On Thu, Dec 2, 2021 at 5:22 AM Buff Kizer [redacted] > wrote:

Hello John,

1. We learned yesterday that the software update planned for the Tarrant County Hart Voting System Jan 6, 2022, is being moved up to next week.

That means the three attached preservation demands we had in place for the May and June 2021 elections AND any later detailed forensic exams you may find necessary for your audit of the Nov 2020 election will be at least partially in jeopardy UNLESS forensic images of all the relevant Hart devices are made BEFORE the updates. We have an easy and convenient means available for Heider Garcia's staff to be able to do this under their control.

Dan Bates and Bill Fearer, our attorneys, will be filing the appropriate request on our behalf with Heider Garcia our Election Administrator and Tarrant County officials and we hope you will communicate the necessity of these forensic images for the data you need to be preserved also.

We will be in touch with your office today to coordinate. Dan Bates may be reached at 817-729-7740, Bill Fearer at 815-520-5095.

2. The individuals joining you for breakfast Friday Dec 10 at 8:00am at Colonial are Chad Fillmore who you know and Jay Meadows, Dan Bates, Bill Fearer, Cheryl Chapman, Brian Childers, Scott Britton, TK Campbell and me - Buff Kizer. We will be sending a short two-line bio on each of us so you know who we are.

All God's blessing,

AMERICAN OVERSIGHT

Buff

Cell 913-356-7447

AMERICAN OVERSIGHT

May 21, 2021

To Whom It May Concern:

Re: Preservation of Data, Information and Documents-

Spoliation Warning

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Your kind attention and cooperation are much appreciated.

With kind regards,

Daniel L. Bates, Esq.

DANIEL L. BATES
ATTORNEY AT LAW
801 CHERRY ST. UNIT 46
FORT WORTH, TX 76102
817-336-2400 EXT 215

AMERICAN OVERSIGHT

DANIEL L. BATES

ATTORNEY AT LAW

JUNE 5, 2021

Mr. Heider Garcia
Tarrant County Election Administrator
100 East Weatherford
Fort Worth, TX 76102

Sheriff Bell E. Waybourn
200 Taylor St. -7th Floor
Fort Worth, TX 76196

Re: Preservation of Data, Information and Documents-
Spoliation Warning

Dear Mr. Garcia and Sheriff Waybourn:

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Fort Worth, Texas 76102
817-336-2400

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Your kind attention and cooperation are much appreciated.

Respectfully submitted,

Daniel L. Bates
State Bar No. 01899900
Burnett Plaza, Suite 2000
801 Cherry Street, Unit #46
Fort Worth, Texas 76102-6836
Telephone: (817) 336-2400
Telecopier: (817) 336-2181
[redacted]

ATTORNEY AT LAW

AMERICAN OVERSIGHT

DANIEL L. BATES

ATTORNEY AT LAW

JUNE 7, 2021

Mr. Heider Garcia
Tarrant County Election Administrator
100 East Weatherford
Fort Worth, TX 76102

Sheriff Bell E. Waybourn
200 Taylor St. -7th Floor
Fort Worth, TX 76196

Re: Supplemental Preservation of Data, Information and Documents-
Spoliation Warning

Dear Mr. Garcia and Sheriff Waybourn:

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801 Cherry Street Unit No. # 46
Fort Worth, Texas 76102
817-336-2400

AMERICAN OVERSIGHT

Respectfully submitted,

Daniel L. Bates
State Bar No. 01899900
Burnett Plaza, Suite 2000
801 Cherry Street, Unit #46
Fort Worth, Texas 76102-6836
Telephone: (817) 336-2400
Telecopier: (817) 336-2181
[redacted]

ATTORNEY AT LAW

AMERICAN OVERSIGHT

From:	Buff Kizer
To:	Secretary
Cc:	Jay Meadows; Bill Fearer; Dan Bates; Scott Britton; Cheryl Chapman; Brian Childers; TK Campbell; Steve.Toth@house.texas.gov
Subject:	Invitation to Breakfast in Ft. Worth in late Nov or Dec to discuss our Election Integrity Findings and the planned 4 county forensic audits
Date:	Monday, November 8, 2021 11:18:09 PM
Attachments:	Revised CEITX 10-19-21.pptx.pdf Analysis of Tarrant County Nov 2020 Voting by Dr. Douglas Frank.pdf Items to examine in a Forensic Election Office Audit Version 1 with highlights.docx

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Dear John,

Congratulations on your selection as Secretary of State, your commitment to election integrity and emphasis on the forensic audits in Tarrant, Harris, Dallas and Collin Counties.

We are a grass-roots organization in Ft. Worth / Tarrant County that has been praying and seeking God's guidance regarding suspicious election statistics following the Nov 2020 elections and now 4 findings that we want to share with you based on many FOIAs we have filed on the 2020 and 2021 elections in Ft. Worth and Tarrant County.

I had a nice talk with Kim today and she provided your email and the way to extend our invitation for you to join us for breakfast at Colonial Country Club in Ft. Worth when you might be in town in late November or December. We could do this on any of these dates: Nov 30, Dec 2, 3, 7, 9, 10, 14, 16, 17 or 21st. We could start at the time best for you: 7:00, 7:30, 8:00 or 8:30am.

Our Citizens for Election Integrity Texas group (ceitx.org) is non-partisan and has 130+ volunteers dedicated to 1 legal vote cast = 1 legal vote counted. While focused on Ft. Worth and Tarrant County we also follow election integrity issues across Texas and the country. Dan Bates, a Principal at Decker Jones here who you may know, heads our legal team.

Our 4 findings are as follows:

- Voter roll and voting issues in Ft. Worth and Tarrant County shown in the attached 81 pages of voters from vacant lots, fictitious addresses, PO Boxes, excessive numbers of votes from a single address, etc., etc. NOTE THIS FILE CONTAINS THE PERSONALLY IDENTIFYING INFORMATION WE HAVE SHARED WITH SHERIFF BILL WAYBOURN WHICH MUST BE APPROPRIATELY SAFEGUARDED.
- An attached analysis from Dr. Douglas Frank showing Tarrant County voting in Nov 2020 able to be predicted with .999 accuracy based solely on age and Registrations with virtually the same graphs also produced for Harris, Dallas and Collin Counties. This could not have occurred naturally.
- Significant voting reconciliation issues
- Significant voting equipment processing issues

We all seek election integrity excellence. Our findings indicate we are falling far short of this. There are many unanswered questions.

Should you wish to preview our findings before we are able to meet, we would be happy to do so on a call or video conference.

Also, similar findings are turning up in Harris, Dallas and Collin Counties to many we have found in

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Tarrant County. We have close relationships with Alan Vera, the Head of Republican Election Integrity in Harris County, as well as Precinct Chairs in each of these counties that we would be happy to share.

We in these 4 counties are all concerned that the planned audits will not be complete and independent and would like to work with you to make them so. To this end, the requirements for a real and complete forensic audit from Scott Britton of our team are attached with the portions highlighted that are not yet included in the planned SOS audits put in place before your appointment.

The results in Virginia and New Jersey last Tuesday only serve to emphasize the criticality of vigilance with regard to voter rolls, voting systems with far fewer vulnerabilities and extremely close legal and poll watching scrutiny to detect and prevent any malfeasance in the voting process.

We look forward to speaking with you in Ft. Worth to discuss our findings and how we can assist you in advancing election integrity excellence in Texas.

God be with you,

Jay Meadows, Dan Bates, Bill Fearer, T. K. Campbell, Scott Britton, Chery Chapman, Brian Childers, Buff Kizer
CEITX

cc: Representative Steve Toth (who we have briefed regarding our findings and who shares our concerns)

(Please let Buff – 914-356-7447 - know if you can join us on one of these dates in Ft. Worth and if you would like some of us to provide a preview beforehand via call or videoconference)

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Tarrant County Voting Analysis

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Executive Summary

- **This Analysis Focused on the Recent Tarrant County Election Results.**
- **Two Major Areas of Concern were Identified that, without a doubt, Indicate Additional Investigation is Warranted:**
- 1. Anomalies of Texas Election Code (TEC) 1.015: Residence, Examples of which Include
  - Invalid Addresses
  - PO Box / Postal Business- No Residential Addresses Provided
  - Inaccurate Registered Voter Roll Addresses
  - Cancelled Voters List Anomalies
  - Deceased Voter Records on Cancelled Voters List -Unable to Verify Death
  - Multi Voters Addresses

2. Anomalies of TEC Ch. 13: Application For Registration; Initial Registration Voters, and TEC Ch. 18: Procedures for Identifying Registered Voters, Examples of which include:
   - First Time Since 2016 Voters
   - Cancelled Voters -- Voters who voted in May / June 2021 Elections and were subsequently Cancelled
   - Recent Registrations Trends -- Surge in Registrations over last 2 -5 Years and Older Voter Registrations
   - Invalid Registration Dates
   - Low Voter Opportunity Score - Phantom voters added to a registration list for the purpose of defrauding an election would have voted very little compared to all the opportunities they've had to vote (based on their age)

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Voting Anomalies

Texas Election Code1.015: Residence

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Residence Required for Registration

Election Expenses

1.015 Residence

1.016 Oaths by Election Officers

1.017 Ineligibility No Defense to Prosecution

1.018 Applicability of Penal Code

1.019 Required Evidence or Testimony

1.020 Voting Disability or Candidacy

Texas Election Code

Sec. 1.015 Residence

(a) In this code, "residence" means domicile, that is, one's home and fixed place of habitation to which one intends to return after any temporary absence.

(b) Residence shall be determined in accordance with the common-law rules, as enunciated by the courts of this state, except as otherwise provided by this code.

(c) A person does not lose the person's residence by leaving the person's home to go to another place for temporary purposes only.

(d) A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home.

(e) A person who is an inmate in a penal institution or who is an involuntary inmate in a hospital or eleemosynary institution does not, while an inmate, acquire residence at the place where the institution is located.

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Invalid Addresses

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INVALID ADDRESS

Summary

Voter from a Vacant Lot

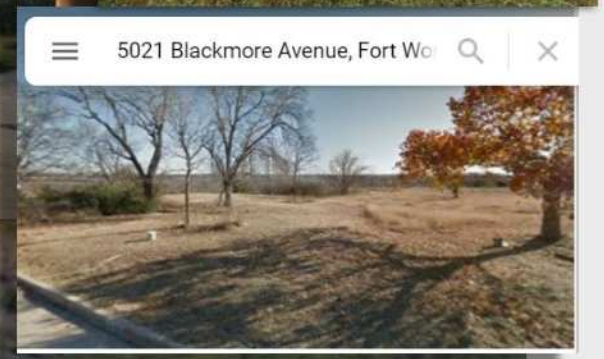
- Carol K. Brown
- 5021 Blackmore Ave, Fort Worth, 76107
- May 2021 Fort Worth Primary
- June 2021 Run-off
- https://www.tad.org/property/00512109/

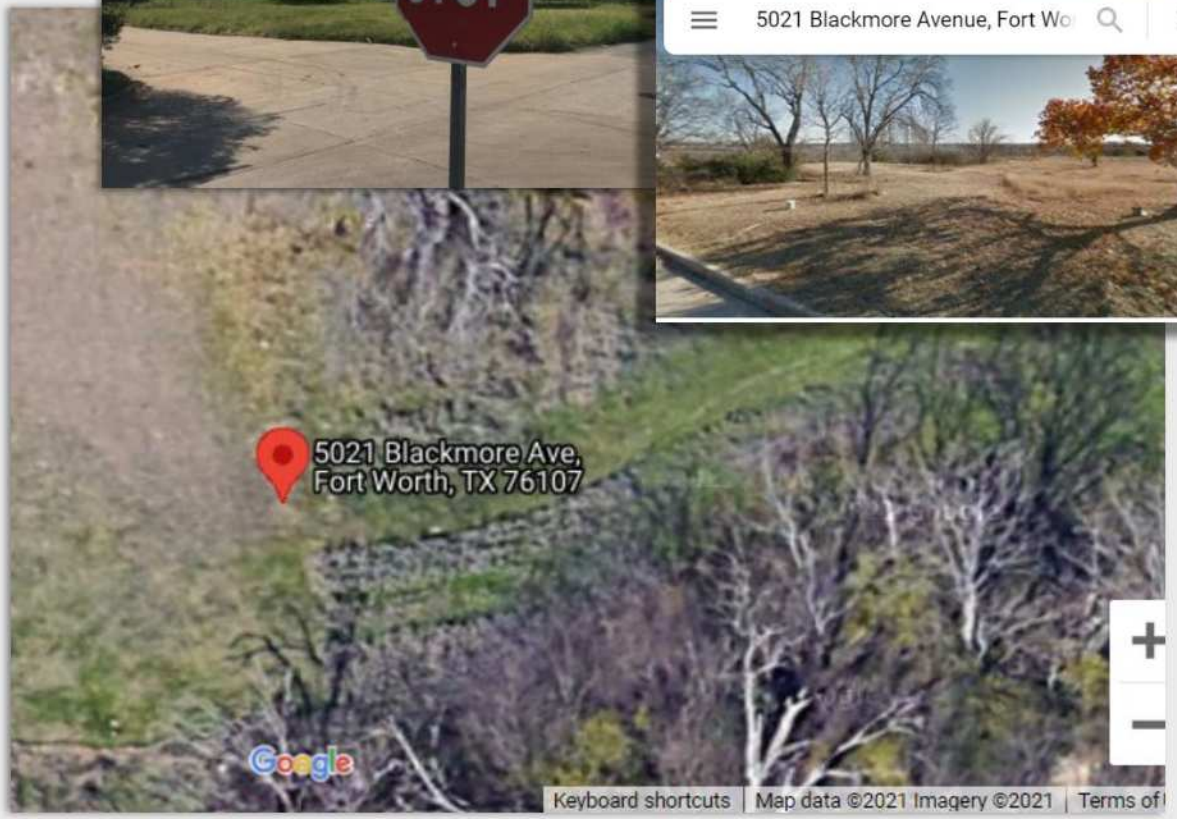
Voter Info

ID Number	Name	Address Line1	City	State	Zip	Precinct	Ballot style	Early Voting Site	Date Voted	Voting Unit	Voting Subunit
1399116	CAROL K BROWN	5021 BLACKMORE AVE	FORT WORTH	TX	76107	1120	30	COMO	4/26/2021	1120	0

Note: Alternate address found for Carol K. Brown of 4900 Horne Street in Fort Worth, which is the Como Community Center.

Photos





AMERICAN OVERSIGHT

INVALID ADDRESS

Summary

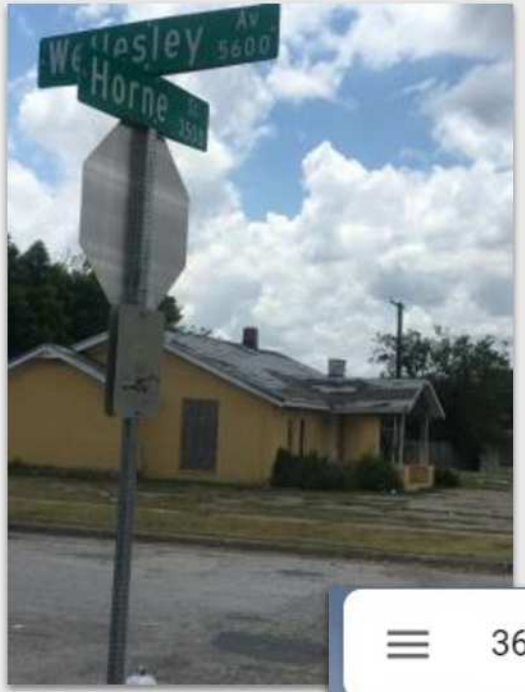
Voter from a Vacant Commercial Property

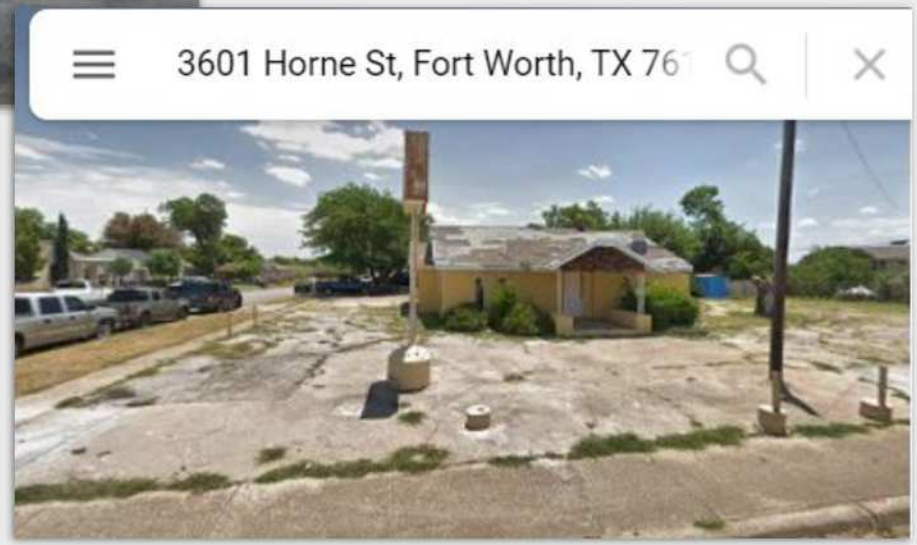
- Kimberly Agoro
- 3601 Horne Street, Ft. Worth, TX 76107-6660
- May 2021 Fort Worth Primary

Voter Info

ID Number	Name	Address Line1	City	State	Zip	Precinct	Precinct Subcode	Ballotstyle	Election Code	Early Voting Site	Date Voted	Voting Unit	Voting Subunit
40247563	KIMBERLY AGORO	3601 HORNE ST	FORT WORTH	TX	76107	1120	1	30	521	4343M	5/1/2021	1120	0

Photos





AMERICAN OVERSIGHT

INVALID ADDRESS

Summary

Voter from a Vacant Residence

- Bertha Obregon
- 101 Year Old Early Voter
- 6550 Westcreek Circle, Ft. Worth, TX 76126
- May 2021 Fort Worth Primary

Voter Info

ID number	voter_ status	lastname	firstname	middle name	street number	street name	street type	city	zip	sex	birthdate	eligible date	effective date	precinct
40024721	A	OBREGON	BERTHA	GONZALEZ	6550	WESTCREEK	CIR	FORT WORTH	76126	F	1919	2/8/2008	2/8/2008	1111

Photos

AMERICAN OVERSIGHT

INVALID ADDRESS

Summary

Voter from a Nonexistent Address

- Johnnie Daniels
- 5025 Glen Eden Drive, Ft. Worth, TX 76119
- Nov 2020 and June 2021 Voter

Voter Info

idnumber	voter status	lastname	firstname	street number	street name	street type	city	zip	sex	birthdate	election code1	vote type1	election code4	vote type4
41044225	A	DANIELS	JOHNNIE	5025	GLEN EDEN	DR	FORT WORTH	76119	M	1939	0621	P	1120	E

Photos

AMERICAN OVERSIGHT

INVALID ADDRESS

Summary

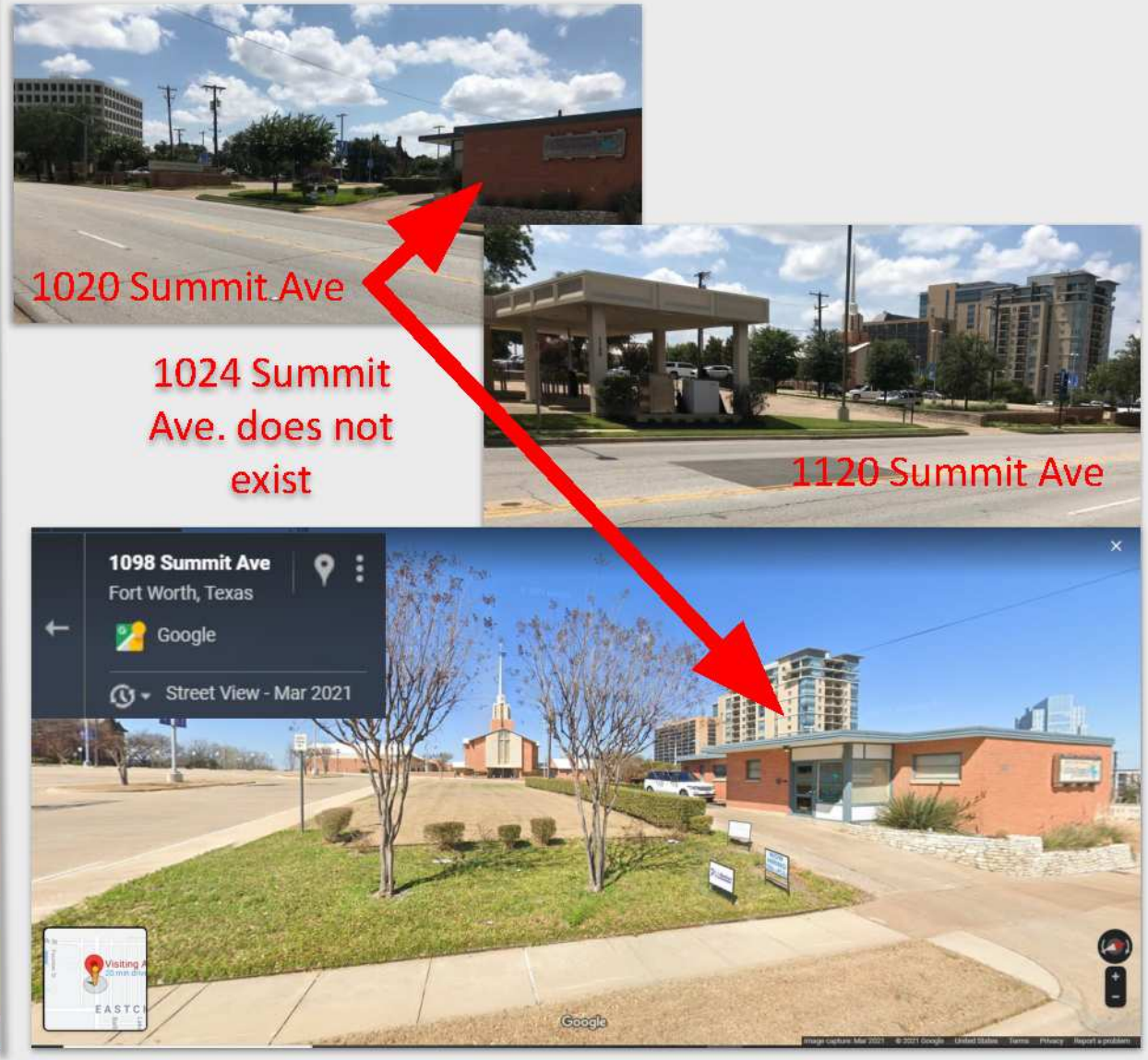
Voter from a Nonexistent Address

- Taylor Kyle Newton
- 1024 Summit Ave, Ft. Worth, Texas 76102
- November 2020 voter

Voter Info

id number	voter status	last name	first name	middle name	street number	street name	street type	city	zip	sex	birthdate	eligible date	effective date	precinct
41096832A		NEWTON	TAYLOR	KYLE	1024	SUMMIT	AVE	FORT WORTH	76102	M	1992	7/5/2020	7/5/2020	4492

Photos



AMERICAN OVERSIGHT

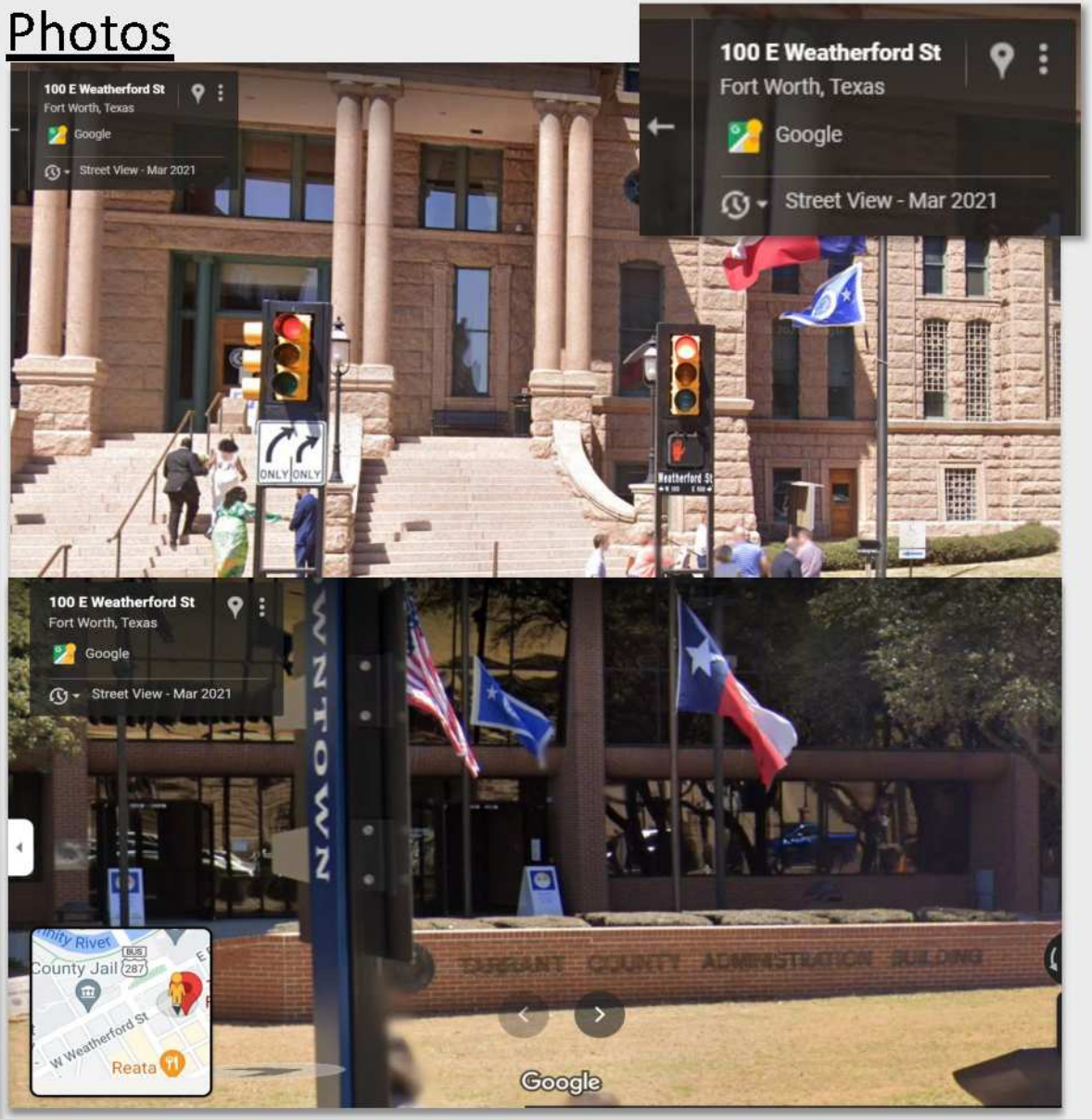
INVALID ADDRESS

Summary

Voted from the Tarrant County Courthouse

- Three early voters with no alternate address
- 100 E. Weatherford Street, Ft. Worth, TX 76102
- Voted in May and June

Photos



Voter Info

ID Number	Name	Address Line1	City	State	Zip	Ballot style	Election Code	Early Voting Site	Date Voted
1697672	LEIGH ANN JONES	100 E WEATHERFORD ST	FORT WORTH	TX	76102	1	521	SOUTHSIDECC	4/22/2021
2057640	DEREK LATRON GRACE	100 E WEATHERFORD ST	FORT WORTH	TX	76102	1	521	SUMMER_GLEN	4/26/2021
40417767	STEVEN EDMUND DEANE	100 E WEATHERFORD ST	FORT WORTH	TX	76102	1	521	ALL_SAINTS_CCPH	4/19/2021

AMERICAN OVERSIGHT

PO Box / Postal Business
No Residential Address Provided

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AMERICAN OVERSIGHT

PO BOX/POSTAL BUSINESS-No Residential Address Provided

Summary

Multiple voters from a Pack 'n' Mail

- 24 active voters are registered at this address
- 6731 Bridge Street, Fort Worth, TX 76112
- The Pack 'n' Mail closed a year ago
- Diana Shipman voted in June 2021
- Debra Powell voted in May and June 2021

Photos

Voter Info

id number	voter status	lastname	firstname	middlename	unit type	Sex	birthdate	eligible date	effective date
1699247A		CARD	RAYMOND	DEWEY		M	1951	7/22/1998	1/1/2006
40007710A		CLIFF	KEITH	LEONZIA	APT	M	1970	9/28/2007	9/9/2015
1614980A		DOW	SCOTT	RUSSELL		M	1961	12/8/1996	1/1/2006
40488912A		EDWARD	MONDAY	MARCUS		M	1955	5/27/2014	2/9/2017
40780294A		EVANS	DONALD	LEE		M	1977	3/4/2017	3/4/2017
1228578A		FISHER	EVELYN	RUSSELL		F	1950	8/15/1992	8/9/2014
1262945A		FLOYD	STEPHEN	CHARLES	APT	M	1973	10/21/1992	6/10/2015
1723062A		GREEN	NATASHA	SHAUNTA		F	1980	11/25/1998	8/22/2012
40107926A		GREEN	PETRINA	D	APT	F	1985	10/29/2008	10/29/2008
40686376A		HABERER	JOSEPH	FRANKLIN		M	1953	7/31/2016	7/31/2016
2197960A		HORNER	CELESTE	CLAIRE		U	1964	4/9/2005	1/1/2006
1397451A		KELLEY	RONALD	R		M	1944	5/4/1994	1/1/2006
40415344A		LEE	JULIE	MARIE	APT	F	1973	4/12/2013	12/11/2018
40757242A		LOUDERMILK	DAVID	CORNELL		M	1961	11/20/2016	11/20/2016
40994712A		MARTIN	SEAN	DEMETRICE	APT	M	1971	6/29/2019	6/29/2019
1594285A		MCELFISH	ESTHER	VIRGINIA		F	1947	4/13/2006	4/13/2006
1098409A		MCGHEE	ERNEST	ANTHONY		M	1971	12/30/1989	11/10/2012
40590821A		MONDOUX	JAMES	ANTHONEY	STE	M	1973	9/11/2015	9/11/2015
1503589A		POWELL	DEBRA	DEVON	APT	F	1976	9/9/1995	11/6/2016
1709199A		RICHARDSON	STEPHEN	CRAIG		M	1965	9/17/1998	1/1/2006
1908502A		SEPULVEDA	JOSEPHINE	VICTORIA		U	1983	6/9/2001	1/1/2006
204202A		SHIPMAN	DIANA	MARIE		F	1950	2/27/1972	4/1/2018
40111133A		TURNER	AVERY	JAMES		M	1985	10/25/2008	11/29/2012
40125712A		WELLS	MICHAEL	RAY	#	M	1958	11/4/2008	1/6/2019

AMERICAN OVERSIGHT

PO BOX/POSTAL BUSINESS-No Residential Address Provided

3000 South Hulen, 124 Is Pack 'N' Mail which includes private P.O. Boxes

3000 South Hulen Is the Trinity Commons Shopping Center

Suspicious: There are no apartments at 3000 South Hulen and the highest # is 182.

ID Number	Name	Adress 1	Adress 2	City	State	Zip	Precint	Early Voting Site	Date Voted	Voting Unit	Tabulation Unit	Ballot ID	SOS Voter ID
40984524	TORRANCE FRANCHON STRONG	3000 S HULEN ST	STE #124	FORT WORTH	TX	76109	4343	JAMES_AVE_SC	4/24/2021	4343	4343-030-NP		1151006664
41038103	LAKISHA DEVONNA BOYD	3000 S HULEN ST	#124-185	FORT WORTH	TX	76109	4343	4343M	5/1/2021	4343	4343-030-NP		2161202054
1202995	NATHAN LYNN MCCARTNEY	3000 S HULEN ST	APT #255	FORT WORTH	TX	76109	4343	SOUTHWEST_SUB	4/24/2021	4343	4343-030-NP		1046315633

AMERICAN OVERSIGHT

PO BOX/POSTAL BUSINESS-No Residential Address Provided

https://tools.usps.com/find-location.htm?lc

RIDGLEA — Post Office™

3020 CHERRY LN
FORT WORTH, TX 76116-3944
Street Parking Available

For facility accessibility, please call the Post Office.

1-800-ASK-USPS® (800-275-8777)

https://tools.usps.com/find-location.htm?lo

TRINITY RIVER — Post Off

4450 OAK PARK LN
FORT WORTH, TX 76109-9998
Lot Parking Available

For facility accessibility, please call the Post Office.

1-800-ASK-USPS® (800-275-8777)

https://tools.usps.com/find-location.htm?lc

CITYVIEW — Post Office™

7101 BRYANT IRVIN RD
FORT WORTH, TX 76132-4135
Lot Parking Available

For facility accessibility, please call the Post Office.

1-800-ASK-USPS® (800-275-8777)

US Post Office 3020 S Cherry Ln, Ft. Worth 76116 – Early Voter from P.O.Box 121806 at this Post Office –May 2021 Primary & Nov. 2020 Gen. Election:

SOS_VoterID	ID Number	Voter_ status	Name	Address	City	State	Zip	Sex	Precinct	Birth date	Election Code	Vote_ Type1	Election _Code 2	Vote_ Type2
1045714440	979804	A	MARGARET V LEWIS	3020 S CHERRY LN #121806	FORT WORTH	TX	76116	F	4203	1960	521	E	1120	E

US Post Office 4450 Oak Park, Ft. Worth 76109 – Absentee Voter from P.O.Box 100216 at this Post Office –May 2021 Primary & Nov. 2020 Gen. Election:

SOS_VoterID	ID Number	Voter_ status	Name	Address	City	State	Zip	Sex	Precinct	Birth date	Election Code	Vote_ Type1	Election _Code 2	Vote_ Type2
1183184981	40292064	A	BLACKWELL, MADELON MATHIEU	4450 OAK PARK LN APT # 100216	FORT WORTH	TX	76106	F	4343	1935	521	A	1120	A

US Post Office 7101 Bryant Irvin Rd, Ft. Worth 76132 – Early Voter from P.O.Box 16361- at this Post Office –May 2021 Primary & Nov. 2020 Gen. Election:

SOS_VoterID	ID Number	Voter_ status	Name	Address	City	State	Zip	Sex	Precinct	Birth date	Election Code	Vote_ Type1	Election _Code 2	Vote_ Type2
1047973508	2017615	A	ERIC TYRONE SMITH	7101 BRYANT IRVIN RD #16361	FORT WORTH	TX	76132		1377	1968	521	P	1120	E

US Post Office 7101 Bryant Irvin Rd, Ft. Worth 76132 – In person voting from P.O.Box 16040 –May 2021 Primary, early voter, & Nov. 2020 Gen. Election:

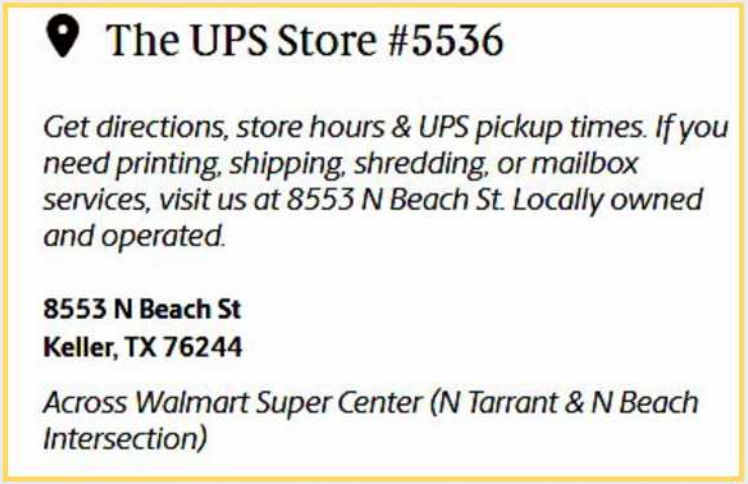
SOS_VoterID	ID Number	Voter_ status	Name	Address	City	State	Zip	Sex	Precinct	Birth date	Election Code	Vote_ Type1	Election _Code 2	Vote_ Type2
1051506261	202311	A	EDNA PAIGE	7101 BRYANT IRVIN RD #16040	FORT WORTH	TX	76132		1377	1939	521	E	1120	E

AMERICAN OVERSIGHT

PO BOX/POSTAL BUSINESS-No Residential Address Provided

SOS_VoterID	ID Number	Voter_ status	Name	Address	City	State	Zip	Sex	Precinct	Birth date	Election Code	Vote_ Type1	Election _Code 2	Vote_ Type2
1045843796	40606122	A	DENNIS LYNN CREECH	8101 BOAT CLUB RD STE #240	FORT WORTH	TX	76179	M	4375	1959	521	P	1120	E
1045386479	871216	A	DECKERT	8101 BOAT CLUB RD	FORT WORTH	TX	76179	F	4375	1956	521	P	1120	E
1088155872	40308136	A	GEORGE S GRAHAM	8101 BOAT CLUB RD 121-130	FORT WORTH	TX	76179	M	4375	1986			1120	E
2160389326	41027825	A	DIANA MARIE DANIELS	8101 BOAT CLUB RD #240-210	FORT WORTH	TX	76179	F	4375	1970			1120	E
1150191049	40039450	A	GREGORY OLANDER DANIELS	8101 BOAT CLUB RD Ste 240-210	FORT WORTH	TX	76179	M	4375	1964			1120	E

FedEx Authorized shipping center - Class Mail & Business Center: 8101 Boat Club Rd. Fort Worth 76179 – Five Early Voters in Nov 2020, two in person voters in May 2021 with June 2021 voting not having been submitted to the USPS with the May 2021 voters:



UPS Store, 8553 N Beach St. Ft. Worth 76244 – 6 early voters in May 2021, 3 of whom also voted early in Nov 2020. An additional 2 individuals who voted early in Nov 2020 Gen. Election:

SOS_VoterID	ID Number	Voter_ status	Name	Address	City	State	Zip	Sex	Precinct	Birth date	Election Code	Vote_ Type1	Election _Code 2	Vote_ Type2
2134982084	40777852	A	CHRISTOPHER JAMES RIVERS	8553 N BEACH ST	FORT WORTH	TX	76244	M	3637	1974	521	E	1120	E
2134982111	40777855	A	MANDI GAYLE RIVERS	8553 N BEACH ST	FORT WORTH	TX	76244	M	3637	1976	521	E	1120	E
1161212851	40129903	A	TODD MARTIN ALLEN	8553 N BEACH ST #200	FORT WORTH	TX	76244	M	3637	1975	521	E	1120	E
2125980775	40690780	A	THEODORE JR HINCHMAN	8553 N BEACH ST APT #344	FORT WORTH	TX	76244	M	3637	1954	521	p		
1045500072	40567728	A	PIKE MAHANNAH	8553 N BEACH ST	FORT WORTH	TX	76244	F	3637	1947			1120	E
1221299719	40579514	A	TAYLOR MARCY	8553 N BEACH ST	FORT WORTH	TX	76244	F	3637	1972			1120	E

AMERICAN OVERSIGHT

PO BOX/POSTAL BUSINESS-No Residential Address Provided

UPS Stores:

SOS_VoterID	ID Number	Voter Status	Also Voted in May 2021	Name	Address	City	State	Zip	Sex	BIRTH DATE	ELIGIBLE DATA	EFFECTIVE DATE	Precinct
2160890408	41035758	A		MICHEL JOSEPH ANSARA	209 W 2ND ST #377	FORT WORTH	TX	76102		1981	11/20/2019	7/5/2021	1001
1007419179	40128922			JORJAN BERRY	209 W 2ND ST #401	FORT WORTH	TX	76102	F	1957	11/4/2008	11/26/2020	1001
1046565402	1317378		Yes	ROBERT WELLINGTON MCKEE	209 W 2ND ST #212	FORT WORTH	TX	76102	M	1974	12/3/1992	11/24/2008	1001
1027517905	41083535		Yes	ISAAC H SPURLOCK	6387 CAMP BOWIE BLVD #161	FORT WORTH	TX	76116					4118
1182803628	40479530	A		MARY CATHRYN DUNN-BRUMFIELD	6387 CAMP BOWIE BLVD APT 170	FORT WORTH	TX	76116	F	1970	4/12/2014	1/28/2016	4118
1051779334	2031544		Yes	ANGELIA DENISE HILLIARD	6387 CAMP BOWIE BLVD #208	FORT WORTH	TX	76116	F	1972	3/4/2004	3/29/2020	4118

FedEx Stores:

SOS_VoterID	ID Number	Voter Status	Also Voted in May 2021	Name	Address	City	State	Zip	Sex	BIRTH DATE	ELIGIBLE DATA	EFFECTIVE DATE	Precinct
1043780808	2228162		Yes	PATRICK KELLEY FRENCH	4455 CAMP BOWIE BLVD #71	FORT WORTH	TX	76107		1944	10/29/2005	11/23/2013	4086
1047316619	1523646	A	Yes	GINA E FULTZ	4455 CAMP BOWIE BLVD #114-24	FORT WORTH	TX	76107	F	1971	12/18/1995	8/14/2019	4086

AMERICAN OVERSIGHT

Inaccurate Registered Voter Roll Addresses

AMERICAN OVERSIGHT

VOTER RECORD INACCURATE

Summary

Voter with incorrect address

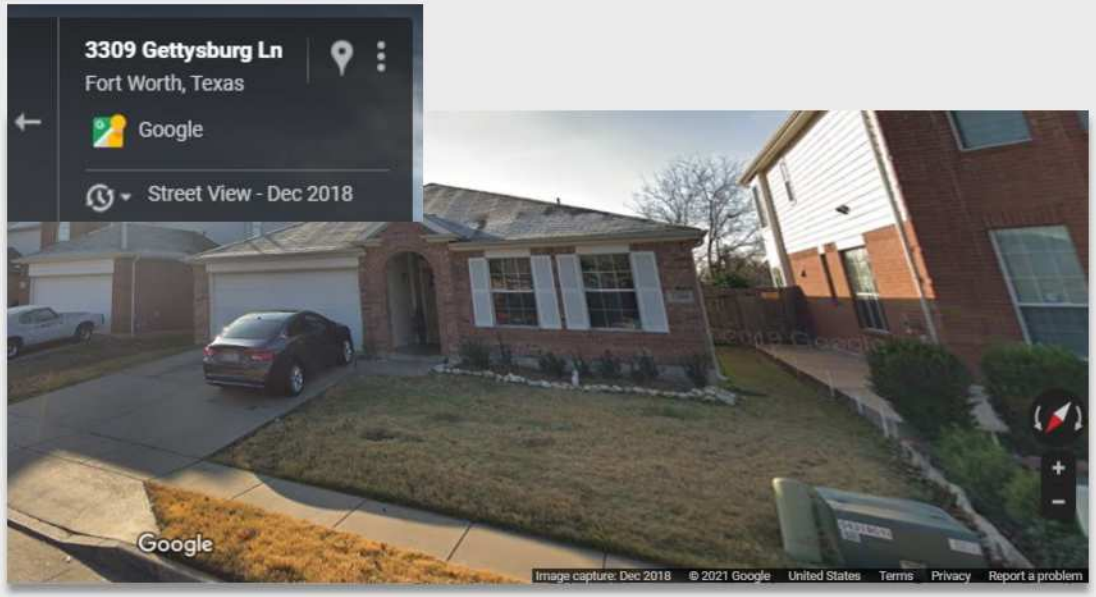
- Monica Rosette Fletcher
- Correct address is 3301 Gettysburg Lane
- Voted November 2020 and June 2021

Voter Info

idnumber	Voter status	Last name	First name	Middle name	Street number	Street name	Street type	city	zip	sex	birthdate	Election code1	Vote type1	Election code4	Vote type4
20608109	A	FLETCHER	MONICA	ROSETTE		3307GETTYSBURG	LN	FORT WORTH	76123	F	1974	0621	P	1120	E

Photos

There is no 3307 Gettysburg Ln



AMERICAN OVERSIGHT

VOTER RECORD INACCURATE

Summary

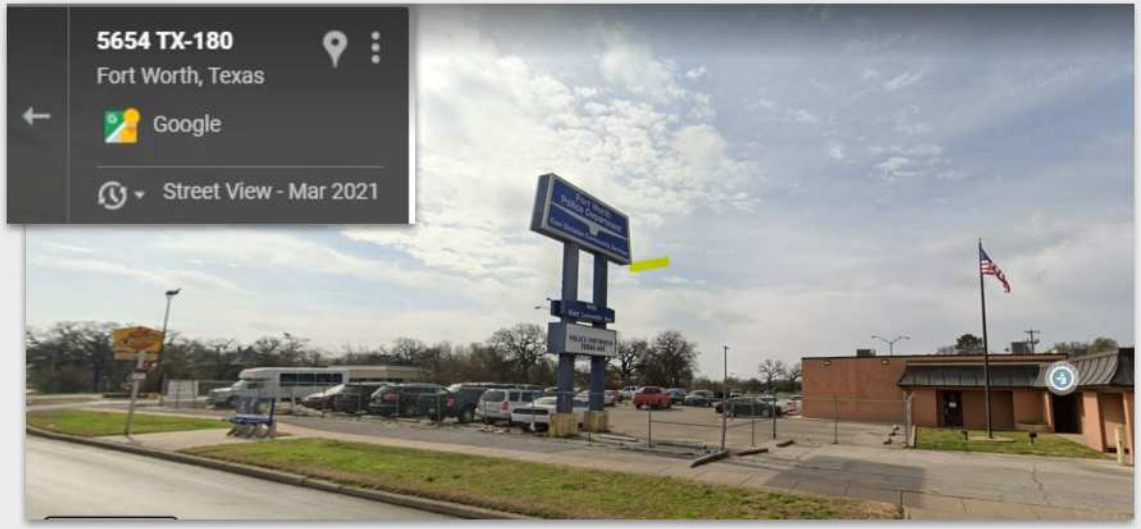
Voter from a Nonexistent Address

- Tracy Lee Darty
- 5656 E. Lancaster Ave, Ft. Worth, TX 76112
- May 2021 Fort Worth Primary Early Voter

Voter Info

ID Number	Name	Address Line1	City	State	Zip	Precinct	Precinct Subcode	Ballot style	Election Code	Early Voting Site	Date Voted
40233325	TRACY LEE DARTY	5656 E LANCASTER AVE	FORT WORTH	TX	76112	1099	1	25	521	GRIFFIN	4/19/2021

Photos



AMERICAN OVERSIGHT

VOTER RECORD INACCURATE

Summary

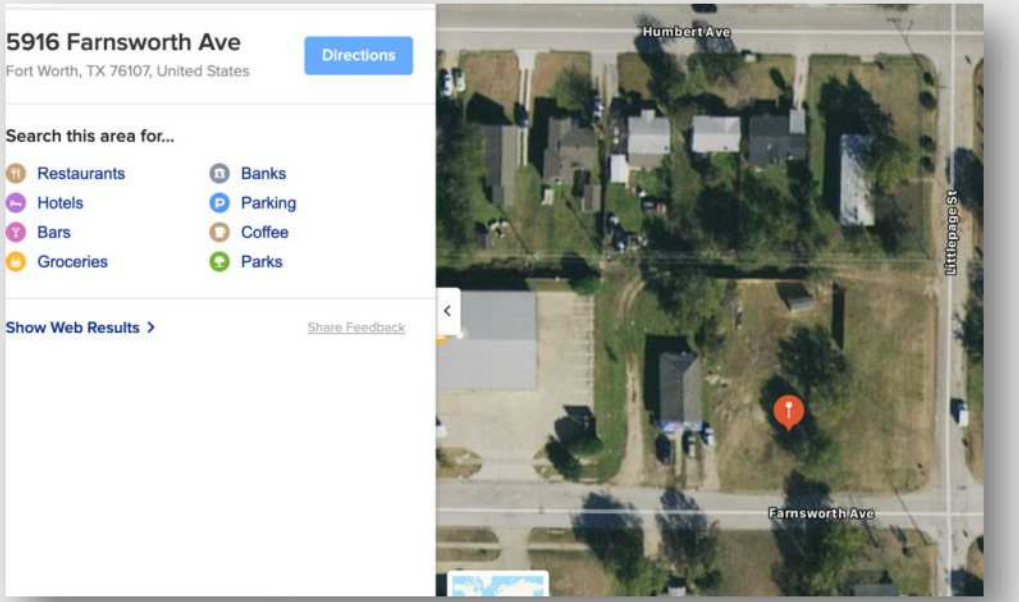
Voter from a Vacant Lot

- Voter info Marsha Kay Hampton
- 5916 Farnsworth Ave Fort Worth, TX 76107
- May 2021 Fort Worth Primary
- Should be 5616 Farnsworth
- June 2021 Run-off

Voter Info

ID Number	Name	Address Line1	City	State	Zip	Precinct	Precinct Subcode	Ballot style	Election Code	Early Voting Site	Date Voted	Voting Unit	Voting Subunit
683457	MARSHA KAY HAMPTON	5916 FARNSWORTH AVE	FORT WORTH	TX	76107	1120	1	30	521	COMO	4/25/2021	1120	0

Photos



AMERICAN OVERSIGHT

VOTER RECORD INACCURATE

Summary

Voter with incorrect address

- Jennie R. McDowell owns 704 Lake Louise Road
- 706 Lake Louise Road does not exist
- May 1, 2021 Ft. Worth Primary Voter

Photos

Voter Info

ID Number	Name	Address Line1	City	State	Zip	Precinct	Ballotstyle	Election Code	Early Voting Site	Date Voted
405169	JENNIE R MCDOWELL	706 LAKE LOUISE RD	FORT WORTH	TX	76103	1277	44	521	1170M	5/1/2021

AMERICAN OVERSIGHT

VOTER RECORD INACCURATE

Summary

Voter with incorrect address

- Betty Colbeck is at 1904 Bolingbroke Place
- 1904 Bolingbroke Ct. does not exist
- November 2020 Voter

Voter Info

SOS_VoterID	idnumber	Voter status	lastname	firstname	middlename	Street number	Street name	Street type	city	zip	sex	birthdate	Vote type1
1045487159	900166	A	COLBECK	BETTY		1904	BOLINGBROKE	CT	FORT WORTH	76140	F	1937	P

Photos

1904 Bolingbrooke Ct, Ft. Worth, Texas 76140 does not exist but 1904 Bolingbroke Place Does

AMERICAN OVERSIGHT

VOTER RECORD INACCURATE

Summary

Voter with incorrect address

- Ronald Boozer is at 1812 Otwell Drive
- 1802 Otwell Drive does not exist
- November 2020 Voter

Voter Info

SOS_VoterID	Id number	Voter status	lastname	firstname	middlename	Street number	Street name	Street type	city	zip	sex	birthdate	Election code1	Vote type1	Election code4
1043551803	2145586	A	BOOZER	RONALD	LAMAR	1802	OTWELL	DR	HASLET	76052	M	1965	0621	E	1120

Photos

AMERICAN OVERSIGHT

Cancelled Voters List Anomalies

137 Voted in May and were cancelled in June

AMERICAN OVERSIGHT

9/12/2021

Voters on Cancelled Voters List

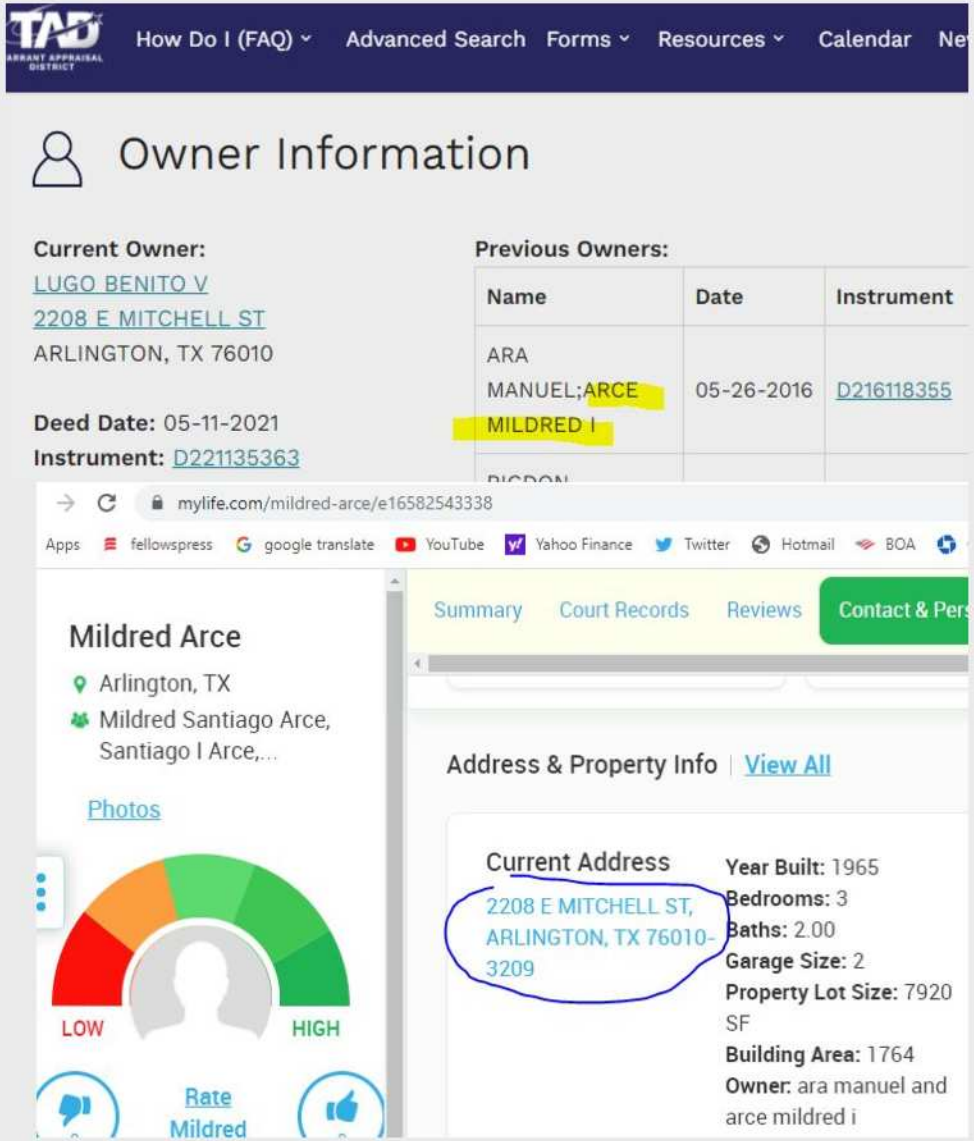
Voter#40542903 ARCE, MILDRED IDALIA

- Voter's registered address was wrong. No record related this address to the voter.
- Per TAD, Voter lived in 2208 E Mitchell St Arlington, TX. The property was listed on 4/9/2021 and sold on 5/11/2021.
- Any voter at the registered address?
- May 2021 Primary

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
ARCE, MILDRED IDALIA	2206 E MITCHELL ST ARLIN 76010	2210-01	40542903	12/05/14	F	06/10/21	17

Photos



AMERICAN OVERSIGHT

Voters on Cancelled Voters List

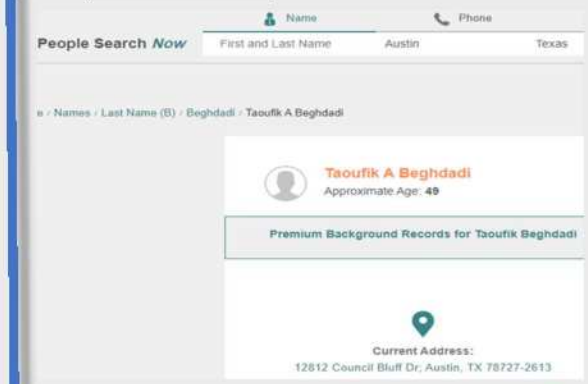
Voter#41107375 BEGHDADI, TAOUFIK ABADJI

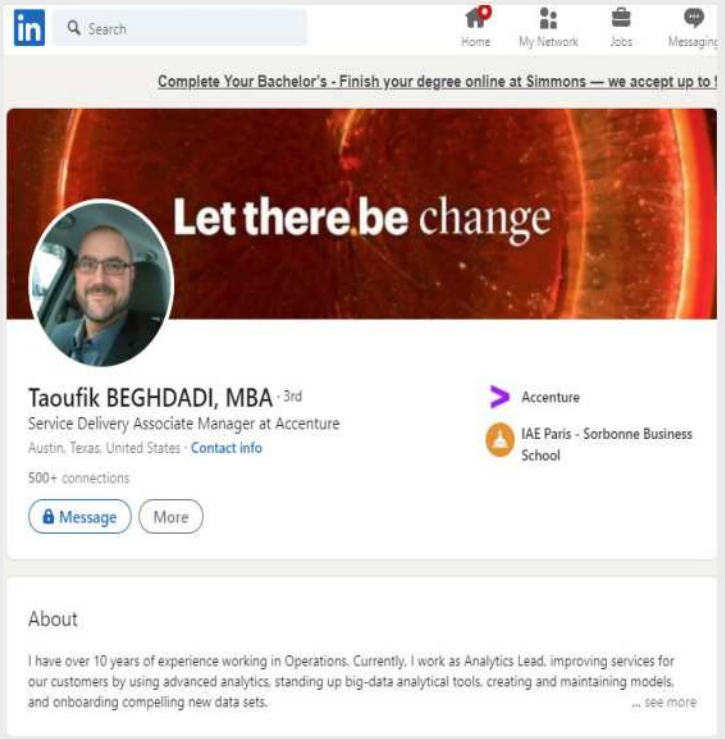
- Voter has two current addresses per online search:
  - Voter registered in 6004 Walraven Cir. Ft. Worth, TX 76133
  - 12812 Council Bluff Dr. Austin, TX 78727. Per Voter's LinkedIn account, he worked in Austin after he came to US. No other locations were associated with the voter.
- Voter came to US 9/2017?
- May 2021 Fort Worth Primary

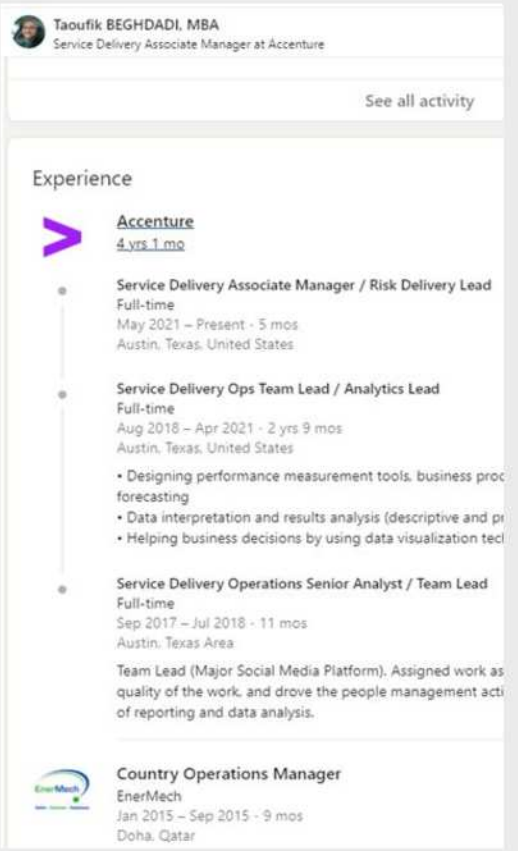
Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
BEGHDADI, TAOUFIK ABADJI	6004 WALRAVEN CIR FTWOR 76133	1264-01	41107375	06/27/20	M	06/25/21	17

Photos







AMERICAN OVERSIGHT

Voters on Cancelled Voters List

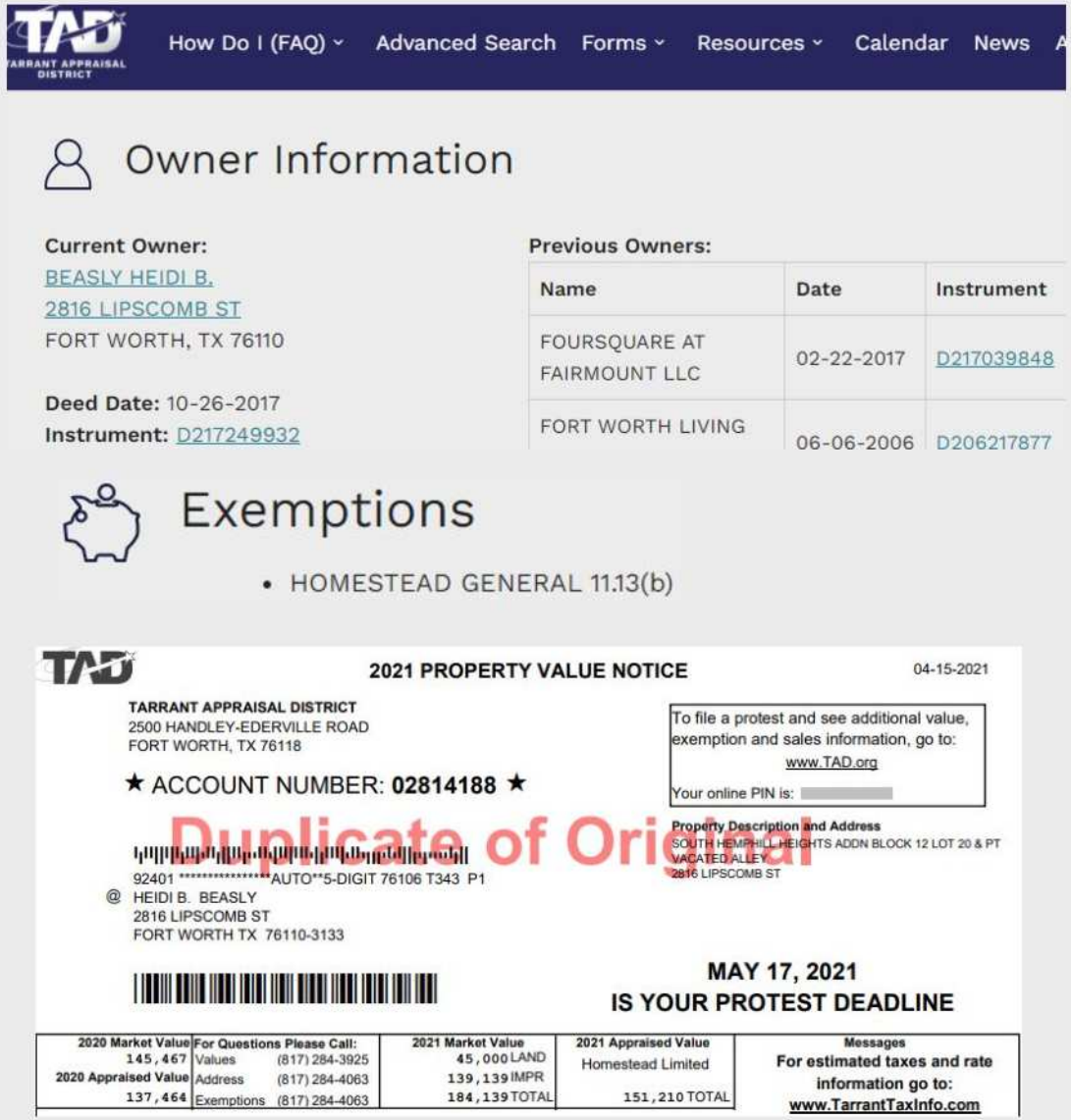
Voter#40366022 BEASLEY, HEDI BELLINGRODT

- TAD showing the voter is the owner of the property in the registered address. Voter lives in the property due to Homestead exemption filed.
- There is no current listing of the property for sale or lease as of 9/2021. There is no deed change since the property last time sold in 2017, per TAD.
- June 2021 Fort Worth run-off

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
DANIEL, NICOLE SUZANNE	553 FRANKLIN DR ARLIN 76011	2281-01	41076280	02/21/20	F	06/22/21	17

Photos



AMERICAN OVERSIGHT

Voters on Cancelled Voters List

Voter#40830159 GOUDY, LUKE SHELDON

Registered address is:

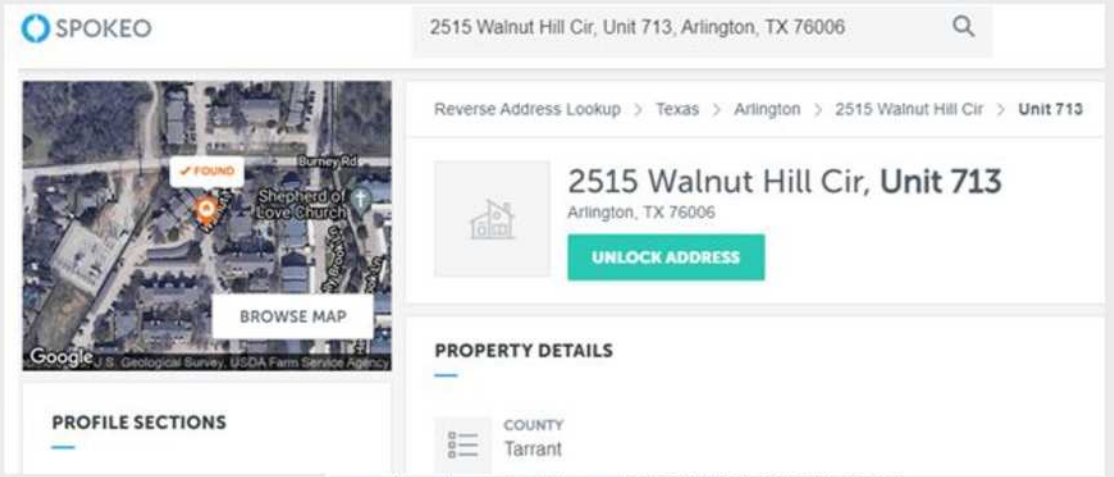
- 2515 Walnut Hill Cir #713 Arlington, TX, Spokeo listed current and past residents names for this location, but Goudy is not listed.
- Per usa-people-search.com, the voter might live at 22 Highway 60, Apt. 12 Canyon, TX.

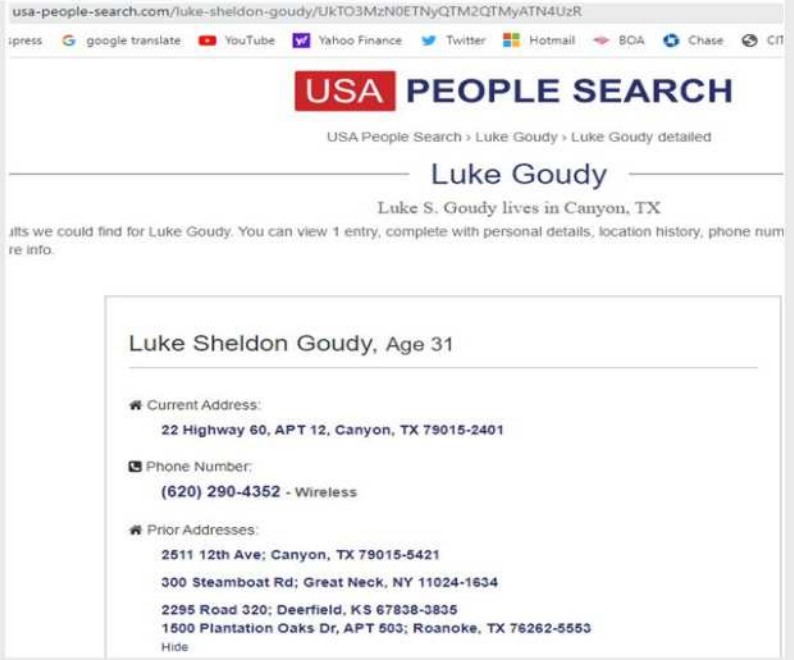
- May, 21 Primary

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
GOUDY, LUKE SHELDON	2515 WALNUT HILL CIR APT 713 ARLIN 76006	2315-01	40830159	10/04/17	M	06/04/21	17

Photos





AMERICAN OVERSIGHT

Voters on Cancelled Voters List

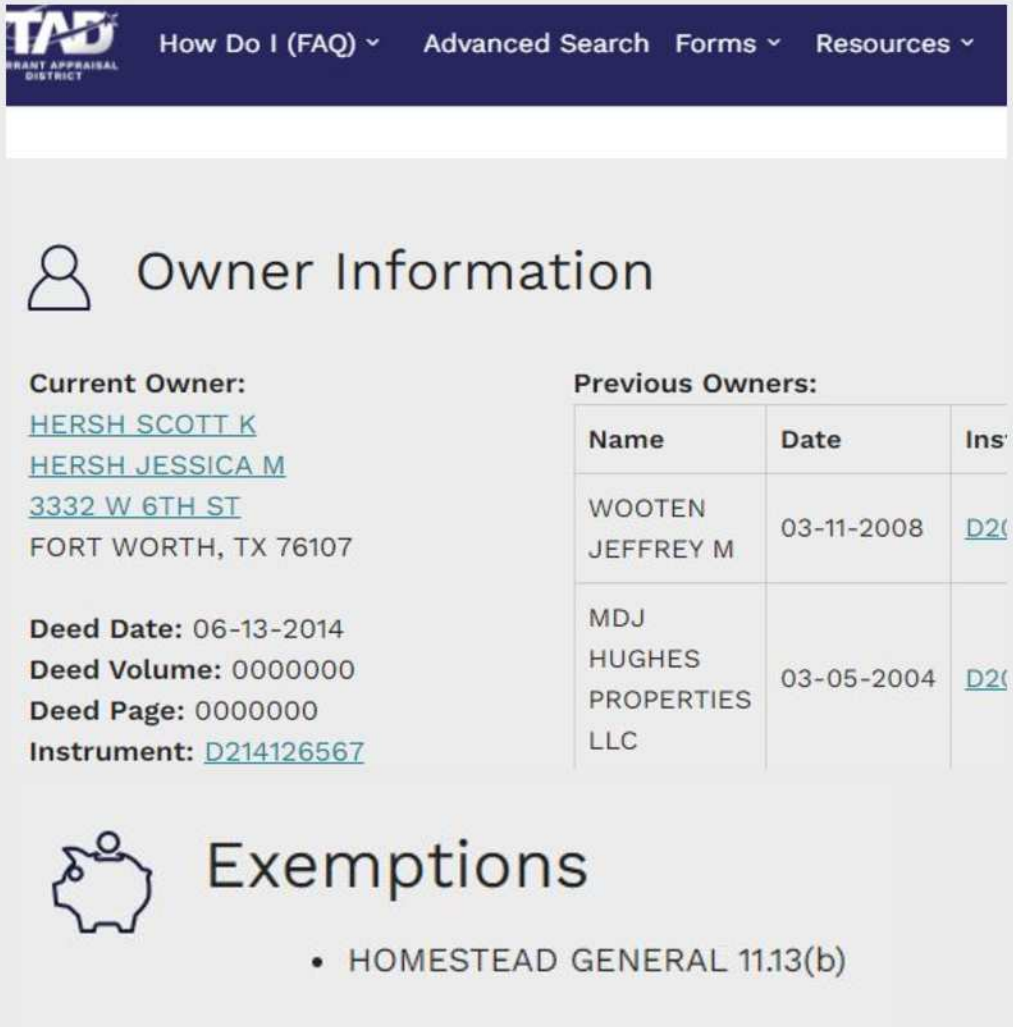
Voter#40500249 Jessica Marie Hersh
Voter#40565569 Scott Kenneth Hersh

- Per TAD, the couple's residential address is in 3332 W 6th St. Ft. Worth since 2014.
- The registered address 2213 W ROSEDALE ST S FTWOR 76110, is their rental property.
- May and June 2021 Fort Worth primary and run-off

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
HERSH, JESSICA MARIE	2213 W ROSEDALE ST S FTWOR 76110	1076-01	40500249	06/26/14	F	06/17/21	17
HERSH, SCOTT KENNETH	2213 W ROSEDALE ST S FTWOR 76110	1076-01	40565569	04/13/15	M	06/17/21	17

Photos



AMERICAN OVERSIGHT

Voters on Cancelled Voters List

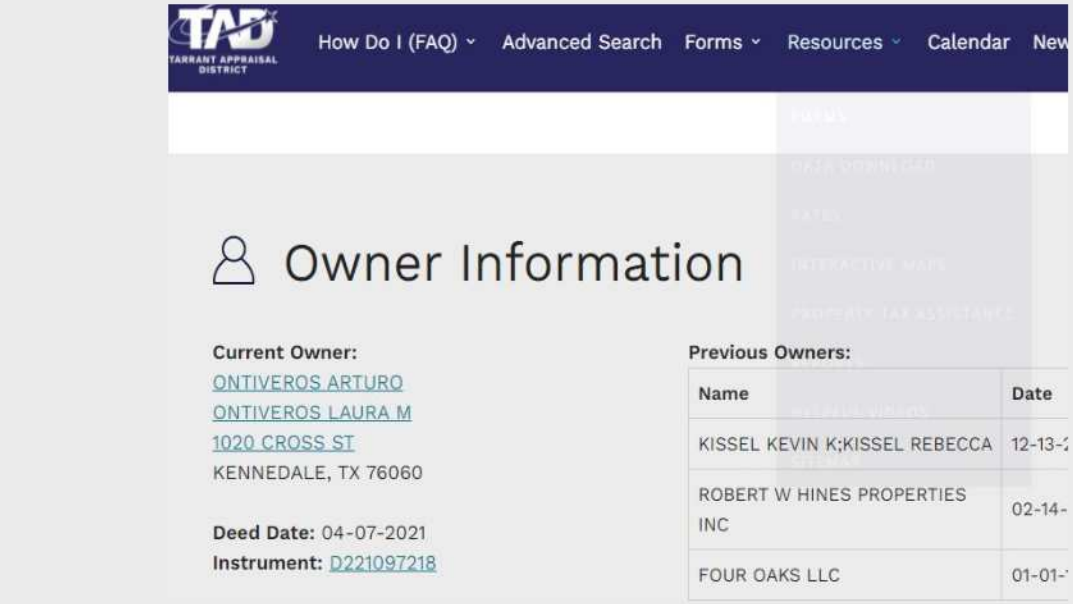
Voter# 1609896 KISSEL, Kevin Keith

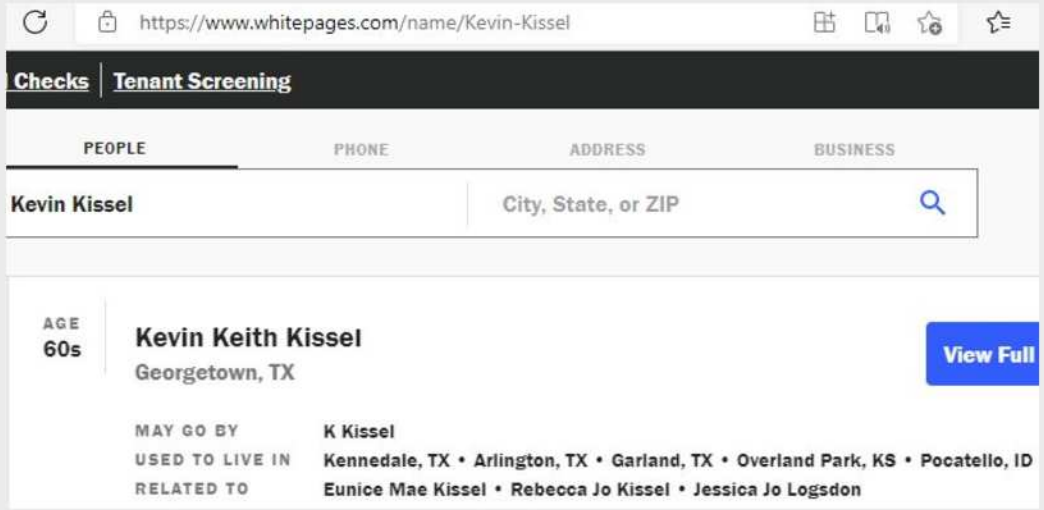
- Per mylife.com, Voter is about 69 yr old.
- TAD, Voter sold the property on 4/7/2021, and moved to Georgetown, TX
- May 2021 Fort Worth primary

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
KISSEL, KEVIN KEITH	1020 CROSS ST KENDL 76060	2029-01	1609896	10/22/96	M	06/23/21	17

Photos





AMERICAN OVERSIGHT

Voters on Cancelled Voters List

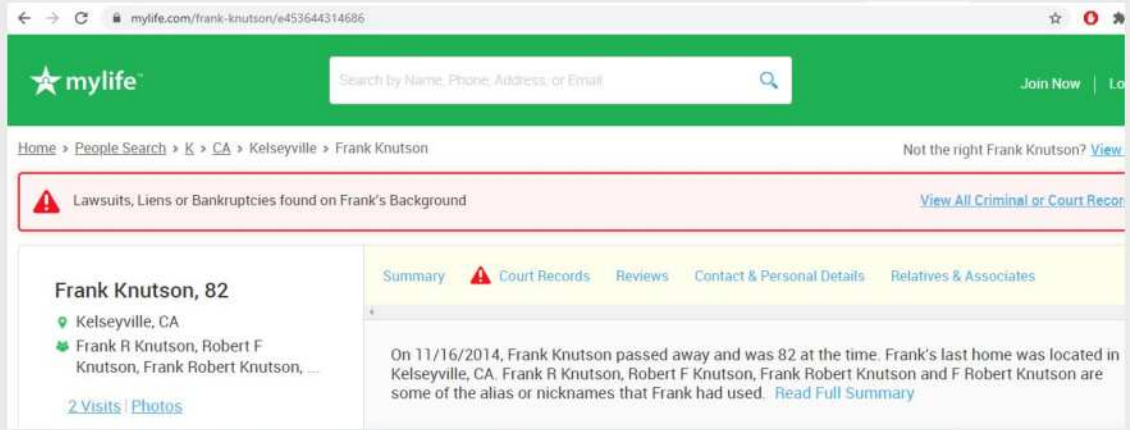
Voter# 41226909 KNUTSON, ROBERT FRANK

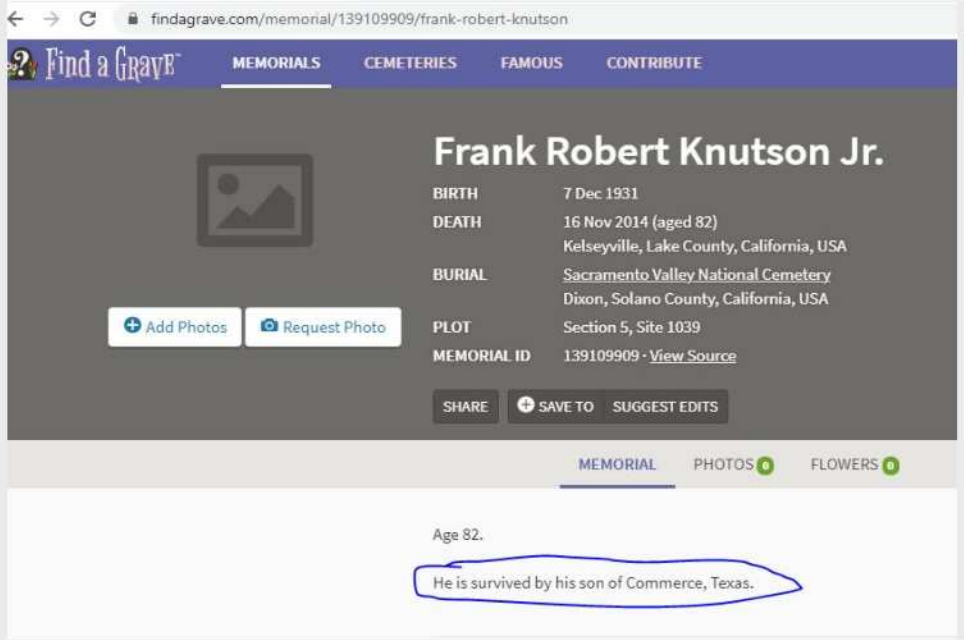
- Voter record has been cancelled due to "DUPLICATE CANCEL - NO HISTORY"
- He registered to vote on 3/11/2021.
- Voter passed away on 11/16/2014 at age of 82.
- No record showing voter lived in Texas.
- How was voter's ID verified?
- May 2021 Fort Worth primary

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
KNUTSON, ROBERT FRANK	706 CREEKSIDE DR EULES 76040	3329-01	41226909	03/11/21	M	06/15/21	14

Photos





AMERICAN OVERSIGHT

Voters on Cancelled Voters List

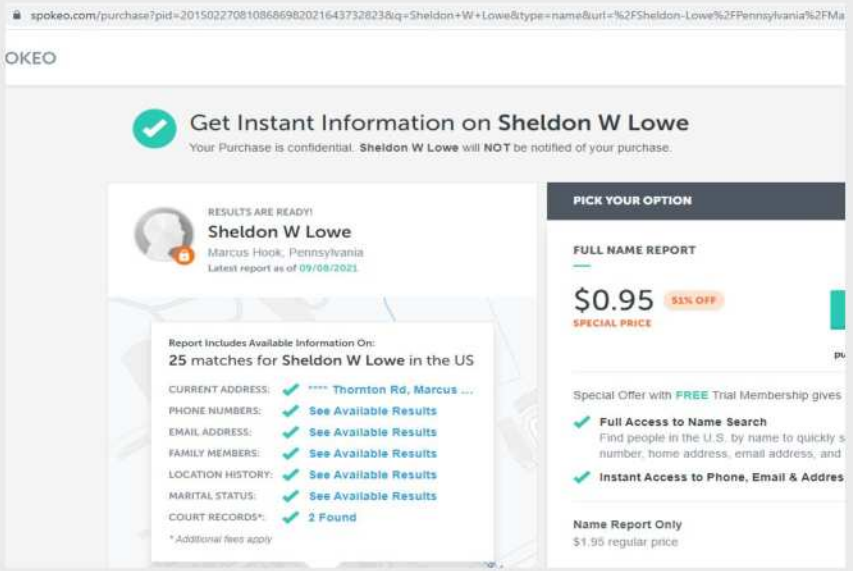
Voter# 2017615 LOWE, SHELDON WEBSTER

- Cannot find an exact name match.
- The name searching matches to Lowe, Sheldon W, record showed the person passed away in 1988.
- Another name matches to Lowe, Sheldon W., showing the person lives in Marcus Hook, PA
- Voter registered on 12/4/20, and voted May 2021 Fort Worth primary.

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
LOWE, SHELDON WEBSTER	5427 WHISPER GLEN DR ARLIN 76017	2519-01	2017615	12/04/20	M	06/09/21	17

Photos



AMERICAN OVERSIGHT

Voters on Cancelled Voters List

Voter# 2101686 PAYAN, LENESA ANICOLE

- Voter owned registered property 906 Churchill Rd. FTWORTH 76114, and sold on 4/22/2021 per deed date on TAD. New owners filed homestead, so the voter should be moved out.
- Voter still voted May and June 2021 Fort Worth primary and run-off with the property address.

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
PAYAN, LENESA ANICOLE	906 CHURCHILL RD FTWOR 76114	4125-01	2101686	04/19/04	F	06/14/21	17

Photos

AMERICAN OVERSIGHT

Voters on Cancelled Voters List

Voter# 1633921 SMITH, BRIDGET LASHAE

- The registered voter residence address is a brand new home sold on 6/24/2021. No TAD record showing the owner info of the property.
- Per TAD, the voter sold their home on 6604 Sandgate Dr ARLTN, TX to Hector and Karina Galvez on 5/20/2021 with homestead filed.
- The contact address of Galvez is the voter's registered address – the brand new home on 1509 Blanco Trl, Mansfield TX 76063.
- May 2021 Fort Worth primary

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason
SMITH, BRIDGET LASHAE	1509 BLANCO TRAIL MANSFIELD TX 76063	2635-01	1633921	03/31/97	F	06/22/21	MV2

Photos

Zillow

3 bd | 2 ba | 2,171 sqft
1509 Blanco Trl, Mansfield, TX 76063
Sold | Sold on 06/24/21 | Zestimate®: None
Est. refi payment: $54/mo | Refinance your loan

Zillow Offers | Home value | Owner tools | Home details | Neighborho

Price and tax history

Price history

Date	Event	Price	
6/24/2021	Sold	--	
Source: NTREIS #14552323 Report			
4/9/2021	Pending sale	$352,493	$162/sqft
Source: NTREIS #14552323 Report			
4/9/2021	Listed for sale	$352,493	$162/sqft
Source: NTREIS #14552323 Report			

Public tax history

TAD — How Do I (FAQ) | Advanced Search | Forms | Resources | Calendar | News | About

Back to Search | Print Page | Page Results | All Results | Page View

Property Search

- Residential
- Commercial
- Mineral
- Personal Property

Account #	Owner Address	Property Address	Property City	Primary Owner Name
07299958	1509 BLANCO TRL MANSFIELD, TX 76063	6604 SANDGATE DR	ARLINGTON	GALVEZ HECTOR GALVEZ KARINA

Owner Information

PUBLIC INFORMATION ACT

Current Owner:
GALVEZ HECTOR
GALVEZ KARINA
1509 BLANCO TRL
MANSFIELD, TX 76063

Deed Date: 05-20-2021
Instrument: D221147772

Previous Owners:

Name	Date	Instrument
SMITH BRIDGET;SMITH MYRON	06-27-2005	D205198425
PALMER DIANA		

Exemptions

- HOMESTEAD GENERAL 11.13(b)

AMERICAN OVERSIGHT

Voters on Cancelled Voters List

Voter# 272360 TURNER, KATHERINE

- The voter passed away on 7/28/2020.
- Her property address can be verified with TAD.
- May 2021 Fort Worth primary
- She voted in 5/2021 election?

Photos

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason	Event Code Party
TURNER, KATHERINE	5552 PATTON DR FTWOR 76112	1127-01	272360	11/18/71	F	05/20/21	EXAM	30-DAYS

	Account #	Property Address	Property City	Primary Owner Name	Market Value
	02517574	5552 PATTON DR	FORT WORTH	TURNER HORACE JR	$102,479 (Certified)
	67794017			TURNER HORACE JR & KATHERINE	$110 (Certified)

AMERICAN OVERSIGHT

Deceased Voter Records in Cancelled Voters List Unable to Verify Deaths

AMERICAN OVERSIGHT

9/12/2021

Deceased Voter Cancelled

Voter# 40558863 CASTLE, REMONA RENEE

- Voter record has been cancelled on 6/25/2021 noted as deceased.
- There is no record found to verify her death.
- TAD has no new deed change on her residential property.
- Licensee.io still shows her active Real Estate Sales Agent license.
- June 2021 Fort Worth run-off.

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason	Event Code Party	Cancel Reason
CASTLE, REMONA RENEE	4941 OBRIEN WAY FTWOR 76244	3695-01	40558863	03/11/15	F	06/25/21	19	TEAM_MOV_NOT	DECEASED (No Record of death)

Photos

Owner Information

Current Owner:
CASTLE REMONA
4941 OBRIEN WAY
KELLER, TX 76244

Deed Date: 01-16-2015
Instrument: D215013889

Previous Owners:

Name	Date	Instrument
DONNER PRESTON G	06-28-2005	D205188838
TOUSA HOMES INC	01-01-2003	000000000(

Licensee.io Real Estate Licensees Blog Legal

Home / Texas Real Estate / Fort Worth / Real Estate Agent / Remona Renee Castle

Remona Renee Castle
Real Estate Agent

4941 Obrien Way, Fort Worth, Texas,
817-709-4648

Remona Renee Castle is a licensed **real estate sales agent** in Fort Worth, Texas and has a total experience of 2 years in real estate business. The real estate **license number 726164** was issued by TREC to Remona Renee Castle on 13 August, 2019. The current status of license is **Current and Active** and address listed on Remona Renee Castle's license document is **4941 Obrien Way, Fort Worth, Texas,** . The license will expire on 31 August, 2021. You can reach out to Remona Renee Castle via phone number **817-709-4648**.

AMERICAN OVERSIGHT

Deceased Voter Cancelled

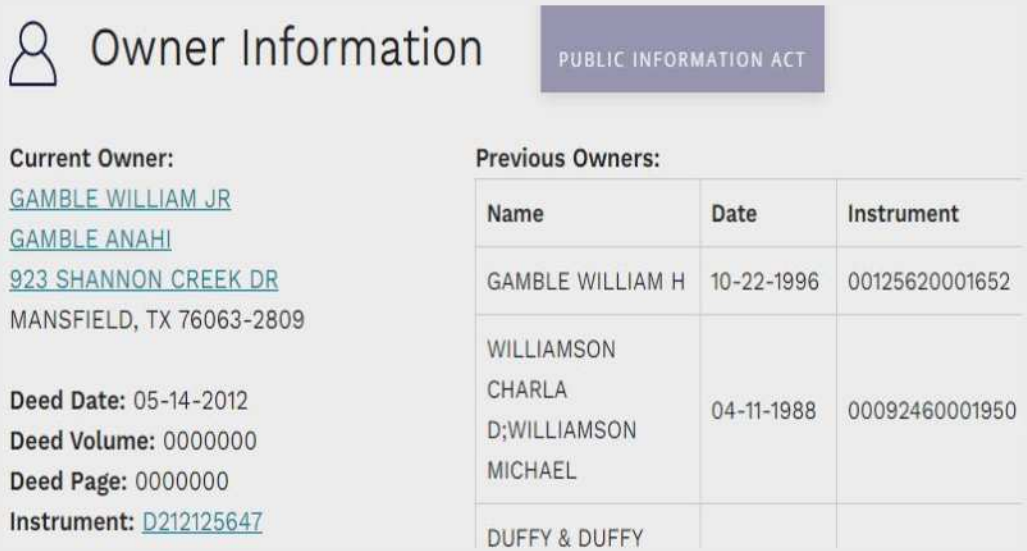
Voter# 1286728 GAMBLE, WILLIAM HOWARD JR

- Voter record has been cancelled on 6/5/2021 noted as deceased.
- There is no record to verify his death available.
- TAD has no new deed change on his residential property.
- May 2021 Fort Worth Primary.

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason	Event Code Party	Cancel Reason
GAMBLE, WILLIAM HOWARD JR	923 SHANNON CREEK DR MANSF 76063	2636-01	1286728	10/03/92	M	06/05/21	19	TEAM_CANCEL	DECEASED (No Record of death)

Photos



AMERICAN OVERSIGHT

Deceased Voter Cancelled

Voter# 1473500 HINTON, LISA NICOLE

- Voter record has been cancelled on 6/12/2021 noted as deceased.
- There is no record to verify her death available.
- TAD shows the property owner might be related to the voter.
- May 2021 Fort Worth Primary.

Voter Info

Name	Address	Precinct	Voter #	Reg. Date	Sex	Cancel Date - Fixed	Can. Reason	Event Code Party	Cancel Reason
HINTON, LISA NICOLE	1706 BLUEBONNET TRL ARLIN 76013	2205-01	1473500	02/23/95	F	06/12/21	19	TEAM_CANCEL	DECEASED (No Record of death)

Photos

Owner Information

Current Owner:
HINTON CHRISTOPHER
1706 BLUEBONNET TR
ARLINGTON, TX 76013-4903

Deed Date: 11-10-2014
Instrument: D214246803

Previous Owners:

Name	Date	Instrument
HINTON CARL FRANCIS	02-09-2010	D210295718
HINTON CARL F;HINTON JOANNE	09-13-2000	0014528000

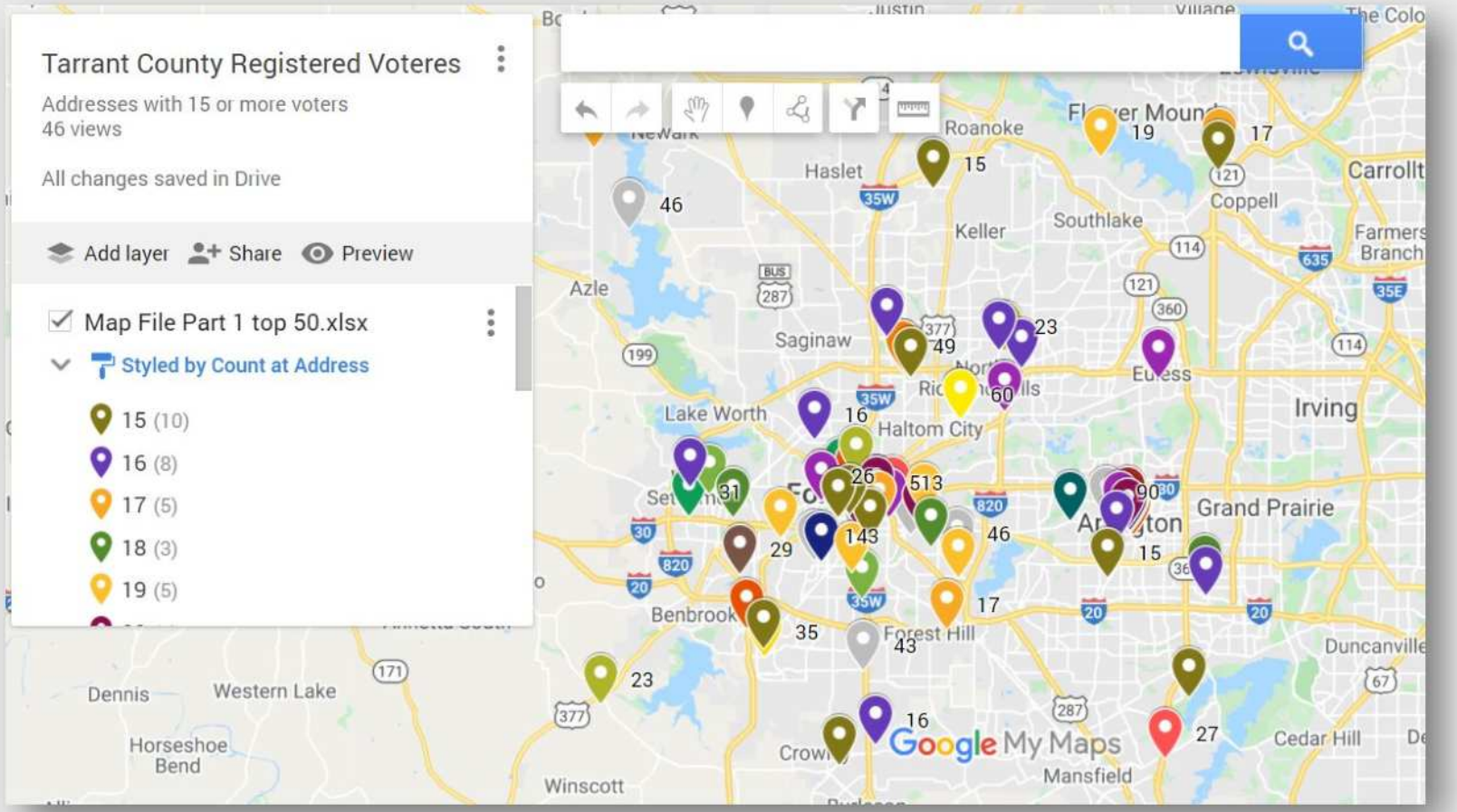
AMERICAN OVERSIGHT

Large Numbers of Voters at Single Addresses

AMERICAN OVERSIGHT

Multi Voters Addresses [LINK]

Address	Count at Address
1513 E PRESIDIO ST , FORT WORTH, Texas	513
1100 E LANCASTER AVE , FORT WORTH, Texas	284
2901 STADIUM DR , FORT WORTH, Texas	143
2400 CYPRESS ST , FORT WORTH, Texas	139
2209 S MAIN ST , FORT WORTH, Texas	95
1501 W DIVISION ST , ARLINGTON, Texas	90
2710 AVE J , FORT WORTH, Texas	72
600 SPANIOLO DR , ARLINGTON, Texas	71
801 W 1ST ST , FORT WORTH, Texas	64
901 S OAK ST , ARLINGTON, Texas	63
587 SPANIOLO DR , ARLINGTON, Texas	63
6324 BAKER BLVD APT , RICHLAND HILLS, Texas	60
916 UTA BLVD , ARLINGTON, Texas	55
100 E WEATHERFORD ST , FORT WORTH, Texas	50
3500 NE LOOP 820 , FORT WORTH, Texas	49
4900 E BERRY ST , FORT WORTH, Texas	46
6925 LIBERTY SCHOOL TAP RD , AZLE, Texas	46
200 N BOOTH CALLOWAY RD APT , HURST, Texas	45
201 SYCAMORE SCHOOL RD , FORT WORTH, Texas	43
1331 E LANCASTER AVE , FORT WORTH, Texas	43
3001 W DIVISION ST , ARLINGTON, Texas	41



AMERICAN OVERSIGHT

Multi Voters Addresses [LINK]

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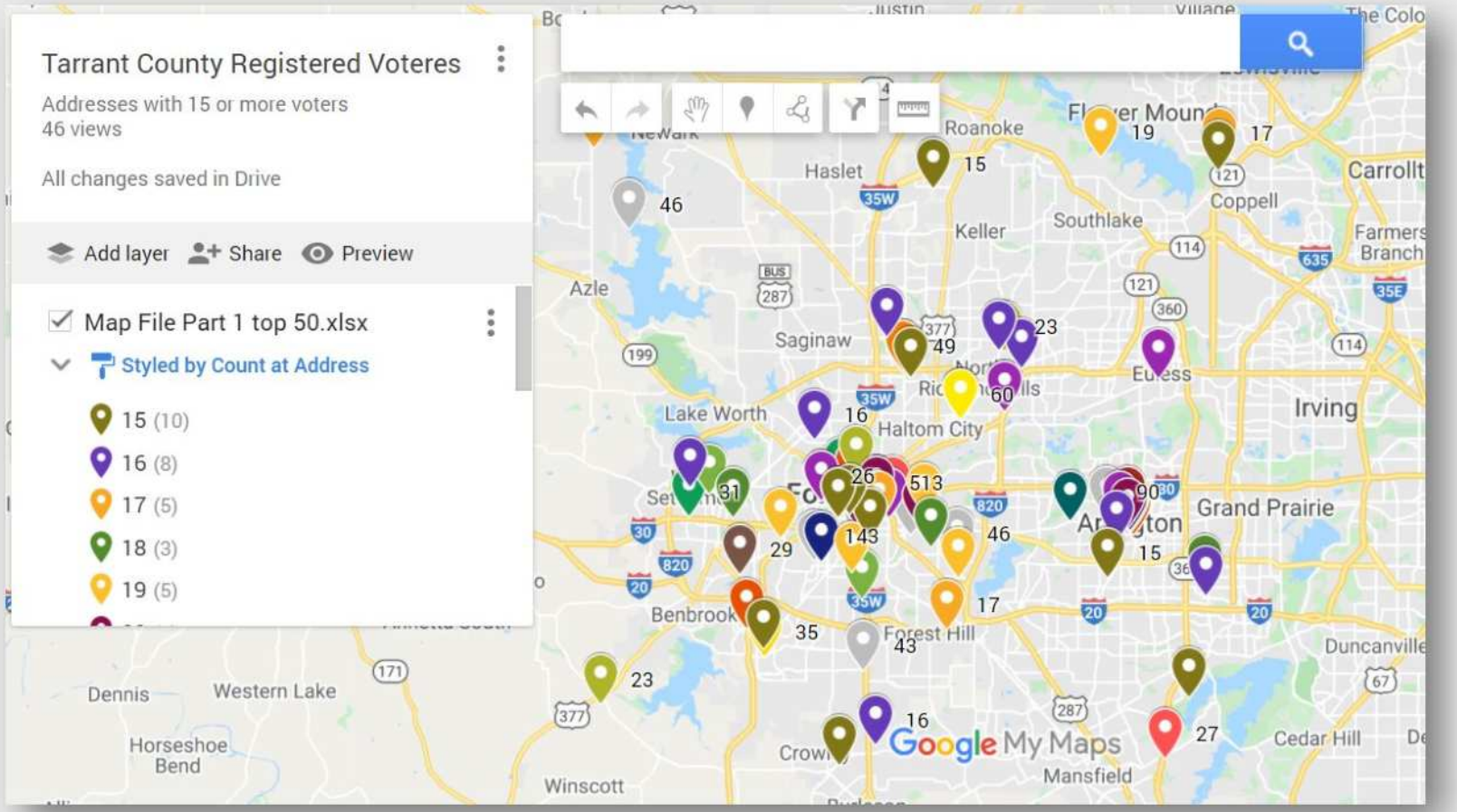
6324 BAKER BLVD APT , RICHLAND HILLS, Texas	60
916 UTA BLVD , ARLINGTON, Texas	55
100 E WEATHERFORD ST , FORT WORTH, Texas	50
3500 NE LOOP 820 , FORT WORTH, Texas	49
4900 E BERRY ST , FORT WORTH, Texas	46
6925 LIBERTY SCHOOL TAP RD , AZLE, Texas	46
200 N BOOTH CALLOWAY RD APT , HURST, Texas	45
201 SYCAMORE SCHOOL RD , FORT WORTH, Texas	43
1331 E LANCASTER AVE , FORT WORTH, Texas	43
3001 W DIVISION ST , ARLINGTON, Texas	41



AMERICAN OVERSIGHT

1513 E Presidio St, Fort Worth

JPS Health – Medical Center

513 Registered Voters
- 402 Active voters
- 112 Suspended voters

- 20 PO Box alternative addresses
- 4 voted in June 2021; 3 voted in May 2021; 30 voted in November 2020
- 2 of the suspended voted in November 2020

Medical Home True Worth

1513 E. Presidio Street
Fort Worth, TX 76102

817-702-4895

AMERICAN OVERSIGHT

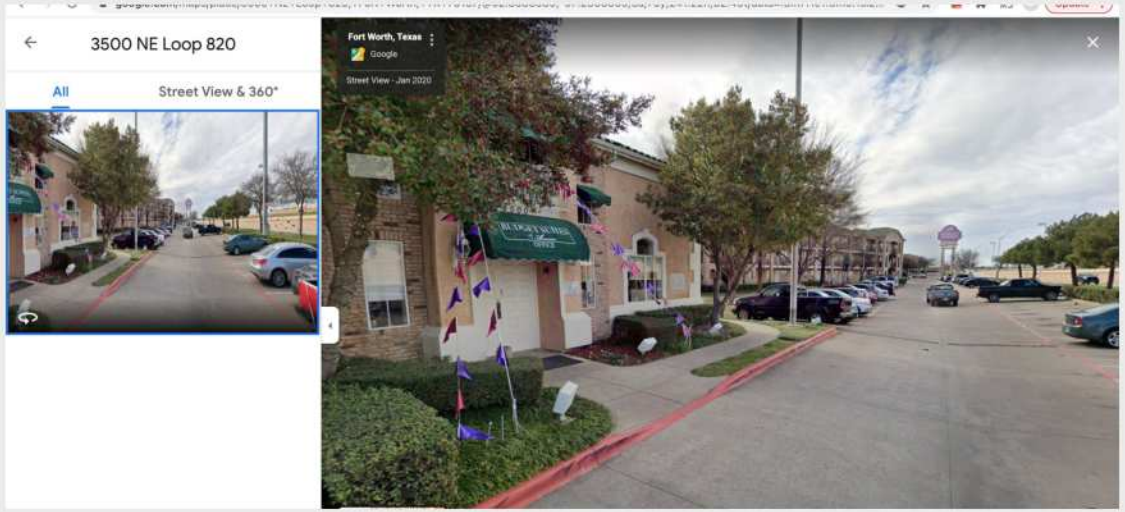
1100 E Lancaster Ave, Fort Worth

- When we Love - Serving Youth, Single Parent Families & Veterans Struggling with Poverty and Homelessness.
- Does not appear to be a shelter
- 284 registered voters, 255 with active status
  - 255 Have alternate address of the same PO Box- PO Box 871
  - 2 voted in June, 1 Voted in May
  - 14 voted in November, 9 Early,4 in Person, 1 Mail In
- 29 Registered in 2021
- 51 registered in 2020; 33 in time to vote for Nov 2020
- 74 registered in 2019

AMERICAN OVERSIGHT

3500 NE LOOP 820, Fort Worth

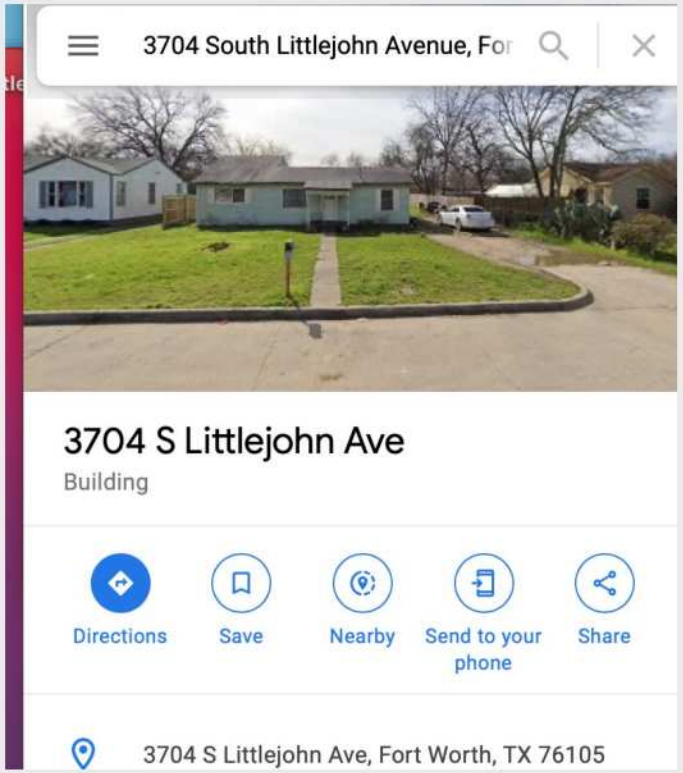
- Budget Suites Inn
- 87 registrants, 64 voted in November
  - 16 have no Unit/Room Number
  - None voted in May/June
  - 3 have alt PO Boxes; didn't vote in 2020 or 2021
  - 7 voted in November 2020, all early votes
    - 2 have alternate addresses for mail
    - 3 also voted in 2016, all early votes



AMERICAN OVERSIGHT

3704 South Littlejohn Ave, Fort Worth

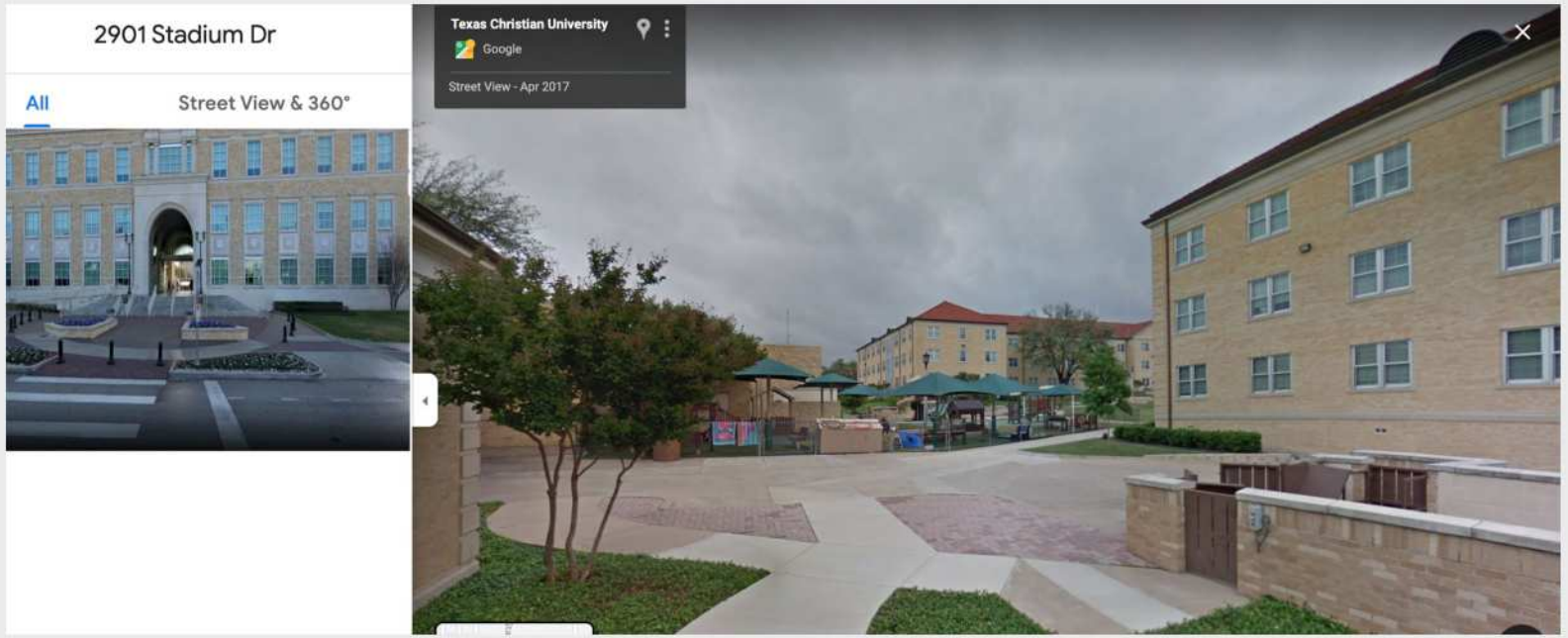
- 17 people registered; all active
  - 5 different last names
- No Secondary Addresses Listed
- 0 voted in June; 1 voted in May; 4 voted in November



AMERICAN OVERSIGHT

2901 Stadium Drive, Fort Worth

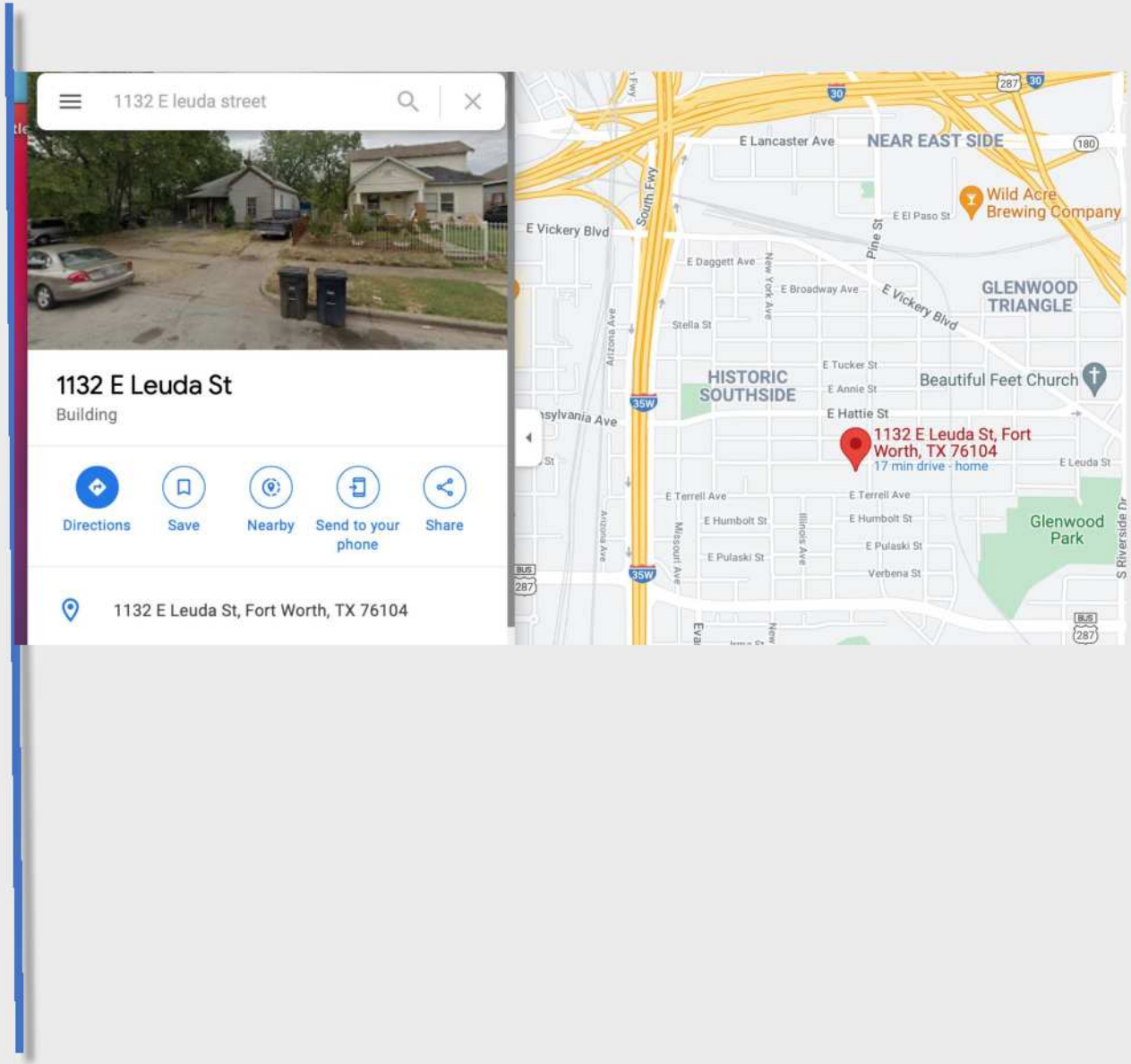
- TCU
- 176 people registered; 136 active
  - Of the active voters, 50 have no room number listed, of which 7 have PO boxes
- 1 voted in June; 1 voted in May; 23 voted in November



AMERICAN OVERSIGHT

1132 E Leuda Street, Fort Worth

- 17 people registered; all active
- No Secondary Addresses Listed
- 1 voted in June; 0 voted in May; 7 voted in November



AMERICAN OVERSIGHT

3205 W Cantey St, Fort Worth

- TCU Sherley Hall
- 5 registered, 2 active
  - 1 active voted in June, with appropriate alternate address

AMERICAN OVERSIGHT

901 S Oak St, Arlington

- University of Texas - Arlington Housing
- 72 people registered; 69 Active
- Of the active,
  - 39 have no Room or Appropriate Alt Address listed
    - 25 redirect to Univ. Center
      - 18 of the University Center Addresses have PO Boxes also Listed
    - 4 have only PO Boxes listed; 1 with a Curacao alt address
  - Of those with no appropriate alt address,
    - 0 voted in June; 1 voted in May; 18 voted in November

AMERICAN OVERSIGHT

6925 Liberty School Tap Road, Azle

- West Bay Marina & RV Park
- 74 people registered; 69 Active
- Of the active,
  - 31 have no Unit Listed, 4 only have PO Boxes listed,4 have commercial addresses as alternate addresses
  - Of those with no appropriate alt address,
    - 0 voted in June; 3 voted in May with no units; 26 voted in November

AMERICAN OVERSIGHT

7800 MOCKINGBIRD LN , NORTH RICHLAND HILLS, Texas

- Mobile Home Park
- 7 Registered, all active
  - 2 PO Boxes as Alternate addresses
  - 5 no units
- 1 voted in May, 5 in November 2020

AMERICAN OVERSIGHT

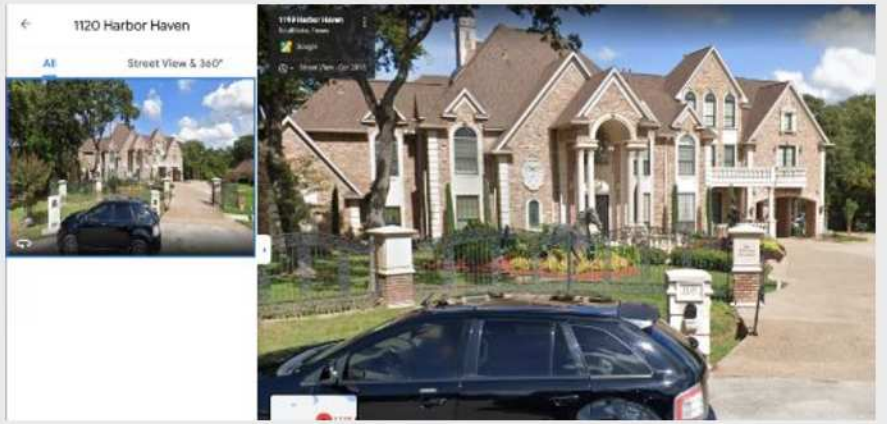
1050 NE State Highway 360, Grand Prairie

- 128 Registrants at Budget Suites of America
- 27 registrants with no rooms/Units identified
  - 15 Active
    - 9 voted in November 2020; 0 in 2021
  - 12 suspended – 0 votes in 2020/2021

AMERICAN OVERSIGHT

1120 HARBOR HAVEN ST , SOUTHLAKE, Texas

- 19 registered voters, all active status
  - 0 voted in June; 16 voted in May, 2 Absentee, 14 early
  - 16 voted in November, 4 Absentee, 12 Early
- Only 4 have alternate addresses
  - 1 is a PO Box



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916 UTA Blvd, Arlington

- UTA Housing West Hall
- 63 Registered, 53 Active
- 8 with no rooms listed
- 4 with PO Boxes
- 4 with no Alt Addresses
- 0 Voted in June, 0 Voted in May, 4 Voted in November

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For Further Research

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Additional Suspicious Data to be Researched

- 71% primary and 125% increase in this year's FW mayoral election voting when the population growth was 3.45%
- 36% increase in FW City Council District 6 voting between the primary and runoff in which the runoff vote difference was 273
- Voting patterns among older voters
  - In Nov 20, 76% of registered voters between 60 and 90 voted with two ages where there were more registrations than population
- Voting patterns where 3 or more are voting from the same address with one or more having very dissimilar names
- Voting patterns in large apartment complexes and college dorms
- Understanding greatly increased voter registrations
  - 19,297 new voters registered in FW between Nov 20 and May 21
- Tarrant County 6th Polynomial results suggest potential external access to our voting systems in Nov 20

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Unusual Number of Votes in Runoff -- FW Mayoral Race

https://www.fairvote.org/primary_runoff_elections_and_decline_in_voter_turnout

Near-Universal Decline in Turnout. Turnout declined between the primary and the runoff in 240 of the 248 regularly scheduled primary runoffs in the U.S House and U.S. Senate from 1994 to 2020. In other words, in 97% of primary runoff elections fewer people voted in the second round than in the first. The average decline in turnout was 38% and the median decline was 37%.

Despite the typical decline in the number of voters in runoff elections, in the Fort Worth Mayoral election runoff in June, 2021, there was a 30.5% increase in the number of voters over the number of voters in the primary election.

City of Fort Worth Office of the Mayor

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mike Haynes		33	0.59%	426	1.31%	433	1.51%	892	1.34%
Steve Penate		101	1.81%	2,818	8.69%	3,329	11.62%	6,248	9.37%
Cedric C. Kanyinda		3	0.05%	156	0.48%	170	0.59%	329	0.49%
Chris Rector		13	0.23%	145	0.45%	135	0.47%	293	0.44%
Mattie Parker		2,056	36.81%	10,131	31.25%	8,364	29.19%	20,551	30.83%
W. Brian Byrd		1,039	18.60%	4,713	14.54%	4,083	14.25%	9,835	14.75%
Ann Zadeh		394	7.05%	2,637	8.13%	2,729	9.53%	5,760	8.64%
Daniel "DC" Caldwell, I		15	0.27%	138	0.43%	153	0.53%	306	0.46%
Mylene George		8	0.14%	14	0.04%	27	0.09%	49	0.07%
Deborah Peoples		1,924	34.44%	11,245	34.68%	9,226	32.20%	22,395	33.60%
	Cast Votes:	5,586	100.00%	32,423	100.00%	28,649	100.00%	66,658	100.00%

In the May Election, the total number of votes for CIty of Fort Worth Mayor was 66,658.

In the Runoff election in June, the number of votes was 87,072 votes.

City of Fort Worth Office of the Mayor

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mattie Parker		2,991	46.49%	25,796	54.29%	17,510	52.87%	46,297	53.17%
Deborah Peoples		3,442	53.51%	21,721	45.71%	15,612	47.13%	40,775	46.83%
	Cast Votes:	6,433	100.00%	47,517	100.00%	33,122	100.00%	87,072	100.00%

AMERICAN OVERSIGHT

Unusual Number of Votes in Runoffs--FW City Council Races

Despite the typical decline in the number of voters in runoff elections, in the Fort Worth City Council races, similar to the Mayoral elections, there were significant increases in the number of voters in June over the numbers in the May election.

City of Fort Worth Member of the City Council, District 6

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jungus Jordan		629	64.51%	2,165	41.03%	1,757	42.43%	4,551	43.79%
Jared Williams		248	25.44%	1,909	36.18%	1,420	34.29%	3,577	34.42%
Tiesa Leggett		98	10.05%	1,203	22.80%	964	23.28%	2,265	21.79%
	Cast Votes:	975	100.00%	5,277	100.00%	4,141	100.00%	10,393	100.00%

In the May Election, the total number of votes for Council 6 was 10,393.

In the Runoff election in June, the number of votes was 14,121 votes.

District 6--
35.8% increase over Primary

City of Fort Worth Member of the City Council, District 6

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jungus Jordan		828	63.69%	3,914	48.63%	2,182	45.72%	6,924	49.03%
Jared Williams		472	36.31%	4,134	51.37%	2,591	54.28%	7,197	50.97%
	Cast Votes:	1,300	100.00%	8,048	100.00%	4,773	100.00%	14,121	100.00%

Similar results for other two runoff elections District 8-- 34.2% and District 9--20.0% increases over May

City of Fort Worth Member of the City Council, District 7

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Zeb Pent		162	23.86%	1,686	30.36%	1,665	36.98%	3,513	32.72%
Cornelia (Connie) Cottrell		31	4.57%	233	4.20%	206	4.58%	470	4.38%
Michele Stephens McNill		27	3.98%	152	2.74%	126	2.80%	305	2.84%
Leonard Firestone		285	41.97%	1,674	30.14%	1,017	22.59%	2,976	27.72%
Lee Henderson		124	18.26%	874	15.74%	682	15.15%	1,680	15.65%
Miguel Zamora		20	2.95%	284	5.11%	292	6.49%	596	5.55%
Jake Wurman		12	1.77%	367	6.61%	250	5.55%	629	5.86%
Irvin (Tee) Thomas		2	0.29%	38	0.68%	39	0.87%	79	0.74%
Joseph Lockhart Jr.		12	1.77%	154	2.77%	129	2.87%	295	2.75%
Morris Curlee Jr		4	0.59%	92	1.66%	96	2.13%	192	1.79%
	Cast Votes:	679	100.00%	5,554	100.00%	4,502	100.00%	10,735	100.00%

District 7 May voters: 10,735. Runoff voters in June: 14,307

District 7-- 33.3% increase over Primary

City of Fort Worth Member of the City Council, District 7

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Zeb Pent		271	32.03%	3,392	42.58%	2,630	47.87%	6,293	43.99%
Leonard Firestone		575	67.97%	4,575	57.42%	2,864	52.13%	8,014	56.01%
	Cast Votes:	846	100.00%	7,967	100.00%	5,494	100.00%	14,307	100.00%

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Military Voters that Don't Appear on Registered Voter Roll

Summary

All these voters voted in May, and are not on the cancelled voters list for June, but are not included in the Registered Voters List at the end of June

Ballot sent electronically means that the overseas military member requested a ballot via FPCA (Federal Post Card Application) for that particular election. The ballot must then be mailed back to the Election Administration. No such ballots were sent out for the June runoff.

Unclear why these voters would be removed from voter rolls and not appear in the cancelled voters list as of June 29, 2021

ID Number	Name	Address Line2	City	State	Zip	Precinct	Ballot style	Party of Ballot Issued	Election Code	Early Voting Site	Date Voted
683784	HIGHTOWER, BILLIE JENE	PO BOX 8836	FT WORTH	TX	76124	1126	6	NP	521	OK	4/7/2021

ID Number	Name	Address Line1	Address Line2	City	State	Zip	Precinct	Ballotstyle	Party of Voter	Election Code	Date Voted
41233402	CANNADY, PAULA SUE	***BALLOT SENT ELECTRONICALLY***					1034	1034	21	NP	5/1/21
41232999	DICKEY, ASHLEY LAUREN	***BALLOT SENT ELECTRONICALLY***					2171	2171	127	NP	4/27/21
41232998	DICKEY, JEFFREY LEE	***BALLOT SENT ELECTRONICALLY***					2220	2220	127	NP	4/27/21
41227637	WHEELER, KENDON	***BALLOT SENT ELECTRONICALLY***					2280	2280	127	NP	4/19/21
41227638	WHEELER, WENDY	***BALLOT SENT ELECTRONICALLY***					2280	2280	127	NP	4/19/21
41231694	MYER, RICHARD EDWARD	***BALLOT SENT ELECTRONICALLY***					2383	2383	132	NP	4/22/21
41231695	MYER, RACHEL CAROLANN	***BALLOT SENT ELECTRONICALLY***					2383	2383	132	NP	4/22/21
41222586	GRAVES, DAVID NORMAN	***BALLOT SENT ELECTRONICALLY***					2556	2556	128	NP	4/16/21
41227639	FOSTER, JASON PAUL	***BALLOT SENT ELECTRONICALLY***					4046	4046	218	NP	3/30/21
41216933	MIESEN, ROBERT LEWIS	***BALLOT SENT ELECTRONICALLY***					3323	3323	170	NP	4/21/21
41234821	HAGLE, STEVEN CHARLES	***BALLOT SENT ELECTRONICALLY***					1023	1023	12	NP	4/15/21
41224335	BROWN, DAVID ARONLD	***BALLOT SENT ELECTRONICALLY***					1024	1024	13	NP	4/23/21
41236525	MARQUEZ, NICOLAS J	***BALLOT SENT ELECTRONICALLY***					1641	1641	26	NP	5/7/21
41230683	BUTLER, ANDREA JANIA	***BALLOT SENT ELECTRONICALLY***					3695	3695	199	NP	4/21/21
41231698	BUTLER, RICHARD GENE	***BALLOT SENT ELECTRONICALLY***					3695	3695	199	NP	4/21/21
41223630	HURLEY, MARTHA	***BALLOT SENT ELECTRONICALLY***					2158	2158	83	NP	4/8/21
41230659	KHANGURA, LORETTA LOUISE	***BALLOT SENT ELECTRONICALLY***					2029	2029	117	NP	4/22/21
41231696	KHANGURA, KANWAR SINGH	***BALLOT SENT ELECTRONICALLY***					2029	2029	117	NP	4/22/21
41234352	BOWEN, NATHAN G	***BALLOT SENT ELECTRONICALLY***					2029	2029	117	NP	4/30/21
41234353	JAMES, CHRISTIAAN K	***BALLOT SENT ELECTRONICALLY***					2029	2029	117	NP	4/30/21
41216930	HAMMONS, ALYSSA CHRISTINE	***BALLOT SENT ELECTRONICALLY***					2033	2033	123	NP	4/27/21
41216932	VACEK, PATRICK THOMAS	***BALLOT SENT ELECTRONICALLY***					2033	2033	123	NP	4/27/21
41235753	WESTON, MARCIA JO	***BALLOT SENT ELECTRONICALLY***					2308	2308	123	NP	4/27/21
41234820	WALSTON, LAUREN RENEE	***BALLOT SENT ELECTRONICALLY***					2524	2524	123	NP	4/27/21
41236495	BOSWELL, JOHN BENTLEY	***BALLOT SENT ELECTRONICALLY***					2524	2524	123	NP	4/27/21
41228892	SHAFI, SHAHID	***BALLOT SENT ELECTRONICALLY***					3728	3728	153	NP	5/6/21

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Additional Suspicious Data to be Researched

VOTERS THAT SAID THEY VOTED, BUT THEIR VOTE DID NOT APPEAR IN VOTER RECORDS

SOS_VoterID	idnumber	voter_status	lastname	firstname	middlename	streetnumber	streetname	streettype	city	zip	sex	birthdate	eligible_date	effective_date	precinct
002025424	40605367	A	MULROY	MADELEINE	SIMONE	6524	VALENCIA GROVE PASS		FORT WORT	76132	F	1997	11/6/15	11/6/15	1296

Ms. Mulroy indicated that she did vote in the May, 2021 election, and the June election. The May election did not include her vote.

VOTERS THAT SAID THEY DID NOT VOTE, BUT THEIR VOTE IS INCLUDED IN VOTER RECORDS

SOS_VoterID	idnumber	voter_st	lastname	firstname	middlename	streetnumber	streetname	streettype	city	zip	zip4	sex	birthdate	eligible_date	effective_date	precinct	election_code1	vote_type1
1011382506	41056710	A	SANDERS	GAYLE	SMITH	5301	BRYANT IRVIN	RD	FORT WORTH	76132		F	1931	02/04/2020	02/04/2020	1071	521	A

Pursuing affidavits for both these voters.

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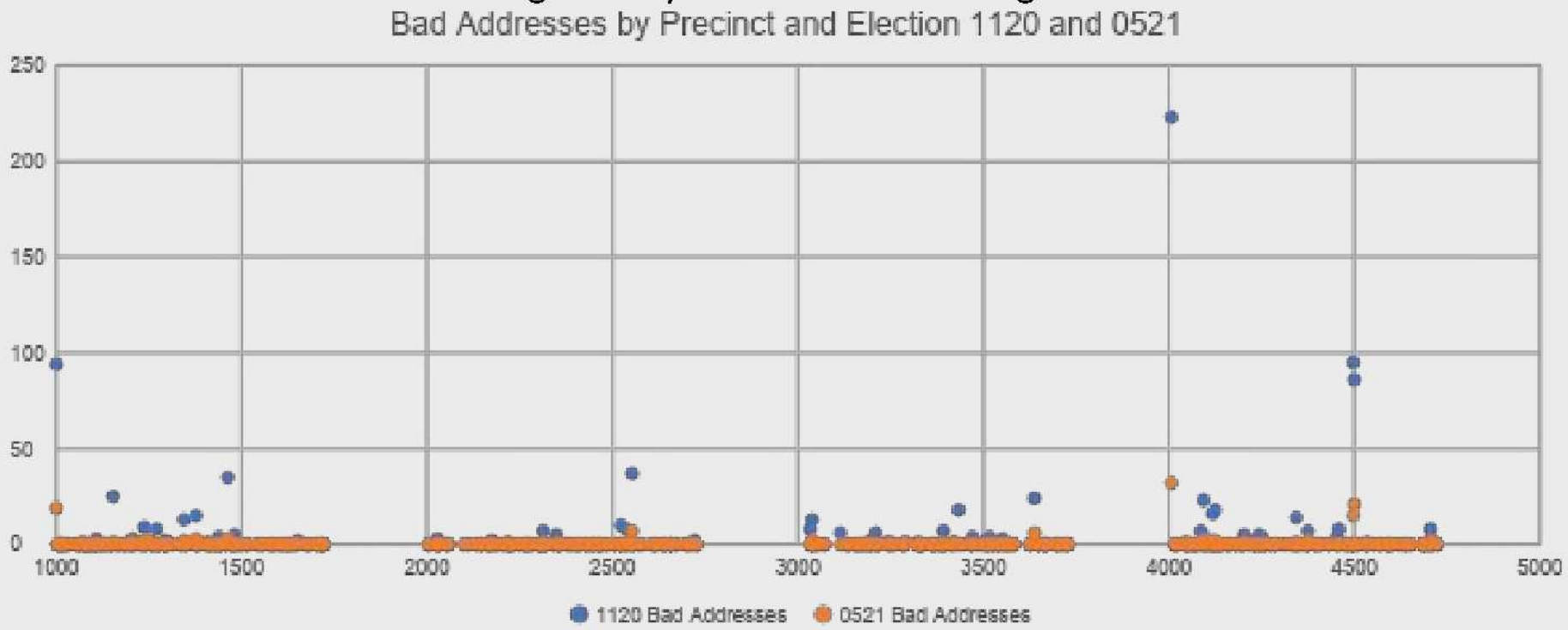
Additional Suspicious Data to be Researched

Distribution of Nov 2020 and May 2021 Primary "Bad Addresses"* Detected by Initial Investigation by Precinct - Now being further researched



* - "Bad Addresses" = Vacant Lots, Fictitious Addresses, P.O. Box / Exec Office Suite Voters, etc.

precinct	1120 Bad Addresses	0521 Bad Addresses
Totals	943	134

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Anomalies

Texas Election Code Ch. 13: Application For Registration; Initial Registration Voters

Texas Election Code Ch. 18: Procedures For Identifying Registered Voters

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Suspicious Voter Lists

- Introduction
- First Time Voters
- Cancelled Voters
- Registrations Trends
- Summary

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Introduction

- Data Analyzed
  - May 2021 Voter Data
  - June 2021 Voter Data
    - Provided Voter History
  - June 2021 Cancelled Voter list
- Approach
  - Identify Voters that voted in May and / or June for first time since 2016 Presidential Election or earlier.
  - Identify Voters that voted in May and / or June and were subsequently cancelled

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First Time Voters

- 2252 County / 1537 FW Voters voted in May and / or June for first time since 2016 Presidential Election or earlier.
  - 1436 County / 1033 FW June Only Voters
    - Did not vote in May 01 Election
  - 816 County / 504 FW May and June Voters
- Total Voter Count
  - May ≈165k in County / 64k in Fort Worth
    - Out of 1,170,379 Registered Voters = 14.17%
  - June ≈129k in County/ 85k in Fort Worth
    - Out of 881,914 = 14.59%

May General Election Results

City of Fort Worth Office of the Mayor

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mike Haynes		33	0.59%	426	1.31%	433	1.51%	892	1.34%
Steve Penate		101	1.81%	2,818	8.69%	3,329	11.62%	6,248	9.37%
Cedric C. Kanyinda		3	0.05%	156	0.48%	170	0.59%	329	0.49%
Chris Rector		13	0.23%	145	0.45%	135	0.47%	293	0.44%
Mattie Parker		2,056	36.81%	10,131	31.25%	8,364	29.19%	20,551	30.83%
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Ann Zadeh		394	7.05%	2,637	8.13%	2,729	9.53%	5,760	8.64%
Daniel "DC" Caldwell, I		15	0.27%	138	0.43%	153	0.53%	306	0.46%
Mylene George		8	0.14%	14	0.04%	27	0.09%	49	0.07%
Deborah Peoples		1,924	34.44%	11,245	34.68%	9,226	32.20%	22,395	33.60%
	Cast Votes:	5,586	100.00%	32,423	100.00%	28,649	100.00%	66,658	100.00%
	Undervotes:	19		377		334		730	
	Overvotes:	15		0		0		15	

June Runoff Results

City of Fort Worth Office of the Mayor

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mattie Parker		2,991	46.49%	25,796	54.29%	17,510	52.87%	46,297	53.17%
Deborah Peoples		3,442	53.51%	21,721	45.71%	15,612	47.13%	40,775	46.83%
	Cast Votes:	6,433	100.00%	47,517	100.00%	33,122	100.00%	87,072	100.00%
	Undervotes:	21		44		27		92	
	Overvotes:	5		0		0		5	

Many Elections City / District Specific

- For Comparison: Nov 2020 - 838,968 Voters. 1,216,618 Registered. 68.96%

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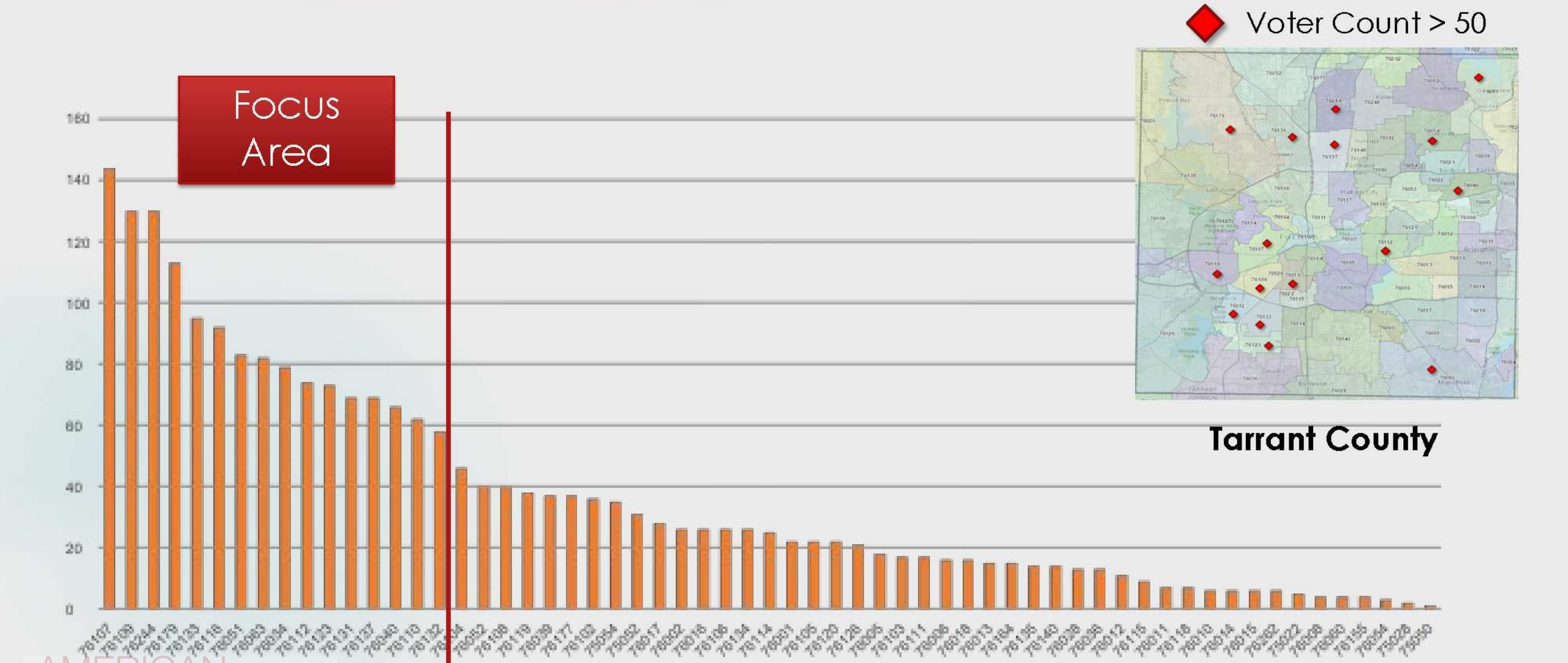
2252 Suspicious Voters Identified

First Time Voters County Wide

Distribution by Zip Code



Zip Code Candidates for Future Investigation

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First Time Voters County Wide

Distribution by Zip Code

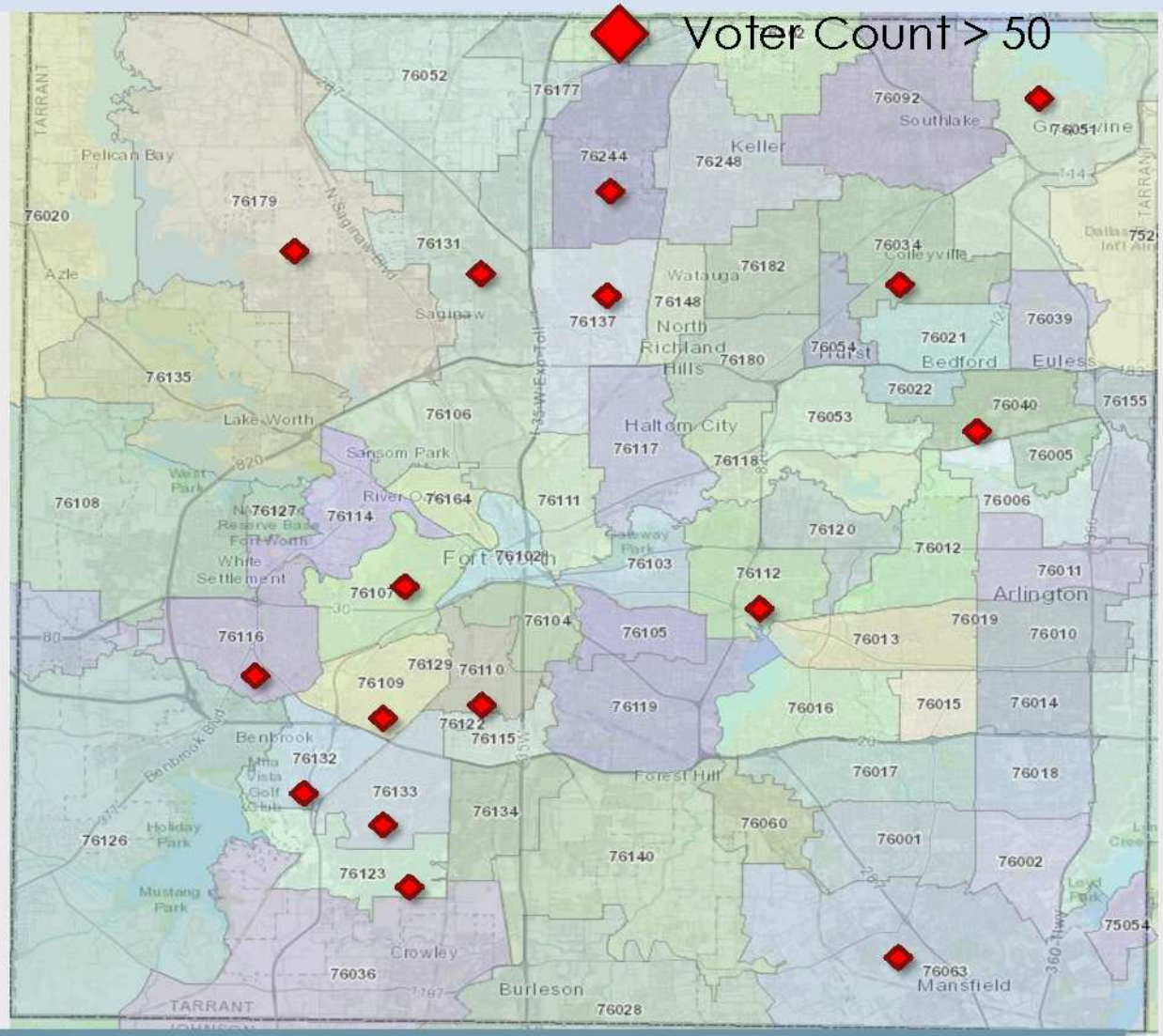
Average Zip Code Population ≈ 27k

- Largest 76063 Mansfield 61,361,
- Smallest 76127 Naval Air Station JRB 2,003

	Zip Code	Voter Count	Pop Rank
FW	76107	144	34
FW	76109	130	44
FW	76244	130	2
FW	76179	113	6
FW	76133	95	5
FW	76116	92	7
FW	76051	83	8
	76063	82	1
	76034	79	40
FW	76112	74	11
FW	76123	73	25
FW	76131	69	27
FW	76137	69	4
	76040	66	29
FW	76110	62	23
FW	76132	58	37
	76104	46	50
	76052	40	53
	76108	40	12
	76119	38	10
	76039	37	18

Zip Code	Voter Count	Pop Rank
76177	37	61
76102	36	59
75054	35	Partial
75052	31	Partial
76017	28	9
76002	26	24
76016	26	19
76106	26	13
76134	26	38
76114	25	36
76001	22	22
76105	22	43
76120	22	54
76126	21	49
76005	18	24
76103	17	55
76111	17	45
76006	16	41
76018	16	31
76013	15	20
76164	15	51

Zip Code	Voter Count	Pop Rank
76135	14	48
76140	14	33
76028	13	57
76036	13	42
76012	11	35
76115	9	47
76011	7	46
76118	7	56
76010	6	3
76014	6	15
76015	6	52
76262	6	14
75022	5	Partial
76008	4	41
76060	4	60
76155	4	62
76054	3	58
75028	2	Partial
75050	1	Partial



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Voter Count Independent of Zip Code Population

First Time Voters County Wide

Distribution by Zip Code / Precinct

Zip Code Precinct	Voter Count
76107	**144**
1015	4
1094	11
1120	11
1684	4
4016	8
4086	31
4116	15
4137	19
4344	13
4350	14
4493	8
4496	3
4634	3
76109	**130**
1081	3
1095	8
1117	13
1298	9
1472	1
4130	20
4163	18
4182	38
4343	16
4498	4

Zip Code Precinct	Voter Count
76244	**130**
3240	10
3372	13
3417	9
3465	9
3486	13
3552	10
3570	2
3637	11
3647	7
3648	6
3695	13
3696	9
3698	15
3709	3
76179	**113**
4018	2
4044	8
4045	18
4232	11
4375	13
4429	13
4452	2
4454	5
4531	3
4532	4
4551	6
4649	1
4650	14
4702	4
4703	7
4707	2

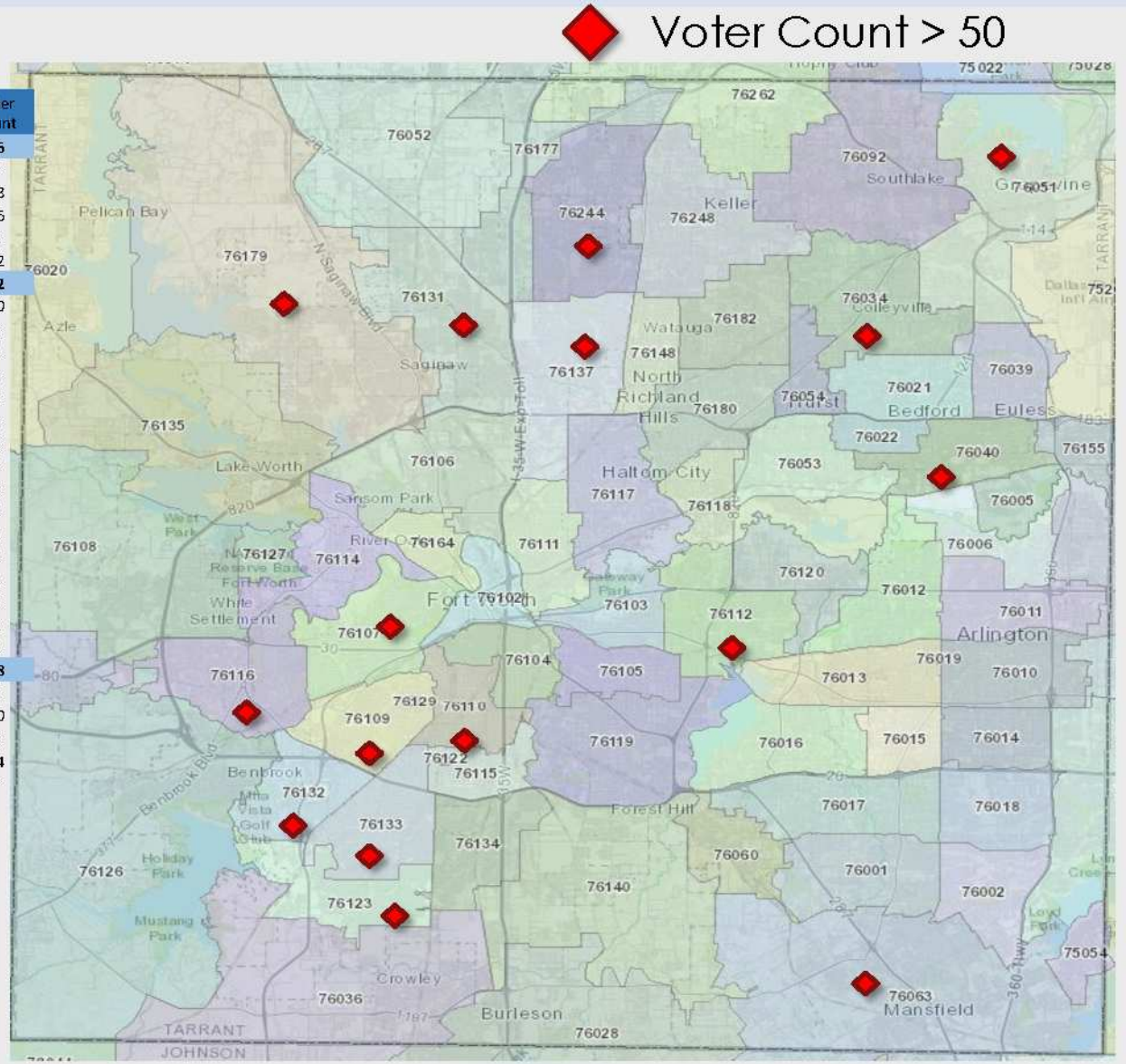
Zip Code Precinct	Voter Count
76133	**95**
1004	7
1022	7
1105	5
1119	5
1133	4
1142	3
1165	1
1167	4
1207	7
1238	16
1257	4
1264	8
1265	11
1273	5
1292	5
1440	1
1718	2
76116	**92**
4069	1
4118	11
4129	10
4135	1
4136	4
4178	13
4179	1
4203	3
4230	13
4342	19
4456	12
4497	2
4713	2

Zip Code Precinct	Voter Count
76051	**83**
3035	3
3038	3
3114	9
3321	8
3361	9
3384	6
3385	8
3396	10
3469	3
3530	14
3542	7
3706	3
76063	**82**
1034	3
2033	6
2221	4
2262	1
2308	2
2355	3
2357	6
2360	10
2426	6
2435	4
2524	8
2548	2
2614	1
2636	2
2643	4
2645	7
2697	8
2708	3
2712	2

Zip Code Precinct	Voter Count
76034	**79**
3193	5
3323	23
3330	3
3331	19
3390	6
3421	10
3510	11
3663	2
76112	**74**
1012	14
1099	1
1126	3
1127	5
1146	7
1151	1
1170	5
1188	2
1199	2
1270	2
1278	9
1279	5
1311	5
1415	3
1460	9
1622	1

Zip Code Precinct	Voter Count
76123	**73**
1119	2
1186	5
1207	1
1251	10
1255	7
1347	13
1459	3
1639	8
1641	8
1715	3
1718	2
1723	11
76131	**69**
4338	10
4452	8
4499	5
4591	7
4638	13
4694	18
4711	8
76137	**69**
4234	9
4250	15
4261	3
4374	5
4410	2
4508	14
4528	9
4540	3
4588	9

Zip Code Precinct	Voter Count
76040	**66**
1388	8
3160	18
3183	26
3247	2
3329	12
76110	**62**
1076	10
1078	3
1095	1
1108	9
1408	2
1608	9
4060	5
4077	5
4096	8
4097	1
4107	1
4155	1
4195	1
4201	3
4233	2
4475	1
76132	**58**
1071	9
1296	10
1377	8
1423	24
4070	7



AMERICAN OVERSIGHT

Cancelled Voters County Wide

Voters that voted in May and / or June and were subsequently cancelled

Voted in June Only	**12**
DECEASED	1
GENERAL (VTR RQST/DEC/MEN/DUP)	9
NO RESPONSE - EXAM LTR(30 DAY)	1
#N/A	1
Voted in May and June	**18**
DUPLICATE CANCEL - NO HISTORY	1
GENERAL (VTR RQST/DEC/MEN/DUP)	15
MOVED OUT OF COUNTY (REIMBURS)	1
NO RESPONSE - EXAM LTR(30 DAY)	1
Voted in May Only	**107**
DECEASED	22
DUPLICATE CANCEL - NO HISTORY	2
GENERAL (VTR RQST/DEC/MEN/DUP)	78
MOVED OUT OF COUNTY (REIMBURS)	3
NO RESPONSE - EXAM LTR(30 DAY)	2
Grand Total	**137** *

***59 / 137 FW Voters**

AMERICAN OVERSIGHT

Found: 137 Suspicious Cancelled Voters

Summary

- 2252 Voters voted in May and / or June for first time since 2016 Presidential Election or earlier.
  - 1436 June Only Voters
    - Did not vote in May 01 Election
  - 816 May and June Voters
- 137 Voters were cancelled after voting in May and / or June.

AMERICAN OVERSIGHT

Voter Registration Information

To register to vote in Texas, simply complete a voter registration application and return it to your county election office at least 30 days before the upcoming election date. To complete an application, you may:

1. Complete an application using the SOS ONLINE VOTER REGISTRATION APPLICATION. Simply fill in the required information, print, sign and mail directly to your county election office.
2. Request a PRINTED APPLICATION. Our office will mail a voter registration application to the address provided.
3. Contact or visit your local VOTER REGISTRAR to complete the voter registration process.

You are eligible to register to vote if:

- You are a United States citizen;
- You are a resident of the county where you submit the application;
- You are at least 17 years and 10 months old, and you are 18 years of age on Election Day.
- You are not a convicted felon (you may be eligible to vote if you have completed your sentence, probation, and parole); and
- You have not been declared by a court exercising probate jurisdiction to be either totally mentally incapacitated or partially mentally incapacitated without the right to vote.

A voter registration agency shall provide a voter registration application form to each person who is of voting age and a United States citizen in connection with the person's application for initial services, and also in connection with any recertification, renewal, or change of address, unless the person declines in writing to register to vote.Added by Acts 1995, 74th Leg., ch. 797, Sec. 33, eff. Sept. 1, 1995.

The following are considered voter registration agencies:

- Health and Human Services
- Any SOS approved agency that provides public assistance or services to persons with disabilities
- Department of Public Safety (Driver Licenses)
- All Public Libraries
- Marriage License offices

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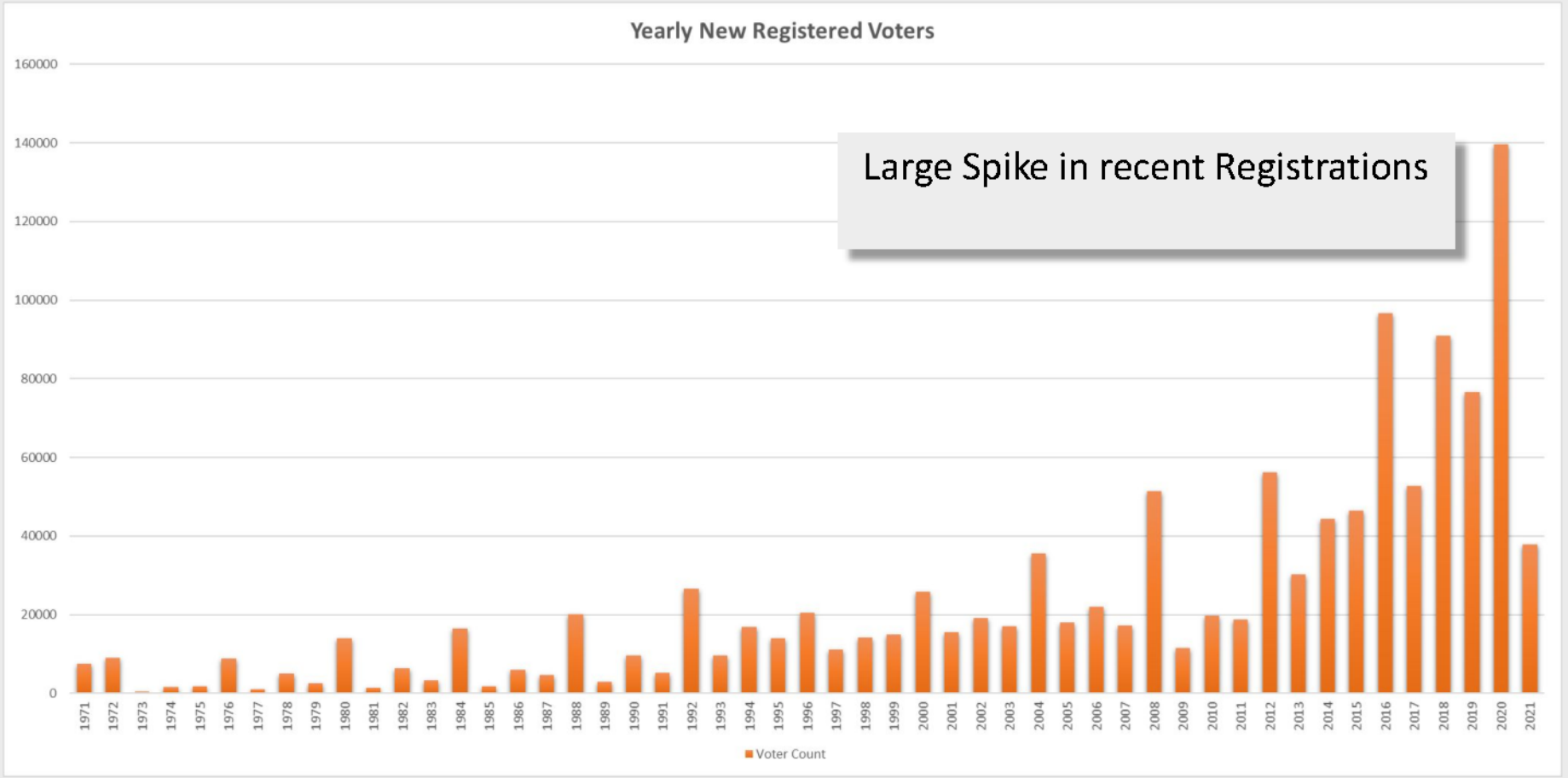
Registration Trends



Substantial Registration Increases

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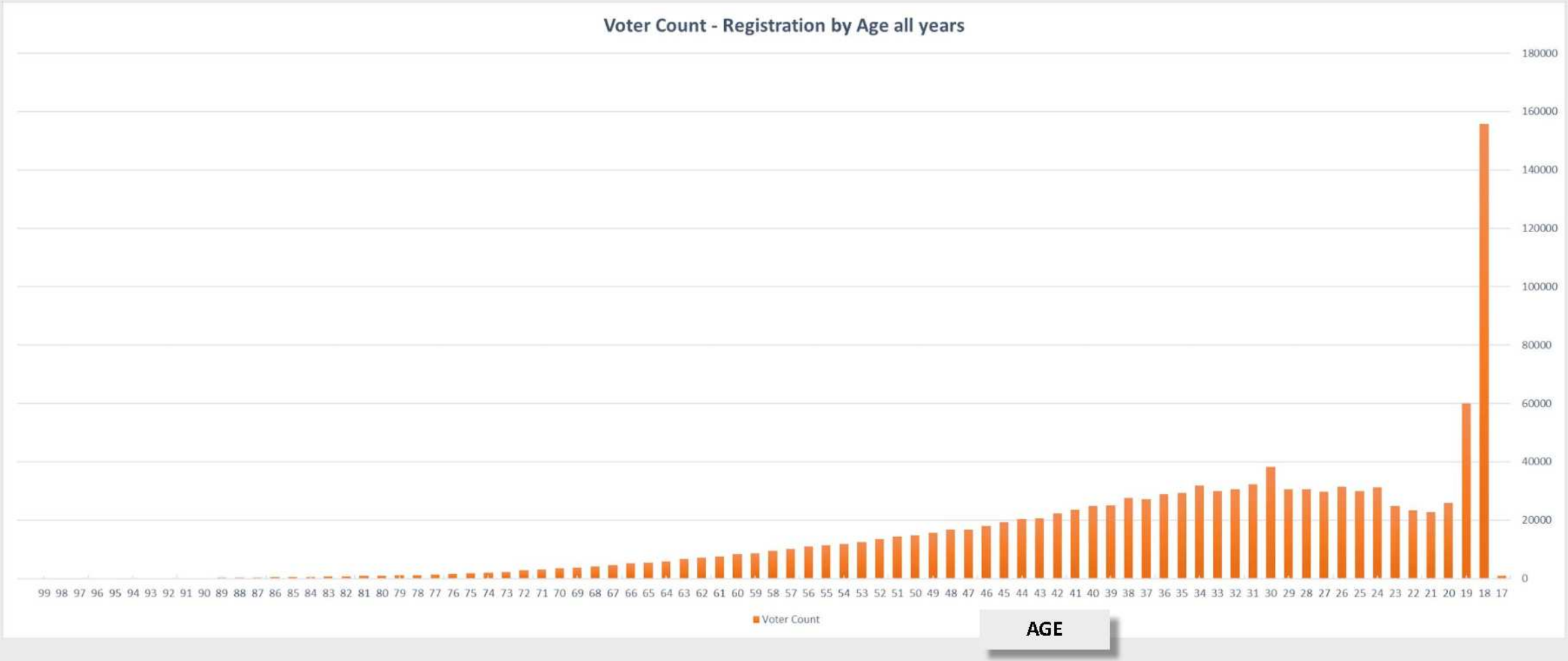
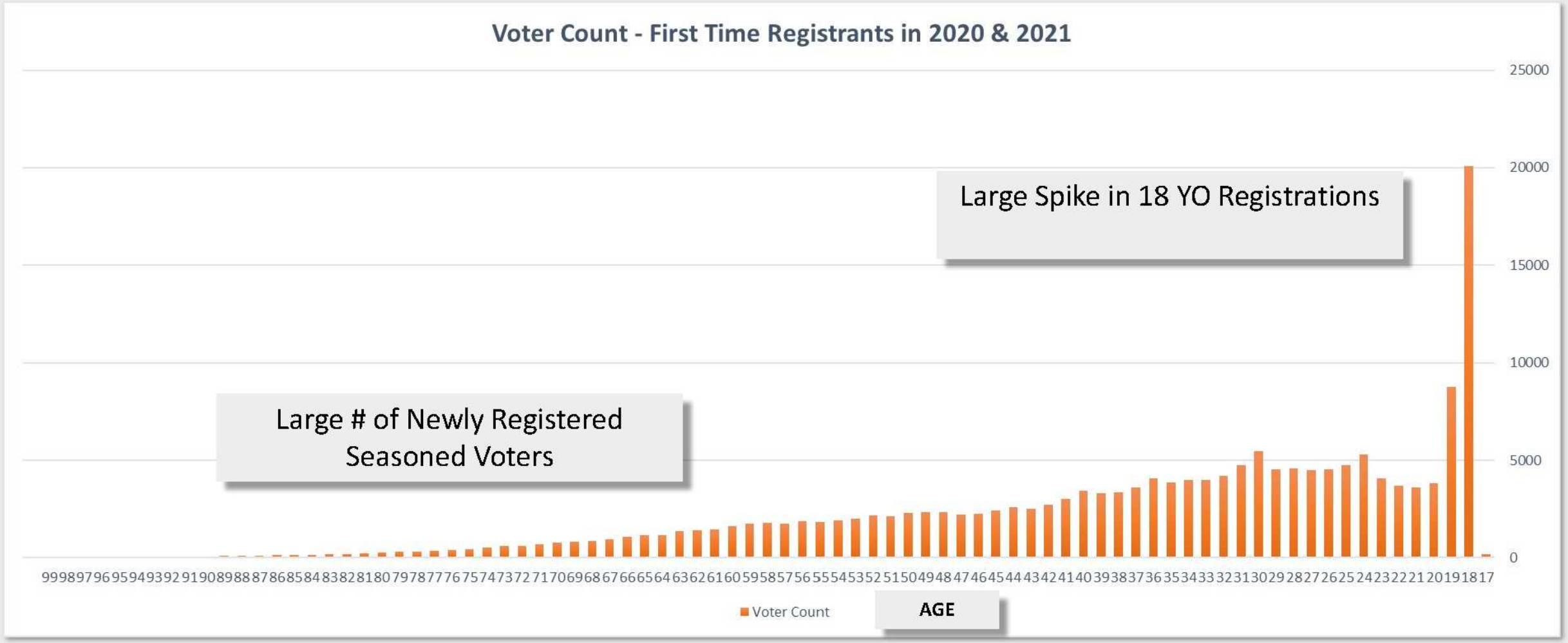
Registration Trends



Substantial Registration Increases

AMERICAN OVERSIGHT

Registration Trends



Substantial Registration Increases

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Invalid Registration Dates < 17 yrs of age

idnumber	voter_status	lastname	firstname	middlename	namesuffix	streetnumber	streetbuilding	streetpredir	streetname	streettype	unit	city	zip	Reg Year	Reg Age
2064145A		DAVIS	DEOSRAE	DASHAUN		1132		E	LEUDA	ST		FORT WORTH	76104	2003	16
618949A		JACKSON	ELLA			6400			FOREST HILL	DR		FORT WORTH	76119	1980	15
1524904A		WOODS	MELVIN	EUGENE		3428			FALCON	DR		FOREST HILL	76119	1995	16
608694S		HIGGINS	RANDY	GUY		1829			CARVER	AVE		FORT WORTH	76102	1980	16
1266813A		ARMSTEAD	TONY	LAVON		3429		N	LITTLEJOHN	AVE		FORT WORTH	76105	1992	16
289609A		WILLIAMS	AZELL			6925			GETTYSBURG	DR		FOREST HILL	76140	1972	15
745468A		LYDIA	VICTOR	LABRAY	II	3101			GETTYSBURG	LN		FORT WORTH	76123	1984	-6
402422705		BEAUFORD	BRANDON	KEITH		1600			CAROL OAKS	TRL	2505	FORT WORTH	76112	2008	16
141108A		JONES	SHEILA	ANN		6100			AVERY	DR	1107	FORT WORTH	76132	1972	15
300206A		YOUNG	CHARLES	EDWARD		4609			LOIS	ST		FORT WORTH	76119	1972	10
1869889A		LOCKRIDGE	TERRICK	DENARD		7320			DARIEN	ST		FORT WORTH	76140	2000	12
290473A		WILLIAMS	IMA			5872			BINDWEED	ST		FORT WORTH	76123	1972	-9
1266043A		GRANT	JAMIE	DESEAN		2016			HILL COUNTRY	CT		ARLINGTON	76012	1992	16
30024167A		GROMACKI	CHRISTOPHER	SCOTT		6001			CASTANADA	DR		ARLINGTON	76018	1980	0
40187498A		CYPRIEN	CARISSA	JAYE		221			HIBISCUS	DR		ARLINGTON	76018	1991	0
40355692A		JACKSON	SARAH	ELISABETH		109			SOUTHERN PINE	CT		ARLINGTON	76018	1978	0
319678A		WILSON	MILDRED	ANN		709			STONE MESA	CT		ARLINGTON	76001	1976	8

AMERICAN OVERSIGHT

Invalid Registration Dates < 17 yrs of age

dnumber	voter_status	lastname	firstname	middlename	namesuffix	streetnumber	streetbuilding	streetpredir	streetname	streettype	streetpostdir	unit_type	unit	city	zip	Reg Year	Reg Age
873	A	HARRIS	GLENNA	JEANETTE		6933		NE	LOOP 820			APT	1626	NORTH RICHLAND HILLS	76180	1971	-3
30003171	A	SEAVER	TRACI	KRISTINE		1226			KILLARNEY	LN				GRAPEVINE	76051	1980	0
30020083	A	WAGNER	NICK	BRUCE		1715			MAGNOLIA	LN				EULESS	76039	1944	0
40568847	A	KELLY	JACK	THOMAS		1105			OAKWOOD	DR				KELLER	76248	2013	16
40165764	A	GORGI	EVA	BARBARA		6000			PONDEROSA	ST				COLLEYVILLE	76034	1967	0
40081620	A	FRAZIER	ADRIENNE	ELIZABETH		6641			PARKWOOD	DR				FORT WORTH	76148	1990	0
30006052	A	MARQUEZ	KRYSTAL	LEIGH		6525			HIGH LAWN	TER				FORT WORTH	76148	1989	0
30022451	A	MCKASSON	DOUGLAS	B		9724			BEN HOGAN	LN				FORT WORTH	76244	1970	0
40242271	A	CHARLESTON	YARICA	CHRISHAWN		9012			HEARTWOOD	DR				FORT WORTH	76244	2008	15
40003998	A	GOMEZ	ANTOLIN			1504			LEE	AVE				FORT WORTH	76164	1962	0
40060858	S	BLUM	MATTHEW	AARON		4717			DEXTER	AVE				FORT WORTH	76107	1990	0
17908824	A	HERNANDEZ	CINDERELLA	RODRIGUEZ		1321			PARSONS	LN				FORT WORTH	76106	1999	16
40359827	A	MUNOZ	MAYRA	ALEJANDRA		3851			OSCAR	AVE				FORT WORTH	76106	1912	-75
40187708	A	CANALES	ERNEST		JR	2315			GRAYSON	AVE				FORT WORTH	76106	1978	0
40128705	A	GARCIA	JEFFREY	MARK		1936			ARROYO VERDE	TRL				FORT WORTH	76131	2005	15
222089	A	REYES	MARION	DANIEL		2455			CAPRI	DR				FORT WORTH	76114	1972	11
30024200	A	BURGOS	HECTOR			5136			WEATHER ROCK	LN				FORT WORTH	76179	1961	0
2145276	A	RAMIREZ HERRERA	SAN	JUANA		2412			WAKECREST	DR				FORT WORTH	76108	2004	12

AMERICAN OVERSIGHT

Voter Opportunity Score

SOS_VoterID	idnumber	voter_status	lastname	firstname	middlename	streetnumber	streetbuilding	streetpredir	streetname	streettype	streetpostdir	unit_type	unit	city	zip	birthdate	Age	# Votes	Opps	VOS
2144525995	40871710	A	ABATAYO	HAZEL MARI	PINO	250		W	LANCASTER	AVE		APT	1303	FORT WO	76102	1985	36	0	6.0	0.000
1011248524	40614091	A	ABBOTT	WELDON	LEON	222		W	4TH	ST		APT	405	FORT WO	76102	1948	73	1	6.0	0.167
1052018645	1623361	S	ABDELHADI	OMAR	SAID	501		E	WEATHERFORD	ST		APT	G	FORT WO	76102	1957	64	0	6.0	0.000
1047447772	40900932	A	ABLES	KEE	ALICE	500			MAIN	ST			645	FORT WO	76102	1959	62	2	6.0	0.333
1185538686	41012137	A	ACOSTA	EUGENIA		605		W	1ST	ST		APT	408	FORT WO	76102	1958	63	1	6.0	0.167
1152669412	40059585	A	ACOSTA	SHEILA	MAY	605		W	1ST	ST		APT	408	FORT WO	76102	1975	46	1	6.0	0.167
1049399249	2259513	A	ACREE	JOHN	CURTIS	605		W	1ST	ST		APT	704	FORT WO	76102	1952	69	4	6.0	0.667
2174280670	41175918	A	ACUNA	DORENE	LYNN	250		W	LANCASTER	AVE			1519	FORT WO	76102	1976	45	1	6.0	0.167
1045080762	723874	A	ADAMS	BRIAN	KEITH	221		W	LANCASTER	AVE		UNIT	8002	FORT WO	76102	1958	63	4	6.0	0.667
1052224113	723870	A	ADAMS	CYNTHIA	SCURLOCK	221		W	LANCASTER	AVE		UNIT	8002	FORT WO	76102	1958	63	4	6.0	0.667
1083606615	40322678	A	ADAMS	TAMMY	JOAN	221		W	LANCASTER	AVE		UNIT	4013	FORT WO	76102	1959	62	5	6.0	0.833
1205418037	40463417	A	ADAMS	THOMAS	WAYNE	221		W	LANCASTER	AVE		UNIT	4013	FORT WO	76102	1949	72	4	6.0	0.667
1070852347	41182116	A	AGUILAR	NORA	LEE	815		E	4TH	ST				FORT WO	76102	1976	45	1	6.0	0.167

Targeting Precincts

Voter Opportunity Score – Theory and Requirements

- Theory
  - Phantom voters added to a registration list for the purpose of defrauding an election would have voted very little compared to all the opportunities they've had to vote (based on their age)
- Required Data
  - Voter History Data
    - Voter ID
    - Estimated age at time of election
    - All dates of votes

AMERICAN OVERSIGHT

Zip Code	Sum of # Votes	Sum of Opps	VOS
76129	51	205	25%
75051	2121	8501	25%
76155	3596	13909	26%
76102	5410	20085	27%
76010	29181	94154	31%
76117	516	1617	32%
76011	18732	57468	33%
76105	17291	52667	33%
76040	8061	24444	33%
76115	7996	23959	33%
75050	11283	32760	34%
76111	7116	20244	35%
76014	29781	84624	35%
76104	13108	36434	36%
76180	7488	20742	36%
76005	7309	19351	38%
76006	28007	73917	38%
76119	44458	114394	39%
76039	5076	13032	39%
75052	47323	120962	39%
76120	22324	56907	39%
76107	14491	36592	40%
76018	35689	87934	41%
76002	47407	113865	42%
75054	21572	50819	42%
76140	37818	88992	42%
76103	16847	38913	43%
76036	42373	97858	43%
76112	56373	129312	44%
76015	23343	53103	44%
76028	34250	77686	44%
76118	12234	27456	45%
76134	36306	81080	45%
76123	57594	128510	45%
76248	8584	18759	46%
76053	8893	19353	46%
76052	8695	18837	46%
76063	116368	248380	47%
76133	78283	164273	48%
76132	37158	77147	48%
76001	57324	117922	49%
76051	18587	37855	49%
76017	81566	165345	49%
76109	17468	35142	50%
76060	15785	31372	50%
76110	13949	27252	51%
76012	49243	95199	52%
76126	47891	92569	52%
76013	57305	109240	52%
76016	71343	129346	55%
76116	9302	16736	56%
76021	8968	16115	56%
76092	7159	12500	57%
Total	1466396	3335788	44%

Voter Opportunity Score

SOS_VoterID	idnumber	voter_status	lastname	firstname	middlename	streetnumber	streetbuilding	streetpredir	streetname	streettype	streetpostdir	unit_type	unit	city	zip	birthdate	Age	# Vo	O	S	VOS
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76115	7996	23959	33%
75050	11283	32760	34%
76111	7116	20244	35%
76014	29781	84624	35%
76104	13108	36434	36%
76180	7488	20742	36%
76005	7309	19351	38%
76006	28007	73917	38%
76119	44458	114394	39%
76039	5076	13032	39%
75052	47323	120962	39%
76120	22324	56907	39%
76107	14491	36592	40%
76018	35689	87934	41%
76002	47407	113865	42%
75054	21572	50819	42%
76140	37818	88992	42%
76103	16847	38913	43%
76036	42373	97858	43%
76112	56373	129312	44%
76015	23343	53103	44%
76028	34250	77686	44%
76118	12234	27456	45%
76134	36306	81080	45%
76123	57594	128510	45%
76248	8584	18759	46%
76053	8893	19353	46%
76052	8695	18837	46%
76063	116368	248380	47%
76133	78283	164273	48%
76132	37158	77147	48%
76001	57324	117922	49%
76051	18587	37855	49%
76017	81566	165345	49%
76109	17468	35142	50%
76060	15785	31372	50%
76110	13949	27252	51%
76012	49243	95199	52%
76126	47891	92569	52%
76013	57305	109240	52%
76016	71343	129346	55%
76116	9302	16736	56%
76021	8968	16115	56%
76092	7159	12500	57%
Total	1466396	3335788	44%

Targeting Precincts

Voter Opportunity Score – Calculation

- $\textit{Voter Opportunity Score} = \frac{\textit{Number of times a voter has historically voted}}{\textit{Total opportunities a voter has had to vote}}$
  - *Total opportunities a voter has had to vote*
    - IF (Estimated Age – 17) > (Maximum Number Of Elections in Voter History File)
    - THEN (Maximum Number Of Elections in Voter History File)
    - ELSE (Estimated Age – 17)
- Lower score indicates a voter has voted infrequently compared to the opportunities they've had
- This formula can be rolled up at a precinct level to target initial precincts for canvassing
  - Replace numerator with the total number of times all voters in a precinct voted
  - Replace denominator with the total opportunities all voters in a precinct have had to vote

AMERICAN OVERSIGHT

WHAT IS NEEDED GOING FORWARD

1. Voter Rolls must be cleaned up with public oversight

2. A Forensic Audit of all Paper, Electronic, and Mail in Ballots to ensure 1 vote for each legitimate voter

3. More oversight including regular audits of voting systems to be reported back to the citizens

4. Canvassing as required as part of a forensic audit

5. Transition from electronic voting system to secure paper ballots

AMERICAN OVERSIGHT

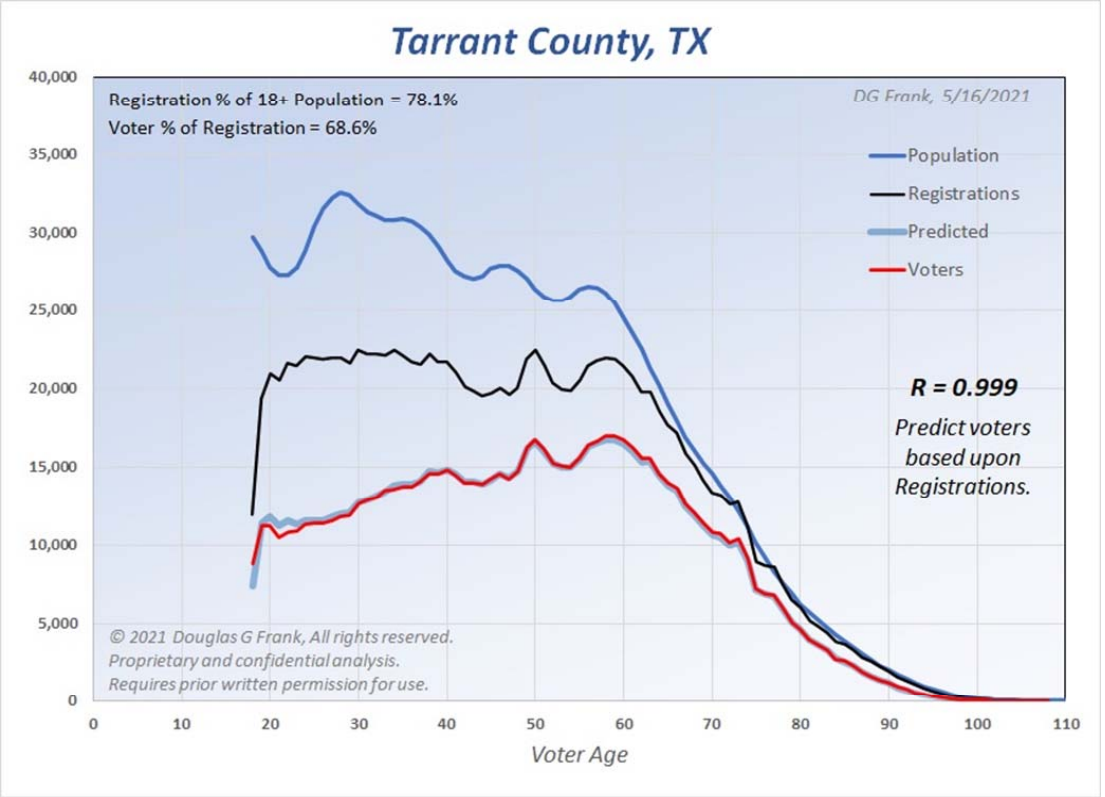
IMMEDIATE CALL TO ACTION

- **Forensic Inspection of the Ballots and Voting Machines**
- **Evidence presented here clearly shows anomalies found in the recent Tarrant County Election results per Texas Election Codes:**
  - •TEC 1.015 – Resident Requirements
  - •TEC Ch 13 – Application for Voter Registrations
  - •TEC Ch 18 – Identifying Registered Voters
- **Texas Secretary of State has Called for a Tarrant County Election Audit**
  - •Based on evidence presented here this needs to be a deep analysis of equipment, procedures and inspection of ballots versus a simple recount of suspect results
  - •Needs to remove any doubt of whether we have fair and open elections
- **Establish Bi-Partisan Team to Begin Working to Review and Audit the Systems and Equipment within 60 Days**
- **Complete and Report Findings within 90 Days of Review Start**

AMERICAN OVERSIGHT

Analysis of Tarrant County Nov 2020 Voting by Dr. Douglas Frank

- Dr. Frank 6th Polynomial Analysis
  - Based on Tarrant County population and the 1.2 million registered voters and the 830,014 voters who voted as provided by the Freedom of Information Act (FOIA).
  - The "Predicted" curve on the graph shows that the number of "voters" can be foretold based on the number of Registrations with a near perfect correlation of R=0.999. This can not occur naturally. This anomaly is compounded by very similar graphs being found for other Texas counties and counties across the country.



AMERICAN OVERSIGHT

Possible Explanations for our Suspicious Findings and Dr. Frank's Graph

- Padding of the voter rolls, sometimes with new registrations very near the time of the election
- Electronic vote flipping to produce the desired outcome
  - Via any of the 10+ avenues afforded in the current generation of voting equipment
  - Can include flipping inactive voters to active, voting them, and flipping them back
  - Can be done by external intrusion or by election machine contractors with admin privileges
- Use of the inflated voter rolls to provide the "phantom voters" needed to cover the "votes cast"
  - registered voters who have not voted in a long time
  - deceased voters
  - non-US citizens
  - voters in multiple counties
  - voters from commercial addresses, PO boxes, vacant lots, non-existent addresses
  - large numbers of voters from a single address where such a large number could not possibly reside
  - "harvested" mail-in / absentee votes
  - etc., etc., etc.
- Clean up of the voting records following the election (including deletion of some of the records)

AMERICAN OVERSIGHT

Items to examine in a Forensic Election Office Audit (version 1.0)

1. Verify the written standard operating procedures (SOP) of all election workers as well as poll workers. What is the process to distribute machines to voting locations? What is the process to retrieve machines from voting locations? What is the process to count votes?
2. Verify voter rolls. Examine complete database of voter rolls and compare this pre and post-election. Post-election electronic poll book should be identical to pre-election. Did any voters vote which should not have been allowed to (non-citizens, etc.,)? Did any voters vote that had commercial addresses? Did any voters vote that non-existent address (vacant lots, etc.)?
3. Verify all election system components agree with the State-approved hardware and software versions. Verify all software up to date as approved by the State.
4. Verify pre-election integrity tests.
5. Hand count all early voted paper ballots. Ensure counts match official election counts.
6. Hand count all mail in absentee ballots. Ensure counts match official election counts.
7. Hand count all day of voting paper ballots. Ensure counts match official election counts.
8. Open the case of multiple election scanner/tabulators (representative sample). Verify all components inside the scanner/tabulator and insure there are no wireless devices inside (whether active or not).
9. Verify all election management servers (EMS) are not connected to any type of network. Open case of EMS machines and verify there are no wireless devices (whether active or not). Examine all wires coming out of the EMS. Even wires going to a printer. Is the printer wirelessly enabled?
10. Verify ballot images of scanned ballots. If ballots are absentee, are all ballots 'marked by hand'? Look for evidence of photocopying ballots that were supposed to be marked by hand.
11. Verify signatures on envelopes of mail in ballots. Also verify any other critical information that is supposed to be present (driver's license, SSN, etc.)
12. Examine the provisional ballots submitted in an election. Were there an abnormal amount of provisional ballots?
13. Examine the Reasonable Impediment Documents/Forms (RID or RIF) submitted in an election. These forms are completed by voters in TX if they do not have a picture ID. Like if all they have is a birth certificate or a copy of a utility bill.
14. Determine if any ballots had to be 'cured' or re-created during the election process. Were representatives of both parties present at all times when a ballot was cured/re-created? (20K Runbeck printing issue, etc.)
15. Verify all chain of custody documents. Were all documents signed? Was the information correct (agreeing serial numbers, etc.) on the documents? Did the ballot issue count match what a voting location was provided? Did they lose any blank ballots?

AMERICAN OVERSIGHT

16. Examine all paper ballots to insure the paper was the exact paper acquired from the supplier. (i.e. paper was not photo copy paper). Does ballot paper have any security measures embedded in it?
17. Take forensic images of all EMS machines. Examine images to insure all logons and security aspects. Examine logs to insure no network connections have been present. Examine user logon tables and verify all users are valid and have strong passwords (i.e. no anonymous logons and no old employee logons present).
18. Take forensic images of the scanner/tabulator machine. Examine images to insure all logons and security aspects. Examine logs to insure no network connections have been present. Examine user logon tables and verify all users are valid and have strong passwords (i.e. no anonymous logons and no old employee logons present).
19. Take forensic images of the ballot marking device/machine. Examine images to insure all logons and security aspects. Examine logs to insure no network connections have been present. Examine user logon tables and verify all users are valid and have strong passwords (i.e. no anonymous logons and no old employee logons present).
20. Verify the process by which the election office receives absentee ballots from the USPS. Does the election office send over a driver to pick up mail? Does this driver have representatives from the Ballot Board with them to pick up ballots? Does the USPS deliver ballots to the election office? Is this process logged somewhere?
21. Verify if any machines were programmed 'incorrectly' when set out to polling locations. One particular mistake that causes a 'hand fix/cure' of all ballots is if a scanner/tabulator is programmed for Early Voting when it is actually Day of Voting. The electronic tabulated results need to be entirely re-created in order for those electronic ballots to be counted in the EMS.
22. Look at personnel assigned to voting locations. Are the same Election Judge and Asst Election Judge assigned to the same voting location over and over again? Did all voting locations have partisan poll watchers? Where there any written complaints submitted by any Election Judges or Poll Watchers or Voters?
23. Perform statistical analysis on election results. Are election stats within the 'norms' of other elections? Examine voting by age groups. Examine voting by party, sex, location, etc. Examine any anomalies in voter turnout. Examine voting statistics by precinct number. Do these results fall in line with other elections?
24. Perform a manual canvassing of voters by going door-to-door. Pick out voters to canvass who:
    a. Are on the voter rolls and that supposedly voted.
    b. Are on the voter rolls but that did not vote.
    c. Are not on the voter rolls. See if they voted, etc.

AMERICAN OVERSIGHT

From: Buff Kizer
To: Secretary
Cc: Kim Bergmann
Subject: Invite
Date: Sunday, February 20, 2022 4:23:16 PM

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Dear Secretary Scott,

We wanted to extend another breakfast invite some Friday or even on a Sat here in Ft Worth if that would be better - at your convenience in the coming weeks.

We are constantly praying for you and Texas.

All God's blessings,

Buff

914-356-7447

AMERICAN OVERSIGHT

Subject: Meeting w/ CEITX
Location: Colonial Country Club - 3735 Country Club Cir, Fort Worth, TX 76109

Start: Fri 12/10/2021 8:30 AM
End: Fri 12/10/2021 9:00 AM

Recurrence: (none)

Organizer: John Scott

Contact: Buff Kizer
Cell: 914-356-7447

AMERICAN OVERSIGHT

From: Buff Kizer
To: Secretary
Cc: Kim Bergmann
Subject: Positive Developments!
Date: Monday, February 7, 2022 7:37:09 AM
Attachments: Cost Charts.pdf

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Dear Secretary Scott,

We are delighted to report very positive developments including one of your suggestions really paying off:

- Our Election Integrity event Jan 26th with Republican primary candidates at the Ridglea Theater attracted over 300 attendees, with widespread pickup after Louie Gohmert texted our video link (tarrantelectionintegrity.com) to 150,000 Republicans last Friday.

This has caught Judge Whitley's attention who has invited us to make a full repeat presentation to the Tarrant County Board of Supervisors in March.

A revelation coming out of Jan 26th video Session 4 is that the cost to conduct an all-electronic election in Tarrant County has gone from $9 per registered voter in 2018 to $30 this year (see attached graph), all with the vastly increased hacking potential of our "Rally site" internet transmission of "unofficial" votes to the main election office which then sit on an internet-connected server for the duration of the election (as discussed in Session 3). Denton County uses a hybrid much safer system of hand-marked paper ballots scanned into existing scanners then tabulated centrally for less than half the Tarrant County cost.

In Session 5 Dan Bates looks the candidates in the eye and asks why we are having to do their jobs for them?

Scores and scores of new volunteers are coming forward after Jan 26 and are signing up on the website now. New "whistle blowers" are also coming forward.

- Our Central Texas group has attracted Democrat volunteers and the head of the group, Paul Parker has been invited to serve on the Board of the Democratic group.

Paul (214-280-7716) lives in Georgetown and continues to have major findings he would be only too happy to share with you and your staff.

- We are preparing training videos and live sessions with pastors across Texas featuring multiple short videos of a diverse set of presenters describing material blatant vote manufacturing by ballot harvesting and "over the top" dereliction of duty in conducting and reconciling various elections. This could be a good opportunity for you to enforce your call for honest elections if you would like to kick-off these videos.

We will also be having a series of events including with pastors and their congregations across Texas like Jan 26th, with all 9 counties doing the presenting showing the same egregious situations in all the major metropolitan areas. Again, you would be welcome to be the kick-off speaker at some of these.

- Press interviews with the Ft. Worth Report and the Texas Tribune are beginning of our grass-roots volunteers and their 9 county findings, with discussion across the national Salem news network to then follow. Let us know if you would like to be in any of these interviews?

- Unfortunately, our continued data mining across the 9 counties is now turning up material numbers of "changed votes" which we are continuing to investigate. As always, we are happy to share these findings with you and your staff.

- During the primaries and runoffs, we will be taking daily snapshots of county and SOS voting records and analyzing them. We will keep you posted on findings.

- Based on all this, it only makes sense to "look under the covers" making and examining forensic images of the servers in Collin County where there are cooperating officials at all levels. This can be done quietly and quickly.

We remain ready to serve you any way we can, we pray for you constantly and ask you to consider all 9 counties as a resource to you.

We know you will find the short videos from Jan 26th of great interest as these are being spread quite widely.

All God's blessings.

Buff Kizer

Cell: 914-356-7447

Election Integrity Presentation and Candidate Discussion which took place Jan 26th | View website

TO TK CAMPBELL

Election Integrity Presentation and Candidate Discussion which took place Jan 26th

Fellow Tarrant County Citizens,

If you were not one of the over 300 concerned citizens that attended our Election Integrity and Candidate symposium Wednesday evening, then we encourage you to watch the video version of our presentation posted at:

TarrantElectionIntegrity.com

And all are encouraged to share the video presentation with your friends and neighbors.

The reviews have been very positive. Candidate for Tarrant County Judge Tim O'Hare stated "This was a great event with very valuable information. We need to protect the ballot box and stop voter fraud in its tracks. I encourage every voter to watch and share this video."

This 61 minute video* is the culmination of thousands of hours of investigation and analysis during the past year by a non-partisan group of over 100 Tarrant County community leader volunteers. Whether you are familiar with the extreme weaknesses in the security of our elections, in Tarrant and across the nation, or under the impression that a problem does not exist, we are confident you will find this video enlightening.

AMERICAN OVERSIGHT

A "Connect With Us" link is also provided at TarrantElectionIntegrity.com for those who would like to be further involved.

God Bless,

Bill Fearer

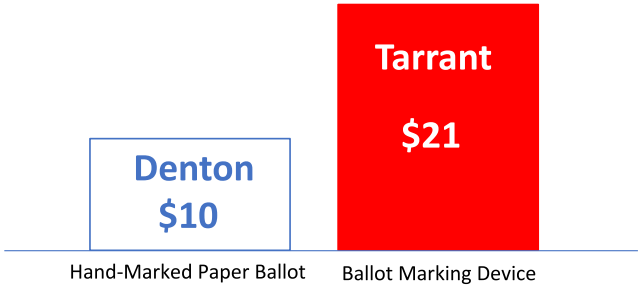
Citizens for Election Integrity

TarrantElectionIntegrity.com

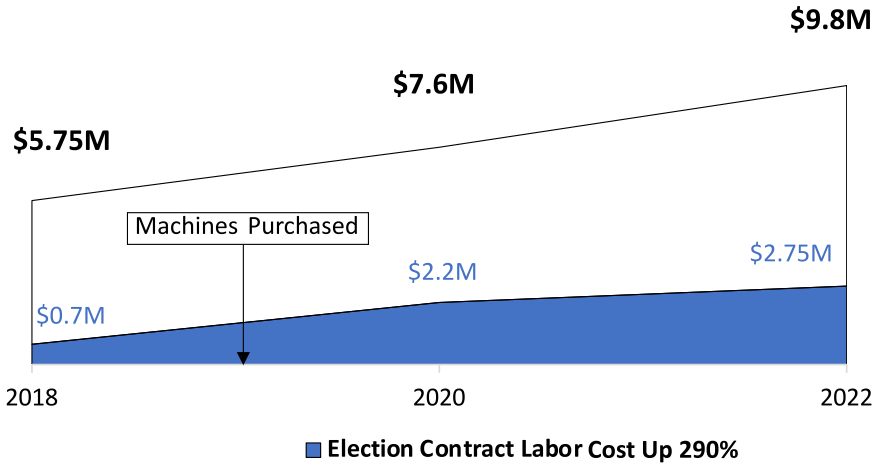
* - Presentation topics can also be viewed in short segments

AMERICAN OVERSIGHT

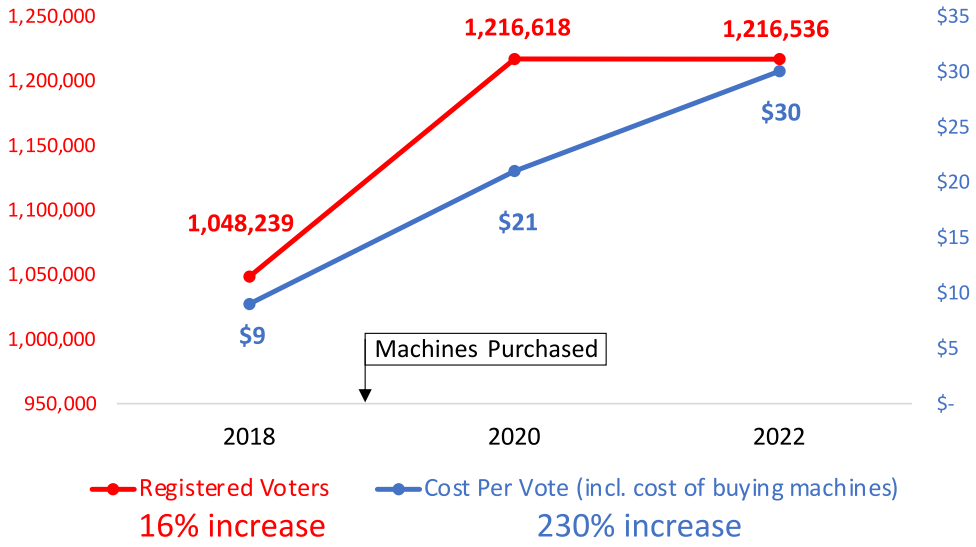
2020 Election
Paper vs Electronic Cost per Vote



Machines Are Not Saving Money or Labor
(excluding cost of buying new machines)
2018 – 2022 Tarrant Election Budget up 70%



Costs Are Rising Faster than Registrations
2018 – 2022 TC Election Cost per Vote **vs** Registered Voters



AMERICAN OVERSIGHT

From: Buff Kizer [redacted]
Sent: Monday, November 15, 2021 5:31 PM
To: Secretary
Subject: Re: Invitation to Breakfast in Ft. Worth in late Nov or Dec to discuss our Election Integrity Findings and the planned 4 county forensic audits

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Hi Kim,

Will do! I'll be back to you.

All God's blessings,

Buff

On Mon, Nov 15, 2021 at 5:01 PM Secretary <Secretary@sos.texas.gov> wrote:

> Mr. Kizer:
>
> Secretary Scott is available Friday, December 10th at 8:30am. Please let me know who all will be attending the breakfast.
>
> Best Regards,
>
> *Kim Bergmann*
>
> Executive Assistant/Scheduler to
>
> Secretary of State John B. Scott
>
> Capitol Building, Room 1E.8
>
> (512) 463-5702
>
> **kbergmann@sos.texas.gov**

AMERICAN OVERSIGHT

From: Buff Kizer [redacted]>
Sent: Monday, November 15, 2021 7:26 AM
To: Secretary <Secretary@sos.texas.gov>
Subject: Re: Invitation to Breakfast in Ft. Worth in late Nov or Dec to discuss our Election Integrity Findings and the planned 4 county forensic audits

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Hello John and Kim,

We wanted to let you know that we are refining a spreadsheet with the following rows and columns this week with input from election integrity experts in 8 Texas counties including all the major metropolitan counties.

- **Rows: Voting Process Steps (22 so far)**
- **Column A – Current Tarrant County Voting System vulnerabilities (yellow) and possible illegalities (red)**
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- **Columns D and E – Options for further reducing vulnerabilities beyond 2022 WITH new legislation.**

This is included in what we are looking forward to discussing with you over breakfast here in early December. We can also send an advanced copy by this weekend if you like.

All God's blessings,

Buff

AMERICAN OVERSIGHT

On Tue, Nov 9, 2021 at 3:26 PM Buff Kizer [redacted] > wrote:

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>
> We are really hoping John might be in Ft. Worth one of these dates where we could host him for a breakfast get together. I know he will really appreciate the group and the care, honesty and diligence we have taken in developing our 4 findings we want to share with him. It will be encouraging to him to meet this group of Texans caring this much and praying for him and our state.
>
> All God's blessings,
>
> Buff
>
> Cell 914-356-7447

On Tue, Nov 9, 2021 at 9:36 AM Secretary <Secretary@sos.texas.gov> wrote:

> Mr. Kizer:
>
> Thank you for your email. I will get back to you later this week regarding your request.
>
> Sincerely,

AMERICAN OVERSIGHT

Kim Bergmann

Executive Assistant/Scheduler to

Secretary of State John B. Scott

Capitol Building, Room 1E.8

(512) 463-5702

kbergmann@sos.texas.gov

From: Buff Kizer <[redacted]>
Sent: Monday, November 8, 2021 11:16 PM
To: Secretary <Secretary@sos.texas.gov>
Cc: Jay Meadows <[redacted]>; Bill Fearer [redacted]>; Dan Bates <[redacted]>; Scott Britton <[redacted]>; Cheryl Chapman [redacted]; Brian Childers [redacted]>; TK Campbell [redacted]>; Steve.Toth@house.texas.gov
Subject: Invitation to Breakfast in Ft. Worth in late Nov or Dec to discuss our Election Integrity Findings and the planned 4 county forensic audits

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Dear John,

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We are a grass-roots organization in Ft. Worth / Tarrant County that has been praying and seeking God's guidance regarding suspicious election statistics following the Nov 2020 elections and now 4 findings that we want to share with you based on many FOIAs we have filed on the 2020 and 2021 elections in Ft. Worth and Tarrant County.

AMERICAN OVERSIGHT

TX-SOS-22-0651-H-000580

I had a nice talk with Kim today and she provided your email and the way to extend our invitation for you to join us for breakfast at Colonial Country Club in Ft. Worth when you might be in town in late November or December. We could do this on any of these dates: Nov 30, Dec 2, 3, 7, 9, 10, 14, 16, 17 or 21st. We could start at the time best for you: 7:00, 7:30, 8:00 or 8:30am.

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Our 4 findings are as follows:

- Voter roll and voting issues in Ft. Worth and Tarrant County shown in the attached 81 pages of voters from vacant lots, fictitious addresses, PO Boxes, excessive numbers of votes from a single address, etc., etc. NOTE THIS FILE CONTAINS THE PERSONALLY IDENTIFYING INFORMATION WE HAVE SHARED WITH SHERIFF BILL WAYBOURN WHICH MUST BE APPROPRIATELY SAFEGUARDED.

- An attached analysis from Dr. Douglas Frank showing Tarrant County voting in Nov 2020 able to be predicted with .999 accuracy based solely on age and Registrations with virtually the same graphs also produced for Harris, Dallas and Collin Counties. This could not have occurred naturally.

- Significant voting reconciliation issues

- Significant voting equipment processing issues

We all seek election integrity excellence. Our findings indicate we are falling far short of this. There are many unanswered questions.

Should you wish to preview our findings before we are able to meet, we would be happy to do so on a call or video conference.

Also, similar findings are turning up in Harris, Dallas and Collin Counties to many we have found in Tarrant County. We have close relationships with Alan Vera, the Head of Republican Election Integrity in Harris County, as well as Precinct Chairs in each of these counties that we would be happy to share.

We in these 4 counties are all concerned that the planned audits will not be complete and independent and would like to work with you to make them so. To this end, the requirements for a real and complete forensic audit from Scott Britton of our team are attached with the portions highlighted that are not yet included in the planned SOS audits put in place before your appointment.

The results in Virginia and New Jersey last Tuesday only serve to emphasize the criticality of vigilance with regard to voter rolls, voting systems with far fewer vulnerabilities and extremely close legal and poll watching scrutiny to detect and prevent any malfeasance in the voting process.

We look forward to speaking with you in Ft. Worth to discuss our findings and how we can assist you in advancing election integrity excellence in Texas.

AMERICAN OVERSIGHT

God be with you,

Jay Meadows, Dan Bates, Bill Fearer, T. K. Campbell, Scott Britton, Chery Chapman, Brian Childers, Buff Kizer
CEITX

cc: Representative Steve Toth (who we have briefed regarding our findings and who shares our concerns)

(Please let Buff – 914-356-7447 - know if you can join us on one of these dates in Ft. Worth and if you would like some of us to provide a preview beforehand via call or videoconference)

AMERICAN OVERSIGHT

From: Buff Kizer [redacted]
Sent: Monday, November 15, 2021 7:26 AM
To: Secretary
Subject: Re: Invitation to Breakfast in Ft. Worth in late Nov or Dec to discuss our Election Integrity Findings and the planned 4 county forensic audits

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Mr. Kizer:

Thank you for your email. I will get back to you later this week regarding your request.

Sincerely,

Kim Bergmann

Executive Assistant/Scheduler to

Secretary of State John B. Scott

Capitol Building, Room 1E.8

(512) 463-5702

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Cc: Jay Meadows <[redacted]>; Bill Fearer <[redacted]>; Dan Bates [redacted]>; Scott Britton <[redacted]>; Cheryl Chapman [redacted]>; Brian Childers [redacted]>; TK Campbell [redacted]>; Steve.Toth@house.texas.gov
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AMERICAN OVERSIGHT

From: Kim Bergmann
Sent: Friday, November 12, 2021 4:53 PM
To: Secretary
Subject: RE: Invitation to Breakfast in Ft. Worth in late Nov or Dec to discuss our Election Integrity Findings and the planned 4 county forensic audits

Mr. Kizer:

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Best Regards,

Kim Bergmann
Executive Assistant/Scheduler to
Secretary of State John B. Scott
Capitol Building, Room 1E.8
(512) 463-5702
kbergmann@sos.texas.gov

From: Secretary
Sent: Tuesday, November 9, 2021 9:36 AM
To: Buff Kizer [redacted]>
Subject: RE: Invitation to Breakfast in Ft. Worth in late Nov or Dec to discuss our Election Integrity Findings and the planned 4 county forensic audits

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AMERICAN OVERSIGHT

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Sent: Monday, November 8, 2021 11:16 PM
To: Secretary <Secretary@sos.texas.gov>
Cc: Jay Meadows [redacted]>; Bill Fearer [redacted]>; Dan Bates <[redacted]>; Scott Britton <[redacted]>; Cheryl Chapman [redacted]>; Brian Childers [redacted]>; TK Campbell [redacted]>; Steve.Toth@house.texas.gov
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CEITX

cc: Representative Steve Toth (who we have briefed regarding our findings and who shares our concerns)

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To: Secretary
Subject: Re: Invitation to Breakfast in Ft. Worth in late Nov or Dec to discuss our Election Integrity Findings and the planned 4 county forensic audits

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All God's blessings,

Buff

Cell 914-356-7447

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>
> Executive Assistant/Scheduler to
>
> Secretary of State John B. Scott
>
> Capitol Building, Room 1E.8
>
> (512) 463-5702

AMERICAN OVERSIGHT

kbergmann@sos.texas.gov

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Cc: Jay Meadows [redacted]>; Bill Fearer [redacted]>; Dan Bates [redacted]>; Scott Britton [redacted]>; Cheryl Chapman [redacted]>; Brian Childers [redacted]>; TK Campbell [redacted]>; Steve.Toth@house.texas.gov
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Jay Meadows, Dan Bates, Bill Fearer, T. K. Campbell, Scott Britton, Chery Chapman, Brian Childers, Buff Kizer
CEITX

cc: Representative Steve Toth (who we have briefed regarding our findings and who shares our concerns)

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Thanks so much Kim.

Let's do 8:00-9:30am. I'll meet him at the entrance to Colonial Country Club where we will have a room for our gathering and breakfast.

I'll be getting back to you with the attendees by the 1st week of December.

Happy Thanksgiving and All God's blessings in the meantime,

Buff

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AMERICAN OVERSIGHT

kbergmann@sos.texas.gov

From: Secretary
Sent: Monday, November 15, 2021 5:02 PM
To: Buff Kizer [redacted]>
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Executive Assistant/Scheduler to

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kbergmann@sos.texas.gov

AMERICAN OVERSIGHT

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TX-SOS-22-0651-H-000597

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From: Buff Kizer
To: Secretary
Cc: Kim Bergmann
Subject: Thank you
Date: Saturday, December 11, 2021 5:20:08 PM

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Secretary Scott,

We thank you so much for meeting with us yesterday and for the time you provided.

Our election security expert has confirmed that he is available to meet in Austin at your convenience.

We look forward to hearing from you.

Best Regards,
Buff

AMERICAN OVERSIGHT

From: Buff Kizer [redacted] >
Sent: Saturday, January 22, 2022 5:02 PM
To: Secretary
Cc: Kim Bergmann; Jay Meadows; Alan Vera; Melinda Beane; TexasTPaw; Scott Britton; Chad Fillmore
Subject: Updates to our meeting with you Dec 10, 2021, from Tarrant, Harris, Dallas, Bexar, Bell, Hays, Travis, Williamson and Collin Counties
Attachments: Secretary of State John Scott - Jan 22 2022 w attachments.pdf

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Dear Secretary Scott,

Attached is a letter from the counties which contributed to the meeting with you December 10, 2021, in Ft. Worth together with our "one page updates" from our counties: Harris, Dallas, Central Texas (Bexar Bell, Hays, Travis and Williamson Counties) and Tarrant County.

Thank you again very much for meeting with us.

Please regard us as supporters and a resource.

We are happy to provide any additional information we can and respond to any questions you or your staff may have in a manner that would be the most convenient to you and / or your staff.

God bless you and God bless Texas,

Jay Meadows - Tarrant County
Alan Vera - Harris County
Melinda Maxwell - Dallas County
Paul Parker - Travis, Bexar, Williamson, Bell and Hays Counties
Scott Britton - Collin County

AMERICAN OVERSIGHT

January 22, 2022

Dear Secretary Scott,

Thanks again for our Ft. Worth meeting and we all so appreciate your openness and publication of the Phase 1 Audit results. Please regard us as supporters and a resource. Our prayers are with you, as the chief elections officer in Texas, and as you seek to "do the right thing."

We share information developed through tireless efforts of citizens in participating counties to better understand the election processes and contribute toward safeguarding elections. You suggested that we broaden participation. We are seeking Independents, Democrats, and faith-based groups to join in our efforts.

The four "one-pagers," attached, summarize findings clearly established in the data and report relevant behavior seen across the participating counties, **Tarrant, Harris, Dallas** and on a combined basis for **Travis, Bexar, Williamson, Bell and Hays**. Please recall, Scott Britton, a key technical leader on the Tarrant County team, resides and serves as a Precinct Chair in **Collin County**. He is close to the Election Administrator and Sheriff there and provides the insights into Collin County. Please use these findings as they relate to your Phase 1 Audit findings and inform on conducting Phase 2.

We summarize our findings as follows:

- Significant questions exist regarding Elections Administrator responses to the Phase 1 Audit.
- Discrepancies exist between the Secretary of State's and the County Registration and Voting records because:
    a. Tens of thousands of continuing disparities between the Secretary of State election data and the county election data, constantly changing and evolving long after the November 2020 election;
    b. Scores and scores of changed voting records; and
    c. Unknown whether a.) and b.) are beyond innocent errors and occurring maliciously and / or because of dereliction of duty or incompetence (that a full investigation including a forensic audit would reveal). In all cases the magnitude of discrepancies signal we have problems and underlying vulnerabilities that must be acknowledged and addressed for this year's Mid-Terms and beyond.
- Separately from the above, we also continue to see and encounter **willful manufacturing of a material number of votes and the bullying / harassment of poll workers**.
    a. As you know, we continue to properly submit voter registration residency challenges such as the 488 in September in Harris County that have not been acted on by the Elections Administrator.

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John, you know our backgrounds. You've met us. We are not making this up. It is time to publicly acknowledge the vulnerabilities in our Texas voting systems meriting:

1. Further continuing attention to voter roll clean-up, enhanced reconciliation between Secretary of State and County registration and voting data and addressing voting systems errors; and
2. Working together openly across our state to reduce the vulnerabilities in our election systems that malicious actors continue to utilize to change / add votes.

We renew our strong suggestion that you obtain the perspective of Russell Ramsland on serious anomalies detected in our electronic voting equipment. Ramsland's willingness to meet when and where convenient for you has been confirmed. We stand ready to set up this meeting by your contacting any of us.

Complementing the four county Phase 2 Audits, a thorough independent forensic audit is merited. Collin County, with its cooperating Election Administrator, needs only your request to begin. Ramsland could take and analyze the forensic snapshots. This will provide additional data, one way or the other, as you and your staff continue to analyze the Phase 1 results, our findings and data, in formation and data received from others, and the forthcoming Phase 2 results.

We are happy to provide any additional information we obtain. Whether via phone, Zoom call, meeting in your office (as you will see below Paul Parker is close by), in Ft. Worth or any of our locations we remain willing to confer with you further.

God bless you and God bless Texas,

Jay Meadows – Tarrant County, (817) 475-1696
Alan Vera – Harris County, (713) 253-6569
Melinda Maxwell – Dallas County, (214) 734-1199
Paul Parker - Travis, Bexar, Williamson, Bell and Hays Counties, (214) 280-7716
Scott Britton – Collin County, (214) 208-5051

Attachments: "One-pagers" for Tarrant, Harris, Dallas and on a combined basis for Travis, Bexar, Williamson, Bell and Hays Counties

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- Organized ballot harvesting rings operating with impunity.
- No credible chain of custody for critical election documents.
- Large discrepancies in precinct data between # of voters and # of ballots.
- Locally posted election data doesn't match what's sent to SOS.
- Fake photo IDs (TXDL) in use in last 4 elections.
- Poll watcher obstruction rampant and uncorrected.
- Improper cancellation of mail ballots surrendered by voters at polls.
- Widespread "errors" allowing thousands of provisional voters to vote regular ballots.
- EA refusing to take required action on 5,300 voters with illegal residence addresses.
- Military mail ballots sent out without complete L&A test.
- L&A tests have been chaotic for last 2 years.
- EA not running "hash code tests" on election equipment.
- EA training of election judges and workers is totally unsatisfactory.
- Chaos at election night equipment turn-in causing election judges to quit.
- Election workers remain unpaid by temp agency contracted by EA.
- Electronic poll books missing mail ballot voters in 3 of last 4 elections.
- Assignment of election judges and clerks is in chaos with inexperienced EA staff.
- Deceased voters still on the voter rolls—some 19-26 years after their deaths.
- Information on individual voters is continually altered on the daily voter roster.
- EA continues to require election workers to wear masks, despite Governor's order.
- Over 33% of ED polls in November 2021 opened late due to equipment problems.,
- Help lines for election judges are understaffed---judges on hold for over an hour.

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10s of thousands of vote roster anomalies identified, including but not limited to:

- Absentee Ballot Reported Returned 3 to 27 Days after Return Date by Dallas County.
- Absentee Ballot Reported Returned Prior to Being Requested.
- Absentee Early Vote purged in early voting and in Final Vote Roster.
- Absentee Early Vote Reported Only by Texas SOS.
- Absentee Early Vote Roster Entries - Differences in Timeliness of Reporting between Dallas County and TX SOS.
- Absentee Vote changed to VOTER VOTED AT POLLS in Final Vote Roster.
- Absentee Vote Not Reported by Texas SOS for Dallas County.
- In-Person Early Vote changed to VOTER VOTED BY ABSENTEE BALLOT in Final Vote Roster.
- In-Person Early Vote Not Reported to Texas SOS by Dallas County.
- In-Person Early Vote Prior to October 13, 2020, the first day of early voting.
- In-Person Early Vote Reported Only by Texas SOS.
- In-Person Early Vote reported only in Final Vote Roster as VOTER VOTED EARLY IN PERSON.

Additionally:

- Registrations at approximately 68 postal business locations with no residential address provided.
- 201 potential irregular votes cast, found by concerned citizens in brief opening research of votes cast from P.O. Boxes or postal businesses with no residential address provided.
- 15 out of 15 votes from one virtual business address with no residential address provided have voter registration irregularities, including APT # misrepresentation written on many applications.
- 3 out of 15 votes from one virtual business address with no residential address provided, or 20%, have MISSING REGISTRATIONS.
- 3 votes cast from one address with no record of registration show as In-Person Early Vote, begging the question, “HOW DID VOTERS NOT REGISTERED CHECK IN AND CAST A VOTE IN PERSON?” Did these “people” actually “check in” and “vote in person” or were the e-pollbooks and voting machines hacked - inserting, voting and deleting VUID’s in the days right around the election, as discovered in other states?
- 1 vote from the virtual business address investigated shows a Registration Application signed SIX (6) MONTHS AFTER the 3 November 2020 general and joint election.
- 5,039 more votes reported on TX SOS website than on Dallas County website at end of early voting
- Texas Election Code (TEC): Sec. 52.0061 appears potentially violated by county judge and previous elections administrator. Ballots were reprinted WITHOUT NOTIFYING the Secretary of State according to General Counsel of TX SOS office showing no record. This was concurrent with negotiating, announcing and receiving fifteen million dollars from Zuckerberg funded CTCL.

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- Voters interviewed in all counties comparing method of voting in 2020 election to state and county records
    - Significant discrepancies found in all counties, including:
        - Voters who claim to have voted in 2020 but State and County records show them as not voting
        - Voters who did not vote but records indicate a vote in their name
        - Voters who voted in person but their record indicates voted Absentee ballot
        - Thousands of instances where SoS and County records do not match
            - Ex: Williamson County voter VUID 1136046061
                - She said she voted Early In-Person like she has done for years
                - SoS records shows she voted Absentee
                - Williamson Cty record shows no vote

- 10 – 16% of voter records surveyed did not reside at the voter registration address as of Oct '20.

- Dead voters and voters who have moved still on the rolls after over 20 years: Bexar County VUID 1065931583 passed away in 2000; VUID 1066637932 moved to CA and registered there in 1985, still registered in Bexar. Some Travis County voters have made repeated unsuccessful requests to their county to have their obsolete registrations removed.

- There are a minimum of 22 fraternity/sorority houses on the voter rolls in Travis County with 766 registrations. Of these, 168 are 35 years old or older with a dozen of those voters over the age of 65, and one age 97 (VUID 1140096738).

- One county's audit logs for the November 3, 2020, election shows an anonymous user logged in to the system at 2:17 pm and updated Voter Registrations data. Multiple hundreds of voter registrations were changed at exactly the same time and date stamp.

- Bexar County has failed its legal requirement to fulfill a PIA request within 10 business days. Request for voter records (ref # R008505-120521) was issued 12/5/21 and has still not been completed as of 1/18/22 despite repeated follow up requests.

- Unusual distribution of registered voters from mail store locations. Voters disproportionately concentrated in a few stores. Frequent use of "APT" or STE" to describe a mail box address.

		UPS				USPS				FedEx				Other				Total			
	Registered Voters (1000s)	# stores in Cty	stores w/ voters	Qty Registered	Qty Voted	# stores in Cty	stores w/ voters	Qty Registered	Qty Voted	# stores in Cty	stores w/ voters	Qty Registered	Qty Voted	# stores in Cty	stores w/ voters	Qty Registered	Qty Voted	# stores in Cty	stores w/ voters	Qty Registered	Qty Voted
Bexar	1189	129	22	124	50	37	22	87	53	118	11	111	62	78	1	1	1	363	57	335	174
Travis	855	84	25	464	240	34	16	105	56	106	1	23	8	207	18	385	173	438	64	1037	516
Williamson	377	53	15	120	60	14	5	15	11	71	21	92	46	19	7	48	35	158	49	280	157
Bell	216	7	4	71	32	14	9	35	21	29	6	52	24	79	4	7	2	131	24	184	91
Hays	153	4	2	44	20	6	4	36	24	1	0	0	0	21	2	10	2	34	10	114	53
	2790	277	68	823	402	105	56	278	165	325	39	278	140	404	32	451	213	1124	204	1950	991

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- 81 pages of suspicious findings
    - Votes counted from vacant lots, addresses which don't exist, P.O. boxes, inaccurate registered voter roll addresses, excessive multi voters at addresses that can't accommodate the numbers, etc., etc.
- Suspicious Texas Phase 1 Audit findings and EA response
    - 700+ Tarrant County potential non-US citizen registrations
    - 2,000+ discrepancies in 7 sampled precincts between the Precinct Report and Electronic Count / Hand Count
    - Failure to disclose the Runbeck printing error that resulted in the Ballot Board manually remaking 20-30k Absentee ballots the day of and day after the November 2020 Election.
    - Misstatements regarding 11,700+ surrendered Absentee ballots that were voted in-person
- Only 30% accuracy in May and June 2021 Tarrant Election Day "Register of Official Ballots" Reconciliations of the number of cast votes cast across all in-person voting locations
    - 3,300+ more ballots cast than ballots issued
    - 38,000+ ballots un-accounted for
    - Since 2019 Tarrant County has disabled reconciliation of voting locations with central reporting or by Precincts making it difficult to identify how votes entered the election system
- Race total reconciliations between electronic voting at polling locations and paper ballots produced at polling locations do not exist. The paper ballots are collected by polling locations but reported by Precinct. Race totals are reconciled after the election and before certification by the County Commissioners by comparing the original USB drive to a copy of the USB drive made during the Election.
- As far as we know, Tarrant County is the last remaining county in Texas with Internet transmission of "unofficial" votes, accumulated "unofficial" votes held on an Internet-connected server with voting tabulations run, all totally capable of being monitored or changed by hackers from the 1st day of Absentee and Early In-Person Voting through to Election Day
- $1.6 million grant coming from Mark Zuckerberg distributed by the CTCL (Center for Tech and Civic Life) was made to Tarrant County for the Nov 2020 elections
    - The grant was offered by CTCL on 10/12/2020 and formally accepted by the county on 11/3/2020.
    - The grant was a 21% "boost" in Tarrant County election spending

AMERICAN OVERSIGHT

The State of Texas

Executive Division
Capitol Building, 1E.8
P.O. Box 12887
Austin, Texas 78711-2887

Phone: 512-463-5770
Fax: 512-475-2761
Dial 7-1-1 For Relay Services
www.sos.texas.gov

John B. Scott
Secretary of State

April 22, 2022

Emma Lewis
American Oversight

Sent via Electronic Mail in care of Marwah Adhoob to: records@americanoversight.org

Re: Request for records, TX-SOS-22-0335, received: April 6, 2022 (SOS PIR No. 22-0407)

Dear Ms. Lewis:

This letter responds to your request for information under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA"), which was received by the Office of the Texas Secretary of State (the "Office") via email on April 6, 2022 (the "Request").[1] In the Request, you indicate that you are seeking the following information dating back to September 1, 2021:

1. *All records reflecting communications (including emails, email attachments text messages, messages on messaging platforms (such as Slack, GChat, Google Hangouts, Lync, Skype, WhatsApp, Signal, Parler, or Telegram), telephone call logs, calendar invitations, calendar entries, meeting agendas, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) Secretary of State John Scott or Executive Assistant and Scheduler Kim Bergmann, and (b) any of the external individuals listed below (including, but not limited to, at the listed phone numbers or email addresses).*

   External Individuals:
   - i. *Buff Kizer*
   - ii. *Jay Meadows (817-475-1696)*
   - iii. *Alan Vera (alanv@tqba.com, 713-253-6569)*
   - iv. *Melinda Maxwell (AKA Melinda Beane) (204-734-1199)*
   - v. *Paul Parker (214-280-7716)*
   - vi. *Scott Britton (214-208-5051)*
   - vii. *Chad Fillmore (chad@fillmorefirm.com)*
   - viii. *Russ Ramsland (ryuks9sq@alliedspecialops.us, yrku9sqs@protonmail.com)*

2. *All records reflecting the substance of any meeting between Secretary of State John Scott and any of the external individuals listed above, including, but not limited to: complete calendar invitations; meeting agendas; talking points; formal*

[1] The Office was closed on April 15, 2022 in observance of Good Friday and operated on a skeleton-crew basis on April 21, 2022 in observance of San Jacinto Day. Therefore, the 10th business day from the date that the Office received the Request is today, April 22, 2022.

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or informal meeting notes, readouts, transcripts, or other records of the meeting's content; and records shared during or in connection with the meeting.

We are processing your Request in accordance with the terms of the PIA.[2] To that end, please find the enclosed responsive documents. We require more time to review our records and produce any additional responsive information. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on May 20, 2022. *See* Tex. Gov't Code § 552.221(d).

If you have any questions or need additional information, please do not hesitate to contact our office at (512) 463-5770.

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State
generalcounsel@sos.texas.gov
AB/jw

Enclosures

[2] The PIA applies only to information in existence as of the date that the governmental entity receives the request and thus does not require the entity to create new information in response to a request or comply with a continuing request to supply information on a periodic basis as such information is prepared in the future. *See* Tex. Gov't Code §§ 552.002, .021, .227, .351; *A&T Consultants, Inc. v. Sharp,* 904 S.W.2d 668, 676 (Tex. 1995); *Fish v. Dallas Indep. Sch. Dist*., 31 S.W.3d 678, 681 (Tex. App.—Eastland 2000, pet. denied); Tex. Att'y Gen. Op. JM-48 at 2 (1983); Open Records Decision Nos. 476 at 1 (1987), 465 at 1 (1987), 452 at 2–3 (1986), 342 at 3 (1982).

AMERICAN OVERSIGHT

From: GeneralCounsel
To: "AO Records"
Cc: Sam Taylor; GeneralCounsel
Subject: RE: Public Information Request (TX-SOS-22-0336) PIR 22-0408
Date: Friday, April 29, 2022 3:14:01 PM
Attachments: 4-29-22 15 Day Letter to Requestor - American Oversight PIR 22-0408.pdf
4-29-22 15 Day Letter to OAG - American Oversight PIR 22-0408.pdf
4.29.22 Documents.zip

Good afternoon,

Please see the attached letters, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

As stated in the attached letter, we require more time to continue reviewing our records and produce additional responsive information. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on May 27, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, April 22, 2022 3:29 PM
To: 'AO Records' <records@americanoversight.org>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>; Sam Taylor <SMTaylor@sos.texas.gov>
Subject: RE: Public Information Request (TX-SOS-22-0336) PIR 22-0408

Good afternoon,

Please see the attached letters, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

AMERICAN OVERSIGHT

From: AO Records <records@americanoversight.org>
Sent: Wednesday, April 6, 2022 3:45 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-22-0336)

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Dear Public Information Officer:

Please find attached a request for records under the Texas Public Information Act.

Sincerely,

--
Marwah Adhoob
Pronouns: she/her
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PIR: TX-SOS-22-0336

AMERICAN OVERSIGHT

The State of Texas

Executive Division
Capitol Building, 1E.8
P.O. Box 12887
Austin, Texas 78711-2887

Phone: 512-463-5770
Fax: 512-463-2761
Dial 7-1-1 For Relay Services
www.sos.texas.gov

John B. Scott
Secretary of State

April 29, 2022

Office of the Attorney General
Open Records Division
300 W. 15th Street, 11th Floor
Austin, TX 78701

Via Hand Delivery

Re: Request for records, received: April 6, 2022 (SOS PIR No. 22-0408)

Dear General Paxton:

On April 6, 2022, the Office of the Texas Secretary of State ("Office") received a written request for information ("Request") from Emma Lewis (the "Requestor") under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA").[1] A copy of the Request is attached as Exhibit A. A statement regarding the date of receipt is attached as Exhibit B.

The Request seeks records relating to several specified individuals and terms. *See* Exhibit A. We produced some responsive information to the Requestor on April 22, 2022, and we intend to produce other responsive materials today. We will provide additional documents to the Requestor by May 27, 2022. The Office asserts that other responsive information is excepted from public disclosure under Sections 552.103, 552.107, 552.111, and 552.139 of the Texas Government Code. Thus, we are requesting a ruling regarding the release of these records.

SECTION 552.103 OF THE TEXAS GOVERNMENT CODE

The Office contends that certain information responsive to the Request is excepted from public disclosure under Section 552.103 of the Texas Government Code. Section 552.103 excepts from disclosure "information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party," if the litigation is "pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information." Thus, to withhold information pursuant to Section 552.103, the Office must show that (1) litigation was pending or reasonably anticipated on the date of the request and (2) the requested information relates to the litigation. *Univ. of Tex. Law Sch. v. Tex. Legal Found.*, 958 S.W.2d 479, 481 (Tex. App.—Austin 1997, no pet.) (citing Open Records Decision No. 647 (1996)).

[1] The Office was closed on April 15, 2022 in observance of Good Friday and operated on a skeleton-crew basis on April 21, 2022 in observance of San Jacinto Day. Therefore, the 15th business day from the date that the Office received the Request is today, April 29, 2022.

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The responsive information includes records relating to *United States v. State of Texas, et al.,* No. 5:21-cv-01085 (W.D. Texas) ("*United States*"). In *United States*, the plaintiff filed suit against the State of Texas and Secretary of State regarding Senate Bill 1, an election bill passed by the Texas Legislature in its Second Called Special Session in August 2021. Among other allegations in the lawsuit, the plaintiff challenges certain provisions of Senate Bill 1 pertaining to the State's ballot-by-mail process. The *United States* lawsuit was pending as of the date that the Office received the Request, and the requested information is directly related to the litigation. As such, the marked records should be exempt from disclosure under Section 552.103.[2]

Exhibit D contains a representative sample of responsive information that the Office asserts is excepted from public disclosure pursuant to Section 552.103, as reflected by the Office's notations on the documents.

SECTION 552.107 OF THE TEXAS GOVERNMENT CODE

Alternatively, certain responsive information should be excepted from public disclosure pursuant to Section 552.107 of the Texas Government Code. Section 552.107 provides that "[i]nformation is excepted from the requirements of Section 552.021 if: (1) it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct; or (2) a court by order has prohibited disclosure of the information." Tex. Gov't Code § 552.107(1).

Relevant here, Texas Rule of Evidence 503 encompasses the attorney-client privilege. The Attorney General has determined that "information that is protected under Texas Rule of Evidence 503 is excepted from disclosure under section 552.107(1)." Open Records Decision No. 676 at 4 (2002). Rule 503(b)(1) provides:

> A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made to facilitate the rendition of professional legal services to the client:
>
> (A) between the client or the client's representative and the client's lawyer or the lawyer's representative;
>
> (B) between the client's lawyer and the lawyer's representative;
>
> (C) by the client, the client's representative, the client's lawyer, or the lawyer's representative to a lawyer representing another party in a pending action or that lawyer's representative, if the communications concern a matter of common interest in the pending action;
>
> (D) between the client's representatives or between the client and the client's representative; or
>
> (E) among lawyers and their representatives representing the same client.

Tex. R. Evid. 503(b)(1). Rule 503 further provides that "[a] communication is 'confidential' if not intended to be disclosed to third persons other than those: (A) to whom disclosure is made to further the rendition of professional legal services to the client; or (B) reasonably necessary to transmit the communication." *Id.* R. 503(a)(5). So, to withhold information under Section 552.107 as subject to attorney-client privilege, the governmental body must: (1) show that the document is a communication transmitted between privileged parties or reveals a confidential

[2] Exhibit C contains copies of relevant filings in the *United States* proceeding. As reflected in the attached filings, the *United States* case was consolidated with other federal lawsuits challenging Senate Bill 1 in September 2021. *See La Union del Pueblo Entero, et al. v. Abbott, et al.*, No. 5:21-cv-00844-XR (W.D. Texas).

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communication; (2) identify the parties involved in the communication; and (3) show that the communication is confidential by explaining that it was not intended to be disclosed to third persons and that it was made in furtherance of the rendition of professional legal services to the governmental body. *See* Open Records Decision No. 676 at 6-8; *accord* OR2022-00733 at 3-4; OR2021-35866 at 1-2.

The Request encompasses certain internal communications among the undersigned General Counsel, other Secretary of State attorneys, and non-attorney employees of the Office. Specifically, the responsive information includes communications reflecting the provision—or a request for the provision—of legal advice by the Office's General Counsel and other staff attorneys (such as Zac Rhines) regarding strategies for ongoing litigation against the Secretary of State, draft documents relating to the *United States* lawsuit, and the application of certain Texas Election Code provisions involving the administration of elections.

The responsive communications were made in furtherance of the rendition of professional legal services to the Office. The communications were not intended to be disclosed to third persons; nor have such communications been disclosed publicly. Each of these communications satisfies the requirements of Texas Rule of Evidence 503 and is thus entitled to protection under Section 552.107(1). *See, e.g.*, OR2022-00733 at 3-4; OR2022-00364 at 2-3; OR2021-36465 at 3-4; OR2021-35866 at 1-2; OR2021-12471 at 2-3.

Exhibit D contains a representative sample of the responsive information that the Office asserts is excepted from public disclosure pursuant to Section 552.107, as reflected by the Office's notations on the documents.

SECTION 552.111 OF THE TEXAS GOVERNMENT CODE

Some of the information responsive to the Request also should be excepted from public disclosure pursuant to Section 552.111 of the Texas Government Code.

Section 552.111 of the Texas Government Code encompasses the deliberative process privilege. *See* Open Records Decision No. 615 at 1 (1993). This privilege excepts from disclosure interagency or intraagency memoranda and certain communications "that would not be available by law to a party in litigation with the agency." Tex. Gov't Code § 552.111. The purpose of Section 552.111 is "to protect advice and opinions on policy matters and to encourage frank and open discussion within the agency in connection with its decision-making processes." *Tex. Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 412 (Tex. App.—Austin 1992, no writ) (citing *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.—San Antonio 1982, writ ref'd n.r.e.)).[3] The Attorney General has concluded that Section 552.111 protects preliminary drafts of a document intended for public release in its final form because a draft "necessarily represents the advice, opinion, and recommendation of the drafter as to the form and content of the final document." Open Records Decision No. 559 at 2 (1990). In addition, Section 552.111 extends to "internal communications that consist of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body." OR2021-35866 at 2-3 (citing Open Records Decision No. 615 at 5); *accord* OR2022-00733 at 5. And if factual information "is so inextricably intertwined with material involving advice, opinions and recommendation as to make separation [of the factual data] impractical," the factual information also may be withheld

[3] *Accord City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 361, 364 (Tex. 2000); *Arlington Indep. Sch. Dist. v. Tex. Att'y Gen.*, 37 S.W.3d 152, 158 (Tex. App.—Austin 2001, no pet.); *Lett v. Klein Indep. Sch. Dist.*, 917 S.W.2d 455, 456-57 (Tex. App.—Houston [14th Dist.] 1996, writ denied); Open Records Decision No. 615 at 5.

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under Section 552.111. Open Records Decision No. 313 at 3 (1982); *accord* OR2022-00733 at 5; OR2022-00364 at 5; OR2021-35866 at 3.

The responsive information includes internal discussions containing "advice, recommendations, [and] opinions" reflecting the Office's "policymaking processes" relating to the administration of elections in Texas. *See* OR2021-35866 at 2-3. The communications pertain to, among other things, the planning and execution of the Secretary of State's forensic audit of the 2020 general election and the Office's implementation of applicable Texas Election Code provisions.

Each of the records marked for protection under Section 552.111 contains "advice, recommendations, opinions, and other material reflecting the [Office's] policymaking processes." OR2021-35866 at 2-3; *see also* OR2022-00733 at 5. The communications do not relate to "routine internal administrative or personnel matters." OR2022-00733 at 5.

Exhibit D contains a representative sample of the responsive information that the Office asserts is excepted from public disclosure pursuant to Section 552.111, as reflected by the Office's notations on the documents.

SECTION 552.139 OF THE TEXAS GOVERNMENT CODE

Additionally, certain responsive documents should be excepted from public disclosure pursuant to Section 552.139 of the Texas Government Code. In relevant part, Section 552.139 protects "information that relates to computer network security, to restricted information under Section 2059.055, or to the design, operation, or defense of a computer network." Tex. Gov't Code § 552.139(a). Section 552.139 expressly designates as confidential any "information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log." *Id.* § 552.139(b). Section 2059.055 of the Texas Government Code, in turn, provides that "[n]etwork security information is confidential under this section if the information is . . . collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity." *Id.* § 2059.055(b).

The responsive information includes a report prepared by the Federal Bureau of Investigation (with restricted distribution) and related communications. The report contains information "arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident," as well as information "collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity." Tex. Gov't Code §§ 552.139(a), (b)(4), 2059.055(b)(2). The release of such information could subject the Office's computer systems to attack or unauthorized access, potentially resulting in the alteration, damage, erasure, or theft of information stored on the systems, and the records are thus entitled to protection under Section 552.139. S*ee, e.g.*, OR2020-24447 at 4-5; OR2019-25918 at 5; OR2019-02894.

Exhibit D contains the responsive information that the Office asserts is excepted from public disclosure pursuant to Section 552.139, as reflected by the Office's notations on the documents.

For the reasons stated above, the Office asserts that certain information responsive to the Request is excepted from disclosure under the Public Information Act. Accordingly, we are requesting a ruling from the Attorney General regarding the release of these records. A representative sample of the responsive information that the Office seeks to withhold is attached as Exhibit D.

AMERICAN OVERSIGHT

If you have any questions or need additional information from our office regarding this request, please contact me at (512) 463-5770.

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State
generalcounsel@sos.texas.gov
AB/jw

Enclosures

Cc: Requestor (via email) without Exhibits

AMERICAN OVERSIGHT

The State of Texas

Executive Division
Capitol Building, 1E.8
P.O. Box 12887
Austin, Texas 78711-2887

Phone: 512-463-5770
Fax: 512-475-2761
Dial 7-1-1 For Relay Services
www.sos.texas.gov

John B. Scott
Secretary of State

April 29, 2022

Emma Lewis
American Oversight

Sent via Electronic Mail in care of Marwah Adhoob to: records@americanoversight.org

Re: Request for records, TX-SOS-22-0336, received: April 6, 2022 (SOS PIR No. 22-0408)

Dear Ms. Lewis:

Please find enclosed a copy of the written comments, without exhibits, submitted to the attorney general. The comments are regarding the request for a decision on whether information withheld from you in response to your April 6, 2022 request for records (the "Request") is confidential under Chapter 552 of the Texas Government Code.

Consistent with our April 22, 2022 letter, please find the enclosed documents responsive to the Request. We require more time to continue reviewing our records and produce additional responsive information. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on May 27, 2022. *See* Tex. Gov't Code § 552.221(d).

If you have any questions or need additional information, please do not hesitate to contact our office at (512) 463-5770.

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State
generalcounsel@sos.texas.gov
AB/jw

Enclosures

AMERICAN OVERSIGHT

From: Irina A. Faskianos <forums@cfr.org>
Sent: Tuesday, February 22, 2022 3:00 PM
To: Secretary
Subject: CFR 3/3 Home and Abroad Public Forum: U.S.-Russia Relations

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COUNCIL *on* FOREIGN RELATIONS

Virtual Public Forum: Home and Abroad

U.S.-Russia Relations

Dear Secretary Scott:

Please join us on Thursday, March 3, from 3:30 p.m. to 5:00 p.m. (EST)/12:30 p.m. to 2:00 p.m. (PST) for an on-the-record discussion on the Russia-Ukraine crisis, U.S.-Russia relations, and implications for European security.

Speakers

Ivo H. Daalder, *President, Chicago Council on Global Affairs; Former U.S. Ambassador, North Atlantic Treaty Organization (2009-2013)*

Fiona Hill, *Senior Fellow, Center on the United States and Europe, Brookings Institution; Former Senior Director, European and Russian Affairs, National Security Council (2017-2019)*

Mary Elise Sarotte, *Marie-Josée and Henry R. Kravis Professor of Historical Studies, School of Advanced International Studies, Johns Hopkins University*

Presider

Richard Haass, *President, Council on Foreign Relations*

To respond to this invitation, please click the *Register Here* button, reply to this email, or call Rachael Bolte at 212.434.9744.

Invitee

John Scott,
TX Office of the Secretary of State

Date and Time

Thursday, March 3, 2022
3:30 p.m.–5:00 p.m. (EST)/
12:30 p.m.–2:00 p.m. (PST)
Virtual Public Forum via Zoom

Register Here

CFR's Home and Abroad series explores issues at the nexus of U.S. domestic and foreign policy that affect America's role in the world.

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This virtual meeting is open to all. We hope you will encourage your colleagues and friends to join the discussion by sharing this registration link.

Log-in information and instructions on how to participate during the question-and-answer portion will be provided the evening of Wednesday, March 2, to those who register. Please note the video and transcript of this virtual meeting will be posted on the CFR website.

We look forward to your participation!

Best regards,
Irina

Irina A. Faskianos
Vice President, National Program and Outreach
Council on Foreign Relations
58 East 68th Street, New York, New York 10065
tel 212.434.9465 cell 201.463.4515
[redacted] www.cfr.org

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Morning News Clips 1/31/2022

Texas Take

Texas Tribune: The Brief

Politico Playbook

Greg Abbott News

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Austin American Statesman – Nusaiba Mizan: Fact-Check: Do Unauthorized Immigrants Have 'Easier Access' To Health Care, Ballot? [Web]

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Austin American Statesman – Bridget Grumet: Grumet: Where's Abbott's Campaign Pledge To Help Foster Kids? [Web]

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# # #

Greg Abbott News

Abbott Support Remains Solid On Border Issues, But Costs Of Wall Aren't Popular, Says New Poll
By Dianne Solis
Dallas Morning News

Thirty-six percent of Texas registered voters say it is reasonable to spend $20 million per mile in state funds to extend the border wall with Mexico, while 27% say it is wasteful, according to a new poll.

Another 25% of respondents to the poll of 1,082 registered voters said money "could be spent better on technology" at the border.

Overall, the new poll by The Dallas Morning News and the University of Texas at Tyler shows support for Abbott's policies are nuanced. Support deepened slightly for Gov. Greg Abbott's overall immigration policies at the border, but weakened slightly on whether a wall is "necessary for a safe border" to 48%, compared to 50% in November.

Among Latino registered voters, 47% disagreed or strongly disagreed that a wall is needed at the border.

The poll was conducted Jan. 18-25 in English and Spanish. It has a margin of error of plus or minus 3.5 percentage points. Results come as the Republican governor faces primary opponents in March who argue that he has not been tough enough in stemming the flow of migrants across the border.

Abbott has poured hundreds of millions in state money to beef up border security, including by sending DPS troops and the national guard to the Rio Grande. His policies are also seen as an effort to bolster his conservative credentials in a state polarized over whether toughness, compassion or financial practicality is needed on immigration.

Some 52% of polled registered voters approve of Abbott's border policies – up from 49% in November and 47% in the September Dallas Morning News poll. Among Latinos, 45% gave Abbott an approval rating on his handling of immigration issues, but only 37% gave Biden a thumbs up on immigration. Latinos make up about a quarter of registered voters and are increasingly courted by Republicans.

Larger percentages of registered voters believed strengthening the electricity grid or reducing the coronavirus infections was more important than an effort to "secure the Texas-Mexico border." But among Republicans polled, securing the Texas-Mexico border ranked higher than reducing coronavirus infections or strengthening the electricity grid.

"While it's a rewarding strategy for Governor Abbott, right now and with Republicans, there's a limitation," said Mark Owens, the UT-Tyler pollster. "It's not going to get him a higher percentage of the electorate when people think about the most important issue."

Overall approval of Abbott's border policies remains solid over the last three Dallas Morning News polls. "It is an improvement," Owens said, but "within the margin of error."

When registered voters are asked to analyze the costs of the border wall, approval weakens on the wall, noted Mark P. Jones, a political scientist at Rice University in Houston.

"When people are presented with the actual costs, and instead of supporting or opposing have to make a decision have to evaluate that

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expenditure," said Jones, "the level of support is lower."

The Rice University professor noted that when "wasteful" and "could be spent better on technology" responses are combined, 52% of poll respondents appear to be looking for an option other than spending $20 million per mile on a border wall. "The majority do not think that spending is reasonable," Jones said.

Latinos' support on the border wall softens compared to that of white registered voters in other polling, too, noted Jones, who also works with the nonpartisan Texas Hispanic Policy Foundation. "The wall has consistently been the least popular among Latinos," Jones said. "This poll reinforces that."

"The more the wall's publicized, the worse he's going to get among Latino voters," said Jones.

The poll also shows that 54% supported the use of state funds to deploy the National Guard and the DPS "to patrol the border." But in November, 59% voiced support on the same question.

Abbott's policies have included arresting migrants on the state charge of property trespassing under a controversial measure called Operation Lone Star. Support for Abbott stiffened even as political challengers such as Republican Allen West and Democrat Beto O'Rourke have blasted the mission. Adding to the alarm has been a string of suicides by soldiers, first reported by the Army Times.

Immigration at the border polarizes people, said Jeronimo Cortina, a political scientist at the University of Houston. Cortina noted stark differences between Democrats and Republicans on Abbott's handling of immigration at the U.S.-Mexico border. Only 27% of Democrats approved of Abbott on that issue, versus 80% among Republicans.

"Immigration has been, historically, used as a campaign issue since the 1800s, and allows you to rally your base depending on what side of the aisle you are," said Cortina, who has studied historical floor debates on the issue.

"Just put the text without any reference to the date. You would think that that debate happened a week ago and in reality happened hundreds of years ago," the University of Houston professor said.

Support for the wall softens the closer those polled are to the U.S.-Mexico border, Cortina said. Add the dollar amount per mile, as the poll did, and there's further weakening, he said.

"The closer you are, regardless of partisanship, you are less likely to support the wall," Cortina said. "And why? Because the individuals living at the border experience the reality of the border, and they understand how and how not the wall can be useful."

The Texas poll also found that:

One year after a devastating freeze hit Texas, resulting in the deaths of nearly 250 people, 50% of those polled said strengthening the electricity grid should be a higher priority than an effort "to secure the border." The freeze overwhelmed the Texas electricity grid. About 41% said the Texas-Mexico border should be secured.

And 52% said a "higher priority" should be given to reduce coronavirus infections, as opposed to 42% who chose "to secure" the Texas-Mexico border.

Those immigrants who call themselves "Dreamers" strengthened support among registered voters polled: 51% said they supported or strongly supported granting permanent legal status to immigrants who came to the U.S. as children. In November's poll, support was 48%, but in September support was 51%.

Under a program called Deferred Action for Childhood Arrivals, or DACA, beneficiaries often called Dreamers must have been brought to the U.S. by a parent or guardian before the age of 16 and come either unlawfully or overstayed lawful visas.

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Texas Gov. Greg Abbott Claims Mexican Cartels Are Using TikTok To Recruit Smugglers
By Morgan Keith
Business Insider

During a border security briefing on Thursday, Texas Gov. Greg Abbott alleged that TikTok is promoting human trafficking in Texas and harshly criticized the Biden administration's response.

"Cartels in Mexico are using TikTok to advertise, to recruit smugglers in Texas, in San Antonio, Houston, and other cities in Texas and maybe some other states, to advertise for smugglers, for pay, for them to smuggle people here in Texas, which would include victims of human trafficking," Abbott said.

The Republican governor suggested that an injunction similar to the one used to shut down Backpage.com — a now-defunct classified advertising website that was used to facilitate prostitution and child sex trafficking — could be used against the social media platform.

"TikTok should be ashamed, condemned, and have a legal action brought against it for promoting human trafficking in Texas and the

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United States of America," Abbott claimed.

Attorneys general from twelve conservative states attended the briefing, including Oklahoma, Utah, Missouri, and West Virginia.

Insider has reached out to Abbott and representatives of TikTok for comment.

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Video Shows Trump Rally-Goers In Texas Booing 'RINO' Governor Greg Abbott By Andrew Stanton
Newsweek

Video posted to social media showed rally-goers boo Texas Governor Greg Abbott as he took the stage at former President Donald Trump's rally Saturday night.

Abbott, who has served as Texas' governor since 2015, aligned himself with the former president, enacting several conservative policies in Texas throughout his tenure and receiving Trump's endorsement for his re-election later this year.

But that didn't stop some Trump supporters from booing the governor as he was announced as a speaker during the Texas rally. Several attendees could be heard lobbing insults at the governor, including "Abbott sucks" and "You're a RINO," referring to the phrase "Republican in name only."

During his remarks, Abbott repeatedly name-dropped Trump as some in the crowd continued booing, prompting Democrats and Republicans to troll him on social media.

"Greg Abbott realizes that the only way to keep the MAGA crowd from booing him is to just keep saying, 'Donald J. Trump' over and over again. So he does," wrote attorney Rob Filipkowski.

"It was very awkward," Katrina Pierson—a spokesperson for Trump's 2016 campaign—wrote.

Trump endorsed Abbott last June, praising him as a "fighter and a great governor for the incredible people of Texas."

Despite Trump's support, Abbott's opponents in the GOP primary have accused him of not being sufficiently conservative. He faces challengers from the state GOP's former chair Allen West and ex-State Senator Don Huffines.

While speaking at the Conservative Political Action Conference in July 2021, Huffines accused Abbott of being a "RINO" who failed to adequately respond to border crossings.

"We don't have a Donald Trump as governor. We don't have a Ron DeSantis as governor. We don't have a William B. Travis as governor. Unfortunately we've got a career politician that's a political windsock, a RINO," he said.

Meanwhile, West has condemned Abbott's response to the COVID-19 pandemic, accusing him of being too "heavy-handed."

"We're not a constitutional monarchy. We are not to be ruled. We're supposed to be governed," West told WFAA in September 2020. "And so I am very concerned when we continue to see a litany of executive orders, mandates, decrees, and edicts that are handed down and they're not brought through the legislative process."

Despite the criticism from some on the right, Abbott still remains the favorite in the election, according to a new poll released Sunday. The Dallas Morning News-University of Texas Tyler poll found Abbott leading with 59 percent of the vote. West only received six percent, while Huffines received four percent.

Meanwhile, Abbott also remains the favorite in the general election, where he is expected to face off against Democrat Beto O'Rourke, according to the poll. O'Rourke, a former congressman representing El Paso, trailed him by 11 points.

Newsweek reached out to Abbott's office for comment Sunday afternoon. This story will be updated with any response.

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Administration News

Attorney General Ken Paxton Zeroes In On Louie Gohmert In A Crowded Field Of Challengers
By Daniel Friend
The Texan

Despite having multiple serious primary challengers since last summer, Attorney General Ken Paxton has campaigned for reelection touting his own merits while largely avoiding his opponents.
That changed in mid-January, though, when Paxton's campaign went on the offensive against one of his three Republican opponents: Congressman Louie Gohmert (R-TX-01).

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Paxton reportedly launched a TV ad campaign and sent out mailers critical of Gohmert in East Texas, where the congressman has built a base of supporters throughout his political career over the past several decades.

In particular, the mailer highlighted Gohmert's missed votes during his time in Congress.

According to a report from GovTrack, which the mailer cites, Gohmert has missed 837 out of 11,507 votes, 7.3 percent of the total.

"An attack ad? To me, that's your record. If you voted certain ways, in opposition to Second Amendment or pro-life, stand behind your vote. Don't run from it and call it an attack," Paxton told The Texan when asked about the ads targeting Gohmert.

"It's a fact that he voted the way he did," said Paxton. "If I were him, I would have voted differently. I would've showed up for votes."

The offensive against Gohmert has also gone negative through digital sources as well, with the Paxton campaign posting ads on Facebook and Instagram claiming Gohmert "is not the conservative you think he is."

Asked why his campaign is highlighting Gohmert's record but not those of his other GOP opponents, Land Commissioner George P. Bush and former Texas Supreme Court Justice Eva Guzman, Paxton said, "Only because they don't have a voting record. He's got a voting record that we can actually look at."

"She's got a judicial record. It's not very good, but it's harder to show what that is. People don't understand opinions or law," said Paxton. "And the land commissioner — I don't really have anything to say other than, you know, he tried to give away the Alamo."

Since January 13, Paxton has spent between $2,500 and $3,000 on the digital ads attacking Gohmert. While 77 percent of the ads were shown to people located in Texas, a report from Facebook shows that another 16 percent and 7 percent reached audiences in Washington, D.C. and Virginia, respectively.

Paxton's advertisement on the platforms also calls attention to the endorsement the incumbent attorney general received from the former president.

"Who is Trump's pick for Texas Attorney General? Not Louie Gohmert," the ad reads.

Notably, during a recent Trump rally in Conroe, Trump reiterated his "complete and total" endorsement of Paxton.

But in highlighting members of Congress who were in attendance, Trump also called Gohmert a "wonderful guy," saying, "This is a man who's been a friend of mine from day one."

At the same time as his Facebook ad, Paxton also launched a campaign through Google with a video advertisement touting the attorney general's stance on border security and the endorsement from former President Donald Trump.

Though the video advertisement makes no mention of Gohmert, it, like the mailer and TV ad, targets viewers in East Texas.

The location where the Paxton campaign is targeting viewers with its video advertisement. Image from Google.
Paxton has spent $1,100 on the video advertisement, according to Google's Transparency Report.

On Gohmert's part, his campaign has run four text ads through Google in late January at the cost of $1,300.

While the wording is slightly different in each, one sentence appears in all four: "Louie Gohmert will restore honesty and integrity to the office of Attorney General."

"If you want to know how things are going," Gohmert told The Texan in an interview, "look at who Paxton is attacking."

"He's not running attack ads against George P. Bush or Eva Guzman. He's running them against me because he's seen I'm the one that's gonna get him in a runoff. And then in the runoff, he's in trouble."

If no candidate in the March 1 primary election receives over 50 percent of the vote, the top two candidates in the race will move to a May runoff election.

With three challengers to Paxton — each of whom reported raising over a million dollars by the end of 2021 — there is a strong possibility that they could weigh down Paxton's incumbency advantage to pull him to a runoff.

Two polls from June and November 2021 showed Paxton in the lead at 42 percent and 46 percent, respectively, among GOP primary voters, while Land Commissioner George P. Bush followed in second at 34 percent and 32 percent, respectively.

Both polls were conducted before Gohmert entered the race, though, and his name was nowhere to be seen among the options.

"From what we saw before I got in, it looked like [Paxton] might even be able to win without a runoff," said Gohmert, adding that he is concerned the FBI "will probably wait until after the primary" and then indict Paxton because of an ongoing investigation.

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In such a scenario, Gohmert argues that it would be too late to replace Paxton with a new nominee for attorney general, increasing the likelihood that Democrats win in the November general election.

Gohmert told The Texan that when he was first entering the race, polls that he saw placed Bush — who Gohmert says has "more name recognition than Gov. Abbott and Lt. Gov. Patrick" — nowhere past "17 or 18 percent."

"And before I was even in, I was tied with him," said Gohmert.

A new poll released by the Hobby School of Public Affairs, which was conducted in mid-January, shows that Gohmert and Bush are indeed competing for the runoff spot with Paxton should they succeed in keeping him from receiving half the vote.

The Hobby poll still showed Paxton with a solid lead at 39 percent among all GOP primary voters, with Bush and Gohmert following at 16 percent and 13 percent, respectively.

Among "almost certain primary voters," though, Paxton's polling increases to 44 percent, Gohmert's polling is bumped up to 15 percent while Bush falls to 13 percent.

Another new poll conducted by the University of Texas at Tyler showed Paxton in the lead with 33 percent, Bush trailing at 19 percent, Gohmert with 9 percent, Guzman with 8 percent, and 33 percent undecided.

Asked if he was optimistic that he'd avoid a runoff, Paxton said he was.

"I think I've got a really good chance. I mean, you never know, but the numbers look good," said Paxton. "I certainly wouldn't trade with any of my opponents right now."

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State News

Transgender Prisoner In Texas Denied Gender-Affirming Surgery, Lawyer Says
By Lauren McGaughy
Dallas Morning News

The U.S. Bureau of Prisons has denied a request from Cristina Iglesias, a transgender woman incarcerated in Texas, to become the first inmate in federal custody to receive gender-affirming surgery, her lawyers said.

Iglesias, 47, is serving a 20-year sentence for threatening to use a weapon of mass destruction against the British government. Last week, her lawyer said his client will not receive the surgery she has long requested before her scheduled release later this year.

"After years of fighting unnecessary hurdles and delays, Cristina has once again been denied the opportunity to get the care she needs and that the Constitution requires," John Knight, director of the LGBTQ & HIV Project at the ACLU of Illinois, said in a statement.

The denial comes as the Biden administration takes steps to provide more accommodations for transgender inmates. Earlier this month, the federal prisons bureau released updated policies which reversed Trump-era guidance that required housing decisions to be made primarily based on "biological sex."

The guidance also includes a new section on gender-affirming surgery, a topic that was not directly addressed in the previous policy. Inmates can request surgery after one year of mental health, medical and programming services, the guidance says.

But Knight said the prisons bureau's approach to Iglesias' case shows it is willing to "run out the clock" on transgender inmates seeking care.

"Such an approach is neither fair nor humane," he said.

Iglesias is currently housed at the Federal Medical Center Carswell, a women's prison in Fort Worth. Her case was filed in federal court in Illinois because she was previously housed in a facility there.

Iglesias has been asking that the prisons bureau approve her for gender-affirming surgery since 2016. In December, a federal judge ordered the agency to make a decision.

If the bureau decided to approve her for surgery, the judge asked that it notify the court by Jan. 26. If it decided to deny her request, the judge gave the bureau 10 additional days to provide the court with an explanation.

Since the Jan. 26 deadline passed without word, Iglesias' lawyer said he assumes her request was denied even though he has not heard that directly from the bureau. On Friday, the bureau declined to comment on Iglesias' case and directed The News to its new policies for transgender inmates.

"The BOP is committed to providing all inmates a safe and humane environment, including providing gender-affirming housing and

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medical care as appropriate," Spokesman Donald Murphy said.

Knight said Iglesias' lawyers will carefully review the reasons the bureau provides for denying her surgery, "and, following consultation with her, decide on our next steps."

While no one has ever received gender-affirming surgery while in federal custody, the bureau approved another inmate for the procedure in October, according to court filings in Iglesias' case. It is unclear when that person will receive the surgery, and the bureau did not answer questions about the prisoner's identity, medical status or housing location, citing "privacy, safety and security reasons."

About 1,200 federal inmates, less than 1% of the total population, identify as transgender, according to the U.S. Justice Department.

Inmates housed in state-run jails and prisons are not subject to the same rules as federal inmates. While they, too, can receive hormone therapy while in custody, the state of Texas requires prisoners to be housed in facilities according to the "physical anatomy."

If the state prisons department determines a transgender inmate cannot be housed safely with other inmates, they may be housed individually, an agency spokesman said.

As of September, 1,608 transgender inmates out of a population of about 120,000 people were in all state-run jails and prisons in Texas.

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Education

School Closings Could Impact Upcoming Trustee Elections A New DMN/UT-Tyler Poll Finds
By Corbett Smith
Dallas Morning News

Republican strategists across the nation – including those in Texas – are turning their eyes to local school board races, hoping to leverage educational controversies surrounding mask mandates, objectionable books and racial equity efforts into wins for GOP-backed candidates in these non-partisan elections.

But, according to a new poll from The Dallas Morning News and the University of Texas at Tyler, a minority of Texans seem willing to alter their support for a school board member because of proactive health and safety measures taken during the COVID-19 pandemic.

A third of respondents in the poll said they would not – or would be less likely to – support the reelection of a school board member if their district temporarily suspended in-person instruction because of coronavirus cases in schools.

The News/UT-Tyler poll was conducted Jan. 18-25 with 1,082 registered voters from across the state. The poll has a margin of error of +/- 3.5 percentage points.
Jaime Hernandez, a 60-year-old Odessa resident, said that he believed school closures were not "productive in the long run" to control the spread of the virus, and that urgent educational needs of students should outweigh the rare chance of children becoming seriously ill from COVID-19.

"How seriously does this affect someone who's not 65?" Hernandez said. "I just wish there'd be a little more information about the risks."

Data from the U.S. Department of Health and Human Services, analyzed by the New York Times, show that those under 18 have the lowest risk of hospitalizations of any age group, ranging between 2.4 to 4.1 cases per 100,000 over the past month. Demographic data from the Centers for Disease Control and Prevention state that 1,200 children under 18 have died from the coronavirus, accounting for 0.1% of all COVID deaths.

School leaders, including Dallas' Michael Hinojosa, have pledged to do their best to keep schools open as the Omicron variant drove cases to all-time highs over the past month. Learning losses suffered during the pandemic could result in trillions of dollars lost in lifetime earning potential if not rectified, said Texas Education Commissioner Mike Morath in October.

Even so, many school districts across the state have recently faced temporary closures, largely because of staffing or substitute shortages. Within the past two weeks, more than two dozen schools in the Dallas/Fort Worth area had unscheduled closures, including Mesquite, Mansfield, Northwest and Forney ISDs.

A little less than a third of poll respondents also said they would not – or would be less likely to – support an elected official if they backed a mask mandate.

Ashley Cosby, a 37-year-old from Nacogdoches County, said mask mandates have "gone on long enough, and that they should be over with."

Answers broke largely on ideological lines, with 49% of Republicans saying they would be hesitant to support such a candidate, as opposed to 14% of Democrats.

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The use of masks in schools has become a political flashpoint over the past two years, as state leaders and school administrators have tussled over who has the authority to implement them.

Last summer, Texas Gov. Greg Abbott issued an executive order prohibiting school districts and most other governmental entities from requiring masks. But dozens of school districts – including the Dallas, Richardson and Garland ISDs – started the 2021-22 school year in defiance of that order, citing the increase in COVID-19 cases in their communities.

Many of the state's large urban school districts still have mask mandates in place, despite the threat of litigation by Texas Attorney General Ken Paxton.

In a recent speech at a charter school in Lewisville vowing the creation of a "parental bill of rights" amendment to the Texas Constitution, Abbott touted both his fight against mask requirements in schools and his push to get schools reopened quickly. These issues are part of a larger fight, Abbott said, over parental control in schools, including curriculum choices and health and safety protocols.

Republican lawmakers have leaned into making schools a political battleground. The GOP-controlled Legislature passed laws intending to target "critical race theory" last year. In recent months, some lawmakers have pushed for the removal of books and materials addressing race, gender and sexual identity from school libraries, items they have argued are "obscene" or inappropriate.

In December, the state's Republican party launched an initiative aimed at assisting conservative candidates in nonpartisan school board and municipal elections.

"We expect voters to choose lower taxes and common-sense conservatism as opposed to the radical left-wing policies, limitless spending, and cronyism that traditionally accompany electing Democrats to those positions," Texas GOP vice chair Cat Parks said during the launch.

Dax Gonzalez, the governmental relations spokesperson for the Texas Association of School Boards, said that this type of hyper-politicization in school board races "kind of goes in waves," pointing to the battles over curriculum content in the 2000s as a recent example.

"I get emails a few times a week trying to link school board issues to broader national issues," Gonzalez said. "I think we see this as a distraction … trying to bring all this outside stuff into the classroom. And that takes the focus off kids."

The largest issue Gonzalez says he hears from current trustees is teacher retention and recruitment.

"That's a real issue, because it has a real impact on student achievement," Gonzalez said. "And the pandemic has certainly worsened that."

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Texas Students, Frustrated By Limited COVID-19 Protocols, Turn To Petition Drives And Walkouts
By Brooke Park
Texas Tribune

For Texas high school students, keeping up with class work was hard enough before the pandemic.

But then the pandemic hit, and with it came debates over everything having to do with Texas schools. Masks or no masks? Will online classes be available?

Schools reopened last fall but are struggling to remain open in the midst of a coronavirus surge caused by the omicron variant. The semester has barely started, and so far, there have been 192,145 student COVID-19 cases and 61,142 staff cases, according to the Texas Education Agency. That appears to be the highest case level since the pandemic began in 2020, although the data collected by the state is often incomplete.

At the same time, there's been a scaling back of coronavirus precautions, prompting many students to take action with petition drives and class walkouts.

For Jada Clerk, a freshman at William B. Travis High School in Fort Bend Independent School District, which includes Sugar Land and parts of Houston and Pearland, navigating crowded hallways among unmasked classmates is stressful.

"Sometimes I don't even want to breathe," said Clerk, who has asthma. "You can really feel people's breath on you. That's how close we were [in the hallway]."

Fort Bend ISD does not have a mask mandate in place and ended its virtual learning program for students at medical risk at the end of the fall semester. Travis High School recorded 16 students with COVID-19 out of around 3,000, according to the district's online dashboard.

At Clerk's school, she and more than 200 other students have signed a petition asking Fort Bend ISD to shut down schools during the

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infection surge caused by the highly transmissible omicron variant. She is one of many students across the state and nation who are working together to push their districts to strengthen COVID-19 policies in schools.

Clerk wants to see her school take more action to protect students and faculty from the virus. Fort Bend ISD continued in-person classes even as record-breaking countywide positivity rates, which show the percentage of tests with positive results, pushed the area into the most severe COVID-19 threat level. However, the district does monitor COVID-19 levels at each school and will enact different precautions if case counts rise.

When Texas schools reopened after the winter break, the surge of omicron cases resulted in the highest number of COVID-19 cases in school districts since the pandemic began. But even these numbers are likely an undercount as some cases go unreported to the state and a fraction of districts report each week.

At other districts, like Round Rock ISD, north of Austin, students have staged walkouts as a way to bring attention to their requests for more pandemic precautions, like a stricter mask-wearing requirement. That has inspired other students to organize similar efforts, including in Garland.

Last week, the district northwest of Dallas recorded nearly 1,200 active student cases out of a student body of around 54,000. More than 200 staff members are out sick out of about 7,200, according to the district's COVID-19 dashboard.

For Fernando Alaniz, an 11th grade student at North Garland High School, coughs and sneezes also marked his return to classes, where he estimates most students do not wear masks.

Garland ISD's website says staff will self-screen students for COVID-19 symptoms and rapid tests will be available for symptomatic students on campus. However, teachers rarely direct students to the nurse's office as they sneeze and cough in class, often unmasked, Alaniz said. All he can do, he said, is try to scoot his desk away from his sick neighbors.

Three of his teachers are out sick, which Alaniz said makes learning difficult. Half of his eight teachers do not wear masks, he said.

The limited COVID-19 precautions, along with growing staff and student absences, have prompted him to protest for stronger health policies in schools. He wants to see another remote learning option, an enforced mask mandate and widespread COVID-19 testing, among other requests. As of Sunday evening, 770 people have signed a petition in support.

Garland ISD has not yet responded to the petition, he said. He is considering organizing walkouts similar to what Round Rock ISD saw last week if his efforts to talk to administrators fail.

Students leading the movement for increased COVID-19 protocols at Round Rock ISD have found more success after nearly 60 students walked out of two high schools two weeks ago to push for increased COVID-19 protocols. More than 1,800 students also signed a petition in support of the demands.

Students there want better enforcement of the district's mask requirement and a reintroduction of contact tracing at all schools, among other demands. If they can't get that, they want schools to offer online courses. District officials met with organizers Friday and agreed to provide more testing sites and high-quality masks, but Eliana Smith, one of the student protest organizers, said district officials disagreed with students' contention that it's not enforcing the mask requirement and declined to resume contact tracing at schools where it had been halted.

Jenny LaCoste-Caputo, Round Rock ISD's chief of public affairs and communications, said some of the students' demands are difficult to meet due to staffing and capacity issues. School districts across the state are grappling with staffing shortages as omicron sends large swaths of workers into quarantine.

LaCoste-Caputo pointed to the students' demand for contact tracing as an example. The district previously enacted a contact tracing program — in which schools contacted those who had come into contact with an infected person — but discontinued it for a majority of schools. She said the district could not find enough people to do the work.

Asmita Lehther, a senior at Round Rock High School, is one of the students leading the protests. She said schools, as they are now, are unsustainable environments for both students and teachers.

Tiernee Pitts, another student leading the Round Rock ISD protests, said it feels like she and other students are forced to come to school even when she goes through a whole school day with substitute teachers. That's why she and other students want an online course alternative or better COVID-19 precautions.

However, the Texas Education Agency now caps a school district's virtual enrollment at 10%.

Still, Round Rock ISD students want to see some alternatives.

"We could be doing more, and we're choosing not to [in order] to stay open, at any cost, and by any means necessary," said Pitts, a senior at Cedar Ridge High School. "It just feels like we're just being open while everything around us is falling down."

Several school districts near Round Rock ISD have closed temporarily because so many staff members are sick. Last week, teacher and

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staff absences forced schools in Pflugerville ISD to close for a day.

Lehther, the Round Rock senior, said half of her English class was absent last week.

Without a virtual class option, students are forced to play catch-up when they return, Smith said.

Many students agree they would rather be in school to learn, but only if it is safe.

“We actually want to get out of this cyclic progression of having new variants and then a surge in cases and then hospitals get filled up, and we’re still at school,” Lehther said. “We need to do something to kind of end that.”

Texas Attorney General Ken Paxton is suing Round Rock ISD for requiring masks to be worn in school because it violates Gov. Greg Abbott’s ban against mask mandates. But Pitts said the mask mandate is unenforced at her school, and many students do not wear them.

The Round Rock student protest organizers blame what they see as inadequate COVID-19 policies from the governor, the state education agency and the Texas Legislature. However, they believe the district must work to remove politics from science and health for the sake of its students.

“I do think that though there is a majority of the blame on Abbott, [but] the school district still does have the choice to make the right decision, and to listen to us and meet with us and make compromises or meet some of our demands,” said Smith, a senior at Cedar Ridge High School.

As students head into the third year of the pandemic, Smith recalls the experiences of virtual learning and the return to school.

“Over like last year, there was definitely a lot of isolation and feeling just completely alone,” Smith said. “Then this year, we’re back in person, but we’re being forced to fight for the ability to stay in person through safe COVID precautions.”

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Mentoring Program Helps Keep Central Texas Teachers Going
By Olivia Levada
Spectrum

The pandemic has proved to be a very tiring time for many teachers. The Lone Star State is fighting an ongoing battle with teacher shortages at schools and with the pandemic.

One Central Texas teacher shared how mentorship encouraged her to keep pushing forward. Lidia Valentin spent half her life in Mexico and the other half in the U.S.

Teaching is more than a career for her. She is on a mission.

"Helping my community and all their kids to be successful, that was my whole purpose," Valentin said.

Valentin is a bilingual kindergarten teacher at Harker Heights Elementary School. Right now, KISD needs 120 classroom teachers.

But even with pressure from the pandemic and the Texas teacher shortage, Valentin has managed to push forward. The first-year teacher says it's all thanks to Ms. Beatriz Molina, her mentor.

When Valentin was a student teacher, support from Molina was the reason she kept going.

"She was a perfect example for me, how to manage a classroom," Valentin said. "Thirty-one kids, it was not easy. And she did it really, really good."

Their bond is still strong.

"I have four kids, so any time I have, it's like alright let's review this because once I get home, it's hectic," Molina said. "And so she has to try and catch me, you know, whenever she can."

Acknowledging the importance of these relationships, A&M-Central Texas instructor Jamie Blassingame helped launch the university's Mentoring Academy in August. Blassingame partners with Central Texas school districts to get qualified teachers into the classrooms, but the goal of the academy is to train the mentors.

"We need our veteran teachers, our strong classroom teachers, to teach our new teachers, to show them," Blassingame said. "But not only that, but [also] to make them feel like they are part of a great profession."

Spectrum News 1 reached out to Killeen ISD to learn more about their teacher shortage and needs right now.

We received this response from Taina Maya, Chief Communications & Marketing Officer:

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How many teachers does KISD need right now?

The district needs 120 classroom teachers for the current school year; however, this does not mean 120 classrooms have students without a teacher. We have applied for class-size waiver requests which allows us to move students to another class with a certified teacher. In other cases, there could be a long-term sub/teacher working on their alternative certification serving the students.

How many teachers have resigned or retired this school year?

We have accepted 250 notifications which include military orders, resignation and retirements. This is not an unusual number for our size district especially with our proximity to Fort Hood. The majority of these teachers will work through the end of May and have given us ample time to hire their replacement for the 2022-2023 school year.

What is the district's turnover rate?

According to the 2020-21 TAPR, the turnover rate was 16.5% last year. This data is not yet available for the current school year.

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Energy

As Crypto Floods Texas, High Energy Use Draws Scrutiny From Congress
By James Osborne
Houston Chronicle

By design, exactly 900 bitcoins are mined each day - a number that decreases every four years until there are no more bitcoins left to be found.

The job of mining the dwindling reserve falls to powerful computers, which plug in number after number until they come up with the correct 64-digit sequence. To beat out other miners doing exactly the same thing requires not only fleets of increasingly fast computers but huge amounts of energy to run them.

From wind farms in West Texas to an old coal plant outside Austin, crypto miners are flooding into Texas take advantage of some of the cheapest power in the country and positioning the state to become the state's crypto mining leader. But the accompanying surge in energy consumption is drawing scrutiny from Congress when the world is trying to not only clean up its energy system but also reduce demand to fight climate change.

At a hearing this month before the House Energy and Commerce Committee, the chairman. Rep. Frank Pallone, D-N.J., questioned the sustainability of crypto mining's business model.

"One estimate found that the energy required to process (one) transaction on the bitcoin network could power a home for more than 70 days," Pallone said. "Last year, there were hundreds of thousands of transactions on this network. Just imagine the climate implications."

A recent study by scientists at Cambridge University found crypto mining operations globally consume 135 terawatt hours of electricity per year, more than the entire country of Argentina.

The majority of that electricity comes from hydroelectric dams and coal and natural gas plants, the scientists found. In Texas, for instance, the crypto mining firm Riot Blockchain is operating at an old aluminum processing site in Rockdale that runs on its own coal-fired power plant.

Advocates for the U.S. cryptocurrency industry say they are being unfairly targeted pointing out that most industries still rely on fossil fuels - a necessity on a power grid that remains reliant on coal and natural gas.

"If you compare that to what gold spends on energy consumption, or banks and all that infrastructure, we're not that bad," said Howard Greenberg, president of the American Blockchain and Cryptocurrency Association. "We use the same amount of energy as Christmas lights, and I never hear anybody complain about that."

In Texas, so far, crypto miners are being met with open arms. The Texas Legislature last year passed a bill creating a task force to aid the development of the cryptocurrency industry in Texas, with Governor Greg Abbott writing on Twitter, "It's happening. Texas will be the crypto leader."

That along with the state's cheap power prices are attracting crypto mining firms from around the world, most of which were forced to look for new homes after the Chinese government banned cryptocurrency last year.

EZ Blockchain, a Chicago firm, has proposed setting up mobile computer rigs in Texas's oil and gas fields, powering their mining operations with natural gas that would otherwise be flared.

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Marathon Digital, based in Las Vegas, announced last month it was installing more than 100,000 bitcoin mining computers around Texas, primarily adjacent to wind and solar farms in West Texas.

“This industry has transformed over the last year since China shut down mining,” said Charlie Schumacher, director of corporate communications at Marathon. “The U.S. is unique because we have excess power here and we have a friendly regulatory environment. But we’ve gone through this transition so quickly it’s raised a lot of questions.”

Even as some crypto companies make strides to employ clean energy for their operations and reduce their energy consumption by using more efficient equipment, the sheer scale of their energy demand is giving many pause.

And as new miners flood the industry, there’s little sign of a slowdown. Electricity consumption for mining bitcoin, the most popular crypto currency, has almost doubled over the last two years, according to the Cambridge scientists.

“We’re making all these great strides to decarbonize and reduce our energy use and now were promoting this incredibly energy intensive new industry and wiping out any climate gains were struggling to make,” said Luke Metzger, executive director of Environment Texas, an activist group. “It seems very wasteful and not what we need right now.”

How much energy crypto requires in the future is anyone’s guess. Miners only mine when it is profitable to do so, and with a single Bitcoin currently selling for more than $37,000, the incentives are high. But should bitcoin prices come crashing down - as they did in November - then miners would have to reassess.

“At some point it’s not economic,” Schumacher said. “The majority of bitcoins that will ever exist are already out in circulation. We’re all going after the last two million.”

Under bitcoin’s algorithm, the last coin should be mined in 2140, he said.

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Immigration/Border Security

Fact-Check: Do Unauthorized Immigrants Have 'Easier Access' To Health Care, Ballot?
By Nusaiba Mizan
Austin American Statesman

U.S. Rep. Ronny Jackson, R-Amarillo, who is running for reelection in Texas' 13th Congressional District, made a surprising claim regarding unauthorized immigrants on Twitter and garnered more than 6,000 replies.

Jackson tweeted on Jan. 16: "In 2022, illegal immigrants will have MORE FREEDOMS and easier access to healthcare and ballot boxes than most Americans... Just think about that."

Jackson's office did not respond to our calls and emails for Jackson's source. So we went ahead and took a look at the two aspects of his claim: unauthorized immigrants' access to the ballot and their access to health care.

Is it true immigrants living in the U.S. illegally have "more freedoms" and easier access to health care and the ballot box compared to most Americans?

No ballot access for unauthorized immigrants
Immigrants lacking legal authorization to live in the U.S. cannot vote in federal and state elections, said Matthew Weil, director of the Washington-based Bipartisan Policy Center's Elections Project. The project explores and analyzes voter legislation to ultimately inform policy makers.

Almost all localities in the U.S., and all in Texas, limit elections to citizens. Even in the small handful of localities where non-citizens can vote in local elections, those localities only allow lawfully present noncitizens to vote.

Weil noted New York City is one example of the few localities that allow noncitizens to vote in local elections. New York City allows Deferred Action for Childhood Arrivals holders but not all unauthorized immigrants to vote, as reported by the Associated Press in early January. There are no circumstances where noncitizens can vote in federal elections.

"I don't know of any jurisdiction that allows somebody who's here undocumented to access the ballot box," Weil said.

There are an estimated 1.7 million people lacking legal immigration status in Texas, according to 2019 estimates by the Migration Policy Institute, a nonpartisan policy research institution. More than 20% of them, according to the institute, have been in the U.S. for 20 or more years.

Virtually no health care coverage from federal programs
Unauthorized immigrants are barred from federal health care programs, said Anne Dunkelberg, associate director at Every Texan, an Austin-based nonpartisan policy institute. This includes Medicare, Medicaid, the Children's Health Insurance Program, and coverage through the Affordable Care Act marketplace.

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Based on policy research, Every Texan advocates for Texas to expand Medicaid under the Affordable Care Act, which all but 12 states have done. That expansion would not include immigrants living in the U.S. illegally

Dunkelberg said there is an exception where providers can recoup the cost of treating an unauthorized immigrant in an emergency situation. Even that emergency funding for providers is subject to the same restrictions as for Medicaid in Texas for adult citizens.

"And so hospital emergency rooms can't turn away people with real emergencies, regardless of whether they're uninsured, regardless of what their immigration status is. They have to treat you in real emergencies," Dunkelberg said. "So that's why there is a provision back for emergency room visits by a very limited number of undocumented immigrants, not even all of them."

Unauthorized immigrants have access to some state and local health programs, which can be funded by federal grants. This patchwork of programs addresses some aspects of wellbeing like mental health, immunizations, and communicable disease.

However, these programs are not health care coverage, Dunkelberg said. That care isn't free, and in many cases program costs work on a sliding scale. Those programs are available to citizens, too.

Locally, counties can opt to serve uninsured immigrants living in the U.S. illegally through medical assistance programs. The uninsured people seeking care have to meet specific income requirements. Dunkelberg said most of Texas' major urban counties opt to provide care to uninsured unauthorized immigrants.

States also have the option of providing prenatal care to women regardless of immigration status through the Children's Health Insurance Program, saidRuth Wasem, professor of public policy practice at the LBJ School of Public Affairs at the University of Texas. Wasem said this option was created under former president George W. Bush.

Texas is one such state that opts for the CHIP perinatal program (prenatal, delivery, and postpartum care) for unauthorized immigrants.

Even with limited emergency Medicaid, it's a stretch to say unauthorized immigrants have "easier access" compared to most Americans.

"There is no aspect of that that is in any way superior to the access for U.S. citizens," Dunkelberg said.

Though Jackson led the White House Medical Unit as Physician to the President in the Obama and Trump administrations, he seems off the mark about health care.

Our ruling
Rep. Ronny Jackson tweeted "In 2022, illegal immigrants will have MORE FREEDOMS and easier access to healthcare and ballot boxes than most Americans... Just think about that."

Unauthorized immigrants don't have access to the ballot for federal, state, and almost all local elections. Though immigrants can have access to some medical assistance programs depending on where they live, they also do not qualify for any health insurance coverage with any federal dollars. They do not qualify for Affordable Care Act marketplace coverage even if they pay costs without ACA subsidy.

We rate this claim as Pants on Fire.

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Criminal Justice

DPS: West Texas Deputy Killed In Loving County Crash Saturday
By Chris Whited
KAMC

A deputy with the Loving County Sheriff's Office was killed in a two-vehicle crash Saturday afternoon, according to the Texas Department of Public Safety.

The crash was reported around 4:30 p.m. one mile west of Mentone on State Highway 302.

According to DPS, Deputy Lorin Readmond, 41, was traveling to assist another deputy on a traffic stop when her vehicle collided with a semi-truck.

Both vehicles were traveling eastbound on State Highway 302 at the time of the crash. The deputy's lights and siren were activated on her patrol vehicle , DPS said.

Deputy Readmond was pronounced deceased at the scene by Loving County Justice of the Peace Amber King.

The Loving County Sheriff's Office released a statement on Sunday that was provided to EverythingLubbock.com by the DPS.

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It is with great sadness the Loving County Sheriff's Office announces the death of Deputy Lorin Readmond.

Last night, 1/29/22, at approximately 4:30 p.m., Deputy Readmond was dispatched to assist another deputy and attempted to respond when she was involved in a traffic crash with truck tractor semi-trailer. Deputy Readmond was pronounced deceased at the scene.

Deputy Readmond, 41 joined the Loving County Sheriff's office in April 2019. In addition, Deputy Readmond also served as a Reserve Deputy with the Hudspeth County Sheriff's Office since September 2015.

Deputy Lorin Readmond was a Chief Petty Officer in the United States Navy Reserve where she served as an Intelligence Specialist from 2006 until 2018.

The Texas Highway Patrol is investigating this crash and no additional information are available at this time.

Our thoughts and prayers are with the Loving County Sheriff's Office and the family of Deputy Readmond. Deputy Readmond's dedication and service will never be forgotten.

The two occupants inside the semi-truck were not injured.

The crash is under investigation by the Texas Highway Patrol's West Texas Region District Crash Team.

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National News

Trump's Texas Trip Illustrates His Upsides And Downsides For Republicans And Their Midterm Hopes
By Tyler Pager
Washington Post

Former president Donald Trump on Saturday night delivered the exact message some Republicans have been eager to hear: President Biden and the Democratic Party are incompetent, and Republicans need to turn out to vote in the midterm elections to take back majorities in Congress.

But that was only a slice of Trump's pitch during his campaign rally 40 miles north of Houston.

The former president also dangled pardons for Jan. 6 rioters and urged his throngs of supporters to descend on New York, Washington or Atlanta for street protests if he is convicted of crimes in ongoing investigations, intimations of support for violence that within hours prompted questions to other Republicans about where they stood. As he spoke approvingly of the violent effort to overthrow the 2020 election, Trump also spent most of his speech complaining, falsely, that the election was stolen from him, a line of argument that Republicans have publicly urged him to drop.

Trump may be out of office, and not yet an official candidate for president in 2024, but he still represents a conundrum for his party. The former president retains an unchallenged grip over the base of the party. In most states, separation from Trump's desires and policies is a sure path to defeat in a Republican primary and risks lower GOP turnout in a general election.

But Trump's continued effort to downplay the events of Jan. 6 while stoking agitation for future violence risks alienating the independent and moderate voters Republicans desperately need and think they are set to gain in November.

Trump's suggestion of protests related to investigations into him represented his fiercest attempt yet to rally public opinion on the probes to his side.

"If these radical, vicious, racist prosecutors do anything wrong or illegal, I hope we are going to have in this country the biggest protest we have ever had in Washington, D.C., in New York, in Atlanta and elsewhere because our country and our elections are corrupt," he said, ticking off cities in which his business or presidential behavior is under investigation.

The three prosecutors investigating Trump — New York Attorney General Letitia James, Manhattan District Attorney Alvin Bragg and Fulton County District Attorney Fani Willis — are Black.

For Texas Gov. Greg Abbott (R), who is facing a primary challenge from the right on March 1, the challenge was on full display here. In a less than six-minute speech before the former president took the stage, Abbott said Trump's name more than two dozen times. And still, he was greeted with scattered boos and chants of "RINO" — Republican in name only — as some voters expressed their view that he has not sufficiently implemented Trump's agenda, particularly on immigration.

Calen Wall, a volunteer for one of Abbott's Republican challengers, Don Huffines, was among those who booed Abbott, faulting him for not taking stronger action on the border.

"Abbott is finally being primaried by a true conservative," said Wall, 40, of Arlington, Tex. "It's an election year, so Abbott is doing everything Huffines has been saying he would do."

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On Sunday morning, just hours after Trump raised the prospect of pardoning those charged in the Jan. 6 insurrection, other Republican candidates were faced with the fallout of his remarks. New Hampshire Gov. Chris Sununu, who disappointed Republicans by eschewing a Senate campaign to run for reelection but who is believed to have White House aspirations, said pardons for the Capitol rioters should not be considered.

“Look, the folks that were part of the riots and, frankly, the assault on the U.S. Capitol have to be held accountable,” he said Sunday morning on CNN. “There’s a rule of law. I don’t care whether you were part of the burning — burning cities in antifa in 2020, you were storming the Capitol in 2021. Everybody needs to be held fairly accountable … That’s part of leadership.”

Sen. Lindsey O. Graham (R-S.C.), speaking on CBS, called Trump’s pardon remarks “inappropriate.”

“I don’t want to send any signal that it was okay to defile our Capitol,” he said. “I want to deter people who did that on Jan. 6. … I hope they go to jail and get the book thrown at them because they deserve it.”

The scene outside the U.S. Capitol after Trump supporters breached the building on Jan. 6, 2021. (Bonnie Jo Mount/The Washington Post)

At his rallies in the past, Trump has not always delivered the enthusiastic endorsement of Republican candidates that many in his party desire. He will mention candidates who have his “complete and total” support, but he often spends most of his time airing grievances and riling up his base.

On Saturday night, he gave lengthy shout-outs to the tribe of Republican officials who joined him at the rally and laid out the party’s midterm argument. He denounced Biden’s handling of foreign policy from Afghanistan to Russia to China. He questioned the president’s mental acuity, challenging him to take a cognitive test. He blamed Democrats for inflation and attacked vaccine and mask mandates. And on immigration, one of the most salient issues for Republicans in Texas, Trump said that “Biden’s complete abdication of duty is getting untold numbers of Americans killed.”

He also bragged about his handling of foreign policy matters, his work on the border and his administration’s efforts to create coronavirus vaccines.

But for as much time as Trump spent critiquing Biden, he spent more on personal grievances. He delivered a detailed critique of the New York investigation into his finances, suggesting Hillary Clinton’s allies were behind the effort. He called those investigating him “racist” and “mentally sick.”

In New York, the attorney general and Manhattan district attorney are investigating the Trump Organization’s finances. In Washington, a House select committee is investigating the Jan. 6 insurrection, with a focus on Trump’s role in encouraging the assault. And in Fulton County, Ga., the district attorney investigating Trump’s efforts to overturn the election was just granted her request to impanel a special grand jury.

“In reality, they’re not after me, they’re after you, and I just happen to be the person in the way,” Trump said of the investigations into him.

Trump’s words were immediately injected into the Republican bloodstream. At a rally in Mason, Ohio, for U.S. Senate candidate J.D. Vance on Sunday, Rep. Marjorie Taylor Greene (R-Ga.) asked the crowd if they had heard what Trump had said about the Jan. 6 defendants.

“He told them he’s going to make sure they’re treated right, and he wants to pardon them,” Greene said, to a round of applause. “People should not be treated like political prisoners when they have not even had a day in court.”

Vance denounced the treatment of the defendants but did not comment on the pardon idea. Some of the estimated 200 people at the rally agreed with Trump and Greene, saying that the Jan. 6 defendants had been treated horribly.

Asked about Trump’s comments, Dave Carney, a top political adviser to Abbott, said Trump is an unquestionable asset for Republicans including Abbott. He cited the former president’s popularity in Texas.

“Overall it was an excellent event for everyone involved,” he said. “Folks should worry about their own campaigns and let Trump be Trump. I don’t know why smart people think they can dictate to him. He has been successful. He wiped out 17 other folks. He crushed Hillary Clinton, and sometimes smart people spend too much time thinking about what he should say. Most people agreed with the president on the vast majority of things. Nobody agrees with someone 100 percent of the time.”

But Rick Wilson, a co-founder of the anti-Trump Lincoln Project, said most Americans are not interested in re-litigating the 2020 election or downplaying the violence on Jan. 6. While those talking points may be “good for clicks and raising money,” he said they are “bad for the Republican Party.”

“If you want to rev up the turnout in the midterms, you need to have your base jacked up. It’s a real conundrum for McConnell and McCarthy. You want the enthusiasm but not the poison,” he said, referring to Senate Minority Leader Mitch McConnell (R-Ky.) and House Minority Leader Kevin McCarthy (R-Calif.).

But for those who flocked to the Montgomery County Fairgrounds to wait hours for Trump, the speech hit all the right notes.

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“Tonight was fabulous,” said Cathie Pina, a 59-year-old nurse from Willis, Tex. “To be around people that are like-minded, that are patriots, that love our country.”

Pina, who attended her first Trump rally and brought along her 18-year-old daughter, praised the former president for wanting to restore “Judeo-Christian beliefs.” She slammed Biden as “corrupt” and “demented,” arguing it was “elder abuse to put that man in the spotlight.”

Dawn Rolen, a flight attendant from Waxahachie, Tex., called Trump “my president” and lavished praise on him.

“I’m a Republican, but it’s not about the left and the right anymore,” said Rolen, 54. “It’s about good and evil. Trump is good, and the liberals, I don’t know what the hell happened to them. They are out of their mind.”

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Opinion/Editorial

Analysis: The Blurry Line Between Government And Political Campaigns In Texas
By Ross Ramsey
Texas Tribune

If you’re having a hard time telling where government work stops and campaign work begins, which announcements are political and which ones are civic, which ones are paid for by political donors and which are financed by Texas taxpayers, it’s because there is often no difference between the two.

The top three Republican incumbents on the ballot have each amped up their campaigns and their official efforts as the elections approach, with the political and government offices running in parallel, reinforcing the campaigns’ themes.

For instance, Lt. Gov. Dan Patrick rolled out a campaign ad touting his hard-line position on immigration and border security. At about the same time, under his state letterhead, he announced the formation of a new Senate Committee on Border Security.

“Public safety is government’s first responsibility and there is no greater threat to public safety in Texas right now than the failed, open-border policies of the Biden Administration,” he said in that news release. Pretty close to what he says in the TV ads for his campaign: “Texas must secure the border because Biden and his administration won’t. And we must stop those here illegally from voting.”

Gov. Greg Abbott held another news conference on the U.S. side of the border — it’s hard to keep count of these things — this time accompanied by a dozen Republican attorneys general, to excoriate the administration’s handling of border security and immigration. Can you guess what ads his campaign is running? They’re about what the campaign sees as the Biden administration’s failures at the border and about Abbott’s endorsement by the union that represents many Border Patrol officers.

Attorney General Ken Paxton’s official press releases are written in the overblown rhetoric of closely fought Republican primary races — like the one he’s in the middle of right this minute.

“The Biden Administration has sown nothing but disaster for our country through its illegal, unconstitutional immigration policies,” Paxton said under government letterhead on Friday morning. “Biden’s latest round of flagrant law-breaking includes his Central American Minors Program, which has contributed significantly to many states being forced to take in even more aliens. My fellow attorneys general and I are suing to stop it.”

His ad echoes that language.

Texas has laws against using public employees and state resources for campaigning. There is a regular seasonal cycle of top state employees of elected officials moving to their bosses’ campaign offices a few months before an election, then moving back into their state jobs after a win. They’re careful to use state phones and computers for one job, campaign equipment for the other.

The fuzzy part is in the work they do, no matter where they are, and how it melds the political work of campaigning with the work of governing. The messages might well be the same, maybe even legitimately in harmony. Someone campaigning for better border security might genuinely want it, and might be saying the same thing in their state job.

But the complaints about what’s happening on the border, while directed at the federal government, might as well be directed at the state officials talking about state-based solutions who haven’t been able to solve the problem. In the case of Abbott, Patrick and Paxton, that’s seven years and counting, through Republican and Democratic administrations in Washington, D.C. Their campaigns might as well be directing fire at the incumbents they’re trying to reelect.

If the campaign pitch is that they should be reelected because they want border security fixed, it suggests they’ve been sitting on their hands for all those years — spending billions in taxpayer money, dispatching state police and National Guard troops, rounding up migrants they can accuse of breaking other laws, squalling at and suing the federal government.

It’s a case of politicians listening to Texans’ concerns without solving their problems. Texas voters, and Republican Texas voters in particular, have had border security and immigration atop their lists of most important problems facing the state for more than a decade,

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according to dozens of University of Texas/Texas Tribune Polls.

They're still waiting for the government folks to do what the politicians promise every election cycle.

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Grumet: Where's Abbott's Campaign Pledge To Help Foster Kids?
By Bridget Grumet
Austin American Statesman

Gov. Greg Abbott has been firing off a flurry of campaign promises lately.

A Compact with Texas Seniors, unveiled Jan. 13 in Georgetown.

A Taxpayer Bill of Rights, unveiled Jan. 17 in Atascocita.

And the one you've probably heard the most about, a Parental Bill of Rights, announced Jan. 20 in Lewisville, capitalizing on the manufactured controversies over school library books and history lesson plans.

Apart from announcing a modest workforce training program, however, Abbott hasn't provided any assurances this month to the Texans most dearly and directly entrusted to the state's care: foster children.

The appalling conditions for some foster kids are back in the headlines after federal court-appointed monitors issued a new report on the temporary facilities for kids who don't have a foster home.

The Department of Family and Protective Services is caught in a terrible loop: Unsafe foster care facilities have been closing, a good thing, but now Texas is scrambling to find other places to send children who have been removed from their homes. The result: a sharp uptick in the use of unlicensed or stop-gap facilities, some of which appear to be wholly unfit as well.

U.S. District Judge Janis Jack, who is overseeing a decadelong class-action lawsuit over Texas' battered foster care system, lamented at a Jan. 11 court hearing: "We're just going from bad to worse."

The monitors' 56-page report is a devastating read. It describes "children's rooms (that) resembled juvenile cells." It describes another group home next to a block of abandoned houses with graffitied walls, missing doors and shattered windows. It describes facilities that fail to give children their medication, or fail to keep medication logs at all. It describes a 15-year-old who was moved 16 times, from one facility to the next, over the span of three months. It describes teens being shuttled to facilities in Arkansas or Michigan because no foster home in Texas had an opening for them.

It all seems a million miles away from the children's issues animating Abbott lately: the pearl-clutching over LGBTQ-friendly library books and the angst that parents are supposedly seeing "their roles in the classroom diminish."

Abbott's Parental Bill of Rights says parents should have the right to see all school instructional materials (something the state education code already ensures), presumably so they can object to any lessons that don't align with their values.

Meanwhile, at one of the overflow foster care facilities Texas uses in Michigan, the program handbook scolds traumatized foster kids as if they are juvenile delinquents. "You can look at the issues in your life that have put you into this situation and make a decision to change the thoughts that lead to negative behaviors," the handbook says. "It is these negative behaviors that led you here in the first place."

Abbott's Parental Bill of Rights calls for a state constitutional amendment enshrining the obvious: "Parents are the main decision makers in all matters involving their minor children."

Meanwhile, Texas' foster care system often fails to provide essential services that could help children stay with their parents. Since 2017, the monitors' report said, Texas parents have relinquished custody of 4,661 children — making a heart-wrenching decision to send their own kids into the foster care system — because they could not get the mental or behavioral health support the kids needed.

Abbott's Parental Bill of Rights says parents should be notified of their rights to send their children to charter schools, magnet schools or schools in other districts — information parents can already access.

Meanwhile, at least 99 Texas foster kids were shuttled to out-of-state facilities last year without any say in the matter, owing to the lack of foster care options here. The distance made it harder for case workers to connect with them or to notice signs of trouble. After visiting Texas teens at a Michigan facility and hearing about the extreme use of restraints there, the monitors reported five separate complaints to that state's child abuse hotline.

A panel of experts issued about two dozen recommendations this month to improve the foster care system, some of which would require more money from the state. Ultimately, those funding decisions rest with Abbott and lawmakers.

I recognize foster care systems are chronically underfunded and understaffed, even as they are charged with the emergency care and

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placement of youths with extraordinary needs. As much as anything, though, foster kids suffer for their political invisibility. They aren't a courted constituency like seniors, taxpayers and culture warriors.

But a governor who invokes family values and an abiding respect for life, as Abbott does, should be the first to fight for foster kids, too.

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Greg Abbott News

Abbott Support Remains Solid On Border Issues, But Costs Of Wall Aren't Popular, Says New Poll
By Dianne Solis
Dallas Morning News

Thirty-six percent of Texas registered voters say it is reasonable to spend $20 million per mile in state funds to extend the border wall with Mexico, while 27% say it is wasteful, according to a new poll.

Another 25% of respondents to the poll of 1,082 registered voters said money "could be spent better on technology" at the border.

Overall, the new poll by The Dallas Morning News and the University of Texas at Tyler shows support for Abbott's policies are nuanced. Support deepened slightly for Gov. Greg Abbott's overall immigration policies at the border, but weakened slightly on whether a wall is "necessary for a safe border" to 48%, compared to 50% in November.

Among Latino registered voters, 47% disagreed or strongly disagreed that a wall is needed at the border.

The poll was conducted Jan. 18-25 in English and Spanish. It has a margin of error of plus or minus 3.5 percentage points. Results come as the Republican governor faces primary opponents in March who argue that he has not been tough enough in stemming the flow of migrants across the border.

Abbott has poured hundreds of millions in state money to beef up border security, including by sending DPS troops and the national guard to the Rio Grande. His policies are also seen as an effort to bolster his conservative credentials in a state polarized over whether toughness, compassion or financial practicality is needed on immigration.

Some 52% of polled registered voters approve of Abbott's border policies – up from 49% in November and 47% in the September Dallas Morning News poll. Among Latinos, 45% gave Abbott an approval rating on his handling of immigration issues, but only 37% gave Biden a thumbs up on immigration. Latinos make up about a quarter of registered voters and are increasingly courted by Republicans.

Larger percentages of registered voters believed strengthening the electricity grid or reducing the coronavirus infections was more important than an effort to "secure the Texas-Mexico border." But among Republicans polled, securing the Texas-Mexico border ranked higher than reducing coronavirus infections or strengthening the electricity grid.

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“While it’s a rewarding strategy for Governor Abbott, right now and with Republicans, there’s a limitation,” said Mark Owens, the UT-Tyler pollster. “It’s not going to get him a higher percentage of the electorate when people think about the most important issue.”

Overall approval of Abbott’s border policies remains solid over the last three Dallas Morning News polls. “It is an improvement,” Owens said, but “within the margin of error.”

When registered voters are asked to analyze the costs of the border wall, approval weakens on the wall, noted Mark P. Jones, a political scientist at Rice University in Houston.

“When people are presented with the actual costs, and instead of supporting or opposing have to make a decision have to evaluate that expenditure,” said Jones, “the level of support is lower.”

The Rice University professor noted that when “wasteful” and “could be spent better on technology” responses are combined, 52% of poll respondents appear to be looking for an option other than spending $20 million per mile on a border wall. “The majority do not think that spending is reasonable,” Jones said.

Latinos’ support on the border wall softens compared to that of white registered voters in other polling, too, noted Jones, who also works with the nonpartisan Texas Hispanic Policy Foundation. “The wall has consistently been the least popular among Latinos,” Jones said. “This poll reinforces that.”

“The more the wall’s publicized, the worse he’s going to get among Latino voters,” said Jones.

The poll also shows that 54% supported the use of state funds to deploy the National Guard and the DPS “to patrol the border.” But in November, 59% voiced support on the same question.

Abbott’s policies have included arresting migrants on the state charge of property trespassing under a controversial measure called Operation Lone Star. Support for Abbott stiffened even as political challengers such as Republican Allen West and Democrat Beto O’Rourke have blasted the mission. Adding to the alarm has been a string of suicides by soldiers, first reported by the Army Times.

Immigration at the border polarizes people, said Jeronimo Cortina, a political scientist at the University of Houston. Cortina noted stark differences between Democrats and Republicans on Abbott’s handling of immigration at the U.S.-Mexico border. Only 27% of Democrats approved of Abbott on that issue, versus 80% among Republicans.

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“Immigration has been, historically, used as a campaign issue since the 1800s, and allows you to rally your base depending on what side of the aisle you are,” said Cortina, who has studied historical floor debates on the issue.

“Just put the text without any reference to the date. You would think that that debate happened a week ago and in reality happened hundreds of years ago,” the University of Houston professor said.

Support for the wall softens the closer those polled are to the U.S.-Mexico border, Cortina said. Add the dollar amount per mile, as the poll did, and there’s further weakening, he said.

“The closer you are, regardless of partisanship, you are less likely to support the wall,” Cortina said. “And why? Because the individuals living at the border experience the reality of the border, and they understand how and how not the wall can be useful.”

The Texas poll also found that:

One year after a devastating freeze hit Texas, resulting in the deaths of nearly 250 people, 50% of those polled said strengthening the electricity grid should be a higher priority than an effort “to secure the border.” The freeze overwhelmed the Texas electricity grid. About 41% said the Texas-Mexico border should be secured.

And 52% said a “higher priority” should be given to reduce coronavirus infections, as opposed to 42% who chose “to secure” the Texas-Mexico border.

Those immigrants who call themselves “Dreamers” strengthened support among registered voters polled: 51% said they supported or strongly supported granting permanent legal status to immigrants who came to the U.S. as children. In November’s poll, support was 48%, but in September support was 51%.

Under a program called Deferred Action for Childhood Arrivals, or DACA, beneficiaries often called Dreamers must have been brought to the U.S. by a parent or guardian before the age of 16 and come either unlawfully or overstayed lawful visas.

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Texas Gov. Greg Abbott Claims Mexican Cartels Are Using TikTok To Recruit Smugglers
By Morgan Keith
Business Insider

During a border security briefing on Thursday, Texas Gov. Greg Abbott alleged that TikTok is promoting human trafficking in Texas and harshly criticized the Biden administration's response.

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"Cartels in Mexico are using TikTok to advertise, to recruit smugglers in Texas, in San Antonio, Houston, and other cities in Texas and maybe some other states, to advertise for smugglers, for pay, for them to smuggle people here in Texas, which would include victims of human trafficking," Abbott said.

The Republican governor suggested that an injunction similar to the one used to shut down Backpage.com — a now-defunct classified advertising website that was used to facilitate prostitution and child sex trafficking — could be used against the social media platform.

"TikTok should be ashamed, condemned, and have a legal action brought against it for promoting human trafficking in Texas and the United States of America," Abbott claimed.

Attorneys general from twelve conservative states attended the briefing, including Oklahoma, Utah, Missouri, and West Virginia.

Insider has reached out to Abbott and representatives of TikTok for comment.

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Video Shows Trump Rally-Goers In Texas Booing 'RINO' Governor Greg Abbott
By Andrew Stanton
Newsweek

Video posted to social media showed rally-goers boo Texas Governor Greg Abbott as he took the stage at former President Donald Trump's rally Saturday night.

Abbott, who has served as Texas' governor since 2015, aligned himself with the former president, enacting several conservative policies in Texas throughout his tenure and receiving Trump's endorsement for his re-election later this year.

But that didn't stop some Trump supporters from booing the governor as he was announced as a speaker during the Texas rally. Several attendees could be heard lobbing insults at the governor, including "Abbott sucks" and "You're a RINO," referring to the phrase "Republican in name only."

During his remarks, Abbott repeatedly name-dropped Trump as some in the crowd continued booing, prompting Democrats and Republicans to troll him on social media.

"Greg Abbott realizes that the only way to keep the MAGA crowd from booing him is to just keep saying, 'Donald J. Trump' over and over again. So he does," wrote attorney Rob Filipkowski.

"It was very awkward," Katrina Pierson—a spokesperson for Trump's 2016 campaign—wrote.

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Trump endorsed Abbott last June, praising him as a "fighter and a great governor for the incredible people of Texas."

Despite Trump's support, Abbott's opponents in the GOP primary have accused him of not being sufficiently conservative. He faces challengers from the state GOP's former chair Allen West and ex-State Senator Don Huffines.

While speaking at the Conservative Political Action Conference in July 2021, Huffines accused Abbott of being a "RINO" who failed to adequately respond to border crossings.

"We don't have a Donald Trump as governor. We don't have a Ron DeSantis as governor. We don't have a William B. Travis as governor. Unfortunately we've got a career politician that's a political windsock, a RINO," he said.

Meanwhile, West has condemned Abbott's response to the COVID-19 pandemic, accusing him of being too "heavy-handed."

"We're not a constitutional monarchy. We are not to be ruled. We're supposed to be governed," West told WFAA in September 2020. "And so I am very concerned when we continue to see a litany of executive orders, mandates, decrees, and edicts that are handed down and they're not brought through the legislative process."

Despite the criticism from some on the right, Abbott still remains the favorite in the election, according to a new poll released Sunday. The Dallas Morning News-University of Texas Tyler poll found Abbott leading with 59 percent of the vote. West only received six percent, while Huffines received four percent.

Meanwhile, Abbott also remains the favorite in the general election, where he is expected to face off against Democrat Beto O'Rourke, according to the poll. O'Rourke, a former congressman representing El Paso, trailed him by 11 points.

Newsweek reached out to Abbott's office for comment Sunday afternoon. This story will be updated with any response.

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Administration News

Attorney General Ken Paxton Zeroes In On Louie Gohmert In A Crowded Field Of Challengers
By Daniel Friend
The Texan

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Despite having multiple serious primary challengers since last summer, Attorney General Ken Paxton has campaigned for reelection touting his own merits while largely avoiding his opponents.
That changed in mid-January, though, when Paxton's campaign went on the offensive against one of his three Republican opponents: Congressman Louie Gohmert (R-TX-01).

Paxton reportedly launched a TV ad campaign and sent out mailers critical of Gohmert in East Texas, where the congressman has built a base of supporters throughout his political career over the past several decades.

In particular, the mailer highlighted Gohmert's missed votes during his time in Congress.

According to a report from GovTrack, which the mailer cites, Gohmert has missed 837 out of 11,507 votes, 7.3 percent of the total.

"An attack ad? To me, that's your record. If you voted certain ways, in opposition to Second Amendment or pro-life, stand behind your vote. Don't run from it and call it an attack," Paxton told The Texan when asked about the ads targeting Gohmert.

"It's a fact that he voted the way he did," said Paxton. "If I were him, I would have voted differently. I would've showed up for votes."

The offensive against Gohmert has also gone negative through digital sources as well, with the Paxton campaign posting ads on Facebook and Instagram claiming Gohmert "is not the conservative you think he is."

Asked why his campaign is highlighting Gohmert's record but not those of his other GOP opponents, Land Commissioner George P. Bush and former Texas Supreme Court Justice Eva Guzman, Paxton said, "Only because they don't have a voting record. He's got a voting record that we can actually look at."

"She's got a judicial record. It's not very good, but it's harder to show what that is. People don't understand opinions or law," said Paxton. "And the land commissioner — I don't really have anything to say other than, you know, he tried to give away the Alamo."

Since January 13, Paxton has spent between $2,500 and $3,000 on the digital ads attacking Gohmert. While 77 percent of the ads were shown to people located in Texas, a report from Facebook shows that another 16 percent and 7 percent reached audiences in Washington, D.C. and Virginia, respectively.

Paxton's advertisement on the platforms also calls attention to the endorsement the incumbent attorney general received from the former president.

"Who is Trump's pick for Texas Attorney General? Not Louie Gohmert," the ad reads.

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Notably, during a recent Trump rally in Conroe, Trump reiterated his "complete and total" endorsement of Paxton.

But in highlighting members of Congress who were in attendance, Trump also called Gohmert a "wonderful guy," saying, "This is a man who's been a friend of mine from day one."

At the same time as his Facebook ad, Paxton also launched a campaign through Google with a video advertisement touting the attorney general's stance on border security and the endorsement from former President Donald Trump.

Though the video advertisement makes no mention of Gohmert, it, like the mailer and TV ad, targets viewers in East Texas.

The location where the Paxton campaign is targeting viewers with its video advertisement. Image from Google.
Paxton has spent $1,100 on the video advertisement, according to Google's Transparency Report.

On Gohmert's part, his campaign has run four text ads through Google in late January at the cost of $1,300.

While the wording is slightly different in each, one sentence appears in all four: "Louie Gohmert will restore honesty and integrity to the office of Attorney General."

"If you want to know how things are going," Gohmert told The Texan in an interview, "look at who Paxton is attacking."

"He's not running attack ads against George P. Bush or Eva Guzman. He's running them against me because he's seen I'm the one that's gonna get him in a runoff. And then in the runoff, he's in trouble."

If no candidate in the March 1 primary election receives over 50 percent of the vote, the top two candidates in the race will move to a May runoff election.

With three challengers to Paxton — each of whom reported raising over a million dollars by the end of 2021 — there is a strong possibility that they could weigh down Paxton's incumbency advantage to pull him to a runoff.

Two polls from June and November 2021 showed Paxton in the lead at 42 percent and 46 percent, respectively, among GOP primary voters, while Land Commissioner George P. Bush followed in second at 34 percent and 32 percent, respectively.

Both polls were conducted before Gohmert entered the race, though, and his name was nowhere to be seen among the options.

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"From what we saw before I got in, it looked like [Paxton] might even be able to win without a runoff," said Gohmert, adding that he is concerned the FBI "will probably wait until after the primary" and then indict Paxton because of an ongoing investigation.

In such a scenario, Gohmert argues that it would be too late to replace Paxton with a new nominee for attorney general, increasing the likelihood that Democrats win in the November general election.

Gohmert told The Texan that when he was first entering the race, polls that he saw placed Bush — who Gohmert says has "more name recognition than Gov. Abbott and Lt. Gov. Patrick" — nowhere past "17 or 18 percent."

"And before I was even in, I was tied with him," said Gohmert.

A new poll released by the Hobby School of Public Affairs, which was conducted in mid-January, shows that Gohmert and Bush are indeed competing for the runoff spot with Paxton should they succeed in keeping him from receiving half the vote.

The Hobby poll still showed Paxton with a solid lead at 39 percent among all GOP primary voters, with Bush and Gohmert following at 16 percent and 13 percent, respectively.

Among "almost certain primary voters," though, Paxton's polling increases to 44 percent, Gohmert's polling is bumped up to 15 percent while Bush falls to 13 percent.

Another new poll conducted by the University of Texas at Tyler showed Paxton in the lead with 33 percent, Bush trailing at 19 percent, Gohmert with 9 percent, Guzman with 8 percent, and 33 percent undecided.

Asked if he was optimistic that he'd avoid a runoff, Paxton said he was.

"I think I've got a really good chance. I mean, you never know, but the numbers look good," said Paxton. "I certainly wouldn't trade with any of my opponents right now."

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State News

Transgender Prisoner In Texas Denied Gender-Affirming Surgery, Lawyer Says
By Lauren McGaughy
Dallas Morning News

The U.S. Bureau of Prisons has denied a request from Cristina Iglesias, a transgender woman incarcerated in Texas, to become the first inmate in federal custody to receive gender-affirming surgery, her lawyers said.

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Iglesias, 47, is serving a 20-year sentence for threatening to use a weapon of mass destruction against the British government. Last week, her lawyer said his client will not receive the surgery she has long requested before her scheduled release later this year.

“After years of fighting unnecessary hurdles and delays, Cristina has once again been denied the opportunity to get the care she needs and that the Constitution requires,” John Knight, director of the LGBTQ & HIV Project at the ACLU of Illinois, said in a statement.

The denial comes as the Biden administration takes steps to provide more accommodations for transgender inmates. Earlier this month, the federal prisons bureau released updated policies which reversed Trump-era guidance that required housing decisions to be made primarily based on “biological sex.”

The guidance also includes a new section on gender-affirming surgery, a topic that was not directly addressed in the previous policy. Inmates can request surgery after one year of mental health, medical and programming services, the guidance says.

But Knight said the prisons bureau’s approach to Iglesias’ case shows it is willing to “run out the clock” on transgender inmates seeking care.

“Such an approach is neither fair nor humane,” he said.

Iglesias is currently housed at the Federal Medical Center Carswell, a women’s prison in Fort Worth. Her case was filed in federal court in Illinois because she was previously housed in a facility there.

Iglesias has been asking that the prisons bureau approve her for gender-affirming surgery since 2016. In December, a federal judge ordered the agency to make a decision.

If the bureau decided to approve her for surgery, the judge asked that it notify the court by Jan. 26. If it decided to deny her request, the judge gave the bureau 10 additional days to provide the court with an explanation.

Since the Jan. 26 deadline passed without word, Iglesias’ lawyer said he assumes her request was denied even though he has not heard that directly from the bureau. On Friday, the bureau declined to comment on Iglesias’ case and directed The News to its new policies for transgender inmates.

“The BOP is committed to providing all inmates a safe and humane environment, including providing gender-affirming housing and medical care as appropriate,” Spokesman Donald Murphy said.

Knight said Iglesias’ lawyers will carefully review the reasons the bureau provides for denying her surgery, “and, following consultation with her, decide on our next steps.”

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While no one has ever received gender-affirming surgery while in federal custody, the bureau approved another inmate for the procedure in October, according to court filings in Iglesias' case. It is unclear when that person will receive the surgery, and the bureau did not answer questions about the prisoner's identity, medical status or housing location, citing "privacy, safety and security reasons."

About 1,200 federal inmates, less than 1% of the total population, identify as transgender, according to the U.S. Justice Department.

Inmates housed in state-run jails and prisons are not subject to the same rules as federal inmates. While they, too, can receive hormone therapy while in custody, the state of Texas requires prisoners to be housed in facilities according to the "physical anatomy."

If the state prisons department determines a transgender inmate cannot be housed safely with other inmates, they may be housed individually, an agency spokesman said.

As of September, 1,608 transgender inmates out of a population of about 120,000 people were in all state-run jails and prisons in Texas.

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Education

School Closings Could Impact Upcoming Trustee Elections A New DMN/UT-Tyler Poll Finds
By Corbett Smith
Dallas Morning News

Republican strategists across the nation – including those in Texas – are turning their eyes to local school board races, hoping to leverage educational controversies surrounding mask mandates, objectionable books and racial equity efforts into wins for GOP-backed candidates in these non-partisan elections.

But, according to a new poll from The Dallas Morning News and the University of Texas at Tyler, a minority of Texans seem willing to alter their support for a school board member because of proactive health and safety measures taken during the COVID-19 pandemic.

A third of respondents in the poll said they would not – or would be less likely to – support the reelection of a school board member if their district temporarily suspended in-person instruction because of coronavirus cases in schools.

The News/UT-Tyler poll was conducted Jan. 18-25 with 1,082 registered voters from across the state. The poll has a margin of error of +/- 3.5 percentage points.
Jaime Hernandez, a 60-year-old Odessa resident, said that he believed school closures were not "productive in the long run" to control the spread of the virus, and that urgent

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educational needs of students should outweigh the rare chance of children becoming seriously ill from COVID-19.

“How seriously does this affect someone who’s not 65?” Hernandez said. “I just wish there’d be a little more information about the risks.”

Data from the U.S. Department of Health and Human Services, analyzed by the New York Times, show that those under 18 have the lowest risk of hospitalizations of any age group, ranging between 2.4 to 4.1 cases per 100,000 over the past month. Demographic data from the Centers for Disease Control and Prevention state that 1,200 children under 18 have died from the coronavirus, accounting for 0.1% of all COVID deaths.

School leaders, including Dallas’ Michael Hinojosa, have pledged to do their best to keep schools open as the Omicron variant drove cases to all-time highs over the past month. Learning losses suffered during the pandemic could result in trillions of dollars lost in lifetime earning potential if not rectified, said Texas Education Commissioner Mike Morath in October.

Even so, many school districts across the state have recently faced temporary closures, largely because of staffing or substitute shortages. Within the past two weeks, more than two dozen schools in the Dallas/Fort Worth area had unscheduled closures, including Mesquite, Mansfield, Northwest and Forney ISDs.

A little less than a third of poll respondents also said they would not – or would be less likely to – support an elected official if they backed a mask mandate.

Ashley Cosby, a 37-year-old from Nacogdoches County, said mask mandates have “gone on long enough, and that they should be over with.”

Answers broke largely on ideological lines, with 49% of Republicans saying they would be hesitant to support such a candidate, as opposed to 14% of Democrats.

The use of masks in schools has become a political flashpoint over the past two years, as state leaders and school administrators have tussled over who has the authority to implement them.

Last summer, Texas Gov. Greg Abbott issued an executive order prohibiting school districts and most other governmental entities from requiring masks. But dozens of school districts – including the Dallas, Richardson and Garland ISDs – started the 2021-22 school year in defiance of that order, citing the increase in COVID-19 cases in their communities.

Many of the state’s large urban school districts still have mask mandates in place, despite the threat of litigation by Texas Attorney General Ken Paxton.

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In a recent speech at a charter school in Lewisville vowing the creation of a "parental bill of rights" amendment to the Texas Constitution, Abbott touted both his fight against mask requirements in schools and his push to get schools reopened quickly. These issues are part of a larger fight, Abbott said, over parental control in schools, including curriculum choices and health and safety protocols.

Republican lawmakers have leaned into making schools a political battleground. The GOP-controlled Legislature passed laws intending to target "critical race theory" last year. In recent months, some lawmakers have pushed for the removal of books and materials addressing race, gender and sexual identity from school libraries, items they have argued are "obscene" or inappropriate.

In December, the state's Republican party launched an initiative aimed at assisting conservative candidates in nonpartisan school board and municipal elections.

"We expect voters to choose lower taxes and common-sense conservatism as opposed to the radical left-wing policies, limitless spending, and cronyism that traditionally accompany electing Democrats to those positions," Texas GOP vice chair Cat Parks said during the launch.

Dax Gonzalez, the governmental relations spokesperson for the Texas Association of School Boards, said that this type of hyper-politicization in school board races "kind of goes in waves," pointing to the battles over curriculum content in the 2000s as a recent example.

"I get emails a few times a week trying to link school board issues to broader national issues," Gonzalez said. "I think we see this as a distraction … trying to bring all this outside stuff into the classroom. And that takes the focus off kids."

The largest issue Gonzalez says he hears from current trustees is teacher retention and recruitment.

"That's a real issue, because it has a real impact on student achievement," Gonzalez said. "And the pandemic has certainly worsened that."

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Texas Students, Frustrated By Limited COVID-19 Protocols, Turn To Petition Drives And Walkouts
By Brooke Park
Texas Tribune

For Texas high school students, keeping up with class work was hard enough before the pandemic.

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But then the pandemic hit, and with it came debates over everything having to do with Texas schools. Masks or no masks? Will online classes be available?

Schools reopened last fall but are struggling to remain open in the midst of a coronavirus surge caused by the omicron variant. The semester has barely started, and so far, there have been 192,145 student COVID-19 cases and 61,142 staff cases, according to the Texas Education Agency. That appears to be the highest case level since the pandemic began in 2020, although the data collected by the state is often incomplete.

At the same time, there's been a scaling back of coronavirus precautions, prompting many students to take action with petition drives and class walkouts.

For Jada Clerk, a freshman at William B. Travis High School in Fort Bend Independent School District, which includes Sugar Land and parts of Houston and Pearland, navigating crowded hallways among unmasked classmates is stressful.

"Sometimes I don't even want to breathe," said Clerk, who has asthma. "You can really feel people's breath on you. That's how close we were [in the hallway]."

Fort Bend ISD does not have a mask mandate in place and ended its virtual learning program for students at medical risk at the end of the fall semester. Travis High School recorded 16 students with COVID-19 out of around 3,000, according to the district's online dashboard.

At Clerk's school, she and more than 200 other students have signed a petition asking Fort Bend ISD to shut down schools during the infection surge caused by the highly transmissible omicron variant. She is one of many students across the state and nation who are working together to push their districts to strengthen COVID-19 policies in schools.

Clerk wants to see her school take more action to protect students and faculty from the virus. Fort Bend ISD continued in-person classes even as record-breaking countywide positivity rates, which show the percentage of tests with positive results, pushed the area into the most severe COVID-19 threat level. However, the district does monitor COVID-19 levels at each school and will enact different precautions if case counts rise.

When Texas schools reopened after the winter break, the surge of omicron cases resulted in the highest number of COVID-19 cases in school districts since the pandemic began. But even these numbers are likely an undercount as some cases go unreported to the state and a fraction of districts report each week.

At other districts, like Round Rock ISD, north of Austin, students have staged walkouts as a way to bring attention to their requests for more pandemic precautions, like a stricter mask-wearing requirement. That has inspired other students to organize similar efforts, including in Garland.

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Last week, the district northwest of Dallas recorded nearly 1,200 active student cases out of a student body of around 54,000. More than 200 staff members are out sick out of about 7,200, according to the district's COVID-19 dashboard.

For Fernando Alaniz, an 11th grade student at North Garland High School, coughs and sneezes also marked his return to classes, where he estimates most students do not wear masks.

Garland ISD's website says staff will self-screen students for COVID-19 symptoms and rapid tests will be available for symptomatic students on campus. However, teachers rarely direct students to the nurse's office as they sneeze and cough in class, often unmasked, Alaniz said. All he can do, he said, is try to scoot his desk away from his sick neighbors.

Three of his teachers are out sick, which Alaniz said makes learning difficult. Half of his eight teachers do not wear masks, he said.

The limited COVID-19 precautions, along with growing staff and student absences, have prompted him to protest for stronger health policies in schools. He wants to see another remote learning option, an enforced mask mandate and widespread COVID-19 testing, among other requests. As of Sunday evening, 770 people have signed a petition in support.

Garland ISD has not yet responded to the petition, he said. He is considering organizing walkouts similar to what Round Rock ISD saw last week if his efforts to talk to administrators fail.

Students leading the movement for increased COVID-19 protocols at Round Rock ISD have found more success after nearly 60 students walked out of two high schools two weeks ago to push for increased COVID-19 protocols. More than 1,800 students also signed a petition in support of the demands.

Students there want better enforcement of the district's mask requirement and a reintroduction of contact tracing at all schools, among other demands. If they can't get that, they want schools to offer online courses. District officials met with organizers Friday and agreed to provide more testing sites and high-quality masks, but Eliana Smith, one of the student protest organizers, said district officials disagreed with students' contention that it's not enforcing the mask requirement and declined to resume contact tracing at schools where it had been halted.

Jenny LaCoste-Caputo, Round Rock ISD's chief of public affairs and communications, said some of the students' demands are difficult to meet due to staffing and capacity issues. School districts across the state are grappling with staffing shortages as omicron sends large swaths of workers into quarantine.

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LaCoste-Caputo pointed to the students' demand for contact tracing as an example. The district previously enacted a contact tracing program — in which schools contacted those who had come into contact with an infected person — but discontinued it for a majority of schools. She said the district could not find enough people to do the work.

Asmita Lehther, a senior at Round Rock High School, is one of the students leading the protests. She said schools, as they are now, are unsustainable environments for both students and teachers.

Tiernee Pitts, another student leading the Round Rock ISD protests, said it feels like she and other students are forced to come to school even when she goes through a whole school day with substitute teachers. That's why she and other students want an online course alternative or better COVID-19 precautions.

However, the Texas Education Agency now caps a school district's virtual enrollment at 10%.

Still, Round Rock ISD students want to see some alternatives.

"We could be doing more, and we're choosing not to [in order] to stay open, at any cost, and by any means necessary," said Pitts, a senior at Cedar Ridge High School. "It just feels like we're just being open while everything around us is falling down."

Several school districts near Round Rock ISD have closed temporarily because so many staff members are sick. Last week, teacher and staff absences forced schools in Pflugerville ISD to close for a day.

Lehther, the Round Rock senior, said half of her English class was absent last week.

Without a virtual class option, students are forced to play catch-up when they return, Smith said.

Many students agree they would rather be in school to learn, but only if it is safe.

"We actually want to get out of this cyclic progression of having new variants and then a surge in cases and then hospitals get filled up, and we're still at school," Lehther said. "We need to do something to kind of end that."

Texas Attorney General Ken Paxton is suing Round Rock ISD for requiring masks to be worn in school because it violates Gov. Greg Abbott's ban against mask mandates. But Pitts said the mask mandate is unenforced at her school, and many students do not wear them.

The Round Rock student protest organizers blame what they see as inadequate COVID-19 policies from the governor, the state education agency and the Texas Legislature.

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However, they believe the district must work to remove politics from science and health for the sake of its students.

“I do think that though there is a majority of the blame on Abbott, [but] the school district still does have the choice to make the right decision, and to listen to us and meet with us and make compromises or meet some of our demands,” said Smith, a senior at Cedar Ridge High School.

As students head into the third year of the pandemic, Smith recalls the experiences of virtual learning and the return to school.

“Over like last year, there was definitely a lot of isolation and feeling just completely alone,” Smith said. “Then this year, we’re back in person, but we’re being forced to fight for the ability to stay in person through safe COVID precautions.”

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Mentoring Program Helps Keep Central Texas Teachers Going
By Olivia Levada
Spectrum

The pandemic has proved to be a very tiring time for many teachers. The Lone Star State is fighting an ongoing battle with teacher shortages at schools and with the pandemic.

One Central Texas teacher shared how mentorship encouraged her to keep pushing forward. Lidia Valentin spent half her life in Mexico and the other half in the U.S.

Teaching is more than a career for her. She is on a mission.

"Helping my community and all their kids to be successful, that was my whole purpose," Valentin said.

Valentin is a bilingual kindergarten teacher at Harker Heights Elementary School. Right now, KISD needs 120 classroom teachers.

But even with pressure from the pandemic and the Texas teacher shortage, Valentin has managed to push forward. The first-year teacher says it's all thanks to Ms. Beatriz Molina, her mentor.

When Valentin was a student teacher, support from Molina was the reason she kept going.

"She was a perfect example for me, how to manage a classroom," Valentin said. "Thirty-one kids, it was not easy. And she did it really, really good."

Their bond is still strong.

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"I have four kids, so any time I have, it's like alright let's review this because once I get home, it's hectic," Molina said. "And so she has to try and catch me, you know, whenever she can."

Acknowledging the importance of these relationships, A&M-Central Texas instructor Jamie Blassingame helped launch the university's Mentoring Academy in August. Blassingame partners with Central Texas school districts to get qualified teachers into the classrooms, but the goal of the academy is to train the mentors.

"We need our veteran teachers, our strong classroom teachers, to teach our new teachers, to show them," Blassingame said. "But not only that, but [also] to make them feel like they are part of a great profession."

Spectrum News 1 reached out to Killeen ISD to learn more about their teacher shortage and needs right now.

We received this response from Taina Maya, Chief Communications & Marketing Officer:

How many teachers does KISD need right now?

The district needs 120 classroom teachers for the current school year; however, this does not mean 120 classrooms have students without a teacher. We have applied for class-size waiver requests which allows us to move students to another class with a certified teacher. In other cases, there could be a long-term sub/teacher working on their alternative certification serving the students.

How many teachers have resigned or retired this school year?

We have accepted 250 notifications which include military orders, resignation and retirements. This is not an unusual number for our size district especially with our proximity to Fort Hood. The majority of these teachers will work through the end of May and have given us ample time to hire their replacement for the 2022-2023 school year.

What is the district’s turnover rate?

According to the 2020-21 TAPR, the turnover rate was 16.5% last year. This data is not yet available for the current school year.

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Energy

As Crypto Floods Texas, High Energy Use Draws Scrutiny From Congress
By James Osborne

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Houston Chronicle

By design, exactly 900 bitcoins are mined each day - a number that decreases every four years until there are no more bitcoins left to be found.

The job of mining the dwindling reserve falls to powerful computers, which plug in number after number until they come up with the correct 64-digit sequence. To beat out other miners doing exactly the same thing requires not only fleets of increasingly fast computers but huge amounts of energy to run them.

From wind farms in West Texas to an old coal plant outside Austin, crypto miners are flooding into Texas take advantage of some of the cheapest power in the country and positioning the state to become the state's crypto mining leader. But the accompanying surge in energy consumption is drawing scrutiny from Congress when the world is trying to not only clean up its energy system but also reduce demand to fight climate change.

At a hearing this month before the House Energy and Commerce Committee, the chairman. Rep. Frank Pallone, D-N.J., questioned the sustainability of crypto mining's business model.

"One estimate found that the energy required to process (one) transaction on the bitcoin network could power a home for more than 70 days," Pallone said. "Last year, there were hundreds of thousands of transactions on this network. Just imagine the climate implications."

A recent study by scientists at Cambridge University found crypto mining operations globally consume 135 terawatt hours of electricity per year, more than the entire country of Argentina.

The majority of that electricity comes from hydroelectric dams and coal and natural gas plants, the scientists found. In Texas, for instance, the crypto mining firm Riot Blockchain is operating at an old aluminum processing site in Rockdale that runs on its own coal-fired power plant.

Advocates for the U.S. cryptocurrency industry say they are being unfairly targeted pointing out that most industries still rely on fossil fuels - a necessity on a power grid that remains reliant on coal and natural gas.

"If you compare that to what gold spends on energy consumption, or banks and all that infrastructure, we're not that bad," said Howard Greenberg, president of the American Blockchain and Cryptocurrency Association. "We use the same amount of energy as Christmas lights, and I never hear anybody complain about that."

In Texas, so far, crypto miners are being met with open arms. The Texas Legislature last year passed a bill creating a task force to aid the development of the cryptocurrency

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industry in Texas, with Governor Greg Abbott writing on Twitter, “It’s happening. Texas will be the crypto leader.”

That along with the state’s cheap power prices are attracting crypto mining firms from around the world, most of which were forced to look for new homes after the Chinese government banned cryptocurrency last year.

EZ Blockchain, a Chicago firm, has proposed setting up mobile computer rigs in Texas’s oil and gas fields, powering their mining operations with natural gas that would otherwise be flared.

Marathon Digital, based in Las Vegas, announced last month it was installing more than 100,000 bitcoin mining computers around Texas, primarily adjacent to wind and solar farms in West Texas.

“This industry has transformed over the last year since China shut down mining,” said Charlie Schumacher, director of corporate communications at Marathon. “The U.S. is unique because we have excess power here and we have a friendly regulatory environment. But we’ve gone through this transition so quickly it’s raised a lot of questions.”

Even as some crypto companies make strides to employ clean energy for their operations and reduce their energy consumption by using more efficient equipment, the sheer scale of their energy demand is giving many pause.

And as new miners flood the industry, there’s little sign of a slowdown. Electricity consumption for mining bitcoin, the most popular crypto currency, has almost doubled over the last two years, according to the Cambridge scientists.

“We’re making all these great strides to decarbonize and reduce our energy use and now were promoting this incredibly energy intensive new industry and wiping out any climate gains were struggling to make,” said Luke Metzger, executive director of Environment Texas, an activist group. “It seems very wasteful and not what we need right now.”

How much energy crypto requires in the future is anyone’s guess. Miners only mine when it is profitable to do so, and with a single Bitcoin currently selling for more than $37,000, the incentives are high. But should bitcoin prices come crashing down - as they did in November - then miners would have to reassess.

“At some point it’s not economic,” Schumacher said. “The majority of bitcoins that will ever exist are already out in circulation. We’re all going after the last two million.”

Under bitcoin’s algorithm, the last coin should be mined in 2140, he said.

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Immigration/Border Security

Fact-Check: Do Unauthorized Immigrants Have 'Easier Access' To Health Care, Ballot?
By Nusaiba Mizan
Austin American Statesman

U.S. Rep. Ronny Jackson, R-Amarillo, who is running for reelection in Texas' 13th Congressional District, made a surprising claim regarding unauthorized immigrants on Twitter and garnered more than 6,000 replies.

Jackson tweeted on Jan. 16: "In 2022, illegal immigrants will have MORE FREEDOMS and easier access to healthcare and ballot boxes than most Americans... Just think about that."

Jackson's office did not respond to our calls and emails for Jackson's source. So we went ahead and took a look at the two aspects of his claim: unauthorized immigrants' access to the ballot and their access to health care.

Is it true immigrants living in the U.S. illegally have "more freedoms" and easier access to health care and the ballot box compared to most Americans?

No ballot access for unauthorized immigrants
Immigrants lacking legal authorization to live in the U.S. cannot vote in federal and state elections, said Matthew Weil, director of the Washington-based Bipartisan Policy Center's Elections Project. The project explores and analyzes voter legislation to ultimately inform policy makers.

Almost all localities in the U.S., and all in Texas, limit elections to citizens. Even in the small handful of localities where non-citizens can vote in local elections, those localities only allow lawfully present noncitizens to vote.

Weil noted New York City is one example of the few localities that allow noncitizens to vote in local elections. New York City allows Deferred Action for Childhood Arrivals holders but not all unauthorized immigrants to vote, as reported by the Associated Press in early January. There are no circumstances where noncitizens can vote in federal elections.

"I don't know of any jurisdiction that allows somebody who's here undocumented to access the ballot box," Weil said.

There are an estimated 1.7 million people lacking legal immigration status in Texas, according to 2019 estimates by the Migration Policy Institute, a nonpartisan policy research institution. More than 20% of them, according to the institute, have been in the U.S. for 20 or more years.

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Virtually no health care coverage from federal programs
Unauthorized immigrants are barred from federal health care programs, said Anne Dunkelberg, associate director at Every Texan, an Austin-based nonpartisan policy institute. This includes Medicare, Medicaid, the Children's Health Insurance Program, and coverage through the Affordable Care Act marketplace.

Based on policy research, Every Texan advocates for Texas to expand Medicaid under the Affordable Care Act, which all but 12 states have done. That expansion would not include immigrants living in the U.S. illegally

Dunkelberg said there is an exception where providers can recoup the cost of treating an unauthorized immigrant in an emergency situation. Even that emergency funding for providers is subject to the same restrictions as for Medicaid in Texas for adult citizens.

"And so hospital emergency rooms can't turn away people with real emergencies, regardless of whether they're uninsured, regardless of what their immigration status is. They have to treat you in real emergencies," Dunkelberg said. "So that's why there is a provision back for emergency room visits by a very limited number of undocumented immigrants, not even all of them."

Unauthorized immigrants have access to some state and local health programs, which can be funded by federal grants. This patchwork of programs addresses some aspects of wellbeing like mental health, immunizations, and communicable disease.

However, these programs are not health care coverage, Dunkelberg said. That care isn't free, and in many cases program costs work on a sliding scale. Those programs are available to citizens, too.

Locally, counties can opt to serve uninsured immigrants living in the U.S. illegally through medical assistance programs. The uninsured people seeking care have to meet specific income requirements. Dunkelberg said most of Texas' major urban counties opt to provide care to uninsured unauthorized immigrants.

States also have the option of providing prenatal care to women regardless of immigration status through the Children's Health Insurance Program, saidRuth Wasem, professor of public policy practice at the LBJ School of Public Affairs at the University of Texas. Wasem said this option was created under former president George W. Bush.

Texas is one such state that opts for the CHIP perinatal program (prenatal, delivery, and postpartum care) for unauthorized immigrants.

Even with limited emergency Medicaid, it's a stretch to say unauthorized immigrants have "easier access" compared to most Americans.

"There is no aspect of that that is in any way superior to the access for U.S. citizens," Dunkelberg said.

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Though Jackson led the White House Medical Unit as Physician to the President in the Obama and Trump administrations, he seems off the mark about health care.

Our ruling
Rep. Ronny Jackson tweeted "In 2022, illegal immigrants will have MORE FREEDOMS and easier access to healthcare and ballot boxes than most Americans... Just think about that."

Unauthorized immigrants don't have access to the ballot for federal, state, and almost all local elections. Though immigrants can have access to some medical assistance programs depending on where they live, they also do not qualify for any health insurance coverage with any federal dollars. They do not qualify for Affordable Care Act marketplace coverage even if they pay costs without ACA subsidy.

We rate this claim as Pants on Fire.

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Criminal Justice

DPS: West Texas Deputy Killed In Loving County Crash Saturday
By Chris Whited
KAMC

A deputy with the Loving County Sheriff's Office was killed in a two-vehicle crash Saturday afternoon, according to the Texas Department of Public Safety.

The crash was reported around 4:30 p.m. one mile west of Mentone on State Highway 302.

According to DPS, Deputy Lorin Readmond, 41, was traveling to assist another deputy on a traffic stop when her vehicle collided with a semi-truck.

Both vehicles were traveling eastbound on State Highway 302 at the time of the crash. The deputy's lights and siren were activated on her patrol vehicle , DPS said.

Deputy Readmond was pronounced deceased at the scene by Loving County Justice of the Peace Amber King.

The Loving County Sheriff's Office released a statement on Sunday that was provided to EverythingLubbock.com by the DPS.

It is with great sadness the Loving County Sheriff's Office announces the death of Deputy Lorin Readmond.

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Last night, 1/29/22, at approximately 4:30 p.m., Deputy Readmond was dispatched to assist another deputy and attempted to respond when she was involved in a traffic crash with truck tractor semi-trailer. Deputy Readmond was pronounced deceased at the scene.

Deputy Readmond, 41 joined the Loving County Sheriff's office in April 2019. In addition, Deputy Readmond also served as a Reserve Deputy with the Hudspeth County Sheriff's Office since September 2015.

Deputy Lorin Readmond was a Chief Petty Officer in the United States Navy Reserve where she served as an Intelligence Specialist from 2006 until 2018.

The Texas Highway Patrol is investigating this crash and no additional information are available at this time.

Our thoughts and prayers are with the Loving County Sheriff's Office and the family of Deputy Readmond. Deputy Readmond's dedication and service will never be forgotten.

The two occupants inside the semi-truck were not injured.

The crash is under investigation by the Texas Highway Patrol's West Texas Region District Crash Team.

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National News

Trump's Texas Trip Illustrates His Upsides And Downsides For Republicans And Their Midterm Hopes
By Tyler Pager
Washington Post

Former president Donald Trump on Saturday night delivered the exact message some Republicans have been eager to hear: President Biden and the Democratic Party are incompetent, and Republicans need to turn out to vote in the midterm elections to take back majorities in Congress.

But that was only a slice of Trump's pitch during his campaign rally 40 miles north of Houston.

The former president also dangled pardons for Jan. 6 rioters and urged his throngs of supporters to descend on New York, Washington or Atlanta for street protests if he is convicted of crimes in ongoing investigations, intimations of support for violence that within hours prompted questions to other Republicans about where they stood. As he spoke approvingly of the violent effort to overthrow the 2020 election, Trump also spent

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most of his speech complaining, falsely, that the election was stolen from him, a line of argument that Republicans have publicly urged him to drop.

Trump may be out of office, and not yet an official candidate for president in 2024, but he still represents a conundrum for his party. The former president retains an unchallenged grip over the base of the party. In most states, separation from Trump's desires and policies is a sure path to defeat in a Republican primary and risks lower GOP turnout in a general election.

But Trump's continued effort to downplay the events of Jan. 6 while stoking agitation for future violence risks alienating the independent and moderate voters Republicans desperately need and think they are set to gain in November.

Trump's suggestion of protests related to investigations into him represented his fiercest attempt yet to rally public opinion on the probes to his side.

"If these radical, vicious, racist prosecutors do anything wrong or illegal, I hope we are going to have in this country the biggest protest we have ever had in Washington, D.C., in New York, in Atlanta and elsewhere because our country and our elections are corrupt," he said, ticking off cities in which his business or presidential behavior is under investigation.

The three prosecutors investigating Trump — New York Attorney General Letitia James, Manhattan District Attorney Alvin Bragg and Fulton County District Attorney Fani Willis — are Black.

For Texas Gov. Greg Abbott (R), who is facing a primary challenge from the right on March 1, the challenge was on full display here. In a less than six-minute speech before the former president took the stage, Abbott said Trump's name more than two dozen times. And still, he was greeted with scattered boos and chants of "RINO" — Republican in name only — as some voters expressed their view that he has not sufficiently implemented Trump's agenda, particularly on immigration.

Calen Wall, a volunteer for one of Abbott's Republican challengers, Don Huffines, was among those who booed Abbott, faulting him for not taking stronger action on the border.

"Abbott is finally being primaried by a true conservative," said Wall, 40, of Arlington, Tex. "It's an election year, so Abbott is doing everything Huffines has been saying he would do."

On Sunday morning, just hours after Trump raised the prospect of pardoning those charged in the Jan. 6 insurrection, other Republican candidates were faced with the fallout of his remarks. New Hampshire Gov. Chris Sununu, who disappointed Republicans by eschewing a Senate campaign to run for reelection but who is believed to have White House aspirations, said pardons for the Capitol rioters should not be considered.

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“Look, the folks that were part of the riots and, frankly, the assault on the U.S. Capitol have to be held accountable,” he said Sunday morning on CNN. “There’s a rule of law. I don’t care whether you were part of the burning — burning cities in antifa in 2020, you were storming the Capitol in 2021. Everybody needs to be held fairly accountable … That’s part of leadership.”

Sen. Lindsey O. Graham (R-S.C.), speaking on CBS, called Trump’s pardon remarks “inappropriate.”

“I don’t want to send any signal that it was okay to defile our Capitol,” he said. “I want to deter people who did that on Jan. 6. … I hope they go to jail and get the book thrown at them because they deserve it.”

The scene outside the U.S. Capitol after Trump supporters breached the building on Jan. 6, 2021. (Bonnie Jo Mount/The Washington Post)

At his rallies in the past, Trump has not always delivered the enthusiastic endorsement of Republican candidates that many in his party desire. He will mention candidates who have his “complete and total” support, but he often spends most of his time airing grievances and riling up his base.

On Saturday night, he gave lengthy shout-outs to the tribe of Republican officials who joined him at the rally and laid out the party’s midterm argument. He denounced Biden’s handling of foreign policy from Afghanistan to Russia to China. He questioned the president’s mental acuity, challenging him to take a cognitive test. He blamed Democrats for inflation and attacked vaccine and mask mandates. And on immigration, one of the most salient issues for Republicans in Texas, Trump said that “Biden’s complete abdication of duty is getting untold numbers of Americans killed.”

He also bragged about his handling of foreign policy matters, his work on the border and his administration’s efforts to create coronavirus vaccines.

But for as much time as Trump spent critiquing Biden, he spent more on personal grievances. He delivered a detailed critique of the New York investigation into his finances, suggesting Hillary Clinton’s allies were behind the effort. He called those investigating him “racist” and “mentally sick.”

In New York, the attorney general and Manhattan district attorney are investigating the Trump Organization’s finances. In Washington, a House select committee is investigating the Jan. 6 insurrection, with a focus on Trump’s role in encouraging the assault. And in Fulton County, Ga., the district attorney investigating Trump’s efforts to overturn the election was just granted her request to impanel a special grand jury.

“In reality, they’re not after me, they’re after you, and I just happen to be the person in the way,” Trump said of the investigations into him.

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Trump's words were immediately injected into the Republican bloodstream. At a rally in Mason, Ohio, for U.S. Senate candidate J.D. Vance on Sunday, Rep. Marjorie Taylor Greene (R-Ga.) asked the crowd if they had heard what Trump had said about the Jan. 6 defendants.

"He told them he's going to make sure they're treated right, and he wants to pardon them," Greene said, to a round of applause. "People should not be treated like political prisoners when they have not even had a day in court."

Vance denounced the treatment of the defendants but did not comment on the pardon idea. Some of the estimated 200 people at the rally agreed with Trump and Greene, saying that the Jan. 6 defendants had been treated horribly.

Asked about Trump's comments, Dave Carney, a top political adviser to Abbott, said Trump is an unquestionable asset for Republicans including Abbott. He cited the former president's popularity in Texas.

"Overall it was an excellent event for everyone involved," he said. "Folks should worry about their own campaigns and let Trump be Trump. I don't know why smart people think they can dictate to him. He has been successful. He wiped out 17 other folks. He crushed Hillary Clinton, and sometimes smart people spend too much time thinking about what he should say. Most people agreed with the president on the vast majority of things. Nobody agrees with someone 100 percent of the time."

But Rick Wilson, a co-founder of the anti-Trump Lincoln Project, said most Americans are not interested in re-litigating the 2020 election or downplaying the violence on Jan. 6. While those talking points may be "good for clicks and raising money," he said they are "bad for the Republican Party."

"If you want to rev up the turnout in the midterms, you need to have your base jacked up. It's a real conundrum for McConnell and McCarthy. You want the enthusiasm but not the poison," he said, referring to Senate Minority Leader Mitch McConnell (R-Ky.) and House Minority Leader Kevin McCarthy (R-Calif.).

But for those who flocked to the Montgomery County Fairgrounds to wait hours for Trump, the speech hit all the right notes.

"Tonight was fabulous," said Cathie Pina, a 59-year-old nurse from Willis, Tex. "To be around people that are like-minded, that are patriots, that love our country."

Pina, who attended her first Trump rally and brought along her 18-year-old daughter, praised the former president for wanting to restore "Judeo-Christian beliefs." She slammed Biden as "corrupt" and "demented," arguing it was "elder abuse to put that man in the spotlight."

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Dawn Rolen, a flight attendant from Waxahachie, Tex., called Trump "my president" and lavished praise on him.

"I'm a Republican, but it's not about the left and the right anymore," said Rolen, 54. "It's about good and evil. Trump is good, and the liberals, I don't know what the hell happened to them. They are out of their mind."

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Opinion/Editorial

Analysis: The Blurry Line Between Government And Political Campaigns In Texas
By Ross Ramsey
Texas Tribune

If you're having a hard time telling where government work stops and campaign work begins, which announcements are political and which ones are civic, which ones are paid for by political donors and which are financed by Texas taxpayers, it's because there is often no difference between the two.

The top three Republican incumbents on the ballot have each amped up their campaigns and their official efforts as the elections approach, with the political and government offices running in parallel, reinforcing the campaigns' themes.

For instance, Lt. Gov. Dan Patrick rolled out a campaign ad touting his hard-line position on immigration and border security. At about the same time, under his state letterhead, he announced the formation of a new Senate Committee on Border Security.

"Public safety is government's first responsibility and there is no greater threat to public safety in Texas right now than the failed, open-border policies of the Biden Administration," he said in that news release. Pretty close to what he says in the TV ads for his campaign: "Texas must secure the border because Biden and his administration won't. And we must stop those here illegally from voting."

Gov. Greg Abbott held another news conference on the U.S. side of the border — it's hard to keep count of these things — this time accompanied by a dozen Republican attorneys general, to excoriate the administration's handling of border security and immigration. Can you guess what ads his campaign is running? They're about what the campaign sees as the Biden administration's failures at the border and about Abbott's endorsement by the union that represents many Border Patrol officers.

Attorney General Ken Paxton's official press releases are written in the overblown rhetoric of closely fought Republican primary races — like the one he's in the middle of right this minute.

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"The Biden Administration has sown nothing but disaster for our country through its illegal, unconstitutional immigration policies," Paxton said under government letterhead on Friday morning. "Biden's latest round of flagrant law-breaking includes his Central American Minors Program, which has contributed significantly to many states being forced to take in even more aliens. My fellow attorneys general and I are suing to stop it."

His ad echoes that language.

Texas has laws against using public employees and state resources for campaigning. There is a regular seasonal cycle of top state employees of elected officials moving to their bosses' campaign offices a few months before an election, then moving back into their state jobs after a win. They're careful to use state phones and computers for one job, campaign equipment for the other.

The fuzzy part is in the work they do, no matter where they are, and how it melds the political work of campaigning with the work of governing. The messages might well be the same, maybe even legitimately in harmony. Someone campaigning for better border security might genuinely want it, and might be saying the same thing in their state job.

But the complaints about what's happening on the border, while directed at the federal government, might as well be directed at the state officials talking about state-based solutions who haven't been able to solve the problem. In the case of Abbott, Patrick and Paxton, that's seven years and counting, through Republican and Democratic administrations in Washington, D.C. Their campaigns might as well be directing fire at the incumbents they're trying to reelect.

If the campaign pitch is that they should be reelected because they want border security fixed, it suggests they've been sitting on their hands for all those years — spending billions in taxpayer money, dispatching state police and National Guard troops, rounding up migrants they can accuse of breaking other laws, squalling at and suing the federal government.

It's a case of politicians listening to Texans' concerns without solving their problems. Texas voters, and Republican Texas voters in particular, have had border security and immigration atop their lists of most important problems facing the state for more than a decade, according to dozens of University of Texas/Texas Tribune Polls.

They're still waiting for the government folks to do what the politicians promise every election cycle.

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Grumet: Where's Abbott's Campaign Pledge To Help Foster Kids?
By Bridget Grumet
Austin American Statesman

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Gov. Greg Abbott has been firing off a flurry of campaign promises lately.

A Compact with Texas Seniors, unveiled Jan. 13 in Georgetown.

A Taxpayer Bill of Rights, unveiled Jan. 17 in Atascocita.

And the one you've probably heard the most about, a Parental Bill of Rights, announced Jan. 20 in Lewisville, capitalizing on the manufactured controversies over school library books and history lesson plans.

Apart from announcing a modest workforce training program, however, Abbott hasn't provided any assurances this month to the Texans most dearly and directly entrusted to the state's care: foster children.

The appalling conditions for some foster kids are back in the headlines after federal court-appointed monitors issued a new report on the temporary facilities for kids who don't have a foster home.

The Department of Family and Protective Services is caught in a terrible loop: Unsafe foster care facilities have been closing, a good thing, but now Texas is scrambling to find other places to send children who have been removed from their homes. The result: a sharp uptick in the use of unlicensed or stop-gap facilities, some of which appear to be wholly unfit as well.

U.S. District Judge Janis Jack, who is overseeing a decadelong class-action lawsuit over Texas' battered foster care system, lamented at a Jan. 11 court hearing: "We're just going from bad to worse."

The monitors' 56-page report is a devastating read. It describes "children's rooms (that) resembled juvenile cells." It describes another group home next to a block of abandoned houses with graffitied walls, missing doors and shattered windows. It describes facilities that fail to give children their medication, or fail to keep medication logs at all. It describes a 15-year-old who was moved 16 times, from one facility to the next, over the span of three months. It describes teens being shuttled to facilities in Arkansas or Michigan because no foster home in Texas had an opening for them.

It all seems a million miles away from the children's issues animating Abbott lately: the pearl-clutching over LGBTQ-friendly library books and the angst that parents are supposedly seeing "their roles in the classroom diminish."

Abbott's Parental Bill of Rights says parents should have the right to see all school instructional materials (something the state education code already ensures), presumably so they can object to any lessons that don't align with their values.

Meanwhile, at one of the overflow foster care facilities Texas uses in Michigan, the program handbook scolds traumatized foster kids as if they are juvenile delinquents.

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“You can look at the issues in your life that have put you into this situation and make a decision to change the thoughts that lead to negative behaviors,” the handbook says. “It is these negative behaviors that led you here in the first place.”

Abbott’s Parental Bill of Rights calls for a state constitutional amendment enshrining the obvious: “Parents are the main decision makers in all matters involving their minor children.”

Meanwhile, Texas’ foster care system often fails to provide essential services that could help children stay with their parents. Since 2017, the monitors’ report said, Texas parents have relinquished custody of 4,661 children — making a heart-wrenching decision to send their own kids into the foster care system — because they could not get the mental or behavioral health support the kids needed.

Abbott’s Parental Bill of Rights says parents should be notified of their rights to send their children to charter schools, magnet schools or schools in other districts — information parents can already access.

Meanwhile, at least 99 Texas foster kids were shuttled to out-of-state facilities last year without any say in the matter, owing to the lack of foster care options here. The distance made it harder for case workers to connect with them or to notice signs of trouble. After visiting Texas teens at a Michigan facility and hearing about the extreme use of restraints there, the monitors reported five separate complaints to that state’s child abuse hotline.

A panel of experts issued about two dozen recommendations this month to improve the foster care system, some of which would require more money from the state. Ultimately, those funding decisions rest with Abbott and lawmakers.

I recognize foster care systems are chronically underfunded and understaffed, even as they are charged with the emergency care and placement of youths with extraordinary needs. As much as anything, though, foster kids suffer for their political invisibility. They aren’t a courted constituency like seniors, taxpayers and culture warriors.

But a governor who invokes family values and an abiding respect for life, as Abbott does, should be the first to fight for foster kids, too.

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From: OOG News Alerts <OOG.NewsAlerts@gov.texas.gov>
Sent: Sunday, February 20, 2022 10:23 AM EST
Subject: Morning News Clips 2.20.22
Attachment(s): "Morning News Clips 2.20.22.pdf"

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Morning News Clips 2/20/2022

Texas Take

Texas Tribune: The Brief

Politico Playbook

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Greg Abbott News

Poll: Texas Gov. Greg Abbott Leads Beto O'rourke In Gubernatorial Matchup
By Hannah Bleau
Breitbart

Texas Gov. Greg Abbott (R) is leading his potential Democrat challenger, Beto O'Rouke (D), in a head-to-head gubernatorial matchup, a Climate Nexus survey released this week found.

The survey asked respondents, "If the election for Texas governor were being held today, and the candidates were Beto O'Rourke the Democrat and Greg Abbott the Republican, for whom would you vote?"

Forty-five percent of likely voters said they would support the Texas governor, compared to 40 percent who said the Democrat. Seven

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percent said, “Neither candidate or other candidate,” and another eight percent said they remained unsure.

Overall, 87 percent said they will definitely or probably vote in the Texas governor’s race in November.

The survey, taken February 1-9, 2022, among 933 registered voters in Texas, has a margin of error of +/- 3.3 percent:

The Lone Star State’s primary race — the first in the nation kicking off the midterm election season — is right around the corner, taking place Tuesday, March 1. It is yet to be seen if Abbott can handily defeat his primary challengers and avoid a runoff, allowing him to focus more immediately on the general election, where O’Rourke appears as the frontrunner on the Democrat side.

As Breitbart News reported:

The failed presidential and Senate candidate of the past—he ran unsuccessfully for U.S. Senate against Sen. Ted Cruz (R-TX) in 2018, and unsuccessfully for the Democrat presidential nomination in 2020—has in his career staked out extreme leftist positions on a number of issues, particularly the Second Amendment.

In 2019, for instance, O’Rourke threatened gun owners by saying “we’re going to take” away their AR-15s and AK-47s, something he stood by for years. But last week in Tyler, Texas, O’Rourke tried to change his stance by now saying “I’m not interested in taking anything from anyone.”

O’Rourke still supports gun control though, as in the next breath he ripped constitutional carry measures that Abbott backed. “I want to make sure that we protect our fellow Texans far better than we’re doing right now,” O’Rourke said. “And that we listen to law enforcement, which Greg Abbott refused to do. He turned his back on them when he signed that permitless carry bill that endangers the lives of law enforcement in a state that’s seen more cops and sheriff’s deputies gunned down than in any other.”

Abbott left a simple message upon O’Rourke’s entry into the race in November, listing his potential challenger’s political positions with a simple “Bring it”:

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Texas Legislature

An Austin Cop Has Been Charged With Police Misconduct. That Might Actually Help His Texas House Campaign.
By Sneha Dey
Texas Tribune

Republican Justin Berry’s Texas House campaign has centered largely on his 14-year tenure as an Austin police officer. He vows on his website to use that professional experience to “protect our neighborhoods, schools and private property.”

But less than two weeks before the March 1 GOP primary, Berry was among 19 Austin law enforcement officers indicted and accused of using excessive force on anti-police brutality protesters in 2020. Berry and law enforcement groups quickly pushed back on the development, which they portrayed as a political stunt from a Democratic district attorney who won office after promising to hold law enforcement accountable.

“The question is not how the prosecution will turn out,” Berry said in a statement late Friday. “We will be acquitted. The question is: When police are treated like this, who will want to become police officers?”

That messaging — and the indictments themselves — could spur Republican voters in the predominantly white and mostly Republican Central Texas district to back Berry, political experts and local Republicans say.

“It's rocket fuel to his campaign,” said Cal Jillson, a political scientist at Southern Methodist University. “There's not a lot of sleep lost or concern over excessive use of force against demonstrators in Austin.”

A 2020 University of Texas / Texas Tribune poll conducted after that year’s protests against police brutality found a stark partisan and racial divide in whether voters had a favorable or unfavorable view of law enforcement. In that poll, 84% of Republicans had a favorable opinion of law enforcement, while only 30% of Democrats did. Among white voters, 69% had a favorable opinion, but only 33% of Black voters and 43% of Hispanic voters did.

Central Texas’ House District 19 largely covers suburbs and Hill Country towns west of Austin where 82% of eligible voters are white. The mostly Republican district was redrawn during last year’s redistricting process. Former President Donald Trump would have carried the district in 2020 by nearly 40 percentage points. That means the Republican nominee will likely beat the lone Democrat seeking the seat in the November general election.

"Republican primary voters are very pro-law enforcement,” said Travis County GOP Chair Matt Mackowiak. “And I think a lot of Republican primary voters are going to view these indictments as an outrage. So it could be the kind of thing that raises his profile, that gives him a cause to cite on the campaign trail to galvanize supporters. "

Protesters across the state and country flooded the streets for weeks in 2020 after a Minneapolis police officer murdered George Floyd,

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a Black man. The protests divided Americans along partisan lines. Black Lives Matter supporters say the demonstrations were an outcry against police officers' use of force on Black people, who are killed at disproportionately higher rates in police custody. But critics, including Republican officials across all levels of government, depicted the protests as violent and destructive uprisings.

In a statement late Friday, Berry echoed those GOP portrayals of the demonstrations as violent when he criticized Travis County District Attorney José Garza for pursuing the indictments.

"DA Garza promised in his campaign to go after law enforcement officials even when they are risking their lives protecting Austin from being burnt to the ground," Berry said. "He is keeping that deadly promise."

Garza announced the indictments at a press conference Thursday, but said his office was not disclosing details about the charges until individual officers are arrested and booked into jail. That means it's not yet publicly known what crime or crimes Berry is accused of committing during the 2020 protests. A police union official said the officers face accusations of excessive force. Berry's lawyer declined to comment until the indictment against his client is made public.

Austin Police Chief Joseph Chacon defended his officers this week. He and City Manager Spencer Cronk said they did not think officers should face criminal charges.

In announcing the indictments, Garza said many of the protesters injured were innocent bystanders. But Berry said Garza "demonizes police" and "demands that police abandon their oaths."

Police said demonstrators threw bottles and rocks at officers, sometimes injuring them, damaging police cars and breaking into stores. But advocates and protesters expressed outrage over police officers turning to violent crowd-control measures, including bean bag rounds.

Cities and communities in Texas continue to grapple with the aggressive tactics that police waged against protesters that year. Police officers all over Texas and the nation have faced charges for how they dealt with protesters. Last week, the Dallas County district attorney's office issued warrants for two Dallas police officers' arrest for their alleged use of force during the 2020 racial justice protests in that city.

The Austin indictments are among the highest tied to a single city's police force in connection with the 2020 protests so far, according to the Associated Press.

Earlier Thursday, the Austin City Council unanimously approved a settlement with two demonstrators who suffered severe head injuries in 2020. Justin Howell will receive $8 million — the highest amount ever awarded in an excessive force case involving an Austin police officer, the Austin American-Statesman reported. Anthony Evans, another protester, will get $2 million.

Craig Murphy, a spokesperson for Berry's campaign, said the Texas House candidate and the other officers followed orders, and expects the jury to find them not guilty.

"They did exactly what they were told to do with the tools they were given and with the training they were given," Murphy said.

In the primary, Berry faces former Austin City Council member Ellen Troxclair, former legislative staffer Nubia Devine and military veteran Perla Hopkins. Devine declined to comment on the indictment. Hopkins and Troxclair did not respond to requests for comment.

According to the candidates' Jan. 31 campaign finance reports, Troxclair had the financial edge heading into the primary's homestretch. She had more than $412,000 cash on hand in January. Berry had more than $36,000, Devine had nearly $23,000, while Hopkins trailed behind with almost $2,300.

Democratic candidate Pam Baggett, whom the Republican nominee will face in November, said there is not enough information to determine how Berry was involved.

"We're going to have to wait and see what actually is the charge. We don't know yet," Baggett said.

With the March 1 primary election less than two weeks away, The Combined Law Enforcement Associations of Texas executive director Charley Wilkison said the timing of the indictment was intended to drive voter turnout for "anti-police candidates." The Combined Law Enforcement Associations of Texas has previously endorsed Berry.

The proceedings against Berry and the 18 other police officers could take months or years to resolve. Mackowiak said that creates uncertainty among voters, and could take Berry's attention away from the campaign.

The scheduling of indictment proceedings against Berry was unusual, Mackowiak, the Travis County GOP chair, added.

"We don't see candidates get indicted days before an election," Mackowiak said. "In fact, generally, law enforcement, whether it's federal, state or local, bends over backwards not to indicate candidates around the time of an election because they want to appear apolitical."

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Business/Economy

Biorefinery Coming To Region, Promising New Jobs
Orange Leader

A recently announced near-by biorefinery promises to bring new jobs to the area, business and state leaders say.

The announcement of this $1.7 billion project brings news of 142 new jobs at completion, an estimated 585 direct construction and related workers' jobs during construction with $877 million in direct revenues for construction related companies, according to Newton County Judge Kenneth Weeks.

Gov. Greg Abbott made the announcement this week, saying USA BioEnergy, through its subsidiary Texas Renewable Funds, will build the biorefinery in Bon Wier.

The biorefinery will convert a million green tons of wood waste into 34 million gallons annually of premium clean burning transportation fuel including Sustainable Aviation Fuel, Renewable Diesel, and Renewable Naphtha.

Future expansion will double the plant's production capacity to 68 million gallons annually, and the plant will also capture and sequester approximately 50 million metric tons of CO2 over the life of the biorefinery. This new biorefinery will create 142 jobs in the Newton County community.

CEO Nick Andrews said USA BioEnergy performed an extensive site search and analysis to identify the best project location.

Weeks said the project supports an estimated $1.2 billion in gross area product or economic activity during construction.

"Texas Renewable Fuels will bring substantial improvement in the quality of life for the residents of Newton County," Weeks said.

State Sen. Robert Nichols expressed his appreciation to Texas Renewable Fuels for selecting Newton County.

"The economic impact of this project will benefit the community, local businesses and grow our local and state economic output," he said.

State Rep. James White said Newton County is poised for economic expansion and growth.

"Texas Renewable Fuels will create 142 jobs at completion and provide additional opportunities for Newton County by providing opportunity through cutting-edge science, new technology and a market for our wood fiber," he said.

According to Superintendent Michelle Barrow, Newton Independent School District participated in a Chapter 313 incentive, which temporarily limits a property's appraised value to encourage business investments within school district borders.

"The project will bring industry to the Newton area, an enhancement towards the education of our youth and the quality of life of our current and future workforce," she said.

USA BioEnergy is a renewable fuels development group based in Scottsdale, Arizona, created to produce sustainable aviation fuel, renewable diesel, and renewable naphtha from readily available wood waste feedstock.

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Immigration/Border Security

Where Trump's Border Wall Left Deep Scars And Open Gaps, Biden Plans Repair Job
By Nick Miroff
The Washington Post

The demolition crews kept right on blasting through the Peloncillo Mountains long after Donald Trump lost the election, a result that doomed their contracts. They carved steep roads at dizzying angles and gouged a wide path through the ridgeline where the border wall would go.

The clock ran out before they built it, leaving behind a mutilated landscape and a boneyard of steel fence panels stacked by the hundreds.

At more than $41 million per mile, Guadalupe Canyon was the most expensive segment of a $15 billion megaproject that ranked among the costliest in U.S. history. Today the abandoned border wall site is a liability for U.S. Customs and Border Protection, with loose rocks and boulders sliding down the mountainsides.

Sage Goodwin, whose family's nearby ranch house rattled daily through nine months of blasting in 2020, wants the government to repair the damage to their land. He filed suit against the Trump administration and is now waiting for CBP to indicate how far it's willing to go

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to put the mountain back together and prevent a flood that could wash out the road to his home.

“We want to be reasonable and realistic,” Goodwin said. “We want to roll back the destruction and help CBP come up with a model that balances ecological values, ranching values and border security.”

In the year since President Biden halted border wall construction, his administration has been developing plans to put its own stamp on Trump’s pet project. Biden has waved off calls from activists to tear the structure down and recycle the steel. The president promised while he campaigned that there would “not be another foot,” but his government has been adding new barriers as it shores up 13 miles of flood levees along the Rio Grande and fixes other segments left in a precarious state by the contractors rushing to build right up to Biden’s inauguration.

In recent weeks, CBP officials have been soliciting input from ranchers, environmental advocates, landowners and others as the Biden administration prepares to spend hundreds of millions for border wall remediation. The money, which will include unused construction funds, will go to clean up worksites, stabilize areas facing erosion and remedy some of the worst environmental damage, while also allowing CBP to close gaps in the wall. The precise details — where and how much money — remain undefined.

CBP officials say the efforts will be initially focused on southern Arizona’s Tucson sector, including remote and ecologically fragile areas where the most destructive blasting occurred, such as Guadalupe Canyon, as well as the dry creek beds and channels that surge during summer “monsoon” thunderstorms. Segments of the wall were damaged in flooding last year, and erosion along the base of the structure has left its foundation exposed at multiple locations across southern Arizona.

Trump's border wall, vulnerable to flash floods, needs large storm gates left open for months

Republicans have been clamoring for Biden to close gaps in the wall that have become busy crossing points for migrants and smugglers. In some locations those spaces are a few feet across, but they’re far wider in others, and it’s unclear what the Biden administration will consider closing a gap vs. building new barriers.

Paul Enriquez, the deputy director of the CBP infrastructure division responsible for the border wall, said the Biden administration’s remediation effort will prioritize “safety, erosion and flood control,” to ensure roads and hillsides don’t wash out and the barrier itself “does not fail and cause some sort of life safety issue for the public, local residents or agents who patrol in that area.”

At abandoned construction sites and staging areas used to store materials and heavy equipment, CBP is preparing to clean up and replant vegetation, but officials say locations where blasting occurred can’t be easily put back together.

“We’ll be working with federal land managers to identify an appropriate restoration method,” Enriquez said in an interview. “And, in some instances where we had temporary roads installed, we’ll be remediating those areas, as well.”

Looming over Biden’s repair plan is the possibility Trump could run for office again, whipping up crowds with chants of “Finish the Wall!” and promises to bring back the bulldozers. Trump built 450 miles of new barriers during his term but had plans for at least 250 more.

Trump was unable to build in many of the areas identified by CBP as a top priority, especially along the Rio Grande in Texas. Nearly all of the land there is in private hands, and, despite placing his son-in-law Jared Kushner in charge of the effort to seize those properties using eminent domain, Trump built relatively little in South Texas.

His administration went for the lowest-hanging fruit, building along public land in New Mexico and Arizona — including national forests and wildlife preserves — that was already under federal control. Some of those remote locations had few crossings to begin with.

The barrier’s performance so far is mixed. It has funneled illegal entries and smuggling activity toward gaps and crossing points that remain open. But determined smugglers scale it with cheap makeshift ladders or saw through it with common demolition tools available at any hardware store. In Texas, the wall doesn’t stop migrants from crossing the Rio Grande because the structure can’t be built on the river, the natural border with Mexico.

Immigration arrests by CBP along the Mexico border are higher than ever. Republican support for the project appears to have further intensified during Biden’s presidency, and lawmakers have been pounding him for halting the project.

Rep. John Katko (R-N.Y.), the highest-ranking Republican on the House Homeland Security Committee, said the Biden administration’s border wall remediation plan and its approach to border security, generally, are “insufficient.”

“Frontline homeland security personnel, especially the Border Patrol, are stretched far too thin and lack the resources needed to address the overwhelming and historic flow of migrants crossing the southwest border,” Katko said in a statement. “Every dollar appropriated by Congress for border barrier funding should be used for that very purpose.”

Trump obtained roughly $15 billion for the wall project, two-thirds of which came from diverted military and counternarcotics funding. The Biden administration said it will return $2.2 billion in unused funds to the Pentagon.

The Department of Homeland Security said about half of the $5 billion the Trump administration obtained for the wall through Congress and nonmilitary sources was awarded to contractors, and the department is still calculating how much of the money can be recovered.

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New contracts for Biden's remediation projects will be awarded in April, DHS said, with a second round of awards planned for late summer.

Biden has called the wall "a waste of money" and "not a serious policy solution," but Enriquez, of CBP, says it remains a valuable asset.

"The barrier provides impedance and denial, and it's one of the tools that our Border Patrol agents use in their mission to secure the border," Enriquez said. "The administration has indicated that that's not their policy at this time, and we respect that. And so what other methods can we use to help secure those areas?"

CBP said it continues to move forward on an environmental assessment and public comment solicitation for 86 additional miles of barriers in the Rio Grande Valley approved under Trump. But agency officials say they do not have the Biden administration's approval to proceed with construction.

The border wall cuts through remote areas of Arizona and New Mexico that had relatively few crossings and were not considered a priority for CBP. Guadalupe Mountain and the Peloncillo Mountains are a critical wildlife corridor between the Rocky Mountains and Mexico's northern Sierra Madre. (Salwan Georges/The Washington Post)
Guadalupe Canyon

Guadalupe Canyon runs through the heart of the rugged Peloncillo range, a crucial wildlife corridor that is one of the few unobstructed bridges between the Rocky Mountains and Mexico's northern Sierra Madre. The canyon's large sycamore and cottonwood trees create a shaded oasis during the hot summer months.

Goodwin's family and neighboring ranchers have worked for decades to protect hundreds of thousands of acres in these remote areas of southern Arizona and New Mexico using "conservation ranching" methods that closely manage livestock grazing and restore native habitat. Those efforts received wide acclaim after 1996 when a wild jaguar that roamed across the border from Mexico was the first to be photographed on U.S. soil in a generation.

Where Trump border wall rises, these ranchers see defeat

Several other jaguars have been documented in southern Arizona since then, but many of their pathways are now potentially blocked by the border wall.

Goodwin said he and other like-minded landowners are eager to go back to an earlier era of cooperation with the government.

"We want to be a part of CBP achieving its overall goals in a way that benefits the values important to us and meets their objectives," he said. "We have confidence there is a way to do that and not jeopardize what we've been working on for three generations now."

Goodwin said he recognizes the need for barriers in populated areas but that improved surveillance technology can provide solutions in areas that should remain open to wildlife.

"The mountains are a natural deterrent," he said. "The grade of the international border is so steep the contractors couldn't get their equipment up there."

Closing gaps

In the scramble to build as quickly as possible before Biden took office, construction crews in several areas of southern Arizona skipped over locations that required additional engineering or custom wall panels. That included stream channels that need flood gates and areas at border markers that are supposed to afford CBP agents access to the south side of the barrier in case of an emergency. In other locations, crews working from opposite directions needed irregular-sized segments to fill a gap, and the panels didn't arrive in time.

One span of the barrier east of Sasabe, Ariz., has two dozen gaps in the wall and other segments with misshapen, temporary panels welded to the structure like patches.

Myles Traphagen, a conservation biologist who has mapped and documented the impact of border wall construction using motion-activated wildlife cameras, wants the Biden administration to leave the gaps open to provide a minimal degree of safe passage for large animals.

See the animals caught on camera diverting around Trump's border wall

When a Mexican gray wolf with a radio collar headed south last fall, it hit the barrier and walked parallel to it for miles before eventually turning back. The young male wolf, nicknamed Mr. Goodbar, later suffered a gunshot wound that resulted in a leg amputation.

CBP says its remediation will add more wildlife openings in the barrier, but Traphagen says they're too small for species like wolves, jaguar, bighorn sheep, ocelot or Sonoran pronghorn to cross. "Nothing larger than a rabbit is going to use them," he said. "It's only a veneer of environmental compliance."

"The majority of the remediation work they're planning is occurring to support existing border wall infrastructure, not for ecological restoration," Traphagen said.

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On one recent afternoon along the wall east of Sasabe, a group of families with small children crossed through a gap in the wall and began trekking along the border road, looking to turn themselves in to U.S. agents and start the asylum process. Most of the families were from Nicaragua, part of a historic surge of migration from the country following president Daniel Ortega's reelection to a fourth term last year, in elections the Biden administration denounced as fraudulent.

"We can't live in our country anymore," said one mother who was traveling with two young daughters. She said she was trying to get to Arkansas.

A woman calling herself Butterfly drove up to the group in a battered Honda Accord and started handing out teddy bears. She had called the Border Patrol to come pick up the families, she said. Butterfly, from Spokane, Wash., said she was with a group called Veterans on Patrol but is not a veteran herself.

"We give little gifts to the kids. We want to make sure there's no trafficking going on," she said, driving off.

In another area nearby where the wall abruptly ends, U.S. border agents with all-terrain vehicles, dogs and a helicopter chased a separate group that was trying to slip away into the craggy Baboquivari Mountains. After the agents left, another group of men in camouflaged clothing approached from the Mexico side, heading for another gap in the wall. They appeared to be part of a smuggling operation.

"What are you doing here?" they yelled, shouting obscenities after seeing a photographer and reporter. Traphagen, who wore a pistol on his hip which he said he began carrying after harassment from contractors' security teams, suggested a quick departure.

Border security concerns "are real," he said. "Human and drug smuggling are real. There is a degree of border security that is needed. The idea of having open borders is not a reality."

Traphagen said he supports more technology along the border as well as use of smaller "vehicle barriers," long employed by CBP to stop smugglers from driving through, which don't block wildlife.

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"If we can accomplish border security with a smaller footprint and more compassion toward the land and its people, I think we could start constructively trying to solve this problem," he said.

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Transportation

Tarrant County Commissioner Says Electric Vehicles Must Pay Their Fair Share To Use Roads
By Michael McCardel
WFAA

Tarrant County commissioner Gary Fickes knows electric vehicles (EVs) are here to stay and you've got to charge them somewhere.

His question is how leaders in Washington and Austin will get those vehicles to pay their fair share for using the roads.

"The real question is, for the states and the people who maintain these roads, electric vehicles currently don't pay anything to drive on our roads," the Republican said on Inside Texas Politics.

Fickes says the main problem stems from the gas tax. Drivers in Texas currently pay 20 cents per gallon in taxes. And that money helps to fund road construction and maintenance.

Electric vehicles don't need that gas, so they don't pay that tax. But they're still using the roads.

Fickes says it might be time for the Texas Legislature to mandate a tax on electric vehicles. But the very word "tax" has long been anathema to lawmakers.

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The U.S. government is providing nearly $5 billion over five years to help states create a network of EV charging stations. And during round one, the state of Texas is poised to receive the largest chunk of money, more than $60 Million.

"We're going to put in all these charging stations, who's going to maintain them? Who's going to own them? It's an 80%, 20% split on putting them in, where the feds are paying 80, the state's paying 20. But who maintains them? Where are those dollars coming from," he asked.

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Greg Abbott News

Poll: Texas Gov. Greg Abbott Leads Beto O'rourke In Gubernatorial Matchup
By Hannah Bleau
Breitbart

Texas Gov. Greg Abbott (R) is leading his potential Democrat challenger, Beto O'Rouke (D), in a head-to-head gubernatorial matchup, a Climate Nexus survey released this week found.

The survey asked respondents, "If the election for Texas governor were being held today, and the candidates were Beto O'Rourke the Democrat and Greg Abbott the Republican, for whom would you vote?"

Forty-five percent of likely voters said they would support the Texas governor, compared to 40 percent who said the Democrat. Seven percent said, "Neither candidate or other candidate," and another eight percent said they remained unsure.

Overall, 87 percent said they will definitely or probably vote in the Texas governor's race in November.

The survey, taken February 1-9, 2022, among 933 registered voters in Texas, has a margin of error of +/- 3.3 percent:

The Lone Star State's primary race — the first in the nation kicking off the midterm election season — is right around the corner, taking place Tuesday, March 1. It is yet to be seen if Abbott can handily defeat his primary challengers and avoid a runoff, allowing him to focus more immediately on the general election, where O'Rourke appears as the frontrunner on the Democrat side.

As Breitbart News reported:

The failed presidential and Senate candidate of the past—he ran unsuccessfully for U.S. Senate against Sen. Ted Cruz (R-TX) in 2018, and unsuccessfully for the Democrat presidential nomination in 2020—has in his career staked out extreme leftist positions on a number of issues, particularly the Second Amendment.

In 2019, for instance, O'Rourke threatened gun owners by saying "we're going to take" away their AR-15s and AK-47s, something he stood by for years. But last week in Tyler, Texas, O'Rourke tried to change his stance by now saying "I'm not interested in taking anything from anyone."

O'Rourke still supports gun control though, as in the next breath he ripped constitutional carry measures that Abbott backed. "I want to make sure that we protect our fellow

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Texans far better than we're doing right now," O'Rourke said. "And that we listen to law enforcement, which Greg Abbott refused to do. He turned his back on them when he signed that permitless carry bill that endangers the lives of law enforcement in a state that's seen more cops and sheriff's deputies gunned down than in any other."

Abbott left a simple message upon O'Rourke's entry into the race in November, listing his potential challenger's political positions with a simple "Bring it":

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Texas Legislature

An Austin Cop Has Been Charged With Police Misconduct. That Might Actually Help His Texas House Campaign.
By Sneha Dey
Texas Tribune

Republican Justin Berry's Texas House campaign has centered largely on his 14-year tenure as an Austin police officer. He vows on his website to use that professional experience to "protect our neighborhoods, schools and private property."

But less than two weeks before the March 1 GOP primary, Berry was among 19 Austin law enforcement officers indicted and accused of using excessive force on anti-police brutality protesters in 2020. Berry and law enforcement groups quickly pushed back on the development, which they portrayed as a political stunt from a Democratic district attorney who won office after promising to hold law enforcement accountable.

"The question is not how the prosecution will turn out," Berry said in a statement late Friday. "We will be acquitted. The question is: When police are treated like this, who will want to become police officers?"

That messaging — and the indictments themselves — could spur Republican voters in the predominantly white and mostly Republican Central Texas district to back Berry, political experts and local Republicans say.

"It's rocket fuel to his campaign," said Cal Jillson, a political scientist at Southern Methodist University. "There's not a lot of sleep lost or concern over excessive use of force against demonstrators in Austin."

A 2020 University of Texas / Texas Tribune poll conducted after that year's protests against police brutality found a stark partisan and racial divide in whether voters had a favorable or unfavorable view of law enforcement. In that poll, 84% of Republicans had a favorable opinion of law enforcement, while only 30% of Democrats did. Among white voters, 69% had a favorable opinion, but only 33% of Black voters and 43% of Hispanic voters did.

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Central Texas' House District 19 largely covers suburbs and Hill Country towns west of Austin where 82% of eligible voters are white. The mostly Republican district was redrawn during last year's redistricting process. Former President Donald Trump would have carried the district in 2020 by nearly 40 percentage points. That means the Republican nominee will likely beat the lone Democrat seeking the seat in the November general election.

"Republican primary voters are very pro-law enforcement," said Travis County GOP Chair Matt Mackowiak. "And I think a lot of Republican primary voters are going to view these indictments as an outrage. So it could be the kind of thing that raises his profile, that gives him a cause to cite on the campaign trail to galvanize supporters. "

Protesters across the state and country flooded the streets for weeks in 2020 after a Minneaopolis police officer murdered George Floyd, a Black man. The protests divided Americans along partisan lines. Black Lives Matter supporters say the demonstrations were an outcry against police officers' use of force on Black people, who are killed at disproportionately higher rates in police custody. But critics, including Republican officials across all levels of government, depicted the protests as violent and destructive uprisings.

In a statement late Friday, Berry echoed those GOP portrayals of the demonstrations as violent when he criticized Travis County District Attorney José Garza for pursuing the indictments.

"DA Garza promised in his campaign to go after law enforcement officials even when they are risking their lives protecting Austin from being burnt to the ground," Berry said. "He is keeping that deadly promise."

Garza announced the indictments at a press conference Thursday, but said his office was not disclosing details about the charges until individual officers are arrested and booked into jail. That means it's not yet publicly known what crime or crimes Berry is accused of committing during the 2020 protests. A police union official said the officers face accusations of excessive force. Berry's lawyer declined to comment until the indictment against his client is made public.

Austin Police Chief Joseph Chacon defended his officers this week. He and City Manager Spencer Cronk said they did not think officers should face criminal charges.

In announcing the indictments, Garza said many of the protesters injured were innocent bystanders. But Berry said Garza "demonizes police" and "demands that police abandon their oaths."

Police said demonstrators threw bottles and rocks at officers, sometimes injuring them, damaging police cars and breaking into stores. But advocates and protesters expressed outrage over police officers turning to violent crowd-control measures, including bean bag rounds.

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Cities and communities in Texas continue to grapple with the aggressive tactics that police waged against protesters that year. Police officers all over Texas and the nation have faced charges for how they dealt with protesters. Last week, the Dallas County district attorney's office issued warrants for two Dallas police officers' arrest for their alleged use of force during the 2020 racial justice protests in that city.

The Austin indictments are among the highest tied to a single city's police force in connection with the 2020 protests so far, according to the Associated Press.

Earlier Thursday, the Austin City Council unanimously approved a settlement with two demonstrators who suffered severe head injuries in 2020. Justin Howell will receive $8 million — the highest amount ever awarded in an excessive force case involving an Austin police officer, the Austin American-Statesman reported. Anthony Evans, another protester, will get $2 million.

Craig Murphy, a spokesperson for Berry's campaign, said the Texas House candidate and the other officers followed orders, and expects the jury to find them not guilty.

"They did exactly what they were told to do with the tools they were given and with the training they were given," Murphy said.

In the primary, Berry faces former Austin City Council member Ellen Troxclair, former legislative staffer Nubia Devine and military veteran Perla Hopkins. Devine declined to comment on the indictment. Hopkins and Troxclair did not respond to requests for comment.

According to the candidates' Jan. 31 campaign finance reports, Troxclair had the financial edge heading into the primary's homestretch. She had more than $412,000 cash on hand in January. Berry had more than $36,000, Devine had nearly $23,000, while Hopkins trailed behind with almost $2,300.

Democratic candidate Pam Baggett, whom the Republican nominee will face in November, said there is not enough information to determine how Berry was involved.

"We're going to have to wait and see what actually is the charge. We don't know yet," Baggett said.

With the March 1 primary election less than two weeks away, The Combined Law Enforcement Associations of Texas executive director Charley Wilkison said the timing of the indictment was intended to drive voter turnout for "anti-police candidates." The Combined Law Enforcement Associations of Texas has previously endorsed Berry.

The proceedings against Berry and the 18 other police officers could take months or years to resolve. Mackowiak said that creates uncertainty among voters, and could take Berry's attention away from the campaign.

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The scheduling of indictment proceedings against Berry was unusual, Mackowiak, the Travis County GOP chair, added.

“We don’t see candidates get indicted days before an election,” Mackowiak said. “In fact, generally, law enforcement, whether it's federal, state or local, bends over backwards not to indicate candidates around the time of an election because they want to appear apolitical.”

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Business/Economy

Biorefinery Coming To Region, Promising New Jobs
Orange Leader

A recently announced near-by biorefinery promises to bring new jobs to the area, business and state leaders say.

The announcement of this $1.7 billion project brings news of 142 new jobs at completion, an estimated 585 direct construction and related workers’ jobs during construction with $877 million in direct revenues for construction related companies, according to Newton County Judge Kenneth Weeks.

Gov. Greg Abbott made the announcement this week, saying USA BioEnergy, through its subsidiary Texas Renewable Funds, will build the biorefinery in Bon Wier.

The biorefinery will convert a million green tons of wood waste into 34 million gallons annually of premium clean burning transportation fuel including Sustainable Aviation Fuel, Renewable Diesel, and Renewable Naphtha.

Future expansion will double the plant’s production capacity to 68 million gallons annually, and the plant will also capture and sequester approximately 50 million metric tons of CO2 over the life of the biorefinery. This new biorefinery will create 142 jobs in the Newton County community.

CEO Nick Andrews said USA BioEnergy performed an extensive site search and analysis to identify the best project location.

Weeks said the project supports an estimated $1.2 billion in gross area product or economic activity during construction.

“Texas Renewable Fuels will bring substantial improvement in the quality of life for the residents of Newton County,” Weeks said.

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State Sen. Robert Nichols expressed his appreciation to Texas Renewable Fuels for selecting Newton County.

“The economic impact of this project will benefit the community, local businesses and grow our local and state economic output,” he said.

State Rep. James White said Newton County is poised for economic expansion and growth.

“Texas Renewable Fuels will create 142 jobs at completion and provide additional opportunities for Newton County by providing opportunity through cutting-edge science, new technology and a market for our wood fiber,” he said.

According to Superintendent Michelle Barrow, Newton Independent School District participated in a Chapter 313 incentive, which temporarily limits a property’s appraised value to encourage business investments within school district borders.

“The project will bring industry to the Newton area, an enhancement towards the education of our youth and the quality of life of our current and future workforce,” she said.

USA BioEnergy is a renewable fuels development group based in Scottsdale, Arizona, created to produce sustainable aviation fuel, renewable diesel, and renewable naphtha from readily available wood waste feedstock.

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Immigration/Border Security

Where Trump’s Border Wall Left Deep Scars And Open Gaps, Biden Plans Repair Job
By Nick Miroff
The Washington Post

The demolition crews kept right on blasting through the Peloncillo Mountains long after Donald Trump lost the election, a result that doomed their contracts. They carved steep roads at dizzying angles and gouged a wide path through the ridgeline where the border wall would go.

The clock ran out before they built it, leaving behind a mutilated landscape and a boneyard of steel fence panels stacked by the hundreds.

At more than $41 million per mile, Guadalupe Canyon was the most expensive segment of a $15 billion megaproject that ranked among the costliest in U.S. history. Today the abandoned border wall site is a liability for U.S. Customs and Border Protection, with loose rocks and boulders sliding down the mountainsides.

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Sage Goodwin, whose family's nearby ranch house rattled daily through nine months of blasting in 2020, wants the government to repair the damage to their land. He filed suit against the Trump administration and is now waiting for CBP to indicate how far it's willing to go to put the mountain back together and prevent a flood that could wash out the road to his home.

"We want to be reasonable and realistic," Goodwin said. "We want to roll back the destruction and help CBP come up with a model that balances ecological values, ranching values and border security."

In the year since President Biden halted border wall construction, his administration has been developing plans to put its own stamp on Trump's pet project. Biden has waved off calls from activists to tear the structure down and recycle the steel. The president promised while he campaigned that there would "not be another foot," but his government has been adding new barriers as it shores up 13 miles of flood levees along the Rio Grande and fixes other segments left in a precarious state by the contractors rushing to build right up to Biden's inauguration.

In recent weeks, CBP officials have been soliciting input from ranchers, environmental advocates, landowners and others as the Biden administration prepares to spend hundreds of millions for border wall remediation. The money, which will include unused construction funds, will go to clean up worksites, stabilize areas facing erosion and remedy some of the worst environmental damage, while also allowing CBP to close gaps in the wall. The precise details — where and how much money — remain undefined.

CBP officials say the efforts will be initially focused on southern Arizona's Tucson sector, including remote and ecologically fragile areas where the most destructive blasting occurred, such as Guadalupe Canyon, as well as the dry creek beds and channels that surge during summer "monsoon" thunderstorms. Segments of the wall were damaged in flooding last year, and erosion along the base of the structure has left its foundation exposed at multiple locations across southern Arizona.

Trump's border wall, vulnerable to flash floods, needs large storm gates left open for months

Republicans have been clamoring for Biden to close gaps in the wall that have become busy crossing points for migrants and smugglers. In some locations those spaces are a few feet across, but they're far wider in others, and it's unclear what the Biden administration will consider closing a gap vs. building new barriers.

Paul Enriquez, the deputy director of the CBP infrastructure division responsible for the border wall, said the Biden administration's remediation effort will prioritize "safety, erosion and flood control," to ensure roads and hillsides don't wash out and the barrier itself "does not fail and cause some sort of life safety issue for the public, local residents or agents who patrol in that area."

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At abandoned construction sites and staging areas used to store materials and heavy equipment, CBP is preparing to clean up and replant vegetation, but officials say locations where blasting occurred can't be easily put back together.

"We'll be working with federal land managers to identify an appropriate restoration method," Enriquez said in an interview. "And, in some instances where we had temporary roads installed, we'll be remediating those areas, as well."

Looming over Biden's repair plan is the possibility Trump could run for office again, whipping up crowds with chants of "Finish the Wall!" and promises to bring back the bulldozers. Trump built 450 miles of new barriers during his term but had plans for at least 250 more.

Trump was unable to build in many of the areas identified by CBP as a top priority, especially along the Rio Grande in Texas. Nearly all of the land there is in private hands, and, despite placing his son-in-law Jared Kushner in charge of the effort to seize those properties using eminent domain, Trump built relatively little in South Texas.

His administration went for the lowest-hanging fruit, building along public land in New Mexico and Arizona — including national forests and wildlife preserves — that was already under federal control. Some of those remote locations had few crossings to begin with.

The barrier's performance so far is mixed. It has funneled illegal entries and smuggling activity toward gaps and crossing points that remain open. But determined smugglers scale it with cheap makeshift ladders or saw through it with common demolition tools available at any hardware store. In Texas, the wall doesn't stop migrants from crossing the Rio Grande because the structure can't be built on the river, the natural border with Mexico.

Immigration arrests by CBP along the Mexico border are higher than ever. Republican support for the project appears to have further intensified during Biden's presidency, and lawmakers have been pounding him for halting the project.

Rep. John Katko (R-N.Y.), the highest-ranking Republican on the House Homeland Security Committee, said the Biden administration's border wall remediation plan and its approach to border security, generally, are "insufficient."

"Frontline homeland security personnel, especially the Border Patrol, are stretched far too thin and lack the resources needed to address the overwhelming and historic flow of migrants crossing the southwest border," Katko said in a statement. "Every dollar appropriated by Congress for border barrier funding should be used for that very purpose."

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Trump obtained roughly $15 billion for the wall project, two-thirds of which came from diverted military and counternarcotics funding. The Biden administration said it will return $2.2 billion in unused funds to the Pentagon.

The Department of Homeland Security said about half of the $5 billion the Trump administration obtained for the wall through Congress and nonmilitary sources was awarded to contractors, and the department is still calculating how much of the money can be recovered. New contracts for Biden's remediation projects will be awarded in April, DHS said, with a second round of awards planned for late summer.

Biden has called the wall "a waste of money" and "not a serious policy solution," but Enriquez, of CBP, says it remains a valuable asset.

"The barrier provides impedance and denial, and it's one of the tools that our Border Patrol agents use in their mission to secure the border," Enriquez said. "The administration has indicated that that's not their policy at this time, and we respect that. And so what other methods can we use to help secure those areas?"

CBP said it continues to move forward on an environmental assessment and public comment solicitation for 86 additional miles of barriers in the Rio Grande Valley approved under Trump. But agency officials say they do not have the Biden administration's approval to proceed with construction.

The border wall cuts through remote areas of Arizona and New Mexico that had relatively few crossings and were not considered a priority for CBP. Guadalupe Mountain and the Peloncillo Mountains are a critical wildlife corridor between the Rocky Mountains and Mexico's northern Sierra Madre. (Salwan Georges/The Washington Post)
Guadalupe Canyon

Guadalupe Canyon runs through the heart of the rugged Peloncillo range, a crucial wildlife corridor that is one of the few unobstructed bridges between the Rocky Mountains and Mexico's northern Sierra Madre. The canyon's large sycamore and cottonwood trees create a shaded oasis during the hot summer months.

Goodwin's family and neighboring ranchers have worked for decades to protect hundreds of thousands of acres in these remote areas of southern Arizona and New Mexico using "conservation ranching" methods that closely manage livestock grazing and restore native habitat. Those efforts received wide acclaim after 1996 when a wild jaguar that roamed across the border from Mexico was the first to be photographed on U.S. soil in a generation.

Where Trump border wall rises, these ranchers see defeat

Several other jaguars have been documented in southern Arizona since then, but many of their pathways are now potentially blocked by the border wall.

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Goodwin said he and other like-minded landowners are eager to go back to an earlier era of cooperation with the government.

“We want to be a part of CBP achieving its overall goals in a way that benefits the values important to us and meets their objectives,” he said. “We have confidence there is a way to do that and not jeopardize what we’ve been working on for three generations now.”

Goodwin said he recognizes the need for barriers in populated areas but that improved surveillance technology can provide solutions in areas that should remain open to wildlife.

“The mountains are a natural deterrent,” he said. “The grade of the international border is so steep the contractors couldn’t get their equipment up there.”

Closing gaps

In the scramble to build as quickly as possible before Biden took office, construction crews in several areas of southern Arizona skipped over locations that required additional engineering or custom wall panels. That included stream channels that need flood gates and areas at border markers that are supposed to afford CBP agents access to the south side of the barrier in case of an emergency. In other locations, crews working from opposite directions needed irregular-sized segments to fill a gap, and the panels didn’t arrive in time.

One span of the barrier east of Sasabe, Ariz., has two dozen gaps in the wall and other segments with misshapen, temporary panels welded to the structure like patches.

Myles Traphagen, a conservation biologist who has mapped and documented the impact of border wall construction using motion-activated wildlife cameras, wants the Biden administration to leave the gaps open to provide a minimal degree of safe passage for large animals.

See the animals caught on camera diverting around Trump's border wall

When a Mexican gray wolf with a radio collar headed south last fall, it hit the barrier and walked parallel to it for miles before eventually turning back. The young male wolf, nicknamed Mr. Goodbar, later suffered a gunshot wound that resulted in a leg amputation.

CBP says its remediation will add more wildlife openings in the barrier, but Traphagen says they’re too small for species like wolves, jaguar, bighorn sheep, ocelot or Sonoran pronghorn to cross. “Nothing larger than a rabbit is going to use them,” he said. “It’s only a veneer of environmental compliance.”

“The majority of the remediation work they’re planning is occurring to support existing border wall infrastructure, not for ecological restoration,” Traphagen said.

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On one recent afternoon along the wall east of Sasabe, a group of families with small children crossed through a gap in the wall and began trekking along the border road, looking to turn themselves in to U.S. agents and start the asylum process. Most of the families were from Nicaragua, part of a historic surge of migration from the country following president Daniel Ortega's reelection to a fourth term last year, in elections the Biden administration denounced as fraudulent.

"We can't live in our country anymore," said one mother who was traveling with two young daughters. She said she was trying to get to Arkansas.

A woman calling herself Butterfly drove up to the group in a battered Honda Accord and started handing out teddy bears. She had called the Border Patrol to come pick up the families, she said. Butterfly, from Spokane, Wash., said she was with a group called Veterans on Patrol but is not a veteran herself.

"We give little gifts to the kids. We want to make sure there's no trafficking going on," she said, driving off.

In another area nearby where the wall abruptly ends, U.S. border agents with all-terrain vehicles, dogs and a helicopter chased a separate group that was trying to slip away into the craggy Baboquivari Mountains. After the agents left, another group of men in camouflaged clothing approached from the Mexico side, heading for another gap in the wall. They appeared to be part of a smuggling operation.

"What are you doing here?" they yelled, shouting obscenities after seeing a photographer and reporter. Traphagen, who wore a pistol on his hip which he said he began carrying after harassment from contractors' security teams, suggested a quick departure.

Border security concerns "are real," he said. "Human and drug smuggling are real. There is a degree of border security that is needed. The idea of having open borders is not a reality."

Traphagen said he supports more technology along the border as well as use of smaller "vehicle barriers," long employed by CBP to stop smugglers from driving through, which don't block wildlife.

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WFAA

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Greg Abbott News

Gov. Greg Abbott's Two Most Vocal GOP Challengers Have Long Sought To Push Their Party To The Right
By Morgan O'Hanlon
Texas Tribune

On Texas GOP primary ballots, Don Huffines and Allen West are technically opponents who each want to unseat Republican Gov. Greg Abbott next week. But on the campaign trail, they've largely put up a united front as they appear together at events across the state with platforms that are nearly indistinguishable as they portray Abbott as insufficiently conservative.

That tactic doesn't seem to be garnering either of them enough support to unseat the incumbent. Abbott is expected to easily fend off all of his intraparty candidates in the March 1 primary and avoid a runoff for the party nomination, according to a recent University of Texas / Texas Politics Project Poll.

But for Huffines and West — the two most vocal and well known of Abbott's GOP challengers — losing the nomination won't necessarily mean they've lost ground in the larger goal both have long tried to achieve: moving the Republican party further to the right.

Their platforms call for drastically reducing property taxes or eliminating them outright. They say they would replace that revenue, which funds everything from Texas schools and city streets to local governments, with a much larger consumption tax — though neither candidate has named the amount by which they'd want to raise Texas' 6.25% state sales tax. They also would send more troops to the state's southern border — beyond the 10,000 Texas National Guard members already deployed under Abbott's Operation Lone Star. And they want to let parents use tax dollars to subsidize private or charter school education for their children.

Brendan Steinhauser, a political strategist and professor of political science at St. Edward's University in Austin, said those policy choices are key to the pair's shared goal of taking Abbott's job.

"They're looking to get to his right because they know that's the key to winning a Republican primary," Steinhauser said. "They're looking to move the debate to their ground."

Huffines, the former state senator, and West, the former chair of the Republican Party of Texas, have each taken different roads to become chief intraparty critics of the sitting governor. And they've long exhibited vastly different styles and motivations in their bids for public office, according to both friends and political foes.

Huffines, a former real estate developer from Dallas, is known as someone who actually lives by the conservative values he espouses, according to those who know him.

"I think he's just an honest person," said Republican former U.S. Rep. Ron Paul of Texas. "Today, sometimes that's hard to understand because you don't hear much truth from politicians … all we hear are lies and innuendos."

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West, on the other hand, is a former Florida congressman known as a brash and strategic man who uses his attention-grabbing persona to build a loyal fan base.

In the past year, that personality has been on display as he challenged a reporter in the Texas Capitol to a pushup competition and attended a protest against mask mandates outside the Texas Governor's Mansion with a megaphone in hand.

"He relished people asking him about why he was doing something," said Mitch Ceasar, who served as chair of the Broward County Democratic Party during West's congressional term in that part of Florida. "Part of his intelligence is his desire to stake out a niche that's a little further out there than anybody else to get attention."

From a military career to politics

During West's 22 years in the military, he was deployed during the Gulf War and the Iraq War and achieved the title of lieutenant colonel. His military career ended after he was found guilty in 2003 of Uniform Code of Military Justice violations, including assault. According to testimony delivered in a hearing, soldiers under West's command assaulted an Iraqi civilian. West subsequently threatened the man's life and fired at least one shot inches from his head. West retired a few months later.

"I know the method I used was not right, but I wanted to take care of my soldiers," West testified during the investigation of the events, according to CNN. "If it's about the lives of my soldiers at stake, I'd go through hell with a gasoline can."

West did not respond to requests for comment for this article.

After retiring from the military in 2004, West moved to Florida, where he taught history and coached track at a public high school south of Palm Beach before moving on to work for a defense contractor. Although Allen won the Republican primary for Florida's 22nd congressional district in 2008, he lost the general election, his first matchup against Ron Klein, by nearly 10 points. During the tea party movement's first wave in the early 2010s, he gained traction on a platform against Obama-era policies like the Affordable Health Care Act (which had passed the previous year) and won against Klein by nearly 9 points.

Richard DeNapoli, the former chair of the Republican Party of Broward County, said West has a knack for eliciting loyalty from GOP voters.

"I never saw that many volunteers except for when he ran," DeNapoli said. "People got invested in Allen West."

West won the 2010 race and during his first term voted to repeal "Obamacare" and called for an investigation into the attack on the U.S. consulate in Benghazi. Ceasar, the local Democratic party chair, said the freshman lawmaker was known in South Florida's political circles for his outspoken comments calling U.S. House Democrats communists and comparing himself to Harriet Tubman.

West served only one term, though, after redistricting drew him out of his district and he lost a bid for another term in Congress. In 2014, he moved to Texas. The state first garnered his admiration after he saw the 1960 film "The Alamo" starring John Wayne, West wrote in his 2018 book "Hold Texas, Hold the Nation."

"I was simply enthralled with men who would make a stand for freedom," he wrote. "I will stand for conservative values and conservative success until the end, and I will make my stand in Texas."

After West did stints at conservative Texas think tanks, Lt. Gov. Dan Patrick appointed him in 2015 to the state's Sunset Advisory Commission, which evaluates governmental agencies and makes recommendations to improve their efficiency, sometimes by shutting them down. Then in 2020, West ousted James Dickey as chair of the Republican Party of Texas.

Houston attorney Mark McCaig said the Texas GOP under West's leadership was more interested in attacking Republican officials than in communicating the party's successes. In one instance of infighting, West led a protest outside Abbott's home in October 2020 demanding pandemic restrictions be lifted immediately — in spite of Abbott's announcement days before that major restrictions would be lifted the following week.

West stepped down as GOP chair last year after announcing his bid to officially challenge Abbott in this year's primary.

West has campaigned across the state in an oversized, double-decker bus that matches his outsized personality. At campaign stops, West flexes his master's degree in philosophy as he fits quotes from Karl Marx, Ronald Reagan, the U.S. Constitution, the Bible and a rolodex of military history into a matter of minutes.

At several candidate forums in January, West wielded his personal experiences in the military to empathize with the Texas National Guard troops who have described deplorable conditions and an unclear mission after Abbott deployed them to the Texas-Mexico border to stem a flow of migrants crossing into the United States.

"They don't have a defined task and purpose; they're just down there as bystanders, and they're away from their families," he said at a candidate forum in Lake Travis last month, referring to the suicides of some Texas National Guard troops since they were deployed late last year.

West has also criticized Abbott for his pandemic response that reduced capacity or closed Texas businesses in 2020. He's recently referenced Florida on the campaign trail after Gov. Ron DeSantis last year signed legislation banning some coronavirus precautions, like

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vaccine requirements and mask mandates. West's comparisons between Texas and Florida came even though Abbott has also opposed mask mandates and vaccine requirements, largely through executive orders and lawsuits.

"I'm sick and tired of all my friends that I have back there in Florida calling me and telling me how great Ron DeSantis is doing and how great Florida's doing when Texas, the Lone Star, should be leading the other 49 stars on that flag," West said in Lake Travis last month.

Leaning on legislative experience

Huffines, the former state senator, has already appeared successful in influencing how Abbott governs on a number of hot-button topics, including pandemic-era safety mandates, border security and health care access for transgender children.

Huffines was born into a wealthy and influential North Texas family. His father ran successful car dealerships and banks and became involved with politics as a member of several statewide commissions. Huffines' twin brother also ran unsuccessfully for Texas Senate against Angela Paxton in 2018 and served a brief stint as the chair of the Dallas County GOP in 2016.

Although he was involved with several Republican campaigns, including Paul's, through the early 2000s, Huffines' political involvement was limited until after his father died in 2009, around the same time the tea party movement picked up steam.

Then, in 2014, he decided to run for office and took aim at a state Senate seat in North Texas. It pitted him against longtime Republican John Carona, who'd been in the Senate for 19 years. Huffines accused the incumbent of being a "career politician" who was primarily looking out for himself.

"I'm tired of being on the sidelines," Huffines said as he announced the campaign in late 2013.

Huffines ousted Carona in the primary and won the general election. But he said his frustration with intraparty politics solidified during his first GOP caucus meeting shortly after inauguration.

"They just get this brainwashing going on that elected office holders down there are the elitists of the world … and our loyalty lies with our fellow club members; it doesn't lie with the voters," Huffines told The Texas Tribune.

The experience influenced his entire term in the Legislature's upper chamber.

"My battle was generally with Republicans when I was there. It wasn't necessarily with the Democrats," Huffines said. "It was mainly with Republicans because they're always trying not to be accountable, not to take the hard vote, because they campaign one way and they want to govern a different way."

In his first term, Huffines co-authored an early version of the bill that mandated burial of fetal remains after an aboriton — which was later struck down by a federal judge. Huffines also pushed legislation that would have made it more difficult to pass bonds, commonly used to fund projects in Texas school districts, by requiring 30% of all voters on the voter registration rolls cast a ballot even though such elections are known to draw out a small fraction of voters.

In 2017, he introduced a bill that would have allowed Texans to carry a firearm without a permit. He also authored resolutions that would have limited terms of the governor and other statewide elected officials to two four-year terms and would limit state legislators to 12 years in either chamber. Those bills didn't pass, but permitless carrying of firearms did become law after Huffines himself was ousted from the Senate.

In spite of the limited success of his own legislation, Huffines maintains that he delivered on his campaign promises like saving taxpayer dollars by fighting to close Dallas County Schools, a bus transportation agency, which was investigated by the FBI and ultimately shut down for mismanagement.

But Huffines was unseated in 2018 by Democrat Nathan Johnson. He believes Huffines' views are heartfelt, but said that's what makes him an untenable candidate for Senate District 16 voters.

"Huffines, in an odd sort of way to his credit, shares and stands by his convictions," Johnson wrote in a 2017 Facebook post. "Each day more SD 16 residents learn that his convictions make for harmful public policy."

Like West, Huffines hasn't shied away from controversial remarks. Last month, he referred to COVID-19 as "the Wuhan" — a reference to the Chinese city where the virus was first discovered — while answering a question about vaccine and mask mandates.

Referring to the coronavirus by its place of origin rather than its scientific name has been derided as racist and xenophobic since the pandemic began. And Huffines' references came after the number of hate crimes against Asian Americans skyrocketed during the pandemic.

Later during that panel, while answering a question about competition in the U.S. job market between domestic and international workers, Huffines without evidence accused Chinese international students of partaking in espionage.

"One thing we've got a lot in our graduate programs in the universities here, and our Ph.D. programs, is a lot of communist Chinese students," he said. "They're taking all of that information back."

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Last month, Jake Lloyd Colglazier, a staffer on Huffines' campaign, was revealed to have made comments about white supremacy on YouTube and other social media platforms.

In response, Huffines said his campaign would not fire Colglazier because he does not believe in "cancel culture." But Huffines distanced himself from the staffer, saying that he has more than 70 people on his payroll and did not know Colglazier.

In spite of his similarities to West and other candidates, Huffines maintains that he stands out among the field.

"I'm the only candidate running for governor that's been in the Legislature, been in the swamp as I say, and I can tell you I could not imagine being governor without having that experience," he said.

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Abbott Directs DFPS To Investigate Use Of Puberty Blockers As Child Abuse After Attorney General Opinion
By Isaiah Mitchell
The Texan

Governor Greg Abbott directed the Texas Department of Family and Protective Services (DFPS) today to begin investigating the use of puberty blockers and other gender transition procedures as child abuse.

"Because the Texas Department of Family and Protective Services is responsible for protecting children from abuse, I hereby direct your agency to conduct a prompt and thorough investigation of any reported instances of these abusive procedures in the State of Texas," Abbott's letter reads.

"To protect Texas children from abuse, DFPS and all other state agencies must follow the law as explained in OAG Opinion No. KP-04."

DFPS manages the state's foster care system and is responsible for child protection. Under Abbott's directive, the agency now has the duty to investigate the families of children who undergo these gender transition procedures.

Additionally, other state agencies now have the duty to "investigate licensed facilities where such procedures may occur," according to Abbott's letter.

The opinion Abbott references came out of the attorney general's office just yesterday. In response to an official request by state Rep. Matt Krause (R-Fort Worth), one of the lawmakers who filed a bill in the regular legislative session to ban child gender modification, Attorney General Ken Paxton opined that current Texas law already defines endocrine and surgical treatments meant to aid a sex transition as abuse.

Under state law, any licensed professional that has direct contact with children — such as doctors or teachers — faces criminal penalties for failing to report child abuse.

The announcement follows a similar letter Abbott wrote to DFPS Commissioner Jaime Masters in August, asking the agency to treat genital transition surgeries as abuse under current law when performed on children. Masters agreed, responding to Abbott in a letter just days later.

Although there were citizens who testified during the regular session that they had undergone genital transition surgery before the age of 18, puberty-suppressing drugs and cosmetic surgeries like mastectomies are much more common for children. Since Abbott's August letter did not include these procedures, Krause's request to Paxton asked if the law might already deem them abuse.

Several Republicans filed legislation to ban these procedures during the regular session, but none received a floor vote in the Texas House. While some would classify these procedures as child abuse, thus authorizing DFPS to intervene in families, Krause's bill would have threatened doctors with penalties such as license suspension for performing these surgeries or administering puberty blockers.

During special sessions, the legislature can only consider topics that the governor allows. Abbott did not add the topic of child gender modification to the agendas of the three special sessions that followed the regular session.

While Abbott's letter is addressed directly to Masters, he also carbon copies the letter to directors of various state agencies, including the Texas Education Agency, the Texas Medical Board, and the Texas Behavioral Health Executive Council.

Alongside drugs "that induce transient or permanent infertility," the specific procedures that Paxton deemed abusive include surgeries to alter a child's genitals or reproductive system, surgeries to remove breasts, or any surgery that removes healthy or non-diseased tissue from the body.

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Administration News

Attacks Fly In Final Days Of Attorney General Ken Paxton's Primary Fight
By Patrick Svitek

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Texas Tribune

Attorney General Ken Paxton and his three Republican primary challengers are firing in all directions in the final days before the closely watched election.

Paxton is airing TV ads attacking U.S. Rep. Louie Gohmert of Tyler over his attendance record in Congress, while Gohmert is countering with his own commercial accusing Paxton of desperation. Meanwhile, Land Commissioner George P. Bush is running TV ads targeting Eva Guzman, the former state Supreme Court justice, who says Bush's claims are "ludicrous."

It is all making for a hectic end to the hotly contested primary, which recent polls suggest could go to a runoff. The polls have been less clear, though, on who Paxton could face in an overtime round. The election is March 1.

During a campaign stop Tuesday in Tyler, Bush reportedly proclaimed that he is heading to a runoff with Paxton, though his campaign now has Guzman in its crosshairs. His latest TV spot accuses her of a cardinal sin in today's GOP politics: opposing a border wall.

But Guzman is crying foul. She has long supported a wall in her campaign.

In the new 15-second commercial from Bush, a narrator says Guzman "opposes George P. Bush's plan to finish [former President Donald] Trump's wall, calling it a ploy." Bush's campaign said the claim is based on a mailer that Guzman recently sent out, quoting a December article from The Texas Tribune that said Bush's "border security strategy appears to be a ploy to score points with immigration hardliners who often swing the Republican primaries."

But that was a reference to Bush's prioritization of border security in his campaign, not any plan to finish the wall.

"From the moment I stepped off the Supreme Court and have been able to share policy positions, I have been unequivocal in my plan to use my legal experience to secure the border, and that includes building the wall," Guzman said. "It's been on my website and I mention it in every speech I give."

On her website, Guzman has a two-page border-security plan. The first bullet point is "Build the wall."

Asked for comment on the ad, Bush's campaign doubled down on the core accusation and criticized Guzman on several other fronts. Bush said in a statement that Guzman "has done nothing but launch personal attacks against me during this race." Guzman has hounded Bush over his decision to classify his law license as inactive from 2010 until 2020, which he has brushed off as an irrelevant formality while he has led the General Land Office.

As land commissioner, Bush has had a visible role in Gov. Greg Abbott's plan to finish Trump's wall. In November, he authorized construction of the state-funded border wall on state-owned land and appeared alongside Abbott at the wall's debut the next month.

All the GOP candidates for attorney general are pitching themselves as tough on the border. It has been the sole subject of Bush's TV ads, which highlight his endorsement from the National Border Patrol Council. Gohmert has been talking about how he helped build Trump's wall by voting for it as a congressman. And Guzman has been running a TV ad in which she says her father was "killed by an illegal immigrant who disappeared and was never brought to justice."

Then there is Paxton, who has Trump's endorsement and is running on his legal battles with President Joe Biden over the border, among other issues. Paxton's TV ads tout his lawsuit last year that temporarily blocked the Biden administration's 100-day freeze on deportations of some undocumented immigrants.

Border issues remain a high priority for Texas Republicans. In a University of Texas poll released last week, 58% of Republicans called either border security or immigration the most important problem facing Texas today.

All of Paxton's primary foes have been assailing his ethics and integrity since the beginning of their campaigns. The incumbent has been under indictment on securities fraud charges since 2015 and more recently came under FBI investigation over claims by former deputies that he abused his office to help a wealthy contributor. Paxton has denied wrongdoing in both cases.

As for Paxton and Gohmert, the attorney general continues to go after the congressman's attendance record, saying he has missed over 800 votes during his 17 years in Congress. Paxton's campaign has concentrated the attacks in Gohmert's native East Texas, where Paxton himself has acknowledged Gohmert's support is the strongest.

Gohmert has missed 840 of 11,538 roll-call votes from January 2005 through February 2022, according to Gov Track. That absent rate — 7.3% — is "much worse than the median of 2.1% among the lifetime records of representatives currently serving," according to the website.

"If you pay a man to do a job, you expect him to show up for work," a narrator says in Paxton's latest anti-Gohmert commercial. "So why are we paying Louie Gohmert?"

Paxton is countering the commercial with his own in East Texas. It begins with Gohmert speaking directly to the camera, saying Paxton's "attacks on me are now revealing a real desperation."

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When it comes to his attendance record, Gohmert says Paxton is making a mountain out of a molehill.

“In contrast to Paxton’s pattern of dishonesty and unlawful behavior brought forward by his own very top attorneys, these votes are basically procedural in nature, designed to get Congressional members to the floor so that leadership can whip votes, and are a tiny percentage of the thousands and thousands of votes cast,” Gohmert said in a statement.
“Once again, Ken fails to tell the truth to Texas voters, and his pattern of dishonesty is disqualifying as our state’s top Attorney.”

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State News

Dallas County Judicial Candidates For Hotly Contested Race Owe Thousands In Fines To The State
By Krista M. Torralva
Dallas Morning News

All three candidates in a hotly contested Dallas County judicial race owe fines to the state for failing to report their campaign donors on time. One candidate owes $33,000.

Amber Givens, a Democrat who presides over the 282nd District Court in Dallas County, is facing primary challenges from former judges Andy Chatham and Teresa Hawthorne for the felony court bench. The primary is March 1. There is no Republican candidate.

Judicial candidates must regularly report their campaign fundraising to the state – a step open government advocates call critical to ensuring judges’ impartiality and transparency. State law requires candidates report to the state and to voters where their campaign fundraising is coming from. But a weak enforcement system allows candidates to get away with ignoring deadlines, thus keeping secret how much money they receive and the identities of donors.

Candidates with unpaid fines may continue running in elections in part because of the Commission’s lack of resources, ethics expert and attorney Andrew Cates said.

Givens owed $500 for late filings as of Nov. 10, the last time the Texas Ethics Commission updated its list of delinquent filers. The incumbent last reported her campaign contributions in July, although at least two more reports were due in the months since.

Hawthorne owes a whopping $33,000 for being delinquent on filing with the commission. She was previously a judge for the 203rd District Court and previously ran unsuccessfully for Criminal District Court 3.

Chatham owed $5,800 as of November.

All three candidates said they had explanations for the late filings and fines.

Andy Chatham
When asked about the money he owed, Chatham said he mailed a check to the Ethics Commission last week.

Chatham chalked his delinquency up to a mistake. He said he filed a campaign treasurer report with the state when he thought he might run for another position after his unsuccessful bid for re-election of the 282nd District Court in 2014 when he lost to Givens. He ended up not running, but he was still required to file campaign reports since he submitted a campaign treasurer report.

“I didn’t run, and I didn’t collect any money,” Chatham said.

Teresa Hawthorne
The Office of the Attorney General sued Hawthorne. And in August, a Travis County judge paved the way for the state to collect more than $32,000 in administrative penalties and $2,400 for the state’s legal fees.

Hawthorne told The Dallas Morning News that she has not made payments and does not believe she needs to. She provided The News with written communication with an Attorney General attorney dated May 13, 2019, – two years before the judge’s order – that showed the lawyer agreed not to seek an injunction against her if she filed her reports late. The AG’s office did not respond to requests for comment.

Hawthorne said her late filings were due to computer complications. She is up to date on her campaign finance reports, the commission website shows. She said she will make payments if necessary.

Amber Givens
Candidates are afforded opportunities to explain their late filings to the Ethics Commission and may not be penalized. That’s what Givens plans to do, her campaign manager Deneen Robinson said.

“We believe we have circumstances that will meet an exception and we will present those to the Commission,” Robinson said. She did not offer details.

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Former Texas State Sen. Kirk Watson Jumps Into Race To Be Austin's Next Mayor By Ryan Autullo
Austin American Statesman

Kirk Watson, who was Austin's mayor from 1997 to 2001 before serving more than 13 years in the Texas Senate, says he hopes to be mayor again and is entering the race to follow Steve Adler in the November election.

Clearing up months of speculation on his political future, Watson launched his campaign Tuesday morning in an email to supporters titled, "Let's do this!"

Watson — a Democrat who recently left his role as the first dean of the University of Houston's Hobby School of Public Affairs — also named a campaign treasurer, which allows him to begin raising money. Fundraising has been a strength of Watson's as a political candidate and figures to factor heavily in a race that elections insiders expect to be expensive and reach up to $1 million in spending for the winner.

His political prowess and name recognition gives Watson an advantage, as he was well thought of by Democrats at both City Hall and the Capitol. However, he must work to ingratiate himself to younger voters and new residents unfamiliar with that work.

Why is former Sen. Kirk Watson running for Austin mayor?
Watson, 63, is the fourth major candidate to enter the race, joining Jennifer Virden, a real estate agent and former Austin City Council candidate, state Rep. Celia Israel, D- Austin, and Austin City Council Member Kathie Tovo. (Because of term limits, Adler can't seek reelection.)

Tovo has not formally launched her campaign, but previously said she plans to run and has filed an updated campaign treasurer form.

No other candidates of note are expected in the race.

"I'm running for mayor because there's more to do," Watson wrote to his supporters. "I want to ensure that our city effectively addresses the range of issues that will define our future. Austin should be thinking big. We should be setting and achieving aspirational goals. And we should be able to do those things while still providing basic, day-to-day services."

Former state Sen. Kirk Watson speaks during an event at Huston-Tillotson University this past October. Watson, who was Austin's mayor from 1997-2001, said Tuesday he is entering the race to replace current Mayor Steve Adler.
More:State Rep. Celia Israel launches exploratory committee for Austin mayor in 2022

Watson first discussed running for mayor last August in a conversation with the American-Statesman. At that time, local political consultant Mark Littlefield said Watson would be tough to beat but not unbeatable.

In naming his campaign priorities, Watson touched on many of the biggest challenges the city faces as it has experienced rapid growth and become a hub for major technology corporations. When Watson left office 21 years ago, Austin's population was 669,693. Last year, the city said its population was 1,026,833, although the U.S. Census Bureau had it at just under 1 million.

Watson said he will prioritize addressing the rising cost of living in Austin, as well as the city's homelessness crisis, systemic racism, public safety, transportation and managing long-term success.

"Being the mayor is the most rewarding experience I've had in my public life," Watson told the Statesman.

The term Watson is running for will be two years, not the usual four years, after voters last year approved a ballot proposition to align mayoral races with presidential year elections. The mayoral race will return to the ballot in 2024, and whoever wins this year will be eligible for reelection.

Tyson Tuttle, who recently stepped down as CEO of Austin-based technology company Silicon Labs, had contemplated running for mayor this year but said he will not. Lawyer Adam Loewy, once interested in the position, also said he will not run.

Kirk Watson was Austin's mayor from 1997 to 2001. What did he accomplish?
In Tuesday's announcement, Watson highlighted Austin's successes with him as mayor. Among them, he said, were: increased police oversight through the creation of the city's police monitor office; the creation of affordable housing programs; and successful bond measures to safeguard thousands of environmentally sensitives acres of land, expand greenbelts and to protect Barton Springs.

Austin also secured hundreds of millions of dollars in transportation funds and created the Downtown Austin Community Court, which connects people experiencing homelessness to services.

Kirk Watson was Austin's mayor from 1997 to 2001 and then served more than 13 years in the state Senate before becoming the first dean of the University of Houston's Hobby School of Public Affairs.

Watson stepped down as mayor to run for Texas attorney general, losing to Republican Greg Abbott in 2002. Watson is an attorney with a law degree from Baylor University.

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In 2006, Watson was elected to the Texas Senate and stayed there until he stepped down in 2020 to take the University of Houston job. The vacancy created by his exit generated significant interest in an election that included state Rep. Eddie Rodriguez, D-Austin, and former Austin City Council Member Don Zimmerman, but was won by Sarah Eckhardt, the former Travis County judge.

The Senate district includes the northern half of Travis County, most of Austin and all of Bastrop County.

In the Texas Senate, Watson carved out a niche for working with Republicans to improve bills and improved government transparency by strengthening the Open Meetings Act and improving access to government contracts. He spearheaded efforts to bring the Dell Medical School to the University of Texas, the first item in his "10 goals in 10 years" health care and economic development initiative launched in 2011.

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Nine Austin Cops Are Accused Of Shooting And Injuring One Woman During The 2020 Protests Against Police Brutality
By Sneha Dey
Texas Tribune

Nine of the 19 Austin police officers facing charges for allegedly using excessive force during the May 2020 racial justice protests — including Texas House candidate Justin Berry — are accused of shooting lead-pellet beanbag rounds at the same woman, according to indictments released by the Travis County District Attorney on Tuesday.

Each of the 19 officers is charged with two counts of aggravated assault, a first-degree felony when committed by law enforcement. The charges are punishable by five to 99 years in prison, or a fine of up to $10,000.

The indictments accuse the officers of using deadly weapons to injure 11 demonstrators and threatening them with serious bodily injury during protests on May 30 and May 31, 2020, over the deaths of George Floyd in Minneapolis and Michael Ramos in Austin. The indictments do not provide many new details about the claims against the officers, but they allege that most of them used shotguns to fire beanbag rounds on the protesters and that one officer used a 40 mm launcher.

Nine officers — Todd Gilbertson, Alexander Lomovstev, Stanley Vick, Joshua Jackson, Jeremy Fisher, Christopher Irwin, Brett Tableriou, Joshua Blake and Berry — are accused of threatening and using shotguns to injure demonstrator Christen Warkoczewski, the indictments say.

According to the Austin Chronicle, Warkoczewski was on the Interstate 35 bridge with other protesters when police launched tear gas canisters. She told the Chronicle she placed a traffic cone over a canister and ran about 10 feet before officers shot her in the face and ankle. Warkoczewski said a lead-pellet beanbag round hit her jaw and that she had to go through surgery to have it removed.

Warkoczewski filed a lawsuit against the city in August, according to the Chronicle. Her attorney could not be reached for comment Tuesday.

Berry, who is running in the Republican primary for Texas House District 19, has described the indictments as a political stunt from a Democratic district attorney who won office after promising to hold law enforcement accountable.

“The question is not how the prosecution will turn out,” Berry said in a statement late Friday. “We will be acquitted. The question is: When police are treated like this, who will want to become police officers?”

Central Texas’ House District 19 largely covers suburbs and Hill Country towns west of Austin.

Austin police officers John Siegel, Edward Boudreau, Derrick Lehman, Kyu An, Nicholas Gebhart, Joseph Cast, Jeffrey Teng, Kyle Felton, Eric Heim and Rolan Rast were also indicted.

Almost all the officers’ cases involve protesters who were hit by beanbag rounds or rubber bullets, according to Travis County district attorney's office documents. Austin police have described beanbag rounds as a “less lethal” weapon but stopped using them in crowd situations after the 2020 protests.

Defense attorney Doug O’Connell, who is representing eight of the indicted officers, said not all his clients fired their weapons on protesters. All of his clients were following orders from the department’s leadership during the protests, he added.

“The decision to impact these people or beanbags was ordered or otherwise authorized by the highest levels of APD command,” O’Connell said at a Monday news conference. “These aren't a few rogue officers doing what they wanted to do.”

Travis County District Attorney José Garza said in a news conference Thursday that protesters injured by law enforcement sustained significant injuries. “Some will never fully recover,” Garza said.

Some of the demonstrators named as victims in the indictments have also filed civil lawsuits against Austin. Justin Howell — whom Teng is accused of injuring — had a fractured skull and brain damage as a result of being struck with beanbag rounds. Austin police have said officers were aiming at a nearby man that had thrown a water bottle. Felton is accused of firing against Anthony Evans, who was hit by beanbag ammunition as he walked away from the demonstration. Evans sustained a fractured jaw as a result. In a settlement

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last week, Howell received $8 million, and Evans received $2 million.

The accused officers have been placed on administrative duty until the indictments are resolved at trial, but O'Connell said it could take up to a year for the cases to reach that point. It is too soon to tell if the officers will be tried separately or together, he added.

O'Connell said the eight officers he represents have all reported to Travis County jail, where they were fingerprinted, photographed and released on a $1 cash deposit bond after they received arrest warrant affidavits.

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El Paso Indian Tribe Spars With Texas At U.S. Supreme Court Over Electronic Bingo Devices
By Hayden Sparks
The Texan

The U.S. Supreme Court heard oral arguments on Tuesday in a dispute over gambling regulations that has been simmering for decades between the State of Texas and an El Paso area Indian tribe.

The nation's high court granted an appeal in Ysleta del Sur Pueblo v. Texas last October. In court documents, the State of Texas contended that the tribe had "buyer's remorse" after its 1987 Restoration Act, in which the tribe agreed to comply with Texas law concerning gambling.

The Fifth Circuit Court of Appeals decided in 1994 that Texas has the authority to regulate the tribe's gambling activities. Part of the question before the Supreme Court is whether the Fifth Circuit's decision was sound.

The arguments centered on a 1987 decision by the Supreme Court, California v. Cabazon Band of Mission Indians, that state and local governments do not have the authority to regulate gambling activities on tribal reservations except in cases where the federal government specifically confers that authority to the local jurisdiction.

Brant Martin, the pueblo's attorney, characterized the matter in his argument as one of tribe sovereignty.

"The question this case presents is whether the Restoration Act subjects the pueblo to Texas' time, place, and manner restrictions as it relates to games that Texas does not flatly prohibit. It does not," Martin argued.

"In the Restoration Act, Congress codified the Cabazon Band framework and specifically foreclosed Texas' regulatory authority over the tribe's gaming activities."

Representing the State of Texas, attorney Lanora Pettit contended that the pueblo is trying to shimmy its way out of the 1987 Restoration Act, which granted the pueblo federal status but included language that required it to comply with Texas gambling laws.

"In the 1980s, everybody in this case wanted something. The tribe wanted federal recognition, and was willing to cede some of its sovereignty," Pettit argued. "Texas wanted to avoid high-stakes gambling, which it saw as an invitation to organized crime, and was willing to cede some of its jurisdiction."

Pettit went on to argue that the pueblo is seeking to "rewrite this legislative bargain."

The court challenged Martin on whether the machines at the tribe's Speaking Rock Entertainment Center were legitimate electronic bingo devices or slot machines. Though the federal Indian Gaming Regulatory Act of 1988 generally permits Indian tribes to offer games such as bingo, Texas has contended that these devices are "Las-Vegas-style slot machines."

Pettit also argued that bingo is only allowed under Texas law in a narrow set of circumstances, such as for charitable organizations and as a defense to prosecution in cases of low-stakes bingo.

Voters in all or part of 226 of Texas' 254 counties have legalized bingo via ballot referendum and 1,300 organizations are licensed to provide charitable bingo, per the Texas Lottery Commission.

Martin contended that the Cabazon case created a special definition of "prohibition" in the context of tribal gambling and that the tribe is within its rights to offer bingo because the game is not categorically banned in Texas.

"This Cabazon distinction presents a wealth of complicated and quite frankly weird questions, and the slot machine would just be one of a thousand of them," Justice Elena Kagan said.

"Cabazon tells us to make a distinction between 'prohibition' and 'regulation' when most of regulation prohibits certain things and then you're stuck in the middle of trying to figure out what's a prohibition and what's a regulation."

Justices seemed intrigued by the implications of the Cabazon case and whether the Restoration Act requires Texas to allow the pueblo to regulate its own gambling activities if they are not entirely banned by state law.

"This is an odd case. I haven't seen in decades briefs that were so full of legislative history and pre-enactment this or post-enactment

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that," Chief Justice John Roberts said.

The Restoration Act in question included the Alabama-Coushatta (AC) Tribe of Texas, which submitted briefs in the pueblo's case. The AC Tribe won a victory of their own last year at the federal district court level against the state's efforts to shutter ostensibly illegal gambling devices at Naskila Gaming, the AC Tribe's Livingston entertainment center.

Gambling remains mostly illegal under the Texas Constitution. Texas lawmakers barely touched the issue during the 87th Legislature's regular session, though in November voters did approve the Legislature's proposed constitutional amendment to allow charitable raffles at some rodeos.

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Abilene Citizens Turn In Over 10,000 Signatures For Petition To Outlaw Abortion
By Isaiah Mitchell
The Texan

On top of all the regular controversy of November midterms, several cities around Texas are poised to put ordinances outlawing abortion on their local ballots this fall.

A group of Abilene citizens turned in over 10,000 petition signatures in support of an ordinance outlawing abortion to the city secretary this afternoon. If a valid number of these signatures are certified, the city council will have to consider the proposal, according to the city charter.

Then, if the council rejects the ordinance, it will go to the citizens in a municipal election.

Local pastor Scott Beard, a member of the committee that began the petition process, said they hauled in the signatures by the ream on a hand truck.

"It was a cool sight walking in with four big buckets, fifteen gallon bins of signatures. We had them on a dolly when we rolled them in," Beard said.

The same process has been proceeding in other cities as well.

The City of Lindale recently certified a petition to outlaw abortion and scheduled a hearing for it on March 24. If the council rejects the petition at its next meeting, which will likely be April 5, then the ordinance will go to a general vote.

Plainview was the first town where activists did not seek regular passage through the council before pursuing a citywide vote. The founder of the "Sanctuary Cities for the Unborn" initiative, Mark Lee Dickson, said he already knew city attorney Matt Wade would strongly advise the council to avoid or reject the ordinance. Wade serves as a city attorney for several other cities as well as Plainview and has consistently advised city leadership to avoid the proposal.

After the City of San Angelo accepted a petition in support of an abortion ban, Mayor Brenda Gunter told the public that the ordinance would go to the November ballot, signaling that the council will reject it after the hearing scheduled on March 1.

The remark prompted Dickson and the local citizens involved in the effort to speculate that San Angelo city leadership violated the Open Meetings Act by deciding the fate of the ordinance outside of the public political process.

Gunter fired back, denying that city leadership has worked behind the scenes to push the proposal to the November ballot.

"I have said repeatedly from the very beginning when Mr. Mark Dickson showed up to my restaurant to have a discussion with me… I said to him then and I say it again. I want the voters, our citizens, to have an opportunity to vote on this issue," Gunter said.

"We have not, I have not worked behind the scenes to get the outcome that I want. I have used the legal system to get a direction — meaning a vote of the council."

Additionally, the East Texas town of Jewett outlawed abortion last week on February 15 by a unanimous city council vote, becoming the 40th city in Texas to pass a local abortion ban.

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Education

Texas Requires Tutoring For Kids Failing STAAR. But Here's Why Schools Won't Be Able To Meet The Law
By Emily Donaldson and Talia Richman
Dallas Morning News

Staff shortages and scheduling complications threaten to derail Texas' major push to catch up students who fell behind during the

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pandemic.

A new law – approved by state legislators last year – essentially requires schools to provide at least 30 hours of tutoring in each subject that a student failed or missed on state exams.

Texas had more than 2 million failed exams among elementary and middle schoolers. Some students may have failed multiple tests and even more did not sit for the State of Texas Assessments of Academic Readiness, or STAAR.

Districts drew from billions in federal pandemic aid to hire tutors in a competitive job market and reworked their calendars to accommodate extra learning time. But they faced immense challenges finding enough staff or hours in the day.

Now, many school leaders say they won't be able to get their kids the required intervention time. And even in districts determined to follow the letter of the law, officials aren't sure the prescriptive statewide approach is best for children facing immense learning loss.

"It's physically impossible for us to meet the requirements of [the law] under the current model," Dallas Superintendent Michael Hinojosa said.

DISD won't be able to meet the law's requirements by the end of the school year, but he doubts others will either, the superintendent stressed.

Some legislators didn't expect schools to fulfill the law this year given the pressures of the pandemic. Rep. Dan Huberty, R-Kingwood, attempted to lessen the requirements during a special legislative session, but his proposal didn't receive traction.

"We're asking them to do the best they can," he said, noting that the Legislature will likely study the issue in the coming months so lawmakers can tweak the bill in 2023.

The Texas Education Agency backed off full enforcement as well, telling districts that officials don't plan to strictly enforce compliance in this first year "as long as districts are making reasonable efforts to meet the requirements and there is no evidence of willful non-compliance."

Agency spokesman Frank Ward acknowledged the potential impact of students not getting the mandated tutoring.

"This would mean that students entitled to vitally important supplemental instruction may not be prepared to engage and be successful with grade level material now and in the future," he wrote in an email.

Stringent state guidance has districts scrambling to fulfill required administrative tasks on top of other challenges as they face their third school year impacted by the pandemic.

"We want to be able to respond to our kids' needs, but this bill has made us react," said Mary Webb, Frisco's director of elementary teaching and learning. "The thought behind [the law] was a good thought. But when you put all these rules and one way of doing it when you're in this state, it's not going to meet everything."

For example, if an eighth grade student failed or missed all four STAAR exams, he could be looking at 120 hours of tutoring.

Rep. Harold Dutton, D-Houston, author of the legislation's provisions that Texas' schools are struggling to fulfill, acknowledged the challenges districts are facing. But the lawmaker cautioned against giving up on fulfilling any of the mandates of his House Bill 4545.

"I hope it engenders a conversation about how we go about improving public education not only for all children but children who are at the bottom," he said. "We have to recognize that we don't have any choice but to get them off the bottom, and it's to our benefit to do that."

Not enough tutors or time

When Dallas officials first estimated it would take 1,800 openings to staff the district's ambitious tutoring plan, families and community members began to realize the enormous effort needed to tackle pandemic learning loss.

But the total number of tutors needed in DISD is larger than even those eye-popping projections, said Derek Little, the district's deputy chief of teaching and learning. In the months since DISD started planning its tutoring program, the district discovered how challenging it was to both find enough tutors and time to get students their required intervention.

Wanted in Dallas ISD: 1,800 tutors to help students catch up after COVID-19 disruptions

Dallas ISD will pay for three hours of after-school programming five days a week at 61 schools, featuring tutoring hubs, athletics and the arts. At the same time, the district is also bulking up its pool of tutors.

"Hiring in general, not just for tutors, but for anything in education, and beyond education, is super challenging right now," Little said.

Schools across the region are struggling to find enough people to teach, drive buses and sub-in for those who fall ill. Some campuses had to briefly shut down earlier this year because of staffing issues.

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As a result, the district has offered three ways to match campuses with tutors: Principals can choose to partner with a vendor who may bring in tutors from across the country to work with students virtually; use district staff; or tap a local community organization.

Some teachers also put in extra time tutoring their own students, said Shannon Trejo, the district's chief academic officer.

Even with so many hands helping out, finding time to get all students their required interventions is a struggle. Research shows that tutoring during the school day works best, but the law limits when students can be pulled out of classes.

For instance, students can't be pulled from recess, core instruction or extracurricular courses. It's easier to manage the limitations at an elementary level, Little said, because the blocks of classes are longer.

So if there's not enough time to fit in tutoring during the school day, some students are having to choose between attending band or football practice and going to tutoring after school, he added.

DISD will continue tutoring into this summer, although the number of students who will get served out of the 40,000-plus group required to receive intervention is a moving target based on staffing.

Meanwhile, since the district can't serve everyone, officials are prioritizing reading and math over science and social studies. They are also keeping equity in mind when choosing who gets access to limited resources.

This is the right approach, Huberty said. The retiring lawmaker encouraged districts pressed to reach each student in need to focus on reading interventions, followed by math, with emphasis on the children who are the most behind.

In Cedar Hill, schools use "Longhorn Time" – a roughly 45 minute to an hour block during the school day – to do learning interventions. The district is leaning on retired educators to drill down on students' individual needs, but it's difficult to meet the three-to-one ratio set out in the law.

"Some of the parameters that have been placed here make it almost impossible for school districts to implement," assistant superintendent Shemeka Millner-Williams said.

Still, educators know individualized attention can make a difference and is an important tool for combatting learning loss so they are doing what they can to tutor kids who need the extra help.

"I do feel like tutoring has helped move some of our kids who are in those lower two tiers of instruction back to a more grade level-like performance," she said.

Looking ahead

The coming months will likely bring studies and hearings on learning loss to the statehouse, providing an opportunity for lawmakers to come up with ideas to refine the legislation.

Huberty said this will give school leaders a chance to provide input on how to make the law better.

In Frisco – a high-performing district – officials want the flexibility to to put together individualized plans based on their own community needs.

"Our concern is that the rules, the logistics, the compliance pieces put in place, put an overburden on the system with what the teachers have to do," chief academic officer Wes Cunningham said. "The meetings that have to take place, the 30 hours that are mandated. Why 30 hours?"

The method for identifying children in need of tutoring also complicates matters. Districts were required to administer the STAAR test in-person last year, even as many children remained in virtual learning.

About 7% of Frisco students did not take tests, which could have automatically triggered the additional tutoring.

"Some of the kids may have needed the accelerated instruction. Some of those students may have been performing fairly well," said Gary Nye, Frisco's assessment and accountability director.

Frisco administered a second set of tests for some students to identify which children were on grade level and could sidestep the 30-hour requirements. But they're worried that won't be possible next year.

Little hopes lawmakers revisit the constraints on when students can receive tutoring to make it easier to provide intervention during the day. He also hopes lawmakers study how to do required tutoring at the high school level. Those students take end-of-course tests and could pass the class and move on to a new subject even if they failed STAAR.

"If I'm in a geometry course and you're still providing me tutoring for algebra, it's just a bit disjointed," Little said.

There's also a need to explore additional resources for tutoring Spanish-speaking students, the DISD administrator said. Roughly one in five Texas students are learning English as a language in public schools.

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Despite the obstacles, education officials stress the importance of offering tutoring.

“It is top five, one of the best things you can do for students,” Little said. “We believe in it.”

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Energy

Exclusive: As Demand For Solar Soars, Sunnova Energy Nearly Doubles Its Office Footprint In Houston
By Marissa Luck
Houston Chronicle

With demand for renewable energy soaring across the U.S., solar energy services firm Sunnova Energy is nearly doubling its real estate footprint in Houston as it plans to double its customer count by the end of next year.

The residential solar energy provider recently signed a lease for a about 64,000 square feet of office space outside of Beltway 8, where it plans to set up a customer service center. The facility is near Bellaire Boulevard and Eldridge Parkway in west Houston.

Within the next week about 120 customer service representatives are expected to begin moving into the new digs from Greenway Plaza, where Sunnova still plans to maintain its 71,000-square-foot headquarters.

Sunnova Energy’s expansion bolsters Houston’s burgeoning renewable energy sector, which has grown considerably in the past decade since the company was first founded by Chief Executive Officer John Berger.

“The company is going through pretty incredible growth and we want make sure that our service levels match the growth,” said Kelsey Hultberg, executive vice president and chief of staff at Sunnova Energy. “There's no better place to do it than here in our own backyard.”

The company previously said its plans to double its customer count by the end of 2023 from its level at the end of 2021. Sunnova had about 176,900 customers as of Sept. 30, 2021.

Even as supply chain constraints and rising solar pricing tempers some of the growth in residential solar power, the U.S. Department of Energy still expects small-scale solar installations to rise by 4.4 gigawatts in both 2022 and 2023. In Texas, solar power is expected to be able to produce as much as 19,520 megawatts by December 2022, according to grid operator the Electric Reliability Council of Texas. One megawatt of electricity is enough to power about 200 homes on a hot summer day.

Sunnova Energy is hedging for future growth with its new west Houston call center, said Ellen Bock, vice president of customer relations. The new space will accommodate future additions to the customer service team, although Bock declined to provide specific head growth projections. Beyond hiring, investments in technology and automation could also support the expanded customer base.

Sunnova maintains call centers in Belize and El Salvador, but Houston is its main base for customer service support. Sunnova Energy has about 800 employees across 25 states, including about 425 employees in Houston.

Sunnova worked with Cushman and Wakefield’s Chad Beck and Chris Oliver to sign the seven-year lease in January. The lease included furniture, enabling the company to quickly begin operating out of some spaces on the first floor of the building while construction starts soon on building out the remaining space.

Working with architecture firm Gensler, Sunnova is planning to create wellness rooms and mothering rooms for employees, plus a large cafe, a relaxation/break room area and lockers. The new facility will also have a large training lab where employees can see up close the solar panels and battery storage packs Sunnova customers have installed on their properties.

The company picked the west Houston location because of its low risk of flooding, access to an on-site power generator, and its proximity to where most of its customer representative employees live, Hultberg and Bock added.

For its headquarters at 20 Greenway, Sunnova is also working with Gensler to convert the former customer service space there into a so-called command center, Hultberg said.

“Prior to COVID … we were expanding and we were really kind of busting at the seams a little bit within 20 Greenway,” said Hultberg. “Now with more people back into the office we quickly realized we really needed a (bigger) space for our customer care team.”

The company, which releases its fourth quarter results at market close Feb.23, posted a net loss of $116.3 million in the first nine months of last year - 35 percent lower than the losses from the prior year. However its revenue surged to $176 million in the first nine months of last year, a 43 percent jump from the same period the year earlier.

Sunnova Energy becomes the latest renewable energy firm to expand its real estate footprint recently in Houston. Last week, renewable natural gas firm Archaea Energy confirmed it was moving its headquarters into 40,000 square-foot office at M-K-T in The Heights. And Japanese-utility company JERA Energy, which focused on LNG but is rapidly growing in renewables, recently doubled its office footprint with a move from the Galleria to downtown.

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Transportation

American Airlines Cancels Hundreds Of Flights At DFW Airport Ahead Of Icy Winter Forecast
By Kyle Arnold
Dallas Morning News

American Airlines and its regional carriers have canceled hundreds of flights in and out of DFW International Airport on Wednesday and Thursday, ahead of forecasts that predict freezing temperatures and icy precipitation.

More than 600 flights in and out of DFW Airport have been scratched for Wednesday and another 450 have already been canceled for Thursday with temperatures below freezing moving into the area overnight into Wednesday and forecast to stick around most of the day, according to Flightaware.com.

“This week’s winter storm is expected to have a significant impact on our operation, especially in Dallas-Fort Worth (DFW),” said American Airlines spokeswoman Yamleque in a statement. “The vast majority of impacted flights have been canceled in advance so we could proactively notify and accommodate our customers and avoid last-minute disruptions at the airport.”

Fort Worth-based American, which counts DFW as its largest hub, has issued a travel advisory for a dozen airports in Texas, Oklahoma, Arkansas and Missouri. The advisory allows customers to rearrange flights without paying higher fares for the same routes at later dates.

DFW Airport spokesman Brian Brooks said airport staff is monitoring the weather along with the National Weather Service.

“Airport operations are prepared to begin treatment of runways and taxiways on the airfield, and bridges, overpasses and roadways on the landside of the airport, ensuring the safety of customers and employees,” he said in a statement.

The cancellations account for about a third of all flights in and out of DFW on Wednesday.

Southwest Airlines, which is headquartered at Dallas Love Field, has canceled about 75 flights systemwide and is monitoring the storm, Southwest spokeswoman Brandy King said. Dallas Love Field did say in a social media message that it is “monitoring the weather and stands ready to treat and clear surfaces to allow for safe operations.”

So far, American has canceled about 8% of its flight schedule for Wednesday. Envoy Air, the regional carrier for American, has canceled nearly a quarter of its flights, more than 200 in all.

SkyWest, another regional carrier that flies for American, has cut more than 100 flights, mostly out of DFW and Denver International Airport, which is also forecast to get a round of winter weather Wednesday.

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Criminal Justice

Texas Police Chief Accused Of Using Racial Slur At Scene Of Murder Investigation By Jacob Beltran
Houston Chronicle

The Castroville police chief is accused of using a racial slur while at the scene of a slaying in Medina County earlier this month.

Chief Brian Jackson is alleged to have used the slur on Feb. 5 as multiple law enforcement agencies were investigating the discovery of a body near Houston Street and Highway 90, city officials said.

Hill Country Headlines: Top stories from the booming region, delivered to your inbox

City Council was expected to discuss Jackson’s employment status during a meeting at 5 p.m. today.

Castroville Mayor Darrin Schroeder said in a phone interview Tuesday that internal actions have already been taken, but he could not elaborate because they relate to personnel matters.

“We don’t take this lightly,” Schroeder said. “Discrimination and racism is a huge problem in our country and the world, and it can’t be a problem in Castroville.”

The slur was reportedly used at least three times in front of a Medina County sheriff’s deputy equipped with a body-worn camera, a source told KSAT.

Medina County Sheriff Randy Brown overheard the language used in the footage and alerted the city, he told the news station.

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Brown could not be reached for comment as of Tuesday afternoon.

Schroeder said that the city is investigating the allegation and proceeding with due process toward Jackson, and that action cannot be taken without any proof.

The city has requested any kind of video footage and information from the Sheriff's Office that would substantiate the allegation, Schroeder said.

"We believe in all human rights," Schroeder said in a statement. "So we will not discipline simply on rumors or hearsay, but we will act decisively if we determine guilt of discrimination."

He said Jackson does not have any history of discrimination.

The mayor said that Jackson, who previously was a lieutenant in the department, has worked hard to develop trust with the community during his time as chief.

"He's the one who has turned the department around quite a bit," Schroeder said.

He recalled one case in which students from an area high school wanted to lead a Black Lives Matters march.

Jackson coordinated the officers who were protecting the demonstrators and made sure they stayed far away enough so the students would not feel surrounded, Schroeder said.

The meeting is to be live streamed and may be viewed on the city's Facebook page.

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Opinion/Editorial

Free Speech 'Is A God-Given Right,' Unless Texas Lt. Gov. Dan Patrick Disagrees
By Bridget Grumet
Austin American Statesman

"Freedom of speech is a God-given right, and protecting that right is a top priority for Texans. We cannot allow social media platforms — the modern-day town square — to censor the views of Texans."

- Lt. Gov. Dan Patrick

"I will not stand by and let looney Marxist UT professors poison the minds of young students with Critical Race Theory. We banned it in publicly funded K-12 and we will ban it in publicly funded higher ed."

- Also Lt. Gov. Dan Patrick

The lieutenant governor is opposed to a diversity of views in academia, even as he harbors his own diversity of views on the merits of free speech.

Sometimes Patrick champions free speech. Sometimes he's downright hostile to it.

We saw more of the latter with Patrick's broadside last week against tenured faculty at public universities, particularly those who dare to engage with our nation's difficult history on race. Say something Patrick deems unacceptable and he will try to push you out of your job.

Other Texas Republicans have exhibited a similar cognitive dissonance, decrying "cancel culture" one minute, then demanding school libraries remove hundreds of supposedly objectionable books the next minute.

This might be a good time for a reminder about the First Amendment: It's not there to protect the expression of popular ideas or mundane assertions, the kind of speech no one cares to silence. It's there to protect controversial speech and uncomfortable ideas, to provide space for contrarian views because debate is essential to democracy.

There's no debate if there's only one set of accepted views. And if there's no debate, no forum for competing ideas, what's the point of our elections?

For what it's worth, Patrick is out of step with many Texans when it comes to legislating the content of history classes. A University of Texas/Texas Politics Project Poll taken this month found only 37% of Texans supported "limiting the use of teaching materials that emphasize racism in the history of the U.S." Half of Texans opposed such limits.

Not that Patrick cares about dissenting views. In a plain act of censorship, Patrick last year shut down a virtual panel discussion at the Bullock Texas State History Museum on "Forget the Alamo," a superb book that critically examines Texas' founding story. As president of the Texas Senate, Patrick twice pushed to revise the rules — really, to move the goalposts — so that bills backed by a shrinking GOP

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majority could make it to the floor without earning the support of a single Democrat.

Why engage in persuasion when you can steamroll over your critics?

Patrick has been crowing about the plans for UT to add a “Liberty Institute,” a think tank celebrating personal liberty and free markets. I wish his faith in the free-market economy was matched by a commitment to the marketplace of ideas.

Let people air their views. Let others challenge them. Trust that process to reveal which ideas are grounded in facts and sound reasoning and which ones wither under scrutiny. Universities are built for this kind of inquiry.

This is hardly a radical idea. In the landmark Sweezy v. New Hampshire case in 1957, the U.S. Supreme Court found that "a free society (depends) on free universities,” which must have the freedom to decide who may teach, what subjects may be taught, how they shall be taught and which students shall be admitted.

Perhaps Patrick could learn something from the 1917 downfall of Gov. James “Pa” Ferguson, whose campaign to fire certain UT faculty members blew up in his face.

Ferguson’s beef with those professors a century ago seemed more personal than ideological. His early attempts to pressure the regents to fire those men drew little attention.

“Of those who had heard of the trouble, probably a large minority sympathized with (Ferguson) on the general ground that ‘those white-collar professors’ needed a spanking,” one of the targeted staffers, John A. Lomax, recalled in a 1942 journal article.

But the public mood decidedly turned against Ferguson after people saw the extent of his overreach: replacing regents, calling a secret meeting to try to fire the university president, vetoing the university’s funding and deriding student protesters as “a mob of hoodlums.” The backlash against the governor renewed inquiries into his handling of state funds, leading to Ferguson becoming the only Texas governor to be impeached and removed from office.

Ferguson had declared his fight over the UT faculty was “clearly defined as to whether the University shall run the people of Texas or the people of the state run their own University."

He missed the point.

It’s not about who controls the dialogue. It’s about allowing free speech to flourish.

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Giving Professors Freedom, So Long As They Agree With Politicians
By Ross Ramsey
Texas Tribune

Dan Patrick wants to defund the profs.

The lieutenant governor said he’s in favor of academic freedom, but he said it in the middle of a news conference where he proposed cutting off tenure for professors at state schools, and threatening the funding of public universities that teach critical race theory, a line of study that he says makes “oppressors” of white people and “victims” of people of color.

“Go to a private school, let them raise their own funds to teach, but we’re not going to fund them,” he said. “I’m not going to pay for that nonsense.”

Here’s a prompt for a class discussion: CRT isn’t what made white people the oppressors and people of color the victims in Texas and American history. Argue for or against.

Patrick doesn’t want the variety of academic freedom that allows people to teach things he himself doesn’t agree with. It’s an old story: populist yahoos screeching at people in the ivory towers.

It makes a lie of the rest of what Patrick is saying — academic freedom and all that folderol — but it makes for a good speech in the tradition of blowhards like “Pappy” Lee O’Daniel and Huey Long.

Sanctimony is sanctimony, whether it comes from the top or the bottom.

Patrick got a quick response from the president of the University of Texas at Austin, the school where some defiant faculty members ruffled the lieutenant governor’s feathers by telling him to stuff it where it’s too dark to read. Tenure is intended to protect academics’ ability to consider, investigate and debate ideas without tiptoeing around popular culture, dogma, ambitious politicians and prim defenders of the status quo.

“Removing tenure would not only cripple Texas’ ability to recruit and retain great faculty members, it would also hurt Texas students, who would not be able to stay in state knowing that they will be learning from the very best in the country,” Hartzell wrote in a letter

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after Patrick's news conference. "It would also increase the risk of universities across the state making bad decisions for the wrong reasons."

That was bold, given his position — stuck between a lieutenant governor he wants to appease and a university community he was hired to lead. But in practical terms, getting rid of tenure in Texas, or threatening wayward professors from the confines of the Texas Capitol and the campaign trail, is a recruiting gift to universities in other states. Even California and New York.
The best academics tend to go to the best schools. Schools where politicians are telling you what can and cannot be taught don't stay in the running for very long.

It's bad news for public universities, from the big ones like UT-Austin and Texas A&M University to the small ones like Sul Ross State University and Texas Woman's University.

It could be a plus for private schools like Rice University in Houston, Texas Christian University in Fort Worth and Baylor University in Waco. They might have boards and donors meddling in their business, like all schools do, but they're not under the thumbs of elected officials. And they'd be free to offer tenure to any coveted academics unable to get industry-standard tenure offers from state universities.

Patrick wants to add language to the reasons a professor can be fired for "just cause" — including teaching of critical race theory as a potential firing offense.

His tenure argument included an appeal to normal people, who don't have tenure in their jobs. True enough, but it sounded funny coming from someone who effectively has four-year tenure terms between elections. Some professors get six-year tenure terms — the same length as a term on the Texas Railroad Commission.

If only we had a "just cause" clause for firing elected officials.

The characters change, but this politicians vs. professors fight isn't new. In his book "Lone Star Tarnished," Cal Jillson, a political science professor at Southern Methodist University in Dallas, wrote about an 1897 skirmish between UT-Austin and the Texas Legislature over the political leanings of some of the people at the college down the street from the Capitol.

The Legislature passed a resolution "requesting the regents of the University to exercise great care hereafter in selecting as members of the faculty only those who are known to be in sympathy with Southern political institutions, and further request them to cancel as soon as possible any existing contract with members of the faculty not so in sympathy."

In response, Jillson wrote, UT added William Stewart Simkins, a former leader of the Florida Ku Klux Klan, to the law school faculty.

Wonder if they're allowed to teach anything about that in public universities in Texas?

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From 'The Best Time In State Government' To … Whatever It Is Today
By Erica Grieder
Houston Chronicle

Perhaps the state of Texas has been breaking your heart lately. If so, state Rep. Garnet Coleman can relate.

"When you've done something for a long time, change and the unknown create apprehension," the Houston Democrat observed. But he does know how being directly involved in the political arena can affect people, especially these days.

"It turned me into an angry warrior. I didn't know how to turn it off," said Coleman, who is retiring at the end of this month after more than three decades in the Texas House. "The thing I say to myself is, whatever happens, I want to finish this process with my soul intact."

To be clear, Coleman is hopeful, as he ends this chapter of his life in public service. He's always hopeful, he told me Friday, about what humans can achieve, if they act with courage and empathy.

But aspects of our current political situation are scary, from his perspective, and demoralizing — and that's worth highlighting, as Coleman knows of what he speaks.

When a legislator retires after several decades of service, the result is a loss of institutional memory. And with Coleman's retirement, we're losing memories of how much different — and better — things in state government could be now.

"I call it the best time in state government. We were all trying, everybody was trying to get something good done," said Coleman, initially elected in 1991. "We may have disagreed on what the good was, but we were trying to make the state better."

He was first elected after incumbent state Rep. Larry Evans, a neighbor of his parents in Third Ward, died of a cocaine overdose. A special election was called accordingly. Coleman was working at the city of Austin's office of minority business affairs and had a longtime interest in politics.

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“I thought it was important, as did my parents,” Coleman explained. “You vote; you give money. When you’re part of a community, you nurture it.”

He graduated from the University of St. Thomas in Houston after studying political science, philosophy and theology, and he began his career as an intern for then-U.S. Rep. Mickey Leland of Texas’ 18th Congressional District.

His father, John B. Coleman, was a physician and, like many Black men and women of his generation, a civil rights advocate. “Because they had to be,” the younger Coleman explains.

In 1977, Dr. Coleman became the first African American to serve on the board of regents of Texas A&M University, a position he held for two terms and found meaningful. He was appointed by then-Gov. Dolph Briscoe, a Republican. At an encounter years later, Coleman, then a legislator, complimented Briscoe on his bravery. “I said, ‘Man, you’ve got balls.’ He thanked me.”

Well into the 1990s, Coleman continued, Republicans weren’t afraid to advocate for a more inclusive state. He cites George W. Bush, who was of course governor before being elected president, as an example: “I think he thought that the world will never be what it needs to be unless there are people who represent different points of view involved in government.”

More generally, he recalls, there was an ethos of mutual appreciation at that time, a respect for one’s colleagues on the other side of the aisle or from different walks of life, which would be treated as suspicious in the more toxic environment of today.

He recalls taking longtime colleague Pete Laney, a West Texas Democrat who served as Texas House speaker from 1993 to 2003, on a tour of Third Ward. Laney was known for encouraging legislators to represent their constituents rather than their parties: “Vote your district,” he would often say. And his own rural district had more in common with House District 147 than one might think, Coleman argues.

“If you’re Black in an urban area, and you’re rural and you’re white, you’re the same person,” he said. “You have the same needs. You need public education. The public sector has more of an impact on life.”

In hearing reflections like this, a painful question comes unavoidably to mind: What changed?

Coleman sighed and thought for a few moments.

“The world was divided on purpose, to get advantage,” he said.

After the 2000 election, Bush was succeeded as governor by Rick Perry, who never espoused bipartisanship as a virtue per se, though he himself was initially elected as a Democrat. Then came the rise of the tea party, a grassroots movement that essentially casts government as the enemy — a self-contradicting position for an elected official to take, Coleman observed dryly.

“Then government became the problem, or at least that’s what they were saying,” Coleman said. “How can you serve someplace, and do things in a place, that you think shouldn’t be there?”

Coleman — himself a ferocious advocate for better health care for Texans — has been candid about health issues he’s faced. He might have retired sooner, he suggested, if not for the fact that he wanted to be involved in this year’s redistricting cycle and to protect his district, specifically.

To a casual observer, House District 147 may look like most of the others: an incoherent blob drawn by gerrymandering artisans, in this case shaped like an ostrich or centaur, with its head in downtown Houston and Third Ward, and a neck running southeast to a body perched on Beltway 8. (The redrawn district is largely the same.)

“This is a district that by territory alone has a lot of power,” Coleman said. “I had three universities, three law schools, downtown, the museum district, the theater district — represented by a Black person!”

A number of Democrats are vying to replace Coleman in the Legislature, as are two Republicans in the heavily Democratic district.

“It’s the service that’s important,” Coleman said. He added: “Because I had that experience of a government that was working, whether it was Democrats or Republicans, I know it can be fulfilling. I know it doesn’t have to be what it’s become.”

The duration of Coleman’s tenure may give the impression that the outgoing legislator is older than he actually is. In fact, while he has had an august career, he’s just 60, about a month younger than former President Barack Obama, whose public service has continued since he wrapped up his second term as president. As will Coleman’s, he said Friday — even if he’s not sure, just yet, what forms that will take.

“I don’t think you retire from being a citizen,” Coleman said.

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# # #

Greg Abbott News

Gov. Greg Abbott's Two Most Vocal GOP Challengers Have Long Sought To Push Their Party To The Right
By Morgan O'Hanlon
Texas Tribune

On Texas GOP primary ballots, Don Huffines and Allen West are technically opponents who each want to unseat Republican Gov. Greg Abbott next week. But on the campaign trail, they've largely put up a united front as they appear together at events across the state with platforms that are nearly indistinguishable as they portray Abbott as insufficiently conservative.

That tactic doesn't seem to be garnering either of them enough support to unseat the incumbent. Abbott is expected to easily fend off all of his intraparty candidates in the March 1 primary and avoid a runoff for the party nomination, according to a recent University of Texas / Texas Politics Project Poll.

But for Huffines and West — the two most vocal and well known of Abbott's GOP challengers — losing the nomination won't necessarily mean they've lost ground in the larger goal both have long tried to achieve: moving the Republican party further to the right.

Their platforms call for drastically reducing property taxes or eliminating them outright. They say they would replace that revenue, which funds everything from Texas schools and city streets to local governments, with a much larger consumption tax — though neither candidate has named the amount by which they'd want to raise Texas' 6.25% state sales tax. They also would send more troops to the state's southern border — beyond the 10,000 Texas National Guard members already deployed under Abbott's Operation Lone Star. And they want to let parents use tax dollars to subsidize private or charter school education for their children.

Brendan Steinhauser, a political strategist and professor of political science at St. Edward's University in Austin, said those policy choices are key to the pair's shared goal of taking Abbott's job.

"They're looking to get to his right because they know that's the key to winning a Republican primary," Steinhauser said. "They're looking to move the debate to their ground."

Huffines, the former state senator, and West, the former chair of the Republican Party of Texas, have each taken different roads to become chief intraparty critics of the sitting governor. And they've long exhibited vastly different styles and motivations in their bids for public office, according to both friends and political foes.

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Huffines, a former real estate developer from Dallas, is known as someone who actually lives by the conservative values he espouses, according to those who know him.

“I think he's just an honest person,” said Republican former U.S. Rep. Ron Paul of Texas. “Today, sometimes that's hard to understand because you don't hear much truth from politicians … all we hear are lies and innuendos.”

West, on the other hand, is a former Florida congressman known as a brash and strategic man who uses his attention-grabbing persona to build a loyal fan base.

In the past year, that personality has been on display as he challenged a reporter in the Texas Capitol to a pushup competition and attended a protest against mask mandates outside the Texas Governor’s Mansion with a megaphone in hand.

“He relished people asking him about why he was doing something,” said Mitch Ceasar, who served as chair of the Broward County Democratic Party during West’s congressional term in that part of Florida. “Part of his intelligence is his desire to stake out a niche that's a little further out there than anybody else to get attention.”

From a military career to politics

During West’s 22 years in the military, he was deployed during the Gulf War and the Iraq War and achieved the title of lieutenant colonel. His military career ended after he was found guilty in 2003 of Uniform Code of Military Justice violations, including assault. According to testimony delivered in a hearing, soldiers under West’s command assaulted an Iraqi civilian. West subsequently threatened the man’s life and fired at least one shot inches from his head. West retired a few months later.

"I know the method I used was not right, but I wanted to take care of my soldiers," West testified during the investigation of the events, according to CNN. “If it's about the lives of my soldiers at stake, I'd go through hell with a gasoline can."

West did not respond to requests for comment for this article.

After retiring from the military in 2004, West moved to Florida, where he taught history and coached track at a public high school south of Palm Beach before moving on to work for a defense contractor. Although Allen won the Republican primary for Florida’s 22nd congressional district in 2008, he lost the general election, his first matchup against Ron Klein, by nearly 10 points. During the tea party movement’s first wave in the early 2010s, he gained traction on a platform against Obama-era policies like the Affordable Health Care Act (which had passed the previous year) and won against Klein by nearly 9 points.

Richard DeNapoli, the former chair of the Republican Party of Broward County, said West has a knack for eliciting loyalty from GOP voters.

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“I never saw that many volunteers except for when he ran,” DeNapoli said. “People got invested in Allen West.”

West won the 2010 race and during his first term voted to repeal “Obamacare” and called for an investigation into the attack on the U.S. consulate in Benghazi. Ceasar, the local Democratic party chair, said the freshman lawmaker was known in South Florida’s political circles for his outspoken comments calling U.S. House Democrats communists and comparing himself to Harriet Tubman.

West served only one term, though, after redistricting drew him out of his district and he lost a bid for another term in Congress. In 2014, he moved to Texas. The state first garnered his admiration after he saw the 1960 film “The Alamo” starring John Wayne, West wrote in his 2018 book “Hold Texas, Hold the Nation.”

“I was simply enthralled with men who would make a stand for freedom,” he wrote. “I will stand for conservative values and conservative success until the end, and I will make my stand in Texas.”

After West did stints at conservative Texas think tanks, Lt. Gov. Dan Patrick appointed him in 2015 to the state’s Sunset Advisory Commission, which evaluates governmental agencies and makes recommendations to improve their efficiency, sometimes by shutting them down. Then in 2020, West ousted James Dickey as chair of the Republican Party of Texas.

Houston attorney Mark McCaig said the Texas GOP under West’s leadership was more interested in attacking Republican officials than in communicating the party’s successes. In one instance of infighting, West led a protest outside Abbott’s home in October 2020 demanding pandemic restrictions be lifted immediately — in spite of Abbott’s announcement days before that major restrictions would be lifted the following week.

West stepped down as GOP chair last year after announcing his bid to officially challenge Abbott in this year’s primary.

West has campaigned across the state in an oversized, double-decker bus that matches his outsized personality. At campaign stops, West flexes his master’s degree in philosophy as he fits quotes from Karl Marx, Ronald Reagan, the U.S. Constitution, the Bible and a rolodex of military history into a matter of minutes.

At several candidate forums in January, West wielded his personal experiences in the military to empathize with the Texas National Guard troops who have described deplorable conditions and an unclear mission after Abbott deployed them to the Texas-Mexico border to stem a flow of migrants crossing into the United States.

“They don't have a defined task and purpose; they're just down there as bystanders, and they're away from their families,” he said at a candidate forum in Lake Travis last month,

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referring to the suicides of some Texas National Guard troops since they were deployed late last year.

West has also criticized Abbott for his pandemic response that reduced capacity or closed Texas businesses in 2020. He's recently referenced Florida on the campaign trail after Gov. Ron DeSantis last year signed legislation banning some coronavirus precautions, like vaccine requirements and mask mandates. West's comparisons between Texas and Florida came even though Abbott has also opposed mask mandates and vaccine requirements, largely through executive orders and lawsuits.

"I'm sick and tired of all my friends that I have back there in Florida calling me and telling me how great Ron DeSantis is doing and how great Florida's doing when Texas, the Lone Star, should be leading the other 49 stars on that flag," West said in Lake Travis last month.

Leaning on legislative experience

Huffines, the former state senator, has already appeared successful in influencing how Abbott governs on a number of hot-button topics, including pandemic-era safety mandates, border security and health care access for transgender children.

Huffines was born into a wealthy and influential North Texas family. His father ran successful car dealerships and banks and became involved with politics as a member of several statewide commissions. Huffines' twin brother also ran unsuccessfully for Texas Senate against Angela Paxton in 2018 and served a brief stint as the chair of the Dallas County GOP in 2016.

Although he was involved with several Republican campaigns, including Paul's, through the early 2000s, Huffines' political involvement was limited until after his father died in 2009, around the same time the tea party movement picked up steam.

Then, in 2014, he decided to run for office and took aim at a state Senate seat in North Texas. It pitted him against longtime Republican John Carona, who'd been in the Senate for 19 years. Huffines accused the incumbent of being a "career politician" who was primarily looking out for himself.

"I'm tired of being on the sidelines," Huffines said as he announced the campaign in late 2013.

Huffines ousted Carona in the primary and won the general election. But he said his frustration with intraparty politics solidified during his first GOP caucus meeting shortly after inauguration.

"They just get this brainwashing going on that elected office holders down there are the elitists of the world … and our loyalty lies with our fellow club members; it doesn't lie with the voters," Huffines told The Texas Tribune.

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The experience influenced his entire term in the Legislature's upper chamber.

"My battle was generally with Republicans when I was there. It wasn't necessarily with the Democrats," Huffines said. "It was mainly with Republicans because they're always trying not to be accountable, not to take the hard vote, because they campaign one way and they want to govern a different way."

In his first term, Huffines co-authored an early version of the bill that mandated burial of fetal remains after an aboriton — which was later struck down by a federal judge. Huffines also pushed legislation that would have made it more difficult to pass bonds, commonly used to fund projects in Texas school districts, by requiring 30% of all voters on the voter registration rolls cast a ballot even though such elections are known to draw out a small fraction of voters.

In 2017, he introduced a bill that would have allowed Texans to carry a firearm without a permit. He also authored resolutions that would have limited terms of the governor and other statewide elected officials to two four-year terms and would limit state legislators to 12 years in either chamber. Those bills didn't pass, but permitless carrying of firearms did become law after Huffines himself was ousted from the Senate.

In spite of the limited success of his own legislation, Huffines maintains that he delivered on his campaign promises like saving taxpayer dollars by fighting to close Dallas County Schools, a bus transportation agency, which was investigated by the FBI and ultimately shut down for mismanagement.

But Huffines was unseated in 2018 by Democrat Nathan Johnson. He believes Huffines' views are heartfelt, but said that's what makes him an untenable candidate for Senate District 16 voters.

"Huffines, in an odd sort of way to his credit, shares and stands by his convictions," Johnson wrote in a 2017 Facebook post. "Each day more SD 16 residents learn that his convictions make for harmful public policy."

Like West, Huffines hasn't shied away from controversial remarks. Last month, he referred to COVID-19 as "the Wuhan" — a reference to the Chinese city where the virus was first discovered — while answering a question about vaccine and mask mandates.

Referring to the coronavirus by its place of origin rather than its scientific name has been derided as racist and xenophobic since the pandemic began. And Huffines' references came after the number of hate crimes against Asian Americans skyrocketed during the pandemic.

Later during that panel, while answering a question about competition in the U.S. job market between domestic and international workers, Huffines without evidence accused Chinese international students of partaking in espionage.

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“One thing we've got a lot in our graduate programs in the universities here, and our Ph.D. programs, is a lot of communist Chinese students,” he said. “They're taking all of that information back.”

Last month, Jake Lloyd Colglazier, a staffer on Huffines’ campaign, was revealed to have made comments about white supremacy on YouTube and other social media platforms.

In response, Huffines said his campaign would not fire Colglazier because he does not believe in “cancel culture.” But Huffines distanced himself from the staffer, saying that he has more than 70 people on his payroll and did not know Colglazier.

In spite of his similarities to West and other candidates, Huffines maintains that he stands out among the field.

“I'm the only candidate running for governor that's been in the Legislature, been in the swamp as I say, and I can tell you I could not imagine being governor without having that experience,” he said.

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Abbott Directs DFPS To Investigate Use Of Puberty Blockers As Child Abuse After Attorney General Opinion
By Isaiah Mitchell
The Texan

Governor Greg Abbott directed the Texas Department of Family and Protective Services (DFPS) today to begin investigating the use of puberty blockers and other gender transition procedures as child abuse.

“Because the Texas Department of Family and Protective Services is responsible for protecting children from abuse, I hereby direct your agency to conduct a prompt and thorough investigation of any reported instances of these abusive procedures in the State of Texas,” Abbott’s letter reads.

“To protect Texas children from abuse, DFPS and all other state agencies must follow the law as explained in OAG Opinion No. KP-04.”

DFPS manages the state’s foster care system and is responsible for child protection. Under Abbott’s directive, the agency now has the duty to investigate the families of children who undergo these gender transition procedures.

Additionally, other state agencies now have the duty to “investigate licensed facilities where such procedures may occur,” according to Abbott’s letter.

The opinion Abbott references came out of the attorney general’s office just yesterday. In response to an official request by state Rep. Matt Krause (R-Fort Worth), one of the

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lawmakers who filed a bill in the regular legislative session to ban child gender modification, Attorney General Ken Paxton opined that current Texas law already defines endocrine and surgical treatments meant to aid a sex transition as abuse.

Under state law, any licensed professional that has direct contact with children — such as doctors or teachers — faces criminal penalties for failing to report child abuse.

The announcement follows a similar letter Abbott wrote to DFPS Commissioner Jaime Masters in August, asking the agency to treat genital transition surgeries as abuse under current law when performed on children. Masters agreed, responding to Abbott in a letter just days later.

Although there were citizens who testified during the regular session that they had undergone genital transition surgery before the age of 18, puberty-suppressing drugs and cosmetic surgeries like mastectomies are much more common for children. Since Abbott's August letter did not include these procedures, Krause's request to Paxton asked if the law might already deem them abuse.

Several Republicans filed legislation to ban these procedures during the regular session, but none received a floor vote in the Texas House. While some would classify these procedures as child abuse, thus authorizing DFPS to intervene in families, Krause's bill would have threatened doctors with penalties such as license suspension for performing these surgeries or administering puberty blockers.

During special sessions, the legislature can only consider topics that the governor allows. Abbott did not add the topic of child gender modification to the agendas of the three special sessions that followed the regular session.

While Abbott's letter is addressed directly to Masters, he also carbon copies the letter to directors of various state agencies, including the Texas Education Agency, the Texas Medical Board, and the Texas Behavioral Health Executive Council.

Alongside drugs "that induce transient or permanent infertility," the specific procedures that Paxton deemed abusive include surgeries to alter a child's genitals or reproductive system, surgeries to remove breasts, or any surgery that removes healthy or non-diseased tissue from the body.

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Administration News

Attacks Fly In Final Days Of Attorney General Ken Paxton's Primary Fight
By Patrick Svitek
Texas Tribune

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Attorney General Ken Paxton and his three Republican primary challengers are firing in all directions in the final days before the closely watched election.

Paxton is airing TV ads attacking U.S. Rep. Louie Gohmert of Tyler over his attendance record in Congress, while Gohmert is countering with his own commercial accusing Paxton of desperation. Meanwhile, Land Commissioner George P. Bush is running TV ads targeting Eva Guzman, the former state Supreme Court justice, who says Bush's claims are "ludicrous."

It is all making for a hectic end to the hotly contested primary, which recent polls suggest could go to a runoff. The polls have been less clear, though, on who Paxton could face in an overtime round. The election is March 1.

During a campaign stop Tuesday in Tyler, Bush reportedly proclaimed that he is heading to a runoff with Paxton, though his campaign now has Guzman in its crosshairs. His latest TV spot accuses her of a cardinal sin in today's GOP politics: opposing a border wall.

But Guzman is crying foul. She has long supported a wall in her campaign.

In the new 15-second commercial from Bush, a narrator says Guzman "opposes George P. Bush's plan to finish [former President Donald] Trump's wall, calling it a ploy." Bush's campaign said the claim is based on a mailer that Guzman recently sent out, quoting a December article from The Texas Tribune that said Bush's "border security strategy appears to be a ploy to score points with immigration hardliners who often swing the Republican primaries."

But that was a reference to Bush's prioritization of border security in his campaign, not any plan to finish the wall.

"From the moment I stepped off the Supreme Court and have been able to share policy positions, I have been unequivocal in my plan to use my legal experience to secure the border, and that includes building the wall," Guzman said. "It's been on my website and I mention it in every speech I give."

On her website, Guzman has a two-page border-security plan. The first bullet point is "Build the wall."

Asked for comment on the ad, Bush's campaign doubled down on the core accusation and criticized Guzman on several other fronts. Bush said in a statement that Guzman "has done nothing but launch personal attacks against me during this race." Guzman has hounded Bush over his decision to classify his law license as inactive from 2010 until 2020, which he has brushed off as an irrelevant formality while he has led the General Land Office.

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As land commissioner, Bush has had a visible role in Gov. Greg Abbott's plan to finish Trump's wall. In November, he authorized construction of the state-funded border wall on state-owned land and appeared alongside Abbott at the wall's debut the next month.

All the GOP candidates for attorney general are pitching themselves as tough on the border. It has been the sole subject of Bush's TV ads, which highlight his endorsement from the National Border Patrol Council. Gohmert has been talking about how he helped build Trump's wall by voting for it as a congressman. And Guzman has been running a TV ad in which she says her father was "killed by an illegal immigrant who disappeared and was never brought to justice."

Then there is Paxton, who has Trump's endorsement and is running on his legal battles with President Joe Biden over the border, among other issues. Paxton's TV ads tout his lawsuit last year that temporarily blocked the Biden administration's 100-day freeze on deportations of some undocumented immigrants.

Border issues remain a high priority for Texas Republicans. In a University of Texas poll released last week, 58% of Republicans called either border security or immigration the most important problem facing Texas today.

All of Paxton's primary foes have been assailing his ethics and integrity since the beginning of their campaigns. The incumbent has been under indictment on securities fraud charges since 2015 and more recently came under FBI investigation over claims by former deputies that he abused his office to help a wealthy contributor. Paxton has denied wrongdoing in both cases.

As for Paxton and Gohmert, the attorney general continues to go after the congressman's attendance record, saying he has missed over 800 votes during his 17 years in Congress. Paxton's campaign has concentrated the attacks in Gohmert's native East Texas, where Paxton himself has acknowledged Gohmert's support is the strongest.

Gohmert has missed 840 of 11,538 roll-call votes from January 2005 through February 2022, according to Gov Track. That absent rate — 7.3% — is "much worse than the median of 2.1% among the lifetime records of representatives currently serving," according to the website.

"If you pay a man to do a job, you expect him to show up for work," a narrator says in Paxton's latest anti-Gohmert commercial. "So why are we paying Louie Gohmert?"

Paxton is countering the commercial with his own in East Texas. It begins with Gohmert speaking directly to the camera, saying Paxton's "attacks on me are now revealing a real desperation."

When it comes to his attendance record, Gohmert says Paxton is making a mountain out of a molehill.

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"In contrast to Paxton's pattern of dishonesty and unlawful behavior brought forward by his own very top attorneys, these votes are basically procedural in nature, designed to get Congressional members to the floor so that leadership can whip votes, and are a tiny percentage of the thousands and thousands of votes cast," Gohmert said in a statement. "Once again, Ken fails to tell the truth to Texas voters, and his pattern of dishonesty is disqualifying as our state's top Attorney."

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State News

Dallas County Judicial Candidates For Hotly Contested Race Owe Thousands In Fines To The State
By Krista M. Torralva
Dallas Morning News

All three candidates in a hotly contested Dallas County judicial race owe fines to the state for failing to report their campaign donors on time. One candidate owes $33,000.

Amber Givens, a Democrat who presides over the 282nd District Court in Dallas County, is facing primary challenges from former judges Andy Chatham and Teresa Hawthorne for the felony court bench. The primary is March 1. There is no Republican candidate.

Judicial candidates must regularly report their campaign fundraising to the state – a step open government advocates call critical to ensuring judges' impartiality and transparency. State law requires candidates report to the state and to voters where their campaign fundraising is coming from. But a weak enforcement system allows candidates to get away with ignoring deadlines, thus keeping secret how much money they receive and the identities of donors.

Candidates with unpaid fines may continue running in elections in part because of the Commission's lack of resources, ethics expert and attorney Andrew Cates said.

Givens owed $500 for late filings as of Nov. 10, the last time the Texas Ethics Commission updated its list of delinquent filers. The incumbent last reported her campaign contributions in July, although at least two more reports were due in the months since.

Hawthorne owes a whopping $33,000 for being delinquent on filing with the commission. She was previously a judge for the 203rd District Court and previously ran unsuccessfully for Criminal District Court 3.

Chatham owed $5,800 as of November.

All three candidates said they had explanations for the late filings and fines.

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Andy Chatham
When asked about the money he owed, Chatham said he mailed a check to the Ethics Commission last week.

Chatham chalked his delinquency up to a mistake. He said he filed a campaign treasurer report with the state when he thought he might run for another position after his unsuccessful bid for re-election of the 282nd District Court in 2014 when he lost to Givens. He ended up not running, but he was still required to file campaign reports since he submitted a campaign treasurer report.

“I didn’t run, and I didn’t collect any money,” Chatham said.

Teresa Hawthorne
The Office of the Attorney General sued Hawthorne. And in August, a Travis County judge paved the way for the state to collect more than $32,000 in administrative penalties and $2,400 for the state’s legal fees.

Hawthorne told The Dallas Morning News that she has not made payments and does not believe she needs to. She provided The News with written communication with an Attorney General attorney dated May 13, 2019, – two years before the judge’s order – that showed the lawyer agreed not to seek an injunction against her if she filed her reports late. The AG’s office did not respond to requests for comment.

Hawthorne said her late filings were due to computer complications. She is up to date on her campaign finance reports, the commission website shows. She said she will make payments if necessary.

Amber Givens
Candidates are afforded opportunities to explain their late filings to the Ethics Commission and may not be penalized. That’s what Givens plans to do, her campaign manager Deneen Robinson said.

“We believe we have circumstances that will meet an exception and we will present those to the Commission,” Robinson said. She did not offer details.

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Former Texas State Sen. Kirk Watson Jumps Into Race To Be Austin's Next Mayor
By Ryan Autullo
Austin American Statesman

Kirk Watson, who was Austin's mayor from 1997 to 2001 before serving more than 13 years in the Texas Senate, says he hopes to be mayor again and is entering the race to follow Steve Adler in the November election.

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Clearing up months of speculation on his political future, Watson launched his campaign Tuesday morning in an email to supporters titled, "Let's do this!"

Watson — a Democrat who recently left his role as the first dean of the University of Houston's Hobby School of Public Affairs — also named a campaign treasurer, which allows him to begin raising money. Fundraising has been a strength of Watson's as a political candidate and figures to factor heavily in a race that elections insiders expect to be expensive and reach up to $1 million in spending for the winner.

His political prowess and name recognition gives Watson an advantage, as he was well thought of by Democrats at both City Hall and the Capitol. However, he must work to ingratiate himself to younger voters and new residents unfamiliar with that work.

Why is former Sen. Kirk Watson running for Austin mayor?
Watson, 63, is the fourth major candidate to enter the race, joining Jennifer Virden, a real estate agent and former Austin City Council candidate, state Rep. Celia Israel, D- Austin, and Austin City Council Member Kathie Tovo. (Because of term limits, Adler can't seek reelection.)

Tovo has not formally launched her campaign, but previously said she plans to run and has filed an updated campaign treasurer form.

No other candidates of note are expected in the race.

"I’m running for mayor because there’s more to do," Watson wrote to his supporters. "I want to ensure that our city effectively addresses the range of issues that will define our future. Austin should be thinking big. We should be setting and achieving aspirational goals. And we should be able to do those things while still providing basic, day-to-day services."

Former state Sen. Kirk Watson speaks during an event at Huston-Tillotson University this past October. Watson, who was Austin's mayor from 1997-2001, said Tuesday he is entering the race to replace current Mayor Steve Adler.
More:State Rep. Celia Israel launches exploratory committee for Austin mayor in 2022

Watson first discussed running for mayor last August in a conversation with the American-Statesman. At that time, local political consultant Mark Littlefield said Watson would be tough to beat but not unbeatable.

In naming his campaign priorities, Watson touched on many of the biggest challenges the city faces as it has experienced rapid growth and become a hub for major technology corporations. When Watson left office 21 years ago, Austin's population was 669,693. Last year, the city said its population was 1,026,833, although the U.S. Census Bureau had it at just under 1 million.

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Watson said he will prioritize addressing the rising cost of living in Austin, as well as the city's homelessness crisis, systemic racism, public safety, transportation and managing long-term success.

"Being the mayor is the most rewarding experience I've had in my public life," Watson told the Statesman.

The term Watson is running for will be two years, not the usual four years, after voters last year approved a ballot proposition to align mayoral races with presidential year elections. The mayoral race will return to the ballot in 2024, and whoever wins this year will be eligible for reelection.

Tyson Tuttle, who recently stepped down as CEO of Austin-based technology company Silicon Labs, had contemplated running for mayor this year but said he will not. Lawyer Adam Loewy, once interested in the position, also said he will not run.

Kirk Watson was Austin's mayor from 1997 to 2001. What did he accomplish?
In Tuesday's announcement, Watson highlighted Austin's successes with him as mayor. Among them, he said, were: increased police oversight through the creation of the city's police monitor office; the creation of affordable housing programs; and successful bond measures to safeguard thousands of environmentally sensitives acres of land, expand greenbelts and to protect Barton Springs.

Austin also secured hundreds of millions of dollars in transportation funds and created the Downtown Austin Community Court, which connects people experiencing homelessness to services.

Kirk Watson was Austin's mayor from 1997 to 2001 and then served more than 13 years in the state Senate before becoming the first dean of the University of Houston's Hobby School of Public Affairs.

Watson stepped down as mayor to run for Texas attorney general, losing to Republican Greg Abbott in 2002. Watson is an attorney with a law degree from Baylor University.

In 2006, Watson was elected to the Texas Senate and stayed there until he stepped down in 2020 to take the University of Houston job. The vacancy created by his exit generated significant interest in an election that included state Rep. Eddie Rodriguez, D-Austin, and former Austin City Council Member Don Zimmerman, but was won by Sarah Eckhardt, the former Travis County judge.

The Senate district includes the northern half of Travis County, most of Austin and all of Bastrop County.

In the Texas Senate, Watson carved out a niche for working with Republicans to improve bills and improved government transparency by strengthening the Open Meetings Act and improving access to government contracts. He spearheaded efforts to bring the Dell

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Medical School to the University of Texas, the first item in his "10 goals in 10 years" health care and economic development initiative launched in 2011.

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Nine Austin Cops Are Accused Of Shooting And Injuring One Woman During The 2020 Protests Against Police Brutality
By Sneha Dey
Texas Tribune

Nine of the 19 Austin police officers facing charges for allegedly using excessive force during the May 2020 racial justice protests — including Texas House candidate Justin Berry — are accused of shooting lead-pellet beanbag rounds at the same woman, according to indictments released by the Travis County District Attorney on Tuesday.

Each of the 19 officers is charged with two counts of aggravated assault, a first-degree felony when committed by law enforcement. The charges are punishable by five to 99 years in prison, or a fine of up to $10,000.

The indictments accuse the officers of using deadly weapons to injure 11 demonstrators and threatening them with serious bodily injury during protests on May 30 and May 31, 2020, over the deaths of George Floyd in Minneapolis and Michael Ramos in Austin. The indictments do not provide many new details about the claims against the officers, but they allege that most of them used shotguns to fire beanbag rounds on the protesters and that one officer used a 40 mm launcher.

Nine officers — Todd Gilbertson, Alexander Lomovstev, Stanley Vick, Joshua Jackson, Jeremy Fisher, Christopher Irwin, Brett Tableriou, Joshua Blake and Berry — are accused of threatening and using shotguns to injure demonstrator Christen Warkoczewski, the indictments say.

According to the Austin Chronicle, Warkoczewski was on the Interstate 35 bridge with other protesters when police launched tear gas canisters. She told the Chronicle she placed a traffic cone over a canister and ran about 10 feet before officers shot her in the face and ankle. Warkoczewski said a lead-pellet beanbag round hit her jaw and that she had to go through surgery to have it removed.

Warkoczewski filed a lawsuit against the city in August, according to the Chronicle. Her attorney could not be reached for comment Tuesday.

Berry, who is running in the Republican primary for Texas House District 19, has described the indictments as a political stunt from a Democratic district attorney who won office after promising to hold law enforcement accountable.

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“The question is not how the prosecution will turn out,” Berry said in a statement late Friday. “We will be acquitted. The question is: When police are treated like this, who will want to become police officers?”

Central Texas’ House District 19 largely covers suburbs and Hill Country towns west of Austin.

Austin police officers John Siegel, Edward Boudreau, Derrick Lehman, Kyu An, Nicholas Gebhart, Joseph Cast, Jeffrey Teng, Kyle Felton, Eric Heim and Rolan Rast were also indicted.

Almost all the officers’ cases involve protesters who were hit by beanbag rounds or rubber bullets, according to Travis County district attorney's office documents. Austin police have described beanbag rounds as a “less lethal” weapon but stopped using them in crowd situations after the 2020 protests.

Defense attorney Doug O’Connell, who is representing eight of the indicted officers, said not all his clients fired their weapons on protesters. All of his clients were following orders from the department’s leadership during the protests, he added.

“The decision to impact these people or beanbags was ordered or otherwise authorized by the highest levels of APD command,” O’Connell said at a Monday news conference. “These aren't a few rogue officers doing what they wanted to do.”

Travis County District Attorney José Garza said in a news conference Thursday that protesters injured by law enforcement sustained significant injuries. “Some will never fully recover,” Garza said.

Some of the demonstrators named as victims in the indictments have also filed civil lawsuits against Austin. Justin Howell — whom Teng is accused of injuring — had a fractured skull and brain damage as a result of being struck with beanbag rounds. Austin police have said officers were aiming at a nearby man that had thrown a water bottle. Felton is accused of firing against Anthony Evans, who was hit by beanbag ammunition as he walked away from the demonstration. Evans sustained a fractured jaw as a result. In a settlement last week, Howell received $8 million, and Evans received $2 million.

The accused officers have been placed on administrative duty until the indictments are resolved at trial, but O’Connell said it could take up to a year for the cases to reach that point. It is too soon to tell if the officers will be tried separately or together, he added.

O’Connell said the eight officers he represents have all reported to Travis County jail, where they were fingerprinted, photographed and released on a $1 cash deposit bond after they received arrest warrant affidavits.

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El Paso Indian Tribe Spars With Texas At U.S. Supreme Court Over Electronic Bingo Devices

By Hayden Sparks
The Texan

The U.S. Supreme Court heard oral arguments on Tuesday in a dispute over gambling regulations that has been simmering for decades between the State of Texas and an El Paso area Indian tribe.

The nation's high court granted an appeal in Ysleta del Sur Pueblo v. Texas last October. In court documents, the State of Texas contended that the tribe had "buyer's remorse" after its 1987 Restoration Act, in which the tribe agreed to comply with Texas law concerning gambling.

The Fifth Circuit Court of Appeals decided in 1994 that Texas has the authority to regulate the tribe's gambling activities. Part of the question before the Supreme Court is whether the Fifth Circuit's decision was sound.

The arguments centered on a 1987 decision by the Supreme Court, California v. Cabazon Band of Mission Indians, that state and local governments do not have the authority to regulate gambling activities on tribal reservations except in cases where the federal government specifically confers that authority to the local jurisdiction.

Brant Martin, the pueblo's attorney, characterized the matter in his argument as one of tribe sovereignty.

"The question this case presents is whether the Restoration Act subjects the pueblo to Texas' time, place, and manner restrictions as it relates to games that Texas does not flatly prohibit. It does not," Martin argued.

"In the Restoration Act, Congress codified the Cabazon Band framework and specifically foreclosed Texas' regulatory authority over the tribe's gaming activities."

Representing the State of Texas, attorney Lanora Pettit contended that the pueblo is trying to shimmy its way out of the 1987 Restoration Act, which granted the pueblo federal status but included language that required it to comply with Texas gambling laws.

"In the 1980s, everybody in this case wanted something. The tribe wanted federal recognition, and was willing to cede some of its sovereignty," Pettit argued. "Texas wanted to avoid high-stakes gambling, which it saw as an invitation to organized crime, and was willing to cede some of its jurisdiction."

Pettit went on to argue that the pueblo is seeking to "rewrite this legislative bargain."

The court challenged Martin on whether the machines at the tribe's Speaking Rock Entertainment Center were legitimate electronic bingo devices or slot machines. Though

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the federal Indian Gaming Regulatory Act of 1988 generally permits Indian tribes to offer games such as bingo, Texas has contended that these devices are "Las-Vegas-style slot machines."

Pettit also argued that bingo is only allowed under Texas law in a narrow set of circumstances, such as for charitable organizations and as a defense to prosecution in cases of low-stakes bingo.

Voters in all or part of 226 of Texas' 254 counties have legalized bingo via ballot referendum and 1,300 organizations are licensed to provide charitable bingo, per the Texas Lottery Commission.

Martin contended that the Cabazon case created a special definition of "prohibition" in the context of tribal gambling and that the tribe is within its rights to offer bingo because the game is not categorically banned in Texas.

"This Cabazon distinction presents a wealth of complicated and quite frankly weird questions, and the slot machine would just be one of a thousand of them," Justice Elena Kagan said.

"Cabazon tells us to make a distinction between 'prohibition' and 'regulation' when most of regulation prohibits certain things and then you're stuck in the middle of trying to figure out what's a prohibition and what's a regulation."

Justices seemed intrigued by the implications of the Cabazon case and whether the Restoration Act requires Texas to allow the pueblo to regulate its own gambling activities if they are not entirely banned by state law.

"This is an odd case. I haven't seen in decades briefs that were so full of legislative history and pre-enactment this or post-enactment that," Chief Justice John Roberts said.

The Restoration Act in question included the Alabama-Coushatta (AC) Tribe of Texas, which submitted briefs in the pueblo's case. The AC Tribe won a victory of their own last year at the federal district court level against the state's efforts to shutter ostensibly illegal gambling devices at Naskila Gaming, the AC Tribe's Livingston entertainment center.

Gambling remains mostly illegal under the Texas Constitution. Texas lawmakers barely touched the issue during the 87th Legislature's regular session, though in November voters did approve the Legislature's proposed constitutional amendment to allow charitable raffles at some rodeos.

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Abilene Citizens Turn In Over 10,000 Signatures For Petition To Outlaw Abortion
By Isaiah Mitchell
The Texan

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On top of all the regular controversy of November midterms, several cities around Texas are poised to put ordinances outlawing abortion on their local ballots this fall.

A group of Abilene citizens turned in over 10,000 petition signatures in support of an ordinance outlawing abortion to the city secretary this afternoon. If a valid number of these signatures are certified, the city council will have to consider the proposal, according to the city charter.

Then, if the council rejects the ordinance, it will go to the citizens in a municipal election.

Local pastor Scott Beard, a member of the committee that began the petition process, said they hauled in the signatures by the ream on a hand truck.

“It was a cool sight walking in with four big buckets, fifteen gallon bins of signatures. We had them on a dolly when we rolled them in,” Beard said.

The same process has been proceeding in other cities as well.

The City of Lindale recently certified a petition to outlaw abortion and scheduled a hearing for it on March 24. If the council rejects the petition at its next meeting, which will likely be April 5, then the ordinance will go to a general vote.

Plainview was the first town where activists did not seek regular passage through the council before pursuing a citywide vote. The founder of the “Sanctuary Cities for the Unborn” initiative, Mark Lee Dickson, said he already knew city attorney Matt Wade would strongly advise the council to avoid or reject the ordinance. Wade serves as a city attorney for several other cities as well as Plainview and has consistently advised city leadership to avoid the proposal.

After the City of San Angelo accepted a petition in support of an abortion ban, Mayor Brenda Gunter told the public that the ordinance would go to the November ballot, signaling that the council will reject it after the hearing scheduled on March 1.

The remark prompted Dickson and the local citizens involved in the effort to speculate that San Angelo city leadership violated the Open Meetings Act by deciding the fate of the ordinance outside of the public political process.

Gunter fired back, denying that city leadership has worked behind the scenes to push the proposal to the November ballot.

“I have said repeatedly from the very beginning when Mr. Mark Dickson showed up to my restaurant to have a discussion with me… I said to him then and I say it again. I want the voters, our citizens, to have an opportunity to vote on this issue,” Gunter said.

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"We have not, I have not worked behind the scenes to get the outcome that I want. I have used the legal system to get a direction — meaning a vote of the council."

Additionally, the East Texas town of Jewett outlawed abortion last week on February 15 by a unanimous city council vote, becoming the 40th city in Texas to pass a local abortion ban.

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Education

Texas Requires Tutoring For Kids Failing STAAR. But Here's Why Schools Won't Be Able To Meet The Law
By Emily Donaldson and Talia Richman
Dallas Morning News

Staff shortages and scheduling complications threaten to derail Texas' major push to catch up students who fell behind during the pandemic.

A new law – approved by state legislators last year – essentially requires schools to provide at least 30 hours of tutoring in each subject that a student failed or missed on state exams.

Texas had more than 2 million failed exams among elementary and middle schoolers. Some students may have failed multiple tests and even more did not sit for the State of Texas Assessments of Academic Readiness, or STAAR.

Districts drew from billions in federal pandemic aid to hire tutors in a competitive job market and reworked their calendars to accommodate extra learning time. But they faced immense challenges finding enough staff or hours in the day.

Now, many school leaders say they won't be able to get their kids the required intervention time. And even in districts determined to follow the letter of the law, officials aren't sure the prescriptive statewide approach is best for children facing immense learning loss.

"It's physically impossible for us to meet the requirements of [the law] under the current model," Dallas Superintendent Michael Hinojosa said.

DISD won't be able to meet the law's requirements by the end of the school year, but he doubts others will either, the superintendent stressed.

Some legislators didn't expect schools to fulfill the law this year given the pressures of the pandemic. Rep. Dan Huberty, R-Kingwood, attempted to lessen the requirements during a special legislative session, but his proposal didn't receive traction.

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“We’re asking them to do the best they can,” he said, noting that the Legislature will likely study the issue in the coming months so lawmakers can tweak the bill in 2023.

The Texas Education Agency backed off full enforcement as well, telling districts that officials don’t plan to strictly enforce compliance in this first year “as long as districts are making reasonable efforts to meet the requirements and there is no evidence of willful non-compliance.”

Agency spokesman Frank Ward acknowledged the potential impact of students not getting the mandated tutoring.

“This would mean that students entitled to vitally important supplemental instruction may not be prepared to engage and be successful with grade level material now and in the future,” he wrote in an email.

Stringent state guidance has districts scrambling to fulfill required administrative tasks on top of other challenges as they face their third school year impacted by the pandemic.

“We want to be able to respond to our kids’ needs, but this bill has made us react,” said Mary Webb, Frisco’s director of elementary teaching and learning. “The thought behind [the law] was a good thought. But when you put all these rules and one way of doing it when you’re in this state, it’s not going to meet everything.”

For example, if an eighth grade student failed or missed all four STAAR exams, he could be looking at 120 hours of tutoring.

Rep. Harold Dutton, D-Houston, author of the legislation’s provisions that Texas’ schools are struggling to fulfill, acknowledged the challenges districts are facing. But the lawmaker cautioned against giving up on fulfilling any of the mandates of his House Bill 4545.

“I hope it engenders a conversation about how we go about improving public education not only for all children but children who are at the bottom,” he said. “We have to recognize that we don’t have any choice but to get them off the bottom, and it’s to our benefit to do that.”

Not enough tutors or time

When Dallas officials first estimated it would take 1,800 openings to staff the district’s ambitious tutoring plan, families and community members began to realize the enormous effort needed to tackle pandemic learning loss.

But the total number of tutors needed in DISD is larger than even those eye-popping projections, said Derek Little, the district’s deputy chief of teaching and learning. In the months since DISD started planning its tutoring program, the district discovered how challenging it was to both find enough tutors and time to get students their required intervention.

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Wanted in Dallas ISD: 1,800 tutors to help students catch up after COVID-19 disruptions Dallas ISD will pay for three hours of after-school programming five days a week at 61 schools, featuring tutoring hubs, athletics and the arts. At the same time, the district is also bulking up its pool of tutors.

“Hiring in general, not just for tutors, but for anything in education, and beyond education, is super challenging right now,” Little said.

Schools across the region are struggling to find enough people to teach, drive buses and sub-in for those who fall ill. Some campuses had to briefly shut down earlier this year because of staffing issues.

As a result, the district has offered three ways to match campuses with tutors: Principals can choose to partner with a vendor who may bring in tutors from across the country to work with students virtually; use district staff; or tap a local community organization.

Some teachers also put in extra time tutoring their own students, said Shannon Trejo, the district’s chief academic officer.

Even with so many hands helping out, finding time to get all students their required interventions is a struggle. Research shows that tutoring during the school day works best, but the law limits when students can be pulled out of classes.

For instance, students can’t be pulled from recess, core instruction or extracurricular courses. It’s easier to manage the limitations at an elementary level, Little said, because the blocks of classes are longer.

So if there’s not enough time to fit in tutoring during the school day, some students are having to choose between attending band or football practice and going to tutoring after school, he added.

DISD will continue tutoring into this summer, although the number of students who will get served out of the 40,000-plus group required to receive intervention is a moving target based on staffing.

Meanwhile, since the district can’t serve everyone, officials are prioritizing reading and math over science and social studies. They are also keeping equity in mind when choosing who gets access to limited resources.

This is the right approach, Huberty said. The retiring lawmaker encouraged districts pressed to reach each student in need to focus on reading interventions, followed by math, with emphasis on the children who are the most behind.

In Cedar Hill, schools use “Longhorn Time” – a roughly 45 minute to an hour block during the school day – to do learning interventions. The district is leaning on retired

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educators to drill down on students' individual needs, but it's difficult to meet the three-to-one ratio set out in the law.

"Some of the parameters that have been placed here make it almost impossible for school districts to implement," assistant superintendent Shemeka Millner-Williams said.

Still, educators know individualized attention can make a difference and is an important tool for combatting learning loss so they are doing what they can to tutor kids who need the extra help.

"I do feel like tutoring has helped move some of our kids who are in those lower two tiers of instruction back to a more grade level-like performance," she said.

Looking ahead

The coming months will likely bring studies and hearings on learning loss to the statehouse, providing an opportunity for lawmakers to come up with ideas to refine the legislation.

Huberty said this will give school leaders a chance to provide input on how to make the law better.

In Frisco – a high-performing district – officials want the flexibility to to put together individualized plans based on their own community needs.

"Our concern is that the rules, the logistics, the compliance pieces put in place, put an overburden on the system with what the teachers have to do," chief academic officer Wes Cunningham said. "The meetings that have to take place, the 30 hours that are mandated. Why 30 hours?"

The method for identifying children in need of tutoring also complicates matters. Districts were required to administer the STAAR test in-person last year, even as many children remained in virtual learning.

About 7% of Frisco students did not take tests, which could have automatically triggered the additional tutoring.

"Some of the kids may have needed the accelerated instruction. Some of those students may have been performing fairly well," said Gary Nye, Frisco's assessment and accountability director.

Frisco administered a second set of tests for some students to identify which children were on grade level and could sidestep the 30-hour requirements. But they're worried that won't be possible next year.

Little hopes lawmakers revisit the constraints on when students can receive tutoring to make it easier to provide intervention during the day. He also hopes lawmakers study

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how to do required tutoring at the high school level. Those students take end-of-course tests and could pass the class and move on to a new subject even if they failed STAAR.

“If I’m in a geometry course and you’re still providing me tutoring for algebra, it’s just a bit disjointed,” Little said.

There’s also a need to explore additional resources for tutoring Spanish-speaking students, the DISD administrator said. Roughly one in five Texas students are learning English as a language in public schools.

Despite the obstacles, education officials stress the importance of offering tutoring.

“It is top five, one of the best things you can do for students,” Little said. “We believe in it.”

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Energy

Exclusive: As Demand For Solar Soars, Sunnova Energy Nearly Doubles Its Office Footprint In Houston
By Marissa Luck
Houston Chronicle

With demand for renewable energy soaring across the U.S., solar energy services firm Sunnova Energy is nearly doubling its real estate footprint in Houston as it plans to double its customer count by the end of next year.

The residential solar energy provider recently signed a lease for a about 64,000 square feet of office space outside of Beltway 8, where it plans to set up a customer service center. The facility is near Bellaire Boulevard and Eldridge Parkway in west Houston.

Within the next week about 120 customer service representatives are expected to begin moving into the new digs from Greenway Plaza, where Sunnova still plans to maintain its 71,000-square-foot headquarters.

Sunnova Energy’s expansion bolsters Houston’s burgeoning renewable energy sector, which has grown considerably in the past decade since the company was first founded by Chief Executive Officer John Berger.

“The company is going through pretty incredible growth and we want make sure that our service levels match the growth,” said Kelsey Hultberg, executive vice president and chief of staff at Sunnova Energy. “There's no better place to do it than here in our own backyard.”

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The company previously said its plans to double its customer count by the end of 2023 from its level at the end of 2021. Sunnova had about 176,900 customers as of Sept. 30, 2021.

Even as supply chain constraints and rising solar pricing tempers some of the growth in residential solar power, the U.S. Department of Energy still expects small-scale solar installations to rise by 4.4 gigawatts in both 2022 and 2023. In Texas, solar power is expected to be able to produce as much as 19,520 megawatts by December 2022, according to grid operator the Electric Reliability Council of Texas. One megawatt of electricity is enough to power about 200 homes on a hot summer day.

Sunnova Energy is hedging for future growth with its new west Houston call center, said Ellen Bock, vice president of customer relations. The new space will accommodate future additions to the customer service team, although Bock declined to provide specific head growth projections. Beyond hiring, investments in technology and automation could also support the expanded customer base.

Sunnova maintains call centers in Belize and El Salvador, but Houston is its main base for customer service support. Sunnova Energy has about 800 employees across 25 states, including about 425 employees in Houston.

Sunnova worked with Cushman and Wakefield's Chad Beck and Chris Oliver to sign the seven-year lease in January. The lease included furniture, enabling the company to quickly begin operating out of some spaces on the first floor of the building while construction starts soon on building out the remaining space.

Working with architecture firm Gensler, Sunnova is planning to create wellness rooms and mothering rooms for employees, plus a large cafe, a relaxation/break room area and lockers. The new facility will also have a large training lab where employees can see up close the solar panels and battery storage packs Sunnova customers have installed on their properties.

The company picked the west Houston location because of its low risk of flooding, access to an on-site power generator, and its proximity to where most of its customer representative employees live, Hultberg and Bock added.

For its headquarters at 20 Greenway, Sunnova is also working with Gensler to convert the former customer service space there into a so-called command center, Hultberg said.

"Prior to COVID … we were expanding and we were really kind of busting at the seams a little bit within 20 Greenway," said Hultberg. "Now with more people back into the office we quickly realized we really needed a (bigger) space for our customer care team."

The company, which releases its fourth quarter results at market close Feb.23, posted a net loss of $116.3 million in the first nine months of last year - 35 percent lower than the

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losses from the prior year. However its revenue surged to $176 million in the first nine months of last year, a 43 percent jump from the same period the year earlier.

Sunnova Energy becomes the latest renewable energy firm to expand its real estate footprint recently in Houston. Last week, renewable natural gas firm Archaea Energy confirmed it was moving its headquarters into 40,000 square-foot office at M-K-T in The Heights. And Japanese-utility company JERA Energy, which focused on LNG but is rapidly growing in renewables, recently doubled its office footprint with a move from the Galleria to downtown.

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Transportation

American Airlines Cancels Hundreds Of Flights At DFW Airport Ahead Of Icy Winter Forecast
By Kyle Arnold
Dallas Morning News

American Airlines and its regional carriers have canceled hundreds of flights in and out of DFW International Airport on Wednesday and Thursday, ahead of forecasts that predict freezing temperatures and icy precipitation.

More than 600 flights in and out of DFW Airport have been scratched for Wednesday and another 450 have already been canceled for Thursday with temperatures below freezing moving into the area overnight into Wednesday and forecast to stick around most of the day, according to Flightaware.com.

“This week’s winter storm is expected to have a significant impact on our operation, especially in Dallas-Fort Worth (DFW),” said American Airlines spokeswoman Yamleque in a statement. “The vast majority of impacted flights have been canceled in advance so we could proactively notify and accommodate our customers and avoid last-minute disruptions at the airport.”

Fort Worth-based American, which counts DFW as its largest hub, has issued a travel advisory for a dozen airports in Texas, Oklahoma, Arkansas and Missouri. The advisory allows customers to rearrange flights without paying higher fares for the same routes at later dates.

DFW Airport spokesman Brian Brooks said airport staff is monitoring the weather along with the National Weather Service.

“Airport operations are prepared to begin treatment of runways and taxiways on the airfield, and bridges, overpasses and roadways on the landside of the airport, ensuring the safety of customers and employees,” he said in a statement.

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The cancellations account for about a third of all flights in and out of DFW on Wednesday.

Southwest Airlines, which is headquartered at Dallas Love Field, has canceled about 75 flights systemwide and is monitoring the storm, Southwest spokeswoman Brandy King said. Dallas Love Field did say in a social media message that it is "monitoring the weather and stands ready to treat and clear surfaces to allow for safe operations."

So far, American has canceled about 8% of its flight schedule for Wednesday. Envoy Air, the regional carrier for American, has canceled nearly a quarter of its flights, more than 200 in all.

SkyWest, another regional carrier that flies for American, has cut more than 100 flights, mostly out of DFW and Denver International Airport, which is also forecast to get a round of winter weather Wednesday.

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Criminal Justice

Texas Police Chief Accused Of Using Racial Slur At Scene Of Murder Investigation
By Jacob Beltran
Houston Chronicle

The Castroville police chief is accused of using a racial slur while at the scene of a slaying in Medina County earlier this month.

Chief Brian Jackson is alleged to have used the slur on Feb. 5 as multiple law enforcement agencies were investigating the discovery of a body near Houston Street and Highway 90, city officials said.

Hill Country Headlines: Top stories from the booming region, delivered to your inbox

City Council was expected to discuss Jackson's employment status during a meeting at 5 p.m. today.

Castroville Mayor Darrin Schroeder said in a phone interview Tuesday that internal actions have already been taken, but he could not elaborate because they relate to personnel matters.

"We don't take this lightly," Schroeder said. "Discrimination and racism is a huge problem in our country and the world, and it can't be a problem in Castroville."

The slur was reportedly used at least three times in front of a Medina County sheriff's deputy equipped with a body-worn camera, a source told KSAT.

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Medina County Sheriff Randy Brown overheard the language used in the footage and alerted the city, he told the news station.

Brown could not be reached for comment as of Tuesday afternoon.

Schroeder said that the city is investigating the allegation and proceeding with due process toward Jackson, and that action cannot be taken without any proof.

The city has requested any kind of video footage and information from the Sheriff's Office that would substantiate the allegation, Schroeder said.

"We believe in all human rights," Schroeder said in a statement. "So we will not discipline simply on rumors or hearsay, but we will act decisively if we determine guilt of discrimination."

He said Jackson does not have any history of discrimination.

The mayor said that Jackson, who previously was a lieutenant in the department, has worked hard to develop trust with the community during his time as chief.

"He's the one who has turned the department around quite a bit," Schroeder said.

He recalled one case in which students from an area high school wanted to lead a Black Lives Matters march.

Jackson coordinated the officers who were protecting the demonstrators and made sure they stayed far away enough so the students would not feel surrounded, Schroeder said.

The meeting is to be live streamed and may be viewed on the city's Facebook page.

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Opinion/Editorial

Free Speech 'Is A God-Given Right,' Unless Texas Lt. Gov. Dan Patrick Disagrees
By Bridget Grumet
Austin American Statesman

"Freedom of speech is a God-given right, and protecting that right is a top priority for Texans. We cannot allow social media platforms — the modern-day town square — to censor the views of Texans."

- Lt. Gov. Dan Patrick

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“I will not stand by and let looney Marxist UT professors poison the minds of young students with Critical Race Theory. We banned it in publicly funded K-12 and we will ban it in publicly funded higher ed.”

- Also Lt. Gov. Dan Patrick

The lieutenant governor is opposed to a diversity of views in academia, even as he harbors his own diversity of views on the merits of free speech.

Sometimes Patrick champions free speech. Sometimes he’s downright hostile to it.

We saw more of the latter with Patrick’s broadside last week against tenured faculty at public universities, particularly those who dare to engage with our nation’s difficult history on race. Say something Patrick deems unacceptable and he will try to push you out of your job.

Other Texas Republicans have exhibited a similar cognitive dissonance, decrying “cancel culture” one minute, then demanding school libraries remove hundreds of supposedly objectionable books the next minute.

This might be a good time for a reminder about the First Amendment: It’s not there to protect the expression of popular ideas or mundane assertions, the kind of speech no one cares to silence. It’s there to protect controversial speech and uncomfortable ideas, to provide space for contrarian views because debate is essential to democracy.

There’s no debate if there’s only one set of accepted views. And if there’s no debate, no forum for competing ideas, what’s the point of our elections?

For what it’s worth, Patrick is out of step with many Texans when it comes to legislating the content of history classes. A University of Texas/Texas Politics Project Poll taken this month found only 37% of Texans supported “limiting the use of teaching materials that emphasize racism in the history of the U.S.” Half of Texans opposed such limits.

Not that Patrick cares about dissenting views. In a plain act of censorship, Patrick last year shut down a virtual panel discussion at the Bullock Texas State History Museum on “Forget the Alamo,” a superb book that critically examines Texas’ founding story. As president of the Texas Senate, Patrick twice pushed to revise the rules — really, to move the goalposts — so that bills backed by a shrinking GOP majority could make it to the floor without earning the support of a single Democrat.

Why engage in persuasion when you can steamroll over your critics?

Patrick has been crowing about the plans for UT to add a “Liberty Institute,” a think tank celebrating personal liberty and free markets. I wish his faith in the free-market economy was matched by a commitment to the marketplace of ideas.

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Let people air their views. Let others challenge them. Trust that process to reveal which ideas are grounded in facts and sound reasoning and which ones wither under scrutiny. Universities are built for this kind of inquiry.

This is hardly a radical idea. In the landmark Sweezy v. New Hampshire case in 1957, the U.S. Supreme Court found that "a free society (depends) on free universities," which must have the freedom to decide who may teach, what subjects may be taught, how they shall be taught and which students shall be admitted.

Perhaps Patrick could learn something from the 1917 downfall of Gov. James "Pa" Ferguson, whose campaign to fire certain UT faculty members blew up in his face.

Ferguson's beef with those professors a century ago seemed more personal than ideological. His early attempts to pressure the regents to fire those men drew little attention.

"Of those who had heard of the trouble, probably a large minority sympathized with (Ferguson) on the general ground that 'those white-collar professors' needed a spanking," one of the targeted staffers, John A. Lomax, recalled in a 1942 journal article.

But the public mood decidedly turned against Ferguson after people saw the extent of his overreach: replacing regents, calling a secret meeting to try to fire the university president, vetoing the university's funding and deriding student protesters as "a mob of hoodlums." The backlash against the governor renewed inquiries into his handling of state funds, leading to Ferguson becoming the only Texas governor to be impeached and removed from office.

Ferguson had declared his fight over the UT faculty was "clearly defined as to whether the University shall run the people of Texas or the people of the state run their own University."

He missed the point.

It's not about who controls the dialogue. It's about allowing free speech to flourish.

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Giving Professors Freedom, So Long As They Agree With Politicians
By Ross Ramsey
Texas Tribune

Dan Patrick wants to defund the profs.

The lieutenant governor said he's in favor of academic freedom, but he said it in the middle of a news conference where he proposed cutting off tenure for professors at state schools, and threatening the funding of public universities that teach critical race theory,

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a line of study that he says makes “oppressors” of white people and “victims” of people of color.

“Go to a private school, let them raise their own funds to teach, but we’re not going to fund them,” he said. “I’m not going to pay for that nonsense.”

Here’s a prompt for a class discussion: CRT isn’t what made white people the oppressors and people of color the victims in Texas and American history. Argue for or against.

Patrick doesn’t want the variety of academic freedom that allows people to teach things he himself doesn’t agree with. It’s an old story: populist yahoos screeching at people in the ivory towers.

It makes a lie of the rest of what Patrick is saying — academic freedom and all that folderol — but it makes for a good speech in the tradition of blowhards like “Pappy” Lee O’Daniel and Huey Long.

Sanctimony is sanctimony, whether it comes from the top or the bottom.

Patrick got a quick response from the president of the University of Texas at Austin, the school where some defiant faculty members ruffled the lieutenant governor’s feathers by telling him to stuff it where it’s too dark to read. Tenure is intended to protect academics’ ability to consider, investigate and debate ideas without tiptoeing around popular culture, dogma, ambitious politicians and prim defenders of the status quo.

“Removing tenure would not only cripple Texas’ ability to recruit and retain great faculty members, it would also hurt Texas students, who would not be able to stay in state knowing that they will be learning from the very best in the country,” Hartzell wrote in a letter after Patrick’s news conference. “It would also increase the risk of universities across the state making bad decisions for the wrong reasons.”

That was bold, given his position — stuck between a lieutenant governor he wants to appease and a university community he was hired to lead. But in practical terms, getting rid of tenure in Texas, or threatening wayward professors from the confines of the Texas Capitol and the campaign trail, is a recruiting gift to universities in other states. Even California and New York.
The best academics tend to go to the best schools. Schools where politicians are telling you what can and cannot be taught don’t stay in the running for very long.

It’s bad news for public universities, from the big ones like UT-Austin and Texas A&M University to the small ones like Sul Ross State University and Texas Woman’s University.

It could be a plus for private schools like Rice University in Houston, Texas Christian University in Fort Worth and Baylor University in Waco. They might have boards and donors meddling in their business, like all schools do, but they’re not under the thumbs of

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elected officials. And they'd be free to offer tenure to any coveted academics unable to get industry-standard tenure offers from state universities.

Patrick wants to add language to the reasons a professor can be fired for "just cause" — including teaching of critical race theory as a potential firing offense.

His tenure argument included an appeal to normal people, who don't have tenure in their jobs. True enough, but it sounded funny coming from someone who effectively has four-year tenure terms between elections. Some professors get six-year tenure terms — the same length as a term on the Texas Railroad Commission.

If only we had a "just cause" clause for firing elected officials.

The characters change, but this politicians vs. professors fight isn't new. In his book "Lone Star Tarnished," Cal Jillson, a political science professor at Southern Methodist University in Dallas, wrote about an 1897 skirmish between UT-Austin and the Texas Legislature over the political leanings of some of the people at the college down the street from the Capitol.

The Legislature passed a resolution "requesting the regents of the University to exercise great care hereafter in selecting as members of the faculty only those who are known to be in sympathy with Southern political institutions, and further request them to cancel as soon as possible any existing contract with members of the faculty not so in sympathy."

In response, Jillson wrote, UT added William Stewart Simkins, a former leader of the Florida Ku Klux Klan, to the law school faculty.

Wonder if they're allowed to teach anything about that in public universities in Texas?

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From 'The Best Time In State Government' To … Whatever It Is Today
By Erica Grieder
Houston Chronicle

Perhaps the state of Texas has been breaking your heart lately. If so, state Rep. Garnet Coleman can relate.

"When you've done something for a long time, change and the unknown create apprehension," the Houston Democrat observed. But he does know how being directly involved in the political arena can affect people, especially these days.

"It turned me into an angry warrior. I didn't know how to turn it off," said Coleman, who is retiring at the end of this month after more than three decades in the Texas House. "The thing I say to myself is, whatever happens, I want to finish this process with my soul intact."

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To be clear, Coleman is hopeful, as he ends this chapter of his life in public service. He's always hopeful, he told me Friday, about what humans can achieve, if they act with courage and empathy.

But aspects of our current political situation are scary, from his perspective, and demoralizing — and that's worth highlighting, as Coleman knows of what he speaks.

When a legislator retires after several decades of service, the result is a loss of institutional memory. And with Coleman's retirement, we're losing memories of how much different — and better — things in state government could be now.

"I call it the best time in state government. We were all trying, everybody was trying to get something good done," said Coleman, initially elected in 1991. "We may have disagreed on what the good was, but we were trying to make the state better."

He was first elected after incumbent state Rep. Larry Evans, a neighbor of his parents in Third Ward, died of a cocaine overdose. A special election was called accordingly. Coleman was working at the city of Austin's office of minority business affairs and had a longtime interest in politics.

"I thought it was important, as did my parents," Coleman explained. "You vote; you give money. When you're part of a community, you nurture it."

He graduated from the University of St. Thomas in Houston after studying political science, philosophy and theology, and he began his career as an intern for then-U.S. Rep. Mickey Leland of Texas' 18th Congressional District.

His father, John B. Coleman, was a physician and, like many Black men and women of his generation, a civil rights advocate. "Because they had to be," the younger Coleman explains.

In 1977, Dr. Coleman became the first African American to serve on the board of regents of Texas A&M University, a position he held for two terms and found meaningful. He was appointed by then-Gov. Dolph Briscoe, a Republican. At an encounter years later, Coleman, then a legislator, complimented Briscoe on his bravery. "I said, 'Man, you've got balls.' He thanked me."

Well into the 1990s, Coleman continued, Republicans weren't afraid to advocate for a more inclusive state. He cites George W. Bush, who was of course governor before being elected president, as an example: "I think he thought that the world will never be what it needs to be unless there are people who represent different points of view involved in government."

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More generally, he recalls, there was an ethos of mutual appreciation at that time, a respect for one's colleagues on the other side of the aisle or from different walks of life, which would be treated as suspicious in the more toxic environment of today.

He recalls taking longtime colleague Pete Laney, a West Texas Democrat who served as Texas House speaker from 1993 to 2003, on a tour of Third Ward. Laney was known for encouraging legislators to represent their constituents rather than their parties: "Vote your district," he would often say. And his own rural district had more in common with House District 147 than one might think, Coleman argues.

"If you're Black in an urban area, and you're rural and you're white, you're the same person," he said. "You have the same needs. You need public education. The public sector has more of an impact on life."

In hearing reflections like this, a painful question comes unavoidably to mind: What changed?

Coleman sighed and thought for a few moments.

"The world was divided on purpose, to get advantage," he said.

After the 2000 election, Bush was succeeded as governor by Rick Perry, who never espoused bipartisanship as a virtue per se, though he himself was initially elected as a Democrat. Then came the rise of the tea party, a grassroots movement that essentially casts government as the enemy — a self-contradicting position for an elected official to take, Coleman observed dryly.

"Then government became the problem, or at least that's what they were saying," Coleman said. "How can you serve someplace, and do things in a place, that you think shouldn't be there?"

Coleman — himself a ferocious advocate for better health care for Texans — has been candid about health issues he's faced. He might have retired sooner, he suggested, if not for the fact that he wanted to be involved in this year's redistricting cycle and to protect his district, specifically.

To a casual observer, House District 147 may look like most of the others: an incoherent blob drawn by gerrymandering artisans, in this case shaped like an ostrich or centaur, with its head in downtown Houston and Third Ward, and a neck running southeast to a body perched on Beltway 8. (The redrawn district is largely the same.)

"This is a district that by territory alone has a lot of power," Coleman said. "I had three universities, three law schools, downtown, the museum district, the theater district — represented by a Black person!"

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A number of Democrats are vying to replace Coleman in the Legislature, as are two Republicans in the heavily Democratic district.

“It’s the service that’s important,” Coleman said. He added: “Because I had that experience of a government that was working, whether it was Democrats or Republicans, I know it can be fulfilling. I know it doesn’t have to be what it’s become.”

The duration of Coleman’s tenure may give the impression that the outgoing legislator is older than he actually is. In fact, while he has had an august career, he’s just 60, about a month younger than former President Barack Obama, whose public service has continued since he wrapped up his second term as president. As will Coleman’s, he said Friday — even if he’s not sure, just yet, what forms that will take.

“I don’t think you retire from being a citizen,” Coleman said.

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Greg Abbott News

Gov. Greg Abbott Brags About His Border Initiative. The Evidence Doesn't Back Him Up.
By Lomi Kriel and Perla Trevizo
Texas Tribune

Thomas King-Randall had been waiting for two hours to drop his daughters off at his ex-girlfriend's apartment in Midland. It was 10:30 on a school night in August and it was her turn to care for the two girls.

The ex-girlfriend showed up drunk and was arguing with her new boyfriend in his truck, police later wrote in a report. King-Randall, who is Black, said in an interview that the woman's Latino boyfriend called him a racial slur, which led to a fight.

By the end of the encounter, the woman's boyfriend had a bloody nose and swollen eyes. King-Randall was gone, and local police issued an arrest warrant for the 26-year-old California native. A month later, Texas Department of Public Safety officers arrested King-Randall when he tried to renew his driver's license.

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King-Randall's arrest was one of thousands used to bolster claims of success for Operation Lone Star. Texas Gov. Greg Abbott launched the initiative last March, citing an urgent need to stop the flow of drugs and undocumented immigrants into the state through Mexico.

But the alleged assault had nothing to do with the border. King-Randall, a U.S. citizen, was arrested more than 250 miles from the border with Mexico. Neither DPS nor the Texas Military Department, the state agencies carrying out Operation Lone Star, played a role in the investigation. And the family violence assault charge King-Randall faced wasn't linked to border-related crime or illegal immigration.

Operation Lone Star has helped increase the state's budget for border security to more than $3 billion through 2023 by deploying thousands of DPS troopers and National Guard members and allocating funding to build border barriers. As part of the operation, troopers are also arresting some immigrant men crossing into the U.S. on state criminal trespassing charges.

Abbott and DPS have repeatedly boasted in news conferences, on social media and during interviews on Fox News that the border operation has disrupted drug and human smuggling networks. A year into the operation, officials touted more than 11,000 criminal arrests, drug seizures that amount to millions of "lethal doses" and the referrals of tens of thousands of unauthorized immigrants to the federal government for deportation as signs that the program is effective.

But the state's claim of success has been based on shifting metrics that included crimes with no connection to the border, work conducted by troopers stationed in targeted counties prior to the operation, and arrest and drug seizure efforts that do not clearly distinguish DPS's role from that of other agencies, an investigation by ProPublica, The Texas Tribune and The Marshall Project found.

King-Randall's charges were among more than 2,000, including some for cockfighting, sexual assault and stalking, that the agency stopped counting toward Operation Lone Star more than nine months into the exercise, after the news organizations began raising questions about the ties between the arrests and border security. Of those, about 270 charges were for violent crimes, which are defined by the FBI as murder, manslaughter, rape, robbery and aggravated assault.

King-Randall said in an interview that he was fighting the allegations. The case is pending, according to the Midland County district attorney's office.

Claiming such arrests is "inherently flawed" and misrepresents the accomplishments of the operation, said Patrick O'Burke, a law enforcement consultant and a former DPS commander who retired in 2008.

"The problem could be simply related to crimes in those communities," O'Burke said. "It's not battling cross-border crime."

Asked by the news organizations why such charges were not excluded from the operation's metrics at the start, DPS officials said they are continuously improving how they collect and report the data "to better reflect the mission" of securing the border. The governor's office maintained that "dangerous individuals, deadly drugs, and other illegal contraband have been taken off our streets or prevented from entering the State of Texas altogether thanks to the men and women of Operation Lone Star."

But DPS and Abbott have provided little proof to substantiate such statements. A year into the initiative, Abbott, DPS and the Texas Military Department have fought two dozen public records requests from the news organizations that would provide a clearer picture of the operation's accomplishments.

DPS, the only agency to release some records related to Operation Lone Star's results, has made several significant revisions to the arrest data, including removing charges. The agency did not provide details that would help determine how the cases that remained are connected to the initiative's goal of deterring border-related crime. The agency also failed to identify arrests and drug seizures that could have occurred without the additional personnel made available through the operation.

The absence of clear metrics for measuring its accomplishments points to a larger problem with the border operation and more than a dozen others launched by the state's two governors during the past 17 years. Lawmakers have repeatedly increased state funding for border security while providing minimal oversight of the operations launched by Abbott and his predecessor, Gov. Rick Perry.

Over the years, some legislators have balked at state agencies' calls for more accountability from border security efforts.

"It's almost offensive to say, 'What are the results?'" former state Rep. Dan Flynn, a Republican from East Texas, said during a hearing in 2018. At that hearing, the Texas Sunset Advisory Commission, which determines whether there's a continuing need for state agencies and programs, raised concerns that DPS was not providing "sufficient information to the public and policymakers about the return on investment for border security."

Texas, which shares a 1,200-mile border with Mexico, spends more money on border security than any other state. And at a cost to taxpayers of more than $2.5 million a week, Operation Lone Star is by far the most expensive of the state's border operations, and the one with the broadest mandate and scope.

People in Piedras Negras, Mexico, are seen taking photos, through recently-installed concertina wire, of the U.S. side as Bo…
Concertina wire recently installed in Eagle Pass by the National Guard as part of Operation Lone Star. Credit: Verónica G. Cárdenas for ProPublica/The Texas Tribune

In South Texas' Rio Grande Valley, which was at the center of last year's immigrant influx, Hidalgo County Judge Richard Cortez said

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he doesn't know what Operation Lone Star has accomplished beyond "arresting people and making them criminals."

Cortez said the problem is not criminal activity, but the sheer number of immigrants seeking better opportunities who sometimes attempt to cross into his community at once, straining resources and overwhelming Border Patrol. The solution, he said, is a comprehensive approach to address the reasons people are trying to come to the U.S. and provide more legal avenues to do so.

"We're spending millions and billions of dollars in trying to manage something," Cortez said about Operation Lone Star. "But instead of getting me the plumber to stop the leak, they're sending me people to mop up the floor."

Politics of border security

With DPS SUVs lined up behind him as if forming a wall, Abbott promoted his new initiative during a March 2021 news conference in Mission, a city in the Rio Grande Valley where more immigrants were crossing the border.

While federal officials started apprehending a greater number of immigrants during Donald Trump's presidency, Abbott blamed newly inaugurated President Joe Biden for not doing enough to stem record levels of arrivals at the border.

During his first two months at the helm, Biden temporarily halted a policy that required people seeking asylum to wait in Mexico until their cases could be heard by U.S. immigration judges. A federal judge in Texas later ordered the administration to reinstate part of the policy. Under a Trump administration pandemic health order that Biden kept in place, more than three-fourths of immigrants apprehended at the border during that period were immediately turned away.

"If you were president in 2024, which some of us hope that you are, what's the first thing that you would do to enact something down here?" asked a man in the crowd whom Abbott's staff singled out for the final question.

"Secure the border. Period," Abbott said.

With the presidential election in the distance, Abbott has made border security a cornerstone of his gubernatorial reelection campaign, playing offense against his primary opponents, attacking Biden and using the issue as a way to distinguish himself from his general election challenger, former U.S. Rep. Beto O'Rourke, a Democrat from the border city of El Paso.

The governor handily won the Republican primary early this month with Trump's support. The former president's success rallying the Republican base by pushing hard-line policies and promoting the construction of a border wall has become a model for Texas GOP candidates, who saw Trump make inroads with Latino voters in border counties in 2020.

The results emboldened Republicans, who doubled down on Trump's rhetoric, pushing some of his more restrictive border measures, said James Henson, director of the Texas Politics Project at the University of Texas at Austin.

"It's almost as if he gave permission for more straightforwardly nativist rhetoric, but he didn't do that in a vacuum, certainly at least not here," Henson said, pointing to anti-immigrant sentiment among Republican voters prior to Trump's election.

In launching Operation Lone Star, Abbott went further than any other governor in recent history, attempting to curtail immigration by using state trespassing charges to directly target those who cross the border on private property.

The federal government has sole authority to enforce immigration laws, but Abbott increased trespassing penalties under a declaration that gave him more power akin to what he would have after a natural disaster.

In June, the governor shifted the operation's emphasis from the Rio Grande Valley, where political leaders opposed some of his efforts, to a vast rural region of mostly private ranches around Val Verde County, about 170 miles west of San Antonio. Trump won the county by a 10-point margin in 2020. Until this year, Val Verde and Kinney were the only two counties prosecuting people crossing into the country through private property for trespassing.

The misdemeanor charge, punishable by up to a year in jail, makes up about 40% of the operation's arrests from mid-July to Jan. 27, an analysis by ProPublica, the Tribune and the Marshall Project found.

The governor's office said the operation is based on facts, not politics, and is geared to provide "maximum assistance to the counties greatest affected." But federal statistics show some of the counties in the Rio Grande Valley that DPS shifted additional resources away from were among those experiencing the greatest influx of immigrants and drugs.

Command Sgt. Maj. Jason Featherston, a Texas Army National Guard veteran who helped oversee the guard's deployment under the operation until his retirement in November, said he and his colleagues believed politics was the main driver for the mushrooming initiative. He said he recalls commanders saying things like, "We're going back to the border, the governor is trying to get reelected."

Federal and state Democratic lawmakers have urged investigations into the constitutionality of the trespassing arrests and the poor working conditions, pay delays and suicides among National Guard members assigned to Operation Lone Star, problems reported by the Tribune and the Army Times. And some state Democrats, led by the Mexican American Legislative Caucus, announced a task force early this month to investigate "many layers of grave concerns" about the operation, including alleged human rights violations and a lack of accountability. Abbott's office has said the arrests and prosecutions under the operation "are fully constitutional."

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But the broader operation's goals and results have received little scrutiny.

In July, DPS began counting toward Operation Lone Star a number of arrests and drug seizures from a 63-county region almost the size of Oregon that officials dubbed the area of interest. The area included counties that did not receive additional resources from the operation, and some of the newly credited actions included work already conducted by troopers stationed there before the governor's initiative began.

Before then, DPS had been counting arrests and drug seizures from what the agency called the "more focused" area of operation, a smaller group of counties closer to the border.

The governor and DPS declined to answer questions about who ordered the change and whether all the counties in the larger area of interest received extra resources from the operation. DPS officials said the area of operation is fluid as the department is continuously monitoring the border and adjusting its use of resources as needed.

Abbott pointed to some of those arrests last year as he sought additional funding for border security efforts, bringing lawmakers back for a special legislative session. Abbott's office received $1.3 billion of the $3 billion total, marking the first time that the governor's allocation for border security was larger than that given to DPS.

Texas Department of Public Safety special agents oversee a group of four Honduran undocumented migrants that were caught in …
Texas Department of Public Safety special agents monitor four undocumented immigrants from Honduras who were caught on private property in Kinney County. Credit: Verónica G. Cárdenas for ProPublica/The Texas Tribune
The growing share of border security funding managed by the governor's office raises questions about transparency, said Eva DeLuna Castro, a budget analyst for the progressive think tank Every Texan. She said such spending is harder to track because the governor's office doesn't report its expenditures with the same level of detail as DPS.

While the governor's office argues that the agencies it funds have to report spending, DeLuna Castro said some are not subject to such rules.

In January, after increasing the number of National Guard members at the border to 10,000, the governor and a handful of the state's Republican leaders moved nearly half a billion dollars from DPS, the Texas Department of Criminal Justice and the Texas Alcoholic Beverage Commission to help cover the increased costs.

"He's just running up a tab that the Legislature, and taxpayers, will have to cover," DeLuna Castro said.

Trouble with the numbers
Fentanyl seizures have become shorthand for Operation Lone Star's success.

Abbott repeatedly highlights them in press conferences and on social media, boasting that the state is helping to stop Biden's "open border policies." He has used seizures of the synthetic opioid, which is 100 times stronger than morphine, as a way to attack O'Rourke, who is challenging him in the November gubernatorial election.

At a February event in Austin before the primary election, Abbott's campaign handed out pill bottles with a fake label that read "Beto Biden open border" and pointed to 1,334 Texas fentanyl deaths in 2021.

Inside was a mock warning label that credited the seizure of 887 pounds of fentanyl, or what he called more than 201 million deadly doses, to Operation Lone Star. Days later, Abbott repeated similar claims in a press release from the governor's office.

The figure reflects seizures across the state and contradicts the number DPS has given for what is attributable to Operation Lone Star. About 160 pounds of fentanyl were seized from March 2021 to January 2022 in the regions that DPS uses when reporting metrics from the operation.

Abbott's office defended using statewide seizure numbers, saying they are directly tied to Operation Lone Star because the drug generally enters from Mexico.

"DPS can't always seize fentanyl right at the border; but they will not stop until they find it, even if it is in North Texas," Nan Tolson, Abbott's spokesperson, wrote in an email.

Including statewide seizures is "just disingenuous," said O'Burke, the former DPS commander.

"Chicago has a border nexus. Are we going to count drugs that were seized in Chicago? That's just not transparent," he said. "It's just not a measure of success. It's just conflating these statistics because it makes the general public feel safer."

Instead, O'Burke said, Operation Lone Star's results should only count actions in which its added resources were used.

That number comes with its own caveats. All but 12 of the 160 pounds of fentanyl were captured in El Paso County, which was not one of the ones listed by DPS officials in November as receiving additional troopers and National Guard members from the operation. The county was one of several that declined to sign on to the governor's border disaster declaration.

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Fentanyl seizure claims are not the only example of the difficulty of measuring the return on investment for taxpayers.

DPS has a history of taking credit for work, such as drug seizures, carried out by other agencies. As part of the operation, DPS and Texas Military Department officials reported apprehending more than 200,000 migrants in the past year and referring them to the federal government for deportation. That included eight migrants who were caught rafting across the Rio Grande by DPS troopers, National Guard members and Border Patrol agents in November. But while DPS counted the immigrants it referred to Border Patrol as part of its reporting for Operation Lone Star, that same group may also have been included in the National Guard's tally, meaning both agencies could be getting credit for the same arrests. The Texas Military Department did not answer questions about the case.

U.S. Customs and Border Protection declined multiple interview requests. Officials did say that the federal agency "does not have a role or partner in any way" with DPS on the operation and that they don't track the state's referrals.

DPS officials acknowledged in an interview that more than one agency could be taking credit for some of the same detentions because the Texas Military Department does not share with DPS the details of immigrants it refers to the federal government, and such data is not publicly available.

Featherston, the retired Texas Army National Guard senior enlisted adviser, said he believes immigrant apprehensions are "double counted."

In another case, DPS posted on its Facebook page in September that it encountered more than 700 gang members as part of the operation. But officials declined requests to provide records detailing such arrests, saying gang affiliation "was not a metric the Department is tracking."

And despite removing more than 2,000 charges from the arrest data credited to Operation Lone Star, DPS still includes other charges without explaining how they align with the operation's goal of capturing dangerous criminals. (DPS disputed this characterization of the removed charges; a full explanation of our rebuttal is described in the methods section at the end of this piece.) In May, for example, troopers arrested a 20-year-old woman in Coke County, about 200 miles from the border in West Texas.

The woman was driving 9 mph over the speed limit in a no-passing zone on a rural highway. After troopers stopped her for speeding, they discovered a Ziploc bag with "loose leaf marijuana in the glovebox," according to the arrest report.

The woman, who could not be reached for comment, does not appear to have a prior criminal record. The arrest report doesn't note her immigration status. She was charged with possession of less than 2 ounces of marijuana.

"The whole reason for all this, you know, playing with statistics, is for optics so that the governor could get reelected. And so from that perspective, has it worked? Yes. It's worked for him," said Gary Hale, a former chief of intelligence in Houston for the Drug Enforcement Administration who is now at Rice University's Baker Institute for Public Policy. "But what's the net gain? I don't think there's any. Zero. We really haven't had any significant impact on migrant smuggling or drug trafficking."

A group of Mexican undocumented migrants wait as they are being arrested by DPS as part of Operation Lone Star for trespassi…
Undocumented immigrants from Mexico are detained after Texas Department of Public Safety special agents caught them on private property in Kinney County as part of Operation Lone Star. Credit: Verónica G. Cárdenas for ProPublica/The Texas Tribune

A year later

A year after Operation Lone Star launched, a panel of three Texas senators sought to better understand how to gauge the costly initiative's accomplishments.

"What metrics are you using to measure success in terms of defining the arrests for which you're responsible for, to make sure we're using our DPS officers in an effective way?" state Sen. Juan "Chuy" Hinojosa, a Democrat from the border city of McAllen, asked DPS' chief, Col. Steve McCraw, at a hearing on March 8.

Success could not be measured through arrest and seizure numbers alone, McCraw responded.

For the first time since the operation began, he offered a different metric: securing the border by stopping the flow of drugs and unauthorized immigrants in Texas' 103 Border Patrol zones, one at a time. That is accomplished when each area has enough barriers, technology and law enforcement resources to "prevent transnational criminal activity," according to DPS, which said it has met that goal in four zones that make up some parts of Hidalgo and Starr counties.

During the hearing, McCraw didn't say how the agency knows it has secured a region. He also did not explain how DPS would be able to continue committing the resources needed to sustain that level of security. The senators didn't ask.

"The challenge we have is when trying to decide what success looks like, is that if the numbers go up, do we claim success because we're more efficient?" McCraw asked, adding that arrest and drug seizure statistics fluctuate. "You can't have it both ways, you can't be successful when the numbers go up and when the numbers go down."

Since the start of the operation, DPS and Abbott have repeatedly touted success using arrests and drug seizure numbers. While continuing to cite the statistics, McCraw sought to minimize their significance, saying that what matters most is "not how much crime you're enforcing. It's the absence of it."

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By the end of that Senate hearing, lawmakers remained uncertain about the return on their multibillion-dollar investment.

“How do we know whether the amount of money was appropriate for what was needed?” state Sen. Bob Hall, a Republican from Rockwall, northeast of Dallas, asked the state’s financial analysts. “And how do we know when we’ve accomplished what we set out to do, so that we can figure out what to do next, other than just appropriate more money and then wonder what to do next?”

The question has plagued lawmakers since the first border security operation launched nearly two decades ago.

About the data: How we analyzed criminal charges linked to Operation Lone Star
The data

Beginning in June 2021, reporters from The Marshall Project, ProPublica and The Texas Tribune began making records requests to the Texas Department of Public Safety for data on arrests and charges associated with Operation Lone Star. The department was responsive to those requests and provided information over the course of several months, though the format and contents of the files they sent changed over time in notable ways.

DPS sent us two data releases, one in July and another in August 2021, with records of arrests and charges associated with Operation Lone Star. Those releases came as separate files from three branches of DPS. However, in November, agency officials said that these records were incomplete, only capturing one of two broad border regions. In December, they then said they had retroactively started removing charges that did not “reflect the mission” of Operation Lone Star.

From November 2021 to January 2022, DPS sent three data snapshots, each of which the department said represented the totality of its records of Operation Lone Star charges and arrests at the time the files were created. This data was organized with each charge on its own row. An arrest can include multiple charges.

What we found

DPS emphasized that it is continuously improving how it collects and reports data for Operation Lone Star. As such, we used the latest data snapshot, from January 2022, when describing the criminal charges that the agency attributes to the operation, including how many charges were related to trespassing and how the charges were distributed geographically.

We also examined the evolving nature of the department’s record-keeping by looking at changes between the data snapshots provided to us. In comparing the first and second complete data snapshots (one provided in November 2021, the other in December 2021), we found more than 2,000 charges that had been removed from the data.

Vetting our findings

DPS said that our approach did not account for the fact that “each spreadsheet represents an extract from a live database, and information is subject to change.” The agency stated that our analysis “assumes that any row that does not appear exactly the same in each spreadsheet can be described as either ‘added’ or ‘removed.’”

We did not require rows to match exactly when identifying charges preserved or removed. Rows were matched using arrest IDs and charge descriptions, and we looked only at charges from dates covered in both files. For about half of the more than 2,000 charges we identified as being removed from the data, the arrest IDs for these charges were not included in the later data snapshots — for example, Thomas King-Randall’s arrest only appears in the first snapshot. For the other half, the arrest ID did appear in later data snapshots, but with fewer charges associated with it. Additionally, looking only at the number of charges in each dataset, we observed that for arrests that occured in the same time period, there were fewer charges in later data snapshots than there had been in the earlier snapshot. DPS declined to answer questions about why particular cases were removed and declined to answer many of our specific questions about the dataset.

The constantly changing nature of the database is not unique to Operation Lone Star. Methods for comparing datasets are commonly used and actively studied. It is valid to analyze changes in such databases (with the appropriate caveats) and to describe them as additions or removals. DPS itself told reporters the department “identified offenses that should be removed” in a December 2021 email about changes to Operation Lone Star data collection.

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As Abbott Cites O’Rourke’s ‘Pro-Russia’ Vote In Congress, Democrat Compares Texas Governor To Putin
By Bob Garrett
Dallas Morning News

Gov. Greg Abbott is dredging up Beto O’Rourke’s votes on Ukraine as a freshman congressman eight years ago to cast the Democrat as “pro-Russia.”

Also, citing O’Rourke’s 2015 vote against a bill that would have made it easier to export liquefied natural gas and his support two years ago for then-presidential candidate Joe Biden, Abbott’s campaign is labeling O’Rourke an enemy of Texas’ oil and gas industry.

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O'Rourke, who's trying to end an Abbott winning streak that has kept the Republican in statewide office for about a quarter-century, has countered that the two-term governor is a lot like Russian president Vladimir Putin.

Democracy is "under attack here in the state of Texas," where Abbott and GOP lawmakers have made it harder for people to cast votes, just as Russia is attacking democracy in Europe, O'Rourke said last week.

The governor even "has his own oligarch," the former El Paso congressman said. O'Rourke was referring to Abbott supporter and Dallas energy-pipeline magnate Kelcy Warren.

Warren has sued O'Rourke for defamation for saying he took advantage of last year's Texas freeze to make exorbitant profits on natural gas before rewarding Abbott with a $1 million political contribution. Warren has said he simply was trying to help Abbott fend off self-funding Dallas millionaire Don Huffines in the GOP primary for governor.

The Russian invasion of Ukraine may seem a world away, but the war and its implications are being felt across America, including Texas, where the two major-party gubernatorial candidates are talking – or being forced to talk – about it.

Though Abbott's the one pushing the issue, experts disagreed over whether it'll motivate or persuade many Texans. Early voting doesn't start for seven months – Oct. 24 – making it hard to assess how contained the Ukraine conflict will be and whether it will generate huge political fallout.

"Conflict in Europe is going to be a pretty tangential issue in the governor's race," said

Southern Methodist University political science professor Matthew Wilson.

"The only thing that it does highlight is the respective candidates' judgment," he said. "They can talk about past and current positions with regard to Russia as indicators of their own and their opponent's political intuition and values and judgment. It could play a role, but it's likely to be a marginal one."

The University of Houston's Brandon Rottinghaus, though, said that while Ukraine might not be the central issue in the O'Rourke-Abbott battle, "it's going to be indexed into larger problems that the Democrats face with an unpopular president. … It'll kind of flow into that." He cited gasoline prices, inflation and energy-related controversies.

'Speaks volumes'
For several months, Abbott has been testing attack lines on O'Rourke. The "jab" on Ukraine figures into Abbott's push to link his Democratic foe to Biden, while reminding voters of the Biden administration's restrictions on drilling, opposition to certain oil pipelines and the recent price surge at the gas pump, Rottinghaus said.

"From health to energy to regulations, there's a host of grievances that Republicans have against Joe Biden," he said. "Abbott's strategy is going to be to use those against O'Rourke."

Abbott is pressing the issue. Two days after Russian forces swept into Ukraine, the governor asked all Texas retailers, package stores and restaurateurs to voluntarily stop selling Russian products. "Texas stands with Ukraine," he tweeted.

"Obviously toothless, but it sent a signal that this is something he's hoping to capitalize on," Rottinghaus said.

The following week, a day after Abbott dispatched seven fellow Republicans to win outright his party's nomination for a third term, Dave Carney, his top political strategist, said Ukraine will be an issue in the fall contest. He cited O'Rourke's U.S. House votes in the aftermath of Russia's February 2014 invasion of Crimea.

In late March of that year, O'Rourke was one of just two House Democrats to vote against a bill that provided $1 billion in loan guarantees for Ukraine and imposed sanctions on Russian officials. He was one of 12 lawmakers to vote against promoting U.S. media like Radio Free Europe and Voice of America in the region. In December 2014, he was one of 10 House members to vote against a resolution chiding Putin for "aggression against neighboring countries."

"How he voted when he was in the House, to be one of a handful, less than 10 Democrats, to support Putin's invasion of the Crimea peninsula and not do anything to fight back, it just speaks volumes to his world view," Carney said of O'Rourke. "And so fortunately for us, very bad for Ukrainians and Europeans, I think Ukraine is going to be a legitimate topic that people are going to care about in the next 249 days."

Carney conflated O'Rourke's votes with outright support for Russian aggression, a claim unsupported by contemporary records. However, last week, O'Rourke declined to explain or elaborate on post-Crimean annexation votes.

As in 2014 and during his short-lived presidential campaign in 2019, O'Rourke ducked chances to explain to reporters his rationale for the votes. In March 2014, the Washington Post cast the 19 votes against the aid-for-Ukraine bill as "a mix of isolationists, fiscal conservatives and liberals opposed to foreign interventions." At the time, O'Rourke was said by his staff to be traveling and unavailable for comment.

In 2019, the online publication The Daily Beast, writing about the votes, also failed to obtain a comment from O'Rourke.

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The online publication sought context for O'Rourke's votes by reviewing public statements he made about Russia as a member of the House Armed Services Committee. Some were about Syria. More than once, O'Rourke said he was worried about unintended consequences of U.S. interventions in foreign countries, such as the CIA's program to arm and finance the Mujahideen in Afghanistan from 1979 to 1992, The Daily Beast said. The Mujahideen ended up driving the Soviet Union from Afghanistan but turned the country into a haven for Islamic militants, some of whom successfully plotted the Sept. 11, 2011, attacks on the U.S.

Carney, the Abbott strategist, said O'Rourke's 2014 votes related to Ukraine would hurt him with independent voters. Abbott spokeswoman Renae Eze said O'Rourke "is clearly trying to hide his dangerous pro-Russia voting record," which she and Carney said raises questions about his judgment.

Eze accused O'Rourke of being hostile to the fossil-fuels industry, and especially "hydraulic fracturing" used to extract oil and gas in shale belts. That caused him not to care about leaving Ukraine dependent on Russia for much of its energy, she said.

Eze cited O'Rourke's vote against the 2015 bill promoting LNG exports. At the time, O'Rourke wrote that there were too many unanswered questions about fracking's effects on groundwater for the U.S to be expanding natural gas exports. Congress first "should enhance safety and environmental protections," he said.

Eze, though, said O'Rourke and Biden "both have actively worked to slow progress for LNG exports from the U.S., leading to worldwide energy dependence on hostile nations like Russia. True American energy independence runs through the oil and gas fields of Texas, not through Venezuela, Iran, or Moscow."

'Some real parallels'
O'Rourke said he fully supports Ukraine in the current conflict. Citing a need for national unity, though, he said now is the wrong time to discuss his past criticisms of U.S. foreign policy.

"I, like I hope everyone in Texas, fully back the people of Ukraine who are fighting against extraordinarily long odds, and so far, are prevailing against Russia," O'Rourke said at an Austin news conference.

Beto O'Rourke, democratic candidate for Governor, stands next to an image of Texas Governor...
"I support our president and making sure that this country does everything it can, including convening our partners within our alliances in NATO, to give Ukraine and President [Volodymyr] Zelensky the support that they need to be able to hold these invaders at bay for as long as it takes to ultimately repel them," he said. "There's a time and a place to argue over previous policies that this country has taken. Right now, as we are on the brink of a serious crisis in Europe, … is not the time to do that."

Referring to last year's controversial Texas election law changes and reported profits by Warren's Energy Transfer Partners of $2.4 billion in the wake of the state's February 2021 electricity outages, O'Rourke said, "I see some real parallels from what's happening in Europe right now to what is taking place in Texas."

Abbott, though he was silent about former President Donald Trump's withholding of U.S. military aid to Ukraine in 2019, which factored into Trump's first impeachment, has made an elaborate show of support for the embattled Ukrainians in recent weeks.

He bathed the Governor's Mansion in blue and yellow lights, the colors of Ukraine's flag. He declared March 13 a statewide day of prayer for Ukraine, victim of an "unprovoked and unjustified invasion." And he and first lady Cecilia Abbott attended "divine liturgy" at a Ukrainian Catholic church in Houston.

Reviewing Carney and Eze's statements, UH's Rottinghaus said it's easy to imagine an ad or mailer the Abbott campaign might produce casting O'Rourke as soft on Russia and so green in his environmental policies that he fostered European dependence on Russia's natural gas.

"It's going to be a way to attack Joe Biden, which is an indirect attack on O'Rourke but hurts nonetheless," he said.

The only recent example of foreign policy-related issues looming large in a Texas governor's race was then-Gov. Rick Perry's decision to air TV spots attacking his 2002 Democratic opponent, Laredo banker Tony Sanchez, on a border topic, Rottinghaus said. The Perry ads said Sanchez invested in banks "that had been indirectly related to some money laundering for drug trafficking," which Perry linked to Mexican drug cartels' 1985 murder of federal Drug Enforcement Administration agent Kiki Camarena, he recalled.

"It was a stretch, but it was powerful," he said.

SMU's Wilson said that while immigration and trade with Mexico could be the rare foreign-policy issue that has salience in a Texas gubernatorial race, "those are going to be second-order issues."

Neither Abbott nor O'Rourke "has much at risk here, frankly, from the Ukraine situation," said Wilson, adding that O'Rourke would be better off hitting Abbott for his ties to Trump than drawing parallels between Abbott and Putin.

"Trying to bring up Trump's call with Zelensky is a better tack, frankly, than essentially trying to suggest similarities between Greg Abbott and Vladimir Putin," the political scientist said. "That's a bit much."

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“By the time that we get to the fall campaign, and people are actually voting in October and November, anything having to do with Ukraine is going to be pretty far down the totem pole of the issues that will decide the Texas governor’s election,” Wilson said.

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Beto O'Rourke Stops In Amarillo For A Second Time Ahead Of The Texas Governor Election
By Michael Cuviello
Amarillo Globe News

Making his second campaign stop in Amarillo since announcing his gubernatorial campaign, Beto O’Rourke made his official first stop as the Democratic nominee Saturday night in a bid to unseat incumbent Gov. Greg Abbott. Standing on the steps of the Potter County Courthouse in front of about 300 supporters, O’Rourke talked about his platform that focused on creating and bringing more high-quality jobs, investing more in education and affordable healthcare for all.

Democratic Texas Gubernatorial candidate Beto O'Rourke addresses a group of about 300 supporters Saturday evening at the Potter County Courthouse in Amarillo.
Introducing O’Rourke to the cheering crowd was Melodie Graves, who is currently in a runoff for the District 4 seat for County Commissioner. Graves gave a passionate welcome to O’Rourke as the right candidate for Texas in the face of the current governor's culture wars.

Graves said that she was impressed by O’Rourke’s last visit to Amarillo when he said that we are not Democrats nor Republicans, but humans.

Potter County District 4 commissioner candidate Melodie Graves gives an impassioned endorsement for gubernatorial candidate Beto' O'Rourke Saturday at his campaign event.
“I think Beto gets us back to our American values, like loving our neighbors such as being there and caring for them,” Graves said. “I believe that our current governor, much like many who have been in office a long time, sometimes lose touch with the front line and what is really going on. I think Beto is here amongst the people and with the people, understanding the struggles they are facing.”

O’Rourke continually emphasized creating more high-paying jobs, high value for Texans, throughout his remarks.

“I want to make sure that the absolute best jobs created in the U.S are found right here in the state of Texas,” O’Rourke led with. “We need to make sure the jobs we are creating are good jobs.”

He said that nobody should have to work multiple jobs to have to take care of their families.

Shifting the conversation to education, O’Rourke said that teachers should have better resources and compensation for the critical job that they provide to children in the community. He applauded the work of educators during the recent trying times of the pandemic in their effort to provide education, and he pledged to raise teacher pay.

“I want to make sure that we, the people of Texas, have the back of our teachers,” O’Rourke said. "How can we expect the next generation of teachers to come into the profession if we do not treat teachers with the respect they are owed? When I am governor, we are making public education job number one."

Citing an expansion of Medicaid as a priority for his campaign, O’Rourke pledged to make it happen if he becomes governor. He talked about the need for better mental health care for the state and said that too much of its mental care is its prisons and correctional facilities.

“We are the least insured state in the U.S.; far too many are dying of diabetes and curable cancers, even the flu, in this state right now,” O’Rourke stated.

O’Rourke blasted Abbott for his current agenda that he sees as not taking care of the people and prioritizing wasteful high-cost endeavors such as misusing the National Guard and diverting Texas taxpayer money to projects such as adding to a border wall. The failure of the power grid under Abbott was a criticism leveled based on his misguided priorities.

“We need to find that common ground that we can all come together on, focus on the things that can bring us together rather than what divides us," O’Rourke said. “Everyone can get behind great jobs.”

O’Rourke answered multiple questions from the crowd relating to sensible gun ownership, understaffed facilities due to Abbott diverting funds to other endeavors and once again, clarifying his stance on gun rights.

“I believe in the Second Amendment; I know as Texans we can defend it while still doing a better job of protecting our fellow Texans, like universal background checks and safe storage laws,” O’Rourke said.

A great majority of what O’Rourke had to say resonated strongly with those who showed up to support him.

Mary London asks Beto O'Rourke a question during his campaign stop Saturday as O'Rourke's wife Amy and son look on at the Potter County Courthouse in Amarillo.
“He makes me believe that democracy can work,” Caitlyn Downs said of his appearance. “I admire that he puts people first and is

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willing to listen to people that may not agree with him."

Payton Brookshire, a college student, said that his stance on supporting women's reproductive rights was vital to her.

More about Beto:What we know about O'Rourke's election history and why he's running for Texas governor

"I feel like Beto is a candidate that will actually stand up for people," Brookshire said. "The fact that he showed up for this community is more than the current governor has shown."

A small crowd of about 10 people opposed O'Rourke's appearance with signs in tow, including ones attacking his use of his childhood nickname.

Danial Venters, a 37-year-old first-time voter, was among the protesters against the O'Rourke campaign due to his gun stance. He said he is supportive of background checks but feels that the candidate takes it too far.

"I do not appreciate his taking of my constitutional rights; that is stepping on my Second Amendment rights," Venters said.

O'Rourke met with the press following the rally and spoke of the importance of showing up and the keys to getting his views out to the people of Amarillo.

"I love the things we talked about tonight," O'Rourke said.

"You've got to show up. At each stop, we meet people that never would have known what I stood for or what I wanted to do for them as governor. And so many come up to me after the meetings and say that 'I did not know what you were about. I am going to vote for you.' I am learning a lot about how we can unite, about things that can come together. I love the energy brought tonight by those who came out," he said.

When asked about how to get a compelling message out to the public and what he wanted his message to be, O'Rourke laid out his three priorities once again.

"Jobs, great schools, and the ability to see a doctor; those are the three things that I repeatedly hear when I talk to people," O'Rourke said. "These things will bring us together. They are aspirational and positive and perfectly contrast the current governor's priorities."

O'Rourke will continue with his next tour stops Sunday in Lubbock and then onto San Angelo.

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Energy

$10 Million Gift From Shell Creates University Of Houston Institute For Energy Transition
By Samantha Ketterer
Houston Chronicle

In a collaboration with Shell, the University of Houston on Monday created the Energy Transition Institute to aid the energy sector's shift toward decarbonization.

The institute will focus on advancing the production and use of reliable, affordable and cleaner energy — especially through research related to hydrogen, carbon management and circular plastics, according to the university. Those areas are key to combating climate change and guiding the energy sector toward net-zero carbon emissions, UH leaders said.

"Climate change is one of the greatest challenges of our lifetime — and it's partnerships like this, along with other key drivers such as policy and technology, that together can help the US make progress on its net-zero goals," Shell USA President Gretchen Watkins said. "When you put brilliant minds together with the resources they need to do the work, amazing things can happen."

On HoustonChronicle.com: John Lienhard still brings the heat in 35th year as host of "Engines of our Ingenuity"

UH's new institute was formed with the help of a $10 million commitment from Shell USA, Inc. and Shell Global Solutions (U.S.) Inc. Total funding, including other gifts and matching funds, should exceed $52 million.

The university's location in Houston is expected to help the institute in its efforts, Chancellor Renu Khator said.

"Houston is poised, like no other city, to lead the energy transition and the Energy Transition Institute will be essential in pursuit of that goal," she said. "Along with advancing energy equity and social impacts in our communities, Shell's generous gift will help UH maintain its leadership role in the energy transition."

Beyond research, the institute will also focus on policy and regulation issues, as well as equity and diversity, in the energy sector.

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Immigration/Border Security

Help Us Investigate Texas Border Security Initiatives
By Jessica Priest
Texas Tribune

Texas has spent billions of state tax dollars on border security for nearly two decades. Last year, state lawmakers approved a budget that included an unprecedented $3 billion for such initiatives.

As the state puts more money into border security measures, ProPublica and The Texas Tribune are seeking to better understand how the funding is used, what the investment is accomplishing and how the initiatives affect border residents.

Hearing your experiences can help us shape our stories with your communities in mind and hold relevant institutions accountable. Please fill out this questionnaire if you are a border resident or if you're familiar with how border operations are run.

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We appreciate you sharing your story, and we take your privacy seriously. We are gathering these stories for the purposes of our reporting, and will contact you if we wish to publish any part of your story.

We are the only ones reading what you submit. If you'd rather use an encrypted app, such as Signal, see advice on secure ways to reach us at propublica.org/tips. Lomi Kriel's Signal is 832-729-3421, and Perla Trevizo's is 512-574-4823. You may also email Kriel at lomi.kriel@propublica.org or Trevizo at perla.trevizo@propublica.org.

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Texas This Week: 'We're Essentially Mall Security,' James Barragán Discusses Conditions For Service Members In Operation Lone Star
By Ashley Goudeau
KVUE

In this week's edition of Texas This Week, Ashley Goudeau talks with James Barragán, politics reporter for The Texas Tribune, about his latest report that found service members assigned to Gov. Greg Abbott's mission at the border to deter unlawful immigration, Operation Lone Star, were stationed 80 miles away from the border, outside private ranches.

Three things to know in Texas politics
About 23,000 mail-in ballots weren't counted in the March primary.

Thousands of mail-in ballots for the March primary election weren't counted, largely because of the state's new elections law that requires voters to put an ID number on the return envelope containing their completed ballot.

The Associated Press reached out to all 254 counties in Texas to find out how many ballots were rejected. A total of 187 counties responded, representing 85% of March primary voters.

Initially, about 27,000 ballots were flagged for rejection. Under the law, voters have six days after election day to fix their ballots and thousands did -- still, 22,898 ballots were rejected statewide.

Locally, Travis County initially flagged 1,856 ballots but finally rejected 948 ballots. Williamson County initially flagged 1,690 ballots and rejected 521. The total number of rejected ballots is a significant increase from years prior, before Senate Bill 1, the state's controversial elections law, went into effect.

Harris Co. elections administrator submits resignation after issues with primary

The U.S. House of Representatives held a hearing on the new state voting law.

The state's new voting law and its impacts was a topic of discussion on Capitol Hill this week. A subcommittee on elections for the U.S. House of Representatives Committee on House Administration held a hearing Thursday. Lawmakers listened as several Texas officials talked about how the new law disenfranchised thousands of voters and also heard from Republicans who stand by the law.

You can watch the hearing here:

State lawmakers called DFPS leaders to the Texas Capitol.

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Leaders of the Texas Department of Family and Protective Services (DFPS) were called to answer to members of the Texas Legislature. A special Senate Committee on CPS held a hearing Thursday after reports surfaced that girls rescued from human trafficking, who are now in the state's care, were abused and neglected at a facility in Bastrop called The Refuge.

The head of the Texas Department of Public Safety said the allegations are not quite what they seem, though there are two instances where criminal charges are expected to or have already been filed. The hearing revealed failures within DFPS and what leaders call issues with the culture of the department.

These leaders will be back at the Capitol on Monday, this time to answer to members of the House of Representatives.

This week Gov. Greg Abbott appointed Maj. Gen. Thomas Suelzer as the Adjutant General of Texas, immediately replacing Maj.Gen. Tracy Norris whose appointment expired last month.

Norris was overseeing Operation Lone Star, the governor's initiative to address unlawful immigration at the Texas-Mexico border. The change in leadership comes amid reports of harrowing conditions faced by the service members on the border.

And also this week, The Texas Tribune reported some of those service members were being sent to stand watch over private ranches an hour away from the border. Politics Reporter James Barragán joined Ashley Goudeau to talk about what he found.

Ashley Goudeau: You put out an interesting report about the work that military members, the Texas military, are having to do as a part of Operation Lone Star. Talk to us about your latest findings.

James Barragán: "Well, it's, it's pretty confounding. What we found with this story is that as part of Operation Lone Star, that's Gov. Abbott's highly touted border mission to deter migrants at the Texas border, they were sending Texas National Guard service members to private ranches, some of which your audience may know it's the big one King Ranch down in South Texas and Armstrong Ranch and other very politically connected ranch that's down there in South Texas. And they were essentially being sent out there to stand basically on the side of the road and watch for migrants, watch for smugglers going through there. But what we heard from service members is that they were sitting out there for eight hours at a time and doing a whole lot of nothing, which kind of confused them and concerned them about the mission because they felt that could be more effective at other places on the border."

Goudeau: You know, I think one of the most telling quotes that a service member told a member of the Tribune was, they said, quote, 'We're essentially mall security for ranches that already have paid security details to protect them.' I mean, that really sums up what they were doing there, right?

Barragán: "Yeah. And I think that's why there was concern from the service members part. I mean, some of them, you know, they vary in terms of how they feel about the mission, but for those people who are interested in helping out the mission of deterring migrants, they were sort of wondering 'What are we doing here,' when they could have been more effective at points on the actual border. You've got to remember these ranches are about 80 miles away from the nearest border town. It's more than an hour away. And so to have these National Guard Service members out there basically staring out into nothing, it really it really made them question why they were out there. It also raise questions about, you know, what role did these private ranches have in sort of ordering protections there. Obviously, that looks like, it's a terrible optics to have a National Guard service members deployed down there to the ranches. I have to say that we did speak to the owners of King and Armstrong Ranches, and they said that they did not ask for the service members to be there, and that means that the Texas Military Department just sent them out there on their own, basically."

Goudeau: Well, now you did have some interesting commentary or comments in this story from one of, a member of the sheriff's office who said they do see people going across the land on these very large ranches. But as you pointed out, the service members weren't allowed to go into the property, right?

Barragán: "Right. And that's the big concern. That's why Gov. Abbott, the Texas Military Department, the Department of Public Safety have made such a big deal of this -- they say ranches down here in South Texas are getting broken into. They're getting driven, their fences are getting broken because they're getting driven by smugglers who veer off when they're getting pursued by law enforcement. They're having migrants cross through their borders. So that was the concern. When we spoke to the Kennedy County sheriff [and] he said that was a big concern for his small agency and he needed all the help he could get. The issue is that the national guard service members did not sign up to be law enforcement, and they did not sign up to be Border Patrol. If they had wanted to do that, they would have signed up for those. They signed up to be national guard service members, which by and large are sent out for hurricane aid, you know, tornado aid, that kind of stuff. They want to help out their fellow Texans when they're in need. It's a very different situation here."

Goudeau: This is just sort of the latest thing that's happened with Operation Lone Star. I want to talk about a leaked survey from some members that you also reported on showing some of the conditions that they're dealing with and the low morale. Talk to us about what you learned in that survey.

Barragán: "Yeah, I mean, one of the quotes was literally, 'I hate it here,' and so many of the comments in that leaked survey were 'There's nothing good about the mission.' 'I don't like anything.' Most of the people who had positive things to say were either 'I like my direct supervisors,' 'I like the friends that are here,' or you know, there's hardly anything good to be had in this mission. It really showed the very deplorable living conditions that these service members are living under and showed that there is a lack of communication or a lack of understanding from leadership about what the troops really need down there. And it was, it was very revealing because it also showed that a lot of those service members are thinking twice about whether they're going to re-enlist in the National Guard if they are to be expected to be subjected to these conditions again."

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Goudeau: One of the things I thought was really interesting is sometimes they were given just a few days notice that they were going to have to go to the border. And these are Texans with families and jobs and other responsibilities, right?

Barragán: "Exactly. This is not like, you know, you're enlisting in the Army or the Air Force or Navy or Marines, you know, active duty where you sign up for this kind of stuff. These are part time jobs essentially. They have other civilian jobs, lives, families. So when you only give them a week's notice, two weeks notice even -- a lot of these people have like two days notice, so imagine if you, viewer at home, were told, 'Hey, within two days, you've got to leave everything and go down to the border.' It would be very difficult. It would be a strain on your life, on your family, on your economic well-being. And that's sort of what I think service members really want to drive home. These are involuntary deployments. They are not volunteering to do this, and it's not what they signed up for, and they're having a major, major impact on their lives."

Goudeau: You know, obviously Operation Lone Star, under a microscope and just this week, the governor appointed a new lead to the Texas military service. Talk to us -- do you think that some of that has to do with that leaked survey, with perhaps sending these service members to these private ranches that they they are essentially not being able to do anything at?

Barragán: "Well, the governor did not mention any criticism of Operation Lone Star or of Adjutant General Traci Norris in her departure. But it, there's there's no possible way that this can not be seen as a response to the months and months of criticism that there has been about the operation. You've got to remember that Adjutant General Norris served starting in 2019 and then her term expired or so, the governor said, in February, right? But the past adjutant general served for nearly eight years, so she could have been re-up, but wasn't. What does that tell you? I think you've got to read between the lines and see that there are some unhappiness or there's at least some type of response to the criticism that the operation has been facing, with lack of pay for service members on time, deplorable living conditions and even some suicides tied to the mission."

Goudeau: Gov. Abbott, of course, launching Operation Lone Star ahead of the primary election -- has really touted this particular mission, has gone to the border several times to hold news conferences on the border with these service members, you know, talk to us about the political aspect of all of this.

Barragán: "It can't be overlooked. And obviously you talked a little bit about, you know, this was in the in the context of a Republican primary where Gov. Abbott had two challengers from the right, Allen West and Don Huffines, who had slammed them for not being conservative enough, not securing the Texas border. And this is not lost on the service members who are down there. They have said to us in stories and in that survey that they feel like political pawns, that the mission is serving no purpose other than to reelect Gov. Abbott. That is what the service members are saying, and that is how the service members feel. And sure, there are some service members who are happy to be down there, happy to be helping sort of try to curb the, the the flow of migration into Texas. But by and large, I think what you'll hear from service members is that they feel like political pawns in this political game."

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Criminal Justice

'I'm Going To Die Today': Trial Begins In Controversial 2015 Killing By Bexar Deputies; Man Was Holding His Hands Up
By Guillermo Contreras
San Antonio Express News

A federal trial is scheduled to start today in a controversial 2015 case in which two Bexar County sheriff's deputies fatally shot a domestic violence suspect who raised his hands in apparent surrender.

The shooting came near the end of a 12-minute encounter with varying angles captured by witnesses' videos.

Deputies Robert Sanchez and Greg Vasquez shot Gilbert Flores on Aug. 28, 2015, outside his parents' home in north Bexar County, arguing that he still had a knife in his hand. They had been called to the home by his mother, who told dispatchers that Flores had assaulted his wife and their infant daughter, that there was blood everywhere, that he had a knife and was acting "crazy." Flores, 41, is heard on the 911 tape saying he planned to commit "suicide by cop."

U.S. District Judge Robert Pitman in 2017 dismissed Bexar County from the lawsuit filed by Flores' family, but he determined Deputies Sanchez and Vasquez should stand a civil trial. The deputies appealed, but their arguments to toss the case failed.

Today a jury is scheduled to be picked for the trial before Senior U.S. District Judge Royce Lamberth.

A witness cellphone video of the shooting was first broadcast by a local TV station the day of the incident and went viral. A second one recorded by a neighbor from a closer angle emerged months later. The trial could include both recordings, testimony about the whole encounter, and what led to deputies being called to the home of Flores' parents in the 24000 block of Walnut Pass, near Scenic Loop Road.

The family's lawyers, with the Thomas J. Henry law firm, and the deputies' attorney, Charles Frigerio, filed trial briefs last week arguing what should, and should not, be put in front of jurors.

In the appelate file, justices noted that during the time his family called police, Flores can be heard on a 911 call saying: "I got a knife

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and I'm going to suicide by cop, so bring a SWAT team, or uh uh uh or whoever is going to be ready to pull the trigger because I'm going to die today."

The family's lawyers argue the deputies unreasonably used deadly force in violation of Flores' constitutional rights. They argue that one deputy turned to the other in a sign that they would not let the incident drag on and that they were going to follow a supervisor's commands to "do whatever you have to do."

The deputies agreed on "ending this" and opened fire, one after the other, just as Flores — who earlier had tried to stab them, took away a police Taser, and came close to getting a deputy's AR-15 rifle — had seemed to stop his erratic behavior and raised his hands above his head in what appeared to be surrender, the family lawyers' filings said.

In the deputies' filings, Frigerio said the totality of the circumstances have to be taken into account, not just the final moments. Throughout the confrontation, Flores kept yelling and taunting the deputies to shoot him because he did not want to go back to prison, and at times used the knife to stab at deputies.

Frigerio argues that nonlethal attempts to de-escalate the situation were unsuccessful. He argues the deputies used lethal force after being instructed by supervisors to keep Flores from getting back into the house, where he could further assault family members, and to prevent him from taking a patrol car or grabbing the AR-15 after he opened the vehicle door once.

Court documents said the videos showed Flores in the driveway, about 30 feet away from the deputies with his arms in the air. Frigerio argues Flores still had the knife in one hand and posed a threat.

In October 2017, Judge Pitman dismissed the county from the case, but found there are factual disputes that need to be decided by a jury to determine whether the deputies are shielded by a long-standing legal principle called "qualified immunity."

While agreeing with the deputies that their conduct should be judged based on the circumstances, Pitman saw a big problem with the final actions they took — shooting Flores when he did not appear to be an imminent threat.

"Based on the circumstances facing Vasquez and Sanchez right before they shot Flores and construing the facts in favor of plaintiffs, the court finds that a reasonable officer would have concluded that Flores, who was stationary for several seconds and put his hands in the air while remaining otherwise motionless, was no longer resisting and had signaled surrender," Pitman wrote. "Therefore, the deputies' use of deadly force was not reasonable."

The deputies appealed to the U.S. 5th Circuit Court of Appeals in New Orleans. That court agreed with Pitman's determination that a jury needs to hash out the dispute and dismissed the appeal.

"Flores had a knife, not a gun; was several feet away from the officers, the house, and the vehicle; had his hands in the air in a surrender position; and stood stationary in the officers' line of sight," the 5th Circuit wrote. "Under these facts taken in the light most favorable to Plaintiffs, we conclude that the district court correctly identified material factual disputes as to whether the officers violated Flores's Fourth Amendment rights."

The deputies filed a petition for the U.S. Supreme Court to review the case, and several police and municipal organizations filed a brief supporting their request.

Records show the Supreme Court, without comment, denied the petition in March 2021.

In December 2015, a Bexar County grand jury declined to indict the deputies on criminal charges. Bexar County officials have said that the county's insurer may have to pay if the deputies lose and the jury assesses damages.

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Opinion/Editorial

Opinion: We Can't Risk Allowing Texas' Anti-Boycott Laws To Stand
By Bahia Amawi
Austin American Statesman

Recently, I read a tweet from Governor Greg Abbott: "I've asked the members of the Texas Restaurant Association, Texas Package Stores Association & all Texas retailers to voluntarily remove all Russian products from their shelves. Texas stands with Ukraine."

I, too, stand with Ukraine. My heart breaks watching footage of families fleeing under shelling, and hospitals reduced to rubble. I know the pain I go through when my Palestinian community is under attack in Gaza and the West Bank, and I feel accutely for the desperate Ukranian civilians I see in image after image. My worries also have a personal dimension; we have relatives living in Kyiv who are trapped there now, under bombardment. My heart leaps into my throat each time my husband's WhatsApp notification pings, not knowing what news he may be about to receive.

So I'm glad that Governor Abbott took this important stand to boycott Russian products. I believe that our freedom of speech in the form of boycotts is one of the most effective nonviolent tools we have to take a stand against oppressive governments. That's precisely why

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I've spent the last four years fighting to preserve the right to boycott for all Texans; a right which, ironically, Abbott has been eroding. In 2017, Abbott signed into law House Bill 89, which prohibits state agencies (such as public school districts) from contracting with those who boycott Israel. I had been working as an independently contracted speech pathologist in the Pflugerville school district since 2009. But when my annual renewal contract was sent to me in August 2018, there was a new certification that I was required to sign, pledging that I do not, and will not, boycott Israel.

My family and I do boycott companies that benefit from the Israeli occupation of the Palestinian people. It's one concrete way I can raise my voice here in Austin in solidarity with my fellow Palestinians. I could not sign that pledge with a clear conscience. But, unless I signed, I could not return to a job I loved, helping children with severe disabilities. I chose a third path–to sue the state of Texas for violating my freedom of speech.

I filed my lawsuit in December 2018. In April 2019, U.S. District Judge Robert Pitman heard my case and issued an injunction against the law, stating "the anti-BDS law threatens to manipulate the public discourse through coercion rather than persuasion. This the First Amendment does not allow."

Since then, however, Texas has continued to chip away at our right to boycott. In my case, the Texas legislature avoided addressing the law's constitutionality, amending it instead so that it applies only to larger companies. Rasmy Hassouna from A & R Engineering and Testing Inc. has since also sued Texas for trying to compel his engineering firm to sign the pledge. Though U.S. District Judge Andrew Hanen ruled in January that the amended bill is still unconstitutional, the state is appealing. In addition, Texas lawmakers passed two copycat laws last year, penalizing boycott of fossil fuels, and the firearms industry.

At the same time that Governor Abbott calls for boycotting Russia, he's working to undo the right of Texans to use that very same tool. Our free speech rights concerning climate change, gun violence and the occupation of Palestine have already been undermined–who knows what's next?

As I anxiously await the next message from my family members in Ukraine, praying for their safety and safety for all Ukrainians, I call on the Texas legislature and Governor Abbott to rescind Texas' anti-boycott laws. If we allow those laws to stand, we not only risk losing our constitutional rights. We also weaken our ability to effectively respond to violent, repressive regimes in the future.

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Analysis: A Health Care Problem Too Big For The Texas Legislature
By Ross Ramsey
Texas Tribune

Texas has more uninsured people than any other state, whether you count in raw numbers (about 5.4 million) or in the uninsured percentage of the total population (18.4%). But it's one of only a dozen states that hasn't expanded its Medicaid program.

Whether lawmakers suddenly change their mind about that program or not, they still have a problem to solve: How do they get health insurance, or cheaper health care, for all of those people?

Every two years, somebody in the Texas Legislature attempts to get the state to expand its Medicaid program. Democrats have tried it. Republicans have tried it. But every year, the Legislature turns a collective deaf ear to the efforts. Texans in Congress even tried going around the state government to get it done, to no avail. Expansion comes with a 9-to-1 match, meaning the federal government spends $9 for every $1 a state contributes.

And states that take part have lower numbers and rates of uninsured people.

According to the U.S. Census Bureau, 8.9% of adults were uninsured in 2020 in states that had expanded Medicaid. In the states that hadn't, including Texas, the uninsured rate was 17.6%. In 2019, 18.4% of Texans were uninsured, according to the state comptroller's office. That was the highest rate in the country, and double the national average of 9.2%. When the numbers are limited to just those Texans under age 65 — who aren't eligible for Medicare, for instance — the percentage of uninsured in the state swells to 20.8%.

Before the 2021 legislative session, a group of experts urging the state to join the federal program argued that doing so would contribute $75 million to $125 million to the state budget every two years. It would also, they argued, reduce uncompensated care in hospitals and emergency rooms, and would encourage preventive care, early detection and improved disease management.
"In addition, the infusion of billions of external dollars into the Texas health care system each year will have downstream positive effects on the economy," they wrote.

Expanding Medicaid isn't the only way to solve the problem, but the state isn't doing much else to try to cut into the number of Texans who don't have insurance.

One argument over the years is that uninsured Texans can get care in emergency rooms and hospitals. A common counter-argument is that insuring more people would be cheaper in the long run, and better for their health. And Texans have to pay either way: The bills for that so-called uncompensated care are footed by other patients and taxpayers who pay for those medical facilities and the care they provide through their own medical bills and local hospital taxes.

And, according to the people who study these things, expanding Medicaid would be a better deal for taxpayers. "We estimate that

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954,000 newly eligible adults would enroll in an expansion, bringing approximately $5.41 billion in federal dollars annually to the state," they wrote.

Other conservative states were initially against expanding Medicaid, too, but that resistance has thawed over the years. Now, only a dozen states, including Texas, continue to opt out. During last year's regular session — as in the procession of sessions before it — Texas lawmakers voted it down.

So, no Medicaid expansion for Texas — a familiar result every time lawmakers have considered it through the last three presidencies.

But it's just a program, one possible solution to a perplexing public policy predicament that remains unsolved and apparently beyond the abilities of the Texas state government.

Almost 1 in 5 Texans don't have health insurance, the worst numbers in the country, and we've been at the bottom of that barrel for a long, long time.

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Opinion: I Don't Like Taxes. No One Does. But Here's Why I Support A Carbon Tax.
By Jeffrey Williams
Houston Chronicle

Ninety years ago, journalist William G. Shepherd wrote in Collier's Weekly, "Congress! Congress! Don't tax me, tax that fellow behind the tree." In the 1970s, Russell Long, chairman of the Senate Finance Committee, updated the phrase to say, "Don't tax you, don't tax me, tax that fellow behind the tree," but the feeling remained unchanged — as it does today.

No one likes to pay taxes. Simply put, taxes on work discourage work. Taxes on capital gains, dividends and business income discourage investment, impairing growth. But taxes are also necessary. The government has bills to pay, but not by borrowing more, which would burden our children with debt.

Then, the question is what to tax. The answer is as simple as the reasons no one likes taxes: something that causes the least — or best — distortion.

Our current tax code is riddled with harmful distortions, making Democrats' efforts to squeeze more revenue by raising income tax rates not only unpopular but also economically destructive. I support and urge anyone who does not like taxes to support what I believe is the best approach: a tax on carbon emissions.

As a former investment banker, I know markets are powerful. Our economy, as well as economies around the globe, emit more carbon emissions than they would if the social cost of carbon were reflected in the production and consumption of goods and services. Unfortunately, we are not made aware of that personal cost, though we know it is not zero.

A carbon tax, even a moderate tax, would address this market failure and spur three changes: a consumer switch to less carbon-intensive activities; innovation across numerous sectors of our economy; and the adoption of more low-carbon sources of energy, including wind, solar and natural gas by electric utilities.

Most importantly, these activities would be motivated by Americans' innate desire to avoid taxes. The beauty of a carbon tax is that it incentivizes consumers and businesses to avoid it, which will cause carbon emissions to decline significantly.

Unlike a draconian policy to ban the use of coal or outlaw carbon-intensive fuels, a carbon tax will create an economy-wide incentive for consumers and businesses to adopt low-carbon sources of energy. Equally important, it will drive innovation, resulting in new low-carbon technologies that will be critical to lowering emissions here and abroad. Over time, our economy will reach a new equilibrium that will not only help us address climate change but also raise revenues from any carbon emissions that cannot be eliminated — emissions that will be unavoidable and valuable to our economy.

Finally, a carbon tax adheres to an age-old policy framework in Washington: When doing nothing is not an option, do the least bad thing. While the cost of a carbon tax will undoubtedly have a significant impact on the economy, there are no policy options to address climate change that are as economically efficient. Subsidies for green energy increase the federal deficit, which we simply cannot afford to do. Energy mandates result in limited choices in the marketplace, disrupting free enterprise, and they are the most expensive. Stewards of good government understand this.

While a political liability of a carbon tax may be that it is simple and transparent, those attributes are also the very reason anyone who does not like taxes should support a carbon tax.

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Obamacare Is Boosting Economic Health
By Matthew A. Winkler
The Washington Post

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Obamacare gave Americans a lot to argue about before it became law in 2010. One contentious question concerned its eventual economic effect, with supporters saying it would invigorate businesses by freeing them from burdensome health-care costs and opponents warning of a drag produced by tax increases and government bureaucracy.A decade's worth of data has now rendered a partial verdict: States that have fully embraced the Affordable Care Act are enjoying healthier labor markets and stronger income growth than those that haven't.

The evidence comes from the experience of the 12 states that have refused to accept a key element of Obamacare: federal money covering the cost of expanding Medicaid to cover millions of people who otherwise couldn't afford health insurance. The U.S. Supreme Court made the Medicaid expansion optional in its 2012 decision upholding the other parts of the law.

Standard measures of jobs and personal income growth show that even Texas — the biggest of the states still rejecting the Medicaid expansion — trails the states that joined it after turning it down when it became available on Jan. 1, 2014, according to data compiled by Bloomberg.

The Medicaid expansion, enabling more than 4 million of the most vulnerable people to work, turned out to be a catalyst for growth. That may explain why 38 states and the District of Columbia have embraced the insurance extension, up from 25 when it first became available on Jan. 1, 2014.

The Affordable Care Act, signed 12 years ago this week by President Barack Obama, was conceived to let the entire population gain private or public health care with corporate, federal and state revenues that combined would reduce the national burden and invigorate the economy. It allowed children to remain insured on a parent's policy until age 26, required equal treatment of persons with preexisting medical conditions and prohibited annual or lifetime coverage limits.

By 2020, before the coronavirus pandemic ended the longest period of U.S. growth in modern times, the job market in states initially refusing and subsequently implementing the Medicaid expansion outperformed states opposed to it, according to labor participation data compiled by Bloomberg. Labor participation measures the proportion of people in the working-age population who have jobs or are seeking work. Excluding recent transplants during the pandemic, the trend continues unabated because the Covid-19 pandemic weighed heavily on mothers without child care, especially low-wage women, whose recent employment significantly lags behind men.

From April 2020, when the U.S. started to recover from the worst employment collapse since the Great Depression, through Jan. 31 of this year, the number of U.S. jobs grew by 14.3%. That's 1.4 percentage points greater than the average for the 12 states refusing the Medicaid expansion and 0.6 percentage points less than the average for the states accepting it, according to data compiled by Bloomberg.

Texas, which has the nation's highest proportion of people without health insurance at 18.4%, according to the U.S. Census Bureau, underperformed the national average with employment growth of 13.6% since April 2020. That's 1.3 percentage points less than the states adopting the expansion and 5 percentage points less than Massachusetts. The Bay State, which accepted the extension in 2014 and is No. 1 with only 3% of its population of almost 7 million uninsured, saw its labor force expand at a rate of 18.3%, according to data compiled by Bloomberg.

Even when such populous states as California and New York are excluded from employment calculations, the states expanding Medicaid saw employment increase 14.8%, well above Texas and the national average. Among the 12 holdout states, only one-third outperform the national job market while 53% of the 38 states (plus Washington, D.C.) adopting Medicaid created more jobs than the national average.

Unemployment shows a similar pattern, with the 12 holdouts seeing their jobless rates decline 8.9 percentage points on average since April 2020, almost a percentage point less than the decline for the other states. The inferior performance is no different when California and New York are omitted from the equation, according to data compiled by Bloomberg.

The 9.93% increase in U.S. personal income since April 2020 is 0.33 percentage points more than the gain for states refusing Medicaid expansion, according to data compiled by Bloomberg. Better health care appears to translate into greater wealth for all.

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Greg Abbott News

Gov. Greg Abbott Brags About His Border Initiative. The Evidence Doesn't Back Him Up.
By Lomi Kriel and Perla Trevizo
Texas Tribune

Thomas King-Randall had been waiting for two hours to drop his daughters off at his ex-girlfriend's apartment in Midland. It was 10:30 on a school night in August and it was her turn to care for the two girls.

The ex-girlfriend showed up drunk and was arguing with her new boyfriend in his truck, police later wrote in a report. King-Randall, who is Black, said in an interview that the woman's Latino boyfriend called him a racial slur, which led to a fight.

By the end of the encounter, the woman's boyfriend had a bloody nose and swollen eyes. King-Randall was gone, and local police issued an arrest warrant for the 26-year-old California native. A month later, Texas Department of Public Safety officers arrested King-Randall when he tried to renew his driver's license.

King-Randall's arrest was one of thousands used to bolster claims of success for Operation Lone Star. Texas Gov. Greg Abbott launched the initiative last March, citing an urgent need to stop the flow of drugs and undocumented immigrants into the state through Mexico.

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But the alleged assault had nothing to do with the border. King-Randall, a U.S. citizen, was arrested more than 250 miles from the border with Mexico. Neither DPS nor the Texas Military Department, the state agencies carrying out Operation Lone Star, played a role in the investigation. And the family violence assault charge King-Randall faced wasn't linked to border-related crime or illegal immigration.

Operation Lone Star has helped increase the state's budget for border security to more than $3 billion through 2023 by deploying thousands of DPS troopers and National Guard members and allocating funding to build border barriers. As part of the operation, troopers are also arresting some immigrant men crossing into the U.S. on state criminal trespassing charges.

Abbott and DPS have repeatedly boasted in news conferences, on social media and during interviews on Fox News that the border operation has disrupted drug and human smuggling networks. A year into the operation, officials touted more than 11,000 criminal arrests, drug seizures that amount to millions of "lethal doses" and the referrals of tens of thousands of unauthorized immigrants to the federal government for deportation as signs that the program is effective.

But the state's claim of success has been based on shifting metrics that included crimes with no connection to the border, work conducted by troopers stationed in targeted counties prior to the operation, and arrest and drug seizure efforts that do not clearly distinguish DPS's role from that of other agencies, an investigation by ProPublica, The Texas Tribune and The Marshall Project found.

King-Randall's charges were among more than 2,000, including some for cockfighting, sexual assault and stalking, that the agency stopped counting toward Operation Lone Star more than nine months into the exercise, after the news organizations began raising questions about the ties between the arrests and border security. Of those, about 270 charges were for violent crimes, which are defined by the FBI as murder, manslaughter, rape, robbery and aggravated assault.

King-Randall said in an interview that he was fighting the allegations. The case is pending, according to the Midland County district attorney's office.

Claiming such arrests is "inherently flawed" and misrepresents the accomplishments of the operation, said Patrick O'Burke, a law enforcement consultant and a former DPS commander who retired in 2008.

"The problem could be simply related to crimes in those communities," O'Burke said. "It's not battling cross-border crime."

Asked by the news organizations why such charges were not excluded from the operation's metrics at the start, DPS officials said they are continuously improving how they collect and report the data "to better reflect the mission" of securing the border. The

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governor's office maintained that "dangerous individuals, deadly drugs, and other illegal contraband have been taken off our streets or prevented from entering the State of Texas altogether thanks to the men and women of Operation Lone Star."

But DPS and Abbott have provided little proof to substantiate such statements. A year into the initiative, Abbott, DPS and the Texas Military Department have fought two dozen public records requests from the news organizations that would provide a clearer picture of the operation's accomplishments.

DPS, the only agency to release some records related to Operation Lone Star's results, has made several significant revisions to the arrest data, including removing charges. The agency did not provide details that would help determine how the cases that remained are connected to the initiative's goal of deterring border-related crime. The agency also failed to identify arrests and drug seizures that could have occurred without the additional personnel made available through the operation.

The absence of clear metrics for measuring its accomplishments points to a larger problem with the border operation and more than a dozen others launched by the state's two governors during the past 17 years. Lawmakers have repeatedly increased state funding for border security while providing minimal oversight of the operations launched by Abbott and his predecessor, Gov. Rick Perry.

Over the years, some legislators have balked at state agencies' calls for more accountability from border security efforts.

"It's almost offensive to say, 'What are the results?'" former state Rep. Dan Flynn, a Republican from East Texas, said during a hearing in 2018. At that hearing, the Texas Sunset Advisory Commission, which determines whether there's a continuing need for state agencies and programs, raised concerns that DPS was not providing "sufficient information to the public and policymakers about the return on investment for border security."

Texas, which shares a 1,200-mile border with Mexico, spends more money on border security than any other state. And at a cost to taxpayers of more than $2.5 million a week, Operation Lone Star is by far the most expensive of the state's border operations, and the one with the broadest mandate and scope.

People in Piedras Negras, Mexico, are seen taking photos, through recently-installed concertina wire, of the U.S. side as Bo…
Concertina wire recently installed in Eagle Pass by the National Guard as part of Operation Lone Star. Credit: Verónica G. Cárdenas for ProPublica/The Texas Tribune
In South Texas' Rio Grande Valley, which was at the center of last year's immigrant influx, Hidalgo County Judge Richard Cortez said he doesn't know what Operation Lone Star has accomplished beyond "arresting people and making them criminals."

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Cortez said the problem is not criminal activity, but the sheer number of immigrants seeking better opportunities who sometimes attempt to cross into his community at once, straining resources and overwhelming Border Patrol. The solution, he said, is a comprehensive approach to address the reasons people are trying to come to the U.S. and provide more legal avenues to do so.

“We’re spending millions and billions of dollars in trying to manage something,” Cortez said about Operation Lone Star. “But instead of getting me the plumber to stop the leak, they’re sending me people to mop up the floor.”

Politics of border security

With DPS SUVs lined up behind him as if forming a wall, Abbott promoted his new initiative during a March 2021 news conference in Mission, a city in the Rio Grande Valley where more immigrants were crossing the border.

While federal officials started apprehending a greater number of immigrants during Donald Trump’s presidency, Abbott blamed newly inaugurated President Joe Biden for not doing enough to stem record levels of arrivals at the border.

During his first two months at the helm, Biden temporarily halted a policy that required people seeking asylum to wait in Mexico until their cases could be heard by U.S. immigration judges. A federal judge in Texas later ordered the administration to reinstate part of the policy. Under a Trump administration pandemic health order that Biden kept in place, more than three-fourths of immigrants apprehended at the border during that period were immediately turned away.

“If you were president in 2024, which some of us hope that you are, what’s the first thing that you would do to enact something down here?” asked a man in the crowd whom Abbott’s staff singled out for the final question.

“Secure the border. Period,” Abbott said.

With the presidential election in the distance, Abbott has made border security a cornerstone of his gubernatorial reelection campaign, playing offense against his primary opponents, attacking Biden and using the issue as a way to distinguish himself from his general election challenger, former U.S. Rep. Beto O’Rourke, a Democrat from the border city of El Paso.

The governor handily won the Republican primary early this month with Trump’s support. The former president’s success rallying the Republican base by pushing hard-line policies and promoting the construction of a border wall has become a model for Texas GOP candidates, who saw Trump make inroads with Latino voters in border counties in 2020.

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The results emboldened Republicans, who doubled down on Trump's rhetoric, pushing some of his more restrictive border measures, said James Henson, director of the Texas Politics Project at the University of Texas at Austin.

"It's almost as if he gave permission for more straightforwardly nativist rhetoric, but he didn't do that in a vacuum, certainly at least not here," Henson said, pointing to anti-immigrant sentiment among Republican voters prior to Trump's election.

In launching Operation Lone Star, Abbott went further than any other governor in recent history, attempting to curtail immigration by using state trespassing charges to directly target those who cross the border on private property.

The federal government has sole authority to enforce immigration laws, but Abbott increased trespassing penalties under a declaration that gave him more power akin to what he would have after a natural disaster.

In June, the governor shifted the operation's emphasis from the Rio Grande Valley, where political leaders opposed some of his efforts, to a vast rural region of mostly private ranches around Val Verde County, about 170 miles west of San Antonio. Trump won the county by a 10-point margin in 2020. Until this year, Val Verde and Kinney were the only two counties prosecuting people crossing into the country through private property for trespassing.

The misdemeanor charge, punishable by up to a year in jail, makes up about 40% of the operation's arrests from mid-July to Jan. 27, an analysis by ProPublica, the Tribune and the Marshall Project found.

The governor's office said the operation is based on facts, not politics, and is geared to provide "maximum assistance to the counties greatest affected." But federal statistics show some of the counties in the Rio Grande Valley that DPS shifted additional resources away from were among those experiencing the greatest influx of immigrants and drugs.

Command Sgt. Maj. Jason Featherston, a Texas Army National Guard veteran who helped oversee the guard's deployment under the operation until his retirement in November, said he and his colleagues believed politics was the main driver for the mushrooming initiative. He said he recalls commanders saying things like, "We're going back to the border, the governor is trying to get reelected."

Federal and state Democratic lawmakers have urged investigations into the constitutionality of the trespassing arrests and the poor working conditions, pay delays and suicides among National Guard members assigned to Operation Lone Star, problems reported by the Tribune and the Army Times. And some state Democrats, led by the Mexican American Legislative Caucus, announced a task force early this month to investigate "many layers of grave concerns" about the operation, including alleged human rights violations and a lack of accountability. Abbott's office has said the arrests and prosecutions under the operation "are fully constitutional."

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But the broader operation's goals and results have received little scrutiny.

In July, DPS began counting toward Operation Lone Star a number of arrests and drug seizures from a 63-county region almost the size of Oregon that officials dubbed the area of interest. The area included counties that did not receive additional resources from the operation, and some of the newly credited actions included work already conducted by troopers stationed there before the governor's initiative began.

Before then, DPS had been counting arrests and drug seizures from what the agency called the "more focused" area of operation, a smaller group of counties closer to the border.

The governor and DPS declined to answer questions about who ordered the change and whether all the counties in the larger area of interest received extra resources from the operation. DPS officials said the area of operation is fluid as the department is continuously monitoring the border and adjusting its use of resources as needed.

Abbott pointed to some of those arrests last year as he sought additional funding for border security efforts, bringing lawmakers back for a special legislative session. Abbott's office received $1.3 billion of the $3 billion total, marking the first time that the governor's allocation for border security was larger than that given to DPS.

Texas Department of Public Safety special agents oversee a group of four Honduran undocumented migrants that were caught in …
Texas Department of Public Safety special agents monitor four undocumented immigrants from Honduras who were caught on private property in Kinney County. Credit: Verónica G. Cárdenas for ProPublica/The Texas Tribune
The growing share of border security funding managed by the governor's office raises questions about transparency, said Eva DeLuna Castro, a budget analyst for the progressive think tank Every Texan. She said such spending is harder to track because the governor's office doesn't report its expenditures with the same level of detail as DPS.

While the governor's office argues that the agencies it funds have to report spending, DeLuna Castro said some are not subject to such rules.

In January, after increasing the number of National Guard members at the border to 10,000, the governor and a handful of the state's Republican leaders moved nearly half a billion dollars from DPS, the Texas Department of Criminal Justice and the Texas Alcoholic Beverage Commission to help cover the increased costs.

"He's just running up a tab that the Legislature, and taxpayers, will have to cover," DeLuna Castro said.

Trouble with the numbers
Fentanyl seizures have become shorthand for Operation Lone Star's success.

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Abbott repeatedly highlights them in press conferences and on social media, boasting that the state is helping to stop Biden's "open border policies." He has used seizures of the synthetic opioid, which is 100 times stronger than morphine, as a way to attack O'Rourke, who is challenging him in the November gubernatorial election.

At a February event in Austin before the primary election, Abbott's campaign handed out pill bottles with a fake label that read "Beto Biden open border" and pointed to 1,334 Texas fentanyl deaths in 2021.

Inside was a mock warning label that credited the seizure of 887 pounds of fentanyl, or what he called more than 201 million deadly doses, to Operation Lone Star. Days later, Abbott repeated similar claims in a press release from the governor's office.

The figure reflects seizures across the state and contradicts the number DPS has given for what is attributable to Operation Lone Star. About 160 pounds of fentanyl were seized from March 2021 to January 2022 in the regions that DPS uses when reporting metrics from the operation.

Abbott's office defended using statewide seizure numbers, saying they are directly tied to Operation Lone Star because the drug generally enters from Mexico.

"DPS can't always seize fentanyl right at the border; but they will not stop until they find it, even if it is in North Texas," Nan Tolson, Abbott's spokesperson, wrote in an email.

Including statewide seizures is "just disingenuous," said O'Burke, the former DPS commander.

"Chicago has a border nexus. Are we going to count drugs that were seized in Chicago? That's just not transparent," he said. "It's just not a measure of success. It's just conflating these statistics because it makes the general public feel safer."

Instead, O'Burke said, Operation Lone Star's results should only count actions in which its added resources were used.

That number comes with its own caveats. All but 12 of the 160 pounds of fentanyl were captured in El Paso County, which was not one of the ones listed by DPS officials in November as receiving additional troopers and National Guard members from the operation. The county was one of several that declined to sign on to the governor's border disaster declaration.

Fentanyl seizure claims are not the only example of the difficulty of measuring the return on investment for taxpayers.

DPS has a history of taking credit for work, such as drug seizures, carried out by other agencies. As part of the operation, DPS and Texas Military Department officials reported

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apprehending more than 200,000 migrants in the past year and referring them to the federal government for deportation. That included eight migrants who were caught rafting across the Rio Grande by DPS troopers, National Guard members and Border Patrol agents in November. But while DPS counted the immigrants it referred to Border Patrol as part of its reporting for Operation Lone Star, that same group may also have been included in the National Guard's tally, meaning both agencies could be getting credit for the same arrests. The Texas Military Department did not answer questions about the case.

U.S. Customs and Border Protection declined multiple interview requests. Officials did say that the federal agency "does not have a role or partner in any way" with DPS on the operation and that they don't track the state's referrals.

DPS officials acknowledged in an interview that more than one agency could be taking credit for some of the same detentions because the Texas Military Department does not share with DPS the details of immigrants it refers to the federal government, and such data is not publicly available.

Featherston, the retired Texas Army National Guard senior enlisted adviser, said he believes immigrant apprehensions are "double counted."

In another case, DPS posted on its Facebook page in September that it encountered more than 700 gang members as part of the operation. But officials declined requests to provide records detailing such arrests, saying gang affiliation "was not a metric the Department is tracking."

And despite removing more than 2,000 charges from the arrest data credited to Operation Lone Star, DPS still includes other charges without explaining how they align with the operation's goal of capturing dangerous criminals. (DPS disputed this characterization of the removed charges; a full explanation of our rebuttal is described in the methods section at the end of this piece.) In May, for example, troopers arrested a 20-year-old woman in Coke County, about 200 miles from the border in West Texas.

The woman was driving 9 mph over the speed limit in a no-passing zone on a rural highway. After troopers stopped her for speeding, they discovered a Ziploc bag with "loose leaf marijuana in the glovebox," according to the arrest report.

The woman, who could not be reached for comment, does not appear to have a prior criminal record. The arrest report doesn't note her immigration status. She was charged with possession of less than 2 ounces of marijuana.

"The whole reason for all this, you know, playing with statistics, is for optics so that the governor could get reelected. And so from that perspective, has it worked? Yes. It's worked for him," said Gary Hale, a former chief of intelligence in Houston for the Drug Enforcement Administration who is now at Rice University's Baker Institute for Public

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Policy. “But what’s the net gain? I don’t think there’s any. Zero. We really haven’t had any significant impact on migrant smuggling or drug trafficking.”

A group of Mexican undocumented migrants wait as they are being arrested by DPS as part of Operation Lone Star for trespassi…
Undocumented immigrants from Mexico are detained after Texas Department of Public Safety special agents caught them on private property in Kinney County as part of Operation Lone Star. Credit: Verónica G. Cárdenas for ProPublica/The Texas Tribune
A year later
A year after Operation Lone Star launched, a panel of three Texas senators sought to better understand how to gauge the costly initiative’s accomplishments.

“What metrics are you using to measure success in terms of defining the arrests for which you’re responsible for, to make sure we’re using our DPS officers in an effective way?” state Sen. Juan “Chuy” Hinojosa, a Democrat from the border city of McAllen, asked DPS’ chief, Col. Steve McCraw, at a hearing on March 8.

Success could not be measured through arrest and seizure numbers alone, McCraw responded.

For the first time since the operation began, he offered a different metric: securing the border by stopping the flow of drugs and unauthorized immigrants in Texas’ 103 Border Patrol zones, one at a time. That is accomplished when each area has enough barriers, technology and law enforcement resources to “prevent transnational criminal activity,” according to DPS, which said it has met that goal in four zones that make up some parts of Hidalgo and Starr counties.

During the hearing, McCraw didn’t say how the agency knows it has secured a region. He also did not explain how DPS would be able to continue committing the resources needed to sustain that level of security. The senators didn’t ask.

“The challenge we have is when trying to decide what success looks like, is that if the numbers go up, do we claim success because we’re more efficient?” McCraw asked, adding that arrest and drug seizure statistics fluctuate. “You can’t have it both ways, you can’t be successful when the numbers go up and when the numbers go down.”

Since the start of the operation, DPS and Abbott have repeatedly touted success using arrests and drug seizure numbers. While continuing to cite the statistics, McCraw sought to minimize their significance, saying that what matters most is “not how much crime you’re enforcing. It’s the absence of it.”

By the end of that Senate hearing, lawmakers remained uncertain about the return on their multibillion-dollar investment.

“How do we know whether the amount of money was appropriate for what was needed?” state Sen. Bob Hall, a Republican from Rockwall, northeast of Dallas, asked the state’s

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financial analysts. “And how do we know when we’ve accomplished what we set out to do, so that we can figure out what to do next, other than just appropriate more money and then wonder what to do next?”

The question has plagued lawmakers since the first border security operation launched nearly two decades ago.

About the data: How we analyzed criminal charges linked to Operation Lone Star
The data

Beginning in June 2021, reporters from The Marshall Project, ProPublica and The Texas Tribune began making records requests to the Texas Department of Public Safety for data on arrests and charges associated with Operation Lone Star. The department was responsive to those requests and provided information over the course of several months, though the format and contents of the files they sent changed over time in notable ways.

DPS sent us two data releases, one in July and another in August 2021, with records of arrests and charges associated with Operation Lone Star. Those releases came as separate files from three branches of DPS. However, in November, agency officials said that these records were incomplete, only capturing one of two broad border regions. In December, they then said they had retroactively started removing charges that did not “reflect the mission” of Operation Lone Star.

From November 2021 to January 2022, DPS sent three data snapshots, each of which the department said represented the totality of its records of Operation Lone Star charges and arrests at the time the files were created. This data was organized with each charge on its own row. An arrest can include multiple charges.

What we found

DPS emphasized that it is continuously improving how it collects and reports data for Operation Lone Star. As such, we used the latest data snapshot, from January 2022, when describing the criminal charges that the agency attributes to the operation, including how many charges were related to trespassing and how the charges were distributed geographically.

We also examined the evolving nature of the department’s record-keeping by looking at changes between the data snapshots provided to us. In comparing the first and second complete data snapshots (one provided in November 2021, the other in December 2021), we found more than 2,000 charges that had been removed from the data.

Vetting our findings

DPS said that our approach did not account for the fact that “each spreadsheet represents an extract from a live database, and information is subject to change.” The agency stated

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that our analysis "assumes that any row that does not appear exactly the same in each spreadsheet can be described as either 'added' or 'removed.'"

We did not require rows to match exactly when identifying charges preserved or removed. Rows were matched using arrest IDs and charge descriptions, and we looked only at charges from dates covered in both files. For about half of the more than 2,000 charges we identified as being removed from the data, the arrest IDs for these charges were not included in the later data snapshots — for example, Thomas King-Randall's arrest only appears in the first snapshot. For the other half, the arrest ID did appear in later data snapshots, but with fewer charges associated with it. Additionally, looking only at the number of charges in each dataset, we observed that for arrests that occured in the same time period, there were fewer charges in later data snapshots than there had been in the earlier snapshot. DPS declined to answer questions about why particular cases were removed and declined to answer many of our specific questions about the dataset.

The constantly changing nature of the database is not unique to Operation Lone Star. Methods for comparing datasets are commonly used and actively studied. It is valid to analyze changes in such databases (with the appropriate caveats) and to describe them as additions or removals. DPS itself told reporters the department "identified offenses that should be removed" in a December 2021 email about changes to Operation Lone Star data collection.

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As Abbott Cites O'Rourke's 'Pro-Russia' Vote In Congress, Democrat Compares Texas Governor To Putin
By Bob Garrett
Dallas Morning News

Gov. Greg Abbott is dredging up Beto O'Rourke's votes on Ukraine as a freshman congressman eight years ago to cast the Democrat as "pro-Russia."

Also, citing O'Rourke's 2015 vote against a bill that would have made it easier to export liquefied natural gas and his support two years ago for then-presidential candidate Joe Biden, Abbott's campaign is labeling O'Rourke an enemy of Texas' oil and gas industry.

O'Rourke, who's trying to end an Abbott winning streak that has kept the Republican in statewide office for about a quarter-century, has countered that the two-term governor is a lot like Russian president Vladimir Putin.

Democracy is "under attack here in the state of Texas," where Abbott and GOP lawmakers have made it harder for people to cast votes, just as Russia is attacking democracy in Europe, O'Rourke said last week.

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The governor even "has his own oligarch," the former El Paso congressman said. O'Rourke was referring to Abbott supporter and Dallas energy-pipeline magnate Kelcy Warren.

Warren has sued O'Rourke for defamation for saying he took advantage of last year's Texas freeze to make exorbitant profits on natural gas before rewarding Abbott with a $1 million political contribution. Warren has said he simply was trying to help Abbott fend off self-funding Dallas millionaire Don Huffines in the GOP primary for governor.

The Russian invasion of Ukraine may seem a world away, but the war and its implications are being felt across America, including Texas, where the two major-party gubernatorial candidates are talking – or being forced to talk – about it.

Though Abbott's the one pushing the issue, experts disagreed over whether it'll motivate or persuade many Texans. Early voting doesn't start for seven months – Oct. 24 – making it hard to assess how contained the Ukraine conflict will be and whether it will generate huge political fallout.

"Conflict in Europe is going to be a pretty tangential issue in the governor's race," said

Southern Methodist University political science professor Matthew Wilson.

"The only thing that it does highlight is the respective candidates' judgment," he said. "They can talk about past and current positions with regard to Russia as indicators of their own and their opponent's political intuition and values and judgment. It could play a role, but it's likely to be a marginal one."

The University of Houston's Brandon Rottinghaus, though, said that while Ukraine might not be the central issue in the O'Rourke-Abbott battle, "it's going to be indexed into larger problems that the Democrats face with an unpopular president. … It'll kind of flow into that." He cited gasoline prices, inflation and energy-related controversies.

'Speaks volumes'
For several months, Abbott has been testing attack lines on O'Rourke. The "jab" on Ukraine figures into Abbott's push to link his Democratic foe to Biden, while reminding voters of the Biden administration's restrictions on drilling, opposition to certain oil pipelines and the recent price surge at the gas pump, Rottinghaus said.

"From health to energy to regulations, there's a host of grievances that Republicans have against Joe Biden," he said. "Abbott's strategy is going to be to use those against O'Rourke."

Abbott is pressing the issue. Two days after Russian forces swept into Ukraine, the governor asked all Texas retailers, package stores and restaurateurs to voluntarily stop selling Russian products. "Texas stands with Ukraine," he tweeted.

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“Obviously toothless, but it sent a signal that this is something he’s hoping to capitalize on,” Rottinghaus said.

The following week, a day after Abbott dispatched seven fellow Republicans to win outright his party’s nomination for a third term, Dave Carney, his top political strategist, said Ukraine will be an issue in the fall contest. He cited O’Rourke’s U.S. House votes in the aftermath of Russia’s February 2014 invasion of Crimea.

In late March of that year, O’Rourke was one of just two House Democrats to vote against a bill that provided $1 billion in loan guarantees for Ukraine and imposed sanctions on Russian officials. He was one of 12 lawmakers to vote against promoting U.S. media like Radio Free Europe and Voice of America in the region. In December 2014, he was one of 10 House members to vote against a resolution chiding Putin for “aggression against neighboring countries.”

“How he voted when he was in the House, to be one of a handful, less than 10 Democrats, to support Putin’s invasion of the Crimea peninsula and not do anything to fight back, it just speaks volumes to his world view,” Carney said of O’Rourke. “And so fortunately for us, very bad for Ukrainians and Europeans, I think Ukraine is going to be a legitimate topic that people are going to care about in the next 249 days.”

Carney conflated O’Rourke’s votes with outright support for Russian aggression, a claim unsupported by contemporary records. However, last week, O’Rourke declined to explain or elaborate on post-Crimean annexation votes.

As in 2014 and during his short-lived presidential campaign in 2019, O’Rourke ducked chances to explain to reporters his rationale for the votes. In March 2014, the Washington Post cast the 19 votes against the aid-for-Ukraine bill as “a mix of isolationists, fiscal conservatives and liberals opposed to foreign interventions.” At the time, O’Rourke was said by his staff to be traveling and unavailable for comment.

In 2019, the online publication The Daily Beast, writing about the votes, also failed to obtain a comment from O’Rourke.

The online publication sought context for O’Rourke’s votes by reviewing public statements he made about Russia as a member of the House Armed Services Committee. Some were about Syria. More than once, O’Rourke said he was worried about unintended consequences of U.S. interventions in foreign countries, such as the CIA’s program to arm and finance the Mujahideen in Afghanistan from 1979 to 1992, The Daily Beast said. The Mujahideen ended up driving the Soviet Union from Afghanistan but turned the country into a haven for Islamic militants, some of whom successfully plotted the Sept. 11, 2011, attacks on the U.S.

Carney, the Abbott strategist, said O’Rourke’s 2014 votes related to Ukraine would hurt him with independent voters. Abbott spokeswoman Renae Eze said O’Rourke “is clearly

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trying to hide his dangerous pro-Russia voting record," which she and Carney said raises questions about his judgment.

Eze accused O'Rourke of being hostile to the fossil-fuels industry, and especially "hydraulic fracturing" used to extract oil and gas in shale belts. That caused him not to care about leaving Ukraine dependent on Russia for much of its energy, she said.

Eze cited O'Rourke's vote against the 2015 bill promoting LNG exports. At the time, O'Rourke wrote that there were too many unanswered questions about fracking's effects on groundwater for the U.S to be expanding natural gas exports. Congress first "should enhance safety and environmental protections," he said.

Eze, though, said O'Rourke and Biden "both have actively worked to slow progress for LNG exports from the U.S., leading to worldwide energy dependence on hostile nations like Russia. True American energy independence runs through the oil and gas fields of Texas, not through Venezuela, Iran, or Moscow."

'Some real parallels'
O'Rourke said he fully supports Ukraine in the current conflict. Citing a need for national unity, though, he said now is the wrong time to discuss his past criticisms of U.S. foreign policy.

"I, like I hope everyone in Texas, fully back the people of Ukraine who are fighting against extraordinarily long odds, and so far, are prevailing against Russia," O'Rourke said at an Austin news conference.

Beto O'Rourke, democratic candidate for Governor, stands next to an image of Texas Governor...
"I support our president and making sure that this country does everything it can, including convening our partners within our alliances in NATO, to give Ukraine and President [Volodymyr] Zelensky the support that they need to be able to hold these invaders at bay for as long as it takes to ultimately repel them," he said. "There's a time and a place to argue over previous policies that this country has taken. Right now, as we are on the brink of a serious crisis in Europe, … is not the time to do that."

Referring to last year's controversial Texas election law changes and reported profits by Warren's Energy Transfer Partners of $2.4 billion in the wake of the state's February 2021 electricity outages, O'Rourke said, "I see some real parallels from what's happening in Europe right now to what is taking place in Texas."

Abbott, though he was silent about former President Donald Trump's withholding of U.S. military aid to Ukraine in 2019, which factored into Trump's first impeachment, has made an elaborate show of support for the embattled Ukrainians in recent weeks.

He bathed the Governor's Mansion in blue and yellow lights, the colors of Ukraine's flag. He declared March 13 a statewide day of prayer for Ukraine, victim of an "unprovoked

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and unjustified invasion." And he and first lady Cecilia Abbott attended "divine liturgy" at a Ukrainian Catholic church in Houston.

Reviewing Carney and Eze's statements, UH's Rottinghaus said it's easy to imagine an ad or mailer the Abbott campaign might produce casting O'Rourke as soft on Russia and so green in his environmental policies that he fostered European dependence on Russia's natural gas.

"It's going to be a way to attack Joe Biden, which is an indirect attack on O'Rourke but hurts nonetheless," he said.

The only recent example of foreign policy-related issues looming large in a Texas governor's race was then-Gov. Rick Perry's decision to air TV spots attacking his 2002 Democratic opponent, Laredo banker Tony Sanchez, on a border topic, Rottinghaus said. The Perry ads said Sanchez invested in banks "that had been indirectly related to some money laundering for drug trafficking," which Perry linked to Mexican drug cartels' 1985 murder of federal Drug Enforcement Administration agent Kiki Camarena, he recalled.

"It was a stretch, but it was powerful," he said.

SMU's Wilson said that while immigration and trade with Mexico could be the rare foreign-policy issue that has salience in a Texas gubernatorial race, "those are going to be second-order issues."

Neither Abbott nor O'Rourke "has much at risk here, frankly, from the Ukraine situation," said Wilson, adding that O'Rourke would be better off hitting Abbott for his ties to Trump than drawing parallels between Abbott and Putin.

"Trying to bring up Trump's call with Zelensky is a better tack, frankly, than essentially trying to suggest similarities between Greg Abbott and Vladimir Putin," the political scientist said. "That's a bit much."

"By the time that we get to the fall campaign, and people are actually voting in October and November, anything having to do with Ukraine is going to be pretty far down the totem pole of the issues that will decide the Texas governor's election," Wilson said.

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Beto O'Rourke Stops In Amarillo For A Second Time Ahead Of The Texas Governor Election
By Michael Cuviello
Amarillo Globe News

Making his second campaign stop in Amarillo since announcing his gubernatorial campaign, Beto O'Rourke made his official first stop as the Democratic nominee

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Saturday night in a bid to unseat incumbent Gov. Greg Abbott. Standing on the steps of the Potter County Courthouse in front of about 300 supporters, O'Rourke talked about his platform that focused on creating and bringing more high-quality jobs, investing more in education and affordable healthcare for all.

Democratic Texas Gubernatorial candidate Beto O'Rourke addresses a group of about 300 supporters Saturday evening at the Potter County Courthouse in Amarillo. Introducing O'Rourke to the cheering crowd was Melodie Graves, who is currently in a runoff for the District 4 seat for County Commissioner. Graves gave a passionate welcome to O'Rourke as the right candidate for Texas in the face of the current governor's culture wars.

Graves said that she was impressed by O'Rourke's last visit to Amarillo when he said that we are not Democrats nor Republicans, but humans.

Potter County District 4 commissioner candidate Melodie Graves gives an impassioned endorsement for gubernatorial candidate Beto' O'Rourke Saturday at his campaign event. "I think Beto gets us back to our American values, like loving our neighbors such as being there and caring for them," Graves said. "I believe that our current governor, much like many who have been in office a long time, sometimes lose touch with the front line and what is really going on. I think Beto is here amongst the people and with the people, understanding the struggles they are facing."

O'Rourke continually emphasized creating more high-paying jobs, high value for Texans, throughout his remarks.

"I want to make sure that the absolute best jobs created in the U.S are found right here in the state of Texas," O'Rourke led with. "We need to make sure the jobs we are creating are good jobs."

He said that nobody should have to work multiple jobs to have to take care of their families.

Shifting the conversation to education, O'Rourke said that teachers should have better resources and compensation for the critical job that they provide to children in the community. He applauded the work of educators during the recent trying times of the pandemic in their effort to provide education, and he pledged to raise teacher pay.

"I want to make sure that we, the people of Texas, have the back of our teachers," O'Rourke said. "How can we expect the next generation of teachers to come into the profession if we do not treat teachers with the respect they are owed? When I am governor, we are making public education job number one."

Citing an expansion of Medicaid as a priority for his campaign, O'Rourke pledged to make it happen if he becomes governor. He talked about the need for better mental health

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care for the state and said that too much of its mental care is its prisons and correctional facilities.

“We are the least insured state in the U.S.; far too many are dying of diabetes and curable cancers, even the flu, in this state right now,” O’Rourke stated.

O’Rourke blasted Abbott for his current agenda that he sees as not taking care of the people and prioritizing wasteful high-cost endeavors such as misusing the National Guard and diverting Texas taxpayer money to projects such as adding to a border wall. The failure of the power grid under Abbott was a criticism leveled based on his misguided priorities.

“We need to find that common ground that we can all come together on, focus on the things that can bring us together rather than what divides us," O’Rourke said. “Everyone can get behind great jobs.”

O’Rourke answered multiple questions from the crowd relating to sensible gun ownership, understaffed facilities due to Abbott diverting funds to other endeavors and once again, clarifying his stance on gun rights.

“I believe in the Second Amendment; I know as Texans we can defend it while still doing a better job of protecting our fellow Texans, like universal background checks and safe storage laws,” O’Rourke said.

A great majority of what O’Rourke had to say resonated strongly with those who showed up to support him.

Mary London asks Beto O'Rourke a question during his campaign stop Saturday as O'Rourke's wife Amy and son look on at the Potter County Courthouse in Amarillo.
“He makes me believe that democracy can work,” Caitlyn Downs said of his appearance. “I admire that he puts people first and is willing to listen to people that may not agree with him."

Payton Brookshire, a college student, said that his stance on supporting women’s reproductive rights was vital to her.

More about Beto:What we know about O'Rourke's election history and why he's running for Texas governor

“I feel like Beto is a candidate that will actually stand up for people,” Brookshire said. “The fact that he showed up for this community is more than the current governor has shown.”

A small crowd of about 10 people opposed O’Rourke's appearance with signs in tow, including ones attacking his use of his childhood nickname.

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Danial Venters, a 37-year-old first-time voter, was among the protesters against the O'Rourke campaign due to his gun stance. He said he is supportive of background checks but feels that the candidate takes it too far.

"I do not appreciate his taking of my constitutional rights; that is stepping on my Second Amendment rights," Venters said.

O'Rourke met with the press following the rally and spoke of the importance of showing up and the keys to getting his views out to the people of Amarillo.

"I love the things we talked about tonight," O'Rourke said.

"You've got to show up. At each stop, we meet people that never would have known what I stood for or what I wanted to do for them as governor. And so many come up to me after the meetings and say that 'I did not know what you were about. I am going to vote for you.' I am learning a lot about how we can unite, about things that can come together. I love the energy brought tonight by those who came out," he said.

When asked about how to get a compelling message out to the public and what he wanted his message to be, O'Rourke laid out his three priorities once again.

"Jobs, great schools, and the ability to see a doctor; those are the three things that I repeatedly hear when I talk to people," O'Rourke said. "These things will bring us together. They are aspirational and positive and perfectly contrast the current governor's priorities."

O'Rourke will continue with his next tour stops Sunday in Lubbock and then onto San Angelo.

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Energy

$10 Million Gift From Shell Creates University Of Houston Institute For Energy Transition
By Samantha Ketterer
Houston Chronicle

In a collaboration with Shell, the University of Houston on Monday created the Energy Transition Institute to aid the energy sector's shift toward decarbonization.

The institute will focus on advancing the production and use of reliable, affordable and cleaner energy — especially through research related to hydrogen, carbon management and circular plastics, according to the university. Those areas are key to combating climate change and guiding the energy sector toward net-zero carbon emissions, UH leaders said.

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“Climate change is one of the greatest challenges of our lifetime — and it’s partnerships like this, along with other key drivers such as policy and technology, that together can help the US make progress on its net-zero goals,” Shell USA President Gretchen Watkins said. “When you put brilliant minds together with the resources they need to do the work, amazing things can happen.”

On HoustonChronicle.com: John Lienhard still brings the heat in 35th year as host of “Engines of our Ingenuity”

UH’s new institute was formed with the help of a $10 million commitment from Shell USA, Inc. and Shell Global Solutions (U.S.) Inc. Total funding, including other gifts and matching funds, should exceed $52 million.

The university’s location in Houston is expected to help the institute in its efforts, Chancellor Renu Khator said.

“Houston is poised, like no other city, to lead the energy transition and the Energy Transition Institute will be essential in pursuit of that goal,” she said. “Along with advancing energy equity and social impacts in our communities, Shell’s generous gift will help UH maintain its leadership role in the energy transition.”

Beyond research, the institute will also focus on policy and regulation issues, as well as equity and diversity, in the energy sector.

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Immigration/Border Security

Help Us Investigate Texas Border Security Initiatives
By Jessica Priest
Texas Tribune

Texas has spent billions of state tax dollars on border security for nearly two decades. Last year, state lawmakers approved a budget that included an unprecedented $3 billion for such initiatives.

As the state puts more money into border security measures, ProPublica and The Texas Tribune are seeking to better understand how the funding is used, what the investment is accomplishing and how the initiatives affect border residents.

Hearing your experiences can help us shape our stories with your communities in mind and hold relevant institutions accountable. Please fill out this questionnaire if you are a border resident or if you’re familiar with how border operations are run.

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Texas This Week: 'We're Essentially Mall Security,' James Barragán Discusses Conditions For Service Members In Operation Lone Star
By Ashley Goudeau
KVUE

In this week's edition of Texas This Week, Ashley Goudeau talks with James Barragán, politics reporter for The Texas Tribune, about his latest report that found service members assigned to Gov. Greg Abbott's mission at the border to deter unlawful immigration, Operation Lone Star, were stationed 80 miles away from the border, outside private ranches.

Three things to know in Texas politics
About 23,000 mail-in ballots weren't counted in the March primary.

Thousands of mail-in ballots for the March primary election weren't counted, largely because of the state's new elections law that requires voters to put an ID number on the return envelope containing their completed ballot.

The Associated Press reached out to all 254 counties in Texas to find out how many ballots were rejected. A total of 187 counties responded, representing 85% of March primary voters.

Initially, about 27,000 ballots were flagged for rejection. Under the law, voters have six days after election day to fix their ballots and thousands did -- still, 22,898 ballots were rejected statewide.

Locally, Travis County initially flagged 1,856 ballots but finally rejected 948 ballots. Williamson County initially flagged 1,690 ballots and rejected 521. The total number of rejected ballots is a significant increase from years prior, before Senate Bill 1, the state's controversial elections law, went into effect.

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Harris Co. elections administrator submits resignation after issues with primary

The U.S. House of Representatives held a hearing on the new state voting law.

The state's new voting law and its impacts was a topic of discussion on Capitol Hill this week. A subcommittee on elections for the U.S. House of Representatives Committee on House Administration held a hearing Thursday. Lawmakers listened as several Texas officials talked about how the new law disenfranchised thousands of voters and also heard from Republicans who stand by the law.

You can watch the hearing here:

State lawmakers called DFPS leaders to the Texas Capitol.

Leaders of the Texas Department of Family and Protective Services (DFPS) were called to answer to members of the Texas Legislature. A special Senate Committee on CPS held a hearing Thursday after reports surfaced that girls rescued from human trafficking, who are now in the state's care, were abused and neglected at a facility in Bastrop called The Refuge.

The head of the Texas Department of Public Safety said the allegations are not quite what they seem, though there are two instances where criminal charges are expected to or have already been filed. The hearing revealed failures within DFPS and what leaders call issues with the culture of the department.

These leaders will be back at the Capitol on Monday, this time to answer to members of the House of Representatives.

This week Gov. Greg Abbott appointed Maj. Gen. Thomas Suelzer as the Adjutant General of Texas, immediately replacing Maj.Gen. Tracy Norris whose appointment expired last month.

Norris was overseeing Operation Lone Star, the governor's initiative to address unlawful immigration at the Texas-Mexico border. The change in leadership comes amid reports of harrowing conditions faced by the service members on the border.

And also this week, The Texas Tribune reported some of those service members were being sent to stand watch over private ranches an hour away from the border. Politics Reporter James Barragán joined Ashley Goudeau to talk about what he found.

Ashley Goudeau: You put out an interesting report about the work that military members, the Texas military, are having to do as a part of Operation Lone Star. Talk to us about your latest findings.

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James Barragán: "Well, it's, it's pretty confounding. What we found with this story is that as part of Operation Lone Star, that's Gov. Abbott's highly touted border mission to deter migrants at the Texas border, they were sending Texas National Guard service members to private ranches, some of which your audience may know it's the big one King Ranch down in South Texas and Armstrong Ranch and other very politically connected ranch that's down there in South Texas. And they were essentially being sent out there to stand basically on the side of the road and watch for migrants, watch for smugglers going through there. But what we heard from service members is that they were sitting out there for eight hours at a time and doing a whole lot of nothing, which kind of confused them and concerned them about the mission because they felt that could be more effective at other places on the border."

Goudeau: You know, I think one of the most telling quotes that a service member told a member of the Tribune was, they said, quote, 'We're essentially mall security for ranches that already have paid security details to protect them.' I mean, that really sums up what they were doing there, right?

Barragán: "Yeah. And I think that's why there was concern from the service members part. I mean, some of them, you know, they vary in terms of how they feel about the mission, but for those people who are interested in helping out the mission of deterring migrants, they were sort of wondering 'What are we doing here,' when they could have been more effective at points on the actual border. You've got to remember these ranches are about 80 miles away from the nearest border town. It's more than an hour away. And so to have these National Guard Service members out there basically staring out into nothing, it really it really made them question why they were out there. It also raise questions about, you know, what role did these private ranches have in sort of ordering protections there. Obviously, that looks like, it's a terrible optics to have a National Guard service members deployed down there to the ranches. I have to say that we did speak to the owners of King and Armstrong Ranches, and they said that they did not ask for the service members to be there, and that means that the Texas Military Department just sent them out there on their own, basically."

Goudeau: Well, now you did have some interesting commentary or comments in this story from one of, a member of the sheriff's office who said they do see people going across the land on these very large ranches. But as you pointed out, the service members weren't allowed to go into the property, right?

Barragán: "Right. And that's the big concern. That's why Gov. Abbott, the Texas Military Department, the Department of Public Safety have made such a big deal of this -- they say ranches down here in South Texas are getting broken into. They're getting driven, their fences are getting broken because they're getting driven by smugglers who veer off when they're getting pursued by law enforcement. They're having migrants cross through their borders. So that was the concern. When we spoke to the Kennedy County sheriff [and] he said that was a big concern for his small agency and he needed all the help he could get. The issue is that the national guard service members did not sign up to be law enforcement, and they did not sign up to be Border Patrol. If they had wanted to do that,

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they would have signed up for those. They signed up to be national guard service members, which by and large are sent out for hurricane aid, you know, tornado aid, that kind of stuff. They want to help out their fellow Texans when they're in need. It's a very different situation here."

Goudeau: This is just sort of the latest thing that's happened with Operation Lone Star. I want to talk about a leaked survey from some members that you also reported on showing some of the conditions that they're dealing with and the low morale. Talk to us about what you learned in that survey.

Barragán: "Yeah, I mean, one of the quotes was literally, 'I hate it here,' and so many of the comments in that leaked survey were 'There's nothing good about the mission.' 'I don't like anything.' Most of the people who had positive things to say were either 'I like my direct supervisors,' 'I like the friends that are here,' or you know, there's hardly anything good to be had in this mission. It really showed the very deplorable living conditions that these service members are living under and showed that there is a lack of communication or a lack of understanding from leadership about what the troops really need down there. And it was, it was very revealing because it also showed that a lot of those service members are thinking twice about whether they're going to re-enlist in the National Guard if they are to be expected to be subjected to these conditions again."

Goudeau: One of the things I thought was really interesting is sometimes they were given just a few days notice that they were going to have to go to the border. And these are Texans with families and jobs and other responsibilities, right?

Barragán: "Exactly. This is not like, you know, you're enlisting in the Army or the Air Force or Navy or Marines, you know, active duty where you sign up for this kind of stuff. These are part time jobs essentially. They have other civilian jobs, lives, families. So when you only give them a week's notice, two weeks notice even -- a lot of these people have like two days notice, so imagine if you, viewer at home, were told, 'Hey, within two days, you've got to leave everything and go down to the border.' It would be very difficult. It would be a strain on your life, on your family, on your economic well-being. And that's sort of what I think service members really want to drive home. These are involuntary deployments. They are not volunteering to do this, and it's not what they signed up for, and they're having a major, major impact on their lives."

Goudeau: You know, obviously Operation Lone Star, under a microscope and just this week, the governor appointed a new lead to the Texas military service. Talk to us -- do you think that some of that has to do with that leaked survey, with perhaps sending these service members to these private ranches that they they are essentially not being able to do anything at?

Barragán: "Well, the governor did not mention any criticism of Operation Lone Star or of Adjutant General Traci Norris in her departure. But it, there's there's no possible way that this can not be seen as a response to the months and months of criticism that there has been about the operation. You've got to remember that Adjutant General Norris served

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starting in 2019 and then her term expired or so, the governor said, in February, right? But the past adjutant general served for nearly eight years, so she could have been re-up, but wasn't. What does that tell you? I think you've got to read between the lines and see that there are some unhappiness or there's at least some type of response to the criticism that the operation has been facing, with lack of pay for service members on time, deplorable living conditions and even some suicides tied to the mission."

Goudeau: Gov. Abbott, of course, launching Operation Lone Star ahead of the primary election -- has really touted this particular mission, has gone to the border several times to hold news conferences on the border with these service members, you know, talk to us about the political aspect of all of this.

Barragán: "It can't be overlooked. And obviously you talked a little bit about, you know, this was in the in the context of a Republican primary where Gov. Abbott had two challengers from the right, Allen West and Don Huffines, who had slammed them for not being conservative enough, not securing the Texas border. And this is not lost on the service members who are down there. They have said to us in stories and in that survey that they feel like political pawns, that the mission is serving no purpose other than to reelect Gov. Abbott. That is what the service members are saying, and that is how the service members feel. And sure, there are some service members who are happy to be down there, happy to be helping sort of try to curb the, the the flow of migration into Texas. But by and large, I think what you'll hear from service members is that they feel like political pawns in this political game."

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Criminal Justice

'I'm Going To Die Today': Trial Begins In Controversial 2015 Killing By Bexar Deputies; Man Was Holding His Hands Up
By Guillermo Contreras
San Antonio Express News

A federal trial is scheduled to start today in a controversial 2015 case in which two Bexar County sheriff's deputies fatally shot a domestic violence suspect who raised his hands in apparent surrender.

The shooting came near the end of a 12-minute encounter with varying angles captured by witnesses' videos.

Deputies Robert Sanchez and Greg Vasquez shot Gilbert Flores on Aug. 28, 2015, outside his parents' home in north Bexar County, arguing that he still had a knife in his hand. They had been called to the home by his mother, who told dispatchers that Flores had assaulted his wife and their infant daughter, that there was blood everywhere, that he had a knife and was acting "crazy." Flores, 41, is heard on the 911 tape saying he planned to commit "suicide by cop."

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U.S. District Judge Robert Pitman in 2017 dismissed Bexar County from the lawsuit filed by Flores' family, but he determined Deputies Sanchez and Vasquez should stand a civil trial. The deputies appealed, but their arguments to toss the case failed.

Today a jury is scheduled to be picked for the trial before Senior U.S. District Judge Royce Lamberth.

A witness cellphone video of the shooting was first broadcast by a local TV station the day of the incident and went viral. A second one recorded by a neighbor from a closer angle emerged months later. The trial could include both recordings, testimony about the whole encounter, and what led to deputies being called to the home of Flores' parents in the 24000 block of Walnut Pass, near Scenic Loop Road.

The family's lawyers, with the Thomas J. Henry law firm, and the deputies' attorney, Charles Frigerio, filed trial briefs last week arguing what should, and should not, be put in front of jurors.

In the appelate file, justices noted that during the time his family called police, Flores can be heard on a 911 call saying: "I got a knife and I'm going to suicide by cop, so bring a SWAT team, or uh uh uh or whoever is going to be ready to pull the trigger because I'm going to die today."

The family's lawyers argue the deputies unreasonably used deadly force in violation of Flores' constitutional rights. They argue that one deputy turned to the other in a sign that they would not let the incident drag on and that they were going to follow a supervisor's commands to "do whatever you have to do."

The deputies agreed on "ending this" and opened fire, one after the other, just as Flores — who earlier had tried to stab them, took away a police Taser, and came close to getting a deputy's AR-15 rifle — had seemed to stop his erratic behavior and raised his hands above his head in what appeared to be surrender, the family lawyers' filings said.

In the deputies' filings, Frigerio said the totality of the circumstances have to be taken into account, not just the final moments. Throughout the confrontation, Flores kept yelling and taunting the deputies to shoot him because he did not want to go back to prison, and at times used the knife to stab at deputies.

Frigerio argues that nonlethal attempts to de-escalate the situation were unsuccessful. He argues the deputies used lethal force after being instructed by supervisors to keep Flores from getting back into the house, where he could further assault family members, and to prevent him from taking a patrol car or grabbing the AR-15 after he opened the vehicle door once.

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Court documents said the videos showed Flores in the driveway, about 30 feet away from the deputies with his arms in the air. Frigerio argues Flores still had the knife in one hand and posed a threat.

In October 2017, Judge Pitman dismissed the county from the case, but found there are factual disputes that need to be decided by a jury to determine whether the deputies are shielded by a long-standing legal principle called "qualified immunity."

While agreeing with the deputies that their conduct should be judged based on the circumstances, Pitman saw a big problem with the final actions they took — shooting Flores when he did not appear to be an imminent threat.

"Based on the circumstances facing Vasquez and Sanchez right before they shot Flores and construing the facts in favor of plaintiffs, the court finds that a reasonable officer would have concluded that Flores, who was stationary for several seconds and put his hands in the air while remaining otherwise motionless, was no longer resisting and had signaled surrender," Pitman wrote. "Therefore, the deputies' use of deadly force was not reasonable."

The deputies appealed to the U.S. 5th Circuit Court of Appeals in New Orleans. That court agreed with Pitman's determination that a jury needs to hash out the dispute and dismissed the appeal.

"Flores had a knife, not a gun; was several feet away from the officers, the house, and the vehicle; had his hands in the air in a surrender position; and stood stationary in the officers' line of sight," the 5th Circuit wrote. "Under these facts taken in the light most favorable to Plaintiffs, we conclude that the district court correctly identified material factual disputes as to whether the officers violated Flores's Fourth Amendment rights."

The deputies filed a petition for the U.S. Supreme Court to review the case, and several police and municipal organizations filed a brief supporting their request.

Records show the Supreme Court, without comment, denied the petition in March 2021.

In December 2015, a Bexar County grand jury declined to indict the deputies on criminal charges. Bexar County officials have said that the county's insurer may have to pay if the deputies lose and the jury assesses damages.

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Opinion/Editorial

Opinion: We Can't Risk Allowing Texas' Anti-Boycott Laws To Stand
By Bahia Amawi
Austin American Statesman

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Recently, I read a tweet from Governor Greg Abbott: “I’ve asked the members of the Texas Restaurant Association, Texas Package Stores Association & all Texas retailers to voluntarily remove all Russian products from their shelves. Texas stands with Ukraine.”

I, too, stand with Ukraine. My heart breaks watching footage of families fleeing under shelling, and hospitals reduced to rubble. I know the pain I go through when my Palestinian community is under attack in Gaza and the West Bank, and I feel accutely for the desperate Ukranian civilians I see in image after image. My worries also have a personal dimension; we have relatives living in Kyiv who are trapped there now, under bombardment. My heart leaps into my throat each time my husband's WhatsApp notification pings, not knowing what news he may be about to receive.

So I’m glad that Governor Abbott took this important stand to boycott Russian products. I believe that our freedom of speech in the form of boycotts is one of the most effective nonviolent tools we have to take a stand against oppressive governments. That’s precisely why I’ve spent the last four years fighting to preserve the right to boycott for all Texans; a right which, ironically, Abbott has been eroding. In 2017, Abbott signed into law House Bill 89, which prohibits state agencies (such as public school districts) from contracting with those who boycott Israel. I had been working as an independently contracted speech pathologist in the Pflugerville school district since 2009. But when my annual renewal contract was sent to me in August 2018, there was a new certification that I was required to sign, pledging that I do not, and will not, boycott Israel.

My family and I do boycott companies that benefit from the Israeli occupation of the Palestinian people. It’s one concrete way I can raise my voice here in Austin in solidarity with my fellow Palestinians. I could not sign that pledge with a clear conscience. But, unless I signed, I could not return to a job I loved, helping children with severe disabilities. I chose a third path–to sue the state of Texas for violating my freedom of speech.

I filed my lawsuit in December 2018. In April 2019, U.S. District Judge Robert Pitman heard my case and issued an injunction against the law, stating “the anti-BDS law threatens to manipulate the public discourse through coercion rather than persuasion. This the First Amendment does not allow.”

Since then, however, Texas has continued to chip away at our right to boycott. In my case, the Texas legislature avoided addressing the law’s constitutionality, amending it instead so that it applies only to larger companies. Rasmy Hassouna from A & R Engineering and Testing Inc. has since also sued Texas for trying to compel his engineering firm to sign the pledge. Though U.S. District Judge Andrew Hanen ruled in January that the amended bill is still unconstitutional, the state is appealing. In addition, Texas lawmakers passed two copycat laws last year, penalizing boycott of fossil fuels, and the firearms industry.

At the same time that Governor Abbott calls for boycotting Russia, he’s working to undo the right of Texans to use that very same tool. Our free speech rights concerning climate

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change, gun violence and the occupation of Palestine have already been undermined–who knows what's next?

As I anxiously await the next message from my family members in Ukraine, praying for their safety and safety for all Ukrainians, I call on the Texas legislature and Governor Abbott to rescind Texas' anti-boycott laws. If we allow those laws to stand, we not only risk losing our constitutional rights. We also weaken our ability to effectively respond to violent, repressive regimes in the future.

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Analysis: A Health Care Problem Too Big For The Texas Legislature
By Ross Ramsey
Texas Tribune

Texas has more uninsured people than any other state, whether you count in raw numbers (about 5.4 million) or in the uninsured percentage of the total population (18.4%). But it's one of only a dozen states that hasn't expanded its Medicaid program.

Whether lawmakers suddenly change their mind about that program or not, they still have a problem to solve: How do they get health insurance, or cheaper health care, for all of those people?

Every two years, somebody in the Texas Legislature attempts to get the state to expand its Medicaid program. Democrats have tried it. Republicans have tried it. But every year, the Legislature turns a collective deaf ear to the efforts. Texans in Congress even tried going around the state government to get it done, to no avail. Expansion comes with a 9-to-1 match, meaning the federal government spends $9 for every $1 a state contributes.

And states that take part have lower numbers and rates of uninsured people.

According to the U.S. Census Bureau, 8.9% of adults were uninsured in 2020 in states that had expanded Medicaid. In the states that hadn't, including Texas, the uninsured rate was 17.6%. In 2019, 18.4% of Texans were uninsured, according to the state comptroller's office. That was the highest rate in the country, and double the national average of 9.2%. When the numbers are limited to just those Texans under age 65 — who aren't eligible for Medicare, for instance — the percentage of uninsured in the state swells to 20.8%.

Before the 2021 legislative session, a group of experts urging the state to join the federal program argued that doing so would contribute $75 million to $125 million to the state budget every two years. It would also, they argued, reduce uncompensated care in hospitals and emergency rooms, and would encourage preventive care, early detection and improved disease management.
"In addition, the infusion of billions of external dollars into the Texas health care system each year will have downstream positive effects on the economy," they wrote.

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Expanding Medicaid isn't the only way to solve the problem, but the state isn't doing much else to try to cut into the number of Texans who don't have insurance.

One argument over the years is that uninsured Texans can get care in emergency rooms and hospitals. A common counter-argument is that insuring more people would be cheaper in the long run, and better for their health. And Texans have to pay either way: The bills for that so-called uncompensated care are footed by other patients and taxpayers who pay for those medical facilities and the care they provide through their own medical bills and local hospital taxes.

And, according to the people who study these things, expanding Medicaid would be a better deal for taxpayers. "We estimate that 954,000 newly eligible adults would enroll in an expansion, bringing approximately $5.41 billion in federal dollars annually to the state," they wrote.

Other conservative states were initially against expanding Medicaid, too, but that resistance has thawed over the years. Now, only a dozen states, including Texas, continue to opt out. During last year's regular session — as in the procession of sessions before it — Texas lawmakers voted it down.

So, no Medicaid expansion for Texas — a familiar result every time lawmakers have considered it through the last three presidencies.

But it's just a program, one possible solution to a perplexing public policy predicament that remains unsolved and apparently beyond the abilities of the Texas state government.

Almost 1 in 5 Texans don't have health insurance, the worst numbers in the country, and we've been at the bottom of that barrel for a long, long time.

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Opinion: I Don't Like Taxes. No One Does. But Here's Why I Support A Carbon Tax.
By Jeffrey Williams
Houston Chronicle

Ninety years ago, journalist William G. Shepherd wrote in Collier's Weekly, "Congress! Congress! Don't tax me, tax that fellow behind the tree." In the 1970s, Russell Long, chairman of the Senate Finance Committee, updated the phrase to say, "Don't tax you, don't tax me, tax that fellow behind the tree," but the feeling remained unchanged — as it does today.

No one likes to pay taxes. Simply put, taxes on work discourage work. Taxes on capital gains, dividends and business income discourage investment, impairing growth. But taxes

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are also necessary. The government has bills to pay, but not by borrowing more, which would burden our children with debt.

Then, the question is what to tax. The answer is as simple as the reasons no one likes taxes: something that causes the least — or best — distortion.

Our current tax code is riddled with harmful distortions, making Democrats' efforts to squeeze more revenue by raising income tax rates not only unpopular but also economically destructive. I support and urge anyone who does not like taxes to support what I believe is the best approach: a tax on carbon emissions.

As a former investment banker, I know markets are powerful. Our economy, as well as economies around the globe, emit more carbon emissions than they would if the social cost of carbon were reflected in the production and consumption of goods and services. Unfortunately, we are not made aware of that personal cost, though we know it is not zero.

A carbon tax, even a moderate tax, would address this market failure and spur three changes: a consumer switch to less carbon-intensive activities; innovation across numerous sectors of our economy; and the adoption of more low-carbon sources of energy, including wind, solar and natural gas by electric utilities.

Most importantly, these activities would be motivated by Americans' innate desire to avoid taxes. The beauty of a carbon tax is that it incentivizes consumers and businesses to avoid it, which will cause carbon emissions to decline significantly.

Unlike a draconian policy to ban the use of coal or outlaw carbon-intensive fuels, a carbon tax will create an economy-wide incentive for consumers and businesses to adopt low-carbon sources of energy. Equally important, it will drive innovation, resulting in new low-carbon technologies that will be critical to lowering emissions here and abroad. Over time, our economy will reach a new equilibrium that will not only help us address climate change but also raise revenues from any carbon emissions that cannot be eliminated — emissions that will be unavoidable and valuable to our economy.

Finally, a carbon tax adheres to an age-old policy framework in Washington: When doing nothing is not an option, do the least bad thing. While the cost of a carbon tax will undoubtedly have a significant impact on the economy, there are no policy options to address climate change that are as economically efficient. Subsidies for green energy increase the federal deficit, which we simply cannot afford to do. Energy mandates result in limited choices in the marketplace, disrupting free enterprise, and they are the most expensive. Stewards of good government understand this.

While a political liability of a carbon tax may be that it is simple and transparent, those attributes are also the very reason anyone who does not like taxes should support a carbon tax.

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Obamacare Is Boosting Economic Health
By Matthew A. Winkler
The Washington Post

Obamacare gave Americans a lot to argue about before it became law in 2010. One contentious question concerned its eventual economic effect, with supporters saying it would invigorate businesses by freeing them from burdensome health-care costs and opponents warning of a drag produced by tax increases and government bureaucracy.A decade's worth of data has now rendered a partial verdict: States that have fully embraced the Affordable Care Act are enjoying healthier labor markets and stronger income growth than those that haven't.

The evidence comes from the experience of the 12 states that have refused to accept a key element of Obamacare: federal money covering the cost of expanding Medicaid to cover millions of people who otherwise couldn't afford health insurance. The U.S. Supreme Court made the Medicaid expansion optional in its 2012 decision upholding the other parts of the law.

Standard measures of jobs and personal income growth show that even Texas — the biggest of the states still rejecting the Medicaid expansion — trails the states that joined it after turning it down when it became available on Jan. 1, 2014, according to data compiled by Bloomberg.

The Medicaid expansion, enabling more than 4 million of the most vulnerable people to work, turned out to be a catalyst for growth. That may explain why 38 states and the District of Columbia have embraced the insurance extension, up from 25 when it first became available on Jan. 1, 2014.

The Affordable Care Act, signed 12 years ago this week by President Barack Obama, was conceived to let the entire population gain private or public health care with corporate, federal and state revenues that combined would reduce the national burden and invigorate the economy. It allowed children to remain insured on a parent's policy until age 26, required equal treatment of persons with preexisting medical conditions and prohibited annual or lifetime coverage limits.

By 2020, before the coronavirus pandemic ended the longest period of U.S. growth in modern times, the job market in states initially refusing and subsequently implementing the Medicaid expansion outperformed states opposed to it, according to labor participation data compiled by Bloomberg. Labor participation measures the proportion of people in the working-age population who have jobs or are seeking work. Excluding recent transplants during the pandemic, the trend continues unabated because the Covid-19 pandemic weighed heavily on mothers without child care, especially low-wage women, whose recent employment significantly lags behind men.

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From April 2020, when the U.S. started to recover from the worst employment collapse since the Great Depression, through Jan. 31 of this year, the number of U.S. jobs grew by 14.3%. That's 1.4 percentage points greater than the average for the 12 states refusing the Medicaid expansion and 0.6 percentage points less than the average for the states accepting it, according to data compiled by Bloomberg.

Texas, which has the nation's highest proportion of people without health insurance at 18.4%, according to the U.S. Census Bureau, underperformed the national average with employment growth of 13.6% since April 2020. That's 1.3 percentage points less than the states adopting the expansion and 5 percentage points less than Massachusetts. The Bay State, which accepted the extension in 2014 and is No. 1 with only 3% of its population of almost 7 million uninsured, saw its labor force expand at a rate of 18.3%, according to data compiled by Bloomberg.

Even when such populous states as California and New York are excluded from employment calculations, the states expanding Medicaid saw employment increase 14.8%, well above Texas and the national average. Among the 12 holdout states, only one-third outperform the national job market while 53% of the 38 states (plus Washington, D.C.) adopting Medicaid created more jobs than the national average.

Unemployment shows a similar pattern, with the 12 holdouts seeing their jobless rates decline 8.9 percentage points on average since April 2020, almost a percentage point less than the decline for the other states. The inferior performance is no different when California and New York are omitted from the equation, according to data compiled by Bloomberg.

The 9.93% increase in U.S. personal income since April 2020 is 0.33 percentage points more than the gain for states refusing Medicaid expansion, according to data compiled by Bloomberg. Better health care appears to translate into greater wealth for all.

[BACK TO TOP]

AMERICAN OVERSIGHT

From: Corey Rose <CRose@sos.texas.gov>
Sent: Wednesday, February 23, 2022 2:47 PM EST
To: John Scott <JScott@sos.texas.gov>
Subject: THE HILL: Beijing says Taiwan is 'not Ukraine,' has always been part of China

Beijing says Taiwan is 'not Ukraine,' has always been part of China

China's foreign ministry on Wednesday said Taiwan is "not Ukraine" and has always been a part of China amid Taiwanese President Tsai Ing-wen's calls to ramp up vigilance on military activities in response to the crisis in Ukraine.

Foreign ministry spokesperson Hua Chunying dismissed the concerns of British Prime Minister Boris Johnson, who said there might be worldwide consequences, including for Taiwan, if Western nations failed to support Ukraine's independence, according to Reuters.

"Taiwan is not Ukraine," Hua said while speaking in Beijing. "Taiwan has always been an inalienable part of China. This is an indisputable legal and historical fact."

Hua noted that the situation with Taiwan is the result of the country's civil war in the mid-20th century but that China's integrity should have never been compromised and has never been compromised.

In 1949, the government of the Republic of China fled to Taiwan to escape communist forces, who formed the People's Republic of China the same year.

However, Taiwan has vehemently opposed China's claims over the island, with Tsai noting that it is still the self-governing Republic of China, according to Reuters.

The Taiwanese president told her working group on the Russia-Ukraine crisis established by her National Security Council that all security and military units "must raise their surveillance and early warning of military developments around the Taiwan Strait," according to the news service.

Tsai noted that Taiwan and Ukraine are fundamentally different in various ways, including geography and internal supply chains.

"But in the face of foreign forces intending to manipulate the situation in Ukraine and affect the morale of Taiwanese society, all government units must strengthen the prevention of cognitive warfare launched by foreign forces and local collaborators," she said, according to Reuters.

Tsai expressed "empathy" for Ukraine's situation because of Taiwan's own military threat, Reuters noted. While the statement did not specifically refer to mainland China by name, it is the most significant military threat the East Asian island faces.

AMERICAN OVERSIGHT

From: National Training Team <education@dcac.org>
Sent: Tuesday, March 01, 2022 11:02 AM EST
To: Secretary <Secretary@sos.texas.gov>
Subject: Upcoming CE-CERT Trainings

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AMERICAN OVERSIGHT

From: GeneralCounsel
To: "AO Records"
Cc: GeneralCounsel; Sam Taylor
Subject: RE: Public Information Request (TX-SOS-22-0336) PIR 22-0408
Date: Friday, April 22, 2022 3:29:25 PM
Attachments: 4-22-22 10 Day Letter to Requestor - American Oversight PIR 22-0408.pdf
4-22-22 10 Day Letter to OAG - American Oversight PIR 22-0408.pdf
4.22.22 Documents.zip

Good afternoon,

Please see the attached letters, with enclosures, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Wednesday, April 6, 2022 3:45 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Public Information Request (TX-SOS-22-0336)

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Dear Public Information Officer:

Please find attached a request for records under the Texas Public Information Act.

Sincerely,

--
Marwah Adhoob
Pronouns: she/her
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PIR: TX-SOS-22-0336

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

The State of Texas

Executive Division
Capitol Building, 1E.8
P.O. Box 12887
Austin, Texas 78711-2887

Phone: 512-463-5770
Fax: 512-475-2761
Dial 7-1-1 For Relay Services
www.sos.texas.gov

John B. Scott
Secretary of State

April 22, 2022

Office of the Attorney General
Open Records Division
300 W. 15th Street, 11th Floor
Austin, TX 78701

Via Hand-Delivery

Re: Request for records, received: April 6, 2022 (SOS PIR No. 22-0408)

Dear General Paxton:

On April 6, 2022, the Office of the Texas Secretary of State ("Office") received a written request for information ("Request") from Emma Lewis (the "Requestor") under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA").[1] A copy of the Request is attached as Exhibit A.

The Office asserts that certain information responsive to the Request is excepted from disclosure under the PIA. The Office understands that certain information requested by the Requestor may be excepted from disclosure under Sections 552.101, 552.103, 552.107, and 552.139 of the Texas Government Code. Specifically, the Secretary invokes all of the exceptions provided by, and the exceptions incorporated into, Sections 552.101 through 552.162 of the PIA, including, without limitation, Sections 552.101, 552.103, 552.107, and 552.139.

Pursuant to Section 552.301(a) of the PIA, this letter is submitted in order to seek a decision as to whether the exceptions apply. To assist in your review, the Office will provide a brief of written comments and copies, or a representative sample, of the responsive documents not later than the 15th business day from the date that the Office received the Request.

Should you need additional information, please feel free to contact me at (512) 463-5770.

[1] The Office was closed on April 15, 2022 in observance of Good Friday and operated on a skeleton-crew basis on April 21, 2022 in observance of San Jacinto Day. Therefore, the 10th business day from the date that the Office received the Request is today, April 22, 2022.

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Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State
generalcounsel@sos.texas.gov

Enclosure

Cc: Requestor (via email) without Exhibit

AMERICAN OVERSIGHT

The State of Texas

Executive Division
Capitol Building, 1E.8
P.O. Box 12887
Austin, Texas 78711-2887

Phone: 512-463-5770
Fax: 512-475-2761
Dial 7-1-1 For Relay Services
www.sos.texas.gov

John B. Scott
Secretary of State

April 22, 2022

Emma Lewis
American Oversight

Sent via Electronic Mail in care of Marwah Adhoob to: records@americanoversight.org

Re: Request for records, TX-SOS-22-0336, received: April 6, 2022 (SOS PIR No. 22-0408)

Dear Ms. Lewis:

This letter responds to your request for information under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA"), which was received by the Office of the Texas Secretary of State (the "Office") via email on April 6, 2022 (the "Request").[1] In the Request, you indicate that you are seeking the following information dating back to January 24, 2022:

1. *All records reflecting the substance of Secretary of State John Scott's "Texas Election Integrity working session" meeting with Nexus Cognitive representatives Anu Jain, Paul Falkenberg, and Scott Marvel that took place on or around February 9, 2022, including, but not limited to: complete calendar invitations; meeting agendas; talking points; formal or informal meeting notes, readouts, transcripts, or other records of the meeting's content; and records shared during or in connection with the meeting.*

2. *All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between (a) Secretary of State John Scott, or anyone communicating on his behalf (such as Executive Assistant and Scheduler Kim Bergmann), and (b) anyone communicating on behalf of Nexus Cognitive (including, but not limited to, Anu Jain, Paul Falkenberg, Scott Marvel, and anyone communicating from an email address ending in @nexuscognitive.com).*

3. *All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text messages sent or received by Secretary of State John Scott, or anyone communicating on his behalf (such as Executive Assistant and Scheduler Kim Bergmann), containing the terms "nexus" or "cognitive."*

[1] The Office was closed on April 15, 2022 in observance of Good Friday and operated on a skeleton-crew basis on April 21, 2022 in observance of San Jacinto Day. Therefore, the 10th business day from the date that the Office received the Request is today, April 22, 2022.

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We are processing your Request in accordance with the terms of the PIA.[2] To that end, please find the enclosed responsive documents. We require more time to review our records and produce any additional responsive information. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 29, 2022. *See* Tex. Gov't Code § 552.221(d).

The Office asserts that certain information responsive to the Request is protected from disclosure under Chapter 552 of the Texas Government Code. The Office is requesting a decision from the Texas Attorney General as to whether it may withhold this information.

NOTICE PURSUANT TO SEC. 552.301

As indicated above, this letter provides you with notice that the Secretary of State has requested a decision from the Texas Attorney General regarding whether certain information relating to your request may be withheld under Chapter 552 of the Texas Government Code. Enclosed is a copy of the request for decision from the Texas Attorney General.

If you have any questions or need additional information, please do not hesitate to contact our office at (512) 463-5770.

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State
generalcounsel@sos.texas.gov
AB/jw

Enclosures

[2] The PIA applies only to information in existence as of the date that the governmental entity receives the request and thus does not require the entity to create new information in response to a request or comply with a continuing request to supply information on a periodic basis as such information is prepared in the future. *See* Tex. Gov't Code §§ 552.002, .021, .227, .351; *A&T Consultants, Inc. v. Sharp,* 904 S.W.2d 668, 676 (Tex. 1995); *Fish v. Dallas Indep. Sch. Dist*., 31 S.W.3d 678, 681 (Tex. App.—Eastland 2000, pet. denied); Tex. Att'y Gen. Op. JM-48 at 2 (1983); Open Records Decision Nos. 476 at 1 (1987), 465 at 1 (1987), 452 at 2–3 (1986), 342 at 3 (1982).

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From: John Scott
Sent: Wednesday, February 9, 2022 1:20 PM
To: Scott Marvel
Subject: Accepted: Texas Election Integrity working session

AMERICAN OVERSIGHT

From: Scott Marvel
To: John Scott
Cc: Anu Jain; Paul Falkenberg
Subject: Election Integrity Support SOW
Date: Tuesday, February 15, 2022 3:40:02 PM
Attachments: TX SOS Elections Integrity SOW DRAFT 20220215.docx
TX HUB Status Approval Letter.pdf

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Mr. Secretary,

As discussed last Wednesday, attached is a draft Statement of Work for providing election integrity process and data analysis to help us collectively determine what needs to be in Version 1.0. of the enabling technology to support 2022. As well, I have attached our certified State of Texas HUB Status and CMBL Vendor ID for your reference.

We also have first class data management and analytics staff that we can provide Chad for his team as it ramps up. Those folks can also help us in this initial effort and perform knowledge transfer services for new hires that get on-boarded to the Elections Division over time.

We'd love to hop on a quick call or Zoom with you and Chad (don't have his contact info) to determine how best to proceed.

Thank you again for your time and consideration.

Best Regards,

Scott

Scott Marvel | Partner
Nexus Cognitive Government Solutions™
1335 Bentley Ct | Southlake, Texas 76092
15455 Dallas Parkway | Suite 600 | Addison, Texas 75001
O: 214.775.9949 ext. 704
F: 972.764.5101
C: 214.280.8017
[redacted] | https://www.nexuscognitivegov.com

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Statement of Work 1 – Election Integrity Data Automation and Discovery

This Statement of Work Number 1 ("**SOW**"), effective as of February 21, 2022 (the "SOW Date"), is entered into by and between the State of Texas ("Client" or "SoS"), and Nexus Cognitive Government Services, a Texas limited liability company ("Consultant").

I. Description of Services. Consultant shall provide the following Services under this SOW, such Services to be completed on or before March 21st, 2022.

The primary focus is performing data source and solution discovery for an election integrity analytics solution to confirm the legality and accuracy of every vote in the State of Texas.

This discovery effort will gain consensus on key data sources that will be incorporated into the solution and an inventory of what questions we are trying to answer.

Activities will focus on defining the optimal business solution components along with any technical and external dependencies. The project will also include identifying the specific feature/capability requirements to eventually support all 254 counties by establishing a scalable foundation to enable future growth. The analysis and deliverables will support the following four key objectives:

- How to evaluate election integrity in a given jurisdiction and determine how to set up a long term automated solution to do the same;
- Defining a transparent, easy to interpret tool that is secure, inspectable, and auditable.
- Considerably reduce back office and administrative burdens all constituent parties by providing increased transparency and verifiability of votes cast;
- Provide a solution implementation roadmap with achievable milestones for the 2022 election year and future election cycles.

The activities and deliverables of this engagement are intended to clearly define the solution from a business perspective while identifying dependencies and validating solution feasibility. Any integration points and core capabilities necessary to deliver the solution will be documented and assessed. The following sections outline specific activities, deliverables, and assumptions.

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Activities:

1. Draft Initial Solution Summary
    a. 2-3 Page non-technical overview of the platform
    b. State of Texas stakeholders will be key contributors
    c. Will constantly refactor as the discovery process progresses
2. Analyze/Document various source systems
    a. Conduct two ½ day workshops with the SoS team
    b. What outcomes do we expect it to provide (for example: deceased individuals who cast ballots)
    c. Quality and accessibility of the desired data
    d. Initial Feasibility Analysis
3. Capture technical assumptions/details to support estimates, examples include:
    a. Development platform/tools
    b. Hosting/Cloud Platform
    c. Complexity Dimensions (User Types, Integration Points, Major Data Elements, Inputs, Outputs)
4. Identify core features/capabilities necessary for Version 1.0
    a. Details both what is and what is NOT included
    b. Will be representative, not definitive
5. A draft delivery plan including:
    a. Level of effort and rough delivery timeline for Version 1.0 and interim releases
    b. Document any known outstanding areas, questions, or concerns that require resolution before initiating delivery phases
    c. Delivery phases include: technical design/analysis, agile delivery sprints, functional testing, integration testing, and POC launch
    d. Approximate resources and costs

Deliverables:

1. Data Source identifications and definitions
2. Solution Summary – 2-3 Page non-technical overview of the platform
3. Analysis Overview – Summarizes all findings from activities
4. Estimated Delivery Plan

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Assumptions:

1. To control cost and accelerate delivery, the initial analysis will focus on the following county jurisdictions: Tarrant, Collin, Dallas, and Harris.
2. Texas SoS and other stakeholders will provide frequent input into and analysis and review draft deliverables.
3. The discovery effort will NOT include detailed technical design and analysis, which are dependent on the discovery process.

II. Project Management and Reporting: By the end of the first project week, will confirm a detailed list of deliverables, remaining activities, and (if needed) any assumptions/dependencies. To provide transparency on progress and ensure alignment on adjustments to priority or scope, a written weekly status report will be delivered every Friday, followed by a weekly status meeting.

III. Fees. In consideration for the performance of the services provided by Consultant under this SOW, The State of Texas shall compensate Consultant based on a firm fixed price of:

$49,500

The identified activities and estimated effort are based on the current understanding of the requirements and data sources supported by the enabling technology and proposed solution and prior experience on similar engagements. As with any discovery effort, there is the potential to identify new areas, questions, or concerns requiring further analysis before discovery finalization. In the event the not-to-exceed amount must be increased, written approval from The Texas SoS in the form of a change order is required. The change order will summarize the additional activities, associated effort, and estimated increase of the not-to-exceed amount.

IN WITNESS WHEREOF, each Party has caused its authorized representative to execute this SOW as of the SOW Date.

Nexus Cognitive Government Solutions, LLC	**State of Texas**
By: _____	By: _____
Name: Scott T. Marvel	Name:
Title: Managing Partner	Title:

AMERICAN OVERSIGHT

GLENN HEGAR TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

The Texas Comptroller of Public Accounts (CPA) administers the Statewide Historically Underutilized Business (HUB) Program for the State of Texas, which includes certifying minority, woman, and service disabled veteran-owned businesses as HUBs and facilitates the use of HUBs in state procurement and provides them with information on the state's procurement process.

We are pleased to inform you that your application for certification/re-certification as a HUB has been approved. Your company's profile is listed in the State of Texas HUB Directory and may be viewed online at https://mycpa.cpa.state.tx.us/tpasscmblsearch/index.jsp. Provided that your company continues to meet HUB eligibility requirements, the attached HUB certificate is valid for the time period specified.

You must notify the HUB Program in writing of any changes affecting your company's compliance with the HUB eligibility requirements, including changes in ownership, day-to-day management, control and/or principal place of business. *Note: Any changes made to your company's information may require the HUB Program to re-evaluate your company's eligibility.*

Please visit our website at http://comptroller.texas.gov/procurement/prog/hub/ and reference our publications (i.e. Grow Your Business pamphlet, HUB Brochure and Vendor Guide) providing addition information on state procurement resources that can increase your company's chances of doing business with the state.

Thank you for your participation in the HUB Program! If you have any questions, you may contact a HUB Program representative at 512-463-5872 or toll-free in Texas at 1-888-863-5881.

Texas Historically Underutilized Business (HUB) Certificate

HUB
Statewide Historically Underutilized Business Program

Certificate/VID Number:	**1833356250400**
File/Vendor Number:	**526649**
Approval Date:	**05-MAR-2021**
Scheduled Expiration Date:	**05-MAR-2025**

The Texas Comptroller of Public Accounts (CPA), hereby certifies that

NEXUS COGNITIVE GOVERNMENT SOLUTIONS LLC

has successfully met the established requirements of the State of Texas Historically Underutilized Business (HUB) Program to be recognized as a HUB. This certificate printed 05-MAR-2021, supersedes any registration and certificate previously issued by the HUB Program. If there are any changes regarding the information (i.e., business structure, ownership, day-to-day management, operational control, business location) provided in the submission of the business' application for registration/certification as a HUB, you must immediately (within 30 days of such changes) notify the HUB Program in writing. The CPA reserves the right to conduct a compliance review at any time to confirm HUB eligibility. HUB certification may be suspended or revoked upon findings of ineligibility.

Statewide HUB Program
Statewide Procurement Division

Note: In order for State agencies and institutions of higher education (universities) to be credited for utilizing this business as a HUB, they must award payment under the Certificate/VID Number identified above. Agencies, universities and prime contractors are encouraged to verify the company's HUB certification prior to issuing a notice of award by accessing the Internet (**https://mycpa.cpa.state.tx.us/tpasscmblsearch/index.jsp**) or by contacting the HUB Program at **512-463-5872** or toll-free in Texas at **1-888-863-5881**.

Rev. 06/19

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1833356250400 526649
NEXUS COGNITIVE GOVERNMENT SOLUTIONS LLC
1335 BENTLEY CT
SOUTHLAKE, TX 76092-9438

AMERICAN OVERSIGHT

From: Scott Marvel [redacted] >
Sent: Tuesday, March 29, 2022 5:07 PM
To: John Scott
Subject: Fwd: Request for DIR information

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Just fyi

Scott T. Marvel
214 280 8017

From: Scott Marvel [redacted] >
Sent: Wednesday, March 23, 2022 7:55 PM
To: Zac Rhines <ZRhines@sos.texas.gov>
Cc: Chad Ennis <CEnnis@sos.texas.gov>
Subject: FW: Request for DIR information

Gentlemen:

I pulled the below off of the DIR site for your reference. Please let me know if there is anything I can do to help… getting a little concerned about time remaining to get this done.

Thanks!

Scott
==========

Procurement Thresholds for State Agencies as found via the following link…

https://dir.texas.gov/it-solutions-and-services/buying-through-dir/procurement-professionals-guide-dir

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Initial Term Value	# of Vendors
Up to $50,000	State Agencies may directly award a contract to DIR Cooperative Contracts vendor(s) or reseller(s) in the category to which the contract relates.
Over $50,000 but not exceeding $1 Million	State Agencies must submit a request for pricing to at least **three (3)** DIR vendors or resellers in the category to which the contract relates.
Over $1 Million but not exceeding $5 Million	State Agencies must submit a request for pricing to at least **six (6)** DIR vendors or resellers in the category to which the contract relates.
Over $5 Million but not exceeding $10 Million	State Agencies have the option to enter into a contract through the DIR Cooperative Contracts program. If using DIR contracts, state agencies must submit a request for pricing to at least six (6) DIR vendors or resellers in the category to which the contract relates.
Over $10 Million	May not enter into a contract through the DIR cooperative contracts program to purchase a commodity item

NEXUS
Scott Marvel | Partner
Nexus Cognitive Technology Services ™
15455 Dallas Parkway | Suite 600 | Addison, Texas 75001
O: 214.775.9949 ext. 704
F: 972.764.5101
C: 214.280.8017
[redacted] | https://www.nexuscognitivegov.com

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From: Scott Marvel
To: Chad Ennis; Anu Jain; Paul Falkenberg
Cc: John Scott
Subject: Re: Election Integrity Support SOW
Date: Thursday, February 17, 2022 11:36:05 AM

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How about 1p tomorrow?

Scott T. Marvel
214 280 8017

From: Chad Ennis <CEnnis@sos.texas.gov>
Sent: Thursday, February 17, 2022 11:32:25 AM
To: Scott Marvel <[redacted]>; Anu Jain [redacted]; Paul Falkenberg <[redacted]>
Cc: John Scott <JScott@sos.texas.gov>
Subject: RE: Election Integrity Support SOW

This afternoon is a little ugly for me. I could do 1 pm today. Tomorrow is wide open except for over lunch.

From: Scott Marvel <[redacted]>
Sent: Thursday, February 17, 2022 11:23 AM
To: Chad Ennis <CEnnis@sos.texas.gov>; Anu Jain [redacted]; Paul Falkenberg [redacted]
Cc: John Scott <JScott@sos.texas.gov>
Subject: Re: Election Integrity Support SOW

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Awesome. Thank ya suh! How does this afternoon look for you?

Scott T. Marvel
214 280 8017

From: Chad Ennis <CEnnis@sos.texas.gov>
Sent: Thursday, February 17, 2022 11:01:21 AM
To: Scott Marvel <[redacted]>; Anu Jain [redacted]; Paul Falkenberg [redacted]

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Cc: John Scott <JScott@sos.texas.gov>
Subject: RE: Election Integrity Support SOW

Thanks Scott,

Looking good. Happy to jump on a Zoom at your convenience.

Best,
Chad

From: Scott Marvel [redacted]
Sent: Tuesday, February 15, 2022 3:38 PM
To: John Scott <JScott@sos.texas.gov>
Cc: Anu Jain <[redacted]>; Paul Falkenberg [redacted]
Subject: Election Integrity Support SOW

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Mr. Secretary,

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We'd love to hop on a quick call or Zoom with you and Chad (don't have his contact info) to determine how best to proceed.

Thank you again for your time and consideration.

Best Regards,

Scott

Scott Marvel | Partner
Nexus Cognitive Government Solutions™

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1335 Bentley Ct | Southlake, Texas 76092
15455 Dallas Parkway | Suite 600 | Addison, Texas 75001
O: 214.775.9949 ext. 704
F: 972.764.5101
C: 214.280.8017
[redacted] | https://www.nexuscognitivegov.com

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From: Scott Marvel
To: Chad Ennis; Anu Jain; Paul Falkenberg
Cc: John Scott
Subject: Re: Election Integrity Support SOW
Date: Thursday, February 17, 2022 11:39:45 AM

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I have a call at 2 and I wanna make sure we have plenty of time... could we do 2:30?

Scott T. Marvel
214 280 8017

From: Chad Ennis <CEnnis@sos.texas.gov>
Sent: Thursday, February 17, 2022 11:37:02 AM
To: Scott Marvel <[redacted]>; Anu Jain <[redacted]>; Paul Falkenberg <[redacted]>
Cc: John Scott <JScott@sos.texas.gov>
Subject: RE: Election Integrity Support SOW

1 pm tomorrow would be a little tight. How about 1:30 pm?

From: Scott Marvel <[redacted]>
Sent: Thursday, February 17, 2022 11:36 AM
To: Chad Ennis <CEnnis@sos.texas.gov>; Anu Jain [redacted]>; Paul Falkenberg [redacted]>
Cc: John Scott <JScott@sos.texas.gov>
Subject: Re: Election Integrity Support SOW

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How about 1p tomorrow?

Scott T. Marvel
214 280 8017

From: Chad Ennis <CEnnis@sos.texas.gov>
Sent: Thursday, February 17, 2022 11:32:25 AM
To: Scott Marvel <[redacted]>; Anu Jain[redacted] Paul Falkenberg [redacted]>
Cc: John Scott <JScott@sos.texas.gov>
Subject: RE: Election Integrity Support SOW

AMERICAN OVERSIGHT

This afternoon is a little ugly for me. I could do 1 pm today. Tomorrow is wide open except for over lunch.

From: Scott Marvel <[redacted]>
Sent: Thursday, February 17, 2022 11:23 AM
To: Chad Ennis <CEnnis@sos.texas.gov>; Anu Jain [redacted]>; Paul Falkenberg [redacted]
Cc: John Scott <JScott@sos.texas.gov>
Subject: Re: Election Integrity Support SOW

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Awesome. Thank ya suh! How does this afternoon look for you?

Scott T. Marvel
214 280 8017

From: Chad Ennis <CEnnis@sos.texas.gov>
Sent: Thursday, February 17, 2022 11:01:21 AM
To: Scott Marvel <[redacted]>; Anu Jain [redacted]>; Paul Falkenberg [redacted]
Cc: John Scott <JScott@sos.texas.gov>
Subject: RE: Election Integrity Support SOW

Thanks Scott,

Looking good. Happy to jump on a Zoom at your convenience.

Best,
Chad

From: Scott Marvel [redacted]>
Sent: Tuesday, February 15, 2022 3:38 PM
To: John Scott <JScott@sos.texas.gov>
Cc: Anu Jain [redacted]>; Paul Falkenberg [redacted]>
Subject: Election Integrity Support SOW

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AMERICAN OVERSIGHT

Mr. Secretary,

As discussed last Wednesday, attached is a draft Statement of Work for providing election integrity process and data analysis to help us collectively determine what needs to be in Version 1.0. of the enabling technology to support 2022. As well, I have attached our certified State of Texas HUB Status and CMBL Vendor ID for your reference.

We also have first class data management and analytics staff that we can provide Chad for his team as it ramps up. Those folks can also help us in this initial effort and perform knowledge transfer services for new hires that get on-boarded to the Elections Division over time.

We'd love to hop on a quick call or Zoom with you and Chad (don't have his contact info) to determine how best to proceed.

Thank you again for your time and consideration.

Best Regards,

Scott

Scott Marvel | Partner
Nexus Cognitive Government Solutions™
1335 Bentley Ct | Southlake, Texas 76092
15455 Dallas Parkway | Suite 600 | Addison, Texas 75001
O: 214.775.9949 ext. 704
F: 972.764.5101
C: 214.280.8017
[redacted] | https://www.nexuscognitivegov.com

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AMERICAN OVERSIGHT

From: Scott Marvel
To: Chad Ennis; Anu Jain; Paul Falkenberg
Cc: John Scott
Subject: Re: Election Integrity Support SOW
Date: Thursday, February 17, 2022 11:22:55 AM

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Awesome. Thank ya suh! How does this afternoon look for you?

Scott T. Marvel
214 280 8017

From: Chad Ennis <CEnnis@sos.texas.gov>
Sent: Thursday, February 17, 2022 11:01:21 AM
To: Scott Marvel [redacted] Anu Jain <[redacted]; Paul Falkenberg [redacted]
Cc: John Scott <JScott@sos.texas.gov>
Subject: RE: Election Integrity Support SOW

Thanks Scott,

Looking good. Happy to jump on a Zoom at your convenience.

Best,
Chad

From: Scott Marvel <[redacted]
Sent: Tuesday, February 15, 2022 3:38 PM
To: John Scott <JScott@sos.texas.gov>
Cc: Anu Jain [redacted]>; Paul Falkenberg [redacted]>
Subject: Election Integrity Support SOW

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Mr. Secretary,

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We'd love to hop on a quick call or Zoom with you and Chad (don't have his contact info) to determine how best to proceed.

Thank you again for your time and consideration.

Best Regards,

Scott

Scott Marvel | Partner
Nexus Cognitive Government Solutions™
1335 Bentley Ct | Southlake, Texas 76092
15455 Dallas Parkway | Suite 600 | Addison, Texas 75001
O: 214.775.9949 ext. 704
F: 972.764.5101
C: 214.280.8017
[redacted] | https://www.nexuscognitivegov.com

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AMERICAN OVERSIGHT

Subject: Texas Election Integrity working session
Location: https://us06web.zoom.us/j [redacted]

Start: Wed 2/9/2022 3:30 PM
End: Wed 2/9/2022 4:30 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: Scott Marvel

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Correcting John's email.

+ Paul

I don't think we will need an hour, but just in case we want to get deeper on some topics.
**********^**^^

Scott Marvel is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting
https://us06web.zoom.us/j/[redacted]

Meeting ID: [redacted]
Passcode: [redacted]
One tap mobile
+13462487799,[redacted]# US (Houston)
+12532158782,,[redacted]# US (Tacoma)

Dial by your location
+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)
+1 669 900 6833 US (San Jose)
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
Meeting ID: [redacted]
Passcode: [redacted]
Find your local number: https://us06web.zoom.us/u/kCr3UMimV

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AMERICAN OVERSIGHT

From: GeneralCounsel
To: "Morris, Allison"
Cc: GeneralCounsel; Sam Taylor
Subject: RE: Records request: The Dallas Morning News PIR 21-0917
Date: Friday, March 25, 2022 3:00:19 PM
Attachments: 3.25.22 Documents.zip
How to appeal the withholding of information under 552.136.pdf
image001.jpg

Good afternoon,

Consistent with our March 4 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

The information you requested contains a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body. This information is confidential under section 552.136 of the Texas Government Code. Section 552.136 allows us to withhold this specific information without requesting a ruling from the attorney general. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are attached. If you do not want to appeal, you do not need to do anything else.

We appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require more time to review our records and produce any additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 22, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, March 4, 2022 2:10 PM
To: 'Morris, Allison' [redacted]
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News PIR 21-0917

Good afternoon,

AMERICAN OVERSIGHT

Regarding our February 11 email, we appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require more time to review our records and produce additional responsive documents. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 25, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, February 11, 2022 1:59 PM
To: 'Morris, Allison' <[redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News PIR 21-0917

Good afternoon,

Consistent with our January 28 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

We appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require more time to review our records and produce additional responsive documents. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 4, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, January 28, 2022 4:30 PM
To: 'Morris, Allison' [redacted]
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News 4 of 4

Please find the fourth zipped folder attached.

Kind regards,

AMERICAN OVERSIGHT

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel
Sent: Friday, January 28, 2022 4:28 PM
To: 'Morris, Allison' [redacted]
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News 3 of 4

Please find the third zipped folder attached.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel
Sent: Friday, January 28, 2022 4:27 PM
To: 'Morris, Allison' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News 2 of 4

Please find the second zipped folder attached.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel
Sent: Friday, January 28, 2022 4:25 PM
To: 'Morris, Allison' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News 1 of 4

Good afternoon,

AMERICAN OVERSIGHT

Consistent with our January 7 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code. Due to size and volume, three additional emails will be sent containing additional zipped folders.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

The information you requested contains a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body. This information is confidential under section 552.136 of the Texas Government Code. Section 552.136 allows us to withhold this specific information without requesting a ruling from the attorney general. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are attached. If you do not want to appeal, you do not need to do anything else.

We appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require more time to review our records and produce additional responsive documents. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on February 11, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, January 7, 2022 1:48 PM
To: 'Morris, Allison' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News 1 of 2

Good afternoon,

Consistent with our December 3 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code. Due to size, a second email containing an additional zipped folder will follow.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require more time to review our records and produce additional

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responsive documents. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on January 28, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, December 3, 2021 2:05 PM
To: 'Morris, Allison' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News

Good afternoon,

Consistent with our November 12 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require more time to review our records and produce additional responsive documents. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on January 7, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, November 12, 2021 11:40 AM
To: 'Morris, Allison' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News

AMERICAN OVERSIGHT

Good morning,

Consistent with our October 29 email, please see the two attached zipped folders containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the Public Information Act. We require more time to review our records and produce additional responsive documents. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on December 3, 2021. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, October 29, 2021 4:19 PM
To: 'Morris, Allison' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News

Good afternoon,

Please see the attached letters in response to your request for information under Chapter 552 of the Texas Government Code. In addition, please find attached a zipped folder containing documents responsive to your request.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

As stated in the attached letter, we require more time to continue reviewing our records and produce additional responsive information. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on November 12, 2021. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

AMERICAN OVERSIGHT

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, October 22, 2021 2:51 PM
To: 'Morris, Allison' [redacted]>
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>; Sam Taylor <SMTaylor@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News

Good afternoon,

Please see the attached letter, with enclosure, in response to your request for information under Chapter 552 of the Texas Government Code.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, October 8, 2021 4:37 PM
To: 'Morris, Allison' [redacted]
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: Records request: The Dallas Morning News

Ms. Morris,

We appreciate your response to our letter. Your response indicates that you are seeking internal and external communications and, in response to our second question, reflects that you do not agree to our excluding responsive information that would be subject to mandatory exceptions and/or discretionary exceptions under the Public Information Act (the "PIA") without the necessity of seeking a ruling from the Attorney General.

Please note that our request for you to clarify or narrow your inquiry was sent in accordance with the Public Information Act. *See* Tex. Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information); *City of Dallas v. Abbott,* 304 S.W.3d 380, 387 (Tex. 2010) (recognizing that governmental entity may, in good faith, seek clarification or narrowing of an unclear or overbroad request for public information, and the ten-day period to request an attorney general ruling is measured from the date that the request is clarified or narrowed).

We will continue to process your inquiry pursuant to the terms of the PIA. To that end, in response to your clarified request, we intend to seek a ruling from the Attorney General authorizing our office

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to withhold certain information that we consider to be exempt from public disclosure under the PIA. We will notify you of our correspondence with the Attorney General's office.

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: Morris, Allison [redacted]
Sent: Friday, October 8, 2021 11:16 AM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Re: Records request: The Dallas Morning News

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Hi,

As stated in my original request, I asked for "any and all communications," which clearly means both internal and external.

I would ask that given the clarity in my original request you do not restart the 10 day clock from today and make it clear today whether you will seek an opinion from the OAG, need more time or release the requested communications. I appreciate your prompt response.

Best,
Allie

On Fri, Oct 8, 2021 at 8:28 AM GeneralCounsel <GeneralCounsel@sos.texas.gov> wrote:

> Ms. Morris,
>
> Regarding your initial request for information below and your two subsequent requests (attached), please see the attached letter in response to these three requests for information under Chapter 552 of the Texas Government Code.
>
> Kind regards,
>
> *Jennifer Williams*

AMERICAN OVERSIGHT

Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: Morris, Allison [redacted]>
Sent: Thursday, September 23, 2021 8:26 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Records request: The Dallas Morning News

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Hi,

I am seeking any and all correspondence sent to or from Keith Ingram with any one of the keywords "audit" "2020" "forensic" "Trump" from Sept. 20, 2021 to present. I am seeking records that include emails, written notes, text messages, messages sent over encrypted apps and voicemails.

Please let me know if you have any questions.

Best,
--
Allie Morris
Austin Bureau Correspondent
The Dallas Morning News

@MorrisReports
She/her

--
Allie Morris
Austin Bureau Correspondent
The Dallas Morning News

@MorrisReports
She/her

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AMERICAN OVERSIGHT

From: electionline
To: Keith Ingram
Subject: electionline Weekly--September 23, 2021
Date: Thursday, September 23, 2021 11:10:31 AM

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electionline Weekly

September 23, 2021

In Focus This Week

Lessons Learned from the 2020 Election
A new report produced for the U.S. Election Assistance Commission

The 2020 election showed us a robust and resilient electoral system, according to a new report released today by the Election Data & Science Lab at the Massachusetts Institute of Technology (MIT) and the American Enterprise Institute (AEI). The report, commissioned by the U.S. Election Assistance Commission, evaluates the core functions of election administration in the 2020 election, with focused analysis on those parts for which data are available.

A record 160 million Americans voted in the 2020 election. For the first time in American history, over half of those votes were cast before Election Day. These historical markers exist alongside the logistical challenges faced by voters and election officials because of the COVID-19 pandemic, challenges faced as the society and economy at large grappled with how to function in light of pervasive mobility restrictions and public health precautions.

We find the U.S. election system **proved to be highly effective in the 2020 election despite being one of the most divisive and challenging elections in history**. Even with record turnout and significant logistical hurdles for both voters and polling locations, the report finds that Americans overwhelmingly

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had a positive voting experience. Election officials avoided worker shortages and instituted safety measures that made Americans feel safe and generally enthusiastic about voting

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electionline Daily News Email

What's the best part of waking up? electionline Daily News in your inbox of course so be sure to sign up for your daily dose.

Each morning you'll receive the top headlines of the day, plus a listing of states featured in that day's news round up.

To sign up, simply visit our site and provide us with your email and you'll begin receiving the news in your inbox each morning.

We Google so you don't have to!

Read More

Election News This Week

Election Security News: This week, the Center for Internet Security, Inc. announced three new additions to the team to lead its elections security efforts. The names should be very familiar to everyone. Former Pennsylvania Secretary of State Kathy Boockvar will head the CIS elections security mission as the vice president of election operations and support, Kentucky State Board of Elections Executive Director Jared Dearing will serve as the senior director of elections security and South Carolina Elections Director Marci Andino will assume a leadership role as the director of the EI-ISAC. "CIS is delighted to have Kathy Boockvar, Jared Dearing, and Marci Andino assume key leadership roles in our work supporting U.S. elections organizations," said CIS President and Chief Executive Officer, John Gilligan. "Kathy, Jared, and Marci

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come to CIS with extensive recent experience advancing the security of our elections infrastructure, and we are thrilled to be able to leverage that experience for the benefit of our EI-ISAC members and the elections infrastructure at large."

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Legislative Updates

Pennsylvania: Sens. Sharif Street (D-Philadelphia) and Dave Argall (R-Pottsville) have introduced bipartisan legislation that would allow counties to begin pre-canvassing ballots three days in advance. New bar codes would track mail-in ballots and certain deadlines would be extended to help the counties. Right now, voters can request a mail-in ballot up to one week before Election Day, leaving a small amount of time to verify the voter, send out the ballot and get it back. The proposal would move that back to two weeks before Election Day if the ballot is being requested by mail and not in-person. The in-person deadline would stay at one week. SB878 was scheduled for a public hearing at press time and according to Argall, if all goes well, plans to call for a committee vote to advance the measure.

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Legal Updates

North Carolina: In a 2-1 decision, a panel of North Carolina judges struck down the state's voter ID law, saying Republican lawmakers who passed it were motivated "at least in part by an unconstitutional intent to target African American voters." The decision is another blow to nearly a decade of Republican efforts to require photo identification at the polls in North Carolina, but it's not the final word. It likely will be appealed to the state Supreme Court, and there are two other cases pending – one in state court, one in federal – targeting the law. The decision doesn't change anything at the ballot box for

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now, because the court had already forbidden the state from requiring photo ID at the polls while the issue works its way through the courts. Municipal elections scheduled for this fall were set to go without the requirement, despite a majority of North Carolina voters adding a photo ID requirement to the state constitution in a 2018 referendum. The judges, both Democrats, based their decision on much of the same logic used to strike down a previous North Carolina voter ID law, 2013's House Bill 589. "In reaching this conclusion, we do not find that any member of the General Assembly who voted in favor of S.B. 824 harbors any racial animus or hatred towards African American voters," the judges wrote. "But rather, as with H.B. 589, that the Republican majority 'target[ed] voters who, based on race, were unlikely to vote for the majority party. Even if done for partisan ends, that constitute[s] racial discrimination.'" Superior Court Judge Nathaniel Poovey, a Republican, said in his dissent that "not one scintilla of evidence was introduced" during the April trial "that any legislator acted with racially discriminatory intent," and he noted the bill had support from a handful of black lawmakers as it moved through the legislature.

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Opinions This Week

National Opinions: Voting rights, II, III | Federal election legislation, II, III | Joe Manchin, II | Voter fraud | The Big Lie | Amy Klobuchar | Election security funding | Same day registration |Election reform | Threat to democracy

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Upcoming Events

Ranked Choice Voting Citizen Engagement Forum: Curious if there might be better alternatives to our elections system? Been hearing about Ranked Choice Voting (RCV) and want to learn more? Join us as we tackle the topic

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through a nonpartisan lens, with an opportunity to have your questions answered by those most familiar with RCV. Our volunteer moderated panel includes Cara McCormick, co-founder of The Committee for Ranked Choice Voting, the historic campaign that made Maine the first state in the nation to adopt ranked choice voting for its state and federal elections. **When:** September 28, 8pm Eastern. **Where:** Online.

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Job Postings This Week

Director of Elections, Utah Lieutenant Governor's Office— The Lt. Governor's Office is seeking a Director of Elections to provide administrative leadership and management to the Elections Office. The Director of Elections oversees the coordination of elections administration with county clerks and municipal recorders. These activities include election official and poll worker training, voter registration, election result tabulation and canvassing, voter outreach and filing federal reports. Report directly and regularly to the Lieutenant Governor on all Director of Election duties, including election administration, legal, legislative, public outreach, campaign finance, lobbyist regulation, budget, and staff issues. Election Administration Duties: Interact with state, federal, county, and municipal officials to ensure efficiency; provide analysis and interpretation of election and reporting requirements under the law; Interpret, clarify, explain, and apply election policy and procedures, practices, federal and state laws and regulations, etc.; Coordinate with state political parties and candidates each cycle; Coordinate with 29 counties to unify election practices and provide training; Coordinate with federal partners such as EAC, FVAP, DOJ, DHS/CISA; Oversee the research and response to voter inquiries and complaints; Coordinate with state and federal partners to keep elections safe and secure; Oversee primary and general election preparation; Oversee candidate signature verification; and Oversee initiative and referendum process. **Salary:** $28.70 – $55.66 Hourly. **Deadline:** September 23. Appli**c**ation: For the complete job listing and to apply, click here.

Registrar of Voters, San Joaquin County, California— San Joaquin County is seeking an experienced and dedicated professional to join the executive team

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to provide strong leadership and administrative oversight of the Registrar of Voters Office. This is an executive, department head level position which reports directly to the County Administrator and is responsible for planning, organizing and directing the work of the Registrar/Elections staff. The Registrar manages all phases of the election process and should have an in-depth understanding of the Elections Code and have demonstrated experience in management, supervision, employee development, budgets and activities of an Elections Office. The ideal candidate is expected to provide strategic management of the Registrar of Voters Office and must model strong work ethics and leadership skills, including accountability for oneself and others. **Salary:** $124,215- $150,984. **Deadline:** October 15. **Application:** For the complete job listing and to apply, click here.

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Marketplace

electionline provides no guarantees as to the quality of the items being sold and the accuracy of the information provided about the sale items in the Marketplace. Ads are provided directly by sellers and are not verified by electionline. If you have an ad for Marketplace, please email it to: [redacted]

Poll Booths

Cuyahoga County, Ohio Board of Elections has approximately 1,000 poll booths available at no charge. If your county is interested in these poll booths, please contact Cuyahoga County at electionsupport@cuyahogacounty.gov or 216-443-6428.

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electionline is the nation's only nonpartisan, non-advocacy clearinghouse for election reform news and information.

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From: [redacted] on behalf of Linda Brown [redacted] >
Sent: Wednesday, September 29, 2021 7:00 AM
To: Keith Ingram
Subject: Final Call- Surviving & Responding To IRS & Government Agencies Compliance & Tax Audits

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Surviving & Responding To IRS & Government Agencies Compliance & Tax Audits

Employers have more chances to be audited than ever before. In fact, the IRS and the DOL are working together with the counterparts in almost every state to ensure compliance by employers using audits. It is not a matter of "if" but "when" the notice arrives. Wage and hour audits on the federal level are on the increase. Make sure you know what to do and how to do it when the inevitable happens!

What do you do when the IRS contacts you? Panic, Procrastination, Belligerence, and Ignorance are big mistakes! This webinar delves into what to (and not to) do when you receive communications from the IRS and what to do when doing business with other federal, state and local regulatory agencies and lawmaking bodies. The IRS takes a variety of steps to combat perceived employment tax non-compliance, with the upshot being significant criminal penalties and convictions resulting in incarceration, heavy fines, or usually both. Remember it isn't just the IRS that conducts employer audits. The federal Department of Labor as well as the state counterparts to the IRS and DOL also conduct audits to ensure compliance. Handling notifications promptly and accurately for all agencies goes a long way to stemming off a full-blown audit over what might be otherwise a simple misunderstanding or common error.

This webinar is scheduled on **September 30, 2021** at **1pm EST.**

REGISTRATION FORM

This webinar has been approved for professional education certifications by SHRM

Webinar Agenda :

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- How to determine what is—and is not—an IRS notice
- Step by step instructions on how to respond to an IRS notice
- Dos and don'ts of corresponding with the IRS or any government agency
- Tips on preparing for an audit
- Best practices for payroll departments to avoid audits
- How to beat them to it—strategies to conduct your own internal audit
- Learn the best practices for payroll departments to avoid audits
- Auditing for internal fraud: what to look out for including phantom employees and reverse deductions
- Auditing for Wage and Hour law compliance on both the federal and state level
- Auditing for tax law compliance on both the state and federal level
- What to audit for: sample lists to get you started on your own audit
- How to get management to buy into the idea of an "internal audit"
- What to do if a compliance issue does arise during an internal audit
- When to conduct the internal audit
- New areas of audits on the horizon
- And much more…

We look forward to your participation. Please email us for any clarifications about the program.

Best,
Linda Brown
Events Manager

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From: Justin Rancourt <[redacted]>
Sent: Thursday, October 7, 2021 10:20 AM
To: Sam Taylor
Subject: Fwd: Media Roundup

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Hi Sam,

Just saw your note about your other meeting today - no worries, things come up!

Whether or not you currently have the budget to bring on Meltwater, I would still really like to meet and go over the custom account I prepared pecificaly tailored to how other Secretary of State's leverage Meltwater. To provide some context, we work with dozens of other states which is why I'm confident it will be worthwhile to connect. See screenshot below for just a small portion of the states we work with:

SEARCH RESULTS Show 100 entries

NAME	ACCOUNT	PRIMARY CONTACT	PRODUCT LINE	OWNER	SUCCESS OWNER	SALES STAGE	DAYS IN STAGE	EXPIRATION DATE	TRIAL END DATE	ACTION	ACTIVE
California Secretary of State - Fairhair	California Secretary of State	Sam Mahood (916-653-6173)		Nicole Shinske		Closed/Won	603	28-Feb-2022			
Colorado Secretary of State MST - Fairhair	Colorado Secretary of State MST	Gary Zimmerman (303.860.6900)		Brian Angeski		Closed/Won	2082	31-Jul-2022			
Colorado Secretary of State MST - Meltwater Engage	Colorado Secretary of State MST	Gary Zimmerman	E	Brian Angeski		Closed/Won	2109				
Georgia Secretary of State - Fairhair	Georgia Secretary of State	Robert Hydrick		Mackenzie Durrett		Closed/Won	591	28-Feb-2022			
Iowa Secretary of State	Iowa Secretary of State	Kevin Hall ((515) 725-2942)	E	Lyndsey Dixon		Closed/Won	1910				
Iowa Secretary of State	Iowa Secretary of State	Kevin Hall ((515) 725-2942)		Lyndsey Dixon		Closed/Won	1995	30-Jun-2023			
Iowa Secretary of State - MNews	Iowa Secretary of State	Kevin Hall ((515) 725-2942)	N	Lyndsey Dixon		Closed/Won	2291				
Missouri Secretary of State	Missouri Secretary of State	Laura Swinford		Gabriella Barattolo		Closed/Won	1700	12-Feb-2023			
Montana Secretary of State - Fairhair	Montana Secretary of State	Blair Fjeseth		Matthew Creonte		Closed/Won	1686	28-Feb-2022			
Secretary of State(Arizona) - Fairhair	Secretary of State(Arizona) MTN / PST	Matt Roberts		Stephen Johnson		Closed/Won	559	31-Mar-2022			

I also put together a sample branded Newsletter / Press Roundup to give you an idea of how other SOS's leverage Meltwater. This is just a sample, so it can be fully customized (content, subtitles, branding, etc). Have a look below and let me know your thoughts.

Happy to push our call back an hour - would 2pm ET today work for you? If not, I could also do tomorrow afternoon pretty much any time after 2pm ET, let me know what works best.

Thanks,
Justin

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Top News

"I do feel like the laws right now are targeting my mother and other African Americans in this country."

QOSHE - Oct 7, 2021

, even if it's expired, according to the office of the ***Texas Secretary of State***. If a voter does not possess or cannot reasonably obtain one

Reach: 37,255 **Social Echo:**

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American Oversight Launches Investigation into Texas Election Audits

YubaNet - Oct 6, 2021

most difficult states in the country to vote in. The previous ***Texas secretary of state***, Ruth Hughs, described the 2020 election as "

Reach: 578,426 **Social Echo:** Twitter: 2

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Texas legislation would allow partisan actors to request election audits

KERA News - Oct 6, 2021

leaders, candidates, judges and political committees to formally ask the ***Texas secretary of state***'s office to review any "irregularities" in

Reach: 204,648 **Social Echo:** Facebook: 4 Twitter: 1

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TX-SOS-22-0651-H-000857

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Sections of Texas Election Law Infringe Free Speech Rights, Federal Judge Declares
The Texan - Oct 6, 2021

’ memorandum could impact Texas elections going forward is unclear. The ***Texas Secretary of State*** (SOS) last April issued an advisory to

Reach: 87,631 **Social Echo:** Facebook: 23 Twitter: 9

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Texas Senate takes another run at supposed election fraud, approves audits of 2020 results
KABB Fox San Antonio - Oct 6, 2021

.” If they are still unhappy, they could turn to the ***Texas secretary of state*** to request an audit of the issue. If the secretary of state

Reach: 363,928 **Social Echo:** Facebook: 40

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Youngkin calls for audit of voting machines in Virginia
PressFrom - Germany - Oct 5, 2021

Trump's calls for election audits and reforms this year. In ***Texas***, the ***secretary of state***'s office announced that an election audit would be

Reach: 124,121 **Social Echo:**

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Texas Senate takes up election measures again after pressure from Trump
Fox 23 WPFO - Oct 5, 2021

of her statements regarding the election. This year, the ***Texas Secretary of State*** received 414 election complaints, but referred only 69 of

Reach: 11,218 **Social Echo:**

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Social Buzz

RT @smorris89181183: @GregAbbott_TX why isn't the Secretary of State of Tx helping, part of their job description..nm there hasn't been one
Latinos Matter - Oct 7, 2021

RT @smorris89181183: @GregAbbott_TX why isn't the ***Secretary of State*** of ***Tx*** helping, part of their job description..nm there hasn't been one

Reach: 13,419 **Social Echo:**

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former President Trump that would allow partisan actors to request the Texas secretary of state's office to review any "irregularities" in
MaryJane Mudd - Oct 7, 2021

former President Trump that would allow partisan actors to request the ***Texas secretary of state***'s office to review any "irregularities" in

Reach: 3,325 **Social Echo:**

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: So Texas is not auditing the election. Abbott lied. ; Per @TXsecofstate, the 2020 election audit @GovAbbott said was underway in Harris,
Irony on Fleek - Oct 7, 2021

: So Texas is not auditing the election. Abbott lied. ; Per @***TXsecofstate***, the 2020 election audit @GovAbbott said was underway in Harris,

Reach: 4,503 **Social Echo:**

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a registered voter in Texas and I early voted for Trump, I just checked Texas Secretary of State, it shows no record of me voting!!! WHAT IS

►Terry Harper◄ - Oct 6, 2021

a registered voter in Texas and I early voted for Trump, I just checked ***Texas Secretary of State***, it shows no record of me voting!!! WHAT IS

Reach: 27,365 **Social Echo:**

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there was no widespread voting fraud last year in Texas, and the Republican secretary of state testified that the state's election was '

MaryM*WearAMask*Cherokee #BLM - Oct 6, 2021

there was no widespread voting fraud last year in ***Texas***, and the Republican ***secretary of state*** testified that the state's election was '

Reach: 2,212 **Social Echo:**

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: We are about to go through some things here in Texas regarding voting and the Secretary of State. I think many may be leaving under the

#GunViolence 2021 ytd: 33,144 DEAD #gunControlNow - Oct 6, 2021

: We are about to go through some things here in ***Texas*** regarding voting and the ***Secretary of State***. I think many may be leaving under the

Reach: 2,779 **Social Echo:**

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We are about to go through some things here in Texas regarding voting and the Secretary of State. I think many may be leaving under the new

Mrs. Smith is PISSED - Oct 6, 2021

We are about to go through some things here in ***Texas*** regarding voting and the ***Secretary of State***. I think many may be leaving under the new

Reach: 2,005 **Social Echo:**

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isn't the ONLY thing...so do the corporate filings viewable at the Texas Secretary of State's site for the portrait biz. Oh, and a somewhat

Michelle Belanger - Oct 6, 2021

isn't the ONLY thing...so do the corporate filings viewable at the ***Texas Secretary of State***'s site for the portrait biz. Oh, and a somewhat

Reach: 534 **Social Echo:**

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ballot, even if it's expired, according to the office of the *Texas Secretary of State."If she doesn't have*

breakingnewsandreligion.online - Oct 6, 2021

ballot, even if it's expired, according to the office of the ***Texas Secretary of State***." If she doesn't have transportation she could simply

Reach: 0 **Social Echo:**

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Texas Senate takes another run at supposed election fraud, approving audits of 2020 results and tougher illegal voting penalties

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www.postxnews.com - Oct 6, 2021

House last month has remained untouched. Disclosure: The ***Texas secretary of state*** has been a financial supporter of The Texas

Reach: 0 **Social Echo:**

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Texas and involving ES&S right before the election. It appears that @TXsecofstate, @KenPaxtonTX, & @EACgov have engaged in a coverup. Thread

Dr. sociedad abierta - Oct 5, 2021

Texas and involving ES&S right before the election. It appears that @***TXsecofstate***, @KenPaxtonTX, & @EACgov have engaged in a coverup. Thread

Reach: 29 **Social Echo:**

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leaders, candidates, judges and political committees to formally ask the Texas secretary of state's office to review any "irregularities" in

Top U.S. & World News - Oct 5, 2021

leaders, candidates, judges and political committees to formally ask the ***Texas secretary of state***'s office to review any "irregularities" in

Reach: 79,219 **Social Echo:**

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should be and must be answered." Again, Texas' own Abbott-nominated secretary of state who has since stepped down said the state had a safe

Christian Flores - Oct 5, 2021

should be and must be answered." Again, ***Texas***' own Abbott-nominated ***secretary of state*** who has since stepped down said the state had a safe

Reach: 1,996 **Social Echo:**

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As the Texas Secretary of State spins up an audit of the 2020 election, it's important to remember this is a road we've been down before.

Y'all-itics - Oct 5, 2021

As the ***Texas Secretary of State*** spins up an audit of the 2020 election, it's important to remember this is a road we've been down before.

Reach: 585 **Social Echo:**

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Nonsense, *Texas Secretary of State elections division is the office that runs and funds all state elections*

abcnews.go.com - Oct 5, 2021

Nonsense, ***Texas Secretary of State*** elections division is the office that runs and funds all state elections and is where you have to

Reach: 0 **Social Echo:**

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Or the *Texas Secretary of State web site is now BS. Which seems most likely as this law is less then 40 days*

abcnews.go.com - Oct 5, 2021

Or the ***Texas Secretary of State*** web site is now BS. Which seems most likely as this law is less then 40 days old. Does Texas even have a

Reach: 0 **Social Echo:**

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Texas Election Security

The Hill's Morning Report - Presented by Facebook - Senate nears surprise deal on short-term debt ceiling hike
The Hill - Blogs - Oct 7, 2021

Consumer Financial Protection Bureau Abbott bows to Trump pressure on ***Texas election*** audit MORE while the GOP maintained its majority in

Reach: 19,035,209 **Social Echo:** Twitter: 8 Reddit: 2

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Senate Passes Election Bill Fix to Keep Voter Fraud a Felony
texasscorecard - Oct 6, 2021

to Class A misdemeanors—the exact opposite of what ***Texas*** GOP grassroots and ***election integrity*** advocates told lawmakers they wanted . Ten

Reach: 67,001 **Social Echo:** Facebook: 389 Twitter: 6

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Renewed Texas GOP efforts to target voter fraud could be more 'performance' than substance
Texas Standard - Oct 6, 2021

is pushing for more improvements to so-called ***election integrity*** in ***Texas*** despite no evidence of widespread ***voter*** fraud. A new bill Abbott

Reach: 123,670 **Social Echo:** Facebook: 42 Twitter: 4

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Texas Senate takes up election measures again after pressure from Trump
Fox 23 WPFO - Oct 5, 2021

not confirmed said there was no issues concerning voter ***security*** or ***election*** fraud in the State of ***Texas***, Trump has been the only one who

Reach: 11,218 **Social Echo:**

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Texas restrictive voting bill becomes law
The Prospector - Oct 5, 2021

"Proud to sign Senate Bill 1 into law, which will uphold the ***integrity*** of our ***elections*** in ***Texas***," said Abbott via Twitter. In July, over

Reach: 14,988 **Social Echo:**

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Black woman in rural Texas unable to obtain ID needed to vote, advocates say system is unfair
WSJM-AM - Oct 5, 2021

to get a driver's license," Tolson continued. ***Texas*** recently passed the ***Election Integrity*** Protection Act, one of the most restrictive

Reach: 33,898 **Social Echo:**

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Texas lawmakers debate bill that would allow partisan actors to request election audits
Houston Defender - Oct 5, 2021

told state lawmakers that "***Texas*** had an ***election*** that was smooth and ***secure***." MORE FROM THE DEFENDERNew ***Texas election*** process has Dems

Reach: 8,072 **Social Echo:**

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Texas Senate Plows Ahead With Restoring Stronger Illegal Voting Penalties, House Punts
The Texan - Oct 4, 2021

chairs heard public testimony on the bill. Like the ***Texas*** Republicans' hotly contested ***election integrity*** bill, SB 1, positions on the bill
Reach: 87,631 **Social Echo:** Facebook: 2 Twitter: 6

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TX-SOS-22-0651-H-000862

From: Governor Greg Abbott Press Office <GovernorAbbottPress@public.govdelivery.com>
Sent: Thursday, September 30, 2021 3:31 PM
To: Sam Taylor
Subject: Governor Abbott, HHSC Announce Extension Of Emergency SNAP Benefits For October

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GOVERNOR GREG ABBOTT

For Immediate Distribution | September 30, 2021 | (512) 463-1826

Governor Abbott, HHSC Announce Extension Of Emergency SNAP Benefits For October

AUSTIN - Governor Greg Abbott today announced that the Texas Health and Human Services Commission (HHSC) is providing almost $294 million in emergency Supplemental Nutrition Assistance Program (SNAP) food benefits for the month of October as the state continues its response to the COVID-19 pandemic. The allotments are expected to help more than 1.4 million Texas households.

"Thank you to the USDA for authorizing these crucial benefits for more than 1.4 million Texas households," said Governor Abbott. "These emergency benefits will ensure that Texans can continue to put nutritious food on the table for their families."

"We are grateful that we'll be able to continue to help Texans provide food for themselves and their families as we work together during this pandemic," said Texas HHS Access and Eligibility Services Deputy Executive Commissioner Wayne Salter.

HHSC received federal approval from the U.S. Department of Agriculture (USDA) to extend the maximum, allowable amount of SNAP benefits to recipients based on family size, and all SNAP households will receive a minimum of $95 in emergency allotments. This additional emergency allotment should appear in recipients' accounts by October 31.

The emergency October allotments are in addition to the more than $4.5 billion in benefits previously provided to Texans since April 2020.

Administered by HHSC, SNAP is a federal program that provides food assistance to eligible low-income families and individuals in Texas. Texans in need can apply for benefits, including SNAP and Medicaid, at YourTexasBenefits.com or use the Your Texas Benefits mobile app to manage their benefits.

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From: Governor Greg Abbott Press Office <GovernorAbbottPress@public.govdelivery.com>
Sent: Wednesday, September 22, 2021 10:31 AM
To: Sam Taylor
Subject: Governor Abbott, TDEM Establish COVID-19 Antibody Infusion Center In Amarillo

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GOVERNOR GREG ABBOTT

For Immediate Distribution | September 22, 2021 | (512) 463-1826

Governor Abbott, TDEM Establish COVID-19 Antibody Infusion Center In Amarillo

AUSTIN - Governor Greg Abbott today announced that the Texas Division of Emergency Management (TDEM), in partnership with the City of Amarillo, will launch a new COVID-19 therapeutic infusion center in Amarillo. The infusion center will begin accepting patients tomorrow and has been provided with monoclonal antibodies to treat outpatient cases of COVID-19 who have a referral from a doctor. This treatment is available at no cost to the patient.

"Our state agencies continue to work closely with local partners to expand access to COVID-19 antibody therapeutics across the Lone Star State," said Governor Abbott. "The new Amarillo facility will bolster our ongoing efforts to ensure Texans in the Panhandle who test positive for COVID-19 have access to this free and effective treatment."

"I'm proud of the partnerships behind this infusion center," said Amarillo Mayor Ginger Nelson. "In response to a spike in cases and the start of the school year, state and city community partners are finding solutions to decrease COVID hospitalizations."

Governor Abbott, TDEM, and the Texas Department of State Health Services have established and expanded antibody infusion centers in communities across the state over the past several months. COVID-19 antibody infusion treatment can prevent a patient's condition from worsening and requiring hospital care. These facilities also help increase bed capacity in hospitals so that resources are available for the most ill patients. The State deployed similar measures beginning in November 2020 to communities across Texas.

These state-sponsored infusion centers are in addition to the infusion treatment centers provided by more than 200 private health providers across the state.

Antibody infusion centers are currently operating in the following communities, with more coming online in the coming days:

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- Amarillo (TDEM)
- Austin (DSHS)
- Beaumont (TDEM)
- Corpus Christi (DSHS)
- Edinburg (TDEM)
- Fort Worth (DSHS)
- Harlingen (TDEM)
- Houston (DSHS)
- Laredo (DSHS)
- Livingston (TDEM)
- Lubbock (TDEM)
- McKinney (TDEM)
- Nacogdoches (TDEM)
- Odessa (TDEM)
- San Antonio (DSHS)
- Tyler (TDEM)
- The Woodlands (DSHS)
- Victoria (TDEM)

The treatment is free and available to Texans who test positive for COVID-19 and have a doctor's referral. Texans can visit meds.tdem.texas.gov to find a therapeutic provider near them.

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TX-SOS-22-0651-H-000866

From: Governor Greg Abbott Press Office <GovernorAbbottPress@public.govdelivery.com>
Sent: Tuesday, September 28, 2021 1:46 PM
To: Sam Taylor
Subject: Governor Abbott, TDEM Launch COVID-19 Antibody Infusion Center In Texarkana Region

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GOVERNOR GREG ABBOTT

For Immediate Distribution | September 28, 2021 | (512) 463-1826

Governor Abbott, TDEM Launch COVID-19 Antibody Infusion Center In Texarkana Region

AUSTIN - Governor Greg Abbott today announced that the Texas Division of Emergency Management (TDEM), in partnership with local officials, launched a new COVID-19 therapeutic infusion center in Nash, a suburb of Texarkana. The infusion center began accepting patients today and has been provided with monoclonal antibodies to treat outpatient cases of COVID-19 with a doctor's referral. This treatment is available at no cost to the patient. Local partners include Bowie County, the City of Nash and the City of Texarkana.

"Getting this facility up and running in Bowie County ensures Texans in the Texarkana region who test positive for COVID-19 have access to this free and effective treatment," said Governor Abbott. "Thank you to our local county and city partners for working with us on the launch of this facility."

"We're excited about getting the Regional Infusion Center and we greatly appreciate the help we've received from TDEM," said Bowie County Judge Bobby Howell. "We expect it to be a big help to our local hospital system to reduce the amount of hospitalizations and save people's lives."

Governor Abbott, TDEM, and the Texas Department of State Health Services (DSHS) have established and expanded antibody infusion centers in communities across the state over the past several months. COVID-19 antibody infusion treatment can prevent a patient's condition from worsening and requiring hospital care. These facilities also help increase bed capacity in hospitals so that resources are available for the most ill patients. The State deployed similar measures beginning in November 2020 to communities across Texas.

These state-sponsored infusion centers are in addition to the infusion treatment centers provided by more than 200 private health providers across the state.

AMERICAN OVERSIGHT

Antibody infusion centers are currently operating in the following communities, with more in the planning stages:

- Amarillo (TDEM)
- Austin (DSHS)
- Beaumont (TDEM)
- Corpus Christi (DSHS)
- Edinburg (TDEM)
- Fort Worth (DSHS)
- Harlingen (TDEM)
- Houston (DSHS)
- Laredo (DSHS)
- Livingston (TDEM)
- Lubbock (TDEM)
- McKinney (TDEM)
- Nacogdoches (TDEM)
- Nash (TDEM)
- Odessa (TDEM)
- San Antonio (DSHS)
- Seguin (TDEM)
- Tyler (TDEM)
- The Woodlands (DSHS)
- Victoria (TDEM)
- Waco (TDEM)

The treatment is free and available to Texans who test positive for COVID-19 and have a referral from a doctor. Texans can visit meds.tdem.texas.gov to find a therapeutic provider near them.

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AMERICAN OVERSIGHT

From: Governor Greg Abbott Press Office <GovernorAbbottPress@public.govdelivery.com>
Sent: Tuesday, September 21, 2021 11:16 AM
To: Sam Taylor
Subject: Governor Abbott, TDEM Launch COVID-19 Antibody Infusion Center In Victoria

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GOVERNOR GREG ABBOTT

For Immediate Distribution | September 21, 2021 | (512) 463-1826

Governor Abbott, TDEM Launch COVID-19 Antibody Infusion Center In Victoria

AUSTIN - Governor Greg Abbott today announced that the Texas Division of Emergency Management (TDEM), in partnership with local officials, will launch a new COVID-19 therapeutic infusion center in Victoria. The infusion center will begin accepting patients tomorrow and has been provided with monoclonal antibodies to treat outpatient cases of COVID-19 who have a referral from a doctor. This treatment is available at no cost to the patient. Local partners include Victoria County, the Victoria Office of Emergency Management, Victoria ISD, and the Golden Crescent Regional Advisory Council.

"The State of Texas is expanding access to COVID-19 antibody therapeutics in communities where this treatment is needed most," said Governor Abbott. "This new facility in Victoria will ensure Texans in the Golden Crescent Region of our state who test positive for COVID-19 have access to this free and effective treatment."

Governor Abbott, TDEM, and the Texas Department of State Health Services have established and expanded antibody infusion centers in communities across the state over the past several months. COVID-19 antibody infusion treatment can prevent a patient's condition from worsening and requiring hospital care. These facilities also help increase bed capacity in hospitals so that resources are available for the most ill patients. The State deployed similar measures beginning in November 2020 to communities across Texas.

These state-sponsored infusion centers are in addition to the infusion treatment centers provided by more than 200 private health providers across the state.

Antibody infusion centers are currently operating in the following communities, with more coming online in the coming days:

- Austin (DSHS)
- Beaumont (TDEM)

AMERICAN OVERSIGHT

- Corpus Christi (DSHS)
- Edinburg (TDEM)
- Fort Worth (DSHS)
- Harlingen (TDEM)
- Houston (DSHS)
- Laredo (DSHS)
- Livingston (TDEM)
- Lubbock (TDEM)
- McKinney (TDEM)
- Nacogdoches (TDEM)
- Odessa (TDEM)
- San Antonio (DSHS)
- Tyler (TDEM)
- The Woodlands (DSHS)
- Victoria (TDEM)

The treatment is free and available to Texans who test positive for COVID-19 and have a doctor's referral. Texans can visit meds.tdem.texas.gov to find a therapeutic provider near them.

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AMERICAN OVERSIGHT

TX-SOS-22-0651-H-000870

From: Governor Greg Abbott Press Office <GovernorAbbottPress@public.govdelivery.com>
Sent: Monday, September 27, 2021 9:16 AM
To: Sam Taylor
Subject: Governor Abbott, TDEM Launch State-Sponsored COVID-19 Antibody Infusion Center In Waco

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GOVERNOR GREG ABBOTT

For Immediate Distribution | September 27, 2021 | (512) 463-1826

Governor Abbott, TDEM Launch COVID-19 Antibody Infusion Center In Waco

AUSTIN - Governor Greg Abbott today announced that the Texas Division of Emergency Management (TDEM), in partnership with local officials, will launch a new COVID-19 therapeutic infusion center in Waco. The infusion center will begin accepting patients tomorrow and has been provided with monoclonal antibodies to treat outpatient cases of COVID-19 who have a referral from a doctor.

This treatment is available at no cost to the patient. Local partners include McLennan County, Baylor Scott & White Medical Center – Hillcrest, Waco-McLennan County Public Health District, Texas State Technical College, the Waco-McLennan County Office of Emergency Management, and the City of Waco.

"Thank you to our partners in Waco and McLennan County for working with the State of Texas to launch this infusion center," said Governor Abbott. "This facility will expand access to this free and effective treatment for Central Texans who test positive for COVID-19."

"We are grateful to the State and our community partners for bringing this invaluable weapon in our fight against COVID-19 to our community," said McLennan County Judge Scott Felton.

Governor Abbott, TDEM, and the Texas Department of State Health Services (DSHS) have established and expanded antibody infusion centers in communities across the state over the past several months. COVID-19 antibody infusion treatment can prevent a patient's condition from worsening and requiring hospital care. These facilities also help increase bed capacity in hospitals so that resources are available for the most ill patients. The State deployed similar measures beginning in November 2020 to communities across Texas.

These state-sponsored infusion centers are in addition to the infusion treatment centers provided by more than 200 private health providers across the state.

AMERICAN OVERSIGHT

Antibody infusion centers are currently operating in the following communities, with more coming online in the coming days:

- Amarillo (TDEM)
- Austin (DSHS)
- Beaumont (TDEM)
- Corpus Christi (DSHS)
- Edinburg (TDEM)
- Fort Worth (DSHS)
- Harlingen (TDEM)
- Houston (DSHS)
- Laredo (DSHS)
- Livingston (TDEM)
- Lubbock (TDEM)
- McKinney (TDEM)
- Nacogdoches (TDEM)
- Odessa (TDEM)
- San Antonio (DSHS)
- Seguin (TDEM)
- Tyler (TDEM)
- The Woodlands (DSHS)
- Victoria (TDEM)
- Waco (TDEM)

The treatment is free and available to Texans who test positive for COVID-19 and have a doctor's referral. Texans can visit meds.tdem.texas.gov to find a therapeutic provider near them.

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AMERICAN OVERSIGHT

TX-SOS-22-0651-H-000872

From: Governor Greg Abbott Press Office <GovernorAbbottPress@public.govdelivery.com>
Sent: Thursday, September 30, 2021 11:31 AM
To: Sam Taylor
Subject: Governor Abbott, TDEM Open COVID-19 Antibody Infusion Center In Burnet

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GOVERNOR GREG ABBOTT

For Immediate Distribution | September 30, 2021 | (512) 463-1826

Governor Abbott, TDEM Open COVID-19 Antibody Infusion Center In Burnet

AUSTIN - Governor Greg Abbott today announced that the Texas Division of Emergency Management (TDEM), in partnership with local officials, will open a new COVID-19 therapeutic infusion center in Burnet. The facility opens to the public tomorrow and has been provided with monoclonal antibodies to treat outpatient cases of COVID-19 with a doctor's referral. This treatment is available at no cost to the patient. Local partners include Burnet County, Baylor Scott & White Health Hill Country and the City of Burnet.

"Opening this Regional Infusion Center in the Hill Country marks yet another tool the State of Texas is using to ensure access to this free and effective treatment," said Governor Abbott. "We will continue to work with local partners across the state to expand the availability of therapeutics for Texans who test positive for COVID-19."

"Burnet County is excited that Governor Abbott has heard our request and is providing the resources necessary to treat our affected citizens as well as others from surrounding counties," said Burnet County Judge James Oakley. "This life saving treatment will serve many rural Texans. I applaud Governor Abbott's continued leadership throughout this unprecedented pandemic."

Governor Abbott, TDEM, and the Texas Department of State Health Services (DSHS) have established and expanded antibody infusion centers in communities across the state over the past several months. COVID-19 antibody infusion treatment can prevent a patient's condition from worsening and requiring hospital care. These facilities also help increase bed capacity in hospitals so that resources are available for the most ill patients. The State deployed similar measures beginning in November 2020 to communities across Texas.

The treatment is free and available to Texans who test positive for COVID-19 and have a referral from a doctor. Texans can visit meds.tdem.texas.gov to find a therapeutic provider.

AMERICAN OVERSIGHT

State-sponsored infusion centers are currently operating in the following communities, with more in the planning stages:

- Amarillo (TDEM)
- Austin (DSHS)
- Beaumont (TDEM)
- Burnet (TDEM)
- College Station (TDEM)
- Corpus Christi (DSHS)
- Edinburg (TDEM)
- Fort Worth (DSHS)
- Harlingen (TDEM)
- Houston (DSHS)
- Laredo (DSHS)
- Livingston (TDEM)
- Lubbock (TDEM)
- McKinney (TDEM)
- Nacogdoches (TDEM)
- Nash (TDEM)
- Odessa (TDEM)
- San Antonio (DSHS)
- Seguin (TDEM)
- Tyler (TDEM)
- The Woodlands (DSHS)
- Victoria (TDEM)
- Waco (TDEM)

These state-sponsored infusion centers are in addition to the infusion treatment centers provided by more than 200 private health providers across the state.

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AMERICAN OVERSIGHT

From: Governor Greg Abbott Press Office <GovernorAbbottPress@public.govdelivery.com>
Sent: Wednesday, September 29, 2021 9:16 AM
To: Sam Taylor
Subject: Governor Abbott, TDEM Open COVID-19 Antibody Infusion Center In College Station

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GOVERNOR GREG ABBOTT

For Immediate Distribution | September 29, 2021 | (512) 463-1826

Governor Abbott, TDEM Open COVID-19 Antibody Infusion Center In College Station

AUSTIN - Governor Greg Abbott today announced that the Texas Division of Emergency Management (TDEM), in partnership with local officials, launched a new COVID-19 therapeutic infusion center in College Station. The infusion center opens to the public tomorrow and has been provided with monoclonal antibodies to treat outpatient cases of COVID-19 with a doctor's referral. This treatment is available at no cost to the patient. Local partners include Brazos County, the City of College Station, the City of Bryan, and St. Joseph Health Hospital.

"This facility in Brazos County will ensure Texans in the Bryan-College Station region who test positive for COVID-19 have access to this free and effective treatment," said Governor Abbott. "Thank you to our local government partners and St. Joseph Health Hospital for working with us to open this new infusion center."

Governor Abbott, TDEM, and the Texas Department of State Health Services (DSHS) have established and expanded antibody infusion centers in communities across the state over the past several months. COVID-19 antibody infusion treatment can prevent a patient's condition from worsening and requiring hospital care. These facilities also help increase bed capacity in hospitals so that resources are available for the most ill patients. The State deployed similar measures beginning in November 2020 to communities across Texas.

These state-sponsored infusion centers are in addition to the infusion treatment centers provided by more than 200 private health providers across the state.

Antibody infusion centers are currently operating in the following communities, with more in the planning stages:

- Amarillo (TDEM)
- Austin (DSHS)

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- Beaumont (TDEM)
- College Station (TDEM)
- Corpus Christi (DSHS)
- Edinburg (TDEM)
- Fort Worth (DSHS)
- Harlingen (TDEM)
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- Laredo (DSHS)
- Livingston (TDEM)
- Lubbock (TDEM)
- McKinney (TDEM)
- Nacogdoches (TDEM)
- Nash (TDEM)
- Odessa (TDEM)
- San Antonio (DSHS)
- Seguin (TDEM)
- Tyler (TDEM)
- The Woodlands (DSHS)
- Victoria (TDEM)
- Waco (TDEM)

The treatment is free and available to Texans who test positive for COVID-19 and have a referral from a doctor. Texans can visit meds.tdem.texas.gov to find a therapeutic provider.

###

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AMERICAN OVERSIGHT

From: Harris, Cayla [redacted] >
Sent: Monday, September 27, 2021 12:19 PM
To: Sam Taylor; Elections Internet
Cc: Kanik, Alexandra
Subject: Houston Chronicle request: Precinct-level 2020 presidential election data

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Hi Sam,

Hoping this email finds you well and staying healthy! My name is Cayla Harris, and I'm a reporter for the Houston Chronicle and San Antonio Express-News.

I'm reaching out today in the hopes that you might be able to provide some voting data from the 2020 presidential election. I'm looking for a breakdown of presidential results (mainly Trump v. Biden) by precinct. Would you, by chance, have this data readily available or accessible online somewhere?

If so, I'm hoping to request that data in a shapefile or geojson format (or an Excel/CSV file, if that's at hand). I'm also sending this note along to the general elections email, in case it's considered a public records request.

Thanks in advance for your help.

All the best,
Cayla

—
Cayla Harris
Austin Bureau Reporter
Houston Chronicle/San Antonio Express-News
732-298-3917 | @caylajharris

AMERICAN OVERSIGHT

From: Georgia Keysor
To: Elections Internet
Cc: georgia Keysor
Subject: March 4, 2021 Perjured Testimony Of Keith Ingram - Request for Information
Date: Monday, September 27, 2021 2:15:16 PM

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On March 4, 2021, in front of the Texas House Elections Committee, Keith Ingram committed perjury when he said that the 2020 elections were smooth and secure and that he was happy to report that the election was a success.

Now, we hear that the elections were so rife with fraud that a “forensic" (criminal) audit will be conducted by a non-existent Secretary of State by a yet to be named private “auditor.”

Since your office is maintaining that these audits are necessary due to the mess that Mr. Ingram made of the elections, please explain what disciplinary actions have been, or will be taken against Mr. Ingram. Either he conducted fraudulent elections or he committed perjury before the House Elections Committee. It’s one or the other.

Please provide, under the auspices of the Open Records Act, any and all information regarding Mr. Ingram, his tenure at the Secretary of State’s office, his driver’s license number, last four of his social, date of birth, his home address and any and all other information that corresponds with the personal identifying identification you will be taking from voters in four Texas counties and giving to unnamed and unknown third party contractors conducting your forensic (criminal) audit. Once you tell me what you will be doing with the personal identifying information of the voters of Collin, Dallas, Harris and Tarrant counties, I will advise to what purpose I will use Mr. Ingram’s personal identifying information.

If you have questions about this request, call me at 512-304-8783. Thank you in advance for your compliance to the Open Records Law.

AMERICAN OVERSIGHT

From: Reynolds, Leslie [redacted]
Sent: Monday, October 4, 2021 3:14 PM
To: Reynolds, Leslie
Cc: Dodd, Stacy; Milhofer, John; Maria Benson; Lindsey Forson
Subject: NASS Business Services Committee: SECURE Notarization Act Update, Pandora Papers and State Practices, Update on CTA Regs, Business Services Tech Talk on 10/20
Attachments: summary-secure-act-with-questions-100121.docx; Letter to NASS_SECURE_June 2021 (1).pdf; NASS Tech Talk - October (Business Services)

Importance: High

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Dear NASS Business Services Committee, IT Directors and Communications Directors:

SECURE Notarization Passes House in NDAA – Highlights of legislation and Questions as Part of Summary

As we told you recently, the SECURE Notarization Act was passed as part of the House version of the National Defense Authorization Act (NDAA). The SECURE Notarization Act is NOT currently a part of the Senate version of the NDAA. For the SECURE Act to take effect, both the House and the Senate would need to have the same language in the final signed version of the NDAA, or if the Senate doesn't include the language, it could still become part of the final bill during the conference process of the House and Senate NDAA bills.

Highlights of the House NDAA SECURE Notarization Act language include:

- No implementation date is specified in the bill. As a result, the bill would go into effect upon enactment.
- All notaries nationwide would be authorized (if state has separate requirements to become a remote notary, notaries must abide by them) to perform remote notarization in accordance with the minimum standards under the bill. Both paper and electronic documents can be remotely notarized.
- If a state law authorizing remote notarization is consistent with the minimum standards of the bill (including RULONA as written), the state law is not superseded by the federal law.
- The bill requires states to recognize a valid notarization performed in another state (interstate recognition).
- No federal agency is listed for rulemaking or enforcement

No hearings have been held on the SECURE Notarization Act, and thus some questions remain unanswered. I have included some questions in the attached summary to which John Milhofer has provided his suggested answers. Please let me know if you have any questions and we will get those answered via NASS staff or from House sponsors. Attached again for your convenience is a letter from the Mortgage Bankers Association and the American Land Title Association. They have had a lot of input into the drafting of this legislation over the past year and a half.

If you would like to weigh in with support or concerns about the SECURE Notarization Act, you should do so with your Senators. NDAA will likely come to the Senate floor this month or next.

"Pandora Papers" Will Likely Bring More Beneficial Ownership Questions from Media and Lawmakers

The stories this weekend about the Pandora Papers may bring questions from media and lawmakers about the state formation laws for trusts and other entity types. The beneficial ownership information that business entities must

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provide to FinCEN under the Corporate Transparency Act (CTA) does not include trusts. However, CTA does call for a study of trusts and some other exempt entities within 2 years of CTA passage. Two years would be January 2023. Below is the NASS summary section on the trusts study. The Comptroller General is the head of GAO, so we will likely be hearing from GAO soon.

No later than 2 years after the bill is enacted, the Comptroller General must submit a report to Congress that: - identifies each state that has procedures that enable a person to form or register partnerships, trusts, or other legal entities - identifies each state that requires persons seeking to form or register partnerships, trusts, or other legal entities to provide beneficial owners or beneficiaries of the entities, and the nature of the required information - evaluates whether the lack of available beneficial ownership information for partnerships, trusts, or other legal entities raises concerns about the involvement of such entities in terrorism, money laundering, tax evasion, securities fraud, or other misconduct and has impeded investigations into entities suspected of the misconduct - evaluates whether the failure of the U.S. to require beneficial ownership information for partnerships and trusts formed or registered in the U.S. has elicited international criticism and what steps, if any, the U.S. has taken or is planning to take in response

Outreach to US Treasury re Rulemaking Process for Corporate Transparency Act

I have heard back from the Treasury staff working on the Rulemaking Process for the Corporate Transparency Act. They said they would welcome another call with the NASS Business Services Committee "at the appropriate time." They said they are still reviewing comments from the Advanced Notice of Public Rulemaking that were due by May 5. I will keep pushing them for a call.

Mark Your Calendars – NASS Business Services Tech Talk on Wednesday, October 20, 2021 from 2PM – 3PM ET

NASS holds monthly virtual Tech Talks which are meetings for IT and cybersecurity staff within NASS member offices to discuss issues of common interest and share ideas across the states. You may remember that late last year we held a Business Services-themed Tech Talk and encouraged Business Services deputies to join the discussion in addition to IT Directors/staff. Well, it's that time again. Our October Tech Talk will focus on IT and Cybersecurity issues that relate to the state business services responsibilities of Secretary of State offices. We will hear shared practices presentations from a few states including a presentation on cybersecurity vulnerabilities recently discovered in state business services systems and how the vulnerabilities were mitigated. We will also have some time for discussion. Please let me know if you have any questions for other states or discussion topics you'd like us to address. **Calendar invite is attached – please feel free to share with anyone in your office you think would benefit from this discussion.**

Thanks,
Leslie

Leslie Reynolds
Executive Director
National Association of Secretaries of State
444 N Capitol Street, NW
Suite 401
Washington, DC 20001
202-624-3525

AMERICAN OVERSIGHT

Date: June 16, 2021

Leslie Reynolds
Executive Director
National Association of Secretaries of State
444 North Capitol Street NW, Suite 401
Washington, DC 20001
Sent via electronic mail to: [redacted]

Re: SECURE Notarization Act

As a follow up to the recent reintroduction of the Securing and Enabling Commerce Using Remote and Electronic Notarization Act (SECURE Notarization Act) in Congress, we wanted to provide you with an outline of the reasons we support this legislation and address some of the frequently asked questions about the bill. First and foremost, the SECURE Notarization Act creates the foundation for strong consumer protections when it comes to the use of remote notarizations. Additionally, the SECURE Notarization Act was drafted to complement state notarization laws and provide benefits to every state, regardless of where they are in the process of approving use of Remote Online Notarization (RON). As a result, we hope there will be broad support from Secretaries of State for this legislative effort and that NASS will endorse the SECURE Notarization Act, which is consistent with the framework outlined in the NASS Standards for Electronic Notarization.

We appreciate the leadership NASS has provided regarding the regulation and use of remote notarizations. Secretaries of State have a vital role to play in ensuring modernization of the notarial process results in practices that are safe for consumers and guard against fraud.

The COVID-19 crisis highlighted the need for expanded access options when it comes to notarial services. As a result, lawmakers at both the state and federal levels are actively promoting bills to make RON safe, accessible, and viable for use on all types of documents. We support these complementary legislative efforts.

The SECURE Notarization Act was drafted to function in harmony with the Uniform Law Commission's Revised Uniform Law on Notarial Acts (RULONA 2018). The SECURE Notarization Act complements RULONA 2018 in much the same way the Electronic Signatures in Global and National Commerce (ESIGN) Act operates in tandem with the Uniform Electronic Transaction Act (UETA) to create legal certainty and a common framework around the use of electronic signatures.

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The SEUCRE Notarization Act takes a three-prong approach to authorizing and expanding the use of RON.

- ✓ First, it permits immediate nationwide use of RON.
- ✓ Second, it creates national minimum standards for the use of RON.
- ✓ Finally, it provides certainty for interstate recognition of RON.

These three facets of the SECURE Notarization Act work together to create legal certainty for the use of RON, while promoting a uniform framework that will foster broader adoption of the technology.

Principally, it is important to note the SECURE Notarization Act is designed to be permissive. Nothing in the SECURE Notarization Act requires additional action or steps to be taken by any state elected official. That said, if state lawmakers or regulators set forth rules regarding the use of RON that encompass the national minimum standards found in the SECURE Notarization Act, state law will supersede.

Given the notarial process has traditionally been regulated at the state level, there are questions regarding the interplay between the SECURE Notarization Act and state law. The Q&As below address the most commonly asked questions regarding the SECURE Notarization Act.

Q: Does the SECURE Notarization Act interfere with states' ability to enact and enforce their own notary laws?

A. The SECURE Notarization act does not interfere with a state's sovereignty to authorize or regulate RON. The legislation allows states the flexibility to add additional requirements through legislation or regulation. States can set higher standards than the national minimum framework found in the SECURE Notarization Act.

   Additionally, states may regulate any other aspect of the conduct or business practices of notaries. Beyond standards for remote notarization, state laws may include other notarial requirements related to commissioning, use of a standard stamp or certificate, journaling, insurance, and bonding, etc. The SECURE Notarization Act does not address notarial requirements beyond the minimum standards for consumer protections in a remote notarization because creating a federal standard around these types of requirements, which vary significantly from state-to-state, would result in the preemption of many states notarial laws. Instead, the SECURE Notarization Act was narrowly crafted to address remote notarization standards and was intentionally designed to complement state notarial laws. As a result, the SECURE Notarization Act does not preempt a state's unique notarial laws as it relates to in person notarizations or additional standards for remote notarizations, all of which will still be applicable.

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Q: Is the SEUCRE Notarization Act necessary after the COVID-19 pandemic ends?

A. The SECURE Notarization Act has benefits beyond the COVID-19 pandemic. The legislation allows for safer transactions via physical distancing, which pandemic or not, is a useful tool. Even as states reopen, vulnerable populations will need options that minimize or eliminate contact with others to protect their health.

Additionally, RON improves access to notary services and thus financial services in underserved and unbanked communities. This helps communities where notary services are not readily available because of the absence of traditional providers like bank branches or lawyers. RON provides scheduling flexibilities, so consumers are not adversely impacted by having to take time off from work or traveling long distances to sign documents. In addition, RON helps address the "digital divide" by making some services available to those with only a cell phone.

According to an American Land Title Association survey of vendors that offer RON technology at the end of 2020, RON usage increased 547 percent when compared to 2019. In recent years, RON use has increased due to the pandemic, expanded consumer awareness, the growth of e-commerce, and the convenience of digital transactions.

Q: Why is nationwide use of RON necessary?

A. The SECURE Notarization Act creates nation-wide consumer choice. In addition to providing all consumers access to modern notarization options, the SECURE Notarization Act creates a level playing field by giving notaries across the county the ability to offer remote notarizations. However, a notary must be commissioned by a state in order to utilize the authority provided under the SECURE Notarization Act to conduct a remote online notarization.

RON is a convenient alternative to traditional in-person notarization for all consumers, but it is especially beneficial to consumers who are unable to easily travel to access notarial services. Examples include active-duty military stationed overseas, child and elder caregivers, sick or elderly persons, and those exercising social distancing measures.

Q: Why is interstate recognition of RON needed?

A. State laws related to the recognition of notarizations from other states were written decades before the internet was invented. The SECURE Notarization Act ensures these more modern types of notarization are considered the legal equivalent to traditional paper notarizations.

Q: What are the minimum national standards included in the SECURE Notarization Act?

A. The SECURE Notarization Act requires multi-factor authentication (i.e. knowledge-based authentication and credential analysis), use of tamper-evident technology and an audio-visual recording of the notarial act.

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Q: What if my state already has a RON law?

A. If your state has already passed a RON law that meets the minimum national standards, you will not be impacted by the SECURE Notarization Act.

Q: Why should I support SECURE if my state already allows RON?

A. The SECURE Notarization Act ensures any remote notarization, being relied on for any type of transaction in any state, is subject to the same minimum standards. This provides nation-wide consumer protections and vital anti-fraud measures.

Additionally, the SECURE Notarization Act creates certainty around questions of interstate recognition, giving notaries the confidence to remotely notarize documents for use in any type of transaction anywhere in the United States.

Q: What if my state passed a RON law, but has not promulgated regulations yet?

A. The SECURE Notarization Act would be in effect in your state immediately. Once regulations are promulgated, your state law will supersede the SECURE Notarization Act, as long as national minimum standards are met.

Q: What if my state is in the process of passing a RON law?

A. You should continue your state legislative efforts to pass a RON law. The SECURE Notarization Act will be in place so notaries can immediately use RON. Once a state law, meeting national minimum standards, is passed and regulations are promulgated, that state law will supersede the SECURE Notarization Act.

Q: What if my state law is not consistent with this federal law?

A. If your state law does not meet the national minimum standards, notaries will have additional duties to comply with the federal law.

Should you or your staff have any questions, please do not hesitate to contact Elizabeth Blosser at ALTA ([redacted] or Kobie Pruitt at MBA [redacted].

Respectfully,
American Land Title Association
Mortgage Bankers Association

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NASS Summary of Identical Bills S.1625 and HR 3962 – SECURE Notarization Act

S.1625 The Securing and Enabling Commerce Using Remote and Electronic Notarization Act (SECURE) of 2021

Introduced by Sen. Cramer (R-ND) on May 13, 2021
Co-Sponsors: Sen. Warner (D-VA), Sen. Inhofe (R-OK) and Sen. Moran (R-KS)
Referred to Senate Judiciary Committee

HR.3962 The **Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2021**

Introduced by Rep. Madeleine Dean (D-PA) and Rep. Kelly Armstrong (R-ND) on 06/17/21
Referred to House Judiciary Committee and House Energy and Commerce Committee

May – September 2021 - No hearings in the House or the Senate
09/23/32 - Included in the language of the House-passed HR 4350 National Defense Authorization Act (NDAA)

Definitions:

- Defines "communication technology" as an electronic device or process that allows the notary performing the notarization to communicate simultaneously by sight and sound with a remotely located individual.
- Defines "notarial officer" as a notary public, or other individual authorized to perform a notarization under state law without a notary commission or appointment.
- Defines "notarization" as any act a notarial officer performs under federal law or the law of the notary's state, including any act under the bill with respect to a tangible or electronic record for an individual in the physical presence of the notary or located remotely.
- Defines "notary public" as an individual commissioned or appointed as a notary public to perform notarization under state law.
- Defines "personal knowledge" as knowledge of the identity of an individual through dealings sufficient to provide reasonable certainty of the individual's claimed identity.
- Defines "remotely located individual" as an individual not in the physical presence of the notary performing the notarization.
- Defines "signature" as an electronic signature, or a tangible symbol executed or adopted by a person and evidencing the present intent to authenticate or adopt a record.
- Defines "simultaneously" as communicating substantially simultaneously without unreasonable interruption or disconnection and includes any reasonably short delay inherent in or common to the method of communication.

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Authorization and Standards for Notarization of an Electronic Record

- Authorizes a notary (unless prohibited under the Act) to notarize an electronic record that impacts interstate commerce.

Question – Because the reference to interstate commerce is referenced in relation to a notarial act, Is the assumption here that all will have an impact on interstate commerce? If no, what would not?

- That's correct. There won't be a case-by-case determination on whether a notarization impacts interstate commerce. The use of the term "interstate commerce" basically just establishes the Constitutional authority for the legislation. All notarizations under the bill would be considered to impact interstate commerce.

- Establishes the following requirements for notarization of an electronic record impacting interstate commerce:
    1. the notary's electronic signature and any other required information must be attached to or logically associated with the electronic record; and
    2. the electronic signature, or other information must be bound to the record in a manner that renders any subsequent change or modification to the electronic record evident.
- Establishes the following requirements for a notarization for a remotely located individual that impacts interstate commerce:
    1. the remotely located individual must appear personally before the notary by using communication technology
    2. the notary public must:
        A. reasonably identify the remotely located individual through:
            - personal knowledge of the individual; or
            - by obtaining satisfactory evidence of the identity of the remotely located individual by:
                - at least 2 processes or services through which a 3rd party provides a means of identity verification using public or private data sources; or

Question: Do the current remote notarization technology platforms utilize at least 2 processes? Does this definition allow for newer processes that may be developed in digital identity?

- The bill was likely written to be consistent with the major RON platforms, and with input from those platforms. It appears that most if not all of the major platforms utilize multiple authentication processes (e.g., KBA, credential analysis). The definition doesn't mention any specific technology, so it seems that it would be broad enough to allow for new technologies/processes.

                - oath or affirmation of a credible witness who:
                    - is in the physical presence of the notary or the remotely located individual, or appears personally before the

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notary and the individual using communication technology; and

- has personal knowledge of the identity of the remotely located individual; and
- has been identified by the notary through personal knowledge, or at least two 3rd party verification methods

Question: Do the current remote notarization technology platforms utilize at least 2 processes? Does this definition allow for newer processes that may be developed in digital identity?

- See above.

B. The notary public, either directly or through an agent:

- creates an audio and visual recording of the performance of the notarization, and
- notwithstanding any resignation from, or revocation, suspension, or termination of the notary's commission or appointment, retains the recording:
  - for a period of no less than:
    - if an applicable law of the notary's state specifies a retention period, the greater of:
      - the specified period; or
      - 5 years after the recording is created; or
      - if no applicable state law specifies a retention period, 10 years after the date the recording is created, in accordance with those laws.

Question: Why the different retention periods?

- ***Apparently the drafters wanted to ensure that there is a retention period of at least 5 years (if the state law is a lesser duration), or if there is no state law, 10 years. It's not clear why they chose these specific retention periods.***
  - if any applicable law of the notary's state governs the content, manner, or place of retention, security, use, effect, or disclosure of the recording or any information in the recording, in accordance with those laws

C. If the notarization is performed with respect to a tangible or electronic record, the notary must take reasonable steps to confirms that the record is the same record in which the remotely located individual made a statement or on which the individual executed a signature

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3. If a guardian, conservator, executor, personal representative, administrator, or similar fiduciary or successor is appointed for or on behalf of a notary public or a deceased notary public under applicable law, that person must retain the recording unless:

    A. another person is obligated to retain the recording under applicable state law; or

    B. under applicable state law, that person may transmit the recording to an office, archive, or repository approved or designated by the State, and that person transmits the recording in accordance with state law

4. If the remotely located individual is physically located outside the geographic boundaries of a state, or is otherwise physically located in a location that is not subject to the jurisdiction of the US, at the time of the notarization:

    A. the record must be intended for filing with or relate to a matter before a court, public official, or other entity subject to U.S. jurisdiction, or involve property located in the U.S. or a transaction substantially connected to the U.S; and

    B. the act of making the statement or signing the record is not prohibited by the laws of the jurisdiction in which the individual is physically located

Personal Appearance Satisfied

- If a state or federal law requires personal or physical presence at the time of notarization, that requirement must be considered to be satisfied if:

    1. the individual is remotely located; and

    2. appears personally before the notary at the time of notarization using communication technology; and

    3. the notarization was performed under or relates to a public act, record, or judicial proceeding of the notary's state, or the notarization impacts interstate commerce.

Recognition of Notarizations in Federal Court

- Requires federal courts to recognize a notarization performed by a notary of any state as valid if the notarization is valid under the laws of the notarial officer's state.
- The notarization must have the same legal effect under the state or federal law applicable in the judicial proceeding as if it was validly performed by a notary of that state, or under the SECURE Act or other federal law, regardless of whether it was performed with respect to a tangible or electronic record, or for an individual in the physical presence of the notary or an individual remotely located.
- In determining the validity of a notarization recognized by a federal court, the signature and title of an individual performing the notarization must be prima facie evidence in any U.S. court that the signature is genuine and the individual holds that title. The signature and title of the following notarial officers of a state conclusively establish the authority of the officer to perform the notarization:

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- a notary public of that state; or
- a judge, clerk, or deputy clerk of a court of that state.

Interstate Recognition of Notarizations

- Requires each state to recognize a notarization performed by a notary of any other state as valid if:
  - the notarization is valid under the laws of the notarial officer's state; and
  - the notarization is performed under or relates to a public act, record, or judicial proceeding of the notarial officer's state, or impacts interstate commerce.
- The notarization must have the same legal effect under the laws of the recognizing state as if it was validly performed by a notary of that state, regardless of whether it was performed with respect to a tangible or electronic record, or for an individual in the physical presence of the notary or an individual remotely located.
- In determining the validity of a notarization recognized by another state, the signature and title of an individual performing a notarization are prima facie evidence in any state court that the signature is genuine and the individual holds that title. The signature and title of the following notarial officers of a state conclusively establish the authority of the officer to perform the notarization:
  - a notary public of that state; or
  - a judge, clerk, or deputy clerk of a court of that state.

Electronic and Remote Notarization Not Required

- The Act does not require a notary to notarize an electronic record, perform a notarization for a remotely located individual, or perform a notarization using a technology the notary has not selected

Validity Not Affected; Rights of Aggrieved Person

- The failure of a notary to meet a requirement of the Act in performing a notarization, or the failure of a notarization to conform to a requirement of the Act, does not invalidate or impair the recognition of the notarization.
- The validity and recognition of a notarization under the Act does not prevent a person from seeking to invalidate a record or transaction, or from seeking other remedies under state or federal law for any reason not addressed in the Act, including on the basis:
  - that the person did not intend to authenticate or adopt a record or execute a signature on the record;
  - that the individual was incompetent, lacked authority or capacity to authenticate or adopt a record, or did not knowingly and voluntarily authenticate or adopt a record; or
  - of fraud, forgery, mistake, misrepresentation, impersonation, duress, undue influence, or other invalidating cause

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- Nothing in the Act affects a state law governing, authorizing, or prohibiting the practice of law

Exception to Preemption

- A state law may modify, limit, or supersede the provisions of the Act with respect to state law only if that state law:
    - Either:
        - constitutes an enactment of the Revised Uniform Law on Notarial Acts (RULONA), except that any modification to RULONA in state law is preempted to the extent that the modification inconsistent with the Act or would not be permitted under the Act; or
        - specifies additional or alternative procedures or requirements for notarizations with respect to electronic records or for remotely located individuals, if the additional or alternative procedures or requirements are consistent with the Act, and do not accord greater legal effect to the implementation or application of a specific technology or technical specification for performing the notarizations
    - Requires the retention of an audio and visual recording of the performance of a notarization for a remotely located individual for a period of not less than 5 years after the recording is created.

Rule of Construction

- Nothing in the sections on recognition of notarizations in federal court or recognition by other states may be construed to preclude the recognition of a notarization under applicable state law, regardless of whether the state law is consistent with those sections.

Question – This section is not clear. Example?

- ***It's not clear why this language is necessary, but it seems to be saying that if a state law allows for interstate recognition of a notarization, that state law can be followed even if it differs from the specific language of the bill, as long as the notarization is recognized.***

State Standards of Care; Authority of State Regulatory Officials

- The Act does not prevent a state or a notarial regulatory official of a state from:
    - adopting a requirement in the Act as a duty or standard of care under the laws of the state or sanctioning a notary for breach of the duty or standard;
    - establishing requirements and qualifications for, or denying, refusing to renew, revoking, suspending, or imposing a condition on a commission or appointment as a notary;
    - creating or designating a class or type of commission or appointment, or requiring an endorsement or other authorization to be received by a notary, as a condition on the authority to perform notarizations with respect to electronic records or for remotely located individuals;

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- prohibiting a notary form performing a notarization under the act as a sanction for a breach of duty or standard of care or for official misconduct.

Special Commissions or Authorizations; Sanctions

- A notary may not perform an electronic or remote notarization under the authorization of the Act if:
  - the notary's state has enacted a law that creates or designates a class or type of commission or appointment, or requires an endorsement or other authorization to be received by a notary public, as a condition on the authority to perform notarizations with respect to electronic records or for remotely located individuals, and the notary's commission or appointment is not of the class or type or the notary public has not received the endorsement or other authorization; or
  - the notarial regulatory official of the notary's state has prohibited the notary from performing the notarization as a sanction for a breach of duty or standard of care or for official misconduct.

Severability

- If any provision of the Act or the application of the provision to any person or circumstance is held to be invalid or unconstitutional, the remainder of the Act and the application of the provisions to other persons or circumstances must not be affected.

Question – This section is not clear. Example?

- This provision is basically saying that if one part of the bill is found to be invalid, the rest of the bill still remains effective. For example, if a court found that the provision authorizing a notary to perform remote notarization for someone outside the U.S. was for some reason unconstitutional/invalid, all of the other provisions in the bill are still valid.

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From: Lindsey Forson
To: Lindsey Forson; [redacted]
Cc: Reynolds, Leslie; Dodd, Stacy; Maria Benson; Milhofer, John
Subject: NASS Tech Talk - October (Business Services)

-- Do not delete or change any of the following text. --

When it's time, join your Webex meeting here.

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More ways to join:

Join from the meeting link
https://nass.webex.com/nass/[redacted]

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Meeting number (access code): [redacted]
Meeting password: [redacted]

Tap to join from a mobile device (attendees only)
+1-415-655-0001,[redacted]US Toll

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Global call-in numbers

Join from a video system or application
Dial [redacted]@nass.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

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Dial [redacted]@lync.webex.com

If you are a host, click here to view host information.

Need help? Go to https://help.webex.com

AMERICAN OVERSIGHT

From: Sam Taylor
Sent: Thursday, September 30, 2021 12:05 PM
Subject: Precinct-by-Precinct Election Data - 2020 Presidential Election

Sensitivity: Personal

Good Afternoon,

If you're receiving this, you've requested precinct-by-precinct level data for the 2020 Presidential Election. While we maintain and provide this information, we do not keep it in a standard format that can be manipulated and analyzed (such as CSV/Excel).

The Texas Legislative Council, However, does have it in a useable format along the lines you are requesting. You can contact them by calling 512-463-1155 or completing the media inquiry form here: https://tlc.texas.gov/media-inquiries

If you still want to receive the data in the format we have, I can certainly make that happen, just be advised it will not be in a standard format.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

AMERICAN OVERSIGHT

From: Killough, Ashley
To: Sam Taylor
Subject: Re: Cancellation Trend Reports
Date: Tuesday, October 5, 2021 2:19:06 PM
Attachments: image001.png
Sensitivity: Personal

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Thank you, Sam. Appreciate that. And yes, please let us know if you hear of any L&A tests happening.

We checked with the Dallas folks, and they've already done theirs but we're still asking around, as well.

Best wishes,

Ashley Killough
Producer, CNN
Call/text: 202-870-2284

On Oct 5, 2021, at 11:58 AM, Sam Taylor <SMTaylor@sos.texas.gov> wrote:

Hi Ashley,

As discussed earlier, you can find all our monthly cancellation trend reports (broken down by county) here: https://www.sos.texas.gov/elections/team/cancellation-trend-reports/index.shtml

Important to note that September was when the non-citizen list maintenance activity resumed pursuant to the settlement agreement in *LULAC v. Whitley*, as outlined here (from September 9, 2021 memo):
https://www.sos.texas.gov/elections/laws/advisory2021-11.shtml

So, the most recent cancellation reports do not include cancellations that occurred since this list maintenance activity restarted. Even so, there have been approximately 45 non-U.S. citizens removed from the voter rolls across the state since the November 2020 election.

I'll keep you posted with more information about public Logic & Accuracy (L&A) tests of the voting machines, as those could make for some good b-roll.

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Let me know if you need anything else in the meantime.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293
<image001.png>

AMERICAN OVERSIGHT

From: maria recio
To: Sam Taylor
Subject: Re: media request - Walker
Date: Tuesday, September 21, 2021 11:34:25 AM

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Tried calling you. How do we know when Walker registered to vote? I know he moved to the house in Roanoke in 2011. I have contacted Denton County, as well.

Maria Recio
202 531 4444

On Sep 20, 2021, at 5:07 PM, Sam Taylor <SMTaylor@sos.texas.gov> wrote:

Hi Maria,

Thanks for sending these along. Here's what's happening:

Our database only retains the voter history for *active* registrations. Herschel Walker is *actively* registered in Tarrant County, and has only voted in the November 2020 General Election in Tarrant County. He voted early in-person on October 26, 2020 at the Southlake Town Hall polling place. His address for his Tarrant County registration is 2210 King Fisher Drive in Roanoke, Texas. Roanoke straddles Tarrant and Denton counties, and his address is located within Tarrant county, where he is actively registered to vote.

He may have additional voting history in Denton County, but since he is not actively registered there, we don't have any information as to whether or not he had vote history in Denton County. Denton County may have retained more of his voter history information, so you will have to reach out to the Denton County Elections Administrator at (940) 349-3200 or e-mail elections@dentoncounty.gov for the records request.

Prior to 2011, counties were not required to submit vote history to our agency, and did so only on a voluntary basis. Therefore, you would need to check with Denton County to see any additional vote history for Mr. Walker going back to the 90s, 80s, etc.

Call me on my direct line if any questions.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293
<image002.png>

From: maria recio [redacted]>
Sent: Monday, September 20, 2021 2:43 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Fwd: media request - Walker

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the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

FYI- please let me know the time period for the search and what the rejected status means on the other form. Thank you.
María

---------- Forwarded message ---------
From: **Kate Fisher** <KFisher@sos.texas.gov>
Date: Wed, Sep 15, 2021 at 10:35 AM
Subject: RE: media request - Walker
To: maria recio <[redacted]

Hello,

Attached, please find all responsive voter records found within the Office of the Secretary of State.

Should you need additional information or have any questions regarding this matter, please feel free to send us an email at Elections@sos.texas.gov.
Sincerely,

Kate Fisher
Executive Assistant – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections
For Voter Related Information, please visit:
<image001.jpg>
The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: maria recio [redacted]>
Sent: Tuesday, September 14, 2021 1:33 PM
To: Kate Fisher <KFisher@sos.texas.gov>
Subject: Re: media request

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Great. Thanks.

Maria Recio

> On Sep 14, 2021, at 2:27 PM, Kate Fisher <KFisher@sos.texas.gov> wrote:
>
> Thank you, we will send you the responsive records as soon as your payment is processed.
>
> Kate
>
> ---
>
> **From:** maria recio <[redacted]
> **Sent:** Tuesday, September 14, 2021 1:26 PM
> **To:** Kate Fisher <KFisher@sos.texas.gov>
> **Subject:** Re: media request
>
> **CAUTION:** This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.
>
> I agree. I sent a form with my credit card information yesterday.
>
> Maria Recio

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On Tue, Sep 14, 2021 at 2:21 PM Kate Fisher <KFisher@sos.texas.gov> wrote:

> Hello,
> Pursuant to the Public Information Act (Texas Government Code, § 552), you have requested that our office provide you with the following information:
>
> - Voter Registration Information and Participation History for Herschel Junior Walker
>
> The results of a search in the statewide voter database using the information you provided came back as (1) voter found. Under the current Secretary of State's Charge Policy and the Office of the Attorney General Rules for Charges, the total cost for the documents responsive to your request for (1) voter record is $5.14. Please see the itemized list of charges below:
>
> **Itemized List of Charges:**
>
Description	**Qty x Price**	**Total**
Statewide Voter Search (Gov't Code Section 405.031 4(b))	1 x $5.00	$ 5.00
2.7% Credit Card Fee	2.7%	$ 0.14
Total Charges		**$ 5.14**
>
> As a note, an additional 2.7% convenience fee will be assessed on all credit card charges moving forward, so as a customer you should be informed of this if you plan to pay by credit card. It will show up as a separate charge with TX SOS as the name and a Maryland address.
> I understand you would like to make payment by providing your payment information over the phone. You may reach me directly at 512-463-2484.
> Next, certain information is redacted from the voter profile, according to Texas Election Code Section 13.004(c). The responsive documents contain dates of birth which this Office would assert are confidential under Section 552.101 of the Texas Government Code. (See *Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at *3 (Tex. App.—Austin May 22, 2015, pet. denied) (mem. op.).
>
> Will you agree to our redacting the dates of birth from the responsive documents? Please let us know if you agree to the redaction so that we may proceed with your request.
>
> Should you need additional information or have any questions regarding this matter, please feel free to send us an email atElections@sos.texas.gov.
>
> Sincerely,
>
> **Kate Fisher**
> Executive Assistant – Elections Division
> Office of the Texas Secretary of State
> 1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
> 1.800.252.VOTE (8683)
> elections@sos.texas.gov | www.sos.state.tx.us/elections
> **For Voter Related Information, please visit:**
> <image001.jpg>
> *The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.*

From: maria recio <[redacted]>
Sent: Monday, September 13, 2021 9:30 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: media request

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a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Hello, I am requesting voting records for Herschel Walker. I write for the Austin American Statesman and other publications. I will call with my credit card information.
<image002.png>

Maria Recio
202 531 4444

AMERICAN OVERSIGHT

From: Sam Taylor
Sent: Wednesday, September 29, 2021 1:53 PM
To: 'Robert T. Garrett'
Cc: Samantha "Sami" Sparber
Subject: RE: quick question

Hi Bob!

Good to hear from you – so, we provide our precinct-by-precinct canvass reports to the Texas Legislative Council, and usually they provide those breakdowns. If they aren't of any help, circle back and I'll see what we can provide from our end.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Robert T. Garrett [redacted]>
Sent: Wednesday, September 29, 2021 12:30 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Cc: Samantha "Sami" Sparber [redacted]
Subject: quick question

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Sam,

How do I find how congressional districts voted in the 2020 presidential election?

AMERICAN OVERSIGHT

I think either you or Stephen Chang walked me through this a few times.

Thanks!

Bob Garrett

--
Robert T. Garrett
Austin Bureau Chief
The Dallas Morning News
M: (512) 413-7793
O: (512) 370-3815

Know now.
The Dallas Morning News

AMERICAN OVERSIGHT

From: SOS Webmaster
Sent: Thursday, September 30, 2021 2:16 PM
To: 'ILoveSunsets'
Cc: SOS Webmaster
Subject: RE: Texas Election Fraud Video

Hello,

Your email has been submitted to our Elections Division for review and a response.

Thank you,
webmaster
Texas Secretary of State
Follow the Texas Secretary of State on Twitter
VoteTexas.gov: **Make Your Mark on Texas**
Like VoteTexas.gov on Facebook
Follow VoteTexas.gov on Twitter

From: ILoveSunsets <[redacted]>
Sent: Thursday, September 30, 2021 1:11 PM
To: SOS Webmaster <webmaster@sos.texas.gov>
Subject: Texas Election Fraud Video

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Hello.
I was not sure where to send this, so if you could be so kind as to forward this to the appropriate person I would be grateful.
I saw this on Social Media just now and wanted to forward this video.
https://gettr.com/post/pcmun3d1c9
"GETTR Folks, here's another video of a poll worker in Texas illegally DESTROYING ballots of voters who voted for Trump. This moron posted this video and with little effort his location was discovered to be in Texas, he worked part time in a Wal Mart in Texas, and he even posted a picture of his vehicle (with the tag number) .....all on his Tic Toc account!!!!

This video was posted on twitter but since deleted as well as the account suspended permanantly who posted the video. In addition, you won't find this video on youtube ...they've also scrubbed all election fraud videos.

ELECTION FRAUD IN TEXAS !!!"

Thank you,
S Lefebvre

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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Sam Taylor
To: "Spencer Hagaman"
Subject: RE: UOCAVA Primary Turnout
Date: Monday, September 27, 2021 6:45:54 PM
Attachments: image001.png
image002.png

Hi Spencer,

No problem – the figures are available on our web site here, but they're located in a few different places so I put them below for you in bold:

1) What was the overall voter turnout % (# of cast ballots / # of registered voters) for the March 2020 primary?

- **March 2020 Republican Primary Turnout: 12.44% of Registered Voters**
- **March 2020 Democratic Primary Turnout: 12.92% of Registered Voters**
  - **Combined Turnout: 25.6%**

2) What was the overall voter turnout % (# of cast ballots / # of registered voters in areas with a primary runoff) for the July 2020 primary runoff?

- **This is a bit more complicated, because the runoffs were only in a few races on each side, so it's not an apples-to-apples comparison like the March Primary.**
- I would encourage you to visit our recent election results portal, go to the top right corner and select July 2020 primary runoffs (both Republican and Democrat) and calculate based off the turnout of the race that had the most votes cast, divided by the total number of registered voters for March (available here): https://results.texas-election.com/races

Happy to discuss more tomorrow morning.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Spencer Hagaman <[redacted]>
Sent: Monday, September 27, 2021 6:21 PM
To: Sam Taylor <SMTaylor@sos.texas.gov>
Subject: Re: UOCAVA Primary Turnout

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Hi Sam,

Many thanks! This is very helpful. My editors want me to compare UOCAVA turnout to overall turnout in both the 2020 primary and primary runoff. Could you pull the overall voter turnout % in the March 2020 primary and the July 2020 primary runoff?

Here are the specific questions I have:
1) What was the overall voter turnout % (# of cast ballots / # of registered voters) for the March 2020 primary?

2) What was the overall voter turnout % (# of cast ballots / # of registered voters in areas with a primary runoff) for the July 2020 primary runoff?

Thank you so much! Please let me know if you have any questions!

-Spencer Hagaman

B.A. Political Science
Yale University

[redacted]u | (714) 293 3572

On Wed, Sep 22, 2021 at 12:32 PM Sam Taylor <SMTaylor@sos.texas.gov> wrote:

> Hi Spencer,
>
> Thanks again for your patience on this. We've run the numbers in our system and the following totals are from Uniformed and Overseas Voters for the 2020 Primary and Primary Runoffs in Texas. 'FPCA' is the designation we use in our system for Federal Post Card Application – used by uniformed and overseas voters:

Election	Election Type	Election	FPCA Ballots Sent	FPCA Ballots

AMERICAN OVERSIGHT

		Category		Received
2020 MARCH 3RD REPUBLICAN PRIMARY	PRIMARY	STATE WIDE	2930	1371
2020 MARCH 3RD DEMOCRATIC PRIMARY	PRIMARY	STATE WIDE	5553	2775
2020 JULY 14TH REPUBLICAN PRIMARY RUNOFF	PRIMARY RUN-OFF ELECTION	STATE WIDE	4441	871
2020 JULY 14TH DEMOCRATIC PRIMARY RUNOFF	PRIMARY RUN-OFF ELECTION	STATE WIDE	9200	1940

Hope this helps answer your question. Let me know if you need any additional information.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Sam Taylor <SMTaylor@sos.texas.gov>
Date: Wednesday, September 22, 2021 at 8:28 AM
To: [redacted]>
Subject: RE: UOCAVA Primary Turnout

Hi Spencer,

Received your inquiry below and just wanted to let you know that our team is working on pulling these figures. We should be able to provide them today, but I'll let you know if there are any delays. Thanks for your patience.

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Spencer Hagaman [redacted]
Sent: Monday, September 20, 2021 9:08 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: UOCAVA Primary Turnout

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Hello,

My name is Spencer Hagaman. I am a student at Yale University and write for *The Yale Herald.*

I am working on an article about UOCAVA voter turnout in the 2020 primaries and primary runoffs. I have a few questions listed below about UOCAVA turnout in Texas in both the March primary and the July primary runoff. I would be really appreciative if you could provide answers:

1. What was the total number of transmitted ballots to UOCAVA voters in the 2020 March primary? What was the total number of ballots of UOCAVA voters accepted in the 2020 March primary?

2. What was the total number of transmitted ballots to UOCAVA voters in the 2020 July primary runoff? What was the total number of ballots of UOCAVA voters accepted in the 2020 July primary runoff?

Please let me know if you have any questions. It would be fantastic if I could get these stats by Wednesday; if not, just let me know!

Thanks so much! Have a great week!

-Spencer Hagaman

B.A. Political Science

AMERICAN OVERSIGHT

Yale University
[redacted] | (714) 293 3572

AMERICAN OVERSIGHT

From: Sam Taylor
Sent: Friday, September 24, 2021 2:56 PM
To: 'Samantha Garza'
Cc: Pauline Fitzgerald
Subject: RE: Valley a Votar — Times & Zoom Link

Thank you, Samantha – very much looking forward to it!

Wanted to pass along some basic statistics in information, should your team want to display any graphics with the numbers and information below:

Hispanic Voter Registration and Turnout Statistics from 2020

- Total Registered Voters in the State of Texas (current): **16,982,120**
  - Registered voters with Hispanic surnames: **4,131,707**
  - Approximately **24.3% (nearly 1 in 4) registered voters in Texas have Hispanic surnames**
- In the 2020 General Election, more than **11.3 million Texans cast a ballot**
  - Of those 11.3 million, **more than 2.2 million had Hispanic surnames –** representing **just over 20% of all voters**
- Here is the total breakdown of current registered voters in your four-county region:
  - **Cameron County**
    - 220,404 registered voters
    - 171,884 registered voters with Hispanic surnames (77%)
  - **Hidalgo County**
    - 398,772 registered voters
    - 323,992 registered voters with Hispanic surnames (81%)
  - **Starr County**
    - 32,910 registered voters
    - 30,610 registered voters with Hispanic surnames (93%)
  - **Willacy County**
    - 11,765 registered voters
    - 9,954 registered voters with Hispanic surnames (84%)

Voter Registration Requirements

You are eligible to register to vote if:

- You are a United States citizen;
- You are a resident of the county where you submit the application;
- You are at least 17 years and 10 months old, and you are 18 years of age on Election Day.
- You are not a convicted felon (you may be eligible to vote if you have completed your sentence, probation, and parole); and
- You have not been declared by a court exercising probate jurisdiction to be either totally mentally incapacitated or partially mentally incapacitated without the right to vote.

To register to vote in Texas, simply complete a voter registration application and return it to your county election office at least 30 days before the upcoming election date. To complete an application, you may:

AMERICAN OVERSIGHT

1. Complete an application using the SOS ONLINE VOTER REGISTRATION APPLICATION. Simply fill in the required information, print, sign and mail directly to your county election office.
2. Request a PRINTED APPLICATION. Our office will mail a voter registration application to the address provided.
3. Contact or visit your local VOTER REGISTRAR to complete the voter registration process.

- To confirm your voter registration status, visit our **Am I Registered** application.
- If you moved from one place to another in the same county, you can change your information online at the Secretary of State's Voter Registration Name/Address Change website.

Voter ID Requirements

Please see our 'Ready. Check. Vote.' Checklist: https://www.votetexas.gov/docs/sos-voter-ed-8-5x14-poster-eng.pdf
(Spanish version: https://www.votetexas.gov/docs/sos-voter-ed-8-5x14-poster-spn.pdf)

Please let me know if any questions – thanks so much again for your time this morning!

Best,

Sam Taylor
Assistant Secretary of State for Communications
Office of the Texas Secretary of State
smtaylor@sos.texas.gov
Office: 512-463-6116
Cell: 512-538-5293

From: Samantha Garza [redacted]>
Sent: Friday, September 24, 2021 2:27 PM
To: Remi Garza <Remi.Garza@co.cameron.tx.us>; Sam Taylor <SMTaylor@sos.texas.gov>; Pauline Fitzgerald <[redacted]
Subject: Valley a Votar — Times & Zoom Link

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Hello!

AMERICAN OVERSIGHT

Here is a brief of how the show will work on Monday, and the Zoom link for that meeting.

Feel free to share the flyer attached to invite people to watch!

12 PM —ZOOM MEETING BEGINS: The link opens at 12 p.m., at this time Samantha will have guests do an audio check.

Join Zoom Meeting
https://nexstar.zoom.us/j/[redacted]

12:30 PM — LIVE STREAM BEGINS: Facebook stream will be on CBS4 and KVEO pages, and ValleyCentral.com

- **Pauline will introduce herself to the audience and explain what topics will be discussed and introduce our guests.**
-

12:40 PM —Q&A BEGINS: Questions will be focused on the importance of Hispanic voter turnout, key information about registering to vote, and the upcoming elections.

1:15 PM —30 MINUTE MARK: As new people join the stream, Pauline will do a quick recap of what was discussed and highlight key topics. This is the time to ask guests to promote any upcoming events for voter registration.

1:20 PM —BEGIN TO WRAP UP: No more questions will be asked. Final comments about Latinx voter turnout and registrations are welcomed.

1:35 PM — END: Pauline will end off with thanking everybody— Key information will be transcribed to a web article.
1:45 PM — STREAM ENDS

Times are subject to change.

Again, thank you for participating, and you have all my info below if you have any questions!

Sam Garza
Digital Content Producer
Nexstar Media Inc.

9201 W Expressway 83
Harlingen Texas 78552
(956)366-4417 Office
(956)533-1352 Cell
[redacted]

AMERICAN OVERSIGHT

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From: The Council of State Governments <data@csg.org>
Sent: Thursday, September 23, 2021 3:16 PM
To: Keith Ingram
Subject: Register for CSG Capitol Ideas Presents + COVID-19 Resources + State Recovery Updates

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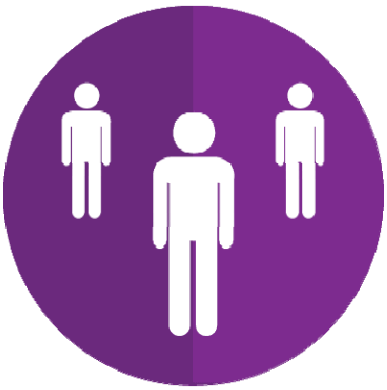
Follow @CSGovts on Facebook and Twitter for services and supports for members. CSG continues its coverage of COVID-19 at web.csg.org/COVID19. Discover state recovery resources at web.csg.org/recovery.

AMERICAN OVERSIGHT

What's New



Join the Conversation on New U.S. Census Data

The latest data released by the U.S. Census Bureau from the 2020 Census shows changes to the demographic makeup of the country over the past decade. The results are a snapshot of everyone living in the U.S. on April 1, 2020, and states will now use this data to decide congressional redistricting procedures. Join CSG and a panel of experts for a discussion about what the Census data means, how states will redistrict, what potential issues states will face with this very politicized issue and which states have come up with innovative solutions to this changing face of America. The Council of State Governments will host CSG Capitol Ideas Presents on Oct. 14 at 3 p.m. ET.

CLICK TO LEARN MORE

Member Resources

COVID-19 Resources for State Leaders

As states face increasing waves of COVID-19 cases, discover resources and information to help navigate the continuing pandemic including the latest vaccination rates by state. The Council of State Governments updates this online resource every other week.

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State Recovery Plans

The U.S. Department of the Treasury Interim Rule requires state, territorial, metropolitan city, county and tribal governments that received funding from the Coronavirus State and Local Fiscal Recovery Fund to submit an Interim Report and a Recovery Plan Performance Report. CSG has compiled recovery plans from state websites and will continue to update this list, which can be found on the CSG Fiscal Recovery Resources website.

CLICK TO LEARN MORE

Uniform Law Commission Free Webinar on Uniform Public Expression Protection

The Uniform Law Commission is hosting a free webinar on its Uniform Public Expression Protection Act, which is designed to combat strategic lawsuits against public participation. Learn more and register.

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Upcoming Programming

Join Us for the 2021 CSG National Conference in Santa Fe

We look forward to seeing you in person in Santa Fe for the 2021 CSG National Conference, Dec. 1-4. Find more information on hotel accommodations as well as a preliminary conference agenda, an outline of the CSG Safe Meetings Guidelines and partnership opportunities on the conference website.

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TX-SOS-22-0651-H-000913

Associates in Action

Novartis to Partner with HBCUs and Med Schools for Health Equity

Novartis, a CSG Associate, announced a 10-year collaboration to co-create programs that address the root causes of systemic disparities in health outcomes and create greater diversity, equity and inclusion across the research and development ecosystem.

CLICK TO LEARN MORE

Did You Know?

Since January 2016, 170 separate pieces of licensure compact legislation have been passed by the states. To date, 42 states and territories have enacted occupational licensure compacts for nurses, physicians, physical therapists, emergency medical technicians, psychologists, speech therapists/audiologists, occupational therapists, and counselors.

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TX-SOS-22-0651-H-000915

From: Sarah Mimms <[redacted]>
Sent: Friday, October 8, 2021 12:13 PM
To: Sam Taylor
Subject: Sen. Bettencourt voter irregularity allegation

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Hi Sam,

I'm writing a story about SB 47 and spoke to Sen. Bettencourt and I'm hoping you can help me clarify TX election law. He brought up to me and has repeatedly said on the floor that he found a single family home in Wichita Falls with 500-odd registered voters and about 189 people who actually voted. He believes, and this seems true, that the address is associated with Texas Home Base, which is a mail-forwarding company. If that is the case, was there anything on the books in November 2020 Texas voters from using mail forwarding?

Thanks and have a great weekend,
Sarah

--

BuzzFeed News
Sarah Mimms | Politics Reporter | 509-850-6687 | @Mimms
Washington, DC
Use Signal for more secure communication: 509-850-6687
Got a confidential tip? Here's how to send it to us: tips.buzzfeed.com

AMERICAN OVERSIGHT

From: The Council of State Governments <data@csg.org>
Sent: Wednesday, September 29, 2021 3:11 PM
To: Keith Ingram
Subject: Sneak peek at the latest CSG Capitol Ideas + This week's ARP resources + Upcoming Census programming

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What's New

Check Out the New Issue of CSG Capitol Ideas Magazine

While it is headed to your mailbox, get an early look at the latest issue of *CSG Capitol Ideas* magazine, which features interviews with members about how their personal and professional lives have shifted as a result of the pandemic as well as stories about how states are increasing access to broadband and what states are doing to attract remote workers. This issue also includes a special tribute to members and CSG staff who were impacted by the 9/11 terrorist attacks.

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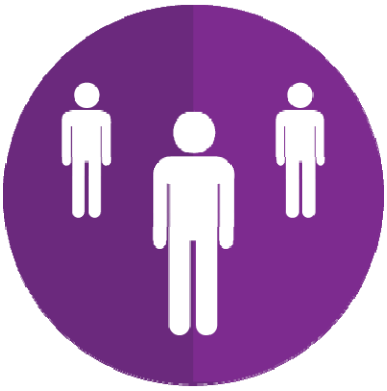

Join the Conversation on New U.S. Census Data

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Member Resources

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TX-SOS-22-0651-H-000918

The American Rescue Plan News and Resources for State Leaders

The Council of State Governments continues to provide members with ongoing analyses of the various components of the American Rescue Plan in a special edition series of The Current State e-newsletter out every other Monday. In case you missed this week's, CSG provided resources, news and updates on state fiscal recovery including information on ARP spending, housing and rent relief programs as well as education grants.

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We look forward to seeing you in person in Santa Fe for the 2021 CSG National Conference, Dec. 1-4. Find more information on hotel accommodations as well as a preliminary conference agenda, an outline of the CSG Safe Meetings Guidelines and partnership opportunities on the conference website.

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In Case You Missed It

Get the Latest News and Resources from CSG on State Talk

If you haven't visited the CSG website lately, take a peek to find resources on programs, services, the latest research and analysis and more from our regions, affiliates and partners. The State Talk blog is home to all of the latest articles on emerging topics of importance.

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TX-SOS-22-0651-H-000920

From: Gregory Korte (BLOOMBERG/ NEWSROOM:)
To: Sam Taylor
Subject: Statewide precinct-by-precinct results file
Date: Thursday, September 30, 2021 10:41:31 AM

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Samuel,

I'm told you might be able to help me with this. I'm trying to track down a statewide file with precinct-by-precinct results for the 2020 general (and really all I need is federal races).

Is that something that's online somewhere or that you could send to me?

Thanks!

Gregory.

Gregory Korte
Senior National Political Correspondent
Bloomberg News
1101 New York Avenue, N.W., Desk 9A-020
Washington, D.C. 20005
202-807-2195 (office)
202-679-2770 (cell/Signal)
@gregorykorte

AMERICAN OVERSIGHT

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Thursday, September 23, 2021 8:59 AM
To: Joe Esparza; Corey Rose

A senior American diplomat who oversees Haiti policy has resigned, two U.S. officials said, submitting a letter to the State Department that excoriated the Biden administration's "inhumane, counterproductive decision" to send Haitian migrants back to a country that has been wracked this summer by a deadly earthquake and the political turmoil in the wake of the assassination of President Jovenel Moïse.

The diplomat, Daniel Foote, was appointed special envoy to Haiti in July, just weeks after Mr. Moïse was shot in his bedroom during a nighttime raid on his residence. Mr. Foote, a former ambassador to Zambia and acting assistant secretary for international narcotics and law enforcement affairs, did not respond to messages for comment on Thursday morning.

In his stinging resignation letter, Mr. Foote criticized the Biden administration for deporting some of the thousands of the Haitian migrants who had traveled to the Texas border from Mexico and Central America in recent days.

"I will not be associated with the United States' inhumane, counterproductive decision to deport thousands of Haitian refugees and illegal immigrants to Haiti, a country where American officials are confined to secure compounds because of the danger posed by armed gangs in control of daily life," Mr. Foote wrote in the letter, which was first reported by PBS NewsHour. Its authenticity was confirmed by a senior State Department official and a congressional official.

Mr. Foote also blasted a "cycle of international political interventions in Haiti" that "has consistently produced catastrophic results," and he warned that the number of migrants to American borders "will only grow as we add to Haiti's unacceptable misery."

In May, the Biden administration extended temporary protected status for 150,000 Haitians already living in the United States. But tens of thousands more Haitians have attempted to cross into the United States since then despite not qualifying for the program.

Mr. Foote was said to have pushed for greater oversight and responsibilities in his job as envoy to Haiti, efforts that were rejected by senior State Department officials.

In his resignation letter, Mr. Foote confirmed that "my recommendations have been ignored and dismissed."

"Our policy approach to Haiti remains deeply flawed," he wrote.

The rise in Haitian migration began in the months after President Biden took office and quickly began reversing former President Donald J. Trump's strictest immigration policies, which was interpreted by many as a sign that the United States would be more welcoming to migrants.

AMERICAN OVERSIGHT

This week, the U.S. Border Patrol said that more than 9,000 migrants, mostly from Haiti, were being held in a temporary staging area under the Del Rio International Bridge as agents worked as quickly as they could to process them.

AMERICAN OVERSIGHT

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Monday, September 27, 2021 10:04 AM
To: Keith Ingram; Christina Adkins; Kristi Hart; Adam Bitter; Joe Esparza

"...One Texas official told CNN that even officials inside the secretary of state's office were unaware of any audit underway..."

AMERICAN OVERSIGHT

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Wednesday, September 29, 2021 12:49 PM
To: Adam Bitter; Joe Esparza

btw, have only seen these two (possibly bots) who are upset with our audit outline:

https://twitter.com/lmeskers1/status/1443267708372480002

https://twitter.com/JovanHPulitzer/status/1443259973723725825

AMERICAN OVERSIGHT

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Thursday, October 7, 2021 1:19 PM
To: David Zapata; Joe Esparza

MEXICO CITY —

The Biden administration is expected this week to reach a security deal with Mexico that takes aim at the most dangerous drug cartels and migrant smugglers while jettisoning a previous agreement that Mexican officials have criticized for exacerbating violence tied to the narcotics trade.

The deal is slated to be announced on Friday to mark the arrival in Mexico City of a high-level delegation of U.S. officials that will include Secretary of State Antony J. Blinken, Homeland Security Secretary Alejandro Mayorkas and Atty. Gen. Merrick Garland, according to people familiar with the matter.

“In matters of security, there has to be a new chapter,” Mexican Foreign Minister Marcelo Ebrard told reporters here on Tuesday.

The leftist government of President Andrés Manuel López Obrador has been especially contemptuous of an agreement reached in 2008 between the Obama administration and the government of Mexican President Felipe Calderon, a bitter rival of López Obrador.

The multimillion-dollar initiative became the latticework of a vast U.S.-Mexico joint effort to fight drug trafficking, share military intelligence, revamp Mexico’s law enforcement agencies and its judiciary, and seek to improve government accountability. Known as the Merida Initiative, the deal for more than a decade has served as the foundation of U.S. security policy in Mexico.

The deal was heavy on hardware, military action and the so-called kingpin strategy — killing or capturing the leaders of drug cartels hoping that would cause their organizations to fold. It didn’t turn out that way — the cartels had deep benches, and new leaders were frequently more violent than their predecessors, Mexican authorities have said.

It is time, Ebrard said, “to leave the Merida Initiative behind.” Its premises are foreign to what the current Mexican government is attempting to achieve in public security, he said.

The emerging security strategy has not been detailed, and authorities on both sides of the border face a daunting task: Violence and murder rates across Mexico have soared in recent years, whether related to drug trafficking, human smuggling or street crime.

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People familiar with U.S.-Mexico discussions said the new strategy will likely focus more heavily on targeting the cartels' finances and activities in the U.S. Mexico is asking the U.S. to extradite more suspects, the people said, to more assert its sovereignty. So far, most extraditions go north from Mexico to the U.S., not the other way around.

Mexican officials are also sure to press the U.S. to stanch the flow of firearms being smuggled into their country. About 70% of all weapons confiscated in Mexico can be traced to U.S. sources, Mexican officials have said.

The U.S., meanwhile, hopes that Mexico will stiffen resistance to smugglers to reduce the arrivals of illegal immigrants to the U.S. southern border, where the numbers have broken records in recent months.

The Trump and Biden administrations have pressured Mexico to block the flow of people from Central America attempting to reach the U.S. border. Mexico's record on that score has been spotty, and in recent weeks U.S. officials scrambled to handle an influx of Haitian migrants in Del Rio, Texas.

The U.S. officials are also expected to seek Mexico's help in curbing illicit shipments to the U.S. of fentanyl, a powerful and often deadly synthetic opioid.

Outside experts said the new framework is badly needed because U.S. and Mexican officials were deeply unsatisfied with how the Merida initiative was working.

"The U.S. side recognizes that a once-strong cooperation has been in decline," said Andrew Selee, a Mexico expert who is president of the Migration Policy Institute in Washington. "It needs new energy."

Roberta Jacobson, a former U.S. ambassador to Mexico and formerly the top State Department official for Latin America, agrees Merida became outdated but believes it had success until recent changes.

"This cooperation has eroded in recent years, and with it the utility of Mérida," she said during an online chat with the InterAmerican Dialogue.

Nevertheless, she said, the agreement created an unprecedented and valuable "culture of cooperation."

"Mexico and the United States must redefine their security priorities for a new binational strategy — one that respects sovereignty and responds to the actual causes of insecurity," she said.

The troubled security partnership hit a low point last year when the U.S. arrested former Mexican Defense Minister Salvador Cienfuegos on drug trafficking charges as he traveled in California. Mexican officials said they were not informed of the arrest, and protested vehemently. Eventually, the U.S. relented and sent him to Mexico, where he was released without charges. Mexico, as a reaction, imposed new restrictions on the ability of foreign agents to operate in Mexico.

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Blinken and his colleagues will have to tackle that lingering mistrust, said Andrew Rudman, head of the Mexico Institute at the Wilson Center, a nonpartisan think tank in Washington.

“Confidence and trust have to be restored,” he said. “The most important thing is they’re talking, restoring a dialogue after so much damage.”

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TX-SOS-22-0651-H-000928

From: The Voting Information Project [redacted]
Sent: Wednesday, September 29, 2021 10:00 AM
To: Keith Ingram
Subject: VIP Newsletter: VIP Partner Award Winners

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

View this email in your browser

Voting Information Project

The 2020 election cycle was unprecedented in many ways — including the pressure on election offices to conduct safe, secure elections during a global pandemic. Amidst all of these challenges, state election offices continued to take part in VIP. We are incredibly grateful for these efforts, which increased access to election information for millions of voters.

To recognize this achievement and celebrate the work of election offices, we are happy to inaugurate the VIP Partner Awards. We hope to make this a biannual tradition.

To capture the many ways our state partners amaze us, winners were selected in four categories. Congratulations to these partners, and to everyone in election offices for your work and dedication throughout the 2020 cycle!

For their exceptional work in deploying the most up-to-date technology to participate in VIP

The Louisiana Secretary of State Elections Division

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Louisiana's Elections Division has implemented the gold standard for VIP data: an automated, daily feed that updates for each election — and Louisiana has a lot of elections! This allows us to display the most up-to-date information to voters, without any additional burden to their staff. They have also been amazing implementers of all new data specification upgrades, including pioneering the use of ballot styles with their ballot information. Their thoughtful testing and feedback has helped not only their voters, but all future implementers of VIP data.

The Wisconsin Elections Commission

With more than 1,800 local and county clerks running elections across the state, it's easy to understand why the NIST Common Data Format would appeal to the Wisconsin Elections Commission. They have configured the NIST 1500-100 "pre-election" file and, following some collaboration with our team, are able to use that dataset to participate in VIP. This is a true "two birds with one stone" opportunity, which VIP hopes to support in other states — and it would not have been possible without their partnership.

For their exceptional utilization and innovative application of VIP data and tools

The California Secretary of State Elections Division

In 2020, many counties in California changed their election models to include vote centers, early vote sites, and drop boxes. The Secretary of State's Office worked diligently to keep this new data accurate in VIP by providing updates anytime a county changed a location or hours. In addition to including VIP's embeddable **Voting Information Tool** on their website, the California Secretary of State's Office encourages their Voter Hotline operators to use the tool. Because the tool requires only a residential address, it allows operators to assist callers quickly, without needing to ask for any personal information — such as their driver's license number or the last four digits of their social security number.

The Oregon Secretary of State Elections Division

Oregon's Election Division utilizes VIP's **Voting Information Tool** as their online Drop Box Locator, providing their voters with a comprehensive list of all the places they can drop off their ballots. Their team works with us — and with each of their counties — to proof and confirm we are displaying data as accurately as possible for the more than 300 locations across the state. For their

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May 2020 primary, drop boxes inside buildings like public libraries or town halls were no longer guaranteed to be open, due to closures around COVID-19. Leading up to the election, their team submitted frequent updates as additional drop boxes became available, or others were no longer in use.

For their exceptional efforts in providing the necessary data components to participate in the VIP

The Colorado Department of State Elections Division

As a Vote By Mail state, the Elections Division in Colorado has to contend with many drop box locations, in addition to in-person voting locations. And when local election offices submit these locations to them, they come in all sorts of formats. Their team diligently gathers the information and enters it into a spreadsheet. Dozens of columns and hundreds of rows later, they submit the data to VIP — and send in regular updates as locations change.

The Secretary of the Commonwealth of Massachusetts Elections Division

The town clerks of Massachusetts are dedicated to running elections, but don't always enter data into the state system in the most standardized way. (This may sound familiar to folks in other state offices!) In order to provide data to VIP, the team at the Massachusetts Elections Division spend tens of hours cleaning up the data. They ensure that addresses are complete, that data is appearing in the right fields, and that locations are mapping correctly.

For their exceptional assistance in providing data updates to VIP leading up to election days

The Texas Secretary of State Elections Division

With 254 counties, it's no surprise that the Texas Elections Division has to monitor numerous polling place updates as an election approaches. And despite the large number of Texas counties, you could count their team on one hand! With everything else their office has to wrangle, they consistently send updated data to VIP before the start of early voting and before election days.

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The West Virginia Secretary of State Elections Division

In the weeks leading up to an election, our dedicated partners in West Virginia submit updates to VIP each time a polling location is changed or hours are modified. And on election day, they continue to share updates with our team as they occur. This consistent communication ensures that voters access the most accurate information through VIP.

As always, thank you for your support and partnership!

Sincerely,
Lily Schieber
Voting Information Project Outreach Associate

Democracy Works

Democracy Works is a nonpartisan nonprofit which improves civic participation by simplifying and modernizing the voting process for voters and election administrators. You are receiving this email because you have been listed as a state partner or potential partner of the Voting Information Project.

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Our mailing address is:
Democracy Works
20 Jay St, Ste 840
Brooklyn, NY 11201

unsubscribe from this list
update your email address

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TX-SOS-22-0651-H-000932

From: Kelly Sechrist <[redacted]>
Sent: Monday, October 4, 2021 12:32 PM
To: Keith Ingram
Subject: Welcome to the Inaugural Edition of the RCReview Quarterly Newsletter
Attachments: RCVRC news inside this issue (1).pdf

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RCReview

A quarterly newsletter from the Ranked Choice Voting Resource Center.

Dear RCVRC Friends,

We are excited to launch our first quarterly newsletter, RCReview. In each issue, you will find information about what we are doing to assist jurisdictions in implementing and administering ranked-choice voting elections. Additionally, we will provide interesting RCV tidbits, policy updates, and more. Do you have something specific you would like to see us cover? Reach out and let us know.

Thank you for your continued support and interest in our work,
RCVRC Staff

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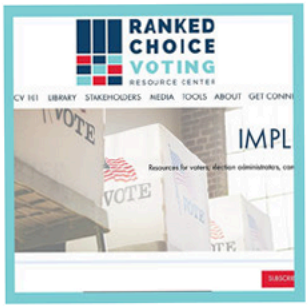
Program Spotlight



Our mission is to provide excellent, reliable resources for the implementation of ranked-choice voting elections, and our programs are the cornerstone of achieving that mission. From policy to the nuts and bolts of ballot design and tabulation, we are a nonpartisan, trustworthy resource to help everyone from advocates to policymakers to election administrators confidently run an RCV election.

We take pride in our ability to provide programs that can help impact how jurisdictions run ranked-choice voting elections. This month's spotlight includes updates on our RCV Maps project, RCVRC on the Road (and the camera), and RCTab, our free, open-source tabulation software.

Program Spotlight full story

Upcoming at RCVRC

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TX-SOS-22-0651-H-000934

October

RCV Maps Project Launch

4th Social Media Launch

7th Registration Opens for RCV Maps Webinar

14th Webinar: RCV Maps 2 PM EST

RCV Clips: RCVRC Update Episode, TBD

November

Webinar: Surveying RCV in 2021, TBD

RCV Clips: RCV Maps Episode, TBD

30 Giving Tuesday

December

End of Year Giving Campaign

RCV Clips: Massachusetts, cont., TBD

31st Last chance to donate for 2021

Policy Corner

Welcome to the Policy Corner! We'll use this space to highlight ranked-choice voting best practices from across the country. This quarter, we're talking about legislation: the laws adopting and implementing ranked-choice voting with a focus on Minneapolis.

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Policy Corner full story

Fundraising on the Forefront

Why is it important to give to our organization?

RCVRC is a 501(c)3 nonpartisan, nonprofit organization that focuses on implementing and administering ranked-choice voting elections. We depend on the generosity of our donors to meet our mission.

You can donate to us directly on our **website** or by contacting us at 833-VOTERCV (868-3728) or donate@rcvresources.org. Considering a major gift, DAF donation, stock transfer, or planned giving gift? Reach out to us at [redacted].

To learn more about our mission and to see the Annual Fund update from July, head over to the full story.

Fundraising full story

Donate Now

RCVRC has been a trusted go-to source for tools and testimony when we've needed it in Maryland. I support RCVRC to ensure expert advice, analysis, and

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tools are available to the public and election administrators from start to finish.

MW, Advocate from Maryland

We are hiring!

We are hiring! Currently, we have two available positions. Since we are a work from home environment, applicants should be highly qualified self-starters. For more specific information on each position, click below:

Technical Program Manager

Operations Specialist

Monthly Poll

Each month, we do an RCV poll to allow our followers to participate in an RCV election of their own!

September's poll was Fall Favorites. The air is starting to turn cooler and bring us fire pits, sweaters, hot apple cider, and of course, pumpkin everything. See what RCVRC supporters ranked as their top Fall Favorite.

Head over to our social media channels for the official results. Be sure to like and follow us!

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TX-SOS-22-0651-H-000937

Share Tweet Follow Share

RCV Roundup

RCV Roundup is a place for RCV orgs, jurisdictions, and other nonprofits working in this space to share upcoming events and information about their work. The information in this section is unaffiliated with the work of RCVRC and all questions should be directed to the individual organizations.

If your organization would like to share information through RCVRC, please email [redacted] for more information. All submissions are subject to approval and shared as staff time and editorial deadlines permit.

RCV Roundup is available in our e-blast edition only.

RCV for Texas Bi-monthly Meeting

October 5

Click the image below for more information about the event.

Veterans for Political Innovation Wisconsin Launch Event

October 13

Click the image below for more information about the event.

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Has your information changed? Click the button below to help us keep our database up to date so that you can access the latest ranked-choice voting information.

Click to Update Your Information

Have we helped your jurisdiction or organization in some way? Head over to Great Nonprofits and give us a review. We only need one more review to achieve the Top Nonprofit Award for 2021!

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United States
28503

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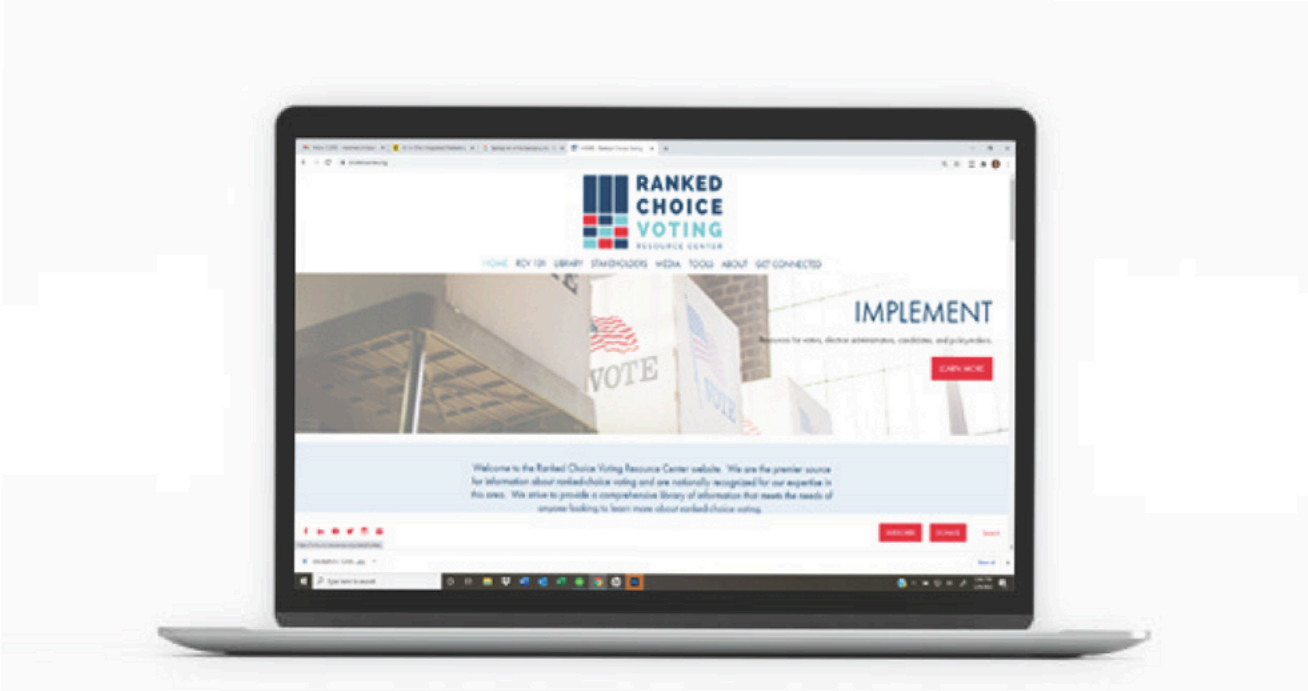
October 2021, Issue 1

RCReview

A quarterly newsletter from the Ranked Choice Voting Resource Center.



Upcoming at RCVRC

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31st*....Last chance to donate for 2021*

WELCOME TO OUR FIRST EDITION

RCVRC Quarterly Newsletter

Dear RCVRC Friends,

We are excited to launch our first quarterly newsletter, RCReview. In each issue, you will find information about what we are doing to assist jurisdictions in implementing and administering ranked-choice voting elections. Additionally, we will provide interesting RCV tidbits, policy updates, and more. Do you have something specific you would like to see us cover? Reach out and let us know.

Thank you for your continued support and interest in our work,
RCVRC Staff

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TX-SOS-22-0651-H-000941

Program Spotlight

Our mission is to provide excellent, reliable resources for the implementation of ranked-choice voting elections, and our programs are the cornerstone of achieving that mission. From policy to the nuts and bolts of ballot design and tabulation, we are a nonpartisan, trustworthy resource to help everyone from advocates to policymakers to election administrators confidently run an RCV election.

We take pride in our ability to provide programs that can help impact how jurisdictions run ranked-choice voting elections.

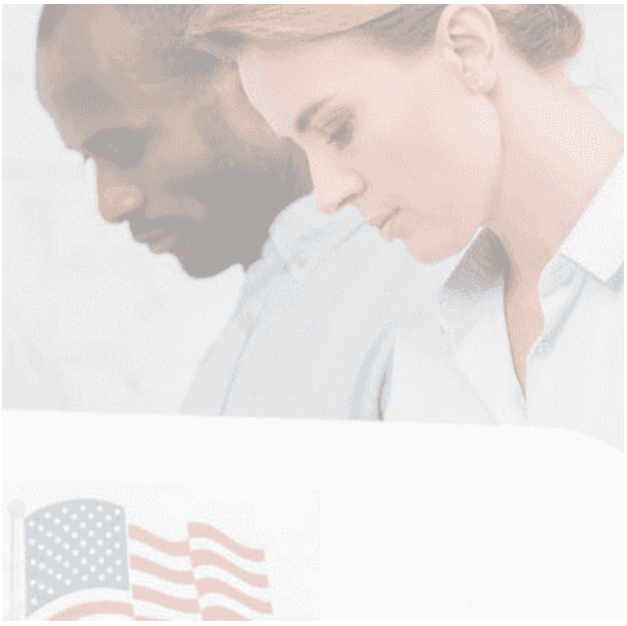
RCV Maps (RCV Multi-State Assessment Project) launches in October and provides users a starting point for understanding what will be needed for any state, county, or city to implement RCV. We are excited for the launch of this multi-year project.

Each state assessment includes:

- A high-level introduction to election practices in each state.
- Analysis of adaptation of state election administration infrastructure to implement ranked-choice voting (RCV).

While most states include a full assessment, some states are limited to voting systems only with this release. The project is slated to be updated in 2022 and every two years after that. Be on the lookout for an email about upcoming RCV Maps events and go-live announcements.

Join us for our RCV Maps Webinar on October 14 at 2:00PM EST



RCVRC On the Road (and the Camera) The staff of RCVRC is busy doing presentations and specialized webinars to jurisdictions who are considering using RCV and who are already using RCV. Here are a few presentation opportunities we have had over the past few months.

After a year and a half of on camera only presentations. Kelly Sechrist, Director of Development and Communications, traveled to Provo, Utah to meet with election officials to discuss the resources we offer. Followup webinars for RCTab training are scheduled over the next few weeks for Utah. Policy Director, Chris Hughes, presented to Washington State Auditors about ranked-choice voting implementation in a webinar last week.

Additionally, staff has presented to the RCV National Coalition among other groups and held countless meetings and small group discussions with other organizations, advocates, voting system vendors, and jurisdictions.

To schedule a personalized presentation or meeting, contact us at info@rcvresources.org.

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Program Spotlight

Continued

RCTab is our free, open-source tabulation software that works with most voting systems in the US to do tabulation of ranked-choice voting elections. The software was developed by a group of volunteer developers and has been evaluated and tested by both VSTL labs, Pro V&V and SLI. This sections provides updates and information regarding the software and its use.

New York City

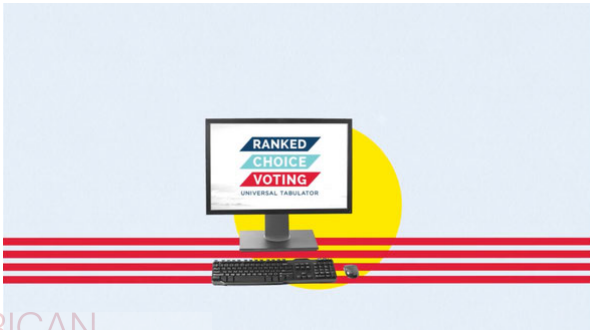
RCTab was used for tabulation in the New York City special elections and primaries earlier this year. NYC primaries represent the largest municipal ranked-choice voting elections in the US to date. The software version 1.2.0 received approval from the NYSBOE for use in these elections.

Utah

With 20 towns in Utah using ranked-choice voting for municipal elections this fall, RCVRC is providing resources for these jurisdictions. 9 of the jurisdictions will use the RCTab software to do the ranked-choice voting tabulation. 23 locations approved the use of RCV in their municipal elections but 3 towns did not have enough candidates to run an RCV election. RCTab version 1.2.0 is certified for use in Utah in conjunction with ES&S voting systems where compatible. Jurisdictions with Dominion Systems will use a solution provided by the voting system vendor.

Interested in learning more about RCTab, our universal RCV tabulator?

Click the picture below to check out our video about the project.



Policy Corner

Welcome to the Policy Corner! We'll use this space to highlight ranked-choice voting best practices from across the country. This quarter, we're talking about legislation: the laws adopting and implementing ranked-choice voting with a focus on Minneapolis.

Ranked-choice voting legislation comes in many forms - amendments, statutes, ordinances, and regulations. Minneapolis has a charter amendment that requires ranked-choice voting, but which provides very few details about how to count an election. After the charter amendment passed, the Minneapolis City Council passed an ordinance defining all the major details of ranked-choice voting. Those details include how to run the round-by-round count, how to handle ballot errors, and how and when to report results.

This sort of adoption is ideal - a high-level charter amendment with clear language adopting ranked-choice voting (which is also hard to change), with the technical details laid out in an ordinance (which is much easier to update as practices change and innovations are made). Clearly defining these details also ensures a smooth implementation on election day, vital to ensuring voter trust in the system. You can find more examples of all the different kinds of ranked-choice voting legislation on our Legislation page.

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TX-SOS-22-0651-H-000943

Fundraising on the Forefront

RCVRC is a 501(c)3 nonpartisan, nonprofit organization that focuses on implementing and administering ranked-choice voting elections. *The voting method reforms in the US, like ranked-choice voting, are only as successful as their implementation and administration. We believe that excellence in this area is a key to trustworthy elections that build democratic legitimacy. Every voter deserves to have their vote counted.*

You can donate to us directly on our website or by contacting us at 833-VOTERCV (868-3728) or donate@rcvresources.org.

Considering a major gift, DAF donation, stock transfer, or planned giving gift? Reach out to us at [redacted].

Donate Now

RCVRC has been a trusted go-to source for tools and testimony when we've needed it in Maryland. I support RCVRC to ensure expert advice, analysis, and tools are available to the public and election administrators from start to finish.

MW, Advocate from Maryland

$

Make a Difference for Democracy

Annual Fund 2021 Update

Thank you for your support of our 2021 Annual Fund Campaign, Make a Difference for Democracy. We raised over $7100 and more than doubled our number of individual donors from 2020! We look forward to our next fundraising event that starts on Giving Tue day

$7100+

For state fundraising disclosures, please click here

RCV Monthly Poll

Each month, we do an RCV poll to allow our followers to participate in an RCV election of their own!

The air is starting to turn cooler and bring us fire pits, sweaters, hot apple cider, and of course, pumpkin everything. See what RCVRC supporters ranked as their top Fall Favorite in our September Poll.

Head over to our social media channels for the official results. Results should be available later today. Like and follow us for a chance to participate in the next poll.

RCVRC is hiring!

Currently, we have two available positions. Since we are a work-from-home environment, applicants should be highly qualified self-starters. For more information on each position, click below:

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Has your information changed? Click here us keep our database up to date so that you can access the latest ranked choice voting information.

Have we helped your jurisdiction or organization in some way? Head over to Great Nonprofits and give us a review. We only need one more review to achieve the Top Nonprofit Award for 2021!

GUIDESTAR GOLD TRANSPARENCY 2021

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How to appeal the withholding of information under Government Code Section 552.136

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the attorney general:

1) a signed, written statement indicating your wish to appeal the withholding of information;

2) the name of the governmental body that withheld information from you;

3) the date you made your original request for information; and

4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail to the attorney general at:

Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the attorney general will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Kristi Hart
Sent: Wednesday, May 18, 2022 7:13 PM
To: Zac Rhines
Cc: Keith Ingram; Adam Bitter
Subject: Re: Statement of Work for Procurement Service

Sure. I have 9 to 10:30, 11 to 12, and 12:30 to 2 open. Any of that work for you?

[redacted]

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Zac Rhines
Sent: Wednesday, May 18, 2022 8:49 PM
To: Kristi Hart
Cc: Keith Ingram; Adam Bitter
Subject: Re: Statement of Work for Procurement Service

Any of the above. Whatever is easiest. I'll be remote.

Zac Rhines
Assistant General Counsel
Office of the Texas Secretary of State
(512) 463-5268
zrhines@sos.Texas.gov

From: Kristi Hart <KHart@sos.texas.gov>
Sent: Wednesday, May 18, 2022 7:13:26 PM
To: Zac Rhines <ZRhines@sos.texas.gov>
Cc: Keith Ingram <KIngram@sos.texas.gov>; Adam Bitter <ABitter@sos.texas.gov>
Subject: Re: Statement of Work for Procurement Service

Sure. I have 9 to 10:30, 11 to 12, and 12:30 to 2 open. Any of that work for you?

[redacted]

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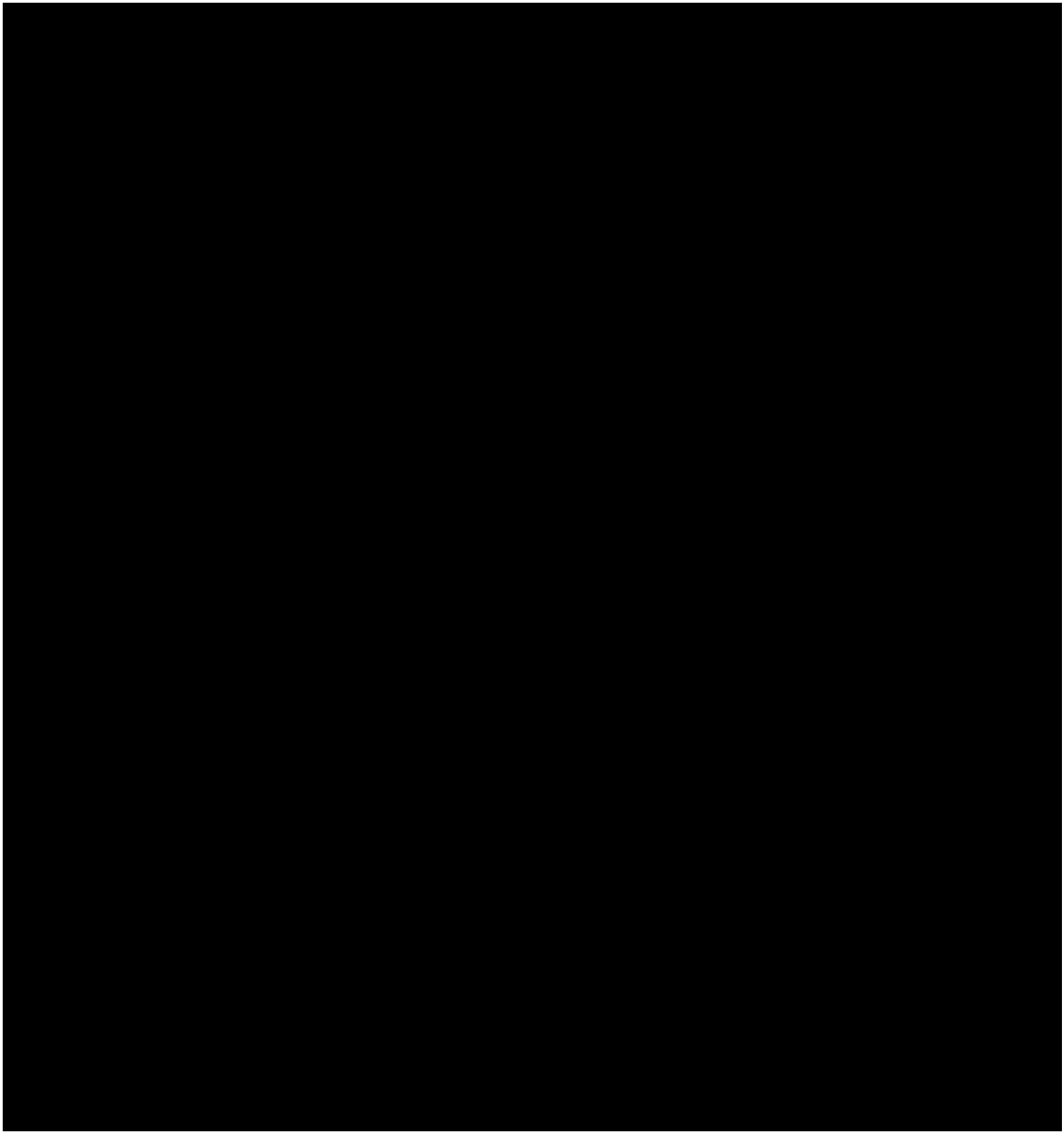

AMERICAN OVERSIGHT

From: GeneralCounsel
To: "Justin Miller"
Cc: Sam Taylor; GeneralCounsel
Subject: RE: TPIA request PIR 21-1210
Date: Monday, June 27, 2022 2:46:30 PM
Attachments: 6.27.22 Documents.zip

Mr. Miller,

As a follow-up to our office's June 6, 2022 email, please see the attached zipped folder containing additional documents responsive to your request for information under the Public Information Act.

We require more time to review our records and produce additional responsive information. We will provide you additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on July 13, 2022. *See* Tex. Gov't Code § 552.221(d).

Sincerely,

Adam Bitter
General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Monday, June 6, 2022 1:56 PM
To: 'Justin Miller' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: TPIA request PIR 21-1210

Good morning,

Consistent with our May 16 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on June 27, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel

AMERICAN OVERSIGHT

Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Monday, May 16, 2022 11:51 AM
To: 'Justin Miller' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: TPIA request PIR 21-1210

Good morning,

Consistent with our April 19 email, please see the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

The information you requested also contains an access device number that is collected, assembled, or maintained by or for a governmental body. This information is confidential under section 552.136 of the Texas Government Code. Section 552.136 allows us to withhold this specific information without requesting a ruling from the attorney general. You have the right to appeal our decision to withhold this information from you. Instructions for appeal are attached. If you do not want to appeal, you do not need to do anything else.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on June 6, 2022. See Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Tuesday, April 19, 2022 4:14 PM
To: 'Justin Miller' [redacted]
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: TPIA request PIR 21-1210

Good afternoon,

Regarding our April 1 email, we appreciate your patience as we continue to process your request in

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accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you additional responsive documents on a rolling basis—to the extent such information is not excepted from disclosure under state or federal law—with our next production by 5:00 p.m. on May 16, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, April 1, 2022 1:57 PM
To: 'Justin Miller' <[redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: TPIA request PIR 21-1210

Good afternoon,

Consistent with our March 11 email, please find the attached zipped folder containing documents responsive to your request for information under Chapter 552 of the Texas Government Code.

The responsive documents contain email addresses of the general public. An email address of a member of the public is confidential under section 552.137 of the Texas Government Code. The attorney general authorized all governmental bodies to withhold an email address of a member of the public without first requesting an attorney general opinion in Open Records Decision No. 684 (2009). Thus, this information has been redacted.

We appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce additional responsive documents. We will provide you any additional responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 19, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, March 11, 2022 2:32 PM
To: 'Justin Miller' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: TPIA request

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Good afternoon,

Regarding our February 25 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce responsive documents. We will provide you any responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on April 1, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, February 25, 2022 2:19 PM
To: 'Justin Miller' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: TPIA request

Good afternoon,

Regarding our February 4 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and produce responsive documents. We will provide you any responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on March 11, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, February 4, 2022 2:14 PM
To: 'Justin Miller' [redacted]>
Cc: Sam Taylor <SMTaylor@sos.texas.gov>; GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: RE: TPIA request

Good afternoon,

Regarding our January 14 email, we appreciate your patience as we continue to process your request in accordance with the terms of the PIA. We require additional time to review our records and

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produce responsive documents. We will provide you any responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on February 25, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Sent: Friday, January 14, 2022 2:25 PM
To: 'Justin Miller' [redacted]
Cc: GeneralCounsel <GeneralCounsel@sos.texas.gov>; Sam Taylor <SMTaylor@sos.texas.gov>
Subject: RE: TPIA request

Good afternoon,

This email responds to your clarified request for information under the Public Information Act, Chapter 552 of the Texas Government Code (the "PIA"), which was received by the Office of the Texas Secretary of State (the "Office") via email on December 30, 2021 (the "December 30 Request"). Your original request was received on December 10, 2021 (the "December 10 Request"), and we asked you to clarify certain items on December 29, 2021.

In the December 10 Request, you indicated that you were seeking "[a]ny and all records regarding the Governor's emergency transfer of $4 million in funds to the Texas Secretary of State's Office, the allocation of those funds, and the creation of the SOS's "Election Audit Division."

On December 29, 2021, we asked you to clarify or narrow your inquiry in certain respects. In your December 30 response you indicated that you are requesting information dating back to November 1, 2021 and that you agree to exclude responsive information that would be subject to mandatory or discretionary exceptions under the PIA, without seeking a ruling from the OAG.

Please note that the PIA applies only to information in existence as of the date that the governmental entity receives the request and thus does not require the entity to create new information in response to a request or comply with a continuing request to supply information on a periodic basis as such information is prepared in the future. *See* Tex. Gov't Code §§ 552.002, .021, .227, .351; *A&T Consultants, Inc. v. Sharp,* 904 S.W.2d 668, 676 (Tex. 1995); *Fish v. Dallas Indep. Sch. Dist*., 31 S.W.3d 678, 681 (Tex. App.—Eastland 2000, pet. denied); Tex. Att'y Gen. Op. JM-48 at 2 (1983); Open Records Decision Nos. 476 at 1 (1987), 465 at 1 (1987), 452 at 2–3 (1986), 342 at 3 (1982).

We are processing your December 30 request in accordance with the terms of the PIA. We require additional time to review our records and produce responsive documents. We will provide you any responsive documents—to the extent such information is not excepted from disclosure under state or federal law—by 5:00 p.m. on February 4, 2022. *See* Tex. Gov't Code § 552.221(d).

Kind regards,

AMERICAN OVERSIGHT

Jennifer Williams
Legal Assistant to the General Counsel
Office of the Texas Secretary of State

From: Justin Miller <[redacted]>
Sent: Thursday, December 30, 2021 12:16 PM
To: GeneralCounsel <GeneralCounsel@sos.texas.gov>
Subject: Re: TPIA request

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

Hi,
Here are my responses to your request for clarification:
1) Beginning November 1, 2021 and up to and including the date records are retrieved.
2) I agree to exclude responsive information that would be subject to mandatory or discretionary exceptions under the PIA, without seeking a ruling from the OAG.

Please let me know if you have any additional questions.
Thanks,
Justin

On Wed, Dec 29, 2021 at 8:29 PM GeneralCounsel <GeneralCounsel@sos.texas.gov> wrote:

> Mr. Miller,
>
> Please see the attached letter in response to your December 10, 2021 request for information under Chapter 552 of the Texas Government Code.
>
> Sincerely,
>
> **Adam Bitter**
> General Counsel
> Office of the Texas Secretary of State
>
> ---
>
> **From:** Justin Miller [redacted]
> **Sent:** Friday, December 10, 2021 10:07 AM
> **To:** GeneralCounsel <GeneralCounsel@sos.texas.gov>
> **Subject:** TPIA request
>
> **CAUTION:** This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to

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Informationsecurity@sos.texas.gov.

This is a request under the Texas Public Information Act. I am respectfully requesting the following records:

-Any and all records regarding the Governor's emergency transfer of $4 million in funds to the Texas Secretary of State's Office, the allocation of those funds, and the creation of the SOS's "Election Audit Division."

I seek all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. I seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. My request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

Records that are considered confidential, excepted from disclosure under the Texas Public Information Act, or that are proprietary, may be redacted or otherwise protected. If the records are voluminous, please contact me by telephone to discuss narrowing the scope of this request.

I request to receive this information in electronic format, preferably as text-readable PDF, by email. I am a member of the media and I ask that you waive any fees for record retrieval or copying associated with this request because release of this information is in the public interest.

I would request a prompt response to this request. If you expect a significant delay in responding to or in fulfilling this request, please contact me with information about when I might expect a response. Please contact me by telephone or email, if you have any questions regarding this request. If any part is unclear, or I can help clarify anything to make processing the request easier, please don’t hesitate to reach out to me.

If my request is denied in whole or in part, please provide a detailed justification for your decision. If you determine that a portion of the information I have requested is exempt from disclosure, please segregate that material so that the remainder can be released. I reserve the right to appeal your decision to withhold any information or to deny a fee waiver. Thank you for considering my request.

--
Justin Miller
Staff Writer
Texas Observer
Cell: 651-357-7749
Signal: 682-422-7686
Twitter: @by_jmiller

--
Justin Miller

AMERICAN OVERSIGHT

Staff Writer
Texas Observer
Cell: 651-357-7749
Signal: 682-422-7686
Twitter: @by_jmiller

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Subject: Election Staffing
Location: SOS Exec Conf rm

Start: Mon 11/29/2021 10:30 AM
End: Mon 11/29/2021 11:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Joe Esparza
Required Attendees: Keith Ingram; Dan Teczar; Dara Stone; Adam Bitter; Vincent Houston

To begin after directors meeting:

Short meeting on election and support staffing for audit.

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From: Keith Ingram <KIngram@sos.texas.gov>
Sent: Tuesday, November 16, 2021 11:07 AM EST
To: Sam Taylor <SMTaylor@sos.texas.gov>; Adam Bitter <ABitter@sos.texas.gov>; Joe Esparza <JEsparza@sos.texas.gov>
Subject: FW: Legislative Request - Update on Forensic Audit

From: Court Manske <Court.Manske@senate.texas.gov>
Sent: Tuesday, November 16, 2021 10:02 AM
To: Keith Ingram <KIngram@sos.texas.gov>
Subject: Legislative Request - Update on Forensic Audit

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

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Director Ingram,

Some of Senator Creighton's constituents are asking whether there are any updates on the 'Forensic Audit' of the 2020 election that the Governor announced in late September.

I am hoping you could pass this email along to someone who can provide a quick status update, a description of what has been done so far, or an estimated completion date.

Thank you for your time,

Court Manske
Legislative Director
Senator Creighton
512.463.0104

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From: Joe Esparza <JEsparza@sos.texas.gov>
Sent: Thursday, November 18, 2021 10:52 AM EST
To: Adam Bitter <ABitter@sos.texas.gov>; Sam Taylor <SMTaylor@sos.texas.gov>
Subject: FW: Note from Secretary John B. Scott

FYI

From: Cari Christman <Cari.Christman@senate.texas.gov>
Sent: Wednesday, November 17, 2021 11:23 PM
To: Joe Esparza <JEsparza@sos.texas.gov>
Subject: Re: Note from Secretary John B. Scott
Sensitivity: Personal

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please send this email as an attachment to Informationsecurity@sos.texas.gov.

No problem. I completely understand. I will share with the Senator and let you know if he has any questions or would like to take the Secretary up on the offer.

As a side note, I do believe it would be beneficial for the Caucus to hold a member and/ or staff briefing on the audit. As you know, our office had some constituent inquiries and your office was extremely helpful in answering all of our questions and providing guidance to our local folks.

I will let you know any feedback the Chairman has for the Secretary. Thank you so much for reaching out to our office.

Take care,

Cari Christman

> On Nov 17, 2021, at 6:32 PM, Joe Esparza <JEsparza@sos.texas.gov> wrote:
>
> Hi Cari – Sorry I was working off an old list. This should have went to Senator Taylor and yourself!
>
> I'll do better! Haha
>
> Joe
>
> ---
>
> **From:** Joe Esparza
> **Sent:** Wednesday, November 17, 2021 4:47 PM
> **To:** Alexander Hammond <alexander.hammond@senate.texas.gov>; Marc.salvato@senate.texas.gov; benjamin.williams@house.texas.gov; emily.amps@house.texas.gov
> **Cc:** Julia Rathgeber <Julia.Rathgeber@speaker.texas.gov>; darrell.davila@ltgov.texas.gov
> **Subject:** FW: Note from Secretary John B. Scott
> **Sensitivity:** Personal
>
> Hope this finds everyone well! I wanted to be sure this message from Secretary Scott was on your radar. Please let me know if we can be of service to your offices and constituents.
>
> V/r,
>
> Joe Esparza
> DSOS
> 512-680-7979c
>
> ---
>
> **From:** Secretary <Secretary@sos.texas.gov>
> **Sent:** Wednesday, November 17, 2021 4:41 PM
> **To:** jim.murphy@house.texas.gov; chris.turner@house.texas.gov; carol.alvarado@senate.texas.gov; paul.bettencourt@senate.texas.gov
> **Cc:** Joe Esparza <JEsparza@sos.texas.gov>
> **Subject:** Note from Secretary John B. Scott
> **Sensitivity:** Personal
>
> Good Afternoon Caucus Chairs,
>
> I hope you are doing well and staying healthy! I wanted to let you and all of your offices know that I am happy to speak directly to your constituents, as well as those of your members, about the full forensic audit of the 2020 General Election and election integrity as we head into the 2022 Primary season. While, as Secretary of State, I cannot participate in any type of fundraising activities for campaigns, I am happy to participate in public discussions with Texans in your district to

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answer their questions directly and provide educational information about safeguarding our elections in the State of Texas.

Please let me know if you would like me to join an upcoming event with your constituents, and I will do my best to make it work within our respective schedules. Please feel free to pass this along to any of your members as well.

Best wishes,

John B. Scott
Texas Secretary of State
JScott@sos.texas.gov
512-463-5770

AMERICAN OVERSIGHT

From: Christina Adkins
Sent: Tuesday, November 16, 2021 10:07 AM EST
To: Elec Legal <ElecLegal@sos.texas.gov>
Subject: FW: SOS Morning News Clips 11/16/21

From: Sam Taylor
Sent: Tuesday, November 16, 2021 8:39 AM
Subject: SOS Morning News Clips 11/16/21
Sensitivity: Personal

Texas Secretary of State
Morning News Clips
November 16, 2021

A Republican Harris County commissioner voted against certifying the 2021 election results, *Houston Public Media*, November 15, 2021

DA testifies in effort to remove him from Edinburg mayor's voter fraud case, *McAllen Monitor*, November 15, 2021

Judge hears arguments on Edinburg mayor's request to remove DA from illegal voting case, *Valley Central*, November 15, 2021

Beto O'Rourke enters 2022 a weaker candidate with a harder race, *Texas Tribune*, November 15, 2021

Texas state lawmaker leaves Democratic Party for GOP, *The Hill*, November 15, 2021

Democratic state Rep. Michelle Beckley launches campaign for Texas lieutenant governor, *Austin American-Statesman*, November 16, 2021

Renewed urgency surrounds statewide campaigns as candidates cast doubts on elections, *ABC News*, November 16, 2021

Galveston County officials approve controversial redistricting plan, *Houston Public Media*, November 15, 2021

Vegas man to admit voting twice in November 2020 election, *Associated Press*, November 15, 2021

Mexican police rescue dozens of migrants near van holding bodies of five alleged smugglers killed execution-style, *Border Report*, November 15, 2021

The Newest Texans Are Not Who You Think They Are, *Texas Monthly*, November 15, 2021

Opinion: Junk lawsuits by Republican attorneys general harm their own people, *The Hill*, November 15, 2021

A Republican Harris County commissioner voted against certifying the 2021 election results
Paul Debenedetto
Houston Public Media
November 15, 2021
https://www.houstonpublicmedia.org/articles/news/politics/2021/11/15/413426/a-republican-harris-county-commissioner-voted-against-certifying-the-2021-election-results/

Harris County leaders voted to confirm the results of the most recent election on Monday — with the exception of one Republican.

Harris County Precinct 3 Commissioner Tom Ramsey was the lone "no" vote on a measure to certify the results of the Nov. 2 election.

Citing "grave concerns" that included delays in election night results and a lack of equipment familiarity, Ramsey said he wanted an independent audit of the process.

"This was a very small (turnout) election," Ramsey said. "We've got some big elections coming up next year. We've got the primary likely in March, and we've got, of course, November 2022, and we just have to make sure that everything is as it should be."

Republican Commissioner Jack Cagle of Precinct 4 joined the three Democrats on Commissioners Court to vote "yes" on confirming the results.

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The state has already announced it would review this year's early voting returns in Harris County, which Elections Administrator Isabel Longoria said were delayed because of a power outage at the central count location. The Texas Secretary of State's Office said it would "work to ensure that all ballots were handled appropriately and counted validly."

The 2021 election was an off-year cycle, with no major candidates on the ballot. Voters did approve eight constitutional amendments, including one that would ban local governments from suspending religious services during an emergency.

But Ramsey's vote against certifying the results comes amid increased polarization among political parties over the validity of elections, despite no proof of widespread voter fraud.

Former President Donald Trump publicly called for an audit into Texas' 2021 election results, insisting for months without evidence that widespread voter fraud cost him the election. Hours after Trump's statements, the Texas Secretary of State's Office did open an audit into Harris and three other counties — Dallas, Tarrant and Collin. All but Collin County voted for Joe Biden.

In September, Ramsey and Cagle voted against a resolution condemning that audit. The resolution nonetheless passed 3-2 along party lines, with Harris County Judge Lina Hidalgo calling it "yet another argument to feed a conspiracy theory" that the 2020 election was stolen.

A number of Texas Republicans have come under fire for refusing to accept the results of 2020's presidential election, in which Biden defeated Trump with 306 electoral college votes to Trump's 232. Biden also won 51.3% of the popular vote.

More than a dozen Texas Republicans and U.S. Sen. Ted Cruz all voted to reject the presidential election results in January. That same day, violent pro-Trump extremists stormed the U.S. Capitol to stop the process of counting the votes and certifying the election.

Some state Republican lawmakers who echoed the false stolen election narrative later championed sweeping new voting laws that critics say amount to voter suppression. Houston-area state Rep. Briscoe Cain, who traveled to Pennsylvania to try and help Trump overturn the election, was chair of the House Elections Committee.

Abbott also later appointed John Scott, who briefly represented Trump in his attempts to overturn the election, as Texas Secretary of State.

Ramsey's tenure on Commissioners Court has not been without controversy. At a meeting two weeks ago, he was criticized for going on a conservative talk radio show and accusing Democratic Precinct 1 Commissioner Rodney Ellis of corruption without evidence.

Ramsey also said Ellis, who is Black, may have "anger issues." Precinct 2 Commissioner Adrian Garcia, also a Democrat, put forward a resolution to condemn Ramsey's remarks, saying they promoted a stereotypical "angry Black person" image.

A resolution condemning Ramsey for his comments passed 3-2 on party lines.

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DA testifies in effort to remove him from Edinburg mayor's voter fraud case
Mark Reagan
McAllen Monitor
November 15, 2021
https://myrgv.com/local-news/2021/11/15/da-testifies-in-effort-to-remove-him-from-edinburg-mayors-voter-fraud-case/

Edinburg Mayor Richard Molina's attorney made his case during an all-day, in-person hearing Monday as to why a visiting judge should remove District Attorney Ricardo Rodriguez Jr. and his office from prosecuting the voter fraud case against the elected official.

Testimony throughout the day probed Rodriguez's familial relationships, including one with the person who initially filed the voter fraud complaint with the Texas Secretary of State's office against Molina after he was elected in 2017. That person is former Hidalgo County Justice of the Peace Mary Alice Palacios, Rodriguez's aunt.

Cross examination during the hearing also elicited testimony from a politiquero who admitted that the FBI questioned him about Molina, the mayor's relationships and about a pay-to-play scheme.

That agency does not confirm or deny the existence of investigations.

The district attorney, his aunt and former city councilman David Torres testified, as did several other witnesses.

Molina was indicted on 11 counts of illegal voting and one count of engaging in organized election fraud.

He has pleaded not guilty to the allegations and has maintained his innocence since his arrest, claiming the charges are retaliation for him being elected to office by political players in Hidalgo County who lost lucrative contracts and positions after he was elected.

Visiting Judge Carlos Valdez indicated he would make a ruling on the motion to disqualify Rodriguez Tuesday morning.

During the Monday hearing, Molina's attorney, Carlos A. Garcia, placed those arguments in the hands of the visiting judge as he sought to have Rodriguez removed from the case, arguing a conflict of interest.

While questioning Rodriguez, Garcia asked about whether he had any involvement in his aunt's complaint with the secretary of state, to which the district attorney said he had none. The attorney also asked Rodriguez why he remained on the case against Molina but handed a separate complaint of voter fraud against members of his family to the Secretary of State's office. Garcia also questioned why Rodriguez didn't appoint a special prosecutor in the case.

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That second complaint was filed with Rodriguez by Dalia Molina, the mayor's wife.

She was indicted on a single count of engaging in organized fraud and two counts of illegal voting and has pleaded not guilty.

While on the stand, Rodriguez said he had the discretion not to appoint a special prosecutor and decided to pass the complaint to the Secretary of State's office.

"I didn't want to touch it," the district attorney said about the complaint the mayor's wife filed.

On cross examination, prosecutor Michael Garza indicated during questioning that the complaint made its way to the Texas Attorney General's office, which made no finding on the complaint.

Garcia also questioned Rodriguez about Edinburg's former mayor, Richard Garcia, who lost his re-election to Molina in 2017.

The former mayor is Terry Palacios' law partner. He is also Rodriguez's uncle and Edinburg's longtime municipal judge.

The defense attorney asked Rodriguez whether the former mayor or the municipal judge ever assisted him financially while he went to law school, which the district attorney denied.

"I wish they would have paid my loans," he said.

Mary Alice Palacios was the last witness of the day and Garcia pressed her on whether she had spoken with Rodriguez about the complaint against Molina and about whether he or anyone else assisted her in compiling a binder of allegations against Molina that she submitted to the Secretary of State's office. The defense attorney also questioned her on how she knew the procedure for filing such a complaint.

She said she used Google to find out how to submit the complaint and that she conducted the investigative work for the complaint on her own and without assistance.

Molina and his attorney have asserted that Mary Alice Palacios filed the complaint against Molina because she lost a lucrative insurance contract she had with the city after he was elected.

"Mary Alice Palacios had an axe to grind with my client," Garcia said.

He also expressed skepticism that she had no help in her investigation that resulted in the complaint to the Secretary of State, which eventually took the form of the indictment against the mayor.

"I think that credibility is questionable," Garcia said.

There was also testimony that centered around a 2015 meeting at Rodriguez's home where Molina, Terry Palacios and other Palacios family members were present, which Torres, the former city councilman, said was about talking politics and improving communication.

"It was about an effort to work together," Torres said.

At the time, Molina was a city councilmember.

Then there was testimony from Miguel Angel Garza, a well-known politiquero whose home was raided by the FBI Feb. 24, 2020, and has had several DWI arrests, including a felony DWI arrest.

Miguel Angel Garza has not been charged in relation to that FBI raid and under questioning by Garza, the prosecutor, he denied that he was cooperating with an FBI investigation into Molina.

The politiquero claimed that he was invited to a party at the district attorney's house in 2015 where he heard Rodriguez and other Palacios family members looking for an opponent to beat Molina, which the prosecutor pointed out apparently happened long before Molina even ran for mayor.

Molina is currently up for re-election and is locked in a runoff race with former Edinburg City Manager Ramiro Garza, a point Molina's attorney also hammered home.

Prosecutors in the case filed a motion to set a jury trial a week before early voting in the general election, which Garcia, Molina's attorney, has characterized as an effort to undermine the election.

However, Garza, the prosecutor, again pointed out that Molina did not have a trial date or any settings in his case because of the pandemic and that the motion's filing followed a ruling by the Hidalgo County Board of Judges that has allowed jury empanelment for trials, which ground to a halt at the onset of the pandemic in March 2020.

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Judge hears arguments on Edinburg mayor's request to remove DA from illegal voting case
Nathaniel Puente
Valley Central
November 15, 2021
https://www.valleycentral.com/news/local-news/judge-hears-arguments-on-edinburg-mayors-request-to-remove-da-from-illegal-voting-case/

EDINBURG, Texas (ValleyCentral) — After hearing arguments and witness testimony from multiple parties, a district judge will soon decide if Hidalgo County's District Attorney will be removed as a prosecutor from the Edinburg mayor's illegal

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voting case.

Richard Molina, Edinburg mayor, is facing a felony indictment for engaging in organized election fraud and several charges of illegal voting relating to his election as mayor in 2017.

In October, Molina issued a request to remove Hidalgo County District Attorney Ricardo Rodriguez from his position as the prosecutor on the case, citing that Molina removed numerous relatives of Rodriguez from positions during his time as mayor.

A hearing was held on Monday in the 92nd District Court to see if Rodriguez would be removed from the case.

Judge Luis M. Singleterry heard from several people involved with Molina and Rodriguez on the matter and announced he would issue a decision on Tuesday.

Among those subpoenaed to the trial on Monday were Rodriguez, district attorney's office officials, and other former Edinburg city officials.

Molina turned himself in for the 12 charges he is facing in April 2019 after an indictment was brought against him.

The incumbent mayor ran for re-election in 2021 and received the second-highest vote total behind former Edinburg city manager Ramiro Garza, Jr. Neither of the two received over 50 percent of the votes and will face off in a runoff election in December.

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Beto O'Rourke enters 2022 a weaker candidate with a harder race
Patrick Svitek
Texas Tribune
November 15, 2021
https://www.texastribune.org/2021/11/15/beto-orourke-texas-governor-2022-election/

Four years ago, a little-known Democratic congressman from El Paso named Beto O'Rourke announced he was running for U.S. Senate, challenging Republican incumbent Ted Cruz.

O'Rourke got started early, launching more than a year and a half before the general election. At the time, a majority of voters told pollsters they were unfamiliar with him. And perhaps for that reason, the incumbent virtually ignored him for 11 months, as O'Rourke began to tour all 254 counties in Texas, built an electrifying campaign that captured the nation's attention and ultimately came within 3 percentage points of Cruz.

He had the wind at his back as the country delivered a blue wave in rebellion against President Donald Trump's first two years in office.

And in the process, O'Rourke became the new star of a Texas Democratic Party that desperately needed one, smashing fundraising records, energizing young people and attracting a healthy amount of GOP defectors. Even his defeat was treated as a kind of victory by Democrats as the "Beto wave" swept their other candidates into office down the ballot.

This time, O'Rourke's statewide campaign is starting in a completely different place.

His run against Gov. Greg Abbott, which he announced Monday, is starting 229 days later than his U.S. Senate campaign did in 2017. O'Rourke is now well known statewide — and polls show more Texas voters have a negative view of him than a positive one. And Abbott's not giving him a pass, regularly rallying Republicans against him on the campaign trail and releasing videos attacking him.

This time, national politics will not play in his favor. Trump is out of office, President Joe Biden is deeply unpopular in Texas and Democrats are expecting to take a beating in the midterm elections nationwide.

Meanwhile, O'Rourke's shine has dulled considerably after an unsuccessful presidential campaign during which he took positions that could be politically perilous in Texas.

"The dynamics are just much more different, and the climate's totally different," said Nick Maddux, a Texas Republican strategist who worked on Cruz's 2018 campaign.

Of course, Abbott is also not in the same position he was the last time he was on the statewide ballot four years ago, when his race was an afterthought compared to Cruz's. After navigating the coronavirus pandemic, February's winter weather disaster and a series of contentious legislative sessions, the governor's approval rating has sunk to the lowest it has been since he took office in 2014.

Zack Malitz, a Texas Democratic consultant who was statewide field director for O'Rourke's 2018 campaign, said the Senate race was "this runaway, totally unexpected, pretty joyous campaign." While Cruz was a "real villain," Malitz added, he was not an executive like Abbott, who, especially in the time of pandemic, is making decisions every day that affect many Texans.

"This is just gonna feel different because it's so vividly clear that lives are on the line," Malitz said, acknowledging that both candidates are already "fairly well defined in the minds of Texas voters."

"On both sides, this is gonna be an angry and existential election," he added.

One of O'Rourke's top goals, Democrats agree, should be to ensure the race is a referendum on Abbott, who this year ushered through some of the most conservative laws — on abortion, guns and voting — in recent Texas memory.

Abbott's campaign is already trying to make the contest about O'Rourke, branding him "Wrong Way O'Rourke" and

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spotlighting comments in which he has tacked to the left since the 2018 race.

“He clearly keeps running more to the left and he stands at the extreme left wing of his party as of today,” Abbott campaign spokesperson Mark Miner said. “Now he’ll try to reinvent himself, but he can’t run from his past.”

A series of losses

Even before losing to Cruz, O’Rourke was being discussed as a potential White House contender.

He launched in March 2019 after months of fervent speculation. The initial fanfare quickly gave way to tougher scrutiny than O’Rourke faced in the Senate contest, beginning with a glossy Vanity Fair cover story that accompanied his launch in which he declared he was “just born to be in it,” referring to public service. Soon after, his presidential campaign faded into the back of the crowded primary pack.

A pivotal moment for O’Rourke nonetheless came that summer, when a gunman opened fire inside a Walmart in El Paso, killing 23 people and injuring 23 others. The tragedy was personal for O’Rourke, who often touted his love for his hometown on the campaign trail and frequently reminded people that it was one of America’s safest cities.

O’Rourke responded to the massacre by becoming one of the loudest voices in the Democratic presidential primary on gun control and proposing a mandatory buyback of assault weapons.

That led to a debate performance that would live in infamy among both O’Rourke’s supporters and detractors.

“Hell yes, we’re going to take your AR-15, your AK-47,” O’Rourke vowed from the debate stage in Houston, garnering loud applause.

Despite the new urgency that O’Rourke brought to his campaign after the El Paso massacre, he remained low in the polls. Running out of money and facing the possibility of missing the cut for the next debate, O’Rourke announced on Nov. 1, 2019, in Iowa that he was dropping out of the race.

O’Rourke wasted little time returning to Texas politics after his presidential bid. He resisted encouragement to challenge U.S. Sen. John Cornyn and instead launched a political action committee to boost the state’s Democrats in the 2020 election.

The group, Powered by People, made its first major project a January special election for a state House seat in suburban Houston that Democrats thought was trending in their favor. O’Rourke became omnipresent in the contest, spending dayslong stretches in the district hundreds of miles from El Paso.

But the all-out offensive ended in devastation for Democrats: The Republican won by a large margin.

Weeks later, O’Rourke reemerged on the national political scene to endorse Biden for president — making a surprise appearance with two other former Biden rivals at a Dallas rally on the eve of the Texas primary. Afterward, Biden and O’Rourke dined together at a nearby Whataburger.

“When Beto took the stage that night to endorse President Biden, it electrified not only that room but the surging Biden campaign,” said Mike Collier, the Democratic candidate for lieutenant governor who was a senior adviser to Biden’s campaign in Texas.

Biden went on to win the Texas primary comfortably, part of a sweep of the Super Tuesday states that set him on the path to the nomination.

O’Rourke, meanwhile, redoubled his efforts in Texas, diving headfirst into the Democratic campaign to capture the state House majority. Democrats thought — and Republicans worried — that they had a real shot at controlling the lower chamber for the first time since they lost the majority in 2002 in what would have been a thunderous shakeup in Texas politics.

With the coronavirus pandemic bearing down on the country, the efforts went mostly virtual, with O’Rourke leading massive phone banks over Zoom.

While many candidates welcomed O’Rourke’s support — grateful for the attention, fundraising and organizing he brought — Republicans salivated. That was especially true of Abbott and his campaign, which painted O’Rourke the central villain in its multimillion-dollar effort to keep the state House red.

One Democratic candidate in a tight state House election, Joanna Cattanach, recalled seeing digital ads from the National Rifle Association linking her to O’Rourke, portraying both as “red-faced bogeymen.” She believes such ads did not necessarily change minds in her race but inspired more Republicans to turn out.

“Beto for many of us is — and always has been — an energizing force to a campaign,” said Cattanach, who ended up losing to state Rep. Morgan Meyer, R-Dallas, by a small margin. “Good or bad, there is an energizing force that comes with Beto. I always found it uplifting. I always found it worth it.”

Despite the massive push by O’Rourke and other Democrats, the GOP easily held on to the state House majority, with neither side netting any seats.

In the days after the devastating election, O’Rourke joined other Democrats in conceding they were hurt by not campaigning in person during the coronavirus pandemic as much as Republicans did, among other factors.

The next time most Texans would see O’Rourke in the headlines, it would be in a less political context. After millions of Texans lost power to electric grid failure in February, O’Rourke began raising money for relief efforts and traveling the state to volunteer for those affected. His actions drew the spotlight back to him but also provided a contrast with Abbott, who was getting pilloried by some for his response to the crisis.

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Finally came this year's legislative sessions, during which Abbott steered the state further to the right on issues like guns and abortion, all while he took aggressive executive action to roll back statewide coronavirus restrictions and prohibit local officials from acting on their own. The biggest debate that caught O'Rourke's attention, though, was the fight over Abbott's priority elections bill, which further tightened voting rules in Texas. The proposal prompted Democrats in the Texas House to flee to Washington, D.C., shutting down business in the Legislature for nearly six weeks for lack of a quorum.

As the state lawmakers used their time in Washington to lobby for federal voting rights legislation, O'Rourke raised hundreds of thousands of dollars to keep them there and sought to build public pressure on Congress back home, crisscrossing the state for nearly two dozen events. It was the most statewide travel for a political cause that O'Rourke had done since his 2018 race, and speculation about his 2022 plans followed him virtually everywhere.

Still, he waved off questions about challenging Abbott, saying he would make up his mind after the fight over the elections legislation.

It ended in yet another loss for Democrats, with the state lawmakers eventually returning home and restoring quorum for the GOP to send the elections bill to Abbott's desk. And despite O'Rourke's efforts, Congress has yet to send federal voting rights legislation to the president's desk.

Running a different race

After O'Rourke's Senate campaign, presidential campaign and starring role in the 2020 election in Texas — and all the GOP attacks that have accompanied each endeavor — O'Rourke's image in the state is damaged.

In the span of four years of polling from the University of Texas and The Texas Tribune, O'Rourke went from a politician that 55% of voters said they were unfamiliar with to one that only 7% said they were unfamiliar with. In the latest survey, conducted late last month, 35% of voters rated O'Rourke favorably, while 50% rated him unfavorably.

"Everyone has an opinion of Beto O'Rourke — and it's upside down," said Maddux, the Cruz strategist.

At the same time, Abbott has found himself at one of the most vulnerable points in his governorship. Two months ago, the same poll gave Abbott his highest disapproval rating — 50%. It ticked down to 48% in the latest survey.

For those reasons, Democrats hope O'Rourke can keep the focus on Abbott and the governor's response to the electric grid failure and coronavirus pandemic.

Whether — and how much — to go after the incumbent was a hotly debated topic in O'Rourke's 2018 race, and O'Rourke grappled with it for months before deciding to launch anti-Cruz ads in the closing weeks of the contest. He does not appear to be hesitating this time.

"I want to make sure that the people of Texas understand the choice before us," O'Rourke said in an interview with the Tribune. Asked if that means he will run ads that provide a contrast with Abbott, O'Rourke replied, "Absolutely."

Art Pronin is a longtime Democratic activist from Houston who is president of the Meyerland Area Democrats. Pronin said Democrats are hoping O'Rourke has a "disciplined, hammered, honed-in message on Abbott" and do not "want to have a situation where it's all about Beto and every single thing he's ever said and done."

"I think that's really key for his run," Pronin said. "It has to be really disciplined, and Beto's a guy who speaks from the heart, which is part of the appeal, but I think there's a widespread recognition this has to be different from 2018."

Democrats are also looking for a more professionalized campaign from O'Rourke, who famously eschewed polling in his Senate race. In the interview, he signaled openness to using polling to make certain campaign decisions.

"I'm certainly happy to look at data and to make sure that we make informed decisions about where we deploy resources, but I will never take a poll or look at a survey to try to determine what I believe or what the people of Texans want," O'Rourke said.

And of course, Democrats are hoping O'Rourke is ready to address guns after his "Hell yes" moment from the 2019 debate stage. He said in the interview that he would not be shying away from that proposal in his race against Abbott.

Michael Tolbert, chair of the Smith County Democratic Party in deep-red East Texas, said O'Rourke has "good instincts, and I believe part of his success in his Senate campaign was that he relied on his instincts." But when it comes to guns, Tolbert added, O'Rourke "needs to do his research to find out what Texans think and feel."

"If he wants to come hunting in East Texas, I would be happy to train him, go hunting with him, kind of let him see that's part of the culture here," Tolbert said. "Yes, we do believe there needs to be more background checks, more gun safety, but there's gotta be a way to do it without going too far to the extreme."

The gun comment is not the only one O'Rourke has made since 2018 that he will have to grapple with against Abbott. The governor's campaign has already spotlighted other statements O'Rourke has made expressing varying levels of support for the "defund the police" movement and the Green New Deal, the ambitious progressive plan to fight climate change.

Then there is Biden, who, as of now, is anything but an asset for a Democratic statewide candidate in Texas. Only 35% of Texas voters approved of Biden's job performance in the latest UT/Texas Tribune Poll, compared with 55% who disapproved.

While O'Rourke was a key supporter of Biden in the 2020 election, O'Rourke has not given Biden a perfect score in the White House. O'Rourke has said Biden could do more to push for voting rights legislation and wrote an op-ed in September criticizing how the administration dealt with the thousands of Haitian migrants who showed up at the Texas-Mexico border.

Both of those critiques have been from the left of Biden, though, and it remains to be seen how O'Rourke will appeal to those on the other side of the political spectrum from the president. Asked about Biden in the interview, O'Rourke responded

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by focusing on how Texas benefited from the federal COVID-19 recovery money that Biden's administration has distributed — and how the state will soon benefit from the $1 trillion infrastructure bill that Biden is set to sign into law Monday.

Malitz, the staffer from O'Rourke's 2018 campaign, said O'Rourke can stand out in the challenging national environment by focusing on "local circumstances" — issues exclusive to Texas like the power grid debacle.

"This is gonna be a tough midterm for Democrats, and if you have to win, you have to defy the trend," Malitz said. "For a race to defy a national trend, voters have to go to the polls to vote on something affecting their state specifically."

The differences for O'Rourke are not all negative. After all his work in the 2020 election, Texas Democrats now see him as much more of a team player, a far cry from the 2018 candidate who did not always seem comfortable with the intraparty responsibilities that came with leading the statewide ticket.

O'Rourke is also running in a different campaign finance system at the state level — one that allows unlimited donations to candidates. That will be key if O'Rourke wants to have any chance of catching up to Abbott's overwhelming campaign war chest, which stood at $55 million at the end of June. He confirmed in the interview that he will accept unlimited donations.

O'Rourke was otherwise restrained in discussing how he is approaching this campaign differently from his 2018 run, repeatedly saying his strategy would be informed by what Texans are telling him.

"If I have any chance of winning this," he said, "I've got to listen to, trust, work with the people of Texas."

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Texas state lawmaker leaves Democratic Party for GOP
Mychael Schnell
The Hill
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https://thehill.com/homenews/state-watch/581569-texas-state-lawmaker-leaves-democratic-party-for-gop

Texas state Rep. Ryan Guillen announced on Monday that he is departing the Democratic Party to join the GOP.

"After much consideration and prayer with my family, I feel that my fiscally conservative, pro-business, and pro-life values are no longer in-step with the Democrat Party of today, and I am proudly running as a Republican to represent House District 31," Guillen said in a statement, according to the Texas Tribune.

The state lawmaker, who was first elected to the Texas House in 2002, made the move official during an in-person announcement Monday morning alongside Texas Gov. Greg Abbott (R) and Texas House Speaker Dade Phelan (R).

Guillen's move came after the Republican-led redistricting of the Lone Star State transformed the lawmaker's already GOP-leaning district into reliably red territory, the Tribune noted.

According to ideological rankings by Mark Jones, a political science fellow at Rice University's James A. Baker III Institute for Public Policy, Guillen was the least-liberal Democrat in the Texas caucus. The ranking was published earlier this month.

Guillen did not join a majority of his colleagues in leaving Texas for Washington, D.C. over the summer amid the legislature's intense battle over a sweeping elections bill, according to the Tribune. Members of the caucus were gone for roughly two months, in an effort to deny Republicans a quorum they needed to convene a special legislative session and take up the controversial bill.

Guillen also broke from his party last month when he voted for a bill that sought to prohibit transgender student athletes from joining teams that correlated with their gender identities, according to the Tribune. He was the only Democrat to vote for the measure, which was ultimately passed and signed into law by Abbott.

Texas House Democratic Caucus Chair Chris Turner (D) knocked Guillen in a statement after news of his departure from the party broke, questioning his will to fight the GOP redistricting.

"Republicans cynically gutted Rep. Guillen's district in the redistricting process, showing complete disrespect for both him and his constituents. Usually, people in Ryan's position would choose to fight. Instead, he has chosen to join them," Turner wrote.

He also aired doubt regarding the lawmaker's belief in Republican principles.

"Rep. Guillen probably doesn't believe the Republican talking points he is repeating today, but he thinks they may help him get elected again. Ryan has run for office and been elected as a Democrat for 19 years. He has supported many key Democratic priorities, such as Medicaid expansion and investments in public education, while also opposing the so-called 'election integrity' bill," Turner said.

"It will be interesting to see how he explains his voting record to his new party, given Republicans' hostility to affordable health care and the freedom to vote," he added.

U.S. Rep. Vicente Gonzalez (D-Texas), who represents a congressional district that neighbors Guillen's state district, said the news of Guillen leaving the party was "sad," pointing to redistricting in the state.

"As sad as it is, that's the only way he could have continued to represent his community," said González.

Republican National Committee Chair Ronna McDaniel gladly received the news of Guillen switching parties, writing in a statement that she is "proud to welcome state Representative Ryan Guillen to the GOP."

"The Republican Party is the party of faith, freedom, and opportunity, and we will continue to stand for these ideals in Texas and across the country. With trailblazers like Representative Guillen, we will continue to make gains in South Texas and

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grow the party in our way to victories up and down the ballot in 2022," she added.

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Democratic state Rep. Michelle Beckley launches campaign for Texas lieutenant governor
Madlin Mekelburg
Austin American-Statesman
November 16, 2021
https://www.statesman.com/story/news/politics/state/2021/11/16/democrat-michelle-beckley-lieutenant-governor-dan-patrick/8627036002/

Democratic state Rep. Michelle Beckley will launch a bid for lieutenant governor on Tuesday.

Beckley, who represents House District 65 in Denton County, said she is running because Lt. Gov. Dan Patrick and other Republican leaders do not have the interests of Texans at heart.

"We have to stop chasing after these boogeymen that don't exist," she told the American-Statesman. "We have enough problems in Texas, and we have to settle down into fixing those problems. I bring experience in the Legislature, and I've won two elections. We also get to give voters a choice in the Democratic primary, another option, and that's a big motivator for me."

Two other Democratic candidates have announced campaigns for the seat: Mike Collier, an accountant and former chief financial officer of an oil company who came within 4.9 points of beating Patrick in 2018, and Matthew Dowd, a one-time strategist for former President George W. Bush and political analyst for ABC News.

Beckley briefly launched a campaign for Congress earlier this year to challenge U.S. Rep. Beth Van Duyne, R-Irving. But she suspended her campaign after the decennial redistricting process at the statehouse when the political boundaries of the district shifted and she no longer lived in the area she sought to represent.

Similarly, Beckley said she was drawn out of her current seat and can no longer run for reelection. Candidates for the statehouse must live in the district they hope to represent for one year before an election.

"The reality is, they can't draw me out of the state," she said.

Beckley defeated incumbent Rep. Ron Simmons, a Republican, in 2018. She said she'll use the same strategy and messaging when it comes to running statewide.

"Most Democrats did not think I was going to win in 2018, and then in 2020 I improved my margins, so I do know how hard it is to flip a district," she said. "The message that I run on is definitely resounding with the voters in the district, and the district I represent encompasses a lot of what is going on in Texas with businesses moving in and demographics changing."

Beckley is running to expand Medicaid coverage to more low-income people, boost funding for public education and improve the state's infrastructure to prevent another statewide failure of the power grid such as happened during the deadly winter storms in February. She also supports fully legalizing marijuana.

Looking at the months ahead, Beckley said much of her campaign efforts will be focused on reaching voters online instead of trying to visit every part of the state.

"You just have to take a leap of faith," she said. "I took a leap of faith in 2018, and I'm going to do it in 2022. We've been registering voters, getting our message out there. Democrats have a stronger infrastructure than they did in 2018. ... Four years later, we have progressed a lot farther and we're playing the long game. It may not be this cycle or the next one or the one after, but you keep moving forward."

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Renewed urgency surrounds statewide campaigns as candidates cast doubts on elections
Alisa Wiersema and Meg Cunningham
ABC News
November 16, 2021
https://abcnews.go.com/Politics/renewed-urgency-surrounds-statewide-campaigns-candidates-cast-doubts/story?id=81116215

More than a year after Donald Trump's efforts to undermine election results were rebuffed at the state and national levels, a wave of Republican candidates across battleground states have made election administration and "integrity" central campaign messages – with more than a dozen still voicing doubt about the results of last year's general election.

An ABC News analysis of 12 high-profile battleground states reveals a trend: Republican candidates for state offices are either questioning the legitimacy of the 2020 election or casting significant doubt on how elections are conducted and votes are counted in their home states. The states examined include Arizona, Nevada, Colorado, Wisconsin, New Hampshire, Pennsylvania, Ohio, Michigan, North Carolina, Texas, Georgia and Florida.

Across these states – five of which Trump won, and seven of which Joe Biden won – at least 15 Republican candidates running for statewide offices – governor, lieutenant governor, secretary of state and attorney general – have refused to acknowledge Biden's win or made other comments directly challenging the validity of the 2020 election, according to an ABC News review of public statements, interviews and campaign websites.

At least 18 GOP candidates in those politically critical states have alleged broader fraud related to 2020 election results. Across these states, at least 12 are using "election integrity" as a campaign issue, and in some cases, these candidates are also casting doubt on the administration of last year's election. Furthermore, at least two candidates are attempting to align the concept of "election integrity" with election-related conspiracy theories.

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Post-2020, election experts warn of dangers of highly partisan officials

Should they be successful, some of these Republicans could be in a position to either validate or discard election results in their states for the 2024 presidential election, where Trump himself might be a candidate again. Election experts have expressed concern over the recent trend in GOP candidacies and worry that election administration will no longer be so shielded from party politics.

"We have partisan election officials. Election officials in much of the United States run on partisan lines, and there are often philosophical differences between the Democrat and the Republican in terms of how elections should be run," Lawrence Norden, the executive director of the nonpartisan Brennan Center for Justice's Election Reform program told ABC News.

"But what we haven't seen so much of in the past, is somebody explicitly saying, 'Elect me because I'm on one side. When elections are going to be run, I'm going to be on one side.' But that message to the public I think is very dangerous: that the job of election administrators is to make sure that one side won," Norden said.

The stakes are even higher in the context of the way the last general election unfolded. Last year, Republican officials holding statewide office were critical in resisting Trump's demands that the election results be overturned.

In Georgia, Secretary of State Brad Raffensberger rebuffed former President Trump's claims that it was "not possible" for him to have lost the state. He also rejected the former president's attempts to get him to "find" the exact number of votes needed to win the election. Georgia Gov. Brian Kemp similarly backed the state's election results, despite the former president calling for his resignation as a result. Meanwhile, in Arizona, the GOP governor certified the election and publicly pushed back against Trump's claims of fraud.

The former president publicly lashed out against these Republicans, which could explain why so many aspiring GOP hopefuls are now bolstering Trump's false claims about elections to varying degrees on the campaign trail. This trend is particularly salient given Republican losses across states that tended to favor Republicans prior to the 2020 general election.

"The overall mistaken belief that somehow the 2020 election was stolen from Donald Trump is a very useful backdrop for (Republicans) in very instrumental ways and it doesn't require that they agree with it entirely. It just requires that they tap into the sentiment for approval of what they're doing," said James Henson, director of the Texas Politics Project at the University of Texas at Austin.

Texas sets the post-2020 Republican tone

In the aftermath of the 2020 election, several Republican lawmakers in Texas appeared to take the steering wheel in driving the discourse surrounding the legitimacy of the 2020 general election. Most prominently, the state's Republican Attorney General Ken Paxton filed a lawsuit challenging election results in the battleground states of Georgia, Michigan, Pennsylvania and Wisconsin -- all of which Biden won.

The move appeared to open the door to simmering suspicions in the state's electorate. Since then, the push for "election integrity" became an accepted policy position by Texas Republicans, and all of Paxton's primary challengers -- including land commissioner George P. Bush, attorney Eva Guzman and state representative Matt Krause -- have mentioned their support for pursuing "election integrity" in some way.

"They can rely on the fact that there is a high level of suspicion among Republican voters about the elections and they think they depend on voters to fill in the gaps themselves," Henson said.

"The exploitation of these attitudes has already been made manifest in Texas with the passage of the election laws," he added in reference to recently enacted legislation that overhauled the state's election parameters and tightened voting rules that were already among some of the toughest in the country.

Both Gov. Greg Abbott and Lieutenant Gov. Dan Patrick backed the effort after having made "election integrity" a top legislative priority item despite walkouts from Democrats and protests from voting rights advocates. Abbott's primary challengers, former state Sen. Don Huffines and former Texas GOP Chair Allen West, also hammered their support for "voter integrity" while indicating they would potentially go farther than the incumbent in that pursuit.

On his campaign website, Huffines alleges that "illegal aliens have cast ballots in Texas elections," appearing to echo Trump's false claims of undocumented voters costing him electoral success. Despite there being no evidence of widespread fraud happening across Texas, he also promises to "investigate and aggressively prosecute voter fraud" if elected.

West was the state party chair when the Texas GOP released a statement saying it took "massive election irregularities for President Trump to be removed from office." He now highlights "election integrity" as part of his campaign platform, noting that, if elected, he will support "a full, comprehensive forensic audit of ballots, voting system software platforms, voting records, and records kept by local election administrators."

Arizona "audit" bleeds into 2022

West's focus on the concept of so-called election "audits" builds off a situation that played out in Arizona following the certification of 2020 election, in which state Republicans backed a months-long, forensic re-examination of voting systems. Although the effort concluded that Biden actually won by more votes than originally tabulated, many prominent Arizona candidates now running for statewide office prioritized denying the results of the 2020 election while leaning into the "audit" as a part of their campaigns.

Retired TV news anchor Kari Lake, now a frontrunner in the GOP gubernatorial primary, has said over the course of her campaign that if she were governor last November, she would not have certified the election. State Rep. Mark Finchem, who was at the insurrection on Jan. 6 and defended the actions of those who stormed the Capitol, is now pursuing a run for the state's chief elections official and would have oversight over the state's elections.

Chuck Coughlin, a veteran Republican strategist who is now an independent, said his firm's data shows candidates going

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big on the "Big Lie" will have a hard time in a statewide general election.

"All of our data shows out here that a election conspiracy theorist that believes that the election was stolen -- if that is the core part of the election dialogue -- will lose, because a majority of the electorate doesn't believe in that," Coughlin said.

Georgia Republicans grapple with path forward

The heightened divisions among Republicans are already emerging in Georgia, a state that became a core focus of 2020 politics.

Rep. Jody Hice, who voted against certifying the election in Arizona and Pennsylvania in Congress, is now running for secretary of state and is facing off against incumbent Secretary Raffensperger. Raffensperger's strength as an incumbent will be tested given his past adherence to the law despite pressures from the former president.

A similar dynamic is playing out in the governor's race, where Kandiss Taylor is running to unseat incumbent Gov. Brian Kemp, who repeatedly did not engage with the "Big Lie." She's claimed that Arizona helped Georgia complete voter fraud last November.

Coughlin says the context of a crowded Republican primary can lead some candidates to the fringes of the party in an attempt to differentiate themselves to voters. The stakes of that possibility are heightened in Georgia for Republican incumbents who may be seen as out of sync with the views of the party base.

"Every campaign that I've run you don't want to have a Republican primary, because it makes you do the things you do," he said.

Trump's backing weighs into Michigan races

A crowded field is vying for the top executive position in Michigan, where Biden won by 2.8% of the vote, and where Democrats have fought to make inroads with the electorate after Trump in 2016 took the state as a Republican for the first time since 1988.

"Michigan had a very close presidential election in 2020, and Donald Trump repeatedly questioned the outcome, including having Michigan state legislative leaders to the White House to try to pressure them to do something about it, and so that's certainly the origin of this trend that we're seeing of more Republican officials and candidates deciding that they need to get on board with that message," said Matt Grossman, who serves as director of the Institute for Public Policy and Social Research at Michigan State University.

Grossman also notes the state's revisions of voting rules ahead of the 2020 election -- including parameters regarding absentee and mail voting -- could have heightened existing partisan tensions.

"Those are legitimate issues about how elections are run that we would expect Democrats and Republicans to disagree on, and so the problem hasn't been that those issues are under consideration -- the problem has been the linkage of those more legitimate issues with this other set of illegitimate set of claims about the election results themselves," he said.

In hopes of ousting incumbent Democrat Gov. Gretchen Whitmer, almost half of the Republican gubernatorial field have expressed beliefs that rampant fraud was a factor in landing Biden the presidency. As reported by MLive over the summer, Articia Bomer, Ryan Kelley, Evan Space, Bob Scott and Ralph Rebandt all lean on these allegations of unsubstantiated voter fraud when asked about the 2020 election outcome.

Although it will be up to the state's GOP to nominate candidates for attorney general and secretary of state at next year's party convention, two candidates for these positions already earned the endorsement of Trump.

In a statement, the former president touted attorney general candidate Matt DePerno as a "Super Lawyer" who "relentlessly fights to reveal the truth about the Nov. 3rd Presidential Election Scam." Trump also announced his backing of secretary of State candidate Kristina Karamo -- who spent weeks backing legal efforts to challenge Michigan's 2020 election results.

Taken together, these examples of high-profile, 2022 statewide races highlight divisions over election administration that will raise the stakes for the next general election and will set the tone for how election officials administer voting procedures.

"Election officials faced massive, unprecedented pressure to lie about the election, and they didn't. And I think that that is part of the reason now why there is such a focus, there's such a backlash against them, was because they refused to lie. They insisted on telling the truth about the election results. If they had bent to that pressure, the story of the post-2020 election might have looked very different," Norden said.

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Galveston County officials approve controversial redistricting plan
Jen Rice
Houston Public Media
November 15, 2021
https://www.houstonpublicmedia.org/articles/news/politics/2021/11/15/413375/galveston-county-officials-approve-controversial-redistricting-plan/

Galveston County commissioners on Friday voted to approve a controversial new precinct plan, despite strong pushback from residents who say the new map would dilute minority representation in the region.

Officials considered two maps during Friday's meeting — one that would nullify the minority voting advantage by adding to it the largely Anglo Bolivar Peninsula, and the other, which was approved, that would dismantle the precinct entirely by shifting it inland.

In a packed room, dozens of Galveston County residents — many people of color — testified against the plan.

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"I'm neither Democrat nor Republican. What I do know, as a woman born in the south and raised in the south, is that this map — both of them — are racist, and you know it," said Galveston County resident Hannah Melcer.

The move will likely cost the seat of Precinct 3 Commissioner Stephen Holmes, the only Black member of the court and the only Democrat. Holmes, first appointed to the court in 1999, is up for reelection in 2024.

Before Friday's vote, Holmes addressed residents and members of the court, calling the proposed maps "discriminatory."

"We are not going to go quietly (into) the night," Holmes said. "We are going to rage, rage, rage until justice is done."

The final vote was 3 to 1 — Galveston County Judge Mark Henry and Republican commissioners Joe Giusti and Darrell Apffel voted in favor, while Holmes voted against. Commissioner Ken Clark was absent.

Judge Henry did not immediately respond to a request for comment on Monday.

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Vegas man to admit voting twice in November 2020 election
Ken Ritter
Associated Press
November 15, 2021
https://www.beaumontenterprise.com/news/article/Vegas-man-to-admit-voting-twice-in-November-2020-16622740.php

LAS VEGAS (AP) — A Las Vegas business executive whose claim of voter fraud was featured by state Republicans in November 2020 as proof of tainted votes has agreed to plead guilty to a reduced charge of voting more than once in the same election.

Donald "Kirk" Hartle is expected to pay a $2,000 fine and receive the equivalent of one year of probation when he's sentenced, according to a plea agreement filed Monday ahead of his scheduled plea on Tuesday in state court in Las Vegas.

Hartle, 55, had faced two felony charges in a criminal complaint alleging that he used his dead wife's ballot. Hartle's wife, Rosemarie Hartle, died in 2017 at age 52.

Hartle's attorney, David Chesnoff, on Monday called the plea deal fair and said Hartle accepted responsibility for his actions.

Through a spokesman, state Attorney General Aaron Ford declined immediate comment.

The state Republican Party featured Hartle's account as an example of widespread voter fraud in Nevada, where now-President Joe Biden, a Democrat, defeated then-President Donald Trump by 33,596 of 1.4 million votes cast, or about 2.4%.

Records showed a ballot for Rosemarie Hartle was submitted with a signature that matched Clark County voter records.

State and federal courts in Nevada and other states rejected dozens of election challenges by Republicans and Trump's presidential campaign, including claims of widespread voter fraud.

Ford, a Democrat, has called voter fraud rare and vowed that his office would not tolerate it.

In an earlier Nevada case, a 53-year-old man was sentenced last July to up to two years of probation for his guilty plea to one felony charge of voting twice — in Benton, Arkansas and in Las Vegas — during the 2016 presidential election.

At least five other people have been convicted in Nevada since 2011 of registration fraud during voter recruitment, and one woman pleaded guilty to trying to vote twice in 2012.

When Hartle was charged, he became the only person currently being prosecuted on voter fraud allegations in Nevada.

Nevada Secretary of State Barbara Cegavske, a Republican, said in April that reviews of election fraud claims delivered to her office by the state GOP in March found that some cases were already under investigation but that most were baseless or inaccurately interpreted.

Hartle is an executive at Ahern Rentals, a company that hosted a re-election campaign event in September 2020 for then-President Donald Trump.

Company owner Donald Ahern also owns a Las Vegas hotel at which a national group espousing fringe QAnon conspiracy theories met in October for an event with speakers featured on Fox TV, News Max, The Victory Channel, One America Network and other sites favored by Trump.

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Mexican police rescue dozens of migrants near van holding bodies of five alleged smugglers killed execution-style
Julian Resendiz
Border Report
November 15, 2021
https://www.borderreport.com/hot-topics/border-crime/mexican-police-rescue-dozens-of-migrants-near-van-holding-bodies-of-five-alleged-smugglers-killed-execution-style/

EL PASO, Texas (Border Report) – Police in southern Chihuahua state are investigating the execution-style murder of three men and two women whose bound bodies were found inside a vehicle near a van transporting dozens of Central American migrants.

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The migrants were alive and rescued by police near the Jimenez-Gomez Palacios Highway. Mexican media said the five shooting victims are suspected smugglers believed to have been "taken out" by rivals or members of a drug cartel. The latter in recent months have increasingly and violently tried to take over the migrant-smuggling trade from independent operators.

A spokesman for the Chihuahua Attorney General's Office on Monday said he could not comment on the investigation. He said the victims had their hands tied behind their backs and were shot to death.

Initial news reports said 16 Honduran migrants were found locked inside the van, but AG's spokesman Enrique Rodriguez said more than two dozen citizens of Honduras and Guatemala were found wandering near the highway.

"We are taking their statements to see if they can help with the investigation. We are still waiting for the autopsy results on the victims. I can say they were shot," Rodriguez told Border Report.

A representative of the state's Human Rights Commission met with several of the rescued migrants over the weekend, including a 16-year-old boy and two adults who don't speak Spanish, Diario de Chihuahua reported. The migrants are to be repatriated.

This would be at least the third incident in the past two months in the border state of Chihuahua involving violent attacks against migrant smugglers.

In late September, a group of heavily armed men intercepted a truck carrying 14 migrants south of the Presidio, Texas-Ojinaga, Mexico border. The men allegedly beat up two smugglers and took the 13 adult migrants, according to a boy who was going with the migrants to work in Odessa, Texas, and escaped the assailants. The 13 migrants and the smugglers are still missing.

In October, a shootout in South Juarez left an alleged smuggler dead and a Honduran migrant injured. The assailants commandeered the vehicle the smuggler was driving and took off with three Hondurans inside.

Former Chihuahua Attorney General Cesar Augusto Peniche earlier told Border Report that drug cartels such as La Linea are aggressively moving to take over the migrant smuggling trade in Chihuahua and were going as far as kidnapping and murdering independent operators to achieve their goal.

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The Newest Texans Are Not Who You Think They Are
Tom Foster
Texas Monthly
November 15, 2021
https://www.texasmonthly.com/news-politics/newest-texans-who-are-they/

What an attractive crowd!" cheered Fredrik Eklund, the Swedish-born celebrity real estate broker who stars on the hit Bravo reality show Million Dollar Listing. He stood on the patio of a newly built home in Tarrytown, the tony neighborhood that hugs the shores of Lake Austin, addressing the local brokers who were packed into the yard. It was the launch party for the Austin branch of Douglas Elliman, a brokerage famous in New York and California for selling luxury homes and high-rise condos.

Eklund, who wore a double-breasted navy linen jacket, snug-fitting white slacks, and sockless dress shoes, seemed a little surprised that the crowd had matched him ankle for stylish ankle, but he didn't linger on it. Speeches had to be made, toasts given, and then he'd board a plane for Miami first thing in the morning, after fewer than 24 hours in the Texas capital. For the moment, his job was simply to be seen, to lend some sizzle to the occasion. Not only was Elliman moving in on Texas real estate, it had brought its biggest gun, Eklund, one of the country's top real estate brokers, who also happens to be a bona fide TV star.

Not that Austin—or this house—needed any help in the sizzle category. The three-story brick-and-shingle mansion had sold in two days for considerably more than its $16.25 million asking price, to an out-of-town buyer whose identity was confidential (but who was rumored to be to an entrepreneur from Los Angeles). During the party, celebrated interior designer Fern Santini glided from room to room in a silk Pucci caftan aswirl with soft pinks and yellows, showing off the many style innovations she'd brought to the home, which was sold fully furnished. Brass mesh paneling encircled a spiral staircase. Blue-and-gold cowhide carpeted the ceiling of the third-floor man cave. Outside on the meticulous lawn, a bearded bartender wore pointy boots with skinny black jeans and a flat-brim Stetson. This was rootsy old Austin taken to its most glamorous—or, depending on your perspective, its most absurd—conclusion.

Eklund has built his New York–based Elliman subsidiary, the Eklund Gomes Team, around what he calls the "golden triangle" of U.S. real estate: New York, Miami, and L.A. But as he and his partners got wind of Texas's booming population and economy in recent years, they started planning to expand here—to Houston, Austin, and Dallas, another kind of golden triangle. As he would tell me later, "I was in Beverly Hills yesterday, and Texas real estate was the only thing anyone wanted to talk to me about."

In the black-lacquered Tarrytown kitchen, I spoke to a visitor from California who suggested the reality was a little more complicated. "Nobody's actually moving here," he said, smiling conspiratorially. "Nobody's leaving L.A. They're looking for a tax shelter or something."

He was exaggerating, of course. For one thing, a string of high-profile corporate relocations from California had grabbed headlines (Charles Schwab to Denton County, Hewlett Packard Enterprise to Houston, Oracle to Austin), and the Elliman team had spent the day meeting with Texas economic development officials in the governor's office. Eklund's publicist, Alexander Ali, noted that Elliman was especially excited about the arrival of Tesla, which is in the process of building what it's calling its Gigafactory near the Austin airport—a structure the size of 165 football fields that would theoretically create 15,000 jobs. Ali suggested that a few high-profile celebrities who'd moved from the West Coast were inspiring others. "Elon Musk and Joe Rogan have such cult followings," he said. "And when celebrities move, people pay attention."

And then he leaned in close again and confided that he wasn't sure this whole scene was entirely welcome. "Does the

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community not love it?" he asked.

In fact, breakneck growth in recent years has stirred up all sorts of conflicts across the city, much as it has elsewhere in the state, which is perhaps why Ali made certain to explain that this evening's party was also a benefit for the Health Alliance for Austin Musicians.

Later that night, at an after-party downtown in a dimly lit cocktail bar called the Roosevelt Room, the waitstaff tried in vain to enforce the establishment's mask mandate while huddles of partygoers talked about the challenges and rewards of surfing this real estate wave. One Dallas agent told me there are simply too many faux chateaus in Big D and not enough contemporary homes to suit the tastes of newcomers. In Austin, developers can't build high-rise condos fast enough. In Houston, buyers from abroad—the United Arab Emirates, China, parts of post-Brexit Europe—are scooping up many of the high-end properties.

At the after-party, I also met U.S. congressman John Carter, a former Williamson County district court judge who's been a law-and-order, free-market Republican representing Round Rock and the other far-northern suburbs of Austin since 2003. Carter was talking with a circle of real estate developers, including an executive from the Related Companies—one of the largest commercial developers in the country, responsible for Manhattan's Hudson Yards and similar megaprojects in London, Abu Dhabi, and beyond. Though he hadn't made it out to Tarrytown for the open house ("Sheesh," he said when I mentioned the sale price), Carter had met the Elliman team as part of the firm's goodwill tour. "I think they're creating enthusiasm," he said. "They realize they don't want to change what makes us a great place to be, so let's hope they don't. We still want to be Central Texas." And how might one do that? "Be cautious," he said.

Of course, nothing about the evening—or the pace of the state's growth—seemed especially cautious.

The Big Picture

The Texas population grew by about four million people in the past decade—far more than any other state in raw numbers, and enough as a percentage to make it the third-fastest-growing state in the nation over that period, behind Utah and Idaho. Roughly 3,800 more people move here every week than move out of state. Tick down any list of the fastest-growing cities in the country, and Texas shows up again and again. Fort Worth, Austin, and San Antonio all landed on the list of cities with a population gain of at least 100,000 over the past decade, according to the U.S. Census Bureau, which released its latest data in August. Frisco easily topped the list of large cities, followed by a lot of other suburbs and exurbs, such as New Braunfels, McKinney, and Conroe.

You get the idea: the Texas population is booming.

That growth, of course, has come with plenty of hand-wringing about everything from an overheated housing market to fears of a hostile takeover by liberal coastal elites. News headlines have stoked those worries in the past two years. And then there was Greg Abbott's 2018 campaign slogan: "Don't California My Texas." But perhaps unsurprisingly, partisans may have it wrong.

For one thing, despite all the public focus on Californication, there are intriguing signs that many of the newest arrivals share key characteristics with lifelong Texans. Many are coming for abundant jobs, lower taxes, fewer regulations, and a more reasonable cost of living (which may be hard to believe for Texan buyers and renters fretting over the housing market but is a fact).

It's also worth noting that people moving from elsewhere make up only about half of Texas's population growth; the other half comes from births outpacing deaths. Of the people moving here, about 40 percent come from other countries and 60 percent from other states—though that balance has tipped back and forth a few times in recent years. Californians are hardly the full story.

Perhaps the most surprising Texas statistic that landed with the latest census: those of Hispanic or Latino origin, Asians, and members of other racial and ethnic minority groups made up about 95 percent of the population growth from 2010 to 2020. (95 percent!) That's 3.8 million new non-Anglos in Texas, compared with about 200,000 non-Hispanic whites. Rogelio Saenz, a demographer at the University of Texas at San Antonio and a native of the Rio Grande Valley, has a memorable way of driving that statistic home. "Essentially, that means we added the equivalent of the cities of Houston and San Antonio in [non-Anglos]," he told me. "And we added the city of Brownsville in [non-Hispanic whites]."

The census revealed just how close Hispanic Texans are to becoming a plurality. When it was published, they constituted 39.3 percent of the population, whereas non-Hispanic whites constituted 39.8 percent. That threshold will be crossed any day now, and by 2050, less than 30 percent of Texans will be non-Hispanic white.

Hispanic Texans, however, are not the fastest-growing ethnic group in the state. That honor goes to Asian Texans. While the proportion of Asians in the state remains just 5.4 percent, the group has gained nearly three times as many new members as Anglo Texans have over the past decade. Whereas Texas gained 187,252 non-Hispanic whites in that period, it gained 613,092 Asians. In some areas of Denton and Collin counties, north of Dallas, or Fort Bend County, just southwest of Houston, Asian immigrants are the driving force of growth.

Whatever their ethnicities, Californians are coming to Texas in much higher numbers than are migrants from any other state. In 2019 about 42 percent of net domestic immigrants came from California. For all the hyperventilating about Californians ruining certain Texas cities, however, the fastest-growing parts of the state owe much of their growth to Texans shuffling around from city to city. In fact, a primary reason Texas is growing so fast is that we tend to stick around as compared to natives of other states, meaning there's less out-migration to offset the in-migration. About 82 percent of people born in Texas still live here, making it the so-called stickiest state in the country.

Bill Fulton, director of the Kinder Institute for Urban Research at Rice University, in Houston, points out that "basically all the population growth is in the Texas Triangle," the relatively tight space defined by the Dallas–Fort Worth, Houston, and Austin–San Antonio regions. He recently wrote a book with former San Antonio mayor Henry Cisneros, "and we found that the Texas Triangle favorably compared to virtually all other mega-regions in the U.S., including Southern California and the Northeast Corridor. It is a true economic powerhouse."

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That's just one of the ways Texas's population growth is changing the landscape. In the booming cities, Fulton points out, the influx of a young professional class has led to a flowering of high-rise and mid-rise apartment buildings, as well as multiunit home lots. At the same time, suburbs have become more diverse than they were in the days of white flight from urban neighborhoods, in the sixties, in part because today gentrifying city neighborhoods are edging out non-white residents. Rural and small-town Texas, meanwhile, is shrinking. In fact, 142 of the state's 254 counties are declining in population, some of them precipitously. Schleicher County, between San Angelo and Sonora, lost 29 percent of its population in ten years, the steepest drop in the state.

The diversification of the suburbs could fundamentally alter the political map by changing reliable Republican standbys to perennial toss-ups. Dying small towns carry less electoral weight. Gerrymandering of districts, now pursued as avidly by Republicans as it once was by Democrats, will continue to redraw electoral maps to maintain the current political order. But at some point, likely soon, the old assumptions will simply no longer hold true, and the keys to winning Texas will change.

The continued growth of the Texas economy, meanwhile, will increasingly rely on newcomers from other states and countries—to both provide jobs and fill them. In turn, pressure will mount for Texas to better educate and train its homegrown workforce to remain competitive, especially as our population ages. Dramatic shifts in the economic and cultural landscape of the U.S.—as well as in Texas itself—have landed the Lone Star State an opportunity to lead the country into the future. Figuring out how to respond requires understanding the forces that brought us here.

The Growth Propellant

Half an hour's drive southwest of Killeen, within sight of U.S. 183, a patch of prairie has been blasted into a barren crater by eruptions of highly refined kerosene and liquid oxygen that combust and emerge as a torrent of fire from a tangle of tubes and wires—the guts of a rocket engine test model—with such violence that the technicians in charge must watch from a control center eight hundred yards away.

Here, at the edge of the unincorporated Central Texas community of Briggs, which has a population of about 430, is where Tom Markusic met me on a blazing hot afternoon. He's the CEO and founder of Firefly Aerospace, a company that builds rockets to take satellites to space and ultimately, he hopes, to ferry supplies to the moon and other celestial bodies. The company recently won a $93.3 million contract with NASA to construct a lunar lander, and it has built a simulated moonscape here in Briggs, alongside the test-firing field and a small rocket factory.

Markusic, who worked for NASA, SpaceX, Blue Origin, and Virgin Galactic before launching Firefly in 2014, chose Texas for his company's headquarters in part because he knew nobody would get in his way. It's the same reason Jeff Bezos tests and launches his rockets near Van Horn, and Elon Musk launches his in Boca Chica. "There's a different view of property ownership in Texas," Markusic told me as we settled down in a dark conference room inside one of the factory buildings. "There's a clear cultural expectation that your land is [yours] to do with as you choose—within the confines of the prevailing zoning and such, of course. So, the neat thing is, so long as you are a good neighbor, people leave you alone and let you do what you need to do."

"Time is our most precious commodity," Tom Markusic explained, "and we can move a lot faster here in Texas."

In particular, Markusic explained, he needed the freedom to act fast. Firefly, which was valued at more than $1 billion earlier this year and plans to grow its workforce from roughly three hundred at the start of 2021 to nearly a thousand by the end of 2023, competes with some of the world's most deep-pocketed and aggressive entrepreneurs. "Time is our most precious commodity," Markusic explained, "and we can move a lot faster here in Texas." In other states, he said, "you're almost working from a position of presumed guilt, and then you have to prove you're not doing anything wrong. In Texas, it's set up to presume that you're not breaking the law. That allows us to operate our site without extensive permitting. The only permitting that's required at this site right now that I'm aware of is our septic." The company has to abide by state and federal environmental laws, he added, but there were no bureaucratic approvals to secure before his team could start firing up the rocket blaster.

He compared that to a previous experience when he was building a test facility for Virgin in California: "When we went in to get the permitting, they wanted to classify it as a power plant. And you can imagine if you want to build a power plant, that's going to be a tough permitting slog. It was just a silly, one-size-fits-all way of thinking."

His comments echo those of several high-profile recent California defectors, including Musk, who told the Wall Street Journal last December, upon announcing his move to Texas, that he wished California would "just get out of the way" of innovators. That was a couple of weeks after Joe Lonsdale, an influential venture capitalist and cofounder of big-data contractor Palantir, explained his move to Austin from Silicon Valley, also in the WSJ. "Forty years ago . . . you could accomplish anything in the Golden State," Lonsdale wrote in an op-ed that quickly went viral. "Government policy facilitated the entrepreneurial spirit. Dreamers and doers could thrive. The burst of activity in tech, finance, medicine, energy and many other industries lasted for decades. But now a state like Texas provides these opportunities without the problems and baggage California has accumulated."

Just a few years ago, calling Texas more fertile for innovators than Silicon Valley would have raised more than a few eyebrows among the entrepreneurial elite. Texas is home to fifty Fortune 500 companies, sure, and its GDP is nearly $2 trillion, more than that of any state not named California. But the future was being built elsewhere—specifically the West Coast. Now that has changed, and the pandemic hastened the shift. In Musk's case, legal battles with officials over COVID-19 restrictions at Tesla's Fremont, California, factory were a clear catalyst for the company's eventual announcement, this October, that it would be moving its headquarters to Austin.

Of course, wealthy moguls and investors also stand to reap handsome personal financial benefits by setting up in Texas. The state famously doesn't charge income tax (though high property taxes make up the difference for a lot of homeowners). More importantly for the investor class, Texas doesn't charge capital gains tax. California's personal-income tax, by comparison, is the highest in the U.S., at 13.3 percent for sums of more than $1 million a year. The capital gains rate is similar.

And then there are the corporate incentives. Texas has long been known for luring companies away from other states with generous packages containing various tax breaks. Tesla recently negotiated a tax break worth nearly $60 million over 10 years to build its Gigafactory in Del Valle, in exchange for investing $1.1 billion in the plant and vowing to hire at least half of its expected employees from Travis County. At the time of this writing, Samsung was negotiating with Williamson County

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and the City of Taylor to build a potential $17 billion chipmaking plant there. The South Korean electronics giant had rejected an initial offer from the City of Austin that included almost $650 million in incentives over 10 years; the company wanted a 100 percent tax abatement for 25 years.

Whether economic incentives for business relocation come from a city, a county, or the state's Texas Enterprise Fund (former governor Rick Perry's legacy), they're almost always controversial, with opponents pointing out all the ways they can strain existing infrastructure—roads, water, schools, the electric grid—and end up costing a community as much as it gives away in incentives. The math of whether a deal ends up benefiting a community can be endlessly debated, though. Proponents argue that landing a big corporate relocation spurs investment in communities and creates jobs (though Perry also had terrific luck getting donations from a source tied to the companies his administration locked in with incentives, as a New York Times investigation famously found). A new plant like Tesla's or Samsung's will ideally lead to local home construction, investment in the local service economy, and eventual relocation of suppliers.

"HP Enterprise, Google, all these technology-based companies cannot meet their workforce demands with the current Texas workforce," said Steven Pedigo. "It just doesn't happen."

Regardless of how the math of individual economic development deals stacks up, virtually everyone agrees there's value in diversifying the state's economy. Though Texas relies a lot less on oil and gas than it did a few decades ago, fossil fuels still represent one of the largest sectors of the economy and the dominant one in the state's largest city, Houston. This puts the state at risk as the energy industry transitions away from petroleum. As Rice's Bill Fulton put it, "Houston is at a critical juncture right now. The business leaders have to get out in front to the energy transition so we remain the energy capital of the world but not the fossil fuel capital." Failing to make that shift, he said, would make Houston "the next Detroit." While Texas has, in recent years, added jobs in software development and cloud computing, those gains have been outpaced, sometimes drastically, by those in California and other states. Which only underscores the urgency many local leaders feel.

Even Firefly wrangled roughly $1.2 million in incentives from the City of Cedar Park when it established its headquarters there, back in 2014, and earlier this year it picked up an additional $4.3 million in incentives. That package, in addition to paying the company for each job it creates (and for purchasing and renovating a building), shells out $10,000 in cash directly to each employee who buys a home in Cedar Park. In return, Firefly pledged to create nearly seven hundred jobs in the area, with an average salary of $90,000, by the year 2030.

That sounds like a big benefit, but there's a catch, not just in Cedar Park but all across Texas: companies that relocate and expand here find it tough to hire Texans to fill many of the kinds of jobs that require the most education, expertise, and experience. "We haven't done a very good job of educating our workforce," said Steven Pedigo, at the University of Texas at Austin's LBJ Urban Lab. Those who come to Texas from other states are more likely to have college degrees than native Texans. "HP Enterprise, Google, all these technology-based companies cannot meet their workforce demands with the current Texas workforce. It just doesn't happen."

Which raises a question: If not Texans, who exactly is filling all those new jobs?

The Art of the Suburb

The immaculate streets of Frisco, in the far northern reaches of metro Dallas, nearly sparkled under a cloudless sky. It was a Thursday morning, and Dana Baird, a former Dallas TV news reporter who's now the City of Frisco's director of communications, piloted her Honda SUV from one commercial development to another, tracing the history of one of the fastest-growing cities in the country. First up was the Stonebriar Centre ("Our first economic engine," Baird said). Then the Frisco RoughRiders minor league ballpark ("Our first sports venue—the convention and visitors bureau now calls us Sports City USA"). Then the Ikea, the headquarters of the Dallas Stars National Hockey League team, the sprawling Hall office park, the stadium and practice facility of the FC Dallas professional soccer team, and ultimately, the pièce de résistance: the Star District, the gleaming headquarters of the Dallas Cowboys and surrounding office buildings, restaurants, shops, and other amenities.

It was 1987 when Baird's boss, city manager George Purefoy, settled into his job leading Frisco's development. A native of Mineral Wells, he'd been the city manager in Columbus, a hamlet that abuts Interstate 10 between Houston and San Antonio, when he decided it was time to level up and head somewhere with more growth potential. "I took out a map one night, and for some reason I followed Preston Road up through the Metroplex, because it was kind of a growth corridor, and it came up to Frisco," he told me. At that time, it had around five thousand residents and was essentially still a small rail town. But Purefoy saw it as a kind of suburban start-up, a little old place that could eventually grow into something altogether different. "So, I thought, 'If the city manager job ever opens up there, I'll apply.' And that night my wife and I prayed on it, and not one week later I got a call from the City of Frisco asking me to apply."

A soft-spoken, throwback gentleman who brings to mind Ward Cleaver, Purefoy became the first and only city manager Frisco has ever had—though he likes to joke that he's had an entirely different job every five years as the city has ballooned. Today's Frisco population of around 200,000 is almost double that of a decade ago, and the city projects it will reach 300,000 in the next five years or so.

There are a few keys to the success of Frisco. For one thing, abundant land and the expectation of growth: even before Purefoy showed up, city leaders had annexed land on both sides of multiple roads that stretched out from the center of town, creating what he calls "octopus arms" that would come to frame the area's eventual sprawl. Among Purefoy's first acts was securing an abundant water supply for the town and cleaning up the finances. He was essentially laying a foundation on which to replicate or improve on what the city of Plano, just south across the Sam Rayburn Tollway, had begun building a few decades prior.

Perhaps most important to Frisco was the counterintuitive fact that Dallas Area Rapid Transit (DART), the metro area's commuter light-rail system, did not extend past Plano. Whereas the communities served by DART have to dedicate a one percent sales tax to the rail system, Frisco voters elected to use that same cut of money to incentivize businesses to move in and also to buy land for parks and other amenities. The result is that entertainment is so plentiful that many Frisco residents have little reason to leave. The city is less a bedroom community for Dallas than a thriving place all its own that just happens to be adjacent to one of the largest cities in the U.S.

In economic development circles, Frisco is known for its mastery of public-

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private partnerships. To help build the Star District, for instance, the city, its economic and community development corporations, and Frisco Independent School District kicked in a collective $115 million, and in return Frisco's high school football and soccer players get to use the Cowboys' spectacular indoor stadium. The whole deal came together in three months, Baird told me—lightning speed for a giant commercial development on prime property in a city center. The same strategy built Toyota Stadium, which FC Dallas shares with the high schools.

"We're basically a city of immigrants," George Purefoy said, "either from within the United States or from outside the United States."

The result is a town that regularly lands on the lists of best places to live and best places to do business in America—which in turn helps it stay on the lists of fastest-growing places. And it's not all strip malls and subdivisions. Frisco has the second-largest skate park in Texas, after Houston; the largest private collection of contemporary Texas sculpture; and one of the largest collections of historic train cars in the Southwest.

It's not slowing down anytime soon. Earlier this year the military-grade eyeglass maker Wiley X announced it was coming to Frisco from Livermore, California, and that it hoped to bring its one hundred employees along. In 2019 iconic Texas brand Dr Pepper announced it would move its headquarters from Plano to the Star. The Professional Golfers' Association of America announced in 2018 that it would move from Palm Beach County, Florida, to Frisco. The smoothie company Jamba moved there in 2016. The list goes on.

The competition for corporate relocations or expansions can be a full-contact sport among cities—sometimes even adjacent ones—but the effects often ripple out. Though Frisco lost out on one of the greatest economic development deals in the area's history—neighboring Plano landed Toyota's North American headquarters, which was relocating from Southern California—the runner-up still managed to reap the benefits. The carmaker's campus, which opened in 2017, sits at the northwest corner of Plano, close to residential areas of Frisco. Baird remembers running a trade booth back when Toyota employees were starting to explore the area and the company had set up a kind of relocation bazaar at a hotel. Because Frisco had so many new neighborhoods sprouting up, thousands of Toyota employees ended up settling there, leading to rumors of whole neighborhoods being colonized by transplanted Californians. Today, the median household income is about $127,000—more than double the number for Texas overall—and the median home value is about $400,000.

When I asked Baird whether residents of Frisco ever grouse about all the growth and newcomers, she looked at me sideways. Purefoy pointed out that in a place whose population is almost entirely newcomers, it would be hard to look askance at other fresh arrivals. "We're basically a city of immigrants," he said, "either from within the United States or from outside the United States."

The New Face of Immigration

If the city that George Purefoy built is a triumph of capitalism and Texas's natural inclination toward sprawl, it is also a marvel of something more surprising: the diversification of the suburbs in terms of race, ethnicity, and national origin.

According to the 2020 census, Texas is now the fifth-most diverse state in the country, just ahead of New Jersey and New York. (At the top of the list: Hawaii and California.) And in the major metro areas, the census showed a clear pattern of cities with static diversity levels abutting suburban counties where diversity is surging. One measure of diversity is the census-calculated Diversity Index, which demonstrates the likelihood that any two people in a community will represent different ethnic or racial groups. In Dallas County, the Diversity Index grew by just 2 percent from 2010 to 2020. In Collin County, which includes part of Frisco, that number grew by 19.8 percent.

In Frisco, the largest and fastest-growing minority group is Asian Americans, who make up nearly 21 percent of the city's population. Some 14 percent of the surrounding county's population traces its origins to India, with those hailing from South Korea, Japan, and China making up much of the rest. Many are new not just to the North Dallas suburbs but to the U.S. Nearly 23 percent of Frisco residents were born in another country.

Anamika Mukherjee, a preschool teacher, was born in India and moved to Frisco five years ago, after her husband's job had taken them to California, Connecticut, Brazil, and, finally, North Texas. She told me that Frisco sometimes reminds her of Little India, a famously large ethnic enclave in New Jersey that she and her husband used to visit when they lived in Connecticut. "I have three Indian stores within easy reach of my house," she said, "and you can find every single thing you might want."

She can thank, at least in part, Sunitha Cheruvu. Born in southern India, in the state of Andhra Pradesh, Cheruvu grew up in New York and New Jersey. After she met her husband, who is from Texas, she moved with him to Plano. They were happy, but as practicing Hindus they had to travel more than thirty minutes to worship at a temple in Irving.

She and members of five other families from the area joined forces to build a temple nearer to their homes, and in 2009 they ended up buying a piece of land in Frisco, on the site of a former gardening company. They gathered in a small trailer while their first permanent building was under construction. And then, in 2015, they opened a second, larger, gleaming ivory structure that they believe is the largest Hindu worship hall in the nation, at 34,000 square feet.

Cheruvu now lives, along with many other members of her faith, in the Eldorado Crossing neighborhood, in a two-story brick-facade home whose backyard fence adjoins what's now called the Karya Siddhi Hanuman Temple. "I can look out my window and see the rajagopuram," she told me, referring to the temple's ornate entrance tower, which rises seventy feet between two large elephant statues. "It's beautiful during sunrise and sunset."

In fact, all throughout Frisco, the suburban shopping centers and green spaces show signs of diversity, such as Korean dessert shops and Taiwanese teahouses. The Frisco school district recently introduced a three-week cricket unit as part of the PE curriculum. The student body at Roach Middle School, near the Hanuman Temple, is 37 percent non-Hispanic white, 28 percent Asian, 18 percent Black, 11 percent Hispanic, and 6 percent of a category that includes American Indian, Pacific Islander, and two or more races. At McSpedden Elementary, just down the road, 68 percent of the students are Asian. A few miles away in Plano, Russell Creek Park is the only park in North America to boast seven cricket pitches.

In 2019 Cheruvu helped start the City of Frisco's Inclusion Committee, of which she's the vice chair. The committee has polled residents about issues regarding diversity and inclusivity, and it has spearheaded events such as the first official city celebrations of Diwali, Kwanzaa, and Lunar New Year.

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All of which has given Frisco a reputation far beyond the state's borders. As a Dallas Morning News story put it, shortly before the temple's opening, "Young parents in India know Frisco is the place to raise a family." The story cited DFW-based tech companies as part of the allure but credited word of mouth as the greater force. Cheruvu told me the same thing. A week after the temple opened, it hosted a livestreamed chant marathon for nearly eight hundred that lasted more than 24 hours and set a Guinness World Record.

To demographers who study Texas, the story of Indian Frisco is both fascinating and no great surprise: fascinating because it's such a transformation from just one or two census cycles ago, and no great surprise because Frisco is hardly the only place in Texas to see the trend.

The Great Mosaic
It is hard, the teacher said.
It is hard, the class repeated, fifteen teenage voices in unison.
to leave
to leave
a home.
a home.

The call-and-response continued: It is even harder . . . to make . . . a new home . . . Everything is new . . . Everything is strange.

It was a few minutes before the lunch bell in Johnny Rios's English language arts class at the Language Institute for Newcomers, a specialty school in an annex building that connects two adjacent high school campuses in the Alief Independent School District, which straddles the city limits of Houston on its southwest side. The fifteen teenagers in this class—seven Hondurans, four Guatemalans, three Salvadorans, and one Nicaraguan—attended LINC because they were new to the U.S., and some had no experience with English. They were reading Growing Together, by the Cuban American children's book author Carmen Agra Deedy.

LINC, which was established in 2003, typically serves about three hundred students. They complete a one- or two-year program, depending on how much help they need (some come with no schooling background whatsoever), after which they join the rest of the student body at one of the district's high schools: Elsik or Hastings right next door, or a third school a couple of blocks away. Together, the three serve an astounding 11,200 students.

Much has been made in recent years in the national media about the diversity of Houston, and no place showcases it better than Alief. A mostly lower-income area, Alief is one of the country's most diverse communities. Unlike that of Frisco, Alief's population of roughly 113,000 doesn't fluctuate much, but every year droves of newcomers land here, as others who are more established disperse to the wider region. To drive through Alief is to tour the world—Vietnamese stores on this block, Chinese stores on the next, followed by Salvadoran shops, Mexican shops, Nigerian shops, and on and on. The distinctive rooflines of mosques and Buddhist temples punctuate the horizon.

In her twelve years working for Alief ISD, first as a teacher and now as the ESL department chair for LINC, Dulce Segovia has seen wave after wave of migrants from different parts of the world. There were the hundreds of Burmese students who showed up six years ago. Four years ago, there was a surge of unaccompanied boys from Central America. Today the district is expecting hundreds of Afghan refugees any day, many of them kids. "For me, this is very raw and real, because I went through the same thing forty-two years ago," Segovia told me. She's a former refugee herself, having arrived in Alief in 1980 with her aunt after escaping war in El Salvador. "We asked for asylum, and we did exactly what our students are doing now"—worked hard to find their place in a new country. She referred to the migrants massing at the border in Del Rio, as thousands of Haitians had in the weeks right before I visited Alief, and remembered an incident from childhood when someone called Salvadoran refugees cockroaches—"because there were so many of us and they couldn't get rid of us."

Segovia grew up in the nearby Sharpstown area, earned degrees in English and in curriculum and instruction at the University of Houston, and eventually came back for work. "Alief is family," she and her colleagues like to say. In some ways she means that literally: many immigrant students, even unaccompanied minors, end up in Alief because they have extended family members in the area. Roughly 65 percent of students live in apartments or multifamily units.

Some also arrive in the community with pressing needs: no shoes, no familiarity with indoor plumbing. The school district provides vision and dental care, social workers to visit families, and other basic services. As superintendent HD Chambers puts it, "Not only are we teaching children how to read and write, how to add and subtract, but we're teaching and helping people from all of these different ethnicities and cultures how to come in and adapt to our country."

Chambers, who started his career as an assistant football coach and economics teacher in the Aldine district, on the north side of Houston, has, to his surprise, ended up dedicating his career to educating diverse populations. He landed in Alief ten years ago and has built a reputation as a passionate and innovative leader whose mantra is "meeting students where they are—as opposed to where we wish they were."

It's a mission that not only resonates with colleagues like Segovia—who cites it regularly—but derives from what sounds like a deep sense of patriotism. For an educator, Chambers said, the only response to the rapid diversification of the population "is to do everything you can to make sure that these individuals . . . regardless of where they come from, are educated in a way that will sustain our republic and our democracy and the things that our country was founded on."

Of the population changes Chambers and his colleagues have observed in their district, one of the starkest in recent years has been the fluctuation in Texas's Hispanic population: even as Hispanic Texans become the state's dominant demographic group, fewer and fewer Mexicans are migrating to Texas. According to one analysis by Rogelio Saenz, of UT–San Antonio, Mexican migration to Texas has plunged. There are multiple reasons for this, from militarization of the border and the aging of Mexico's population to the improving economic fortunes of Mexican women, who are having fewer children later in life. Of the Mexicans who do come to the U.S., many are now better-educated and have higher incomes than in the past. This year the Hispanic population at LINC largely comprises refugees from Central and South American countries—most from El Salvador, Honduras, and Guatemala, which are wracked by organized crime and sagging economies.

Whereas some years the LINC classrooms serve kids speaking dozens of languages (there are more than ninety languages

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spoken in the surrounding community), in 2021 the vast majority of students are native Spanish speakers. Of the Hispanic students, very few come from Mexico. “Can you imagine the ganas, the desire, to better their lives?” Saenz had asked me, referring to Central American refugees. “They are walking, sometimes unaccompanied, without their parents, hundreds or thousands of miles, and then we have them here and have the possibility that they can be our future workforce.”

A few blocks from LINC, in a sprawling, glassy new building that opened in 2018, Jennifer Baker works to make that possible. Baker helps run the Center for Advanced Careers, where Alief students train to work in construction, IT, health care, and other high-demand industries that don’t require college degrees for many well-paying jobs. There are state-of-the-art robot arms in the advanced manufacturing lab. There’s a working pet day care in the veterinary science lab and a working auto shop. In the wood shop, they build furniture for Mattress Mack at Gallery Furniture. “They have to make money to pay for our operations,” Baker said.

With Hispanic Texans on pace to be the dominant demographic group, their lower average educational attainment looms as a crisis for the state’s economy. Whereas nearly 95 percent of non-Hispanic white Texans aged 25 and over have at least a high school degree, that number is less than 70 percent for the Hispanic population. One of the ways that students who are starting at a disadvantage can gain an edge, superintendent Chambers believes, is by getting vocational training that directly meets employers’ needs. Vocational programs are nothing new in high schools, of course, but the scope of the program in Alief looks more like that of a community college, and its partnerships with employers run deep.

“You know the company Trio Electric?” Baker asked me, referring to the Houston-based commercial electrical contractor. “They wrote our electrical curriculum. Their workforce shortage is tremendous. They provide all the equipment, all the supplies. And then after the students’ junior year, they give them an internship in the summertime that pays four thousand dollars. Kids in this neighborhood making four thousand dollars—you might as well tell them they’re making a million bucks. So then, senior year, they’re more excited to finish out the program. And then they go in for interviews, and up to twenty-five of our kids will have a good chance to get hired.”

As she spoke, a voice periodically boomed out of the PA system advising prospective students to rotate to the next lab. Signs in the lobby welcomed a delegation of recruiters from CenterPoint Energy. “I’ve given over five hundred tours of this building,” Baker said, her voice catching, “and I spend a lot of time showing people what my kids can do. A lot of them get it, but we’re still in the baby stages of businesses realizing the gold mine of talent they have here.”

The Not-So-Great Sorting

Peter Rex’s Texas journey doesn’t have much in common with that of the students at LINC. The 39-year-old embarked on a career in business, he told me, when he realized, after consulting with the abbot at a Catholic monastery, that capitalism would be his best avenue for serving Jesus and helping people on the widest scale possible. Rex subsequently made a bundle of money for himself and his investors by buying and managing undervalued apartment complexes in Texas and Florida after the Great Recession, from what at the time was his base, in Tampa. In 2016 he moved to San Francisco to start a portfolio of real estate and insurance tech businesses, and then moved to Seattle in 2018 to be closer to Amazon’s and Microsoft’s headquarters and learn from their empire-building prowess.

In both of those West Coast tech hubs, he realized, some of his employees couldn’t afford to buy homes. But more importantly, he wrote in a June 2020 WSJ op-ed, “both [cities] have become hostile to the principles and policies that enable people to live abundantly in the broadest sense.” In Rex’s view, he wrote, not only were West Coast state governments stifling free enterprise, but the culture was stifling freedom of speech and freedom of religion. “In both San Francisco and Seattle, many of our Christian and Muslim friends and employees have expressed concern that their deeply held views are being driven from the public square.”

Rex wrote the op-ed to announce his move to Austin. “In Texas, the quintessential American ideals of family, faith, and freedom still reign supreme,” he wrote, adding that “as the West Coast becomes more insular and exclusive, other parts of the country will become the biggest drivers of tech innovation.” The column came out at the height of the first wave of the coronavirus pandemic and the presidential campaign season. Conservative media and the financial press quickly elevated Rex’s move as a signal moment—and talked up Rex as a tech titan (which he’s not). As the pandemic drove a wave of individuals and companies to move to Texas and Florida from California and New York, Rex’s story came to define part of the narrative: migrants were leaving the coastal hubs not just because they couldn’t justify overpaying for shoebox apartments during a lockdown but because they’d finally had it with failed liberal policies that created expensive cities riddled with crime and homelessness and livable only for the superrich.

“We didn’t feel safe talking about having voted for Donald Trump in 2016,” Marie Bailey told me.

For Marie Bailey, a realtor who lives in Prosper, just north of Frisco, that line of thinking sounds familiar. When she and her husband moved their family from El Segundo, California, to North Texas four and a half years ago, they were effectively giving up on their lifelong home for reasons she cites as “cost of living mixed with politics. We didn’t feel safe talking about having voted for Donald Trump in 2016,” she told me. “And then you get a seven-hundred-dollar car-registration bill, and voters vote in higher gas prices—I mean, who does that?” The Baileys bought a new-construction home in the Windsong Ranch community, across the street from a lagoon with an artificial beach, and Marie quickly spotted a business opportunity to help other escaping Californians find similarly soft landings. She got her realtor’s license and, to find clients, started a Facebook group called “Move to Texas From California!” Today that community has 34,700 members, and Bailey’s business is booming.

From her perspective, conservative Californians’ desire to flee has grown throughout the pandemic, as frustrated families sought a place where their kids could return to school sooner. “I had people coming here crying when they’d see kids playing on playgrounds,” Bailey said. “They couldn’t do that in California.” Although she shares those sentiments and sees migration to Texas as a “red wave,” Bailey also knows the full picture is complicated.

In fact, Bailey and Peter Rex landed at the center of an argument that has circulated in political circles for years. It holds that a great ideological sorting is underway, in which like-minded people gravitate toward one another, often across state lines. Those who see California as a nanny state will escape to a more enlightened Texas, while those who see Texas as a fundamentalist petro-state will escape to a more enlightened California or Colorado. Swap California for New York and Texas for Florida, and the argument stays largely the same.

At the same time, many Texans have seized on Governor Abbott’s rallying cry “Don’t California My Texas.” Indeed, his 2018

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reelection campaign played out against a changing electoral map. Barack Obama lost Texas by sixteen points in 2012. Hillary Clinton lost the state four years later by nine. And Joe Biden came within six. Some previously deep-red suburban counties now trend purple or even blue. Abbott was arguing that new Texans might be responsible for the change and that it wasn't welcome (though he's also, at various times, argued the opposite: that folks coming from California are conservatives who should be embraced).

But according to Derek Ryan, a GOP political consultant who leads voter-targeting efforts for candidates up and down the ballot, there's very little data to support either argument—that Texas is growing more conservative because of ideological sorting or that it's becoming more liberal at the hands of Californians. One of Ryan's clients is Congressman John Carter, whom I'd met earlier at that bar in Austin, and who represents several fast-changing suburban cities. Ryan has watched the evolving Texas suburbs closely; he's seen migration patterns in person and in the data.

To identify likely new Texans in the data, Ryan looked at those who registered to vote after the 2018 election and ended up voting in 2020, and then he zeroed in on the subset over the age of thirty—to rule out young people, including longtime Texas residents, who were probably registering for the first time. He turned up 1.3 million voters, "but trying to figure out their political ideology is tricky because they haven't necessarily voted in a Republican or Democratic primary," he said.

So, he turned to modeling data, the kind of information voter-targeting groups use to identify friendly targets based on their consumer spending habits, income levels, homeownership, and so on. "There are literally hundreds of data points to model people and determine if they're likely Democratic or Republican voters," he explained.

According to Ryan's best analysis, 50.4 percent of his possible new Texans were likely Democratic voters, and 49.6 percent were likely Republicans. "So, you know," he said, "we hear a lot about these people moving from blue states and bringing blue-state politics with them, but it doesn't necessarily appear that that's the case. It's closer to right in the middle. There are certainly some hard-core liberals moving here that are still voting that way, but it appears that it's a wash as far as Republicans versus Democrats."

Rice University's Bill Fulton has looked at myriad possible explanations for the ebb and flow of migration from California and found that, as he wrote in a post on the Kinder Institute's website, "the driving force is not a pull into Texas but a push out of California: home prices." That is, when the price of a house goes up on the West Coast, people come to Texas. When the prices ease, fewer make the move.

Of course, Fulton published that piece before the governor signed one of the nation's most restrictive abortion laws, effectively outlawing the procedure, as well as one of the nation's most severe restrictions on voting—on top of a law discriminating against transgender students and one permitting the open carry of handguns without permits or training. The City of Chicago's economic development arm took out a full-page ad in the Dallas Morning News trying to lure alarmed Texans away. The real estate bonanza had, meanwhile, prompted northwest Arkansas to begin trying to lure away Austinites being priced out, and California-based companies such as Salesforce began offering to help any of their Texas employees to relocate in the face of Abbott's actions.

Still, Fulton speaks for many who study migration into the state when he says he doesn't expect the flow of new Texans to slow down anytime soon. "Texas may be hot in the summer, and you may not agree with the politics. It may be sprawling, and you may have to buy an F150 pickup. But it is probably unparalleled in the country right now as a place of economic opportunity." For many, he said, it's still "a place where you can get ahead."

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Junk lawsuits by Republican attorneys general harm their own people
Jim Jones
The Hill
November 15, 2021
https://thehill.com/opinion/581489-junk-lawsuits-by-republican-attorneys-general-harm-their-own-people?rl=1

As a former red-state Republican attorney general, it is hard to understand why current GOP attorneys general (AGs) are enamored with junk litigation that endangers their own states. The Texas lawsuit challenging the election results of other states, the court filings supporting Texas's vigilante-style abortion law and the Republican AG challenges to President Biden's vaccine mandates all harm the interests of their own people.

In December, Texas Attorney General Ken Paxton, supported by 18 other Republican AGs, led an assault on the very heart of our federal system in the U.S. Supreme Court, challenging the presidential election results in Georgia, Michigan, Pennsylvania and Wisconsin. It was a junk lawsuit with no factual support or legal merit. The Supreme Court swatted it away in a mere three days.

A few Republican AGs opposed the move to subvert the U.S. Constitution, recognizing the dangers posed to their states. Ohio Attorney General David Yost said that Paxton's gambit would "undermine a foundational premise of our federalist system: the idea that the States are sovereigns, free to govern themselves."

Idaho Attorney General Lawrence Wasden also refused to join Texas, expressing "significant concerns about supporting a legal argument that could result in other states litigating against legal decisions made by Idaho's legislature and governor. Idaho is a sovereign state and should be free to govern itself without interference from any other state." Had Texas prevailed, it would have enabled any state to challenge the laws of another state — gun laws, pandemic measures and voting laws, to name a few.

The legal attack on the U.S. electoral system was bad enough, but the rightwing AGs followed up with an even worse assault on democracy just weeks later. An arm of the Republican Attorneys General Association, with $150,000 donated by a grocery store heiress, funded a robocall urging a Jan. 6 march to the U.S. Capitol to "Stop the Steal." It was an incomprehensible move. Luckily, the vice president heeded advice from his predecessor, Dan Quayle, and refused to go along with this attempted coup.

The next junk litigation engaged in by Texas and 18 other Republican AGs was asking the Supreme Court to uphold the

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Texas law outsourcing abortion enforcement to vigilantes across the country. The Supreme Court will soon issue an opinion, and I fully expect it to rule the scheme unconstitutional. During argument of the case, justices expressed concern about allowing private citizens to restrict constitutional rights, something that had apparently escaped the attention of the GOP lawyers. Laws of this ilk could be used to infringe practically any right contained in our sacred Bill of Rights. The Idaho AG, again, recognized the danger and refused to join this misguided ploy.

More recently, most of the Republican attorneys general have aimed junk lawsuits at the president's workplace vaccine mandates. Because so many red-state folks have stubbornly refused to get vaccinated that it became necessary to require those employed by federal contractors and companies with 100 or more employees to get vaccinated against COVID-19.

Vaccine mandates are the quickest and most effective way to save thousands of lives and get back to our normal lives. Most red-state governors have done little to get their people vaccinated; some have even taken action to discourage vaccination. Without action by the federal government, success against the virus will be hard to achieve.

Mandates work. After losing 151 employees to the coronavirus early in the pandemic, Tyson Foods implemented a vaccine mandate for its employees to keep its plants open. Now, more than 96 percent of Tyson's workforce is vaccinated, its employees have safe work spaces and it does not have to worry about work stoppages. Similar results can be achieved by the federal mandates. Red states would be particularly benefited because the vaccination rates there are the lowest and the mortality rates are the highest.

The mandates will make their people safer and allow their businesses and schools to get back to normal, but Republican attorneys general have challenged the mandates in court. The conservative Republican appointees on the Fifth Circuit Court of Appeals have halted the 100-employee mandate and may rule against it. Other federal courts will likely uphold both mandates, but that remains to be seen.

If the Republican AGs eventually prevail in the suits, their constituents will lose — many their very lives. In fact, on Nov. 8, just days after AG Paxton sued to stop the mandates, Texas disclosed that more than 85 percent of its nearly 29,000 COVID-related fatalities between Jan. 15 and Oct. 15 were among the unvaccinated. The state's unvaccinated were 40 times more likely to die than fully vaccinated Texans.

Back in the 1980s, when I served as Idaho attorney general, my colleagues of both parties took pride in standing up for the rule of law. We strived to protect our people, often coming in conflict with powerful people in our own party. Party was subordinate to the interests of the public.

State attorneys general are now just as divided along party lines as any other group of officeholders. Political pandering is commonplace. What pains me the most is that a majority of Republican AGs have become so beholden to partisanship that they would endanger their own voters with junk litigation just to score political points.

Jim Jones is a Vietnam combat veteran who served eight years as Idaho attorney general (1983-1991) and 12 years as justice of the Idaho Supreme Court (2005-2017). He is a regular contributor to The Hill.

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From: Christina Adkins
Sent: Monday, November 29, 2021 11:06 AM EST
To: Elec Legal <ElecLegal@sos.texas.gov>
Subject: FW: SOS Morning News Clips 11/29/21

From: Sam Taylor
Sent: Monday, November 29, 2021 9:21 AM
Subject: SOS Morning News Clips 11/29/21
Sensitivity: Personal

Texas Secretary of State
Morning News Clips
November 29, 2021

Matthew McConaughey says he won't run for Texas governor, *Texas Tribune*, November 28, 2021

Commissioners court to take up Britton's 'holdover' county attorney status, *Brownwood Bulletin*, November 24, 2021

Judge: District Attorney's Office may prosecute Edinburg mayor for voter fraud, *Progress Times*, November 26, 2021

Abbott makes it official, files to run for 3rd term as Texas governor, *San Antonio Express-News*, November 24, 2021

Texas' new district maps under fire as 2022 candidate deadline looms, *KAMR-TV*, November 24, 2021

Galveston Republicans gut precinct represented by county's lone Black, Democratic county commissioner, *Houston Chronicle*, November 29, 2021

Early voting begins this week in Mesquite city council runoff, *Dallas Morning News*, November 24, 2021

Burnet County might keep additional early voting sites, *Daily Trib*, November 24, 2021

Democratic frustration growing over stagnating voting rights bills, *The Hill*, November 28, 2021

Absentee request deadline trips voters under new Georgia law, *Associated Press*, November 28, 2021

Inside the 'big wave' of misinformation targeted at Latinos, *Associated Press*, November 28, 2021

Family, police say couple orchestrated scheme to deed 8 homes from man who died to their nonprofit, *WFAA-TV*, November 23, 2021

Governor Greg Abbott: Thousands of new jobs coming to Texas, billions in investments, *KTSM-TV*, November 28, 2021

U.S. to require vaccines for all border crossers, starting in January, *Associated Press*, November 24, 2021

Border: New customs requirements for Mexico shipments begin Wednesday, *FreightWaves*, November 28, 2021

Human shields, drones, gunships aid Mexico's drug war, *Associated Press*, November 27, 2021

Mexico lays out conditions for restart of 'Remain in Mexico' program, *The Hill*, November 26, 2021

Texas border landowners ask for federal funding for damage incurred during migrant crisis, *KXAN-TV*, November 24, 2021

7 former McAllen Chamber chairs say organization is in 'turmoil'; ask Mayor Villalobos to intervene, *Rio Grande Guardian*, November 26, 2021

Column: Texas state senators draw for term lengths, *Huntsville Item*, November 25, 2021

Editorial: Unnecessary election audit supports baseless claims of extensive voter fraud, *Beaumont Enterprise*, November 27, 2021

Matthew McConaughey says he won't run for Texas governor
Patrick Svitek
Texas Tribune
November 28, 2021
https://www.texastribune.org/2021/11/28/matthew-mcconaughey-texas-governor-2022/

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Actor Matthew McConaughey on Sunday removed himself from consideration as a potential candidate for governor after months of toying with a campaign.

In a video posted to his Twitter account, McConaughey, who lives in Austin, said he was honored to be considered for "political leadership."

"It's a humbling and inspiring path to ponder," McConaughey said. "It is also a path that I'm choosing not to take at this moment."

McConaughey's video came just over two weeks before the candidate filing deadline for the Texas primary.

Since earlier this year, McConaughey said he was mulling a run for governor, though he did not specify whether he would run in the Democratic primary, in the Republican primary or as an independent. He has previously described himself as "aggressively centrist."

GOP Gov. Greg Abbott is seeking a third term next year. He has drawn at least three primary challengers, while Democrats got their strongest candidate yet earlier this month when Beto O'Rourke launched his campaign against Abbott.

Instead of running for office, McConaughey said he would continue to support “entrepreneurs, businesses and foundations that I believe are leaders” and “creating pathways for people to succeed in life.”

The prospect of a McConaughey candidacy had intrigued the Texas and national political world for months. Some polling showed he would have been a force to be reckoned with, leading Abbott in a head-to-head matchup.

But McConaughey never did much to elaborate on how he would have run, and he did not seem particularly attuned to political events in Texas. During an October podcast, he displayed a lack of familiarity with the Republicans' priority elections bill that prompted Democrats in the Texas House to flee to Washington, D.C, in protest this summer.

He more recently courted controversy for coming out against mandating COVID-19 vaccine requirements for "the younger kids." He later clarified he was specifically referring to mandates for 5- to 11-year-olds.

While some surveys suggested McConaughey could be a real contender, some in politics theorized that he was benefiting from being a political blank canvas to most Texans. That group included O'Rourke, who has crossed paths with McConaughey over the years.

"He’s a really popular figure whose political views have not in any way been fixed," O’Rourke said in September. “I don’t know, for example, who he voted for in the most consequential election since 1864 in this country. I don’t know how he feels about any of the issues that we’ve brought up. … So I think that might explain part of [the polling]."

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Commissioners court to take up Britton's 'holdover' county attorney status
Steve Nash
Brownwood Bulletin
November 24, 2021
https://www.brownwoodtx.com/story/news/2021/11/24/commissioners-court-take-up-brittons-holdover-county-attorney-status/8756177002/

Shane Britton will know a little more about his political future after Monday's meeting of the Brown County Commissioners Court, where two items are on the agenda pertaining to Britton:

* Consideration and possible approval of action to declare a special election for the county attorney position.

* Consideration and possible action to appoint someone to the county attorney position until after the March primary. Commissioners meet at 9 a.m.

Britton, 55, has been the Brown County attorney since 2001. Last week, Britton announced he is a candidate for Brown County judge in the Republican Party primary elections in March. Britton's announcement created a three-way race for Brown County judge. In addition to Britton, candidates are:

* Incumbent Paul Lilly, 52, who has been Brown County judge since 2019.

* Molly Smith, 44, who ranches and farms.

Britton's announcement of his Brown County judge candidacy triggered what's known as "Resign to Run" under the Texas constitution. And that means it's an automatic resignation for a county attorney and other elected officials who announce their candidacies for a different office.

But the Texas Constitution also provides that "an elected public official continues to perform the duties of office (or 'hold over') until his or her successor takes office," the Texas Association of Counties (TAC) states in a document called "Short Answers to Common Questions. The purpose of the holdover provision is to "maintain the functioning of government," TAC said.

Britton said earlier via text that his announcement "serves as automatic resignation but I remain in office until my successor takes office. Commissioners will call a special election for my job."

The way Lilly sees it, the commissioners court should appoint someone who's qualified for the job as county attorney in place of Britton. Lilly said he'll ask commissioners to appoint Terri Moore, who works in Britton's office as assistant county attorney, to the office during Monday's meeting. Lilly also said he knows of a couple of other attorneys who are willing to be appointed. He declined to name them.

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Lilly said he spoke with Caroline Griggs, government relations manager in the Texas Attorney General's Office, for clarification of Britton's status under "Resign to Run."

"She said 'you always try and follow the intent of the law, and the intent of the Resign to Run was that the elected official resigns immediately, but they do hold that office over because they're elected until someone new is appointed,'" Lilly said.

Lilly told Griggs that he had heard from Precinct 1 Commissioner Gary Worley that commissioners were probably going to leave Britton in office as a holdover.

"She said 'it's legal but it's not what they intended when they passed the law,'" Lilly said.

He said Griggs referred him to Keith Ingram, director of elections in the Texas Secretary of State's office. "So I talked to Keith Ingram," Lilly said. "I told him what was brewing here and he said 'no, hold the phone. He said you can only hold a candidate over when there is no one else qualified to be appointed for the job.'"

Lilly said Ingram told him, "when our legislature created that statue, they always assumed candidates would do the honorable and right thing. In his words, they never dreamed that somebody would try and stay in office absent there not being anybody else that could do the job.

"He said they've never encountered a commissioners court that didn't accept the resignation and appoint someone new as the statute says they're supposed to do. Is it technically illegal to leave him in there? No, it's not. But it's sure, in my opinion, the unethical and dishonorable thing to do. It's very clear what the intent of the resign to run law is. It's very clear so that you can't use your current office as a springboard to get to the next.

"There's a thing called the smell test. You could do it but if it doesn't smell good, the public's going to see that. If it doesn't pass the smell test, then that means the public clearly sees that while technically it may be legal -- and I'm not implying that they're not going to follow the spirit of the law. All I'm saying is, based on a conversation with commissioner Worley, it was my impression that they have the intention to leave Mr. Britton in office."

Lilly said Ingram toll him he's 'never encountered a commissioners court that would do something like that and he's praying that we're not the first, and I'm praying we're not the first either. If it were anybody else, we wouldn't be sitting here having this conversation, in my opinion."

Worley countered that commissioners "do not have to appoint someone immediately. It never mentions any timeline. An elected official who resigns, under the Texas constitution, remains in office as a holdover until his successor qualifies for office. The commissioners court is the only one that can make the appointment, not a county judge."

"I'm for having Shane serve until after the March primary just to keep the continuity in the office, to keep things progressing. I think Shane needs to serve as a holdover."

Worley proposed a timeline for events following Britton's announcement of his candidacy:

* Monday, Nov. 29 -- the commissioners court calls a special election for county attorney to be held at the time of the general election in November 2022.

* After Nov. 29 -- candidates for county attorney will file for a place on the March primary ballot.

* Between Nov. 29 and the March 2022 primary -- Britton will continue as holdover county attorney.

* If no one runs in the Democratic Primary -- once the primary votes are canvassed, the winner of the Publican Primary will be appointed as county attorney effective April 1, 2022.

Precinct 2 Commissioner Joel Kelton said, "As far as what to do with Shane, there are several options. You can appoint someone to fill that position. You can take no action and remains in that position and draws his salary."

Kelton said he was inclined to vote for Britton to remain as a holdover county attorney until the primary elections.

"They're already behind up there already," Kelton said of the county attorney's office. "If you pull him out, you're going to be even more shorthanded up there. My recommendation, from my understanding at the moment -- and I'm still learning about this -- is probably to let him stay in that position. It looks to me like the most commonsense thing to do is don't vacate that spot because they need that help."

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Judge: District Attorney's Office may prosecute Edinburg mayor for voter fraud
Dave Hendricks
Progress Times
November 26, 2021
https://www.progresstimes.net/2021/11/26/judge-district-attorneys-office-may-prosecute-edinburg-mayor-for-voter-fraud/

A judge on Tuesday denied Edinburg Mayor Richard Molina's request to disqualify the Hidalgo County District Attorney's Office from handling the voter fraud case against him.

Attorney Carlos A. Garcia of Mission, who represents Molina, argued that Hidalgo County District Attorney Ricardo Rodriguez and his family cooked up the voter fraud case against Molina when they couldn't beat him at the polls.

State District Judge Carlos Valdez of Corpus Christi didn't buy it.

"After considering the testimony of witnesses, the evidence admitted, the legal authorities submitted and the arguments of

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counsel, the Court is of the opinion that said motion should be denied," Valdez ruled on Tuesday morning.

Rodriguez's aunt, former Hidalgo County Justice of the Peace Mary Alice Palacios, filed a complaint against Molina in December 2017 — a month after he won the mayoral election.

The complaint alleged that voters who didn't live in Edinburg changed their addresses to cast ballots during the election.

In perhaps the most infamous example, the complaint alleged that 11 adults had registered to vote from a tiny house on the 400 block of East Fay Street.

"The work required to prepare the information thus far is not with the singular intent to change the results of the election," according to the complaint, which Mary Alice Palacios sent to the Texas Secretary of State's Office on Dec. 12, 2017, "rather, it is intended to highlight a much greater problem that will inevitably affect all future elections in Hidalgo County."

The Secretary of State's Office referred the complaint to the Texas Attorney General's Office. After an investigation, Molina was arrested in April 2019.

Molina is charged with one count of engaging in organized election fraud, a first-degree felony; and 11 counts of illegal voting, a second-degree felony.

He pleaded not guilty.

The pandemic, which prevented Hidalgo County judges from holding jury trials, left the case in limbo. More than a year went by without a hearing.

The District Attorney's Office revived the case in mid-October, when prosecutors asked the judge to set a trial date.

"Given the nature of the charges, the position of the defendant as a public servant and the length of time this case has been pending, the State also requests the court consider setting this case as soon as practicable," according to the motion filed by the District Attorney's Office, "as the State believes there is a societal interest in providing a speedy trial."

Molina found the motion suspicious.

The District Attorney's Office had filed the motion Oct. 12 — just six days before early voting started in Molina's re-election campaign. At roughly the same time, someone mailed a flier to voters that showed Molina in handcuffs and warned he could be sent to jail.

"This is a coordinated effort between the district attorney, his family and other power players within this county," Garcia said. "Your honor, it's no accident or mistake that you've been asked to come from Corpus — from another county — to come and sit in judgment. To call the balls and the strikes."

Garcia asked the court to disqualify the District Attorney's Office from handling the case.

First Assistant District Attorney Michael J. Garza called that argument nonsense.

"We've had the cooperation of the Federal Bureau of Investigation and other state agencies," Michael J. Garza said. "And to suggest that Ricardo Rodriguez and the Palacios family controls the Attorney General, the FBI and the Texas Rangers is a ridiculous proposition."

Valdez weighed the arguments during a daylong hearing on Monday, when Molina attempted to put the Palacios family on trial.

At one point, Garcia showed the judge a chart titled "The Power of the Palacios."

It noted that former Edinburg Mayor Richard Garcia is a partner in a law firm with Rodriguez's uncle, Edinburg Municipal Judge Toribio "Terry" Palacios. It noted that Rodriguez's cousin, Ricardo "Rick" Palacios, is the former city attorney. And it noted that his aunt, Mary Alice Palacios, sought insurance contracts with the city.

Garcia questioned why the District Attorney's Office had prioritized Molina's case for trial when Hidalgo County had nearly 1,700 people in custody.

He called Hidalgo County District Clerk Laura Hinojosa, who testified that more than 9,200 cases are pending in local district courts.

With so many people in jail and so many cases pending, Garcia argued the District Attorney's Office had another motivation for requesting a trial date: politics.

Miguel Angel Garza, a politiquero aligned with Molina, testified about how the Palacios family views politics.

"If you don't support the Palacios, you're against them," Miguel Angel Garza said. "And they attack you. That's pretty much what it is."

Michael J. Garza eviscerated Miguel Angel Garza on cross examination.

In response to questions, Miguel Angel Garza admitted the FBI had questioned him about Molina.

"About your relationship and taking money for Richard Molina on pay-to-play schemes?" Michael J. Garza asked.

Miguel Angel Garza acknowledged meeting with the FBI but denied he'd cooperated with the government.

"You like to drink?" Michael J. Garza asked. "And drive while intoxicated?"

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Miguel Angel Garza admitted he'd been convicted on several drunken driving charges.

"And you've done that on more than three occasions?" Michael J. Garza said. "And been arrested?"

Throughout his testimony, Miguel Angel Garza appeared very nervous and frequently veered off topic.

When he finished testifying, Miguel Angel Garza was in such a hurry to leave the courtroom that he tripped over a cord and nearly fell.

Garcia also quizzed Rodriguez and his aunt, Mary Alice Palacios, about the voter fraud complaint.

Rodriguez said he didn't talk with Mary Alice Palacios about the complaint before or after she filed it. Mary Alice Palacios, who testified separately, backed up his story.

"How credible is it that she never spoke to her own nephew about it? This has been the talk of the county for the last three years," Garcia said. "And yet she testified, under oath, before your honor, that she never spoke to him before, during or after. I think that credibility is questionable, judge."

Michael J. Garza, who could barely contain his contempt for the allegations, pushed back hard.

"I cited a case that talked about society's interest. And the citizens of the city of Edinburg had an interest. They have a mayor who's supposed to represent that interest but instead is more concerned with his own," Michael J. Garza said. "And that interest is to have a government that is elected free of fraud."

The facts just don't meet the standard to disqualify the District Attorney's Office, Michael J. Garza said, adding that Molina couldn't muster credible witnesses.

"Nothing in any of the testimony comes remotely close to suggesting that there's a conflict of interest," Michael J. Garza said. "And that somehow Mr. Molina's rights are infringed upon because of this imaginary statement that they want to impute some kind of a bias from some kind of made up political war on the district attorney."

Valdez sided with the District Attorney's Office. The case may head to trial in the spring.

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Abbott makes it official, files to run for 3rd term as Texas governor
Edward McKinley
San Antonio Express-News
November 24, 2021
https://www.expressnews.com/politics/texas/article/Abbott-makes-it-official-files-to-run-for-3rd-16649026.php

Gov. Greg Abbott is officially running for reelection after filing paperwork Tuesday with the Texas Secretary of State's office.

Abbott's filing comes as no surprise. The 64-year-old Republican has hosted political events and been fundraising aggressively throughout much of the year, and his campaign had $55 million in its warchest at the end of June as Abbott prepared to face challengers from within his own party in the March 2022 primary election.

"I am running for re-election so that we can continue to secure the border, support our police, and keep Texas the best state for business," the two-term governor wrote in a Tuesday news release.

Other Republican contenders for governor include Don Huffines, a former state senator, and Allen West, an ex-Florida congressman and former chair of the Texas GOP. West and Huffines have been quick to critique Abbott as insufficiently conservative on a number of issues, often pushing the governor to the right.

Polls have shown Abbott with a significant lead over his primary challengers. If he overcomes them, he would likely face former Democratic congressman Beto O'Rourke, himself a prolific fundraiser, who began his campaign last week.

Republican Lt. Gov. Dan Patrick also filed for reelection this week, writing: "Like Travis at the Alamo, I am drawing a line in the sand. I will not yield, I will not waiver. I am resolved to continue the fight for the safety and security of Texas."

Democratic candidates vying to run against Patrick include Mike Collier, who ran unsuccessfully for the seat in 2018, state Rep. Michelle Beckley, and Matthew Dowd, a political commentator and former Republican strategist.

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Texas' new district maps under fire as 2022 candidate deadline looms
Cat Keenan
KAMR-TV
November 24, 2021
https://www.myhighplains.com/news/your-local-election-hq/texas-new-district-maps-under-fire-as-2022-candidate-deadline-looms/

AMARILLO, Texas (KAMR/KCIT) – While the restructuring of Texas' district maps was inevitable after the 2020 census was completed, a growing list of lawsuits against how the state government grouped together land and voters could impact the 2022 elections in ways voters may not expect. Here's a look at the current state of Texas' congressional and senate districts, and how the High Plains could be impacted in the near future.

The 2020 census and the Texas Legislature

Florida, Texas, and the Carolinas were among states that, according to 2020 census data, benefitted the most from

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population growth. Amarillo saw an increase in the population of about 1.6%, and Texas overall saw an increase of 16% from the 2010 census. The South, according to the data, and the West have been overtaking the Northeast and Midwest in having the majority of the country's population.

Because of results from the census, not only did Texas gain two new seats in the US House of Representatives, but population distribution throughout the state led to district lines needing to be reset to adhere to federal law.

Texas Tech University Political Science Professor Mark McKenzie explained to NPR in September that while provisions to protect voters of color from discrimination were removed in 2013, state governments are required to have equal populations in each district. Specific demographics, economic, and geographic interests across those districts don't need to coordinate.

West Texas A&M University Assistant Professor Christopher Macaulay, Ph.D., said that each Texas US Congressional District needed to have around 766,000 people – which led to the expansion of territory such as District 13, containing Amarillo, which was already the second-largest geographical district in the state.

In September 2021, Texas Governor Greg Abbott called a third special legislative session for the state legislature to focus on redistricting. Using the released data from the 2020 census, which came months later than the initial census bureau plan of delivering data by the end of March, the Texas State House and Senate went back and forth until Abbott signed the newly created maps into law on Oct. 25.

Local representatives, school size and funding, early childhood programs, where grocery stores are built, and which roads are repaired are only a few aspects of day-to-day impacts the census count and redistricting are expected to have on Texas communities.

The Texas Legislature and a list of lawsuits

Millions of Texas residents have been noted by census experts as among those most difficult to count – immigrants, poor Texans, non-English speakers being a few. However, despite that difficulty, census data showed that 95% of the population growth in Texas since 2010 was through people of color, and half of the total gains were through Hispanic people. Despite that, the new Texas House map drops the number of districts in which Hispanic people make up the majority of eligible voters from 33 to 30, and the congressional map reduced the number of districts with a Hispanic voting majority from eight to seven.

Often with this disparity cited as one of the causes, as well as the constitutionality of the entire redistricting process, the census and redistricting efforts in Texas have been dotted with lawsuits against the state legislature from communities and colleagues alike.

September saw two Texas state senators file lawsuits that contended district maps could not be legally redrawn during a special session, which ended up the process after months of census data delays.
In October, two federal lawsuits were filed against the redistricting efforts' constitutionality, and the Latino civil rights group Voto Latino alongside 13 Texas voters sued to ask a Texas US District Court to overturn the new maps.

In November, three separate lawsuits were filed by Texas lawmakers that also sought to overturn the maps, and several civil rights groups filed suit against Governor Abbott and Texas Secretary of State John Scott with the argument that the new maps were racially discriminatory.

While the exact dates in which these cases will be heard in court have remained unclear, and their verdicts not yet settled, these lawsuits carry the potential to further delay or even upend Texas' 2022 elections. After census data delays already led to the candidate filing deadline for the election to be set to Dec. 13, the primary elections were set for early May and the general election for November. However, depending on the actions of the courts, those dates could see further changes.

For a number of decades, including at recently as 2017, legislators have been sued on similar bases and higher courts have found that Texas lawmakers intentionally discriminated against Hispanic and Black voters during mapmaking.

The day-to-day thoughts from communities

It has not been only some lawmakers and civil rights organizations that have spoken out in objection or confusion regarding the newly drawn districts. Both rural and urban voters have either protested the maps or pleaded with lawmakers for consideration while they were being made.

Angela Arthur from Ralls, outside of Lubbock, asked lawmakers during a Texas House redistricting committee hearing to consider keeping communities with similar interests together. She worried that merging agricultural communities with more urban big-city centers would impact the quality of representation citizens like her and her neighbors would get at state and federal levels of government.

"It may seem like our county is not concerned about this issue or where or what we'll be paired with. This is not the case," Arthur said, "I don't want our county needs to be overlooked and underserved because of our size and population."

However, despite that sort of plea from rural and urban citizens alike, the new Texas maps have resulted in sometimes strangely-shaped districts that can group populations hours away from one another together while splitting up neighbors a few houses down the road.

Macaulay further noted that rural districts like 13 and 19 could see their representation even more diluted than in the past. Altogether, the watering down of voter demographics and day-to-day priorities across urban centers and the large swaths of rural communities across the state has appeared to be a concern many Texans share as common ground.

Although changes could arise before incoming election days, current candidates can be tracked here alongside other coverage from Your Local Election Headquarters.

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Galveston Republicans gut precinct represented by county's lone Black, Democratic county commissioner
Jasper Scherer
Houston Chronicle
November 29, 2021
https://www.houstonchronicle.com/politics/texas/article/Galveston-Republicans-gut-precinct-represented-by-16654380.php

During the last moments his political precinct was still intact, the lone Black member of the Galveston County Commissioners Court delivered a closing message to his all-Republican colleagues, as they prepared to approve a map that would effectively doom his re-election chances.

"We are not going to go quietly in the night," Commissioner Stephen Holmes said, half turning to address the other members at a Nov. 12 meeting. "We are going to rage, rage, rage until justice is done."

The new map, approved seconds later, dramatically reshapes Holmes' Precinct 3, uprooting it from areas that he had represented since being appointed to the court in 1999. While the precinct had previously cut through the middle of Galveston County, covering an area where the majority of eligible voters were Black and Hispanic, it is now consolidated in the largely white and Republican northwest corner of the county, taking in Friendswood and League City.

Under the freshly drawn boundaries, Galveston County Republicans have laid the groundwork for winning a 5-0 majority on Commissioners Court in a county where 38 percent of voters cast their ballots for President Joe Biden last year. Holmes, the court's only Democrat, is up for re-election in 2024.

The dismantling of Holmes' precinct mirrors the aggressive redistricting efforts seen across the country in recent months, with members of both parties using data from the 2020 Census to draw new political boundaries that expand or preserve their majorities — often at the expense of their fellow elected officials.

No longer bound by strict federal supervision, Texas and other Republican-led southern states have crafted new maps in which minority voters are drawn into predominantly white districts. They've also enacted voting restrictions that critics say are aimed at suppressing turnout of minority communities.

Holmes said he expects to be replaced by a white candidate, given that only about a quarter of the eligible voters in his new precinct are minorities.

"Even though Galveston County is 45 percent minority, every single member of the Galveston County Commissioners Court, under the new map, is going to be Anglo," Holmes said in an interview. "Minorities would not be represented by, or have the opportunity to elect, the candidate of their choice."

The map will likely give Republicans all but unchecked power to enact conservative policies on the court, which adopts the county's annual tax rate and budget, approves its spending and maintains its infrastructure, such as county buildings, roads and bridges.

County Judge Mark Henry, who was elected in 2010, has brought a conservative posture to his role, which includes presiding over the court. He refused to enforce some of Gov. Greg Abbott's COVID-19 restrictions last year and more recently issued an executive order that sent local authorities to the border, citing what he called an ongoing crisis there.

A spokesperson for Henry — who was joined by Commissioners Darrell Apffel and Joe Giusti in adopting the maps — said he was not available for comment.

Apffel said he supported the new map because it brings Galveston Island and Bolivar Peninsula into a single precinct, replacing the prior layout that split those areas among three commissioners, the Galveston County Daily News reported.

'Diluting their power'

This is not the first time that redistricting, the decennial process of redrawing political maps to ensure each commissioner precinct has roughly the same number of residents, has threatened Holmes' political career.

In 2012, the U.S. Department of Justice struck down Galveston County's maps, finding that the plan — which had been drawn up by a Republican consultant — diluted the strength of minority voters in commissioner, constable and justice-of-the-peace precincts. Federal officials also concluded that Holmes was deliberately excluded from "meaningful involvement" in the map-drawing process, which had resulted in a proposal to fold the bright red Bolivar Peninsula into his precinct.

This time, Galveston County's maps are no longer subject to Justice Department review. In 2013, the U.S. Supreme Court struck down the so-called "preclearance" requirement of the Voting Rights Act that forced Texas and other states with a history of racial discrimination to obtain DOJ approval for changes to political maps and election laws.

"There is no longer an incentive not to be aggressive," said Michael Li, a redistricting expert and senior counsel for the Brennan Center for Justice at New York University. "In other words, you can be aggressive in drawing maps knowing that those maps ultimately may get struck down, but that getting them struck down will take time — and in the meantime, you get to use them in one or multiple election cycles."

Holmes did not say whether he planned to challenge the new map in court, though he has called on the Justice Department to do so, arguing that the redrawn boundaries violate Section 2 of the Voting Rights Act. The section broadly bars racially discriminatory voting practices, including those that minimize the voting strength of racial minority groups.

As GOP-led legislatures across the South enact new maps that consolidate their power, Li said it has become clear that Republicans are preparing to argue that the Voting Rights Act only protects districts where a single minority group forms a majority — unlike Holmes' former precinct, where Black and Hispanic voters combined to form a majority. That question has never been decided by the high court.

In recent weeks, other commissioners courts in the Houston area have also reconfigured their boundaries to protect or bolster the majority party, including courts in Democrat-controlled Harris and Fort Bend counties, where longtime Republican

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commissioners are now in jeopardy of losing re-election.

But those new maps were not drawn up “at the expense of communities of color,” Li said, drawing a distinction with the Galveston County map.

“Here, people of color are being used sort of as the tool by which you accomplish this partisan power grab,” Li said. “You're diluting their power, and you're depriving them of a seat at the table.”

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Early voting begins this week in Mesquite city council runoff
Leah Waters
Dallas Morning News
November 24, 2021
https://www.dallasnews.com/news/2021/11/24/early-voting-begins-this-week-in-mesquite-city-council-runoff/

Mesquite voters in Districts 1 and 3 can cast ballots this week as early voting begins in a runoff for two city council seats.

Jeff Casper and David Burris are vying for the District 1 seat, and Jennifer Vidler and Elizabeth Rodriguez-Ross will face off for District 3.

Casper and Burris both won 42% of 1,156 votes; Vidler claimed 47% and Rodriguez-Ross secured 36% of 1,008 votes.

Jeff Casper, a teacher and 30-year Mesquite resident, served as District 2 council member on the city council between 2015 and 2019. Casper serves on various boards and commissions for the city of Mesquite and Mesquite ISD.

David Burris, a retired 64-year resident of Mesquite, is running in his first city election. He is a mentor for Poteet High School football players, an umpire for Mesquite Baseball Inc. and a member of the local American Business Clubs (AMBUCS) chapter. He has also mentored youths at First United Methodist Church, Mesquite.

Elizabeth Rodriguez-Ross — a homemaker, senior hostess at E Bar Tex Mex and 35-year Mesquite resident — is running in her first city council election. She has been involved with community groups such as the Mesquite Pee Wee Football Association, Mesquite Soccer Association, NMHS Booster Club and LULAC-Mesquite.

Jennifer Vidler, a small business owner and 47-year Mesquite resident, is running in her second city council election, after losing a bid for Place 3 to Robert Miklos in 2019. She served on the Board of Adjustments and Traffic Advisory Board, and as the Planning and Zoning commissioner from 2014-19. Vidler sits on various community boards, including Old Town Mesquite/Community Heart, which focuses on the revitalization of downtown.

The runoff election day is Dec. 7.

Early voting times and location
Early voting will be at Florence Recreation Center at 2501 Whitson Way.

- Monday, Nov. 22, and Wednesday, Nov. 24, from 8 a.m. to 5 p.m.
- No voting on Nov. 25-26 because of the Thanksgiving holiday.
- Saturday, Nov. 27, from 8 a.m. to 5 p.m.
- Sunday, Nov. 28, from 1 to 6 p.m.
- Monday, Nov. 29, and Wednesday, Dec. 1, from 8 a.m. to 5 p.m.
- Thursday, Dec. 2, and Friday, Dec. 3, from 7 a.m. to 7 p.m.

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Burnet County might keep additional early voting sites
Suzanne Freeman
Daily Trib
November 24, 2021
https://www.dailytrib.com/2021/11/24/county-might-keep-4-early-voting-sites/

Having four polling sites open for early voting in primary elections should become the new norm, Burnet County commissioners informally agreed at a regular meeting Tuesday, Nov. 23. Burnet County Elections Administrator Doug Ferguson recommended keeping polling locations in Bertram and Granite Shoals for a total of four during the two weeks of early voting for the March 1, 2022, Republican and Democratic primaries.

“Having four locations for early voting last fall was very helpful,” Ferguson said. “Especially, since traditionally in the primary, we have the same amount (of voters) in early voting as on Election Day. In fact, we’ve grown a little in early voting.”

Providing more access to early voting, which is Feb. 14-25, 2022, keeps Election Day lines from growing too long, especially in the Burnet County Courthouse South Annex in Marble Falls, he continued.

“My recommendation is to prepare for the worst and have those two additional locations open,” Ferguson said. “Let’s let that be the new standard.”

The two additional locations are in the Bertram Library, 170 S. Gabriel St., and the Granite Shoals Community Center, 1208 N. Phillips Ranch Road. The other two locations are in the Burnet County AgriLife Extension building, 607 N. Vandeveer in Burnet, and the South Annex, 810 Steve Hawkins Parkway in Marble Falls.

No vote was taken on the issue, but all seemed in general agreement with Ferguson’s recommendation.

“That’s the responsible thing to do,” County Judge James Oakley said.

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Polling locations will be finalized at a later Commissioners Court meeting.

Commissioners did vote to approve all contracts pertaining to the primary elections this coming March.

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Democratic frustration growing over stagnating voting rights bills
Tal Axelrod
The Hill
November 28, 2021
https://thehill.com/homenews/campaign/583077-democratic-frustration-growing-over-stagnating-voting-rights-bills

Frustration among Democrats and activists is growing over stagnating legislation on Capitol Hill meant to expand voting rights, an issue the party has said is a priority but has been unable to clinch a victory on in Congress.

The dissatisfaction is mushrooming as Democrats repeatedly try and fail to muscle two bills – the John Lewis Voting Rights Advancement Act and the Freedom to Vote Act – through a 50-50 Senate after both pieces of legislation passed through the narrowly divided House.

Republicans in Washington remain almost unanimously opposed to the voting rights expansions, leaving Democrats forced to confront their dwindling options and activists calling for bold reforms to Senate rules.

“If the Senate can pass the two bills that it has before it, we could be at a turning point heading in a new direction on this issue. Until that happens, and if that doesn't happen, then I think we have a lot to be concerned about right now,” said Sean Morales-Doyle, the acting director of the voting rights and elections program at the Brennan Center. “There have been a lot of states taking action to restrict access to voting in the last year.”

Democrats have insisted that voting rights is a priority, casting expanded access to the ballot box as a necessity as Republicans, led by former President Trump, decry unsubstantiated allegations of fraud in the 2020 presidential race and look to implement restrictions in key swing states that President Biden flipped last year.

Most recently, Senate Republicans on Nov. 3 blocked the chamber from debating the voting rights legislation named after the late Rep. John Lewis (D-Ga.), a civil rights icon.

The bill would strengthen sections of the 1965 Voting Rights Act that required Justice Department preclearance before some states could change voting laws and dropped a requirement for localities with growing minority populations to get preclearance for changes on offering food or drinks to people waiting in line to vote.

Democrats were able to win over Sen. Lisa Murkowski (R-Alaska), but no other Republicans voted to start debate, and Democrats fell short of the 60 votes needed to break a filibuster and move the bill forward, sparking another round of lamentations from lawmakers over the lack of progress on the issue.

“At virtually every turn, we have been met with resistance. What has happened to the Party of Lincoln? What has happened to that noble, noble view that voting rights is important on both sides of the aisle?” Senate Majority Leader Chuck Schumer (D-N.Y.) said the day after the vote. “The Senate is capable of far more than what we have seen from our Republican colleagues on voting rights.”

Besides the bill named after Lewis, Democrats have also been stymied in their attempts to proceed with debate on the Freedom to Vote Act. That legislation would, among other things, give all voters access to a minimum of 15 early voting days and same-day registration, make Election Day a federal holiday and expand the ability to vote by mail.

Amid the gridlock in Washington, Democrats have seen states pass laws that they liken to voter suppression.

In Texas, Gov. Greg Abbott (R) signed into law legislation that prohibits round-the-clock polling stations, implements new restrictions on drive-thru voting and voting by mail, empowers partisan poll watchers who can observe an election, increases the requirements for identification voters must show when they cast a ballot and prevents elections officials from distributing vote-by-mail applications to voters who have not specifically requested them.

Georgia Gov. Brian Kemp (R) also signed a law requiring a photo ID to vote by mail, limiting the time people have to request an absentee ballot and restricting where ballot drop boxes can be located.

And Florida Gov. Ron DeSantis (R) also issued new restrictions, including curtailing voter access to absentee ballot drop boxes used by most Florida counties and mandating voters who want to cast absentee ballots to submit new requests every election cycle instead of every four years.

All told, 19 states ratified 33 laws that make it harder for Americans to vote, according to the Brennan Center.

Lawmakers say those restrictions up the ante for Democrats to pass a federal bill.

“Mostly from a national perspective, I think that's where we should have the most hope. I think to have the greatest impact is first to have a national standard when it comes to voting rights in this country. These proposals are kind of sitting on third base, if you will,” said state Rep. Trey Martinez Fischer (D-Texas), who fled to Washington earlier this year to deny the state legislature a quorum to pass Texas’s voter restrictions, a gambit that only temporarily worked.

However, activists say the stumbling blocks to passing legislation in Congress are blocking off any path to passing laws at the federal level – absent a change in the Senate’s rules.

Progressive lawmakers and outside proponents of implementing sweeping elections reforms have made the filibuster public enemy No. 1, saying the 60-vote hurdle to pass most legislation in the Senate must go or at least be altered to include a carve out for certain issues like voting rights.

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“I think that they should get rid of the filibuster,” said Nsé Ufot, the CEO of the New Georgia Project. “Stop playing, get rid of the filibuster, do whatever carve out you need to do to make you feel like you are playing well with others, but we need to stop lying and stop pretending like we are not seeing what is happening right now with American democracy.”

But changing the rules is no easy feat.

In a 50-50 Senate Democrats would need all 50 of their members to agree to a change, and Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) have said they don’t support any adjustments.

Manchin, one of the most vocal opponents of altering the filibuster, has said he wants to move voting rights legislation forward in a bipartisan fashion. But activists are growing tired of that effort given the West Virginian’s inability to bring the requisite number of Republicans over to his side.

“It seems like there’s the desire to allow these attacks on our democracy to continue so that folks can continue to worship at the temple of bipartisanship,” Ufot said. “And unfortunately, I don't think that that is an aim, a goal that's worthy of our time, attention, frustration or resources in this moment. Bipartisanship should not come at the expense of being able to participate in our democracy.”

“I'm gonna let him do his thing,” she added of Manchin. “But at some point, we need to stop pretending and just acknowledge that someone farted in the room, and it stinks.”

Biden, for his part, has expressed openness to altering the filibuster, providing a jolt to progressives after saying in October he thinks “we’re going to have to move to the point where we fundamentally alter the filibuster.”

However, he has not pressured senators to get behind any specific changes, which, combined with his focus on passing sprawling infrastructure and social spending bills, have led activists to accuse Biden of not actively prioritizing voting rights in line with the way he speaks about the issue in public.

“It's definitely not a priority,” Cliff Albright, the co-founder and executive director of Black Voters Matter, told The Hill. “Anytime you say, ‘we're going to get to this after A, B and C,’ then by definition this is not a priority.”

When asked for comment on the criticism, the White House did not directly respond but pointed The Hill to comments by Principal Deputy Press Secretary Karine Jean-Pierre at a briefing earlier this month in which she maintained Biden “is committed to making sure that the fundamental right to vote … still exists.”

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Absentee request deadline trips voters under new Georgia law
Associated Press
November 28, 2021
http://www.elpasoinc.com/news/texas/absentee-request-deadline-trips-voters-under-new-georgia-law/article_f7e1dec2-bcf5-5a36-8de0-aac2fa35e62e.html

ATLANTA (AP) — More than half of absentee ballot applications rejected in Georgia in advance of the Nov. 2 elections were turned down because they came in after a deadline created in Georgia's new voting law.

The Atlanta Journal-Constitution reports 52% of applications were rejected because voters asked for an absentee ballot within the last 11 days before the election, too late to meet the requirements of a voting law passed in March.

The deadline was created in Senate Bill 202, which also limited absentee voting by restricting drop boxes and requiring voters to prove they had a driver's license or other state identification when applying.

The top reason Georgia election officials rejected absentee ballot applications this fall was that they were submitted too close to Election Day, missing a deadline imposed by the state’s new voting law.

Republicans in the General Assembly pushed through the new law after a record 1.3 million Georgians mailed in or dropped off ballots in the 2020 presidential election.

The newspaper reports about 26% of those who made absentee ballot requests after the deadline later cast ballots in person on Election Day.

Some voting groups supported an earlier request deadline, saying it ensures voters have enough time to return their ballots by mail before Election Day. In past elections, voters could request absentee ballots until the Friday before an election, and many mail-in ballots were never returned.

“The way it was before, you almost were setting voters up to fail,” said Amber McReynolds, the founding CEO for the National Vote at Home Institute, which advocates for voting access outside polling places. “That’s actually a best practice to cut it off so that voters are actually receiving the ballot with enough time to get it back.”

Critics of the absentee request deadline said it’s too early and hinders voters from being able to cast ballots.

State Election Board member Sara Tindall Ghazal, appointed by the Democrats Party of Georgia, said the deadline should be five to seven days before Election Day.

“Far too many voters end up being disenfranchised,” Ghazal said. “It leads to many voters getting their applications rejected and not able to access their ballot otherwise.”

Overall, election officials rejected 4% of absentee ballot requests for municipal elections on Nov. 2, according to records analyzed by The Atlanta Journal-Constitution. There were 1,362 rejected absentee ballot applications out of 35,312 submitted.

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That's an increase from fewer than 1% of absentee ballot applications rejected in 2020's general election.

The second-largest cause of absentee application rejections also stemmed from Georgia's voting law. Missing or incorrect ID information accounted for 15% of denied ballot requests.

The voting law requires a driver's license number, state ID number or a photocopy of another form of ID for absentee voting. Previously, election officials verified absentee voters by a system of signature matching and registration information verification.

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Inside the 'big wave' of misinformation targeted at Latinos
Amanda Seitz and Will Weissert
Associated Press
November 28, 2021
https://abcnews.go.com/Politics/wireStory/inside-big-wave-misinformation-targeted-latinos-81440503

WASHINGTON -- Before last year's presidential election, Facebook ads targeting Latino voters described Joe Biden as a communist. During his inauguration, another conspiracy theory spread online and on Spanish-language radio warning that a brooch worn by Lady Gaga signaled Biden was working with shadowy, leftist figures abroad.

And in the final stretch of Virginia's election for governor, stories written in Spanish accused Biden of ordering the arrest of a man during a school board meeting.

None of that was true. But such misinformation represents a growing threat to Democrats, who are anxious about their standing with Latino voters after surprise losses last year in places like South Florida and the Rio Grande Valley in Texas.

Heading into a midterm election in which control of Congress is at stake, lawmakers, researchers and activists are preparing for another onslaught of falsehoods targeted at Spanish-speaking voters. And they say social media platforms that often host those mistruths aren't prepared.

"For a lot of people, there's a lot of concern that 2022 will be another big wave," said Guy Mentel, executive director of Global Americans, a think tank that provides analysis of key issues throughout the Americas.

This month's elections may be a preview of what's to come.

After Democratic incumbent Phil Murphy won New Jersey's close governor's race, Spanish-language videos falsely claimed the vote was rigged, despite no evidence of widespread voter fraud — a fact the Republican candidate acknowledged, calling the results "legal and fair."

In Virginia, where Republican Glenn Youngkin campaigned successfully on promises to defend "parental rights" in classrooms, false headlines around a controversial school board meeting emerged.

"Biden ordenó arrestar a padre de una joven violada por un trans," read one of several misleading articles, translating to "Biden ordered the arrest of a father whose daughter was raped by a trans."

The mistruth was spun from an altercation during a chaotic school board meeting months earlier in Loudoun County that resulted in the arrest of a father whose daughter was sexually assaulted in a bathroom by another student. The father claimed the suspect was "gender fluid," which sparked outcry over the school's policy allowing transgender students to use bathrooms matching their gender identity.

In reality, the White House wasn't involved with the meeting. The man was arrested by the local sheriff's department. It's also unclear how the suspect identifies.

Loudoun County was already the epicenter of a heated political debate over how the history of racism is taught in schools — another issue that became fodder for misinformation and political attacks on Spanish-language websites this summer, said Maria Teresa Kumar, president and CEO of Voto Latino, a nonprofit that mobilizes Hispanics to become politically engaged.

"It has everything to do with trust in institutions. Trust in government," said Kumar, whose group works to combat the misinformation. "Eroding that trust will transfer not just to voting in the midterms, but just overall disengagement from your government."

Stretched truths accusing some Democrats of being socialists or communists could also dominate the online narrative, said Diego Groisman, a research analyst at New York University's Cybersecurity for Democracy project.

During the 2020 election, Groisman flagged Facebook ads targeting Latino voters in Texas and Florida that described Biden as a "communist." The ads in Florida — where a majority of the country's Venezuelan population is concentrated — compared Biden to that country's socialist President Nicolás Maduro.

"There were clearly specific Spanish-speaking communities that were being targeted," said Laura Edelson, the lead researcher for NYU's program.

Evelyn Pérez-Verdía, a Florida Democratic strategist who watches Spanish misinformation patterns, says many online narratives intentionally stoke "fear in the Spanish-speaking communities."

One conspiracy theory mentioned on talk radio grew out of Lady Gaga's golden bird brooch at Biden's inauguration. Some spreading the claim noted a similar brooch once worn by Claudia López Hernandez, the first openly gay mayor of Bogota, Colombia, signaled the new president was working with foreign leftists.

"They're not going to stop. They're going to double down on it," Pérez-Verdía said of the misinformation.

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Critics argue that social media companies like Meta, which owns Facebook, Instagram and WhatsApp, have placed outsize attention on removing or fact-checking misinformation in English over other languages like Spanish.

Facebook's own documents, leaked by ex-Facebook employee turned whistleblower Frances Haugen earlier this year, echo those concerns. Haugen said the company spends 87% of its misinformation budget on U.S. content — a figure that Meta spokesperson Kevin McAllister said is "out of context."

An internal Facebook memo, written in March, revealed the company's ability to detect anti-vaccine rhetoric and misinformation was "basically non-existent" in non-English comments.

Last year, for example, Instagram and Facebook banned "#plandemic," a hashtag associated with a video full of COVID-19 conspiracy theories. Yet users were spreading misinformation on the platforms using "#plandemia," the Spanish version of the hashtag, until just last month.

An analysis last year by Avaaz, a left-leaning advocacy group that tracks online misinformation, also found Facebook failed to flag 70% of Spanish-language misinformation surrounding COVID-19 compared to just 29% of such information in English.

McAllister said the company removes false Spanish-language claims about voter fraud, COVID-19 and vaccines. Four news outlets, including The Associated Press, also fact-check Spanish-language falsehoods circulating around U.S. content on Instagram and Facebook.

Meanwhile, researchers at the nonpartisan Global Disinformation Index estimated that Google will make $12 million this year off ads on websites that peddled COVID-19 disinformation in Spanish. Google has "stopped serving ads on a majority of the pages shared in the report," company spokesperson Michael Aciman said in an email.

"Spanish-language misinformation campaigns are absolutely exploding on social media platforms like Facebook, WhatsApp, etc.," New York Democratic Rep. Alexandria Ocasio-Cortez, one of the party's top progressive voices, tweeted after the Nov. 2 election.

That explosion is fueled in part by a U.S.-Latin America feedback loop that allows falsehoods to fester.

Misinformation that starts on U.S. websites is sometimes translated by social media pages in Latin American countries like Colombia and Venezuela. The inaccuracies are shared back through YouTube videos or messaging apps with Spanish speakers in expatriate communities like those in Miami and Houston.

Those falsehoods are more likely to reach U.S. Latinos because they tend to spend more time on sites such as YouTube, WhatsApp, Instagram and Telegram, according to an October Nielsen report.

"We see YouTube accounts or radio stations churning out mis- or disinformation regarding a whole range of things that they pick up from fringe U.S. outlets," Mentel said.

Some are working to fill the void of reliable information in those communities.

The Oakland, California, news service El Timpano delivers a text message of local news in Spanish to roughly 2,000 subscribers every week. Subscribers can text back with questions that staffers work to answer, said Madeleine Blair, who launched El Timpano.

The news service has fielded more than 1,500 questions over the past year, including ones about hoax COVID-19 cures.

"We really ramped up because it was clear that the communities we were serving were most in need of basic public health information," Blair said, "and that information wasn't reaching them."

Others have urged the government to take on a watchdog role. Federal Trade Commission commissioner Rebecca Kelly Slaughter, a Democrat, said the regulator may look at disparities in how Big Tech monitors English-language disinformation compared to other languages.

"The first thing I think we need to do is investigate," Slaughter said during a November panel with lawmakers.

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Family, police say couple orchestrated scheme to deed 8 homes from man who died to their nonprofit
Tanya Eiserer and Mark Smith
WFAA-TV
November 23, 2021
https://www.wfaa.com/article/news/local/investigates/dirty-deeds-family-couple-scheme-deed-8-homes/287-cf7ba507-0320-4557-8bf7-0890b5283e29

DALLAS — Arnold Young never married, never had children and served in the Army. He taught elementary school in Dallas.

Over the course of his 82 years, he amassed a small real estate empire: nine homes in Dallas County, part ownership in a funeral home, and land in East Texas.

"He was about family and he was just a hard-working man," his niece, Audrey Hogg said.

So, his family was heartbroken when he fell ill of prostate cancer last fall. His decline was rapid. Surrounded by family, he passed away in February.

Young's family thought settling his estate would be a simple matter. Young meticulously listed the relatives who would inherit his properties in a 2014 will. He designated Hogg and his sister as executors.

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But within weeks of his death, family members discovered deeds, which transferred ownership of nine of Young's houses, had been filed with the Dallas County Clerk's office.

The houses had a value of more than a million dollars. The deeds transferring titles had allegedly been signed by Arnold Young.

One deed transferred ownership to a tenant. The other eight deeds transferred ownership to a nonprofit called Mutual Freedom, registered to a mailbox at a UPS store in Dallas.

The deeds were dated July 8, 2020 – seven months before Arnold Young's death.

Young's niece told WFAA that she knew immediately that the signatures on the deeds were not her uncle's.

The notary on the deeds: Belinda Tucker.

Tucker and her husband Anthony are the founders of Mutual Freedom, the nonprofit now claiming ownership of eight of the homes. One of the properties deeded to Tucker's nonprofit was Arnold Young's personal residence.

"He would not have done that," Hogg said. "In all my 52 years of living, he never said anything about the Tuckers."

Young's family and their attorney, Alisha Melvin, question how Belinda Tucker could notarize deeds giving control of the properties to herself.

According to the Texas Secretary State's rules for notaries, a notary is a "third party who has no personal interest in the transaction."

"You are not supposed to notarize anything that you have an interest in," Melvin said.

Tucker and her husband both face one felony count for theft in connection with the alleged deed fraud scheme. Belinda Tucker also has been arrested on a separate charge, accusing her of fraudulently selling one of the houses to an unsuspecting buyer.

Since 2019, WFAA has detailed how easy it is to forge people's signatures on property deeds – even the signatures of dead people. Once those deeds are filed with the county clerk, scammers can take control of properties they don't own.

Belinda Tucker declined to answer WFAA's questions. However, she did provide a six-page statement denying that any deed fraud occurred. Tucker also alleged that she and her husband were victims of a conspiracy involving Young's family, the police and city officials.

"My husband and I are merely the victims of false allegations by a disgruntled family member," she wrote.

Tucker, a former Lancaster mayoral candidate, said that after she was shot by a neighbor in 2019, Young reached out to console her. She said he later asked her to notarize some documents.

"As we talked, I noticed there were several deeds that were transferred to my nonprofit organization," Tucker said. "It was hard to say no to someone who was being so generous to me."

She said he also showed her a copy of his will, which named her charity as the beneficiary of those properties.

"Still struggling with bouts of depression, I did nothing with the properties that were transferred to my organization," she said.

She also provided WFAA a handwritten note that she claimed Young sent her around that time. WFAA could not make out the signature on the note.

After learning of Young's death, Tucker filed the deeds with the Dallas County Clerk's office which transferred the title for eight of the properties to her nonprofit. She said she soon contacted tenants to schedule inspections and to determine if she could offer them a new lease under her nonprofit housing.

Young's niece said the first sign of trouble began when one of the tenants refused to pay rent on his Lancaster home. During an April 5 eviction hearing, the tenant presented a deed to a justice of the peace.

Hogg said she looked at the deed and told the judge that it was not her uncle's signature. Hogg called Melvin, who found eight other of Young's properties had been transferred to Mutual Freedom without the family's knowledge.

Hogg filed a report with the Lancaster Police Department the next day.

Around that same time, the Tuckers sent out 30-day vacate notices to the tenants living in Young's houses. Hogg provided WFAA video of Belinda Tucker placing a vacate notice on Arnold Young's personal residence.

Bennie Williams received one of the vacate notices. She and her family have lived in the house for 40 years. Williams said Young never had her sign a lease.

"He was a person that kept his word," Williams said.

Meanwhile, Belinda Tucker was in contact with real estate investor Andrew Howard. He runs ads on a Dallas radio station, offering to buy properties from owners seeking to sell quickly.

Howard maintains an electronic record-keeping system for his real estate business. He kept records of all his contacts with Belinda Tucker. According to his notes, the first time he heard from Tucker was on April 7.

"Belinda called in from radio," his notes say. "Says she loved the AD and it really caught her attention."

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His notes say they reached an agreement for him to buy the house Williams was living in that same day. He agreed to pay $68,000. Two days later, Howard's notes say Belinda told him the tenants have been "unresponsive since they sent notice to vacate."

A few weeks later, Bennie Williams received an eviction notice. Williams said she was shocked when Belinda Tucker and a locksmith showed up to change the locks a few days before the hearing.

"I spoke to Miss Tucker on the phone, and she told me she was coming in," Williams said. "I told her you cannot go in my house, and if you go in my house, I'm going to have you arrested."

A judge dismissed the eviction case, allowing Williams to stay in the home.

On May 19, the Tuckers filed a contest to Young's 2014 will, contending that their nonprofit was the rightful owner of the eight houses.

That same day, according to Howard's notes, Belinda Tucker agreed to sell the house to him for a reduced price of $63,000, once he agreed to buy the house with Williams still living there.

On May 21, Howard closed on the property. The next day, he went to see Williams.

"That didn't go well at all," Howard said. "She met me at the door and told me that this whole thing was a Ponzi scheme, that Belinda didn't own the property so I couldn't possibly own it."

Melvin, the Young family's attorney, had filed paperwork with the county clerk's office to block the sale or transfer of the houses. But the title company missed it, allowing the sale to the Howards to go through.

That left Howard and his wife on the hook for a loan on a house that they lacked clear title.

"What we would like to happen is for it to not be so easy for people to steal property," Howard told WFAA. "We want to buy it, but we want to buy it from the rightful owners."

After Hogg filed a police report, Lancaster Detective Senad Deranjic was assigned to the case.

Deranjic says he investigated the deed transferring ownership to a tenant. The tenant initially denied knowing the Tuckers, Deranjic told WFAA.

Deranjic said the tenant eventually admitted that Anthony Tucker had been his caretaker. The tenant told police that Anthony Tucker came up with the idea to put the house in the tenant's name and gave him the forged warranty deed.

"He said that he fired Anthony after he discovered that Anthony Tucker forged all of the deeds, and not just the deed to his house," Deranjic told WFAA.

Deranjic said he spoke to Belinda Tucker on May 25. He said she denied wanting to sell any of the homes. The detective said Belinda Tucker told him she met Young at a 2015 fundraiser. She denied knowing the tenant, the detective said. Anthony Tucker also denied knowing the tenant, according to police records. But police obtained documents showing Anthony Tucker had been the tenant's caretaker.

Deranjic told WFAA that Belinda Tucker would not provide any evidence – no phone records, no emails, nor text messages – indicating that she knew Arnold Young.

In late October, a justice of the peace ordered the $55,000 check paid to the Tuckers' nonprofit be returned to the Howards' lender.

Belinda Tucker remains adamant that she and her husband have done nothing wrong, but the legal fight between the Tuckers and Young family is far from over.

In late January 2022, Young's family and the Tuckers will face off in court over the Tucker's effort to overturn his 2014 will.

"For them to come in and just take what he built for his family, his legacy, without a thought is painful," Hogg said. "It makes you angry.

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Governor Greg Abbott: Thousands of new jobs coming to Texas, billions in investments
Christina Aguayo
KTSM-TV
November 28, 2021
https://www.krqe.com/news/national/governor-greg-abbott-thousands-of-new-jobs-coming-to-texas-billions-in-investments/

EL PASO, Texas (KTSM) – Gov. Greg Abbott announced that the world's largest commercial real estate services investment firm, CBRE Group, will bring more than 1,000 jobs to two Texas cities.

CBRE Group will invest nearly 30 million dollars in its Dallas headquarters, creating 460 new jobs. With more than a 13 million dollar capital investment going towards an operations center in Richardson, Texas, the group aims to create 550 new jobs.

"Exceptional companies like CBRE are attracted to Texas because of our dynamic workforce and unrivaled business climate. CBRE's expansion in the Dallas-Fort Worth Metroplex will bring over one thousand high-paying jobs and greater opportunities for the hardworking people of North Texas, and I look forward to a strong relationship with the company as we work together to keep Texas the national model for economic prosperity." -GOV. GREG ABBOTT

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Abbott also announced the construction of a Samsung facility, a 17 billion dollar investment, being made in Taylor, Texas.

“Samsung had many other options for this project…this is the largest foreign investment in the state of Texas ever.”-GOV GREG ABBOTT

The Samsung facility will produce advanced microchips for mobile devices, 5G, high-performance computing (HPC), and artificial intelligence (AI).

It is predicted that the creation of the Samsung facility in Taylor will create more than 2,000 technical jobs, thousands of indirect jobs, and at least 6,500 construction jobs. Construction of the facility will start early next year and production will start in 2024.

“Companies like Samsung continue to invest in Texas because of our world-class business climate and exceptional workforce. Samsung’s new semiconductor manufacturing facility in Taylor will bring countless opportunities for hardworking Central Texans and their families and will play a major role in our state’s continued exceptionalism in the semiconductor industry. I look forward to expanding our partnership to keep the Lone Star State a leader in advanced technology and a dynamic economic powerhouse.” -GOV. GREG ABBOTT

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U.S. to require vaccines for all border crossers, starting in January
Zeke Miller
Associated Press
November 24, 2021
https://www.houstonchronicle.com/coronavirus/article/us-vaccine-requirement-texas-mexico-border-16648444.php

WASHINGTON (AP) — President Joe Biden will require essential, nonresident travelers crossing U.S. land borders, such as truck drivers, government and emergency response officials, to be fully vaccinated beginning on Jan. 22, the administration planned to announce.

A senior administration official said the requirement, which the White House previewed in October, brings the rules for essential travelers in line with those that took effect earlier this month for leisure travelers, when the U.S. reopened its borders to fully vaccinated individuals.

Essential travelers entering by ferry will also be required to be fully vaccinated by the same date, the official said. The official spoke to The Associated Press on the condition of anonymity to preview the announcement.

The rules pertain to non-U.S. nationals. American citizens and permanent residents may still enter the U.S. regardless of their vaccination status, but face additional testing hurdles because officials believe they more easily contract and spread COVID-19 and in order to encourage them to get a shot.

The Biden administration pushed back the requirement for essential travelers by more than two months from when it went into effect on Nov. 8 for non-essential visitors to prevent disruptions, particularly among truck drivers who are vital to North American trade. While most cross-border traffic was shut down in the earliest days of the pandemic, essential travelers have been able to transit unimpeded.

Even with the delay, though, Norita Taylor, spokeswoman for the trucking group Owner-Operator Independent Drivers Association, criticized the vaccination requirement, calling it an example of “how unnecessary government mandates can force experienced owner-operators and independent truckers out of business.”

“These requirements are another example of how impractical regulations will send safe drivers off the road,” she said.

The latest deadline is beyond the point by which the Biden administration hopes to have large businesses require their employees to be vaccinated or tested weekly under an emergency regulation issued by the Occupational Health and Safety Administration. That rule is now delayed by litigation, but the White House has encouraged businesses to implement their own mandates regardless of the federal requirement with the aim of boosting vaccination.

About 47 million adults in the U.S. remain unvaccinated, according to figures from the Centers for Disease Control and Prevention.

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Border: New customs requirements for Mexico shipments begin Wednesday
Noi Mahoney
FreightWaves
November 28, 2021
https://www.freightwaves.com/news/new-customs-requirements-for-mexico-shipments-begin-wednesday

New customs requirements for Mexico shipments begin Wednesday

Hoping to quell a rising tide of smuggled goods and lost tax revenue, Mexico’s controversial new waybill regulations — known as the Carta Porte supplement — is scheduled to go into effect Wednesday.

The regulations from the Mexican Tax Authority (SAT) aim to reduce cargo theft and the movement of contraband throughout the country. The SAT also estimates that Mexican authorities are losing as much as $7 billion a year on uncollected taxes from smuggled goods.

Trade officials in Mexico said they support the new regulations but that cross-border operators should be given more time to prepare for the changes.

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“We are convinced of how important it is to fight the smuggling that affects the industry so much, and how essential it is to strengthen formal trade in our country,” José Abugaber, president of the Confederation of Industrial Chambers of Mexico (CONCAMIN), said during a recent video posted on Facebook.

CONCAMIN represents more than 50 industrial chambers across different sectors and advocates for policy initiatives, while providing economic and legal advice to members.

Abugaber said the organization is concerned about the short time remaining for the start of the new regulation.

It’s expected that on Wednesday, the SAT will begin trial enforcement without liability of the waybill information, and on Jan. 1, it will begin full enforcement.

“We have full confidence that the private sector can participate in an important way in the necessary and urgent training and dissemination of [Carta Porte] to a large percentage of service providers and users of all modes of transportation, including SMEs, which require regulatory and technological preparation,” Abugaber said.

“We are concerned about the short time remaining for the mandatory start of this provision. We make a call to consider the extension of the deadline for the entry into force of this complement only for the time strictly necessary to resolve some pending technical aspects.”

The SAT will require any entities sending goods through Mexico to modify their electronic invoices — known as CFDI in Spanish — with the Carta Porte supplement.

All freight of any size traveling by road, rail, air or sea through Mexico and all types of commodities will be required to have the supplement.

One of the forms that parties need to fill out for the supplement has up to about 160 questions. Providing the information will be the responsibility of the shipper, carrier and also suppliers involved in the shipment.

The SAT could fine shippers, carriers or other parties up to $4,500 for not having correct documentation.

Anaid Chacon, Nuvocargo’s head of product, said the company hosted a customer event a few weeks ago during which many were asking about Carte Porte.

New York-based Nuvocargo is a digital logistics platform for cross-border trade between the U.S. and Mexico.

“I think we broke all of our records of assistance during the event because a lot of people really want to know about the subject,” Chacon told FreightWaves.

The new requirements make it more important to vet potential suppliers and vendors to make sure they have the technological capability to handle the new rules, Chacon said.

“One of the things that we’ve seen a shift from, especially more even recently with the Carte Porte regulations changes, is that a lot of the vetting initially was very focused on price. This has now expanded also to include compliance,” Chacon said.

Shippers should be thinking about their suppliers, not only as a cost center and something that they need to spend money on, but as something that can give them a strategic advantage.

“When you’re thinking about the vendors or carriers to work with, it’s thinking about what is their technological aptitude? What tools do they use to manage their internal teams? What kind of visibility do they have in terms of KPIs for metrics that they care about internally as a company; are they able to produce those reports?” Chacon said.

“There’s a lot of changes happening very quickly, as results of regulations or as results of also things that happened with COVID, that you need to be able to respond quickly to and asking those questions [is] super valuable.”

Samsung announces $17B semiconductor plant in Texas

Samsung plans to build a $17 billion semiconductor manufacturing facility in Texas to tackle a global shortage of chips, officials said.

“With greater manufacturing capacity, we will be able to better serve the needs of our customers and contribute to the stability of the global semiconductor supply chain,” Kinam Kim, Samsung’s vice chairman and CEO, said in a statement Tuesday.

The South Korea-based company’s newest factory could create 2,000 high-tech jobs directly and is scheduled to open by the end of 2024.

A global semiconductor chip shortage has affected different manufacturing sectors around the world. Short supplies of semiconductors have hampered production of new vehicles and electronic devices over the past year.

“Increasing domestic production of semiconductor chips is critical for our national and economic security,” said U.S. Commerce Secretary Gina Raimondo in a statement.

Great Lakes Dredge & Dock secures $92.5M contract for Houston Ship Channel

Great Lakes Dredge & Dock Corp. has signed a $92.5 million dredging contract for the Houston Ship Channel Widening and Improvement, known as Project 11.

It represents the first phase of the Houston Ship Channel expansion and deepening program. Dredging is expected to begin in early 2022.

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Great Lakes Dredge & Dock will dredge 11.5 miles of the channel to widen a portion of the bay from 530 feet to 700 feet, according to a release. It will pump 1.6 million cubic yards of dredged material to construct an island for a bird habitat and oyster reef.

The project will allow for larger container and petrochemical ships to navigate the Houston Ship Channel to access the Port of Houston.

Truck driver charged in record-breaking border drug seizure

A truck driver from Mexico faces federal drug charges after he was caught with record-breaking amounts of methamphetamine and fentanyl while trying to cross into the U.S., authorities said.

Carlos Martin-Quintana-Arias was arrested on Nov. 18 after 17,584 pounds of methamphetamine and 389 pounds of fentanyl were seized from a tractor-trailer he was driving at the U.S.-Mexico port of entry in Otay Mesa, California, just south of San Diego.

Authorities said the truck manifest listed automotive parts as the load being transported. Martin-Quintana-Arias was arraigned in San Diego federal court on Nov. 19 on two counts of importation of a controlled substance.

Authorities did not provide an estimated street value for the drugs seized from the truck.

Noi Mahoney is a Texas-based journalist who covers cross-border trade, logistics and supply chains for FreightWaves. He graduated from the University of Texas at Austin with a degree in English in 1999. Mahoney has more than 20 years experience as journalist, working for newspapers in Florida, Maryland and Texas. Contact nmahoney@freightwaves.com

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Human shields, drones, gunships aid Mexico's drug war
Mark Stevenson
Associated Press
November 27, 2021
https://www.borderreport.com/regions/mexico/human-shields-drones-gunships-aid-mexicos-drug-war/

AGUILILLA, Mexico (AP) — The Mexican government is rapidly running out of tools to control the expansion of the feared Jalisco cartel on the front lines of Mexico's narco war in the western state of Michoacan and the stalled ground effort is being supplemented by an increasingly sophisticated aerial conflict.

Jalisco, Mexico's most militarily powerful drug gang, has begun organizing townspeople to act as human shields against army troops, which now just try to keep rival cartels apart.

"If they try to come in here again, we'll put 2,000 people out here to stop them," said Habacuc Solorzano, a 39-year-old farmer who leads the civilian movement associated with the cartel. His statement, like most of what comes out of the Jalisco side, is not mere boasting: He already had about 500 local residents marching last week— then wading across a river — to confront an army squad blocking a dirt road leading out of Jalisco territory.

Residents of Aguililla are fed up with the army's strategy of simply separating the Jalisco and the Michoacan-based Viagras gang. The army policy effectively allows the Viagras — best known for kidnapping and extorting money — to set up roadblocks and checkpoints that have choked off all commerce with Aguililla. Limes and cattle heading out, or supplies heading in, must pay a war tax to the Viagras.

"We'd rather be killed by you than killed by those criminals!" one demonstrator shouted at soldiers during a tense, hour-long confrontation between demonstrators and a squad of a dozen troops who took cover behind a barricade of car tires. Many of the demonstrators carried rocks and powerful slingshots, but did not use them.

The residents want the army to either fight both cartels, or at least let the two gangs battle.

"Let the two cartels fight it out and kill each other," another demonstrator shouted. "Jalisco is going to beat everybody!"

That view is widespread. "What we need is for one cartel to take control, stop the fighting and impose some semblance of calm," said a local priest. "Everything indicates that group is the Jalisco cartel."

Above all, what residents want is for the Viagras' checkpoints to be cleared and the road opened again. Because they must occasionally pass through those roadblocks, none of the residents wanted to give their names for fear of reprisals.

But one explained it this way to the army squad: "The only road into Aguililla is blocked and controlled by a cartel that is only 500 yards away from you, and you (the army) are not doing anything to protect our right to travel freely," he said. "You don't know how hard it is to be paying a war tax that is being used to kill us."

That is actually a fairly accurate description of government policy: preserving the status quo, and making each cartel stay in its own territory.

But Jalisco won't accept the government as the arbiter of drug cartel territorial divisions; the local Jalisco cartel leader says the army is only trying to protect the weaker of the two gangs, the Viagras, for reasons of corruption.

Jalisco is everywhere in Aguililla, from pickups and homemade armored cars bearing the cartel's initials to the small trampolines the gang installed for children in every village.

Some residents say they are strongly pressured to participate in the protests, fearing their water or electricity might be cut off if they don't. Others are just tired of paying the Viagras' war taxes and being cut off from the outside world. One female protester described how her father died in early 2020 because the Viagras wouldn't allow them past to get to a hospital.

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Dozens of cartel gunmen openly wear bulletproof vests emblazoned with the group's Spanish initials, "CJNG" — Jalisco New Generation Cartel — on the back, and on the front, "FEM" — "Mencho's Special Forces," a reference to the nickname of the cartel's leader, Nemesio Oseguera.

Jalisco is the one cartel in Mexico that doesn't hide what it is, and doesn't play to the politics of press relations or restraint.

"We're narcos," said the local Jalisco leader, who did not give his name. "Everybody should mind his own business." His beef with the Viagras and other local gangs he's fighting is that "they want everything for themselves."

Jalisco keeps its sizeable army of troops running with a potent mixture of money — the cartel has a lot, from trafficking fentanyl and meth into the United States — and cocaine, which it flies in from Costa Rica.

As the local boss stands at an impromptu street-side command post, a pickup full of Jalisco gunmen with AR15 assault rifles pulls up. The driver says, "The Scorpion said he needs some stuff," and the boss reaches into his own truck and hands the co-pilot a plastic bag with what appears to be a kilogram brick of cocaine, apparently for "the troops."

Jalisco understands brute force; for the moment, it doesn't bother Aguililla residents much, because it doesn't have to. But if it suspects a resident of actively working for or passing information to the Viagras, that person's life expectancy is likely to be very short.

The local boss shrugs off the government's assertions that cartels like Jalisco are having trouble finding young recruits, due to the current administration's youth employment and training programs.

"It depends on the kind of youth," he says. "Those that sleep under bridges, they come here and they think they're in Paris. There's food here."

"I make it clear to my people that they come here to fight," he adds.

Beyond food, regular pay and unlimited drugs, the Jalisco cartel also offers its young foot soldiers a kind of family structure. Everyone, even the local boss, refers to their immediate superior as "Apa," the way a child would say "Papa."

Both cartels have developed bomb-carrying drones, and the most feared warrior on these battlefields is the "dronero," or drone operator. While initially crude and dangerous to load and operate — and still worrisomely indiscriminate — drone warfare has improved, and it's not unusual to see metal barn or shed roofs opened like tin cans from the impact of drone explosions.

Locals also claim — though there is little evidence beyond a few craters in roads — that the cartels are starting to use land mines.

To handle the increasing firepower in the conflict, the Mexican government has resorted to playing a powerful card to outgun the Jalisco cartel: Blackhawk helicopter gunships equipped with rotating-barrel electric machine guns that can fire 6,000 rounds per minute.

It is a weapon that almost defines ''indiscriminate blanket fire" and is banned in most countries in civil conflicts. It is the kind of weapon President Andrés Manuel López Obrador says he no longer wants.

But for the moment, such massive firepower is the only thing holding Jalisco back.

"They shot up and burned two of our trucks," the local gang boss said of the gunships. "When the soldiers arrive with a helicopter, there's nothing you can do, you just get out of the way."

It's not clear that is going to be the case for long. Jalisco is known for two things: being the most heavily armed cartel in Mexico, and the only one to have ever shot down a military helicopter.

In 2015, Jalisco cartel gunmen brought down a Eurocopter transport helicopter with a rocket-propelled grenade, killing eight soldiers and a police officer. While the choppers Jalisco faces now are Blackhawks, there is little doubt the cartel can come up with something punchier.

The newspaper El Universal published transcripts of intercepted cartel communications where a leader can be heard coaching a sniper with a .50-caliber rifle to put armor-piercing rounds through the door of a helicopter. The Mexican army did not respond to request for comment on this, or other issues.

In the past, Jalisco has obtained squad machine guns, .50-caliber sniper rifles and 40mm grenades and launchers.

The government, afraid of the kind of bloodbath that started in 2018 when the Jalisco cartel moved into the neighboring state of Guanajuato, is now left with an unworkable policy of defending gang territorial divisions, and an increasingly narrow military advantage.

An unnamed army captain who tried to talk with the Aguililla protesters expressed the predicament.

"How can it be that Mexicans are killing other Mexicans?" the captain said. "This just can't be."

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Mexico lays out conditions for restart of 'Remain in Mexico' program
Monique Beals
The Hill
November 26, 2021
https://thehill.com/policy/international/583227-mexico-lays-out-conditions-for-restart-of-remain-in-mexico-program

The Mexican government has laid out various requests it wants met before the Trump-era "Remain in Mexico" program is

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reinstated after a federal judge ordered the Biden administration to restart it.

"The government of Mexico ... has raised various concerns of a humanitarian nature regarding the asylum procedure in the United States," the Mexican Foreign Ministry said in a statement Friday, per Reuters.

Biden and Mexican President Andrés Manuel López Obrador have yet to agree to restart the program, formally known as the Migrant Protection Protocols, which requires asylum-seekers to live in Mexico as they await determination of their applications in the U.S.

Mexico is asking that development programs for southern Mexico and Central America be accelerated in an effort to address the root causes of migration. Additionally, Mexico asked that migrants get medical attention and COVID-19 vaccines and requested "additional resources" for shelters and assistance with legal advice, the news service added.

"The Government of Mexico emphasizes that ... it requires the Government of the United States to promptly address these humanitarian measures," the Foreign Ministry also said, adding that it "awaits a formal response from the United States government," according to Reuters.

Last month, the Biden administration said it was prepared to reimplement the program in mid-November if it could get agreement from the neighboring government.

Axios reported on Wednesday that the White House plans to offer COVID-19 vaccines to asylum-seekers under the program, which sources said could restart within a week, though the administration said that would depend on Mexico.

The moves to restart the Trump-era program, which led to 70,000 asylum-seekers being sent back to Mexico, was prompted by Texas and Missouri winning legal battles that claimed the Biden administration was too quick to retract the policy.

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Texas border landowners ask for federal funding for damage incurred during migrant crisis
Maggie Glynn
Nexstar/KXAN-TV
November 24, 2021
https://www.krqe.com/news/national/texas-border-landowners-ask-for-federal-funding-for-damage-incurred-during-migrant-crisis/

DEL RIO, Texas (Nexstar) — This week, U.S. Senator John Cornyn (R-Texas) met with local leaders in Del Rio to discuss how the current crisis at Texas' southern border is affecting the community.

While local law enforcement and city officials asked for more funding, border communities have already secured $30 million from the federal government to reimburse local communities and non-governmental organizations who had spent significant resources on migrant care.

Landowners, however, said they have been overlooked. The South Texans' Property Rights Association said landowners have experienced property damage and worker shortages due to the migrant crisis.

"We don't want to compete with law enforcement monies because of stolen vehicles and that sort of thing. So where does that come from? That leaves the landowner high and dry," Susan Kibbe, the association's executive director, told Cornyn on Monday.

"There's people that are leaving, employers are losing employees on their property. They don't want to stay anymore," Kibbe said, explaining the employees feel unsafe.

Senator Cornyn said he would take the stories he heard at the roundtable discussion to try to garner attention in D.C.

"We've been doing what we can to bring attention to the issue in a public way. We openly support the state and their efforts. And we're working with them to try to with processing centers and trying to work with all county officials to make it happen. But we need federal help, and we need a mindset change," Kibbe said.

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7 former McAllen Chamber chairs say organization is in 'turmoil'; ask Mayor Villalobos to intervene
Steve Taylor
Rio Grande Guardian
November 26, 2021
https://riograndeguardian.com/7-former-mcallen-chamber-chairs-say-organization-is-in-turmoil-ask-mayor-villalobos-to-intervene/

MCALLEN, Texas – Seven former chairs of McAllen Chamber of Commerce have written to McAllen Mayor Javier Villalobos to express concern over the current leadership of the chamber's board of directors.

In a joint letter, Dora Brown, Joe Brown, Bob McCreery, Karen Valdez, Charles Marina, Maurice Welton, and Larry Delgado claim the McAllen Chamber is currently in "turmoil."

Without naming her directly, the former chairs are clearly unhappy with performance of the current Board Chair Annette Franz.

"Never have we seen the actions of one Chair cause so much unrest within the Chamber, among our Chamber staff and within the Business community of McAllen," the former chairs wrote.

The former chairs say the McAllen Chamber had a great reputation under the leadership of its former president, Steve Ahlenius. He left abruptly last month.

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“We wish to express our disappointment in the actions of the current board of directors and plead for your intervention in securing a change of leadership on the Board of Directors,” the seven former chairs wrote, in their letter to Villalobos.

The letter ends: “Our request is that you restore order to our beloved Chamber before irreparable damage is done to it or our Great City.”

Villalobos received the letter as an attachment to an email from Delgado (pictured above), a master chef and restaurant owner in McAllen. The subject line was marked “Confidential.” The Rio Grande Guardian received the email and the letter via an open records request to the City of McAllen.

Here is what Delgado wrote:

Good evening Mayor,

The attached letter represents the sentiment of some of your past Chairman of the Board of Directors of the McAllen Chamber of Commerce. While we concede that Steve Ahlenius may not be salvageable, we all agree that the Chamber of Commerce is. Thank you for your time.

Larry Delgado

Chef/Owner

Delgado Collective

Here is the letter Delgado and the six other former McAllen Chamber chairs sent Mayor Villalobos:

November 5, 2021

Dear Mayor Villalobos,

We write you in response to the turmoil currently disrupting the McAllen Chamber of Commerce. We wish to express our disappointment in the actions of the current board of directors and plead for your intervention in securing a change in leadership on the Board of Directors.

As former Chair of the board and having served many years on the Board of Directors, we are no strangers to conflict, hardship, or difference of opinion. We are, however, shocked at how quickly and utterly devastating current matters have negatively impacted the reputation and the future of the McAllen Chamber of Commerce. Never have we seen the actions of one Chair cause so much unrest within the Chamber, among the Chamber staff, and within the Business community of McAllen.

Throughout the years we have held our heads high with honor and a great sense of pride for all that the McAllen Chamber of Commerce has stood for and accomplished. This Chamber has stood head and should above any in our region and perhaps the Great State of Texas and has set the standard of excellence for over 20 years culminating in National recognition for their work. The Chamber staff, under the leadership of Steve Ahlenius have worked tirelessly to fulfill the mission of the Chamber to help McAllen businesses be successful and make money, accelerate connections, create economic momentum, and enhance the image and quality of place of McAllen. Our request is that you restore order to our beloved Chamber before irreparable damage is done to it or our Great City.

Respectfully,

Dora Brown,

Chairman of the Board 2005

Joe Brown

Chairman of the Board 2010

Bob McCreery

Chairman of the Board 2011

Karen Valdez

Chairman fo the Board 2012

Charles Marina

Chairman of the Board 2016

Maurice Welton

Chairman of the Board 2017

Larry Delgado

Chairman of the Board 2019

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Column: Texas state senators draw for term lengths
Dave McNeely
Huntsville Item
November 25, 2021
https://www.itemonline.com/opinion/texas-state-senators-draw-for-term-lengths/article_38392a5f-6980-5e12-a9c4-58f8094c1362.html

Unless you are a relatively close follower of Texas politics and government, you may not know this.

The Texas House of Representatives has 150 members, who have two-year terms. All the seats are up for election every two years. No problem.

But the 31 members of the Texas Senate serve staggered four-year terms. That means 15 seats are up for election in one even-numbered election year, and two years later, the other 16 seats are up.

But once a decade, after the decennial census, the Senate adjusts its districts, to accommodate population shifts -- and, to be blunt, to see the party in power gerrymander the districts as much as possible to help their side for elections for the next 10 years.

In the election year following the census – in this case, 2022, after the 2021 redistricting, based on the 2020 census – all 31 senate districts are up for election.

Then, to restore the senate to staggered four- year terms -- roughly half of the senators chosen every two years – all 31 senators elected in 2022 will draw lots early in the regular 140-day legislative session beginning in January of 2023 following the elections of all 31 senators – this time in 2023 – the senators will draw lots to see which 16 get four-year terms, and which 15 will get two-year terms.

And barring successful lawsuits challenging the redistricting, the districts, with the staggered four-year terms will be in place until the 2030 census starts the shuffle once again.

This ritual to restore the staggered terms every ten years can have a major effect on the political choices of senators.

If they draw a two-year term initially, then they will come up for election in presidential election years for the rest of the decade. If they draw a four-year term, their seat will come up for election in non-presidential election years – the years that statewide officials are chosen.

For instance, if a senator wants to run for attorney general, if they initially drew a two-year term, their district would be up for election in the same election years as the attorney general's four-year term.

That means their choice would be "Up or Out." Since you can't be on the ballot for more than one office in an election (except for president or vice-president), you'd have to give up your senate seat to run for attorney general.

An example of the "Up Or Out" race for a state senator was when Democratic state Sen. Wendy Davis was catapulted into national prominence by her filibuster to block an anti-abortion bill in 2013.

She ran in 2014 for governor, rather than for re-election. But she lost the general election to Republican then-Atty. Gen. Greg Abbott. And had sacrificed her senate seat in the process.

If she had drawn a four-year initial term, she could have made a "free-ride race," where a senator could seek statewide office, and if they lost, would still be a senator for another two years.

An example is State Sen. Royce West, the long-time Dallas Democrat, who ran in 2020 for the U.S. Senate seat held by Republican U.S. Sen. John Cornyn.

West lost the Democratic primary runoff to M.J. Hegar and was out of the U.S. Senate contest. But he was still a state senator.

So, the drawing for terms in 2023 among the 31 senators elected in November of 2022 ought to be really interesting – at least to the 31 senators.

Some senators bowing out

Three of the most senior members of the Texas Senate have announced they won't run for re-election in 2022 – leaving their seats up for grabs, which is already going on.

The three are:

— Eddie Lucio, Jr., D - Brownsville 75 – third in seniority, senator since 1991, after two House terms. A surprise, because he had earlier announced he would run again.

His anti-abortion stance distanced him from other Democrats, but endeared him to Republican Lt. Gov. Dan Patrick.

His son, State Rep. Eddie Lucio III, was considered a potential successor, but announced he also will not run for re-election in 2022.

— Jane Nelson, R-Flower Mound, 70, senator since 1993, is the most senior Republican. Chair of the budget-writing Senate Finance Committee for the last four sessions.

— Kel Seliger, Republican, 68, former longtime Amarillo Mayor, joined the Senate in 2005.

— Dawn Buckingham, R-Lakeway, 53, senator since 2017, is leaving to run for Land Commissioner.

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— Senate Dean John Whitmire, D-Houston, 72, a House member for 10 years before joining the Senate in 1983, plans to run for re-election in 2022, but after the regular legislative session ends May 29, 2023, he says he's running for mayor of Houston in November 2023.

—

Dave McNeely is a statewide political columnist. He can be reached via email at[*davemcneely111@gmail.com*](mailto:davemcneely111@gmail.com)

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Unnecessary election audit supports baseless claims of extensive voter fraud
Editorial Board
Beaumont Enterprise
November 27, 2021
https://www.beaumontenterprise.com/opinions/editorials/article/OPINION-Unnecessary-election-audit-supports-16655703.php

John B. Scott, the new Texas secretary of state, believes that a "full forensic audit (of last year's elections) will restore faith in Texas voting." Someone should tell him that most Texans already have faith in Texas voting. That group should include most Texas Republicans, because their party did very well in the 2020 elections. Former president Trump carried the state easily, the GOP won all statewide races and maintained its control of the state House and Senate.

It's hard to see what they are concerned with — maybe not winning by large enough margins? — and what "problem" has to be fixed. Apparently they don't realize how disappointed Texas Democrats were with the 2020 results. Members of that party truly thought they would break through last year; if any party should be questioning the results, it would be them.

Instead, in Texas and across the nation, it is some Republicans pushing the baseless theory that last year's elections were riddled with fraud and somehow the shenanigans must finally be uncovered and exposed. That is why Scott is boasting about the ongoing "top-to-bottom examination of election records in the two largest counties with Democratic Commissioners Courts — Harris and Dallas — as well as the two largest counties with Republican Commissioners Courts — Tarrant and Collin" by his office.

Again, it's not clear what this expensive and unnecessary exercise is supposed to prove. Scott cited one poll which said that 79 percent of Americans in both parties believe there sometimes is cheating in elections. That may be true, but the word "sometimes" is important there. Nothing in life is absolutely perfect, and that includes elections where millions of people vote. And to the extent that some Americans believe larger fraud exists, it's because Republican officials like Scott and Gov. Greg Abbott have been promoting this baseless theory for months. It all comes from President Trump, of course, and too many Republicans are publicly going along with his fantasy when they privately admit it's bonkers.

Scott and Abbott should have noticed similar claims in Arizona, where not one but two official audits of the 2020 election were held, finding no fraud. State officials then contracted with a sketchy company with no relevant experience to conduct a third audit, and the results were the same. Well, except for a few more votes added for President Biden, which certainly wasn't the goal. Oh, and no evidence of phony paper ballots imported from China with telltale bamboo fibers.

Whenever and wherever it occurs, voter fraud is serious. Any perpetrators should get serious punishment. But when large numbers of votes are cast in large counties or a huge state like Texas, some small counting mistakes are likely, if not inevitable. That's not widescale fraud, however, which is what Scott and Abbott are talking about.

Scott hopes that this audit will that show Texans that "voting in our state is fair and secure, and that only legal votes are cast and counted." We hope so too; in fact, there's no reason to think otherwise.

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From: Christina Adkins
Sent: Monday, November 08, 2021 10:39 AM EST
To: Elec Legal <ElecLegal@sos.texas.gov>
Subject: FW: SOS Morning News Clips 11/8/21

From: Sam Taylor
Sent: Monday, November 8, 2021 9:23 AM
Subject: SOS Morning News Clips 11/8/21
Sensitivity: Personal

Texas Secretary of State
Morning News Clips
November 8, 2021

Delays, Staffing Hiccups, Equipment Problems Interrupt Harris County Election Process, *The Texan*, November 5, 2021

Voting lawsuit keeps Texas, Biden administration at odds, *Associated Press*, November 5, 2021

Gov. Abbott's response to DOJ's suit aimed at Texas voting law – 'Bring it', *Southeast Texas Record*, November 5, 2021

Longtime state Sen. Eddie Lucio Jr. announces retirement, *Spectrum News*, November 5, 2021

Kaufman County sees a decrease in voter turn out for Constitutional Amendments and Joint Election, *Kaufman Herald*, November 6, 2021

Gregg County sees higher voter turnout for constitutional amendment election, *Longview News-Journal*, November 6, 2021

Voting distrust likely to continue despite smooth election, *Associated Press*, November 7, 2021

Chandler to test mobile voting in effort to make elections faster, more secure, *FOX 10 Phoenix*, November 5, 2021

City of El Paso ready to implement plans to deal with increase of border traffic, *KFOX-TV*, November 7, 2021

Judge in Mexico Orders Arrest of Another Former Pemex CEO, *Bloomberg*, November 5, 2021

George P. Bush warns that if Ken Paxton wins GOP nomination for AG, a Democrat will win in November, *Dallas Morning News*, November 5, 2021

Budding rivalry pits Greg Abbott against Ron DeSantis in race to the right, *Austin American-Statesman*, November 6, 2021

Tesla's Central Texas presence is already spurring hiring at other companies, *KXAN-TV*, November 5, 2021

Commentary: Texas needs an independent redistricting commission, *San Antonio Express-News*, November 7, 2021

Opinion: Abbott emulating Trump is a blow to democracy, *Corpus Christi Caller-Times*, November 5, 2021

Editorial: Smooth voting in Texas, other states was a good sign, *Houston Chronicle*, November 5, 2021

Texas Gov. Abbott thinks he can attract cargo to Texas ports due to delays in California. Here's why that makes no sense, *CNN Business*, November 6, 2021

Delays, Staffing Hiccups, Equipment Problems Interrupt Harris County Election Process
Holly Hansen
The Texan
November 5, 2021
https://thetexan.news/delays-staffing-hiccups-equipment-problems-interrupt-harris-county-election-process/

Despite having revamped the elections division and spending $54 million on new voting machines, Harris County struggled to cope with elections snafus this week that included inadequate staffing levels, lack of training, equipment problems, and logistical challenges.

Although early voting results are usually posted at the time polls close on Election Day, Harris County was unable to provide

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any results until nearly 10:30 p.m. Final tallies were not fully reported until 8:30 a.m. on Wednesday, although other large Texas counties and even other entire states had provided the public with unofficial results shortly after midnight.

Late Tuesday night, the county's elections department wrote in a social media post that they "had some power issues at central count" that would delay results.

Referring to the World Series game taking place that evening, they continued, "Watch the game and catch us after for Election results. Go Stros!!"

According to workers at central count operations, a power fluctuation interrupted work mid-afternoon on Tuesday and the elections division did not have adequately charged battery back-ups in place. Thus a "logic and accuracy" (L&A) test of computer equipment that is required prior to processing ballots cast by early and absentee voters was long delayed.

Although the required test usually takes a few hours, an L&A test conducted by the elections division back in September took more than nine days to complete, prompting calls to re-hire experienced elections staff that had been fired after the county's transition to an elections administrator.

Additional issues occurred after polls closed as election judges traveled to NRG Park to deliver equipment and ballots. In previous years, drop off sites were situated in several parts of the sprawling county, but now the elections division requires all 700-plus precincts to drive the materials to NRG in Houston.

"After 18 hours of serving as an election judge, I then had to wait in a car line for two hours to drop off," Robert Choate, an election judge, told The Texan.

Shortly after 5 a.m. Wednesday, Elections Administrator Isabel Longoria stated on Twitter that she was waiting for a school custodian to wake up to open a school supply closet that purportedly contained a missing ballot box.

After receiving all election day ballots, staff scrambled to complete essential work before packing up all equipment and vacating the NRG facility which had been leased only until 11:59 a.m. Wednesday. The remaining work of processing will take place on county property.

County Commissioner Adrian Garcia (D-Pct. 2) wrote on social media that "not getting timely results is unfair to voters and candidates," but said he expected the issues were a "one-time glitch" and then complained that county elections had earned a poor reputation due to former Republican county clerk Stan Stanart who left office in 2018.

Election Day judges also expressed frustration over equipment failures and a lack of training for election workers.

According to an email from Harris County Republican Party (HPRC) Chair Cindy Siegel, although the parties were to recruit election judges and workers, "Training was limited or non-existent."

"We requested several times access to the new machines so that our election workers could be trained. It wasn't until early voting when we were allowed to come in and use [machines to] create a video on how to use it," Siegel wrote.

"Interestingly enough, the same day we were allowed access the [Harris County Democrat Party] posted a professionally done video where they showed the old and new equipment and how to use it."

The HCRP notes that lack of training may have been a factor in multiple election judges leaving either boxes full of paper ballots, electronic ballot records, or both at polling sites Tuesday evening, thus creating a chain of custody concerns.

On Wednesday, Texas Secretary of State John Scott released a statement saying that his office was working to ensure the integrity of the ballot-counting process in Harris County for the November 2 elections.

"The Secretary of State's office will work to ensure that all ballots were handled appropriately and counted validly."

Multiple sites reported equipment problems, and election judge Rolando Garcia said he was unable to process any voters at his polling site until 10:15 a.m. after two technicians had addressed equipment failures.

The county also faced staffing issues and on Monday, the day before the election, Longoria sent an urgent plea to both the local Democrat and Republican parties to find persons who could serve as election judges for 30 locations, noting that she would modify the usual requirements including those for training.

By Tuesday morning, election day, Longoria informed the parties that six polling sites would not open due to a lack of staff.

Under the prior county organization, two elected officials — the county clerk and the tax assessor-voter registrar — managed various aspects of elections in the state's most populous county.

Last year however, despite bipartisan opposition, Harris County commissioners voted 3 to 2 to create the office of elections administrator with a base salary of $190,00 per year.

Before the vote, Commissioner Rodney Ellis (D-Pct. 1) argued that it would be "better to have an office that focuses every day of the year, for 12 months, on 'What can we do to make this process of running elections as seamless [as possible]?'"

Following this week's election, Commissioner Jack Cagle (R-Pct. 4) said it would be better to return to the county's former model for election management.

"We have an unelected bureaucrat who was appointed by three members of commissioners court. There's no accountability to the public," said Cagle.

Last year Ellis had also vowed that a "neutral, nonpartisan administrator will increase election integrity, increase voters' trust in the process."

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A hiring committee consisting of county Judge Lina Hidalgo (D), the county political party chairs, Tax Assessor and Voter Registrar Ann Harris Bennet (D), and interim County Clerk Chris Hollins selected Isabel Longoria, a former staffer for state Sen. Sylvia Garcia (D-Houston) with no elections work experience. Both Bennet and then HCRP Chair Keith Nielsen opposed the appointment.

The elections department managed by Longoria has hired former Ellis campaign staffer Tyler James to serve as chief of staff, and former Texas Civil Rights Project staffer Beth Stevens as a director of operations.

Under Longoria's administration, the county opened 16 drive-thru voting sites this year and held the first-ever polling site inside the county jail where reportedly nearly 100 ballots were cast. As of December 2021, drive-thru voting will no longer be permitted under state law.

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Voting lawsuit keeps Texas, Biden administration at odds
Paul Weber
Associated Press
November 5, 2021
https://apnews.com/article/texas-voting-rules-joe-biden-us-supreme-court-9b8cbb3ec9a5dfbfdaeacbfe4ec15ed5

AUSTIN, Texas (AP) — More and more, Texas and the Biden administration are dragging each other to court.

First it was over immigration enforcement on the U.S.-Mexico border. Then a Texas ban on most abortions. Then this week, just days after the Justice Department urged the U.S. Supreme Court to halt the nation's most restrictive abortion law, Attorney General Merrick Garland brought another lawsuit against America's biggest red state, this time over restrictive new voting rules.

With President's Joe Biden's own domestic priorities remaining stuck despite his party controlling Congress, his administration is simultaneously trying to knock down pillars of a hard-right agenda the Texas GOP muscled through over the last year. Doing so could provide a boost to Democrats, who are searching for a win as they confront an already stormy outlook heading into the 2022 midterm elections.

But putting up the fight is still short of sweeping federal legislation sought by Democrats, and a conservative majority on the Supreme Court could ultimately stand in the way.

Although the justices signaled on Monday they would allow Texas abortion providers to pursue a court challenge to a controversial law that has banned most abortions in the state since September, it was not clear whether they would let the restrictions remain in place for now.

"It seems like every harmful law in the state of Texas ends up in federal court," Democratic state Rep. Trey Martinez Fischer said. "Republicans control every lever of government in the state of Texas. If they wanted to celebrate Christmas in the month of April, they have the votes to do it. But just because they have the votes, that doesn't necessarily make it so."

Texas Republicans have defended their laws as legal, and Gov. Greg Abbott reacted to the latest lawsuit by tweeting: "Bring it."

Depending on the party in the White House, big states have become eager centers of resistance. California proudly sued the Trump administration more than 120 times. During the Obama administration, Abbott's biggest applause line was that his former job as attorney general was to go into the office, sue the federal government and go home.

Not even a week after Biden was sworn in, Texas eagerly resumed the role of chief antagonist to a Democratic president, suing over a 100-day moratorium on deportations. Texas has not let up since and rushed to challenge the Biden administration at just about every turn, including a lawsuit filed Friday over COVID-19 vaccine mandates for private businesses.

"The Biden Administration's new vaccine mandate on private businesses is a breathtaking abuse of federal power," said Republican Attorney General Ken Paxton, calling the requirement "flatly unconstitutional."

The Biden administration's latest suit against Texas, filed Thursday, targets provisions of a sweeping GOP-backed elections overhaul that outlasted months of protests from Democrats, including a 38-day walkout that had ground the state Capitol to a halt over the summer.

Texas is one of at least 18 states that have enacted new voting restrictions since the 2020 election, according to the Brennan Center for Justice. The laws were part of a GOP campaign in the name of election security, partly driven by former President Donald Trump's claims the election was stolen.

The Biden administration also sued Georgia over its new election laws. But the bigger goal for Democrats continues to remain out of reach: new federal elections laws they say are needed to counteract the wave of GOP voting measures. Those efforts, however, have been unable to overcome opposition by Senate Republicans, who have called it a power grab.

On Monday, the Supreme Court justices sounded less convinced that the Justice Department lawsuit against Texas over its abortion law should go forward. Justice Elena Kagan suggested that a ruling instead in favor of the providers would allow the court to avoid difficult issues of federal power.

More than 100 prosecutors and former judges signed in opposition to the law in a brief filed by the group Fair and Just Prosecution, which argued that letting the Texas law stand would allow states to create an end run around federal law.

"The fact that it's Texas means more women have been impacted," said Miriam Krinsky, the group's executive director. "But if any state had chosen to bring this type of illegal construct, I think we would have found a lot of troubled people around the country willing to come together to speak up."

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Gov. Abbott's response to DOJ's suit aimed at Texas voting law – 'Bring it'
Southeast Texas Record
November 5, 2021
https://setexasrecord.com/stories/611747671-gov-abbott-s-response-to-doj-s-suit-aimed-at-texas-voting-law-bring-it

AUSTIN – "Bring it" – that's what Gov. Greg Abbott tweeted once he got word the U.S. Department of Justice had filed suit against Texas over the state's election integrity law.

Over the past few months, Senate Bill 1 has created a stir. In it's complaint, the DOJ argues the new law violates both the Voting Rights Act and Civil Rights Act.

Here's what Abbott had to say about the DOJ's suit on his Twitter account:

"Bring it.

"The Texas election integrity law is legal.

"It INCREASES hours to vote.

"It does restrict illegal mail ballot voting. Only those who qualify can vote by mail.

"It also makes ballot harvesting a felony.

"In Texas it is easier to vote but harder to cheat."

Attorney General Ken Paxton also took to his Twitter account after learning about the suit.

"Biden is coming after Texas for SB1, our recently enacted election integrity law," Paxton tweeted. "It's a great and a much-needed bill. Ensuring Texas has safe, secure, and transparent elections is a top priority of mine. I will see you in court, Biden! #ElectionIntegrity."

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Longtime state Sen. Eddie Lucio Jr. announces retirement
Craig Huber and Reena Diamante
Spectrum News
November 5, 2021
https://spectrumlocalnews.com/tx/south-texas-el-paso/news/2021/11/05/longtime-state-sen--eddie-lucio-jr--announces-retirement-

AUSTIN, Texas — State Sen. Eddie Lucio Jr., D-Brownsville, a devout Catholic who's known for voting with Republicans on issues including abortion, on Thursday announced his retirement after 30 years in the Texas Legislature's upper chamber.

The Brownsville native has been in the Senate since 1991 but his public service in Texas stretches back 50 years.

"I am grateful for every person who has ever supported us, challenged us, and most importantly, fought alongside me for the benefit of Senate District 27. My office remains committed to continuing to serve our constituents over the next year," Lucio wrote in a Facebook post announcing his retirement.

Capital Tonight in April profiled Lucio as part of its Power Players series. Prior to serving in the Senate, the lawmaker served two terms in the House of Representatives. He credited his father with his decision to go into public service.

"I saw my dad served the public. As you know the Valley is high in poverty. They needed someone to be understanding and caring and my dad was very much that," he said.

Lucio's son, Rep. Eddie Lucio III, D-Harlingen, is a member of the House. It is the first time the Legislature has seen a father-son duo as colleagues in decades.

"I was walking him down the aisles in the House of Representatives in 1987, as a 9-year-old. They used to call him 'governor' and just play around with him. But, he became a state representative. Now, he's my colleague besides being my wonderful son," Lucio said.

Lucio in April discussed his religious convictions causing him to split with his fellow Democrats when it comes to key issues.

"I value life, the sanctity of life, and I will do anything to help the unborn," Lucio said.

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Kaufman County sees a decrease in voter turn out for Constitutional Amendments and Joint Election
Kaufman Herald
November 6, 2021
http://www.kaufmanherald.com/around_town/article_6d981378-3d89-11ec-9511-b3b0c3d0123a.html

Unofficial results as of 7:30 p.m. on Nov. 2 showed that voter turnout for Kaufman County residents was at an all time low during the Constitutional Amendments and Joint Election. In the past, numbers were larger than what the polls received this year.

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The unofficial results for the ballots cast in Kaufman County were recorded as of 7:30 p.m. on Nov. 2.

The State of Texas proposed eight constitutional amendments, the unofficial results for each proposition from Kaufman County are as follows:

Proposition 1: “The constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association to conduct charitable raffles at rodeo venues.”

81.22% of the votes were for Proposition 1 while 18.78% of the votes were against it.

Proposition 2: “The constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county.”

As written, the Texas Constitution gives cities and towns the power to issue such bonds or notes, but counties are not granted similar authority.

59.81% of the votes were for Proposition 2 while 40.19% of the votes were against it.

Proposition 3: “The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.”

At the beginning of the COVID-19 pandemic, executive orders issued by Texas Gov. Greg Abbott (R) limited the number of people who could be at most indoor public gatherings, including religious services. Under this proposed amendment, religious organizations would be exempt from any orders, proclamations or rules that limit capacity.

“If it’s gone through two-thirds of both houses, these things are highly consensual things and people can’t imagine restricting religious liberty these days, so I think that’s going to pass quite easily,” Elkins said.

71.50% of the votes were for Proposition 3 while 28.50% of the votes were against it.

Proposition 4: “The constitutional amendment changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge.”

The eligibility requirements the amendment would add, among other things, that a person is licensed to practice law in Texas and that they live in Texas at the time of election. The amendment would also change requirements to be eligible to be appointed to a position.

62.43% of the votes were for Proposition 4 while 37.57% of the votes were against it.

Proposition 5: “The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.”

The State Commission on Judicial Conduct can only accept complaints or reports on people who hold judicial office. Proposition 5 would expand that oversight to includes candidates for judicial office.

62.57% of the votes were for Proposition 5 while 37.43% of the votes were against it.

Proposition 6: “The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.”

During the height of the COVID-19 pandemic, many people who live in assisted living or nursing facilities were barred from having visitors of any kind for months. Proposition 6 would allow a family to designate one caregiver who could not be prohibited from visiting the facility.

“Everybody’s on board with that. There have been some constraints with elderly, and again this partly a pandemic thing, access to the elderly and some actually dying without seeing their closest friends and relatives at the end,” Elkins said. “The idea that a designated caregiver wouldn’t be able to get in to see somebody in one of these facilities just strikes people as heartless.” 87.56% of the votes were for Proposition 6 while 12.44% of the votes were against it.

Proposition 7: “The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse’s residence homestead if the spouse is 55 years of age or older at the time of the person’s death.” 90.03% of the votes were for Proposition 7 while 9.97% of the votes were against it.

Proposition 8: “The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.”

According to the Texas Secretary of State’s office, the constitution as written “provides a property tax exemption to the surviving spouse of a member of the armed services who is killed in action, but the current exemption does not include members of the military who die during their service due to injuries sustained that are not combat-related.” 89.19% of the votes were for Proposition 8 while 10.81% of the votes were against it.

Cities and towns/school districts/other districts proposition and bond results are as follows:

City of Mesquite General Election for the purpose of electing Mayor:

Dan Aleman received 66.67% of the votes against Ron Ward who received only 33.33% of the votes.

City of Mesquite Council Member Districts 6:

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Debbie Anderson received 66.67% of the votes against Brandon Murden who received only 33.33% of the votes.

City of Mesquite Special Election for Proposition A:

57.14% of the votes were for the special election proposition and 42.86% of the votes were against the proposition.

Town of Poetry for the adoption of a local sales and use tax in the Town of Poetry, Texas at the rate of two percent to provide revenue for street maintenance and repair of municipal streets:

75% of the votes were for the proposition for the Town of Poetry and 25% of the votes were against the proposition.

Rockwall Independent School District Special Bond Election Proposition A:

62.50% of the votes were for the special bond election proposition A and 37.50% of the votes were against the proposition.

Rockwall Independent School District Special Bond Election Proposition B:

50% of the votes were for the special bond election proposition B and 50% of the votes were against the proposition.

Scurry-Rosser Independent School District Bond Election Proposition A:

23.64% of the votes were for the bond election proposition A and 76.36% of the votes were against the proposition.

Becker-Jiba Special Utility District General Election for Board of Directors:

Beverly Curtis holds 33.33% of the votes while Ronnie Davis holds 24.24%, Robert Shiels holds 22.73%, and Kirsten Cusic holds 19.70% of the votes.

Fresh Water Service District 7B Confirmation Election Proposition A:

100% of the votes were for proposition A and 0% were against it.

Fresh Water Service District 7B Supervisors Election:

Candidates Dave Arrington, Bill King, and Joshua Heathcote each held 33.33% of the votes.

Fresh Water Service District 7B Confirmation Election Proposition B:

100% of the votes were for proposition B and 0% were against it.

Fresh Water Service District 7B Confirmation Election Proposition C:

100% of the votes were for proposition C and 0% were against it.

Fresh Water Service District 7B Confirmation Election Proposition D:

100% of the votes were for proposition D and 0% were against it.

Fresh Water Service District 7B Confirmation Election Proposition E:

100% of the votes were for proposition E and 0% were against it.

Fresh Water Service District 7B Confirmation Election Proposition F:

100% of the votes were for proposition F and 0% were against it.

City of Post Oak Special Election to fill a Vacancy for City Council Member

60% of the votes were for Billy Ray McMahan Jr. and 40% of the votes were for Chris Cox.

Kaufman County Special Assistance District 3A Special Election and imposition of a Sales Tax:

50% of the votes were for the imposition of a Sales Tax and 50% of the votes were against the imposition.

Gastonia-Scurry Special Utility District for Board of Directors:

Jeremy Rhodes received 70.13% of the votes while Ernest H (Ernie) Martzen received 29.87% of the votes.

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Gregg County sees higher voter turnout for constitutional amendment election
Maleri McHam
Longview News-Journal
November 6, 2021
https://www.news-journal.com/news/elections/gregg-county-sees-higher-voter-turnout-for-constitutional-amendment-election/article_324f1f10-3e64-11ec-9f72-d33a9873a51c.html

Voter turnout was up in Gregg County for Tuesday's state constitutional amendment election.

During a typical odd-year election, turnout in the county is about 2% to 3%, said Jennifer Briggs, Gregg County elections administrator.

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In Tuesday's election, 5,125 registered voters out of 71,728 — or 7.15% — went to the polls.

Along with the eight constitutional amendments, voters in Kilgore ISD also approved a bond package totaling $113 million. One proposition for $109 million will fund the construction of a new high school and renovations to Chandler Elementary School. The second proposition for $4 million will pay for renovations at R.E. St. John Stadium.

"I am very excited that more voters came out to vote for this constitutional election," Briggs said. "It just shows that we are doing a better job of getting the word out."

She added that compared with a general election, turnout was still low, but an improvement from past years. In the future, Briggs said she hopes to see numbers during odd-year elections continue to increase.

This year's election was promoted more through newspapers, TV and other media outlets, Briggs said. The Kilgore ISD bond referendum also likely brought out more voters, she added.

"It may be some residual from the last presidential election as well," Briggs said. "People are still thinking that it is very important to vote, which it is."

Voters need to know that even if they are not hearing from candidates, that doesn't mean an election isn't happening, she said.

"The main thing that people need to understand is that we have an election in November every single year," Briggs said.

Next year's primary elections are set March 1, with early voting beginning Feb. 14.

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Voting distrust likely to continue despite smooth election
Christina Cassidy
Associated Press
November 7, 2021
https://www.houstonchronicle.com/news/article/Voting-distrust-likely-to-continue-despite-smooth-16597777.php

ATLANTA (AP) — The first major election day following a year of relentless attacks on voting rights and election officials went off largely without a hitch. Unlike the 2020 presidential election, there were no claims of widespread fraud, ballots emerging mysteriously in the dark of night or compromised voting machines changing results.

The relative calm was a relief to those who oversee elections, but will it matter to those who still believe last year's election was stolen from former President Donald Trump?

Election experts say even a smooth election cycle this year is unlikely to curb the distrust that has built up over the last year within a segment of the public. That skepticism has led to costly and time-consuming partisan ballot reviews, threats to election officials and new voting restrictions in Republican-controlled states.

"I'm extremely concerned that we're not at the end of this," said David Becker, a former U.S. Justice Department lawyer who now heads the Center for Election Innovation and Research. "We're not at the middle of this. We're at the beginning of this, and nobody is addressing it particularly well right now, with the exception of the professional election officials who are keeping their heads down and doing their job."

There has been no evidence of widespread fraud or other wrongdoing with the 2020 election, and those claims have been rejected by judges, election officials and Trump's own attorney general. Nevertheless, two-thirds of Republicans said Joe Biden was not legitimately elected president, according to an Associated Press-NORC Center for Public Affairs Research poll conducted two weeks after Biden's inauguration.

Tuesday's election featured problems typical of an election day that were quickly resolved: power outages, technical issues with equipment or too few ballots at particular polling places. In New Jersey, confusion over the reporting of election results circulated on social media. The Republican gubernatorial candidate, Jack Ciattarelli, had yet to concede but said after the election that he did not want supporters "falling victim to wild conspiracy theories or online rumors."

Ahead of Virginia's high-profile gubernatorial election, Trump had said in a statement that he was "not a believer in the integrity of Virginia's elections, lots of bad things went on, and are going on." Yet in his statement congratulating Republican Glenn Youngkin, Trump made no mention of fraud and credited his own supporters with the win.

Matt Masterson, a former top election security official in the Trump administration, noted that little changed between 2020 and this year in how elections are run in the U.S.

"These are the same systems, the same people, the same processes," Masterson said. "Election officials did their job in 2020, and they did it again in 2021."

When problems arose, they were caught quickly. The Ohio secretary of state took administrative oversight of the state's most populous county, home to Columbus, after it failed to properly update its poll books and allowed three people to cast ballots twice, although that did not affect the outcome of any race.

That elections are mostly running well hasn't stopped Republican officials from making claims about election fraud to justify new voting restrictions even in places where Trump and Republicans won handily in 2020 and where election officials reported no problems.

Florida Gov. Ron DeSantis, a Trump ally, earlier this week called for a new state office to investigate election crimes. He also seeks new laws adding more restrictions to ballot drop boxes and increasing penalties for those who collect ballots for others.

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“I am excited that with this legislation, our state will be able to enforce election violations, combat voter fraud and make sure violators are held accountable,” DeSantis said in a statement.

Mail voting was hugely popular last year amid the pandemic and helped drive high turnout this year in Virginia. And it was Republicans who did well on Tuesday in Virginia, where Democrats had expanded voting access in recent years. That included no longer requiring voters to provide an excuse to cast a mail ballot.

But GOP lawmakers still say rules around mail ballots must be tightened to address public concerns about fraud, even if there is no evidence it exists.

In Ohio, Republicans have introduced two bills seeking to rewrite state election laws. One calls for prohibiting off-site ballot drop boxes, eliminating a day of early voting and tightening the state voter ID requirement. The other goes even further -- reducing early voting from 21 days to six, eliminating no-excuse absentee voting and banning drop boxes altogether. Trump won the state handily, but lawmakers behind the second bill cited the potential of fraud to justify their proposal.

State Rep. Bill Seitz, a Cincinnati Republican sponsoring the less stringent bill, believes Biden was legitimately elected but laments that the dispute over the 2020 election results makes it difficult to discuss voting issues rationally.

“This is what happens when you try to do something fair in an environment in which there is no fair,” he said. “The Democrats will be knee-jerk opposed to anything they see as restrictive of voting, and a contingent of Republicans will be opposed to anything they see as an added convenience on voting.”

Election officials said it was important to remind the public that there were no widespread problems with the 2020 election, which was dubbed the “most secure” in U.S. history by a group of federal, state and local election officials.

“This isn’t something that went wrong that we’re fixing,” said Colorado Secretary of State Jena Griswold, a Democrat. “This is something that went really right in 2020. We had the safest elections in America’s history, with record turnout among both Democrats and Republicans. And the lies are about that.”

Falsehoods surrounding the 2020 presidential election also triggered death threats against election officials that continue even a year later.

Michigan Secretary of State Jocelyn Benson described what the nation is confronting as a “five-alarm fire” and called on industry and community leaders to help defend democracy.

“Those trying to dismantle democracy have shown us again and again that there may be no bottom to where they will go to lie and deceive voters,” said Benson, a Democrat. “We must take them at their word and believe them, and get to work spending every day countering their lies with truth.”

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Chandler to test mobile voting in effort to make elections faster, more secure
Matt Galka
FOX 10 Phoenix
November 5, 2021
https://www.fox10phoenix.com/news/chandler-to-test-mobile-voting-in-effort-to-make-elections-faster-more-secure

CHANDLER, Ariz. - Can mobile voting, using the same technology that helps power Bitcoin, help make elections faster and more secure? The City of Chandler wants to find out, as they begin a pilot program on mobile voting next week.

Those into cryptocurrency may have heard of the blockchain, which is essentially a digital ledger or record. Now, some are wondering if votes can be recorded on the same thing.

"It's not as much about mobile voting as it is about being able to audit quickly, or take a look at results fast, because it's immediate," said Chandler Vice Mayor Mark Stewart.

Vice Mayor Stewart says the city will be the first to start a blockchain voting pilot program. They will be asking people to download an app through the company Voatz. Then, people will vote in a mock election.

Vice Mayor Stewart says the advantages are speed and safety.

"Our ultimate goal is to break it, just like the research companies in Chandler," said Vice Mayor Stewart. "Their job is to find better solutions, and we figure if we do it here at the city level, where it's more trusted -- you have seven council members looking at the data to see if it works -- then you have the county and state with data they can use."

The blockchain has been touted as a system with power spanning from currency to voting, healthcare, and beyond. Data Doctors Cyber Expert Ken Colburn says the potential could be limitless.

"You think about all the people who are saying 'this is not right.' If we can get to the point where blockchain is controlling the voting system, all of those issues of fraudulent votes and things like that become way easier to track, because it's all in this public ledger. There's no who's hiding what. It's all there," said Colburn.

As this is just a test, there are no age requirements, and teenagers will be able to participate. The test will go on for about three weeks, with the results presented at a December City Commission meeting.

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City of El Paso ready to implement plans to deal with increase of border traffic
Jhovani Carillo
KFOX-TV El Paso

AMERICA OVERSIGHT

November 7, 2021
https://kfoxtv.com/news/local/city-of-el-paso-ready-to-implement-plans-to-deal-with-increase-border-traffic

El PASO, TEXAS (KFOX14) — Starting at midnight, non-essential travel from Mexico to the United States will resume. Thousands of people are expected to travel into El Paso once the border reopens.

"We do expect to have crossings increase overnight starting on the on the eighth and so we need to be ready for that," said David Coronado, managing director for international bridges and economic development.

Coronado said the city will be reinstating the P3 program, which allows more Border Patrol agents to be called in to help with the rush.

With the program, CBP's overtime will be going from 350 hours to roughly 1,000 hours a month.

"That is going to allow them to open additional lanes," said Coronado." We're going to be doing that for both vehicle and pedestrian at the El Paso del Norte and the Ysleta bridge."

The city will also be increasing overtime hours for the El Paso Police Department.

EPPD will now get an additional 300 hours a month.

Coronado said police will be helping with traffic control and people crossing once their shift ends.

"Adding additional officers is crucial for us," added Coronado. "The South Staton Bridge is the one right now we are seeing a lot of pressure put by drivers."

Coronado said the fees people pay while crossing helps pay for the overtime CBP and the police department will be using.

"There's no pressure on the on the city's budget, there's no pressure on property taxes. It's all a user funded," said Coronado.

Carlos De Lara said he is excited for the bridges to open back up.

Many of his cousins live in Juarez, Mexico and he hasn't been able to see them for a while.

"Once it opens my cousin has no excuse to visit me, " said De Lara.

De Lara said when his family does cross, they will most likely experience a long wait time to get into El Paso.

"It's going to be good, but I know it's going to be a bit hectic for them because the bridges get a little too crowded over there," added De Lara.

That's why he's glad more CBP officers and police will be there to help with the influx of people.

"I think that with the increase of CBP employees and also officers in the street, it will definitely help," said De Lara.

Coronado said it's important for travelers to have the proper documentation to help with the wait times.

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Judge in Mexico Orders Arrest of Another Former Pemex CEO
Amy Stillman
Bloomberg News
November 5, 2021
https://www.bnnbloomberg.ca/judge-in-mexico-orders-arrest-of-another-former-pemex-ceo-1.1677662

(Bloomberg) -- A federal judge in Mexico ordered the arrest of former Petroleos Mexicanos chief executive officer Carlos Trevino for not appearing at the hearing in which he was going to be charged with criminal association and money laundering, local newspaper Reforma reported.

Another ex-Pemex CEO Emilio Lozoya, who is accused of corruption but became a protected witness and avoided prison, testified against Trevino for alleged corruption linked to the Etileno XXI polyethylene plant in Veracruz state owned by a joint-venture comprising Brazil's Braskem and Mexican company Idesa.

Trevino denies the allegations and sent the judge a letter through his defense team to justify his absence on the day of the hearing, arguing that the proceeding lacked legal certainty to guarantee a fair trial.

Trevino didn't immediately respond to requests for comment on two social media platforms. There was no immediate response to a request for comment from the Attorney General's Office.

The arrest order for Trevino is the latest in a series of measures taken by the government of Andres Manuel Lopez Obrador to crack down on alleged corruption under the previous government and dial back the energy reforms that opened the market to private competition. Lozoya's past testimony accused former officials of bribing lawmakers to vote in favor of the oil reform, a charge which ex-officials deny.

Lozoya, who has become a poster-boy for Lopez Obrador's anti-corruption messaging, has accused Trevino of receiving 4 million pesos ($196,000) in 2014 on the instructions of Luis Videgaray Caso, then Secretary of Finance. He also said that an ex-official of Brazilian construction group Odebrecht told him to deliver money to Trevino, among others, for the approval of a contract in 2010.

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George P. Bush warns that if Ken Paxton wins GOP nomination for AG, a Democrat will win in November
Gromer Jeffers Jr.
Dallas Morning News
November 5, 2021
https://www.dallasnews.com/news/politics/2021/11/05/george-p-bush-warns-that-if-ken-paxton-wins-gop-nomination-for-ag-a-democrat-will-win-in-november/

FORT WORTH — George P. Bush has sharpened his criticism of Texas Attorney General Ken Paxton, warning Republican voters that a Democrat will beat the embattled incumbent if he's nominated for a third term.

"I remind my fellow Republicans that one thing they need to think about is that Ken was the lowest vote-getter, with the securities fraud charges four years ago," Bush said during a recording of Lone Star Politics, a Sunday political show produced by KXAS-TV (NBC 5) and The Dallas Morning News. "This time around he will not win, because he's facing corruption and bribery charges. Imagine having a Democrat AG with a Democrat president and what that means for Texas politics."

The Paxton campaign did not immediately return requests for comment.

Bush, the Texas Land Commissioner, is one of several high-profile Republicans challenging Paxton in the March primary for attorney general. Other candidates include former Supreme Court Justice Eva Guzman and state Rep. Matt Krause of Fort Worth.

Democrats seeking the office include former Galveston Mayor Joe Jaworski, North Texas civil rights lawyer Lee Merritt and former ACLU lawyer Rochelle Garza of Brownsville.

Paxton, who is in his second term as attorney general, is awaiting a trial on securities fraud charges that have been pending since 2015. Meanwhile, the FBI is investigation Paxton over bribery and corruption allegations. Last year several senior staffers in the AG's office warned that Paxton was misusing the office to help his friend and campaign donor Nate Paul. Paxton has denied the allegations and in August his office released a report clearing him. Critics contend the report was a sham.

Bush says the legal troubles make Paxton unfit for another term.

"He's now in year seven of this (securities fraud) trial. And if he's as innocent as he proclaims, then he needs to sit down for a jury trial in front of his fellow peers here in the state of Texas and be evaluated, which he has refused to do now for seven years," Bush said. "As it relates to the FBI investigation, these allegations can be taken very seriously. These were brought by his seven top lieutenants that he hand-picked and recruited to the agency. And they've alleged everything from bribery to corruption to abuse of Office on behalf of financial donor, so if there's an office in Austin that requires somebody to be above reproach, it's this one."

A trial on the securities fraud charges has been delayed by court battles over where it should be held. A judge has ruled that Paxton should be tried in Collin County, his home.

Meanwhile, Bush says he's the best choice to lead the office.

"We need a new attorney that's above reproach, not facing criminal indictment. And that is going to serve the people of Texas every single day with the core focus on protecting Texas values."

But Paxton remains the frontrunner in the crowded primary field. A September poll by The Dallas Morning News and the University of Texas-Tyler found that he had a commanding 43-28 lead in the GOP primary over Bush. Guzman trailed far behind at 5% and Krause wasn't in the contest when the survey was conducted.

Still, Paxton could have trouble ahead. Fewer than half of Republican voters polled (48%) say Paxton has the integrity to serve in the job he's held since January 2015. That mark was a three-point improvement from earlier in the summer. Only one in four undecided GOP voters approve of Paxton's job performance, and most think he lacks the integrity needed to serve as Texas' top lawyer.

Paxton could be lifted in the primary by support from former President Donald Trump. This summer Trump endorsed Paxton over Bush.

Bush said he could overcome Trump's backing of the incumbent.

"I've remained a supporter of President Trump," Bush said, touting his role of the former president's 2016 Texas presidential campaign. "And to be honest with you, I'm the more effective spokesperson for the president because, again, I'm not under criminal indictment, and I will actually win against a Democrat in the general election."

During the interview, Bush said that Krause's investigation of about 850 books in public schools that "might make students feel discomfort, guilt, anguish, or any other form of psychological distress because of their race or sex" was mere "political theater."

"What I've called for is more local involvement in the design of curriculum," he said. "At the local level, we're seeing dangerous proposals in terms of critical race theory, in terms of what I would call work cultures. There are ways to teach history in a fact basis, not necessarily subjective interpretation that try to redefine…so this is good political theater, but we need people, especially concerned parents, to step forward, run for school board, and reevaluate curriculum."

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Budding rivalry pits Greg Abbott against Ron DeSantis in race to the right
John Kennedy and Madlin Mekelburg
Austin American-Statesman

AMERICAN OVERSIGHT

November 6, 2021
https://www.statesman.com/story/news/politics/state/2021/11/06/florida-texas-governors-duel-ahead-2024-presidential-election/6246808001/

Seeking to lead across a broad spectrum of hot-button conservative issues, from fighting mask and vaccine mandates to limiting teaching on race and skewering the Biden administration over the rise in migrant border crossings, Texas Gov. Greg Abbott and Florida Gov. Ron DeSantis appear locked in a duel for a Republican base of voters eager to recapture the White House in 2024.

But before either one has a shot at playing on the national stage, they face must-win reelection campaigns in their home states one year from now, when they'll go before voters and answer for the past few years of policymaking and political posturing.

Reelection, though, seems to be built on who can be the most like former President Donald Trump.

As a result, both men have been in a race to the right for nearly a year, driven by a culture war rivalry based on who can fire the most shots — and get the most Fox News hits — from their capitals less than 1,000 miles apart.

"The dynamic at play here is: Who is the leader of the opposition?" said Mark Jones, a Rice University political science professor. "You have some competition between Abbott and DeSantis for that position, for who is the principal rival to Joe Biden and Kamala Harris.

"As governors of the second- and third-most populous states in the country, they have a platform that no other Republican in the country has," he added.

Jones also said stepping into that role is a goal in and of itself. "But it's a goal that, if you do achieve it, puts you in a good position to compete for the 2024 nomination," he said.

Their responses to the COVID-19 pandemic, vaccine requirements and more

The latest example of one-upmanship came just days ago, when DeSantis called a special session of the Florida Legislature to ban Biden's vaccine requirements for private businesses. Abbott has signed a similar ban by executive order, but he failed to get a prohibition approved by Texas lawmakers during the most recent legislative special session.

Both leaders shared headlines over the past year for their responses to the coronavirus pandemic and attracted a national following among conservatives for their defiant stands on COVID-19 safety measures and repeated attacks on Biden administration policies.

But health care advocates are bitter about their leadership. In Texas and Florida combined, about 130,000 people have died and 7.8 million have been infected by COVID-19. That represents almost a fifth of all coronavirus fatalities and illnesses in the nation.

In recent weeks, both DeSantis and Abbott have seized on other key Republican talking points to boost their conservative credentials and catch the eye of GOP voters across the country.

For now, Jones said, DeSantis looks to have the advantage over Abbott because he is more proactive and open to taking political risks.

"Initially, Abbott was tending to follow DeSantis, but more recently Abbott got ahead of DeSantis in some ways," Jones said. "It was sort of a win-win for Abbott, because the things he was doing to lock down the 2022 Texas GOP gubernatorial primary also helped position him on the right in the eyes of national Republicans. That's his opposition to Biden on vaccine, his support for border security and his ties to the Texas abortion law."

Mask and COVID vaccine mandates

DeSantis is calling Florida lawmakers into special session to try to block a rule by the Biden administration requiring companies with 100 workers or more to ensure by Jan. 4 that employees are fully vaccinated or testing negative for COVID-19 at least once a week.

Abbott attempted a similar swipe at Biden last month, issuing an executive order essentially prohibiting any private entity in the state from issuing such a requirement. But his attempt to codify his order during the most recent special session was rejected by Texas lawmakers who sided with powerful business and health care groups that came out in force against his ban.

Just three other states besides Texas have a law or order in place outright banning such a mandate or allowing employees to opt out, according to the National Academy for State Health Policy: Montana, Arkansas and West Virginia.

Earlier in the pandemic, Abbott and DeSantis both came out against mask mandates in schools.

DeSantis moved to withhold pay from school board members in districts that refuse to follow his strict anti-mask policies, which leave it to parents to decide whether their children should wear masks. He also has allowed children exposed to COVID-19 to return to the classroom, assuming they don't show any symptoms.

Abbott also has banned school districts from requiring masks and is locked in several legal battles with local districts over the ban. His actions inspired an ongoing investigation by Biden's Education Department, focused on whether Texas is violating federal law by preventing disabled students from safely returning to in-person classes.

Recent polling shows a clear partisan divide when it comes to COVID-19 policies, with Republicans supporting the more lax measures backed by Abbott and DeSantis and Democrats favoring mask and vaccine mandates.

U.S.-Mexico border

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As governor of the state with the longest border with Mexico, Abbott is on the front lines of what Republicans deride as Biden's failed immigration policies.

Underscoring his lack of confidence in federal officials, Abbott has directed the Texas National Guard and the Texas Department of Public Safety to patrol the border region as part of his "Operation Lone Star."

Under his direction, the state doubled its investment in border security initiatives this year, budgeting $2.8 billion for personnel, grants for local law enforcement and infrastructure. This investment and focus on the border are in spite of the fact that state and local law enforcement do not have the authority to enforce federal immigration laws.

Plus, when Trump left office, Abbott picked up the border wall cause, directing roughly $1 billion in state money to the initiative and soliciting private donations to cover the remaining costs. As of Nov. 2, he had raised $54.3 million for the effort from unidentified donors.

When Abbott sought attention by issuing a call last summer for aid from other states, DeSantis likely earned conservative points by responding quickly — sending 250 Florida law enforcement officers to help respond to the influx of migrants.

DeSantis joined Abbott in July for a border news conference, where Abbott thanked his Floridian counterpart for stepping up.

"Our continued efforts to secure the border are made stronger by the support of states like Florida through our Emergency Management Assistance Compact, and I thank Gov. DeSantis and the law enforcement officers from Florida for stepping up to support the Lone Star State," Abbott said at the event.

Florida in September sued the White House over immigration, claiming federal policies will cost the state millions of dollars and harm the state.

Challenging Biden

The lawsuit is one of three Florida has filed against the Biden administration, the others being two separate challenges to federal rules for vaccine mandates affecting employees of contractors and larger companies.

The lawsuits came after DeSantis and Biden clashed over mask policies in schools, with the president questioning whether the Florida and Texas governors were willing to "do the right thing to beat this pandemic."

DeSantis shot back, telling the president: "Why don't you do your job? Why don't you get this border secure and until you do that, I don't want to hear a blip about COVID from you."

Abbott earned points among conservatives when Biden in March labeled the governor's push to end the statewide mask mandate and all pandemic business restrictions as "Neanderthal thinking."

Abbott said Biden's remark was "not the type of word that a president should be using," then referred to Biden's "Neanderthal-type approach" to immigration and COVID-19.

Abbott has been an outspoken critic of Biden since he took office. Texas Attorney General Ken Paxton has filed about a dozen lawsuits against the Biden administration, including seven legal actions specific to border and immigration issues. This is in line with Abbott's actions during his tenure as Texas attorney general, when he filed 31 lawsuits against the Obama administration.

In the early days of Biden's presidency, Abbott spoke out against the administration's climate change agenda, which seeks to transition the nation away from fossil fuels.

"One thing that we are going to be doing is exactly what I did when I was attorney general in Texas and Barack Obama was the president of the United States, when President Obama was lodging challenge after challenge after challenge to the Texas energy sector," Abbott said at the time. "Texas will continue with that litigation strategy to fight back against any efforts by the Biden administration that threaten either the energy sector in general or jobs in the energy sector — in particular in the state of Texas."

Critical race theory

Abbott and DeSantis almost clanged into each other weeks ago in their attack on critical race theory, a favorite target of conservative media.

The framework of thought used by scholars to examine racism has become a catch-all term for what some see as divisive efforts in public schools to address and discuss racism and inequities.

In June, Abbott signed a law limiting classroom discussions of race and gender in social studies classes. Five days earlier, DeSantis' Board of Education also barred critical race theory from schools, with the Florida governor saying educators were "trying to indoctrinate (students) with ideology," although failing to present any proof that was happening.

During a summer special session, Abbott said the earlier Texas bill didn't go far enough and asked lawmakers to ban the teaching from all courses and create a new state civics training program for teachers. Republicans pushed the bill through over objections from Democrats and teacher groups.

Transgender issues

Abbott last month signed legislation banning transgender athletes from playing on school sports teams that don't align with the sex listed on their birth certificates. The Texas action came months after DeSantis also barred transgender females from playing on public school teams intended for students born as girls.

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DeSantis signed the law on the first day of Gay Pride Month in June, further antagonizing the LGBTQ community and drawing a federal lawsuit before the month was over.

Election laws

Both DeSantis and Abbott enacted new voter restrictions, including new limits on drop-boxes and vote-by-mail in Florida and a sweeping law in Texas that critics say will disenfranchise voters of color.

Both men also have fielded calls for an audit of 2020 presidential election results, a push spearheaded by Trump as he continues to perpetuate the baseless claim that the election was stolen from him. Trump won Florida and Texas.

DeSantis has rejected calls for an audit, defending his state's election results. But he reacted Wednesday, saying he wants to establish a new statewide law enforcement office to go after potential election crimes.

The move came just hours after Trump adviser Roger Stone threatened to run against DeSantis if he doesn't order an audit.

Abbott has resisted, to a degree, public pressure from Trump to pursue an audit, declining to add the issue to the agenda for the final special session of the year, despite public directives from the former president to do so. But shortly after those calls, Abbott's secretary of state office announced an audit of 2020 election results in four of the state's largest counties.

Seeking confrontation

Both DeSantis and Abbott have pushed policies that seem aimed at confrontation.

In response to the Black Lives Matter movement, DeSantis signed legislation that toughens penalties for violence at demonstrations — even creating new crimes. Abbott also signed a slew of laws to heighten criminal penalties for protesters and to punish cities that opt to cut police funding.

DeSantis also has taken on Facebook, signing a bill regulating how people get removed from the social media platform, the best-known banned user being his mentor, Trump. Abbott signed a bill in September that allows social media users to sue if they or their opinions are blocked from view or removed.

Abbott also drew national attention by signing into law the nation's most restrictive abortion law, which prohibits the procedure after six weeks of pregnancy and allows any individual to sue abortion providers or those who aid or abet a procedure that violates the law. Two legal challenges to the law are pending before the U.S. Supreme Court.

Florida is expected to consider a similar bill in January.

Fundraising chops

Both governors are fundraising machines. DeSantis is sitting on more than $58 million and regularly disappears from the Florida Capitol for out-of-state fundraising jaunts, including in Texas.

Abbott also raises big money and is going into the 2022 election cycle with more than $55 million in the bank, a record-breaking cash-on-hand figure for a statewide candidate in Texas, according to his campaign.

"Ron raises money in Texas, but these people are Abbott donors, too," said Brian Ballard, a Florida fundraiser and lobbyist close to the former president. "And they're Trump donors."

Looking ahead

DeSantis is expected to win his party's nomination for a second term next year with only token opposition. Three major Democrats are challenging DeSantis, including former Republican Gov. Charlie Crist, now a Democratic congressman, making a second run for governor in his new party.

In his bid for a third term, Abbott, by contrast, must contend with two primary challengers running to his right and giving voice to a branch of the Texas GOP that does not consider Abbott conservative enough for the state. In the general election, he could be looking at a showdown with former Democratic presidential candidate Beto O'Rourke.

O'Rourke, a prolific fundraiser in his own right, is mulling a gubernatorial run, but has not announced a candidacy.

Even with reelection campaigns looming, it's likely that DeSantis and Abbott will continue their cross-country sparring. While they're looking for home state voters to give them a new lease on the Governor's Mansion, they're eyeing the future — and each other.

When looking at their presidential prospects, most say it's too early to gauge how both men measure up among Republican primary voters.

Recent polls from Morning Consult/Politico and Harvard CAPS-Harris surveying voters on a hypothetical 2024 Republican primary field don't include Abbott as one of the contenders.

DeSantis, though, was in the mix in both polls. While his support paled in comparison to Trump, he was close to former Vice President Mike Pence as the second choice among GOP voters.

"Political decisions are never made in a vacuum," Aubrey Jewett, University of Central Florida political scientist, said of the two governors.

"They're thinking about the politics of getting reelected. But whatever each does, they're also thinking about what their potential opponents are doing, too."

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Tesla's Central Texas presence is already spurring hiring at other companies
Tahera Rahman
KXAN-TV
November 5, 2021
https://www.kxan.com/news/local/travis-county/new-pflugerville-initiative-aims-to-close-employment-gap-as-national-hiring-rebounds/

AUSTIN (KXAN) — A sign came Friday that pandemic recovery is overcoming a slowdown: 531,000 jobs were filled last month, according to the U.S. labor department's monthly report.

The report also indicates the unemployment rate has dropped slightly to 4.6% — the lowest since the pandemic began but still over a full percent higher than the pre-pandemic jobless rate.

That means high-demand industries in Central Texas, like construction, manufacturing and tech, are looking at big employment gaps, and some are expecting to experience a hiring surge for the next few years, as Tesla opens shop.

"It's exciting," said Shaun Mahan, Texas division manager for Rosendin Electric, Inc. "But someone has to be there to build that infrastructure. We're a part of that, and we need people to do that."

Mahan says right now, they've got about 220 electricians at any given moment in Central Texas, and they'd love to get up to 400 or 500 — or even more, as more companies relocate or spring up in the area.

That's why Rosendin is partnering with Skillpoint Alliance, a nonprofit that provides free training and education programs for skilled trades and manufacturing jobs.

That's how they got one of their newest hires, Myles Carpenter.

"I was actually a Domino's Pizza driver," said Carpenter. He wanted a career with more advancement opportunities and switched circuits to the electric industry.

"Definitely a lot of the growth here was part of why I chose this, as well, with all the construction going on in Austin and Pflugerville area," Carpenter said.

That's also the reason why EnergyX chose to move from California to Austin and is now expanding.

The company sources and processes lithium for batteries that go into electric cars.

"We think that Austin is going to be the center of the renewable energy world, the same way that you think about New York as the center of finance or LA as the center of entertainment or Houston as the center of oil and gas," Egan said.

He says that gut feeling was proven further last month, after Tesla announced its headquarter move to Austin-Travis County.

"I think that… a lot of the supply chain for electric vehicles and that transition to renewable energy is going to follow Tesla to Austin, and we want to be right here where the action is," Egan said.

He's looking to go from 32 employees to 100 over the next year and possibly more after that.

"I think this is the first inning," he said.

Ramping up training in Pflugerville
Skillpoint Alliance executive director Kevin Brackmeyer says they've got a lot of open spots for more people like Carpenter to take advantage of training in skilled trades or manufacturing.

"It is all connected," said Brackmeyer. "The skilled trades is connected to the manufacturing, manufacturing is connected to the skilled trades."

On Friday, the nonprofit announced a new initiative aimed at closing the employment gap in Central Texas called the Pflugerville Career Development Challenge.

"It is expected that Pflugerville will still be among the highest rates of unemployment in Texas," Brackmeyer said.

The initiative will provide free training programs in the area and comes alongside National Career Development Month in November.

The local nonprofit was joined by the Pflugerville Community Development Corporation and Council Member Rudy Metayer at Rosendin's 50,000 square-foot facility in Pflugerville.

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Texas needs an independent redistricting commission
Anthony Gutierrez
San Antonio Express-News
November 7, 2021
https://www.expressnews.com/opinion/commentary/article/Commentary-Texas-needs-an-independent-16596445.php

From start to finish, the Texas Legislature's redistricting process was rushed, secretive and undemocratic. In a matter of weeks, partisan legislators jammed through gerrymandered maps drawn to protect the politicians in power and silence voters' voices, especially those of Black and brown Texans.

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The new district maps were drawn almost entirely behind closed doors and approved in the middle of the night with hardly any input from the public.

Texans deserve better.

It's time to give serious consideration to redistricting reform, including an independent commission that transfers power from the politicians to the people.

From the beginning, this year's redistricting cycle was set up to fail. In September, Gov. Greg Abbott tacked redistricting on to a list of policy priorities to be addressed in a third special session set to end Oct. 20. As a result, the Legislature decided the fate of our elections for the next 10 years in just under 30 days.

Not only was redistricting hastily scheduled, there was hardly any effort to encourage the public to participate in the process. Instead, legislators created barriers to keep voters from having a say.

For the few public hearings that were scheduled, legislators gave voters just 24 hours notice of meetings, which were held during traditional working hours and required the public to register the day before the hearing to submit any comments. The hearings were so secretive even some state legislators didn't know a meeting was scheduled.

It's no surprise that a process without any trace of fairness or transparency resulted in extremely gerrymandered maps that deny fair representation to the voters.

Following the 2020 census count, Texas was the only state in the country to gain two additional members of Congress because of our state's explosive population growth. More than 95 percent of that growth was driven by communities of color.

Yet, none of the new maps reflect our state's changing demographics. Rather, the new maps were designed to erase voters of color's representation and voting power — and that's exactly what Abbott and partisan legislators wanted.

Instead of consolidating Latino communities into one majority-minority district, Republican legislators split heavily Latino neighborhoods in Dallas and eastern Irving into four congressional districts. By "cracking" Latinos into multiple districts, making them a small minority in each, state legislators denied this community a substantive say in their futures for the next decade.

Additionally, the maps protect the politicians in office now from having to lift a finger to earn our votes in the future. The maps were drawn to keep their seats "safe" from competition from other candidates. In fact, the same congressional district elections that experts described as "toss-ups" in 2020 now have double-digit margins.

It's no coincidence that as Latinos, Blacks and Asian Americans emerge as a powerful voting bloc, this Legislature designed maps that deny them participation in our democracy; or that the politicians in power drew maps that would support their political ambitions instead of our communities' needs.

It's why only 39 percent of our state legislators come from communities of color, despite composing a majority of the Texas population since 2004. It's why the state has been sued over gerrymandered maps that discriminate against voters of color every redistricting cycle for the last five decades.

This year's process and these maps were approved against our will. In more than 10 hours of testimony on congressional plans, not a single Texan spoke in favor of the draft maps.

Without reform, we're bound to repeat this flawed process in another 10 years. It's time to put an end to a process that allows the politicians to choose which Texans they want to represent.

Anthony Gutierrez is executive director of Common Cause Texas, a nonpartisan grassroots organization dedicated to upholding the core values of American democracy.

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Abbott emulating Trump is a blow to democracy
Jack Bernard
Corpus Christi Caller-Times
November 5, 2021
https://www.caller.com/story/opinion/forums/2021/11/05/forum-abbott-emulating-trump-blow-democracy/6289943001/

"Texas' secretary of state office announced it had launched a review of the 2020 election in four of the state's largest counties on Thursday evening, hours after former President Donald Trump sent an open letter to GOP Gov. Greg Abbott demanding one."- Politico, Sept. 23, 2021.

Gov. Greg Abbott has decided to link his fate to Donald Trump, who was impeached twice and came close to being removed from office. No wonder Abbott is sinking, as shown by a new poll which showed that only 42% of Texas voters support him for reelection (down from 46% just a few months ago). Only 44% give him a positive job approval rating, his worst rating since he's been in office.

Abbott has low ratings on abortion (36% approval), the border situation (43% approval) and handling the virus (46% approval). Only 45% say he's taking Texas in the right direction. Which leads me to say that blindly following Trump was not smart for him politically.

For a segment of our population, former President Donald Trump was (and still is) a charismatic leader. But it is increasingly clear that Trump came very close to overturning the basic tenet of our apparently fragile democratic republic -- fair elections. As information has come out, it has become obvious that Trump either does not understand democracy or just disagrees with letting the people decide who should be President. And that is who Abbott is emulating.

The Oxford Dictionary defines fascism as "An authoritarian and nationalistic right-wing system of government and social

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organization." Undeniably, Trump is a fascist. He believes in a top-down system where everyone reports to him (regardless of the Constitution or political norms), including Congress, the Supreme Court and the Department of Justice. Trump feels he should be elected even if the Electoral College and the American voters see things differently.

Early in 2016, when Trump believed he would lose, he complained about fraud, "(Democrats) want to try to rig the election at the polling booths." He lied to the American people, saying that "voter fraud is very, very common," when the opposite is true.

With no substantiation, he claimed that illegal immigrants were voting ("because non-citizens tend to favor Democrats"), as were dead people. He demanded his supporters "watch other communities, because we don't want this election stolen from us." And that rhetoric was before a single vote was cast, doing irreparable harm to our democracy by pre-assuming the illusion of fraud.

He even created a farcical "election integrity commission" to investigate. Since they could find no irregularities, the group was quietly disbanded.

Which brings us to the shameful way that Trump has characterized the 2020 presidential election, which experts say was the most fair and honest in US history. Per Attorney General Barr, a Trump appointee and supporter, "To date, we have not seen fraud on a scale that could have effected a different outcome in the election."

But according to Trump, even before the first vote was cast, this election was also ripe with irregularities, "they're trying to steal an election."

After his clear loss, he again claimed fraud with no substance to his claims. He charged that votes were "processed illegally," dead people voted, mail-in ballots were tampered with, and voting machines switched votes away from him. None of these charges could be proven. Dozens of suits (63 in all, including in Texas) were brought by the Trump team, and all were thrown out of court, often by GOP-appointed judges.

After his loss, Trump tried a series of fascist maneuvers to overturn a free and fair election, calling on various state officials to help. For example, Trump called Georgia's GOP Secretary of State, Brad Raffensperger, to pressure him to find non-existent Trump votes to overturn that states election. He asked his lawyers to repeat inaccurate claims of fraud. Trump pressured his appointees, like AG Barr, to find fraud where it did not exist. He even told Vice President Pence that either he would help get Trump elected (by failing to certify the election results, regardless of the Electoral College) or he would no longer be his "friend."

And then we have the Jan. 6 terrorist insurrection instigated by Trump, who asked his violent supporters to come to Washington and march on our Capitol.

Trump is clearly a fascist. But what about the GOP-elected officials like Abbott who refused to acknowledge Biden's election was fair? They were and are complicit, making them supporters of fascism.

Jack Bernard is a retired corporate executive who worked extensively with hospital systems throughout Texas.

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Smooth voting in Texas, other states was a good sign
Editorial Board
Houston Chronicle
November 5, 2021
https://www.chron.com/politics/article/Midterm-voting-texas-opinion-16596055.php

Texas and a few other states held elections on Tuesday, so the results are what statisticians would call a small sample size. But in these states, one encouraging sign emerged: No serious access problems were reported, and that's a trend that must continue. These "off-year" elections could be a dress rehearsal for bigger state and national voting in 2022, and public officials must be ready to help nudge voter turnout as high as possible.

In Texas, only about 9% of registered voters cast ballots for eight constitutional amendments, all of which passed. That was lower than the last round of voting for constitutional amendments in 2019 but about what this state has averaged for some time. These proposed amendments are important, but unless they cover a hot-button issue, they don't drive up turnout themselves.

In these off-year elections, turnout is mostly driven by local issues, such as the proposals for collective bargaining for firefighters in Groves and Port Neches, both of which passed, and city council elections in Bevil Oaks and Groves.

The only significant snag reported in Texas was a delay in ballot tabulation in Harris County because of a power outage at the central counting station. But it didn't appear to be anything nefarious and the count was completed.

But in Harris County, the most populous one in Texas, turnout was surprisingly brisk in the two-week early voting period for the constitutional amendments and several school bond issues. County officials said the total for in-person early voting was 63,358 people as compared to 46,224 in 2017, a 37% increase. The county's mail-in voting also increased in the early voting period with 47,243 ballots cast compared to 12,205 in 2017, almost a four-fold surge.

The voting experience in Harris County was noteworthy because it was a prime target of the controversial "elections security" bill passed by the Legislature this year. It was widely viewed as an effort by Republicans in the state House and Senate to make it harder for Democrats to vote in that county.

On that note, the voting in Virginia and Georgia was also interesting. The Democratic Legislature in Virginia made voting easier, and turnout was very high for a competitive governor's race. Republicans in Georgia made voting harder, causing baseball's all-star game to be moved from Atlanta to Denver, but no major access problems were reported for that state's elections.

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Because of all the controversial elections laws passed this year, various hotlines staffed by voting rights groups were set up to assist voters. Damon Hewitt of the Lawyers' Committee for Civil Rights Under Law said Tuesday's elections presented an important test.

"It's a test of voters to run the gauntlet, to figure out these new rules and restrictions," Hewitt said. "And frankly, it's also a test of our democracy: How strong can it be, and are we willing to tolerate these efforts to make it harder for people to vote?"

Those are important questions for Texas and every other state going forward. Voters have often shown themselves to be more determined than some politicians expected, but that doesn't excuse any unnecessary barriers to the voting booth. With voter turnout, more is always better. People should vote whether the process is easy or hard, but one option will clearly produce better results.

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Texas Gov. Abbott thinks he can attract cargo to Texas ports due to delays in California. Here's why that makes no sense
Chris Isidore
CNN Business
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https://www.cnn.com/2021/11/06/economy/texas-ports-california-port-delays/index.html

New York (CNN Business)Texas Gov. Greg Abbott thinks the delays at the nation's largest ports in Southern California is an opportunity for Texas to capture more business.

Or at least he might want his state's voters to think so, even if he doesn't believe it.

His campaign has put out a video which wrongly claims the way for cargo to get around delays in Southern California is to sail to ports in Texas instead.

"Are your products stuck off Long Beach? Texas ports are wide open," says the video, which Abbott tweeted to his followers on Monday. "Port delays are up to 100 days in California. In less than two weeks your cargo can set sail from California and be at one of our 24/7 functioning Texas cargo ports, unloaded and on their way to shelves near you. Choose a state that doesn't see inflation and America's supply chain backlog as a good thing. Escape California. Everyone's doing it. Choose Texas."

It's true there has been a steady flow of both individuals and business from California to Texas in recent years. Most notably Tesla (TSLA) announced a month ago it is moving its headquarters from Silicon Valley to near Austin. HP Enterprises (HPE), a descendant of the company that helped give birth to Silicon Valley as the nation's premier tech corridor, and software and cloud services giant Oracle (ORCL), both announced they, too, are moving to the Texas state capital in December. There are good reasons, including lower taxes and real estate prices, those moves make sense for companies and individuals.

But when it comes to containers of cargo, not so much.

There are many problems and inaccuracies with the governor's video, not the least of which is port delays are nowhere near 100 days in California. Earlier this fall they were averaging about 10 days. Now the delays to get into ports has dropped to seven to eight days, according to data from Spire Global, a data analytics firm that provides global vessel tracking data.

And no, it doesn't take "less than two weeks" of extra sailing time from Asia to Texas compared to the time it takes to sail from Asia to Los Angeles or neighboring Long Beach. Shanghai to Houston would be 37 days on average, according to data from Spire. Shanghai to Los Angeles or Long Beach would be only 20 days.

Many of the largest container ships are actually too big to sail through the Panama Canal and couldn't possibly make the trip that fast. In fact, many of the ships that bring Asian cargo to Texas are going the other way around the world, and making stops in Europe before reaching Houston.

Even with the port delays, it's faster to put a container unloaded in Los Angeles or Long Beach on a rail car and send it anywhere in the country, including Texas, than it is to sail all the way to a Gulf Coast or East Coast port. That's why the West Coast ports handle the lion's share of Asian imports.

"No other port in the Western Hemisphere has the infrastructure, labor force, rail network and warehousing to match the [container volume] that will move through the [Southern California ports] complex this year," said a statement from the Port of Los Angeles when asked about the Abbott's video.

Abbott's campaign, and his administration, did not respond to requests for comment from CNN Business about the video and its claims. The fact the video was made by his campaign and posted on Abbott's personal Twitter feed, and not the state's economic development agency or the Port of Houston, the only major container port in the state, suggests it was aimed more at voters than at actually attracting business. Abbott is running for reelection in 2022.

To be sure, Houston has seen an increase in container traffic this year, and so have all US ports. The reason is the pandemic-related seismic shift in spending by US consumers, away from services such as eating out, travel or going out to movies or sporting events, and more on actual goods, which need to be moved. Even domestically made goods, such as cars or appliances, rely on parts that must be imported through the US ports.

So that's why there are delays outside of Los Angeles and Long Beach, which between them handle about 40% of containers carrying goods into the United States.

"The port complex will handle all-time record volumes amid the unprecedented surge in imports driven by the American consumer," said the statement from the Port of Los Angeles. "The supply chain challenges being faced around the world are largely a result of new levels of global demand."

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While Houston is seeing more cargo volume it has not seen any ships diverted from Southern California, said Lisa Ashley, spokesperson for the Port of Houston.

Houston is the nation's 6th largest container port. But in 2020 it handled at equivalent of 2.9 million 20-foot containers of cargo, which is how volumes are measured. That's a fraction of the 9.2 million handled by Los Angeles alone, plus another 8.1 million at Long Beach.

Houston's primary business is bulk products, primarily oil and gas. But it does handle 70% of the container traffic along the Gulf Coast, and virtually all the containers at Texas ports. In the unlikely event a Los Angeles-bound container ship was diverted to Texas, that's where it would go.

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From: Christina Adkins
Sent: Monday, December 13, 2021 12:00 PM EST
To: Elec Legal <ElecLegal@sos.texas.gov>
Subject: FW: SOS Morning News Clips 12/13/21

From: Sam Taylor
Sent: Monday, December 13, 2021 9:51 AM
Subject: SOS Morning News Clips 12/13/21

Texas Secretary of State
Morning News Clips
December 13, 2021

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Campbell draws GOP opponent in District 25, *New Braunfels Herald-Zeitung*, December 10, 2021

Conservative wins show power of politics in HISD board races, *Houston Chronicle*, December 13, 2021

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USMCA neighbors Canada, Mexico cry foul over Biden's electric car subsidies, *Washington Times*, December 12, 2021

Mexican peso is on a skid; Buying power decreases with value, *Brownsville Herald*, December 12, 2021

Port Houston's trade jumps 51% to nearly $17B, *FreightWaves*, December 12, 2021

Is it time to get tougher with AMLO as energy policies threaten U.S. companies? *Houston Chronicle*, December 13, 2021

Analysis: From homegrown culture warriors to tomorrow's Texas leaders, *Texas Tribune*, December 13, 2021

Texas secretary of state sends 'exhaustive' election audit ask to Dallas, Tarrant, Collin counties

Philip Jankowski

Dallas Morning News

December 10, 2021

https://www.dallasnews.com/news/politics/2021/12/10/texas-secretary-of-state-sends-exhaustive-request-to-dallas-tarrant-counties-in-election-audit/

AUSTIN — Texas Secretary of State John Scott announced late Friday that his office has presented an "exhaustive" document request to Dallas, Tarrant, Collin and Harris counties as part of an audit of 2020's election.

Scott's office also announced that phase one of the audit is nearing completion, with a summary of findings expected to be made public by the end of December. The document request marks the beginning of the second phase of the audit, according to a news release from the secretary of state's office.

The request, sent to election administrators at each of the counties, asks for the counties to provide information including a full accounting of mail-in votes and provisional votes, any reported chain of custody issues as well as complaints that those offices might have received regarding the 2020 presidential election.

"Texas is leading in election integrity. As we embark on Phase 2 of our agency's Full Forensic Audit of the 2020 Election, we want to ensure every single eligible Texas voter knows that ballots in Texas are being properly processed, tabulated, and reported by county election officials in accordance with state and federal law," Scott said in the news release.

The ongoing audit comes amid unfounded claims of widespread voter fraud in 2020 pushed forward by former President Donald Trump. In September, Trump called for Texas to perform a full audit of the 2020 election results, despite winning the state by 5.5 percentage points.

The secretary of state's office announced the ongoing audit just hours after Trump made his demand. Trump later called the audit "weak" and pressured Gov. Greg Abbott to add an election audit to the special legislative session that was ongoing at

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the time. Abbott declined.

Following Friday's announcement, James Slattery, a senior counsel at the Texas Civil Rights Project, called the document request from the secretary of state's office a "fishing expedition."

"No other words to describe these unbelievably wide ranging document requests than 'fishing expedition,' " Slattery said on Twitter. "It'll tie these offices up in knots just as the primary season begins, diverting crucial resources from helping voters navigate all of 2021′s election law changes."

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2nd phase of 2020 election audit in 4 Texas counties underway

Jaclyn Ramkissoon

KXAN-TV

December 10, 2021

https://www.kxan.com/news/texas-politics/2nd-phase-of-2020-election-audit-in-4-texas-counties-underway/

AUSTIN (KXAN) — The Texas Secretary of State's Office announced Friday it's beginning Phase 2 of its forensic audit of the 2020 general election results in four counties.

The office first announced the forensic audit for Collin, Dallas, Harris and Tarrant Counties in September and explained the process would be carried out in two phases.

The office spent a little over two months in Phase 1 of the audit, which focused on voting machine accuracy, cybersecurity assessments and identifying and removing any ineligible voters who may have casted ballots during the election. Any potential instances of illegal voting were to be sent to the Texas Attorney General's Office to be investigated.

A summary of findings from Phase 1 of the audit will be available to the public by the end of this month, the SOS' office said.

Phase 2 of the audit began with an "exhaustive document request" from the four counties, the SOS' office said on Friday. The office claims the request "covers more election materials than any other election audit in the United States to date," and the audit of those four counties will cover about 35% of all votes cast in the state during the 2020 election.

The office is asking for all documents county election officials are required to maintain for 22 months after each election under federal and state law.

According to a letter from Texas Secretary of State John B. Scott addressed to the four counties' elections administrators, the counties are being asked to locate the documents in preparation for an on-site examination, tentatively scheduled for some time in January.

Also in the letter, Scott asks the elections administrators several questions about election security, including the following:

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- Do you have badge-controlled access to your election office?
- Do you keep track of who enters into the office, especially sensitive areas?
- Are visitors escorted at all times?
- Do you keep track of who enters the ballot programming area?
- Are the number of people authorized to access the programming area limited?

Click here to read the full letter outlining all the documents the Texas Secretary of State's Office requested.

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Republicans in Texas County, in Unusual Move, Upend Primary System

Jennifer Medina

New York Times

December 10, 2021

https://www.nytimes.com/2021/12/10/us/politics/republicans-amarillo-potter-county-primary.html

The Republican Party in the second-largest county in the Texas Panhandle is planning to conduct its own election during the state primary in March, breaking away from a nonpartisan county election board in a highly unusual move.

The G.O.P. in Potter County, which includes Amarillo, plans to use ballots that will be marked and counted by hand, rather than employ the electronic systems that the county has relied on for decades. Election experts said the changes would confuse voters and create more potential for fraud.

Under Texas law, county parties are allowed to run their own primary elections, but the vast majority have contracted with local boards of election for decades. The decision, which was reported by Votebeat, an election news website, comes as Republicans nationally have continued to push baseless claims of fraud in the 2020 election and sow doubts about the reliability of election machinery.

Daniel L. Rogers, the chairman of the Potter County Republicans, said that he made the decision this week because "a lot of voters have concerns" with the electronic counters and "don't feel comfortable with them." He did not cite evidence of any problems arising under the current system, and studies have shown that hand counting leads to more inaccuracies. He argued that paper ballots would be more secure.

"The parties have become lazy and complacent, but the primaries are actually the party's responsibility," said Mr. Rogers, a real estate broker whose office was decorated with red Make America Great Again hats when a New York Times reporter interviewed him last year. "The counties are spending millions of dollars on electronic systems, but this way it's a true secret ballot."

He said that "the voters are smarter than our elected officials, than administrators — they don't trust the voters. I do."

Mark P. Jones, a professor of political science at Rice University in Houston, said the move "removes the Republican Party one more step away from the standard electoral procedure."

He added: "The integrity of our electoral system depends on institutionalizing and professionalizing election boards. There will be more doubts about the overall outcome, or it will lead to more slip-ups and more potential flaws and problems than if

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the professionals ran it."

Potter County has about 57,000 registered voters, and they are overwhelmingly Republican: Roughly 70 percent cast their ballots for Donald J. Trump in 2020.

Mr. Rogers, when asked if the election results nationally were valid, responded, "I don't have any idea and that's the problem — I don't know if it was accurate or not."

Under state law, the county elections board will still be responsible for absentee and early voting, which a majority of voters in Texas use to cast their ballots. But the two systems, experts said, could complicate the process and make it easier for voters to cast ballots twice.

"It opens the door wide to fraud," Dr. Jones said. "It doesn't close the door to fraud."

The legal office of the Texas secretary of state, who oversees elections in the state and who was appointed by Gov. Greg Abbott, a Republican, raised several concerns about the move.

"Any time that a party conducts their own election rather than contracting with a county, it is more confusing to voters," said Sam Taylor, the assistant secretary of state for communications. Still, he added that "ultimately it's their decision to go at it alone."

One risk, Mr. Taylor said, is that candidates in contested races could file election challenges to prompt a court to order a new primary election. "It's not unprecedented," he said. "But county parties usually do not invite that opportunity upon themselves."

"They have every legal right to do so," he added. "We can't really intervene."

Melynn Huntley, the Potter County elections administrator, said that she had been taken aback by Mr. Rogers's decision and that she was most worried about the potential to make it easier to vote twice.

"The biggest worry I have is that those two systems will not talk with each other," Ms. Huntley said. "His desire is to eliminate fraud, but there is a vulnerability in the plan. I am concerned whether this can function with high integrity."

Ms. Huntley, who has served as elections administrator for eight years, said that when she took on the job, she pledged not to vote in either party's primary so that she could maintain her role as a nonpartisan overseer.

"I am truly trying to figure out how this is going to work," she said.

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Emails: Texas' Election Audit Caught Collin and Tarrant County Officials Flat-Footed

Patrick Strickland

AMERICAN OVERSIGHT

Dallas Observer

December 13, 2021

https://www.dallasobserver.com/news/emails-texas-election-audit-caught-collin-and-tarrant-county-officials-flatfooted-13000167

Back in September, Texas state officials announced that they had “already begun” what was dubbed a “full forensic audit” into the November 2020 presidential elections that saw Joe Biden defeat former President Donald Trump.

Now, an investigation by the watchdog American Oversight has brought back communication records and documents that show election officials in Collin and Tarrant counties were caught on their heels when the audit was announced, and that they apparently had no idea what the process meant.

In one of the emails American Oversight obtained, Collin County Election Administrator Bruce Sherbet informed employees that the audit would kick off in November.

(Does the timing feel a bit funny to you? Well: “Governor Abbott, we need a ‘Forensic Audit of the 2020 Election,’” Trump wrote in an open letter to Abbott. “Texans know voting fraud occurred in some of their counties.” A little more than eight hours later, boom: an audit is born.)

Texas Director of Elections Keith Ingram had informed Sherbet of the upcoming probe, despite having previously told the Collin County elections administrator that the vote had been both “smooth and secure.”

On Sept. 24, Collin County Commissioner Darrell Hale wrote back to Sherbet and Collin County Administrator Bill Bilyeu. "What is the story?" he asked. "What’s going on?"

"Just heard about it last night," Sherbet replied. "Not sure of any details."

Later, Hale confessed to an inquisitive constituent by email, "We are curious on the details ourselves."

Trump brought home 51% of the votes in Collin County, while Biden took 46%, nearly the same margin by which the former Republican president won Texas as a whole. Not only has there been no evidence of widespread voter fraud in Texas, Attorney General Ken Paxton has only closed a whopping total of 16 minor fraud cases, all of which were investigated in Harris County.

Biden narrowly bested Trump in Tarrant County, where voters hadn’t gone for a Democratic presidential candidate since 1964.

After the Texas Secretary of State’s Office announced the audit, Tarrant County Elections Administrator Heider Garcia urged election officials not to comment publicly until they figured out what exactly was going on and knew “what they need from us,” the email communications American Oversight obtained show. Garcia urged the officials to forward any media inquiries to him.

But the lack of clarity about what such an audit actually means and what it involves hasn’t stopped Texas Republicans from finding a way to spend Texans’ money on the process. (By the time it would be said and done, one economic analysis firm predicts a statewide audit would cost up to some $250 million in taxpayer bucks.)

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For now, the audit focuses on Dallas, Harris, Collin and Tarrant counties, and in November, Abbott and leading GOP legislators have already moved $4 million from the state prison coffers to help bankroll the probe. The funds will go toward hiring, training and sending out election auditors to — again — doublecheck the results of an election Republicans handily won.

Even Tarrant County Judge Glen Whitley, a Republican, has blasted the audit as a waste of time and resources. “The conspiracy theorists who want to come up with all these ways or reasons why this election wasn’t right — they might very well find something else,” he told the Texas Tribune last month. “It’s time to move on.”

After Trump got voted out, Attorney General Paxton caught flak for spending taxpayer money on lawsuits asking the Supreme Court to throw out results in four battleground states that picked Biden over Trump: Georgia, Michigan, Pennsylvania and Wisconsin. "There is no reason not to do an audit," Paxton said earlier this year. "There is no reason not to know the truth of every election."

Last month, Abbott defended the audit while appearing on Fox News. "Why do we audit everything in this world, but people raise their hands in concern when we audit elections, which is fundamental to our democracy?" the governor said.

Meanwhile, here at the Observer, no one has thought to "raise their hands in concern" over auditing an election in a state everyone agrees Republicans won. Instead, we're sitting around scratching our heads, entirely clueless as to how Texas produced so many U.S. Capitol rioters last January.

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Potter County Republican Party making move to hand-marked, hand-counted ballots in primary election

Judd Baker

KAMR-TV

December 13, 2021

https://www.valleycentral.com/news/potter-county-republican-party-making-move-to-hand-marked-hand-counted-ballots-in-primary-election/

AMARILLO, Texas (KAMR/KCIT)— The Potter County Republican Party said it is changing the way it holds primary elections, making a move to hand-marked and counted ballots.

“This is the way we did it, and it worked for over 200 years,” said Republican Party Chairman, Dan Rogers.

“They vote to not go with electronic voting machines, that we go back to the way we used to do things where we vote in our precincts, and marked and counted manual poll books countywide,” said Rogers.

So how does this change the way you vote?

Potter County Elections Administrator Melynn Huntley said if you are voting in the Republican Primary during early voting, you can still go to a voting center and cast your ballot on an electronic voting machine as normal, for now. The same applies to absentee voting. Voters will still mail in their ballots and have them tabulated by Huntley’s office.

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However, if you are going to vote as a Republican in the primary on Election Day, in Potter County, you will have to vote in a precinct, not a voting center, on the hand-marked paper ballots.

“I look up your name, you sign, we look at your ID make sure it matches what’s on there, you sign, we give you a ballot, and you fill it out, and then you drop it in a box, and you leave,” said Rogers.

Rogers said he would like to see the Potter County Democratic Party adopt the same voting style.

We reached out to the Potter County Democratic Chair, Amy Taylor, for comment. Said in a statement:

“The system of voting that’s been in place for the last fifteen years in Potter County is watertight. Voter fraud under the current system is not possible. Therefore, I see no need to change to a system of all paper ballots. It’s the Republican Party’s right to run the Primary Election as they see fit, but the Potter County Democratic Party will not be following suit.” - AMY TAYLOR | POTTER COUNTY DEMOCRATIC CHAIR

“I want the Democrats’ vote counted, as well as the Republicans without any question. And I’m not saying there’s fraud. I’m not accusing anybody of doing anything wrong,” said Rogers. “You know, we have a phenomenal election administrator here that does a wonderful job. But it’s not about that. It’s about doing what’s right for the voters.”

Rogers said he has contacted other Republican County Chairs to let them know what they are doing, and what he thinks every Republican county chair should follow suit.

We asked Randall County Elections Administrator Shannon Lackey if she anticipated any changes to their primary election. She said, “I don’t anticipate any changes for Randall County. A joint primary has already been decided upon by both Party Chairs and the resolution will be adopted in Commissioner’s Court on Tuesday.”

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State of Texas: Federal lawsuit over redistricting might delay Texas primary election

Tahera Rahman

KXAN-TV

December 12, 2021

https://www.kxan.com/state-of-texas/state-of-texas-federal-lawsuit-over-redistricting-might-delay-texas-primary-election/

AUSTIN (KXAN) – The U.S. Department of Justice is suing the state of Texas, saying the state’s new redistricting maps deny and dilute votes from people of color.

The DOJ says Texas’ new maps purposely violate Section 2 of the federal Voting Rights Act based on certain voters’ race and/or minority group — also known as “vote dilution.”

In a press conference Monday, U.S. Associate Attorney General Vanita Gupta pointed to Texas’ two new congressional

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districts specifically. The state gained two seats due to its population growth from the 2010 to 2020 U.S. Census. Texas grew by nearly 4 million residents, with an estimated 95% of that growth due to Latino and Black residents.

"…Texas has designed both of those new seats to have white voting majorities," she said. "The congressional plan also deliberately reconfigured a west Texas district to eliminate the opportunity for Latino voters to elect a representative of their choice."

Texas Attorney General Ken Paxton took to Twitter to criticize the lawsuit, calling it a "preposterous attempt to sway democracy."

The Texas primary election is scheduled for March 1, but some say it could be put on hold because of the federal lawsuit.

U.S. Rep. Lloyd Doggett, D-Austin, said he's fought against Texas redistricting before and supports the DOJ's challenge.

He doesn't believe any map changes would dramatically affect the newly-created district he is running for, Congressional District 37.

"This district is mainly the city of Austin, Westlake and Rollingwood," Doggett said.

He said CD 37 is the area he represented before previous redistricting-related legislative and court actions changed his boundaries.

"And now, the district I serve today stretches from north of 183 and I-35, to the very south side of San Antonio. So often, I find myself needing to be at events in both San Antonio and Austin at the same time," Doggett said of CD 35, which also now has new boundaries under Texas' new maps.

He said one change he's concerned about that might come out of the legal battle is pausing the March primary.

"I hope that doesn't happen, because it moves us off the traditional day, and it usually means fewer people participate," Doggett said.

The lawsuit asks the court to stop Texas from holding elections under these maps and to make new redistricting plans.

Richard Pineda, University of Texas at El Paso political science professor, said it's one of the few things the DOJ can try to do right now: delay the primaries or use existing district maps.

"This is one of the important questions when it comes to these kinds of lawsuits, which is the timeliness of how quickly you can get a federal judge to intervene," Pineda explained.

Pineda said changing maps will be a lot trickier once the primaries start.

"The state is making these changes that's affected the U.S. congressional districts, but this has also affected municipalities that have redrawn lines for municipal seats like county commissioner districts and also city council seats," he said. "So it

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throws a huge wrench into the works to try to stop all these things or try to move against them."

"But if there's any entity that has the power to — the Department of Justice," Pineda added.

Pineda said the next legal steps are to wait for additional filings and for the court to decide a venue and assign a judge to the case.

KXAN reached out to a few of the state lawmakers who supported Texas' newly redistricted maps. They either did not respond or were not available for an interview.

In October, state Sen. Joan Huffman, R-Houston, defended the new maps during a debate on the Senate floor.

Huffman led the redistricting process in the Senate and said she took the Voting Rights Act into consideration, which is now one of the bases of the Justice Department's new lawsuit.

"While these maps were drafted blind to race, it is wrong to say that race was wholly ignored in my end-to-end process. I'm committed to giving due regard to all factors relevant to legal compliance, including compliance with section two of the Voting Rights Act," she said.

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Montgomery County to conduct Conroe's May election to boost polling locations

Catherine Dominguez

Houston Chronicle

December 10, 2021

https://www.houstonchronicle.com/neighborhood/moco/news/article/Montgomery-County-to-conduct-Conroe-s-May-16690579.php

The Conroe City Council agreed to have Montgomery County Elections conduct the city's May 2022 elections to help save money and offer more polling locations.

The council made the decision during its Thursday meeting.

"If we decide to conduct the election ourselves, I need to go out and buy the equipment," said City Secretary Soco Gorjon. "The equipment we have now is over 10 years old and some is not working and is not in compliance with new laws."

The cost for new equipment, she added, would be about $200,000. The cost to have the county handle the city election would be about $80,000 to $100,000 with 10 to 12 polling locations.

Councilwoman Marsha Porter asked if the city needed that many polling locations. In the past, the city has only offered municipal voting at city hall and at April Sound.

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Gorjon said it would likely increase voter turnout and recommended the city allow the county to hold the election.

“The main reason is one big complaint our judges and I received is why is the city making the voters go to two separate elections and why isn’t the city saving money by having the county run the city election,” Gorjon said.

Councilman Curt Maddux noted Montgomery County commissioners in September approved the $8.1 million purchase of over 1,900 voting machines to replace the county’s aging voting machines. The machines will be used in the upcoming March primaries.

While the commissioners had some discussion regarding the integrity of the machines, County Judge Mark Keough’s Chief of Staff Jason Millsaps said the Verity Voting 2.5 by Hart Intercivic Inc. was approved by the Texas Secretary of the State’s Office and Texas Attorney General’s Office in January.

“They review the equipment in person and followed a checklist required to certify the equipment,” Millsaps said. “This system replaces the current electric voting system and has a paper back up element to it is not hackable and is verifiable by not only the voter but something we can look back to later to do a recount or any type audit required.”

Millsaps added the machines are not connected to the internet via a WiFi signal or ethernet cable making it impossible to tamper with.

“So less expense and more polling locations, sounds like a win-win,” said Mayor Jody Czajkoski.

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Opportunity was snatched away from Dallas County Latino communities when Texas Republicans redrew congressional maps

Alexa Ura

Texas Tribune

December 13, 2021

https://www.texastribune.org/2021/12/13/latinos-texas-redistricting-dallas/

DALLAS — When Henry R. Martinez Jr.'s cellphone rings, it usually means his community is in need. A surprise shipment of food must be distributed, a collapsed roof repaired, a vaccination clinic set up at the community center.

His neighbors turn to him in times of want and crisis because he knows them, respects them and will do his best to help. He wishes their government would do the same.

Martinez endeavors to fulfill the needs of the mostly Latino residents of the Ledbetter Eagle Ford community in West Dallas because the broader social and political structures don’t — and haven’t since his late father first took up this work decades ago.

Change seemed possible when Texas lawmakers met in Austin this year to redraw the state's political maps. The 2020 census showed that the Latino population in the Dallas-Fort Worth area had grown large enough that it seemed possible to

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cluster their communities, including Ledbetter Eagle Ford, together into a congressional district that would allow them to elect someone more connected to their daily lives.

Perhaps they could finally be represented by a Latino or Latina member of Congress from Dallas. Residents, legal experts and local leaders all pleaded with state lawmakers to acknowledge their constituency in the new district boundaries being drawn up.

Instead, Republicans — who entirely controlled the process — carved up predominantly Latino neighborhoods, leaving many voters of color with even less of a say in who represents them. In a bid to entrench partisan advantage in a rapidly changing state, GOP mapmakers awarded increased representation and control to white voters in rural areas, Austin and Houston.

For Martinez, it was the latest indignity for a community long denied an equal role in the democratic process.

“They’re focused more on others than the Latino people, and that’s unfortunate and that’s sad,” Martinez said. “We waited 10 years.”

Rather than honoring how representation can be built, Martinez said, “they make us real small.”

Generations of community

On a recent weekday, Martinez’s phone buzzed late in the evening with an alert of an unexpected donation of fresh fruits and vegetables. It was too last-minute to call on other volunteers that help him run a community-based food pantry, so as a November evening chill set in, Martinez and his wife, Isabel, found themselves unloading a truckload of produce onto the uneven parking lot of a small church.

The following morning, Martinez joined three other volunteers in distributing the donations. Some were sorted into black plastic bags offering a good mix of produce, but most of it was loaded straight into car trunks and back seats of grateful residents as the volunteers pulled from clumsily stacked cartons of grapes, pears, berries and a selection of squash, lettuce, tomatoes and bell peppers. There hadn’t been enough time to organize.

Yet the demand was so extraordinary. Even with the distribution's impromptu nature, the volunteers faced a long line of cars stretching for blocks in an area where one in four people live below the poverty line.

Ledbetter Eagle Ford sits just west of downtown Dallas, crammed between the Trinity River and Interstate 30. The busy boulevard running through its middle is lined by warehouses, industrial businesses, trucking companies and a few of what Martinez calls historical staples, including an old diner and a barber shop. Behind are rows of single-family homes, some 70 to 80 years old, tucked behind chain link or iron post fences.

It’s an old neighborhood, so power lines overhang the streets. But like other historic Latino and Black enclaves in urban centers, its residents have watched warily as redevelopment swallows up areas around them. The homes for sale in Ledbetter Eagle Ford are marketed as “investor opportunities” and for their proximity to nearby trendy areas.

To Martinez, community service is an inheritance from his father. The 62-year-old is the executive director of the Ledbetter Eagle Ford Community Organization, an organization run entirely on donations.

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Beyond the food pantry, the organization has helped set up a senior program for older residents at a community center, where they regularly gather to share meals, crossword puzzles and, on a recent weekday, dance moves as some shimmied and twirled over polished wood floors. Months before, the room had been lined with health care workers in masks and face shields for a COVID-19 vaccination clinic Martinez helped organize.

He also leads the Ledbetter Neighborhood Association, founded by his father to represent the area's residents, through which he helps maintain the community by helping neighbors whose homes are in need of repair, among other tasks.

Martinez himself is from and of Ledbetter Eagle Ford, born and raised in the area; his elementary school sits at the end of the road from where he was distributing the donated produce. He splits his time between his day job as a transportation specialist for a chiropractic business, his grown children and a handful of grandchildren, and his service to the community. He is so well known that some of the police officers who regularly patrol the area refer to him as the "mayor of Eagle Ford" when they run into him.

His family ties to the area date back to the early 1900s when immigrants fleeing the violence of revolution in Mexico, including his grandfather, settled in Eagle Ford, drawn in by work at a local cement company. By the late 1980s, a federal judge would refer to the area as the "largest Hispanic neighborhood in Dallas." Also born and raised there, Martinez's father served in the military before throwing himself into community work and going on to form the Ledbetter Neighborhood Association.

Under his father's tenure, the organization's agenda ranged from overseeing a small cemetery to helping expand main thoroughfares to pushing back as development began encroaching on the area — all in service of preserving the community's historical narrative.

Always the group found itself fighting for recognition.

One of its most significant contributions came in the late '80s when the Ledbetter Neighborhood Association joined two local Black leaders, Roy Williams and Marvin Crenshaw, to sue the city of Dallas, claiming its hybrid system for electing some city council members at large violated the federal Voting Rights Act by diluting the votes of African Americans and Mexican Americans.

Black and Latino residents had been pushing for change for decades, looking to the courts to force Dallas to move from a system in which city council members were elected citywide to a mixed system with some elected from smaller single-member districts. But that hybrid system still drew objections as Black and Hispanic candidates struggled to be elected to any of the three at-large seats that existed at the time.

Ultimately, a federal district judge knocked down the system, finding it discriminated against Black and Hispanic voters, and ordered the city to fix it.

"The history of minority participation in the political process of Dallas is not one of choice; it is a record of what blacks and Hispanics have been permitted to do by the white majority," U.S. District Judge Jerry Buchmeyer wrote in a March 1990 opinion.

After the first election under a newly created system of 14 single-member districts, the city council was made up of nine white members, four Black members and two Latino members. This doubled the number of Black representatives; no Latino candidates had even run in the election before.

The elder Martinez would continue his service until retiring in 2010, passing the baton — and an overstuffed Rolodex of phone numbers — to his son. The younger Martinez remembers how his father kept his community in mind until just before his death in 2019, imploring him to carry on his work.

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“He said, ‘Son, I want you to keep up this community. I was born and raised here. My parents came here.’ He told me, ‘You gotta take care of and keep up this community, no matter what happens,’” Martinez said. “If there’s people that need help, help them.”

His father’s fight helped the community gain more voice in the halls of power. But in the denial of a new district anchored in the community, Martinez sees a contraction of Latinos’ political equality. It makes the progress they’ve made feel tenuous, Martinez said.

“We need more representation,” Martinez said. “It’s like they’re taking it and grabbing it and taking it away after we worked so hard for it.”

Opportunity lost

Martinez and other community leaders don’t complain about their current, Democratic representatives. Their frustration lies with Republicans’ rejection of a new district commensurate with their growing numbers. The work Martinez does relies on relationships he’s built locally to bring resources and attention to people for whom they aren’t always afforded.

A new district would have granted them an additional voice in the halls of power on policy changes that could improve the lives of their neighbors. That includes issues like raising the minimum wage, access to affordable health care and a safety net that includes paid sick leave.

“Whenever I think of what an additional Latino district would mean, I think about the issues that are important to our members like immigration and safe, good-paying jobs,” said Diana Ramirez, the civic engagement director for the Workers Defense Action Fund, which advocates on behalf of low-wage and immigrant workers in Dallas and other areas. “I think about the area of Pleasant Grove where I grew up and knocking on doors in that area and seeing so many pickup trucks with what look like [construction and contractor] materials.”

She imagines a political reality in which those working in construction, one of the deadliest industries, would have “direct access to a representative that could hear what their day-to-day is like.”

That opportunity existed, at least in theory, with this year's redistricting process. Federal law, in fact, provides for the creation of “opportunity districts” for traditionally marginalized voters, and Texas has a long history of depressing the political influence of Hispanic and Black voters.

Those sorts of districts are supposed to boost representation for voters of color, giving voters of a traditional minority group the ability to harness their numbers into real political power and elect their preferred candidates. Often, but not always, those candidates are of the same race or ethnicity. When lawmakers redraw political districts every 10 years to ensure they are equal in population, communities of color have a window in which to make their case.

The campaign for a district controlled by Latinos in North Texas is a manifestation of the demographic change that has transformed the region over the last few decades.

In Dallas County, the Hispanic population has grown by about 60% since 2000, crossing the 1 million mark to make up the largest portion of the county’s population. Three out of every five residents the county gained in the last decade were Hispanic. Combined with Hispanic population growth in neighboring Tarrant County, Hispanic residents now outnumber white residents in the two large counties. At the same time, the white population has shrunk both in its share of the overall population and in absolute numbers. The 2020 census recorded a decrease of roughly 60,000 white residents in Dallas County in the last decade.

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That change, locals say, makes for a different slate of needs that demand increased representation to ensure the community's priorities are being addressed.

"We need someone who can actually represent the voice of the ethnic makeup of the community. That is what, at this point, has been challenging and has been missing," said Elba Garcia, a Dallas County commissioner who represents the western end of the county. "We have never had a Latino or Latina member of Congress. The opportunity has been denied [even though] that's what the Constitution and redistricting is all about."

There are various complex legal thresholds to clear in order to claim a Latino opportunity district, including political cohesion among Latino voters in the area and evidence that other voters, namely white voters, tend to vote in a bloc to defeat the candidates favored by Latinos.

But their numbers must first grow enough so that a geographically compact district can be drawn containing their communities — a threshold, many proponents of a new district argue, Dallas Latinos have long since crossed.

Though they've expanded their presence across the region, helping to diversify even traditionally white suburban communities, the western end of Dallas County comprises some of the neighborhoods most densely populated by Latinos. Some have pointed to Garcia's commissioner precinct as a possible starting point since it has long allowed Latinos to elect their preferred candidate at the county level. (Garcia is often mentioned as a prospective candidate for Congress if a Latino opportunity district were drawn in the area.) Advocates for a Latino-controlled district in Dallas have also looked to the southeast to communities like Pleasant Grove, where the Latino population has been expanding.

But the redistricting process is mired in partisan considerations.

Efforts to draw a new district covering those areas, which would likely elect a Democrat, were resoundingly rejected by Republicans in the Texas Legislature — at times without much substantive opposition.

In the Senate, Republicans rebuffed a Democratic proposal for such a district after the chamber's lead map-drawer said it would result in a "detailed and painstaking racial gerrymander" in North Texas. Racial gerrymanders, in which lawmakers rely too heavily on race or ethnicity to draw a district, are illegal, though race can be considered as a primary factor when drawing political districts, particularly to create or maintain opportunity districts that comply with the federal Voting Rights Act. (Senate Republican leaders claimed the state's congressional map was drawn "race blind.")

In the House, floor debate over a potential Latino opportunity district combusted after Republicans offered an incongruous argument to shoot down an amendment by state Rep. Rafael Anchía of Dallas that would have anchored a new district in west Dallas County.

"It's immoral to prevent the creation of a district like this. It's also likely illegal," Anchía told his colleagues in presenting his amendment hours into the chamber's floor debate on a new congressional map. "You really have to try hard to deny Latinos in North Texas the ability to elect the candidate of their choice, but that's what's baked in this plan and I ask that we fix it through this amendment."

Addressing the House, state Rep. Jacey Jetton, a Republican from the Fort Bend area, spoke in opposition to the amendment by pointing out that it would "unnecessarily" drop the Hispanic population in neighboring Congressional District 33.

That district had been created by a three-judge federal panel a decade before to protect the voting rights of people of color in the area, offering Hispanic or Black voters an equal chance to elect their preferred candidate. A decade later, Hispanics were just shy of making up the majority of eligible voters in CD-33.

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Despite Jetton's stated opposition, it was Republicans' new congressional map that actually reduced the Hispanic population in the district from 48% to roughly 42% — a fact pointed out by state Rep. Victoria Neave of Dallas as she challenged Jetton's claim.

"It is the underlying map that's reducing the number of Latino voters in Congressional District 33 that you just mentioned. Did you know that?" Neave said as she pressed Jetton.

Jetton responded that he was "not advised."

In the end, Republicans approved a map that sliced heavily Latino areas of Dallas County into at least five different districts. In all but one, Latino voters make up about a fifth or less of the electorate. In reducing the share of the Hispanic population in CD-33, Republicans placed some of those residents into Congressional District 6, a sprawling, mostly white rural district that stretches across several counties to the south and east of Dallas, covering roughly 6,000 square miles.

They used an oddly shaped tendril to connect that swath of rural counties to the areas around Irving and Arlington, stranding urban and suburban Hispanic voters who in the past were concentrated enough to influence the election of who represents them in Congress.

More broadly, the congressional map Republicans approved for elections to come will shrink the number of districts in which Hispanic and Black voters are in the majority. White voters will largely determine who fills the two new Congressional seats the state gained based on its overall growth in the last decade, almost all of which was attributable to people of color. Hispanic Texans were responsible for half of the state's increase of 4 million new residents.

"I think it just goes to show you the lengths to which Republicans are willing to go to try to stick their head in the sand about the changing demographics of Texas," said Michael Li, a senior counsel for the Brennan Center for Justice whose work focuses on redistricting and voting. "The word I keep using is 'brazen.' There was a really strong argument for a Latino district [in Dallas] last decade. It's only gotten stronger because the population has grown even more."

"Latinos will always have to fight in court"

As in the fight Martinez's father helped waged, the fate of Dallas Latinos' representation will be decided in a federal court — in this case, one more than 600 miles away in El Paso, where a panel of three federal judges will be considering various legal challenges to the state's new political maps.

As they did in the last round of redistricting, and as they've done in legal fights dating past that, the individual voters and organizations that serve Texans of color suing the state will have to prove that state lawmakers denied them an equal opportunity to participate in the voting process. Their hope is that the courts will force a redraw of state's political districts.

"What's new? They've been doing it for the last 30 years, and sadly Latinos will always have to fight in court to get the representation they deserve," said Garcia, the Dallas County commissioner.

Five different lawsuits have been filed against the state's new congressional map, most arguing it is unconstitutional and violates the Voting Rights Act by diluting the electoral power of voters of color. To make their case, various of the complaints point to Republicans' refusal to create new districts that give Latinos meaningful influence in elections. Some take specific aim at the new political boundaries in the Dallas-Fort Worth region, where they say lawmakers unlawfully manipulated the population based on race to the detriment of voters of color.

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“Without such blatant cracking, map drawers could have created either an additional Latino majority district or a coalition district with Black and Latino voters in this region,” one of the lawsuits argues.

Those Texas voters and groups were recently joined in their fight by the U.S. Department of Justice, which in its lawsuit against the state scrutinized how Republicans “surgically excised” voters of color from the core of the Dallas-Fort Worth region.

The state has so far failed to convince the court to dismiss the challenges but is expected to fight arduously to keep them in place for the upcoming March primaries, arguing there isn’t enough time to redo the districts before voting is set to begin.

But with the litigation left as their only hope, it could be years before Dallas Latinos learn whether they were cheated out of increased representation or whether they will have to wait another 10 years to again make their case.

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Campbell draws GOP opponent in District 25

Will Wright

New Braunfels Herald-Zeitung

December 10, 2021

https://herald-zeitung.com/community_alert/article_e65cb2d4-5a1f-11ec-a5fe-9fcb7d33a1b8.html

In the past week several local candidates officially filed for the March 1, 2022 party primary elections, including a challenge to Republican Texas District 25 state Sen. Donna Campbell.

Channon Cain, a financial professional from Lakeway, says he’s not a politician.

“I believe Texas remains the best place to raise a family and call home,” he told the Herald-Zeitung on Friday. “District 25 is the very heart of Texas, and deserves a politically courageous state senator who can be counted on to solve hard problems instead of continuing to kick the can down the road.”

Cain’s opening salvo came in one of the few contested races in Comal and Guadalupe counties, where no Democrat has yet filed before Monday’s 6 p.m. deadline.

Comal County has contested GOP races for Comal County Court at-Law No. 1 and for precinct 4 justice of the peace. Guadalupe County Judge Kyle Kutscher drew a challenge from Seguin’s Nolan Schmidt; other contested races are for precinct 4 commissioner and precinct 1 justice of the peace.

Both parties have candidates in the District 73 Texas House race. Justin Calhoun has filed for the Democratic nomination and Barron Casteel, George Green and Carrie Isaac are vying for the Republican nod.

Comal Democratic Party Chair Marilyn Aden said the party office at 1592 West San Antonio Street will accept filings from 2-6 p.m. Monday. Sue Piner, county GOP chair, said her party headquarters at 265 Landa Street will be open from 10 a.m. to 6 p.m. Monday.

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Elections Administrator Cynthia Jaqua said the Comal County Elections Office at 396 North Seguin Avenue will also be open until the 6 p.m. filing deadline.

After redistricting, Senate District 25 will include all of Comal, Blanco and Kendall counties, north Bexar County, southwest Guadalupe County, and western portions of Hays and Travis counties.

Campbell, a physician with mailing addresses in San Antonio and Austin and a home in New Braunfels, has represented District 25 since winning a two-year term in 2012. She easily won reelection to four-year terms in 2014 and 2018.

“The 87th Texas Legislature has entered into the Interim period where we are now assessing the implementation of legislation passed, as well as studying policy topics that may need to be addressed in the 88th Legislative Session,” she wrote to constituents on Nov. 29. “The Interim is also a time where you will see me out-and-about in my district attending policy luncheons, events, and meeting with all of you to discuss the issues you care about!

“It is a blessing to serve you in the Texas Senate. Together, we will continue to keep Texas strong! Why do we have to keep Texas strong? Because we don’t have another Texas to move to!”

Cain’s rhetoric mirrors Campbell’s playbook in blasting government debt and spending, but also seeks to “stop the infringement of our medical freedoms by the Biden Administration and employers, work to secure our elections at local levels, and always fight for life, our Second Amendment rights, securing our border, and supporting our veterans.”

All Comal County incumbents have filed for reelection except for Precinct 4 JP Jennifer Saunders, who announced her retirement when her term expires in 2023, and 207th District Court Judge Jack Robison. First elected in 1994, Robison has privately indicated he will not seek an eighth four-year term.

The last day to register to vote in the 2022 party primary is Monday, Jan. 31; the early voting period runs from Monday, Feb. 14 through Friday, Feb. 25. Runoff elections in both parties will be held Saturday, May 24.

For election information and updated candidate filings, visit the elections link at the Texas Secretary of State’s website, www.sos.state.tx.us.

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Conservative wins show power of politics in HISD board races

Sam Gonzalez Kelly

Houston Chronicle

December 13, 2021

https://www.houstonchronicle.com/news/houston-texas/houston/article/Conservative-wins-show-power-of-politics-in-HISD-16696925.php

Conservative candidates flipped two of the four open seats in Saturday’s runoff elections for the Houston Independent School District board — a testament, some say, to the grip that national politics have taken over local education.

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Pastor Kendall Baker edged out Trustee Holly Maria Flynn Vilaseca by less than 100 votes to win the seat in District 6. In District 7, Trustee Anne Sung lost to former PTO President Bridget Wade.

It will be the first time that a conservative has had a seat on the nine-person board since the last batch of trustees was elected in 2019.

About 5,300 people, less than 7 percent of registered voters, participated in the District 6 runoff, while over 12,400 people, about 12 percent of registered voters, turned out for the District 7 election, according to Harris County election statistics.

For the incumbents, the results were an indicator of just how deeply political talking points resonated with voters. Issues that sparked nationwide debate — such as the teaching of critical race theory and mask mandates in school — found themselves front and center of what are traditionally nonpartisan races.

“Knocking on doors in District 7, it was pretty clear to me that the impression that voters have of public schools, if they don’t themselves have children in public schools, is informed by Fox News and national news coverage that has nothing to do with what our kids are being taught,” Sung said.

“The fear that kids are being taught critical race theory or taught that they are victims is completely opposite of what we’re doing in HISD schools,” Sung said.

Critical race theory — an academic framework most typically taught in colleges and universities — was banned by Gov. Greg Abbott in public schools this year. Opponents of the ban say it is not taught in Texas schools in the first place and accuse proponents of the law of trying to whitewash discussions of race and the country’s history.

Superintendent Millard House II’s mask mandate for students in public schools also drew the ire of local conservatives, mirroring similar battles that played out elsewhere across the country.

Wade says the results are proof that issues like these matter to everyday Houstonians.

“It speaks to the fact that people want to have a say in their public education as taxpayers and parents and families, people want to be active participants and be heard, and so I think it was people crying out to be heard. That was the foundation from which everything came,” Wade said.

Jasmine Jenkins, executive director of Houstonians for Greater Public Schools, a school board watchdog group, said the results were not entirely surprising, as Districts 6 and 7, which cover swaths of west Houston, tend to lean Republican.

She lamented, however, that national political talking points had made their way into local nonpartisan races.

“School board races are nonpartisan for a reason, and here we saw particular vitriol being thrown by both parties in an attempt to grab power and saw real diversion away from actual education issues,” Jenkins said.

“I do think the Republicans, both nationally and here locally, were able to hammer home a very clear message that resonated with a lot of voters that ultimately led them to victory. Much like we see with Democrats nationally, here locally they were trying to defend their position without a clear and affirmative stance that resonated with voters,” she said.

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Baker spoke out against mask mandates and critical race theory during his campaign but said Sunday that he will take time to assess the situation in Houston's public schools before taking action.

He also attempted to put behind him sexual harassment allegations that cost him his job at the city's 311 center in 2013. He was suspended indefinitely after an inspector general report found that he "made lewd comments and sexual advances toward subordinate female employees."

Baker has denied the allegations and said the Texas Workforce Commission cleared him of wrongdoing. A 2014 letter from the commission found that he was fired "for a reason that was not misconduct connected to the work."

He was also a vocal opponent of the Houston Equal Rights Ordinance in 2015 and was featured in ad campaigns saying that "we have a moral obligation to protect women from the potential danger of perverted men," in reference to transgender people using public restrooms.

"We're going to move forward in the best interest of all of the children, keeping all of the children safe and protected, keeping children first and parents' voices first. Nothing will impede my ability to serve," Baker said. "That chapter of my life is closed."

With nine people on the school board, Baker and Wade still remain in the minority and will not be able to unilaterally affect the district's direction. Both have said they want to put politics aside and work with the other trustees to improve educational outcomes for the students.

"We are going to see very interesting dynamics play out on the board, which could be for good or for bad," Jenkins said, noting that school board issues rarely fall along the "typical left-right spectrum."

"I'm optimistic enough to think that people can grow and adjust once they're out of campaign mode and they can get work done for kids," Jenkins said.

Jackie Anderson, president of the Houston Federation of Teachers, said members will continue to ensure that schools are safe and welcoming.

"We want to state very clearly that there is no place in HISD for discrimination of any kind. The HFT and our community simply won't tolerate it," she said.

The HFT is disappointed in the results of the races in Districts 6 and 7 but said it expects all elected leaders to live up to their promises of higher pay for teachers.

"Priority one for this new board must be to stabilize staffing and ensure a qualified and certified teacher is available for every student. We don't need anyone in Austin, D.C. or some new 'think tank' to tell us what we must do to retain teachers. The answer is simple. Ask them. We stand ready to work with the district to achieve this very important goal," Anderson said in a statement.

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U.S. to Coordinate With Mexico, Regional Countries for Crackdown on People Smuggling

Cassandra Garrison

Reuters

December 11, 2021

https://www.usnews.com/news/world/articles/2021-12-11/u-s-to-coordinate-with-mexico-regional-countries-for-crackdown-on-people-smuggling

MEXICO CITY (Reuters) - The United States, Mexico and several regional countries will coordinate to apprehend the network of human smugglers responsible for a deadly accident that killed dozens of migrants, the U.S. embassy in Mexico said on Saturday.

The embassy announced the creation of an action group tasked with investigating, identifying and apprehending the smugglers involved in organizing a trailer, crammed with more than 160 people, which overturned on Thursday in the Mexican state of Chiapas. At least 55 migrants, most from Guatemala, were killed and dozens others were injured.

The United States, Mexico, Guatemala, Ecuador, Honduras, Nicaragua and the Dominican Republic would support the efforts, though coordination was open to all regional countries, the embassy said.

"We have a shared commitment to apply the full weight of the law against those who are responsible, in addition to working in a coordinated manner to combat human trafficking and smuggling in all its manifestations," the embassy said in a statement.

Thousands of migrants fleeing poverty and violence in Central America have traveled through Mexico to reach the U.S. border in recent years. They often face perilous conditions, including transport in crammed trucks organized by smugglers, known as "coyotes," in dangerous conditions.

Guatemala on Friday urged the United to invest in the country and elsewhere in Central America to boost development.

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USMCA neighbors Canada, Mexico cry foul over Biden's electric car subsidies

Haris Alic and David R. Sands

Washington Times

December 12, 2021

https://www.washingtontimes.com/news/2021/dec/12/usmca-neighbors-canada-mexico-cry-foul-over-bidens/

America's USMCA neighbors are unhappy with President Biden's proposed electric car subsidies for unionized U.S. carmakers, putting in question a key piece of the administration's climate agenda as it nears a critical test in the Senate.

The Canadian government over the weekend joined the Mexican government in escalating the fight over a provision in Mr. Biden's roughly $1.75 trillion social spending package now on Capitol Hill that offers a lucrative tax credit for electric vehicles made by union workers in America. Officials in both capitals say they are readying retaliatory tariffs if the U.S.-only tax credits are adopted.

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The North American auto production market is one of the most integrated in the world, and even with the revised U.S.-Mexico-Canada Agreement (USMCA) that went into effect in mid-2020, billions of dollars in cross-border trade in vehicles and parts remains a central feature of the market.

Canadian Deputy Prime Minister Chrystia Freeland sent a letter Friday to Senate leaders threatening retaliatory tariffs unless the White House strips the proposed tax credits from Mr. Biden's Build Back Better Act.

"We are deeply concerned that certain provisions of the electric vehicle tax credits as proposed in the Build Back Better Act violate the United States' obligations under the United States-Mexico-Canada Agreement," Ms. Freeland wrote, referring to the trade pact.

"The proposal is equivalent to a 34% tariff on Canadian-assembled electric vehicles."

Mr. Biden's big bill, if enacted, would provide a $7,500 tax credit for consumers that purchase electric vehicles throughout 2026. Car buyers would be eligible to receive a further $4,500 credit if they purchase a vehicle manufactured at a union-run plant located in the U.S.

After Mexico, South Korea, Japan and a number of European countries complained about the proposal in a letter in October, U.S. Trade Representative Katherine Tai said her office backs the administration's support for the electric car industry and that she had had talks with countries unhappy with the offending provision.

The administration "is committed to tackling the threat of climate change by supporting the transition to electric vehicle manufacturing," USTR spokesman Adam Hodge said in a statement to the Reuters news agency on Dec. 3. "We will continue to engage a range of stakeholders, including our close trading partners, as Congress considers legislation to strengthen U.S. leadership in the sector."

But the combined $12,500 credit poses a significant "threat to the Canadian automotive industry," according to Ms. Freeland.

"This issue is at the top of Canada's agenda with the United States," she wrote. "We want to be clear that if there is no satisfactory resolution to this matter, Canada will defend its national interest … [by] applying tariffs on American exports in a manner that will impact American workers in the auto sector and several other sectors of the U.S. economy."

Mexican officials have sounded a similar note, saying the Biden subsidy would effectively be more punitive than straight automotive tariffs President Trump threatened during the USMCA negotiations.

"President Trump at the time proposed to implement a national security measure to impose a 25% tariff on all imports to the United States," Mexican Undersecretary for Foreign Trade Luz Maria de la Mora told The Hill newspaper earlier this month. "This proposed measure would be equivalent to a tariff that's higher than the 25% that Trump proposed at the time and that we all thought was a crazy idea."

In her letter, Ms. Freeland noted that Canada is the top market of U.S. "automotive exports, buying about 10%" of all American-produced vehicles annually.

Senate Majority Leader Charles E. Schumer is pushing to hold a vote on the spending package before Christmas, though not all Senate Democrats are on board with the bill. One of the main holdouts, Sen. Joe Manchin III of West Virginia, has raised concerns specifically about the electric vehicle tax credit.

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Last month in an interview with Automotive News, Mr. Manchin argued that subsidizing electric vehicles from union shops would be un-American and wrong.

“We should not use everyone’s tax dollars to pick winners and losers,” Mr. Manchin told the auto industry trade publication.

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Mexican peso is on a skid; Buying power decreases with value

Steve Clark

Brownsville Herald

December 12, 2021

https://news.yahoo.com/mexican-peso-skid-buying-power-172900719.html

Dec. 12—Mexico's economy is shrinking and dragging down the value of the peso, which is never good news for businesses on this side of the border that rely on cross-border shoppers.

Antonio O. Garza, counsel for White & Case Mexico City, retired U.S. ambassador to Mexico and Brownsville native, said in a recent analysis of the "Three Amigos" summit between President Joe Biden, Mexican President Andres Manuel Lopez Obrador and Canadian Prime Minister Justin Trudeau, which Biden hosted on Nov. 18 at the White House, that Mexico's sagging economy is being caused in part by U.S. consumer price inflation and an increase in interest rates by the Bank of Mexico.

Ironically, the news comes on the heels of the recent reopening of the U.S. land ports-of-entry to "non-essential" travel from Mexico, a move cheered by the Rio Grande Valley's retail sector, largely forced to do without business from Mexican national shoppers since the U.S. Department of Homeland Security imposed restrictions in March 2020.

Garza wrote in his analysis that the impact of the challenges discussed during the summit was "reverberating throughout the region." U.S. inflation recently hit a 31-year high, as employers still face labor shortages and supply-chain issues, and the Mexican economy shrank 0.2 percent from the previous quarter, that country's first contraction since recovery from the pandemic began, he noted. Garza said the peso's value is expected to continue falling next year.

"There are a number of things at play here, all of which I think we'll feel in Brownsville and along the border," he said. "First, the weakening of the currency will have an impact on Mexican's purchasing power and, in spite of some pent-up demand in the wake of the travel restrictions, Mexico's economy is sagging and folks are feeling it. I'm guessing you'll see a slight uptick in economic activity going into the holiday season, and a fall-off shortly thereafter and lasting well into 2022."

Among the sore points going into the summit was the Biden administration's proposed consumer tax credit for electric cars produced in the United States, Garza said. Canada and Mexico are worried such a credit would encourage automakers to move their factories to the United States and allege it would violate the terms of the U.S. Mexico Canada Agreement, which took force last year, he said.

Garza said in his report on the summit that Mexico's economy minister called out the United States for allegedly pursuing protectionist polities, while the Canadian finance minister said the proposal was at risk of becoming the "dominant issue in our bilateral relationship." Much of the steel used by automakers in Mexico comes through the Port of Brownsville, and it

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represents a key source of income for the port.

Other companies that cater to the auto industry in Mexico are located in the Valley as well, though Garza wasn't expecting any impact from the credit — if it comes to pass — anytime soon.

"The saving grace of Mexico's economy these past couple of years have been manufacturing and remittances," he said. "I think that to the extent that our port activity is tied to Mexico's auto sector we won't feel an immediate hit from initiatives like the electric car credit. What steel companies are more focused on in the short term are keeping production and employment in North America and fending off the challenge of China and other countries."

Garza described the summit, which took place against a backdrop of pressing challenges such as COVID-19 and regional migration, as a further step toward Biden's goal of re-institutionalizing relations abroad and more fully integrating North American nations in order to counterbalance China's growing global influence.

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Port Houston's trade jumps 51% to nearly $17B

Noi Mahoney

FreightWaves

December 12, 2021

https://www.freightwaves.com/news/port-houstons-trade-jumps-51-to-nearly-17b

Port Houston's trade totaled $16.9 billion during October, an increase of 51% compared to the same period last year, according to a WorldCity analysis of U.S. Census Bureau data.

Port Houston's trade totaled $137 billion for the first 10 months of 2020, a 31% increase compared to the same period in 2020.

Port Chairman Ric Campo said 2021 has been an "interesting year."

"There's been lots of really good stuff going on, but also a very complicated year for our team," Campo said during the port's monthly meeting Tuesday.

Exports increased 50% year-over-year in October, while imports grew 53%.

Trade was boosted by imports of gasoline/fuels ($5.58 billion); oil ($5.25 billion); passenger vehicles ($2.05 billion); iron tubes/pipes ($1.17 billion); and furniture ($1.06 billion).

Top exports included gasoline/fuels ($2.08 billion); liquified natural gas/petroleum gases ($1.45 billion); oil ($1.34 billion); plastics ($575 million); and acyclic hydrocarbons ($318 million).

Port Houston's top international trade partners during October were China ($1.68 billion); Mexico ($1.29 billion); Brazil ($1.21 billion); South Korea ($797 million); and Japan ($797 million).

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The port ranked sixth for total trade among the nation's roughly 450 airports, seaports and border crossings and is the third-ranked seaport, behind Port of Los Angeles and Port of Newark.

"One of the things that is really cool is that the Army Corps of Engineers came out with their 2020 statistics and the Houston Ship Channel is still at No. 1 in total tonnage in the U.S.," Campo said. "We handled more than 275 million short tons of cargo during 2020."

Campo said looking ahead to 2022 and beyond, the port aims to expedite Project 11, a $1.1 billion widening and deepening of the Houston Ship Channel.

"Port Houston's [Army Corp of Engineers] ranking highlights the need to continue to make improvements and expedite our Project 11 to make sure that we ensure sustainable opportunities for our community and industry for generations," Campo said.

The port commission also recently approved its fiscal year 2022 operating and capital budget.

"We're investing in the future with a lot of things — additional yard capacity and equipments, 12 ship-to-shore cranes, 19 rubber-tired gantry cranes, two additional container yards, two new container berths, additional wharves/turning basin facilities and redevelopment of general cargo and breakbulk docks."

Weekly maritime imports into Port Houston (WICSTM.USHOU) totaled 29,147 shipments last week. The port's weekly maritime shipments were up significantly year-over-year (as indicated by the blue line) compared to 2020 (red line), according to FreightWaves' SONAR platform, which collects data on the daily number of customs filings for maritime imports.

Automotive production in Mexico drops 20% in November

Mexico's auto production of passenger vehicles recorded its lowest monthly output since 2012 in November at 248,960 vehicles assembled, according to data from Mexico's national statistics agency (INEGI).

The output represents a 20% decline compared to the same period in 2020, when 312,184 vehicles were produced.

Auto exports declined by 16% to 240,341 units, INEGI statistics showed.

It was the fifth month in a row that automotive output for passenger vehicles was down, fueled by an ongoing shortage of semiconductors.

AMIA chief Fausto Cuevas forecast that Mexico's auto production would return to pre-pandemic levels by late 2023 or in 2024.

The companies with the largest monthly declines were Japanese automaker JAC (97%), Mercedes-Benz (69%) and General Motors (44%).

Mexico OKs another state to export avocados to US

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Mexico's agriculture department said it has reached an agreement with U.S. authorities on a plan to allow avocados from a second Mexican state to be exported to markets across the United States.

The state of Jalisco could begin exporting avocados as soon as early next year's harvest season, according to the Mexican Ministry of Agriculture and Rural Development.

Since 1997, the state of Michoacán has retained the sole right to export avocados to the U.S.

Mexico is the largest avocado producer in the world, with a volume that exceeded 2.3 million tons in 2020. Mexico supplies most of the avocados imported into the U.S., totaling $2.8 billion during the 2019-20 growing season.

The ports of entry in Laredo and Pharr, Texas, are two of the largest gateways for avocados from Mexico into the U.S., combining for more than $2 billion last year.

Constellation Brands to build large export brewery in Mexico

New York-based Constellation Brands Inc. recently announced it will build a $1.3 billion brewery in southeastern Mexico.

The brewery's exact site has not been officially announced, but Mexican officials have reportedly said it will be built in the state of Veracruz, along the Gulf of Mexico, according to El Economista.

The company, which distributes Corona beer and other Grupo Modelo brands across the U.S., was planning to build a factory in the Mexican city of Mexicali, along the California-Mexico border.

Mexican President Andres Manuel Lopez Obrador halted plans for the Mexicali brewery in March 2020 after the facility ran into opposition from local residents who had concerns about its water consumption.

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Is it time to get tougher with AMLO as energy policies threaten U.S. companies?

George Baker

Houston Chronicle

December 13, 2021

https://www.houstonchronicle.com/business/energy/article/Comment-Is-it-time-to-get-tougher-with-AMLO-as-16682248.php

Texas Gov. Greg Abbott, on the eve of the trilateral meeting of the heads of state of the United States, Mexico and Canada last month, urged President Biden to begin "aggressive engagement with Mexico."

He complained of the regulatory mistreatment of American investors in Mexico's energy sector. The situation, he said,

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requires “immediate attention by your administration to prevent irreparable harm to Texas businesses and workers.” He cited the situation of just one Texas company, Monterra Energy, whose fuel terminals in Mexico were closed by elements of the National Guard. He called on the administration to negotiate the “immediate withdrawal” of the “militarized police force” from the facilities of Texas companies.

The governor was not alone. In a letter to Energy Secretary Jennifer Granholm, Sen. John Kennedy, R-La., demanded that the Biden administration act to “reopen American energy assets that have been illegally shut by Mexican militarized police.” In addition to Monterra, the senator mentioned Sempra Energy of San Diego, which operates natural gas and natural gas liquids pipelines and terminals in Mexico, and Bulkmatic, an Indiana transportation company that operates a refined products terminal in Mexico, as facing “similar operational threats.”

Kennedy warned that Mexican President Andrés Manuel López Obrador, known as AMLO, seems intent on shutting down foreign competition to the state-owned oil company Pemex. Meanwhile, Kennedy complained, the Biden administration isn’t doing anything to stop it.

A third recent protest about Mexico’s energy policies to the Biden administration came from the House of Representatives. On November 3, 40 Republican House members cosigned a letter to the secretaries of Commerce, State and Energy, as well as the U.S. Trade Representative, exhorting them to “elevate efforts to press Mexican authorities to stop discriminatory actions and provide U.S. companies . . . a level playing field.”

AMLO has made no secret of his desire to kill the energy reforms of his predecessor, Enrique Pena Nieto, which ended Pemex’s monopoly and invited foreign competition and investment. His efforts to undermine the reform have been described by critics as “slow rolling expropriation” and left foreign investors who entered Mexico’s energy markets in good faith in the lurch, to the detriment of Mexicans.

One of the egregious instances involves Talos Energy, a Houston offshore exploration and production company. Talos is the target of a state conspiracy to deprive it of most of the commercial rights to which it is entitled by virtue of its discovery of a major oil field on the Mexican side of the Gulf of Mexico. The field, known as Zama, holds an estimated 600 million barrels of recoverable hydrocarbons.

The Mexican government is to receive nearly 80 percent the revenues from the sale of Zama production, which is targeted at 150,000 barrels per day. At $70 a barrel, the foregone state royalties in a production-sharing agreement on sales of 150,000 barrels a day exceed $4 million a day or some $1.4 billion annually. Had standard industry practices been followed, Zama would have been producing two years ago. The government has willfully wasted two years and nearly $3 billion, damaging the finances of not only investors but of Mexico.

Neither Abbott nor Kennedy mentioned Talos in their letters advocating “aggressive engagement” with Mexico. Neither defined what they meant by aggressive engagement, but it’s clear that the U.S. needs to react more strongly to AMLO’s expropriatory policies — which likely violate the spirit, if not the letter, of the United States-Mexico-Canada Agreement, a free trade pact.

One suggestion: AMLO plays rough with American investors but he wants the U.S. regulator, the Committee on Foreign Investment in the United States to play nice with his proposed acquisition of the controlling interest in the Deer Park refinery, now operated by Shell. Inform AMLO that the committee’s approval has been put on standby.

That small step should get the Mexican president's attention.

George Baker is the founding publisher of Mexico Energy Intelligence, a Houston-based industry newsletter. He is the platform director of Energia.com.

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Analysis: From homegrown culture warriors to tomorrow's Texas leaders

Ross Ramsey

Texas Tribune

December 13, 2021

https://www.texastribune.org/2021/12/13/texas-republican-local-elections/

City councils and school boards in Texas are full of Republicans and Democrats, even if those people take office after nonpartisan elections in which they don't fly those party flags.

Local offices are where the political parties find many of their future leaders and where those future leaders are having some of their gnarliest fights. School boards, in particular, have become focal points for issues that combine local and statewide interests, like book bans, critical race theory, what's taught and what's not, property taxes, gender identity, parental involvement, teacher autonomy, vaccinations and mask mandates.

That's why the Republican Party of Texas is taking a "shop local" approach to candidate recruitment, trying to build farm teams of candidates who'll turn debates the party's way at the local level and then, perhaps, run for state and federal offices later.

The GOP announced its initiative this week, but both parties have been recruiting candidates this way for years. This is how the political ecosystem works.

Current issues work as fertilizer. Divisive topics being debated at school board and city council meetings often mirror what state legislators are talking about. They get the public's interest. They sharpen the rhetorical skills needed in political debate, if not in collaborative legislating.

At any given moment, the Texas Legislature has plenty of people who started off on school boards, as mayors and city council people, members of local commissions and boards. It's the training ground. And it's only natural that the political parties, always looking for new stars, are recruiting and grooming local government folk.

The GOP announcement wasn't surprising, but the timing is interesting. Texas Democrats are trying, again, to put together a win or two on the statewide ticket, hoping that their lock on most of the state's big cities and their growing strength in suburban counties will get them in position for that.

Republicans are looking at signs that Democratic strength in South Texas has begun to wane. They've been recruiting candidates — the full list will be available after the Monday evening deadline to file for the 2022 ballot — and in one case, getting incumbent Democrats in the Legislature to change parties. Ryan Guillen of Rio Grande City started his current term as a Democrat and will end it as a Republican.

He's seen the numbers: Republican lawmakers, after the 2020 elections, redrew the state's political maps with those gains in mind, favoring their party where they could.

Lots of local races won't be on that ballot after Monday's deadline. For one thing, they're nonpartisan, and there are no primary races for the candidates. And the local elections are often on other dates.

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Republicans in Austin have been after local governments for years, pushing aside local laws and rules on ride-sharing, short-term rentals, public health orders, mask mandates, property taxes, housing policies — a long list of issues where local and state powers overlap. Lawmakers have failed several times to outlaw lobbying by local governments and the associations they employ to tell the state lawmakers how their work will help or undermine what's happening back at home.

Those legislative eyes are still on cities and counties, particularly those in Democratic parts of the state, but they've turned their attention this year to school districts. State-level efforts — to reverse local COVID-19 responses, pull certain books from school libraries or block teachers whose lessons on history or social studies they don't like — have gone local. What were issues in Austin are echoed wherever local elected officials meet.

It's already a training ground for the next generation of state leaders. The Republicans are just formalizing it, and making an announcement that they hope will get like-minded people to run for local office and, maybe someday, for higher office.

The parties are just like sports teams in this way, building farm teams they hope will turn into dynasties.

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From: Christina Adkins
Sent: Tuesday, December 14, 2021 9:53 AM EST
To: Elec Legal <ElecLegal@sos.texas.gov>
Subject: FW: SOS Morning News Clips 12/14/21

From: Sam Taylor
Sent: Tuesday, December 14, 2021 8:44 AM
Subject: SOS Morning News Clips 12/14/21
Sensitivity: Personal

Texas Secretary of State
Morning News Clips
December 14, 2021

The Texas election audit Trump encouraged, then called 'weak', enters a new stage, *Texas Standard*, December 13, 2021

An ill-advised plan for a GOP primary shows the power of election lies, *Votebeat*, December 13, 2021

'Rick Perry' is running for Texas governor against Greg Abbott but it's not the Rick Perry you know, *Dallas Morning News*, December 13, 2021

Texas' 2022 races coming into focus as candidate filings close, *Texas Tribune*, December 13, 2021

Phase 2 details released for election audit that includes Collin, Dallas counties, *Rowlett Lakeshore Times*, December 13, 2021

Potter County Republican Party making move to hand-marked, hand-counted ballots in primary election, *CW 39 Houston*, December 13, 2021

Former Dallas County DA Faith Johnson files with GOP to run for her former post, *Dallas Morning News*, December 13, 2021

Texas Republicans swarm 2022 primaries while Democrats lament lack of battleground races, *Houston Chronicle*, December 14, 2021

When the Myth of Voter Fraud Comes for You, *The Atlantic*, December 14, 2021

Democrats worry their grip on Hispanic vote is loosening, *The Hill*, December 13, 2021

Mexico May Reduce Pemex's Profit-Sharing Taxes Again, *Bloomberg*, December 13, 2021

Op-Ed: Texas Redistricting Needs to Protect Campus Communities, *Texas Signal*, December 13, 2021

Rep. Israel: What I want for Christmas, *Austin American-Statesman*, December 13, 2021

The Texas election audit Trump encouraged, then called 'weak', enters a new stage
Jill Amend and Laura Rice
Texas Standard
December 13, 2021
https://www.texasstandard.org/stories/the-texas-election-audit-trump-encouraged-then-called-weak-enters-a-new-stage/

The Texas secretary of state's office is now asking four Texas counties to provide information and documentation surrounding the 2020 Election. It's the next step in an ongoing election audit that Republicans, including former President Trump, have pushed for, arguing without evidence that there was widespread election fraud.

Though Trump won in Texas by 5.5 percentage points in the 2020 election, he asked Texas Gov. Greg Abbott to audit the results. Instead of a full audit, Abbott requested an audit of four of the state's largest counties: Dallas, Tarrant, Collin and Harris. Trump called the move "weak," but the audit effort has continued.

Texas Secretary of State John Scott has said the first phase of the audit is nearly complete, and the request from counties is the next phase.

Dallas Morning News Austin Bureau correspondent Philip Jankowski told Texas Standard, "phase two begs the question, 'What was going on in phase one?'" He said that might be made clearer when the secretary of state's office releases findings from it. That's scheduled to happen later in December.

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Learn more about the background of this audit and what happens next in the audio player above or in the transcript below.

This transcript has been edited lightly for clarity.

Texas Standard: Trump won Texas. What's this election audit all about?

Philip Jankowski: It's kind of tough to say, to be to be honest. I mean, the audit itself is because of Trump. The governor hasn't said that, but I think the timing clearly outlines Trump makes public his demand and then hours later, the secretary of state announces that it's performing this audit. So I definitely do believe that it is.

This audit comes as, should be mentioned, Abbott is facing attacks from his right flank. [The Texas gubernatorial] election is coming up next year, and he's got two opponents who are trying to position themselves further to his right. And they saw, they possibly saw, the lack of a full audit of Texas' results as somewhere that they could go after [Abbott]. Trump adds some – a whole lot – of kindling to that fire. And so he makes an open demand, and so now we have an audit.

Give us some background on new Texas Secretary of State John Scott, and why the former person in that job left the office.

The former secretary of state was never confirmed by the Texas State Legislature, which actually invoked some ire from the governor. This new secretary of state didn't have to deal with any of that. He was appointed while the Legislature was out of session, so no need for a pesky vote. His name is John Scott and he's got some involvement in some of the Trump recount stuff that went on some of those lawsuits.

What is phase two of this audit he announced Friday?

Phase two is basically a total accounting of mail-in ballots and provisional ballots – seems to be the two largest focuses of this second phase. [Secretary of State John Scott has] asked for an "exhaustive" amount of information from these four counties. And most of it centers around mail-in ballots and provisional votes cast in the 2020 Election.

What four counties are we talking about here, and what do you make of the fact that we're talking about these four counties?

We're talking about Collin County, which is North Dallas; Dallas County; Tarrant County, where Fort Worth is; and, of course, Harris County, the largest county in the state. So we're looking at urban counties relative to the larger state and, as you know, those counties tend to vote more in favor of Democrats; denser populated counties tend to do that. And so it does seem to be some sort of, well, maybe not causation but, at the least, correlation between how those counties voted and the ones that are being examined.

How have local election officials been responding to this audit and this demand for more detailed information?

I'm unsure as of yet. As I said, this announcement was made late Friday. So, many of them might have already packed up and gone home for the weekend. And maybe this is top on their to-do list this Monday morning, but it's unclear at this point.

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An ill-advised plan for a GOP primary shows the power of election lies
Jessica Huseman
Votebeat
December 13, 2021
https://www.votebeat.org/2021/12/13/22832485/jeff-zink-election-integrity-symposium-hand-counted-ballots-potter-county

On Friday we published a scoop out of Amarillo, Texas, my ancestral homeland. The Potter County GOP chair, Dan Rogers, has decided to run his own Republican primary in March. He says he'll use manual poll books and hand-marked ballots, and that election workers will count those ballots by hand. It's a recipe for disaster, multiple election administrators and experts told me. They also told him that, but he doesn't seem to care.

Manual poll books will make it impossible for the county to prevent those who have already cast ballots in the Democratic primary (which will be run by the county in the standard way) from also casting a ballot in the Republican primary. Rogers acknowledged this, but said he "trusts" people. He also says that "logic" tells him that all of the ballots will be counted in half an hour — despite multiple studies that show it would take much, much longer. "I don't need studies, they are a waste of money," he told me.

While parties are allowed to run their primaries however they see fit, they are not allowed to violate Texas election law. And Texas's new voting bill, passed earlier this year, holds party chairs personally liable for any violations. In addition to being removed from his position, Rogers could face a $1,000 fine per individual violation. He, again, didn't seem to care.

My conversation with Rogers was confusing. He rejected studies, gave short shrift to federal civil rights law, and ignored the problems with his plan the state and the county have pointed out to him. This, he said, is what his voters want. Why do they want this? Well, they received an "election integrity symposium" from Jeff Zink, a native of nearby Borger, Texas, and a congressional candidate for Arizona's 7th District. Zink and his son were part of the Jan. 6 U.S. Capitol insurrection, though he denies that they entered the building. That's news to federal prosecutors, who have charged his son, Ryan, with several crimes. "We knocked down the gates! We're storming the Capitol! You can't stop us!" he said, facing his video camera. "We're about to bum rush this shit!"

Jeff Zink is also a Cyber Ninjas truther who believes the company intentionally hid the 2020 fraud he is confident took place in Maricopa County. At the mid-October symposium, he expounded on the benefits of hand-counted ballots, and Rogers took the lessons to heart. He appears unwilling to back down from his half-baked plan and very willing to ignore facts.

The Jan. 6 insurrection continues to creep into actual policy and procedure, and this is a scary sign of things to come. While he's so far received no buy-in from other county parties, Rogers has encouraged every GOP county chair in the state to follow suit. On Dec. 3, Rogers sent out an email saying, "We would like to see other County Committees follow our lead and we will help any County Chair interested in having real secret ballot elections," he wrote.

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The Texas secretary of state's office (headed by John Scott, recently appointed by Republican Gov. Greg Abbott) has told Rogers it's a bad idea, and will do so again this week in a meeting on Tuesday. "This introduces a lot of potential mistakes and it also introduces opportunities for fraud," said Christina Adkins, the legal director of the secretary of state's elections division. "The candidates on this ballot really need to think about whether this is how they want their election run."

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Amarillo is the largest city in Texas to use "cumulative voting," which allows voters to cast as many votes as there are open seats in school board elections. If, for example, there are three open seats, voters can cast one ballot in each race or give all three votes to a single candidate. The city made the switch from at-large voting after being sued by civil rights groups in 1998. After the change, a Black school board member was elected for the first time, and a Latino candidate was elected for the first time since the 1970s.

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'Rick Perry' is running for Texas governor against Greg Abbott but it's not the Rick Perry you know
Robert T. Garrett
Dallas Morning News
December 13, 2021
https://www.dallasnews.com/news/politics/2021/12/13/rick-perry-is-running-for-texas-governor-against-greg-abbott-but-its-not-the-rick-perry-you-know/

AUSTIN — A "Rick Perry" from Parker County is trying to deny two-term Republican Gov. Greg Abbott the nomination of his party for a third term next year.

But the Perry who filed his papers as a gubernatorial candidate on Monday is not the former Texas governor and U.S. energy secretary.

The newly filed candidate, Rick Perry of Springtown, northwest of Fort Worth, is apparently a computer technician with the title of "senior desktop engineer" at Lockheed Martin, according to a LinkedIn profile.

Ballot-name confusion is part of Texas political lore, with Gene Kelly (not the Hollywood actor) a perennial candidate in recent decades. Earlier, candidates with Sam Houston in their monikers and some variant of former U.S. Sen. Ralph Yarborough's surname made headway. In March 2020, political newcomer Jim Wright (not the former U.S. House speaker who represented Fort Worth in Congress for more than three decades) unseated Railroad Commissioner Ryan Sitton.

On the last day to file for the 2022 governor's race, the Rick Perry from Springtown in Parker County briefly roiled the political community in Austin, where unfounded rumors that the former governor might come out of retirement to challenge Abbott had circulated for months. One online political news outlet, Capitol Inside, rushed out an email blast with the subject line, "State GOP: Perry Files to Run for Governor." Five minutes later, another email followed sheepishly confessing "it's not the former governor."

Attempts to reach either Perry were unsuccessful Monday.

As to the Springtown-based Perry, voter registration, driver license and other public records show he is 63 and has worked as a computer technician.

In recent years, he has donated small amounts to some of the Texas GOP's most conservative candidates — former Bedford Rep. Jonathan Stickland ($125), Garland House aspirant Jonathan Boos ($10) and onetime Railroad Commission candidate Gregory Parker ($75) — and $100 to the Parker County Conservatives' political action committee, according to filings with the Texas Ethics Commission.

Although he used "Rick Perry" on LinkedIn, voter and driver records list him as "Ricky Lynn Perry." The 71-year-old former governor, who grew up in Paint Creek in Haskell County north of Abilene, is James Richard Perry.

'Stupid pet trick'
On Monday, Dave Carney, Abbott's chief political strategist, fired off tweets calling Ricky Lynn Perry's surprise candidacy a "stupid pet trick" and insinuating it's a ploy that will backfire by one of the incumbent governor's other Republican rivals — who include former Dallas state Sen. Don Huffines and former state GOP chairman Allen West.

"Hard to be a straw candidate by using [your] commonly referred to name now, isn't it?" Carney said in one tweet that noted the discrepancy between Springtown Perry's ballot name and voter registration records.

University of Houston political scientist Brandon Rottinghaus said the new development "could be problematic" for Abbott, who's hoping to coast through the March 1 GOP primary. Abbott, who'd strongly prefer to avoid a runoff, already is running internet ads against his likely Democratic opponent next fall, former El Paso congressman Beto O'Rourke.

Any voter confusion with the former governor might require some application by Abbott of time and resources to dispel, the UH professor said.

"Rick Perry is still really well-liked in most Republican circles, if not the most far right," noted Rottinghaus, who is writing a political biography of the longest-serving chief executive (14 years) in Texas history.

"It's not likely to affect Abbott all that much, but there are still enough people out there who might feel wistful for the days of Rick Perry and Republican politics of old that this might be an issue for Abbott," he said.

In recent months, Abbott has been endorsed by former President Donald Trump. As he eyed both the 2022 governor's race and a possible run for the presidency in 2024, Abbott has embraced controversial elections legislation, the nation's strictest abortion ban and positions resisting COVID-19 vaccine mandates.

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Two Ricky Perrys?
Since leaving the Trump administration, Perry and his wife Anita have lived in Round Top, near Brenham.

“He is fairly happily retired,” Rottinghaus said. “He’s on a couple of [corporate] boards — so earning a pretty good living. Still keeps his hand in politically. He’s really close to Morgan Luttrell, who is running in CD 8, for the [Kevin] Brady seat,” the political scientist said, referring to a former Navy SEAL who is running for Congress in the Houston area.

Rottinghaus said when he saw press reports about the Springtown-based Perry’s candidacy, he chuckled.

“When I saw ‘Ricky Perry,’ my thought was that in his younger days, people called Richard Perry ‘Ricky,’” he said. “His mom and his wife called him Ricky. And his wife still calls him Ricky. I mean, not that it means anything, but he’s still also Ricky Perry in that way, I guess.”

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Texas’ 2022 races coming into focus as candidate filings close
Patrick Svitek
Texas Tribune
December 13, 2021
https://www.texastribune.org/2021/12/13/texas-2022-elections-candidates/

Candidate filing for the 2022 primary in Texas closed Monday evening, and there were more than a few late developments in what is set to be a busy election cycle.

All the major statewide offices — including governor — are on the ballot, and every seat in the Texas Legislature is up for a vote because of redistricting. That is on top of the usual 36 congressional seats that are on the ballot every two years — plus two new U.S. House seats that Texas received because of population growth in the past decade.

The primary elections determining the two major parties’ nominees will be March 1. The general election will be Nov. 8.

At the top of the ticket, Republican Gov. Greg Abbott is running for a third term, but faces challengers from within the GOP. On the Democratic side Beto O’Rourke will likely be his party’s nominee for a general election that is expected to be a marquee race. But farther down the ticket, there is a hive of activity generated by redistricting — dozens of state lawmakers are not seeking reelection to their current seats — and the GOP’s determination to make new inroads in South Texas.

Still, statewide races continued to take shape Monday ahead of the 6 p.m. filing deadline. The Democratic primary for lieutenant governor got a third candidate as Carla Brailey, vice chair of the state party, announced her campaign. Her launch came amid a lingering discussion among Democrats about whether their statewide slate is diverse enough.

Brailey said in an interview that she was running because she “really believe[s] our democracy is at stake, and I think this is gonna be one of the most important elections we have experienced in a very long time in Texas.”

“It’s very important that we have leadership that just reflects Texans — all Texans — and I think I will be able to do that,” said Brailey, who is Black.

She joined a primary field that includes Mike Collier, the last nominee for lieutenant governor who has been running since early this year, and state Rep. Michelle Beckley of Carrollton, who announced last month. Matthew Dowd, the cable-news commentator who once was a strategist for former President George W. Bush, had been running in the primary until last week, when he dropped out and said he wanted to make way for a more diverse field.

Brailey is not the only Democrat who has stepped forward for the statewide ticket as the filing deadline loomed. Janet Dudding, a 2020 candidate for a battleground state House seat in Brazos County, filed to run for comptroller, joining at least two other Democrats vying to take on GOP incumbent Glenn Hegar. Susan Hays, a prominent cannabis lawyer and hemp advocate, announced she was running for agriculture commissioner, giving Democrats their first candidate to challenge Republican incumbent Sid Miller.

“Farming is hard, but ethics should be easy,” Hays said Thursday as she announced her campaign against the scandal-prone Miller.

In addition to the gubernatorial election, another blockbuster statewide contest is the GOP primary for attorney general, where incumbent Ken Paxton is trying to fend off three challengers: Land Commissioner George P. Bush, former state Supreme Court Justice Eva Guzman and U.S. Rep. Louie Gohmert of Tyler. Despite some volatility in recent weeks — state Rep. Matt Krause of Fort Worth ended his campaign and Gohmert launched his — that primary saw no 11th-hour surprises.

Congressional contests also saw 11th-hour developments Monday. Democrats lost a prominent candidate for the 15th Congressional District, which Republicans are trying to flip, as Ivan Melendez, the Hidalgo County health authority, announced he was passing on a campaign for the seat, saying he could better serve his community by continuing to fight the coronavirus pandemic.

Another South Texas seat that the GOP wants to capture — that of U.S. Rep. Henry Cuellar, D-Laredo — gained at least one politically involved contender in Cassandra “Cassy” Garcia, a former staffer for U.S. Sen. Ted Cruz. Cruz endorsed Garcia within minutes of her campaign announcement.

Over in the Houston area, where one of Texas’ new congressional seats is located, the longtime Republican frontrunner, Wesley Hunt, got arguably his best-known opponent yet: Mark Ramsey, a former member of the State Republican Executive Committee. The seat was drawn to favor the GOP, so Republicans have been watching how complicated of a path Hunt will have on his quest for a general-election win.

Until Monday, no Democrat was contesting the Houston-area seat — the 38th District — but that changed when Centrell Reed, a Houston life coach, switched to the race after filing for the 7th District. Reed’s decision spares the 7th District

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incumbent, U.S. Rep. Lizzie Pannill Fletcher, D-Houston, a primary challenge in a district that has been made much bluer by redistricting.

In state House races, there was little late drama involving incumbents. One question mark going into Monday was whether state Rep. Claudia Ordaz Perez would follow through on her plan to run against state Rep. Art Fierro, a fellow El Paso Democrat — and she did, filing with hours to spare. Ordaz Perez had chosen to take on Fierro after redistricting forced her into the district of a fellow El Paso Latina, Democratic state Rep. Lina Ortega.

In another late development in a state House contest, state Rep. Harold Dutton, D-Houston, drew a primary challenger: Candis Houston, president of the Aldine chapter of the American Federation of Teachers. Dutton, chair of the House Public Education Committee, was under fire from fellow Democrats earlier this year over how he handled legislation placing restrictions on transgender student athletes.

Another primary challenge emerged at the 11th hour for a state House seat in the Bryan-College Station area. John Harvey Slocum, the son of former Texas A&M University football coach R. C. Slocum, filed to run against state Rep. John Raney, R-College Station.

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Phase 2 details released for election audit that includes Collin, Dallas counties
Audrey Henvey
Rowlett Lakeshore Times
December 13, 2021
https://starlocalmedia.com/rowlettlakeshoretimes/news/phase-2-details-released-for-election-audit-that-includes-collin-dallas-counties/article_819153bc-5c51-11ec-97f9-13264b13cf2f.html

The Texas Secretary of State's office has laid out details for phase two of its "full forensic audit" of the 2020 general election in Collin, Dallas, Harris and Tarrant counties.

On Friday, the office shared a letter from Texas Secretary of State John B. Scott addressed to elections administrators for each county.

"As indicated in our office's previous communications, the Texas Secretary of State's office is conducting the largest and most comprehensive forensic audit of the November 2020 General Election in your respective counties," the letter stated. "The purpose of this audit is to provide clarity and confidence for Texas voters that all applicable laws and procedures were followed during the 2020 Election, and to identify any irregularities or issues that need to be addressed going forward."

The letter asks the elections offices to begin locating requested documents in preparation for on-site examinations by the office's Forensic Audit Division, which will be coordinated in January.

The request comes after the office first announced in September that an election audit had already begun in the state's two largest Democrat and Republican counties. The office has since said that the audit is expected to cover about 35% of votes cast for the 2020 general election in Texas.

Scott's Friday letter came with a 10-page attachment outlining the records and procedures that the office is reviewing.

"The specific review process for each category will be based on the county's response to the initial survey questions provided," the office stated. "Once the scope is established on a county-by-county basis, we will provide detailed documentation regarding the specific review of each applicable category."

The outlined materials include voting system test records, lists of election workers, video surveillance records and questions about the county's election security measures.

According to an audit outline that was shared by the office in September, phase 2 involves the office conducting a comprehensive election records examination over several months "to ensure election administration procedures were properly followed during the 2020 General Election." That includes looking at county records including logic and accuracy testing records for voting machines, early voting and election day materials and training materials.

Irregularities or deviations from election administration procedures could trigger a full manual recount of ballots in a certain area, the office stated.

"I'm very confident that Collin County will come through this audit very well," Collin County elections administrator Bruce Sherbet said in September. "We had a very smooth and good election, and I think the biggest part for me is if this audit will help voters that don't have confidence in the process have confidence or more confidence that everything was handled appropriately, then that's very important."

Official election results posted on the Texas Secretary of State's website show that three of the four counties voted for President Joseph R. Biden Jr. in the 2020 general election. Collin County was the only one of the four that overall voted in favor of former President Donald J. Trump in the 2020 general election with 51.4% of the votes cast. Dallas County overall showed favor for Biden with 65.1% of votes cast.

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Potter County Republican Party making move to hand-marked, hand-counted ballots in primary election
Judd Baker
CW 39 Houston
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https://cw39.com/news/texas/potter-county-republican-party-making-move-to-hand-marked-hand-counted-ballots-in-primary-election/

AMARILLO, Texas (KAMR/KCIT)— The Potter County Republican Party said it is changing the way it holds primary

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elections, making a move to hand-marked and counted ballots.

“This is the way we did it, and it worked for over 200 years,” said Republican Party Chairman, Dan Rogers.

“They vote to not go with electronic voting machines, that we go back to the way we used to do things where we vote in our precincts, and marked and counted manual poll books county wide,” said Rogers.

So how does this change the way you vote?

Potter County Elections Administrator Melynn Huntley said if you are voting in the Republican Primary during early voting, you can still go to a voting center and cast your ballot on an electronic voting machine as normal, for now. The same applies to absentee voting. Voters will still mail in their ballots and have them tabulated by the Huntley’s office.

However, if you are going to vote as a Republican in the primary on Election Day, in Potter County, you will have to vote in a precinct, not a voting center, on the hand-marked paper ballots.

“I look up your name, you sign, we look at your ID make sure it matches what’s on there, you sign, we give you a ballot, and you fill it out, and then you drop it in a box, and you leave,” said Rogers.

Rogers said he would like to see the Potter County Democratic Party adopt the same voting style.

We reached out to the Potter County Democratic Chair, Amy Taylor, for comment. Said said in a statement:

“The system of voting that’s been in place for the last fifteen years in Potter County is watertight. Voter fraud under the current system is not possible. Therefore, I see no need to change to a system of all paper ballots. It’s the Republican Party’s right to run the Primary Election as they see fit, but the Potter County Democratic Party will not be following suit.” - AMY TAYLOR | POTTER COUNTY DEMOCRATIC CHAIR

“I want the Democrats vote counted, as well as the Republicans without any question. And I’m not saying there’s fraud. I’m not accusing anybody of doing anything wrong,” said Rogers. “You know, we have a phenomenal election administrator here that does a wonderful job. But it’s not about that. It’s about doing what’s right for the voters.”

Rogers said he has contacted other Republican County Chairs to let them know what they are doing, and what he thinks every Republican county chair should follow suit.

We asked Randall County Elections Administrator Shannon Lackey if she anticipated any changes to their primary election. She said, “I don’t anticipate any changes for Randall County. A joint primary has already been decided upon by both Party Chairs and the resolution will be adopted in Commissioner’s Court on Tuesday.”

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Former Dallas County DA Faith Johnson files with GOP to run for her former post
Krista M. Torralva
Dallas Morning News
December 13, 2021
https://www.dallasnews.com/news/courts/2021/12/13/former-dallas-county-da-faith-johnson-files-with-gop-to-run-for-her-former-post/

Former Dallas County District Attorney Faith Johnson is vying to win back her old post, making her the third candidate from the 2018 election to compete again to be the county’s top prosecutor.

Johnson, a Republican who was appointed to the job in 2016 but lost the election, threw her hat into the ring on the last day to file for the race, the local GOP said Monday.

The primary is in March, and the general election will be in November.

When reached Monday, Johnson said she would release a statement but had not as of 8:30 p.m. Dallas County District Attorney John Creuzot did not comment about Johnson’s joining the race.

Last week, former state district judge Elizabeth Frizell also filed to run against Creuzot in the Democratic primary. Creuzot narrowly defeated Frizell in the 2018 primary. She did not respond to requests for comment.

Creuzot went on to face Johnson in the general election and won 60% of the vote.

Republican Party chairwoman Jennifer Stoddard-Hajdu said the party urged Johnson to run.

”She is a very big difference from John Creuzot, who has not been upholding the law,” she said. “He’s not prosecuting people.”

The GOP has faulted Creuzot for one of his early policy changes as district attorney: no longer prosecuting theft of personal items worth less than $750 unless a theft is for financial gain. The amount of $750 is the value of stolen items that under state law is at most a Class B misdemeanor.

The change was intended to decriminalize poverty, Creuzot said, but Republican leaders and law enforcement groups quickly criticized the change.

”Crime is crime, and we believe that all crime needs to be prosecuted,” Stoddard-Hajdu said. “It needs to be fair, but it all needs to be prosecuted.”

She did not say whether she expected Johnson to overturn the theft policy or another of Creuzot’s heavily criticized decisions: to stop taking most first-time misdemeanor marijuana cases.

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He has said data shows police disproportionately arrest Black people for marijuana offenses even though national studies have shown that people of most races use marijuana at similar rates.

Johnson became district attorney when Gov. Greg Abbott appointed her in December 2016 to replace Susan Hawk, who resigned because of health issues.

Hawk was the last Republican district attorney to win an election in Dallas County. She defeated embattled Democratic former District Attorney Craig Watkins in 2014.

Under Johnson, prosecutors tried former Balch Springs Officer Roy Oliver, who is white, for killing 15-year-old Jordan Edwards, who was Black, while on duty. Jurors convicted Oliver of murder and sentenced him to 15 years in prison. Johnson was praised for her office's handling of the racially charged case.

In another case with racial overtones, Johnson's prosecutors secured a murder indictment against Amber Guyger, a white police officer who was off-duty when she shot fatally Botham Jean, a Black man, in his own apartment. Guyger had initially been arrested on the lesser charge of manslaughter.

Creuzot had taken over the office before Guyger's trial and agreed she should be charged with murder. His prosecutors secured a conviction, and jurors sentenced her to 10 years in prison.

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Texas Republicans swarm 2022 primaries while Democrats lament lack of battleground races
Jasper Scherer
Houston Chronicle
December 14, 2021
https://www.houstonchronicle.com/politics/texas/article/Texas-Republicans-swarm-2022-primaries-while-16699597.php

With the field now set for the March 1 primaries in Texas, much of the focus this winter will fall on the Republican side, where a raft of retirements and newly drawn districts have created an opening for first-time candidates to run for dozens of open seats, including in the Houston area.

Meanwhile, GOP incumbents who have historically received little or no primary opposition, including Gov. Greg Abbott and Attorney General Ken Paxton, are in newfound territory defending their seats against fellow Republicans.

Democrats did not see the same flurry of activity in Houston or on the statewide ballot, with elected officials mostly avoiding major primary opposition. Only one Democratic elected official in Texas, state Rep. Michelle Beckley of Carrollton, is giving up her seat to run for a statewide office.

Republicans, on the other hand, have fielded candidates in each countywide judicial race in Harris County, a reversal from last year's sparse showing. And a half-dozen GOP elected officials in Texas are giving up their seats to run against statewide incumbents from their own party.

The outlook is a departure from the last two election cycles, when Democrats went after Republican districts long considered untouchable as they made aggressive plays to flip Texas blue.

But in advance of the 2022 primaries, Texas Republicans redrew many of those districts to move them well out of reach for Democrats. And the political landscape appears far tougher for the state's minority party, largely due to redistricting and President Joe Biden's dismal approval rating in Texas.

"This whole election cycle has been about Republican primaries," said state Rep. Garnet Coleman, D-Houston, who is not seeking re-election. "The whole special sessions were about Republican primaries. The rhetoric is about Republican primaries."

Harris County GOP 'pretty fired up'

In north Harris County, state Rep. Valoree Swanson, R-Spring, is set for a rematch against Tomball Republican Debbie Riddle, whom Swanson beat in 2016. At least two other GOP candidates are running in the district, which former President Donald Trump carried by 14 percentage points in 2020.

State Rep. Lacey Hull, a freshman Republican who represents a portion of west Houston, also is slated for a rematch against 2020 primary opponent Josh Flynn, a GOP activist and former Harris County Department of Education board president.

But some of the most crowded contests are in seats where the incumbent is stepping down or running for another office. In Hull's neighboring district, five Republicans are running for the seat being vacated by state Rep. Jim Murphy, R-Houston — among them former City Council members Greg Travis and Bert Keller and Republican attorneys Mano DeAyala and Shelley Barineau.

Harris County Republican Party Chair Cindy Siegel said the national environment has given local conservatives a much-needed dose of optimism following recent cycles that saw them lose control of county government and other long-held offices.

"When I first took over last December, I think Republicans were very disheartened, and I include myself in that," Siegel said. "But I think based upon what they've seen locally, and quite frankly what they've seen from the Democrat side nationally, the Republican Party here particularly in Harris County is pretty fired up."

Even some Republican candidates who were primed for a smooth ride through the March primary received last-minute opponents. In northeast Harris County, Republican Deanna Robertson joined Humble City Councilman Charles Cunningham in the GOP primary to succeed retiring state Rep. Dan Huberty. Cunningham was endorsed by Huberty and had a clear path to the Republican nomination before that.

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And in a newly drawn congressional seat in west Harris County, former Army helicopter pilot Wesley Hunt received a last-minute challenge Monday from Mark Ramsey, a former member of the State Republican Executive Committee. At least seven other Republicans are also vying for the GOP-leaning seat, though Ramsey appears to be the best-known challenger to Hunt, the 2020 nominee for a nearby congressional seat.

Democrats spared primary battles

In mid-August, three Houston Democrats returned to the Texas House for the first time in almost six weeks, allowing Republicans to advance their priority elections bill that had been stalled since early July.

The move by state Reps. Coleman, Ana Hernandez and Armando Walle sparked outrage among some Democratic activists and even a few fellow legislators, prompting calls for the lawmakers to face primary challenges. But by 6 p.m. Monday — the deadline for candidates to file for Texas' March primaries — nobody had stepped forward to challenge Hernandez, Walle or most other Democrats who helped Republicans restore a quorum this summer.

Across all of Harris County's state House districts, only a few Democratic incumbents, including state Reps. Alma Allen and Harold Dutton, received primary opponents.

"What that tells me is that our people are doing a good job," Harris County Democratic Party Chair Odus Evbagharu said. "Obviously we encourage competition. In a democracy, it needs to be competitive. But when your primary isn't as crowded, what that also says is that our electeds are doing a good job up and down the ballot."

Still, it appeared the party did not have the same enthusiasm among prospective candidates that it saw in the last two cycles.

Until Monday, no Democrat had filed to run for Murphy's open west Houston seat, which Trump carried by less than a percentage point in 2020. Hours before the filing deadline, Mohamad Maarouf, a program director for School Empowerment Network, an education nonprofit, filed for the seat.

"The reality is, there are no battleground seats. That's the problem," Evbagharu said. "When Republicans get to carve up the state of Texas and gerrymander it by diluting the votes and taking away the voice of Texans, particularly brown and Black people, you're not going to have these seats that are competitive."

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When the Myth of Voter Fraud Comes for You
Vann R. Newkirk II
The Atlantic
December 14, 2021
https://www.theatlantic.com/magazine/archive/2022/01/voter-fraud-myth-election-lie/620846/

When I met with Crystal Mason recently at her home in Rendon, Texas, we sat on a wide couch that served as the center of her domain, with plenty of space for children, grandchildren, nephews, and nieces. Their photographs filled the house. Mason's mother called to her from another room, needing advice; later, her eight-month-old grandson, Carter, joined us on the couch after waking up from an afternoon nap. For hours that day, Mason spoke candidly about the illegal-voting case that has consumed her life for half a decade. With us was one of her lawyers, Alison Grinter Allen.

If there is an individual in America who epitomizes one central aspect of our political moment, it might well be Crystal Mason. The story of Mason, a Black woman, illuminates the extraordinary efforts the Republican Party has made to demonstrate that fraud is being committed by minority voters on a massive scale. That false notion is now an article of faith among tens of millions of Americans. It has become an excuse to enact laws that make voting harder for everyone, but especially for voters of color, voters who are poor, voters who are old, and voters who were not born in the United States.

Mason watches the news diligently and can recount the details of prosecutions that have resulted thus far from the attack on the Capitol on January 6—an attack that was stoked by conspiracy theories about fraudulent voters. She can't help but wonder about punishments meted out for the insurrection as compared with the one she has already received for, she says, unwittingly violating a Texas voting law. "These people," Mason said of the participants in the January 6 assault, "came to do and commit dangerous crimes." When she and I spoke, only two of them had been sentenced to jail or prison, and neither for more than eight months. Mason was sentenced to five years. She is currently out on bond while she appeals her conviction.

The idea that systemic fraud has subverted the democratic process demands a search for evidence of such fraud. The point of this effort is not merely to support spurious claims that Donald Trump won the 2020 election or to stockpile spurious arguments in advance of 2024. It is to lay a foundation for the resurgence of a specific form of Jim Crow–style disenfranchisement. Jim Crow relied on outright bans at the ballot box and threats of violence to ensure white political power. But eliminating the Black vote during that era was accomplished in subtler ways as well: by undermining community cohesion, by sapping time and energy, by sheer frustration. The modern effort relies on similar tactics. The so-called Big Lie is built on small lies, about the actions and intentions of individuals—the kinds of lies that can destroy lives and families.

Crystal mason's role in this story began during the 2016 presidential election. She was 41 and readjusting to life at home after serving most of a five-year sentence in federal prison for tax fraud. Mason had run a tax-preparation business with her then-husband and had been charged with inflating their clients' refunds. Mason pleaded guilty and paid the penalty; after four years, a supervised-release program allowed her to return to her home. She has publicly "owned up," as she has said, to her mistakes.

Mason has three adult children, and cares for other members of the family. She had been putting her life back together, working at a Santander bank in nearby Dallas and taking classes to become an aesthetician. Around this same time, Donald Trump was making his ascent: calling Mexican immigrants "rapists," brandishing casual racism and xenophobia, and asking Black voters what the hell they had to lose by voting for him. Texas was not expected to be a swing state, but in this menacing atmosphere, Mason's mother told Crystal it was her duty to vote.

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On Election Day, Mason drove to her polling place, the Tabernacle Baptist Church. She was coming from work, and almost didn't make it. "It was raining," Mason told me, remembering the night. "It was right at 7 o'clock, when it was about to be closing up. I went with my name and my ID—who I was—to where I was supposed to go." But a volunteer there, a 16-year-old neighbor of hers named Jarrod Streibich, couldn't find her name on the rolls, which happens sometimes. Streibich suggested that she use a provisional ballot. "They offered it to me," Mason recalled, "and I said, 'What's that?' And they said, 'Well, if we're at the right location, it'll count. If you're not, it won't.'" There was nothing particularly noteworthy about the interaction. Like tens of thousands of Texas voters, and millions of Americans across the country, Mason cast a provisional ballot, and went home.

Mason's provisional ballot was destined to be rejected, however. Texas law requires all terms of any felony sentence to be completed before a person once again becomes eligible to vote, and Mason had not fully completed her sentence for the tax-fraud conviction. Mason says she didn't know that ineligibility extended to the period of supervised release; she made a simple mistake. Many provisional ballots are rejected because of ineligibility, often for reasons potential voters are unaware of. Mason was sent a letter after the election stating that her provisional ballot had been disallowed.

By any reasonable measure, Mason's experience at the polls amounted to a meaningless misunderstanding that had no effect on anything. Donald Trump carried Tarrant County, which includes Rendon, and all of Texas by a healthy margin on his way to winning the White House in 2016. Republicans in Texas retained control of most of the political system in the state. Trump was inaugurated in January. Mason continued her court-mandated check-ins with her supervision officer.

Without realizing it, however, Mason had become the subject of an investigation. After the polls closed, Streibich, the neighbor who had suggested that she use a provisional ballot in the first place, told an election judge on the scene—who was also a neighbor of Mason's—something he had just remembered: that he thought Mason might still be on supervised release for a federal offense. The judge, Karl Dietrich, a local Republican Party official, informed the Tarrant County district attorney, Sharen Wilson. On February 16, 2017, Crystal Mason was arrested for illegal voting.

Fear of voter fraud, or at least the pretense of fear, has been a centerpiece of conservative objections to the expansion of voting rights going back, in the modern era, to the Voting Rights Act of 1965. Taking steps to curb alleged illegal voting tends to boost Republican electoral fortunes by disenfranchising people of color.

In 2008, the increase in Black turnout that helped put Barack Obama in office—and raised hopes among Democrats for a "demographic revolution" that would aid their cause for years to come—gave voter suppression new urgency. Then, in 2013, the Supreme Court's decision in Shelby County v. Holder granted states more power to keep people from the polls. The decision effectively eliminated the system of preemptive federal oversight that had been in place since the passage of the Voting Rights Act. In the absence of new legislation at the national level, state laws restricting the right or ability to vote could now be blocked only if courts found them to be discriminatory after their passage. In other words, governments could be elected under legal regimes that might ultimately prove to be unconstitutional; once in office, they would be free to further restrict voting.

Meanwhile, the Court made clear in other cases that it was inclined to take states at their word if they said restrictive voting laws were simply intended to combat fraud and had no racist intent—even if the predictable consequence of those laws was to create greater burdens for voters of color. Taking states at their word provided a lot of cover. The result was a surge of democracy-limiting measures in Republican-led states: restrictive voter-ID laws, tighter guidelines for registration, and wholesale purges of voters from the electoral rolls, conducted in such a way that people of color have been disproportionately affected. According to the nonprofit Brennan Center for Justice, 33 restrictive laws were passed in 19 states in the first nine months of 2021. The laws, which will make casting a ballot more difficult in 2022, reveal how central voter suppression has become as a mobilizing issue for the GOP.

It must be underscored: There is no evidence that illegal voting of any kind occurs at a level capable of influencing elections. Nor is there evidence that the scattered violations that do take place have been increasing in frequency or severity. Common kinds of election violations include local candidates fudging signatures to get on the ballot, partisans politicking too close to polling places, and people accidentally voting at the polls after forgetting that they had already mailed in a ballot—a glitch easily corrected by administrative procedures that already exist.

Most of the new laws, however, are aimed at violations that are exceedingly rare: impersonation of one person by another, or noncitizens attempting to vote. Such violations are already illegal, yet their specter is raised to make the case for, among other measures, voter-ID laws. Voting-rights advocates and federal courts have agreed that such laws tend to target and disenfranchise people of color, older folks, and students—groups less likely to have identification documents of the kind that many of the new laws require.

In 2012, before Shelby County allowed Texas to implement a strict new voter-ID law without federal oversight, Greg Abbott, then the Texas attorney general, railed against a decision by the Department of Justice to block the law from going into effect. "I know for a fact that voter fraud is real, that it must be stopped," he said. When he made that statement, the official rate of alleged election violations reported to his office over the previous decade—allegations, not convictions—was seven for every 1 million votes cast in the state. Data from Abbott's own office showed that, over the same period, in all Texas elections at every level, 26 people had been convicted of some form of election violation. Only two of those cases involved someone impersonating another voter, which is what the voter-ID law was ostensibly supposed to address. Rather than attempting to prove the impossible—that illegal voting was truly a problem—Abbott and other GOP officials across the country chose to make public examples of the very few cases of alleged voter fraud they could find.

Abbott was elected governor in 2014. His successor as attorney general, Ken Paxton, eagerly took up the cause. One of Paxton's allies was District Attorney Sharen Wilson. In 2015, she began investigating Rosa Maria Ortega, a 35-year-old mother of four who lived in the Dallas suburbs. Ortega had been born in Mexico and came to the U.S. as a baby. She held permanent-resident status. As a noncitizen, she was not eligible to vote, but she had registered (as a Republican) and had cast ballots in several elections in Dallas County, including for Paxton as attorney general, before she moved to Tarrant County. Her new voter-registration application was rejected because she had correctly indicated her citizenship status. Ortega then sent in another application, this time identifying herself as a citizen. She had done the same thing in Dallas County, and voted without issue; she has said that when Tarrant County accepted her registration, she assumed she was allowed to vote again.

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Ortega was indicted and declined a plea deal, which, her lawyers warned, would likely result in deportation. In court, the defense cited Ortega's professed misunderstanding of election law as it applied to permanent residents, and her lack of a motive for purposefully breaking the law. The prosecution presented her actions as part of a disturbing statewide pattern. As Wilson said after Ortega's indictment, "People insist this kind of thing doesn't happen, but it's happening right here at home."

Wilson's office has denied in the past that its work has been politically motivated or employed as a "scare tactic." In a statement, a spokesperson for the district attorney wrote that Wilson "didn't go out looking for the voter fraud cases against Crystal Mason and Rosa Maria Ortega." The spokesperson also noted that Ortega had been offered probation, but had turned it down. In February 2017, she was convicted of illegal voting and sentenced to eight years in prison. When the Fort Worth Star-Telegram reviewed hundreds of voting-related cases in Texas from 2005 to 2018, it found that Ortega's sentence was the longest one handed down. A prosecutor praised the jury, saying it had secured the "floodgates" that kept illegal voting under control. Ortega's case fit a familiar narrative: that immigrant voters are subverting democracy. She served nine months in prison before being paroled, then spent nearly two months in the custody of U.S. Immigration and Customs Enforcement. She is currently on parole and living in Dallas, according to Wilson's office.

One week after ortega's conviction, Crystal Mason was arrested, and found her life newly upended. Mason's family had often been in conflict with other residents in their predominantly white community—for a variety of reasons, including, Mason and her lawyers believe, outright racism. When her children were younger, she told me, a neighbor had once brandished a shotgun as her son passed by; her then-husband reported the incident, and she said that local authorities added a bus stop closer to her home so that her children could keep away from the neighbor's house. Now she faced charges brought by the local district attorney. There was no way to keep a low profile. She lost her job.

The district attorney offered a deal: 10 years' probation. But the deal required an admission of guilt, which Mason could not accept. It also would have put her back in prison: The mere fact of a conviction would mean that she had violated the terms of her supervised release. The only way for Mason to remain free was to prove her innocence. She chose a trial before a judge.

As prosecutors presented it, Mason was a felon who had ignored notifications sent by election officials to her home, warning that she was no longer a registered voter. Despite those warnings, she had nevertheless signed an affidavit when accepting her provisional ballot, affirming that she was indeed a registered voter. Her crime was not accidental, prosecutors argued, but a purposeful subversion of democracy.

Mason's legal team countered that the notices about illegal voting had been sent to her home while she was in prison, and therefore she had never received them. They argued, too, that, unlike people returning from state prisons on parole or probation, who typically receive official instruction about voting eligibility, as a federal inmate, she had been given no such instruction when starting her supervised release. (The person who oversaw the officer responsible for Mason's supervision confirmed this in court testimony: "That's just not something we do.") As Mason recalled when I spoke with her, the affidavit was just another thing to sign, and she hadn't really read it closely. She was focused on providing the personal information that the same sheet of paper was requesting. She said to me, "Do you have a mortgage? Have you read all your mortgage papers and all the closing [documents]?" What bothers her most is that there was no serious attempt to establish any sort of criminal motive. "They said I tried to circumvent the system," Mason said. "And for what? For a sticker?" Alison Grinter Allen, her attorney, echoed the point: "Why would you risk two to 20 years in the penitentiary in order to shout your opinion into the wind, basically?"

The arguments on Mason's behalf proved unavailing. She was convicted and sentenced to five years in prison. The prosecution had argued for "a stern prison sentence" in order to "send a message." Mason subsequently appealed to a three-judge panel, which upheld her conviction. Her case is now under review by the Texas Court of Criminal Appeals.

The ACLU of Texas has been assisting with Mason's defense, and its data suggest a racial double standard in cases like hers. A 2021 study by the group found that nearly three-quarters of prosecutions by the state's Election Integrity Unit appear to have been brought against people of color. Almost half of the total cases appear to have been brought against Black and Latina women, two of the core groups of Democratic voters in the state.

Of course, facts and circumstances differ from case to case, and rules and procedures differ from one legal setting to another. But it is worth recalling the treatment accorded to some white officials who have had encounters with election law. In 2018, Russ Casey, a Republican judge in Tarrant County, pleaded guilty to falsifying signatures in order to get his name on the ballot. Casey held a position of public trust, his actions were egregious, and he admitted that the accusations were true. In a plea deal, he received five years' probation, with no prison time. In 2016, Sharen Wilson herself was accused of an election-related violation: using the personal information of her subordinates in the D.A.'s office to invite them to a fundraiser and solicit donations from them for her reelection campaign. Her case was dismissed by the district attorney in a nearby county for "insufficient evidence of criminal intent." Wilson has acknowledged that including her employees on the invitation list for the fundraiser was a mistake.

In Mason's case, the ACLU of Texas argues that the illegal-voting charge is inappropriate on its face because Mason did not, strictly speaking, ever vote. Her provisional ballot was not counted. According to Tommy Buser-Clancy, an ACLU staff attorney, Mason's prosecution could theoretically open the door to felony charges against any potential voter whose provisional ballot is rejected: "If you start to criminalize people who make mistakes, [who think] they're eligible and then find out they're not, then that guts the provisional-balloting system—turns it into a trap." The D.A.'s office has publicly dismissed the possibility that Mason's prosecution poses any danger of precedent to people who make simple mistakes or act unknowingly; the decision by the three-judge panel in the Mason case articulated a different view. It declared that, under Texas law, prosecutors did not need to establish that Mason knew she was ineligible.

Because of her conviction, Mason's supervised release was revoked, and in September 2018 she was returned to prison. One of Mason's lawyers launched a crowdfunding effort to help provide for her immediate and extended family; health insurance was a particular concern. (She has been able to raise $81,000.) "It was devastating," Mason told me. "I was like, 'Are you serious? I'm a mother.'" She recalled her original experience of emerging from prison into the supervised-release program. "I was embarrassed. I was. Because when I got out of prison, I wanted my kids to know that, yeah, I hit that bump in the road. But you can get your life back on track. And that's what I did." She was working. She was going to school. And then she was back in prison. Mason was released in May 2019 and was able to return home in June.

As we spoke, the practiced cheerfulness in her voice drained away. "This isn't supposed to be happening to me. This is not

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right."

Only days after his inauguration in 2017, Trump declared that millions of fraudulent votes had been cast, implying that many had been cast by noncitizens or by citizens of color mobilized by Democrats to vote more than once. His evidence for widespread fraud was nonexistent, and his anecdotal accounts, and those of others, collapsed under scrutiny. Gregg Phillips, a Texas businessman and self-proclaimed voter-fraud sleuth, tweeted that he and the Tea Party–associated group True the Vote had identified 3 million noncitizen voters. The source of this information was an unnamed private database, and Trump declared that he would order a full investigation. I spoke with Phillips at the time, and in that conversation he provided no supporting evidence and backed away from any specific number of illegal voters. He told me, "The work that we're doing could create a foundation for looking at elections moving forward." I interpreted his statement to be a kind of face-saving fallback. Now I understand it to have been prophetic.

Crystal Mason's lawyers believe that Trump's claim of mass voter fraud created an environment in which actions against Mason could be especially punitive. Clark Birdsall, a lawyer for Rosa Maria Ortega, made the same argument, describing Trump's comments about millions of fraudulent voters as "the 800-pound gorilla sitting in the jury box."

Trump established a Presidential Advisory Commission on Election Integrity, an ostensibly bipartisan body designed to uncover "those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of voting processes used in Federal elections." It fell apart in 2018 after it tried to push states to turn over massive amounts of voter data—including Social Security numbers, party affiliations, and voting histories. Even many Republican politicians believed that the voter data might be used for nefarious purposes. Resistance to handing over the data helped kill the commission.

It had found no evidence of any widespread election violations. But in Republican-led states, investigations proliferated. Kris Kobach, then the Kansas secretary of state and a vice chair of the presidential commission, had provided a blueprint. Even before Trump's election, he had claimed that there were thousands of fraudulent or dead voters on the rolls in Kansas. He would later claim to have identified more than 100 noncitizen voters in his state. In 2015, leveraging the hysteria he had begun to create, Kobach persuaded the state legislature to give him the power to directly prosecute election-violations cases. (In every other state, only an attorney general or a local district attorney has such authority.) Yet over a period of four years, Kobach brought forward just 15 illegal-voting cases, most of which involved people who had accidentally voted in two places. He secured a single conviction involving a noncitizen voter.

In Texas, besides Ortega's case, there has been only one other successful prosecution by the state attorney general for voting as a noncitizen since 2005. Five people have been successfully prosecuted for impersonating other voters. Fourteen people—including Crystal Mason—have been successfully prosecuted for voting as felons with unresolved sentences. Only 11 people have been sent to prison by the state for voting violations of any kind. In 2020, Paxton's office almost doubled the working hours spent on election-violations cases and resolved only 16 of them. All stemmed from voters giving false addresses. (Paxton's office did not respond to multiple queries related to this article.)

Since 2005, nearly 90 million votes have been cast in Texas. Even if the true number of fraudulent voters is double what the state has prosecuted, the prevalence of election violations—the majority of which involve bad addresses—is about three ten-thousandths of a percent. As for voter impersonation, it is more common for a person to be struck by lightning twice than it is for voter impersonation to happen in Texas.

Those involved in investigating allegations of voter fraud argue that the detection of a small number of violations just means we aren't as good at detecting the larger number that must be out there somewhere—thus the need for new laws. But laws that make the process of registering and casting a ballot even more convoluted also increase the likelihood that people will make mistakes—the kinds of mistakes that can land them in jail.

It's a vicious cycle—which is exactly the point. First gin up fear about fraud, then use that fear to aggressively prosecute voting infractions, then use those prosecutions to create stricter laws, then use the stricter laws to induce more examples of fraud, then use those examples to gin up even more fear. The potential impact on turnout is bad enough. But the cumulative effect of restrictive laws corrodes the democratic process itself. In Texas, the narrative fueled in part by Mason's conviction has given Republicans the momentum to pass laws that restrict voting by mail, permit forms of interference by partisan poll watchers at election sites, and create new classes of felonies for engaging in common forms of voter assistance, such as explaining written instructions to people who don't speak English. (This last measure is currently facing a lawsuit brought by the Department of Justice.)

Crystal Mason is not the same person she was in 2017, when she was indicted. At the time, she was fearful; her impulse was to lie low. She eventually came to realize that her unwanted notoriety could be leveraged, not only for her own cause but for the cause of voting rights nationwide. When I spoke with her at her home, she had just gotten back from a voting-rights rally in Washington, D.C. She wore a shirt that read crystal mason: the fight against voter suppression.

If she serves her five-year sentence, her infant grandson, who was sitting on her lap, will be reading and at school by the time she gets out. She is thinking about how to prepare family members for what may lie ahead. Her adult children have been deputized to run the house in her absence.

Demagogues and insurrections are not the only—or even the primary—threats to our democracy. The slow, relentless erosion of individual civic agency is at least as dangerous, and perhaps more so. Most of the people accused of "voter fraud" have made mistakes with no provable malicious intent as they navigate voting systems that grow ever more byzantine and frustrating. Their lives may be derailed by reputational damage, by time and money spent in court, by prohibitive fines, and by jail or prison. The people who bear this burden may be the cornerstones of their social worlds. Their fates stand as warnings to others in already fragile communities. In a country where the influence of Black and Latino voters is purposefully diluted by gerrymandering, and where poorer, overworked folks must contend with long lines and short hours at sparse polling locations, the fear of being caught up in a punitive administrative labyrinth adds another variable to the calculus of deciding whether to vote at all.

That is why there is something in this moment reminiscent of the insidious bureaucratic character of Jim Crow. As all-encompassing as we know it to have been, Jim Crow was not imposed by a single stroke. It was built community by community, year by year, ruined life by ruined life, law by law, and lie by lie.

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Democrats worry their grip on Hispanic vote is loosening
Rafael Bernal and Alex Gangitano
The Hill
December 13, 2021
https://thehill.com/latino/585381-democrats-worry-their-grip-on-hispanic-vote-is-loosening

Democrats are worried they could be losing their electoral grip on Hispanics, the country's second-largest voter bloc by ethnicity.

A Wall Street Journal poll released last week showed Hispanic voters evenly split between Democrats and Republicans, and while that poll's data faced substantive questions over its tiny sample size, its results sounded alarm bells among Democrats nonetheless.

"I think that both parties should always have a sense of urgency in communicating with Hispanics, Latinos," said Ivan Zapien, a Democratic lobbyist and former executive director at the Hispanic Leadership Council of the Democratic National Committee (DNC).

"Do I think that Democrats' heads should be on fire over this issue? Yeah, I do. I think that their head should be on fire over this issue every day regardless of what polls say," he added.

The poll is just the latest data point that shows a growing sympathy among Hispanics toward Republican messaging. Democrats lost the states of Florida and Texas in the 2020 presidential race, and they were disappointed with some of their results from Hispanic voters.

President Biden still won 63 percent of the Latino vote in the 2020 race, nearly 30 percentage points more than former President Trump.

But the Journal's poll offered troublesome signs, finding that just 44 percent of Hispanics would vote for Biden if the 2024 presidential election were held today and 43 percent would vote for Trump.

In recent presidential elections, Democratic candidates have done about as well as Biden in 2020, but former President George W. Bush did fairly well with Hispanic voters as recently as 2004.

According to the Pew Hispanic Center, 40 percent of the Hispanic vote went to Bush that year, compared to 58 percent for Democratic nominee John Kerry.

The various figures suggest Democrats should not take a large edge with Hispanic voters for granted, and Zapien said that whichever party can communicate best with Hispanic voters while "figuring out what's on their mind" is likely to increase their share of the Hispanic vote going forward.

Democrats say they have a lead on cultural competency in communicating with most Hispanic communities in the country — Cubans, Venezuelans and Colombians in South Florida may be the exception — but they face challenges due to the size of their coalition.

"The Republican Party has a way easier job than we do. They just need to strip 5 percent to 7 percent of our national vote and they win," said Rep. Rep. Ruben Gallego (D-Ariz.), chairman of the Congressional Hispanic Caucus's campaign arm, Bold PAC.

He said the GOP needs to spend in the range of $10 million to $30 million on a combination of voter suppression efforts and campaign messaging to hit that goal.

"We have to continue to invest and make sure that we're still hitting in the 65 to 70 percent range in order to keep our national coalition together, which is very expensive, especially as we have a growing population," added Gallego.

Republicans are latching on to the polling numbers and indications from 2020 that Hispanics — particularly voters in Texas and Florida — are increasingly responsive to a conservative economic message.

Sen. John Cornyn (R-Texas) called last week's Journal polling troubling for Democrats.

"Hispanic voters are splitting their support more evenly between the two parties, a new WSJ poll finds. That's an ominous sign for Democrats," he said on Wednesday.

The White House is working to sell Hispanic voters on their Build Back Better social spending agenda, blasting out quotes last month from Tucson, Ariz., Mayor Regina Romero, Los Angeles Mayor Eric Garcetti and Colorado state Senate President Leroy Garcia, among others. They also highlighted statements from UnidosUS, the Hispanic Federation and Voto Latino.

In addition, they're selling Hispanic voters on the two major bills already signed by Biden: the American Rescue Plan, signed into law in the spring, that provided stimulus checks and other forms of coronavirus relief, and the recently approved infrastructure measure.

"Unemployment is down, the lowest it's been in 50 years. We've created nearly 6 million jobs. Our economy is recovering faster than any other advanced economy in the world," said Mayra Macías, chief strategy officer of Building Back Together, a political nonprofit dedicated to selling Biden's message.

"While we've made progress. We realize that people are still not fully feeling the positive impacts in their day to day lives, but this is, if anything, more of an impetus to get Build Back Better across the finish line, because this legislation will lower the cost of health care, prescription drugs, housing, child care and more," she added.

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The White House made another effort to gain popularity among Latinos for Hispanic Heritage Month in September with a virtual discussion to highlight the benefits of the Build Back Better agenda for the community.

The roundtable featured Latinos in the administration, including Small Business Administration chief Isabel Guzman, Health and Human Services Secretary Xavier Becerra, Education Secretary Miguel Cardona and Homeland Security Secretary Alejandro Mayorkas.

Lucas Acosta, coalitions director and senior spokesman at the DNC, argued that Biden has been delivering for Latino families since the start of his administration, naming the expanded child tax credit and helping Latino-owned small businesses as examples.

“In the coming year, Democrats will continue to make the case to Latinos that while President Biden has focused on improving their lives, Republicans have consistently tried to stand in the way,” he said.

Aside from extending social programs popular among many Latino communities, the bill currently includes immigration language that is generally popular among Hispanics.

Democrats like Gallego say the immigration provisions could be a boon if they make it into law — potentially granting immigration relief to up to 6.5 million people — but that they are not a necessary magic bullet to get Latinos to the polls.

“I don’t think that there’s a magic wand or a particular issue that is going to assure you some sort of long-term fidelity by ‘the Hispanic vote.’ Or even segments of the Hispanic vote,” Zapien said. “The party that spends the most time, energy and resources communicating with them, where they are, is going to have the momentum.”

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Mexico May Reduce Pemex’s Profit-Sharing Taxes Again
Amy Stillman and Maya Averbuch
Bloomberg
December 13, 2021
https://www.bloomberg.com/news/articles/2021-12-13/mexico-may-reduce-pemex-s-profit-sharing-taxes-again-amlo-says?sref=ytoldrow

Mexico could slash Petroleos Mexicanos’s taxes further as the world’s most indebted oil company scrambles to reverse long-term oil production declines.

“With Pemex, for example, we are constantly or periodically lowering taxes so they have more funds,” said President Andres Manuel Lopez Obrador during his daily press conference on Monday. “And we can lower them more.”

In September, the government cut Pemex’s profit-sharing duty to 40% for 2022 from 54% in 2021. Last week, Pemex announced that it will receive a $3.5 billion capital injection from the government as part of a transaction to pay down obligations and also embark on a series of bond buybacks and new issuance to reduce the cost of servicing its borrowings.

The beleaguered state oil company has $113 billion in debt, the most of any major oil producer, and has seen output decline for over a decade. Pemex replaced its chief financial officer this month amid concerns he wasn’t able to win investors’ confidence. It could also end up spending nearly twice as much as originally projected to take over Royal Dutch Shell Plc’s Deer Park refinery in Texas.

Since coming into power in late 2018, Lopez Obrador has made it his mission to roll back the energy reforms of his predecessor and reinstate Pemex’s near monopoly in the oil sector. AMLO’s energy policies have been criticized by investors for allocating more resources to the company’s unprofitable refining business and reducing crude exports in order to send oil to its refineries instead. International credit ratings companies such as Fitch Ratings and Moody’s Corp. have downgraded Pemex’s bonds to junk in recent years, in part because they say it has no clear strategy to reverse production declines.

“We’re no longer following neoliberal policies, which treated Pemex as if it were any other company,” said Lopez Obrador on Monday. “Now Pemex is a protected company, supported and backed by the government.”

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Op-Ed: Texas Redistricting Needs to Protect Campus Communities
Jocelyn Carrera and CJ Cetina
Texas Signal
December 13, 2021
https://texassignal.com/op-ed-texas-redistricting-needs-to-protect-campus-communities/

Following the 2020 U.S. Census, the state of Texas reapportioned its districts based on population changes in a process called redistricting. This process should be guided by public input so that policymakers can make informed decisions about what our districts should look like. However, that has not been the case in our state. Texas has decades of partisan and racial gerrymandering embedded in its legislative districts. As a result, many communities continue to be split apart, leaving them unheard and underrepresented in our government. Of note, colleges and universities across the state and country consistently endure the consequences of redistricting processes that largely ignore their interests.

Between a lack of notice for public hearings, the need to travel hours to Austin for hearings that lack remote testimony options, and the need to potentially wait hours to testify in the end, our redistricting process does not encourage public participation. In fact, it actively discourages it.

As redistricting fellows with Fair Elections Center’s Campus Vote Project, we are a voice for Texas college students in our state’s redistricting process. The focus of our advocacy efforts has been to keep college and university communities together as communities of interest. While campus communities are incredibly diverse, we have common interests and concerns that deserve proper representation by elected officials.

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Jocelyn attends the University of Texas at El Paso which, thankfully, is kept together in its Congressional and State Legislative districts. However, CJ and his community are not as lucky: Texas State University and the San Marcos area are split, or "cracked," into multiple Congressional and State Senate districts. As a result, the voting power of students in the San Marcos community is diluted, impacting their ability to elect officials who will understand and advocate for their needs. Students are split into different districts depending on which dorm they live in, meaning different representatives and, when it comes to voting in elections, different ballots and polling places. This is unnecessarily confusing and complex for students who want to participate in their democracy.

Over the past couple of months, we drew and submitted nearly 100 maps of Texas college and university communities, illustrating where students live on and off-campus. These maps are an important way for us to inform map-drawers about what our campus communities look like and how they should be kept together. We also waited hours (CJ waited over 5 hours and Jocelyn waited over 8 hours) to testify at public hearings held by the Texas House of Representatives' redistricting committee. At these hearings, we shared our concerns about campus communities being split apart and the need to bring and keep them together. Although we were privileged to be able to wait for hours to testify, we noticed many Texans who gave up after a while because waiting an entire day to testify is impractical. Many of these prospective testifiers traveled hours to Austin, only to have to give up on making their voices heard in the end.

Governor Greg Abbott recently signed into law our Congressional and State Legislative districts for the next decade, which continue to split Texas campus communities apart. However, the fight for fair districts in Texas is not over —— these maps are already in the courts with litigation well underway. Texans, including college students, need to continue advocating for our communities. We need to take advantage of every opportunity to share with the courts that our communities, the state of Texas, and our democracy are at their strongest when fair districts are drawn, communities are kept together, and every Texan is properly represented and heard by our lawmakers. And we need to continue advocating for a redistricting process that embraces public participation and ends partisan and racial gerrymandering.

Jocelyn Carrera is a senior at the University of Texas at El Paso, and CJ Cetina is a senior at Texas State University. They are also redistricting fellows with Fair Elections Center's Campus Vote Project

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What I want for Christmas
Rep. Celia Israel
Austin American-Statesman
December 13, 2021
https://www.statesman.com/story/news/2021/12/13/rep-israel-what-want-christmas/6494802001/

It's been a year like no other. And I pray we never experience this kind of year again.

Let me begin by saying each of us have gone through unique challenges over the past 12 months. The stresses of a pandemic have elevated the regular stresses of life in ways we don't always appreciate. I hope you've found and are continuing to find ways to take care of yourself. Here's some of my observations on the year as a member of the Texas Legislature during a time when finding common ground is elusive and being hopeful about the future is increasingly difficult.

Let's think back on how this year started. Perhaps in hindsight, the Jan. 6 insurrection could have set the tone for just how challenging this year would be. It was chaos. Seeing Americans attack the U.S. Capitol because they didn't believe the outcome of an election still gives me chills. That was followed up by a February winter storm that caused the loss of life and billions in property damage, then three special legislative sessions focused on far-right agendas rather than the mainstream middle issues we should have focused on, like the energy grid.

The dramatic quorum break in July made national news and helped move the needle on what became the John Lewis Voting Rights Advancement Act. I, along with most of my fellow Democratic House members, saw an opportunity to take this fight literally to the steps of Congress to push for federal legislation protecting the right to vote. I felt so strongly about the quorum break and voting rights that I postponed my wedding on the House floor to join my colleagues and keep up the fight. We gave up time with family, our businesses, and some pretty darn good Tex-Mex to take the fight to Congress.

Because much of my legislative energy has been spent on elections reform as well as helping to encourage others to vote, I've been so disturbed by recent stories of local Texas officials being bullied because they are not buying into the "big lie" of a stolen election. In Hood County, the long-serving elections administrator was forced to resign because she wouldn't feed into the false stories about stolen elections.

The Texas Legislature should be focused on how to help us vote more efficiently and more securely. I have always had hope of passing online voter registration to help our counties save money and ensure the accuracy of our voting rolls. As time passed, what was a common sense reform enacted by over 40 states became a politically-charged change that began to have little chance of passing. This is just one of the policies now wrapped in the John Lewis Voting Rights Advancement Act.

It's a very involved piece of elections legislation. If passed, it would prevent elected officials from the revolving door practice of leaving public office then going into a paid lobbying position. It would allow for uniform early voting practices. There is also a requirement that states would enact same-day voter registration. This is really important to a state like Texas where people are moving frequently and unsure about where and when to vote.

For example, if your registration has expired and you didn't know it but showed up to vote, wouldn't it just make sense to have the election officials look you up and renew you on the spot? We have the technology to do so. When we go vote, elections officials look us up and validate our eligibility. Why not just hit the "renew" button right then and there rather than send a voter home because their registration expired when they are eligible to vote?

If you believe, as I do, that we need to stand up for voting freedoms and stand against corruption, please make your voice heard with your congressional representatives and let them know you want measures like the John Lewis Voting Rights Advancement Act and the Freedom to Vote Act to move forward.

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So this Christmas, after this most extraordinary year, I want my country to begin healing and getting back to basics in ensuring a healthy democracy for us all. The basis of our democracy is worthy of urgent action in Congress. Unfortunately the words “urgent” and “congressional action” rarely work well together.

So we are at the end of 2021 and on the verge of another big election year. Let’s all find time to take a breath. I urge you to be mindful of what we have all been through, take care of yourself and those around you, and let us give grace to ourselves for the resiliency we've each endured through these truly historic times. I wish you all a peaceful and happy holiday season and I look forward to what 2022 has to bring.

Rep. Celia Israel represents House District 50, which includes Pflugerville. Follow her on Twitter @celiaisrael, or like her on Facebook at fb.com/CeliaIsraelTX.

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From: Christina Adkins
Sent: Thursday, December 16, 2021 10:27 AM EST
To: Elec Legal <ElecLegal@sos.texas.gov>
Subject: FW: SOS Morning News Clips 12/16/21

From: Sam Taylor
Sent: Thursday, December 16, 2021 9:05 AM
Subject: SOS Morning News Clips 12/16/21
Sensitivity: Personal

Texas Secretary of State
Morning News Clips
December 16, 2021

Potter County Republican Party wants to run its GOP primary, *Texas Standard*, December 15, 2021

Texas GOP Denies Appeal to Remove a 'Rick Perry' from GOP Governors Primary Ballot, *The Texan*, December 15, 2021

Not enough voter fraud cases in disputed states to change 2020 election, AP analysis finds, *Associated Press*, December 14, 2021

Texas attorney general cannot unilaterally prosecute election cases, state's highest criminal court rules, *Texas Tribune*, December 15, 2021

Former HPD captain indicted in 2020 aggravated assault case over false voter fraud claim, *KHOU-TV*, December 14, 2021

County approves reestablished voting districts, *Laredo Morning Times*, December 15, 2021

Last minute campaign announcement creates opening for Bexar County commissioner in Pct. 3. What happens next?, *KSAT-TV*, December 15, 2021

'Prison gerrymandering:' How inmates are helping the Texas GOP maintain its power, *Dallas Morning News*, December 15, 2021

March Primary brings contested Taylor County judge race, but many candidates are unopposed, *Abilene Reporter-News*, December 15, 2021

Primaries are set for Texas gubernatorial race. See who's running, *CNHI News*, December 14, 2021

See who has filed for candidacy in Harris County ahead of the March 2022 primaries, *Community Impact*, December 15, 2021

Senate Democrats push to pass voting rights bills by Christmas, *Nexstar*, December 15, 2021

Study to look at relief route for Mines Road traffic, *Laredo Morning Times*, December 15, 2021

North America's biggest railroad born as Kansas City sale is completed, *Mexico News Daily*, December 15, 2021

Supply-Chain Hell Ignites Economic Boom Along U.S.-Mexico Border, *Bloomberg*, December 14, 2021

Civil rights groups ask DOJ to investigate 'discriminatory' Operation Lone Star in Texas, *Border Report*, December 15, 2021

Editorial: Texas election audit undermines democracy, *Dallas Morning News*, December 16, 2021

Potter County Republican Party wants to run its GOP primary
Jill Ament
Texas Standard
December 15, 2021
https://www.texasstandard.org/stories/potter-county-republican-party-wants-to-run-its-gop-primary/

Despite Potter County going 70% for former President Donald Trump in 2020, GOP leaders there are raising unfounded claims of election irregularities and fraud. Potter County GOP chair Dan Rogers wants to reintroduce hand-marked, paper ballots for people voting in the March 2022 Republican primary, despite warnings from statewide election officials that this change could actually increase the risk of voter fraud. Rogers also wants to run his own election, rather than relying on

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county officials to do it.

Jessica Huseman has been reporting on this for VoteBeat.org, an online publication dedicated to reporting on elections and voting in the U.S. Listen to the interview above or read the transcript below.

This transcript has been edited lightly for clarity:

Texas Standard: First, why does the Potter County Republican Party want to conduct their own election in the 2022 Republican primary?

Jessica Huseman: The chairman of the party, Dan Rogers, has said that his voters do not trust the machines or the central count system that Potter County uses. He hasn't presented any survey data to back that up, but that is what he claims.

Does this have anything to do with President Donald Trump's false claims about the 2020 presidential election he claims was stolen from him?

Absolutely, it does. A few weeks ago, they had a presentation from Jeff Zink, who is running for Congress in Arizona and believes that the Arizona audit was, for example, manipulated and that the CyberNinjas audit there was false and hid a lot of the fraudulent numbers. And so I think that this is definitely a continuation of "the big lie."

CyberNinjas, by the way, is the name of the company that Arizona hired to do the to do the audit. So how would they be able to do this? And by bypassing county election officials, is that something they can do under the Texas Constitution?

That is something that they can do. The parties are entirely responsible for the conduct of the primaries on Election Day, but not during early voting. And so the county will continue to conduct early voting through the normal means. And then on Election Day, they will run their own, using paper ballots that they will hand count. And the hand counting process is really where the experts tell me things are going to go awry. It's harder than it sounds to hand count lots of ballots, especially when there are more than two dozen races on there. And so I anticipate it will take them quite a while if they if they end up doing it at all.

Well, I guess one question would be whether or not other counties might try to follow suit. Is that something people are talking about right now?

That is something that Dan Rogers really wants to happen. He sent an email out on December 3 to every party chair in the state, encouraging them to follow their lead. I have not heard of anyone doing this quite yet, nor has the Secretary of State's Office. So it seems like it's Dan Rogers out there on his own in Potter County, but who knows what will catch on in the next couple of months?

How have state election officials been responding to this? Have they made any sort of official pronouncements? Have you heard anything from your sources?

They have no power to stop Mr. Rogers from doing this, if that's what he'd like to do. The party chairs can run the primaries however they like as long as they comply with Texas' election code. The state has not been shy at telling Mr. Rogers that they think this is a terrible idea though. They think it will cause massive voter confusion and potentially lead to fraud. The checks and balances of the system that Potter County uses would all go away in this iteration of Mr. Rogers' vote counting method. I think that the state the state has told Mr. Rogers under no uncertain terms that they prefer he not do this, but they have no power to stop him.

What about local Potter County election officials? Are they anticipating separate voting sites for Republicans and Democrats, or how does this play out

That's exactly what they're anticipating. Mr. Mr. Rogers also declined to use the e-poll books that that check voters in, which allow voters to vote at any precinct in Potter County. So because he wants to use paper pull books, voters will have to turn up at an assigned precinct and can only vote there. So it really is going to be a radically different voting system than what Potter County voters are used to.

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Texas GOP Denies Appeal to Remove a 'Rick Perry' from GOP Governors Primary Ballot
Brad Johnson
The Texan
December 15, 2021
https://thetexan.news/texas-gop-denies-appeal-to-remove-a-rick-perry-from-gop-governors-primary-ballot/

Parker County resident Rick Perry — not the former governor — filed a declaration of candidacy for the GOP gubernatorial primary this week.
At first, this sparked a frenzy over whether former presidential candidate and Texas governor Rick Perry had decided he wanted his old job back. After that claim was disputed, questions were raised over this unknown Rick Perry's existence. Turns out, he is an IT engineer from Springtown who has served as a precinct chair for the Republican Party.

The validity of his gubernatorial candidacy was challenged Tuesday by attorney Eric Opiela who delivered a letter to the Republican Party of Texas (RPT) requesting Perry's removal from the 2022 gubernatorial primary ballot on behalf of a client.

Being a primary election, its oversight is the responsibility of the party rather than the secretary of state.

RPT Chair Matt Rinaldi issued a ruling on Opiela's appeal on Wednesday and denied the request.

The issue at hand is that Perry filed for re-election to his precinct chair position on November 30. Under state code, individuals may not be on the same ballot for two different positions at once. If that happens, "each application filed subsequent to the first one filed is invalid."

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On December 12, the day before he filed for governor, Perry sent a letter to Scott Utley, chairman of the Parker County GOP, to withdraw his name from the precinct chair race. That normally triggers the removal automatically, but Opiela's letter alleges the withdrawal isn't valid because it wasn't properly notarized.

"I ask that you immediately reject his application, or in the alternative declare him ineligible, take any and all necessary steps to remove Mr. Perry from the 2022 Republican Primary Ballot for Governor, and notify me when you have done so," Opiela's letter reads.

"If you fail to do so, litigation may be necessary to compel the performance of your duty under the law."

Perry's campaign treasurer is Tony McDonald, an Austin attorney and conservative activist who is on the endorsement list for Don Huffines, one of Governor Greg Abbott's primary opponents.

Reached Wednesday, McDonald pointed to a section of the state election code which both supersedes the section of code Opiela cites and lacks the "acknowledge[ment]" requirement pointed to.

There is also legal precedent on this question. In 1986, a similar situation arose and Texas' Eighth Circuit Court of Appeals ruled that the section Opiela cited this week "has no application" in situations of a withdrawal from a primary ballot.

RPT's reply to Opiela's letter said, "You rely upon Section 145.001 of the Election Code, which is a general provision for withdrawal of candidates that does require a request be in writing, signed and acknowledged. This section has no application."

The letter then cited that case law precedent as support for its ruling.

Further, Rinaldi writes, "As an initial matter, it is unclear from your correspondence whether you are making this request in your personal capacity or on behalf of a client. If it is the former, I question your standing to seek a judicial remedy. If it is the latter, please identify on whose behalf this request is being made."

For a legal challenge to be heard, before its merits are considered, the plaintiff must prove legal standing, or that they were dealt harm by the issue and person at hand. At first glance, it's likely that the only individuals who might have standing against Rick Perry ineligibly appearing on the ballot are the other GOP gubernatorial candidates.

Abbott is facing the first substantial primary of his political career, headlined by Huffines and Allen West. While not the fruits of his labor, Perry's spot on the ballot would carry with it considerable name-ID and threaten to siphon off votes from the other candidates.

Neither Opiela nor Perry returned a request for comment after the RPT issued its ruling.

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Not enough voter fraud cases in disputed states to change 2020 election, AP analysis finds
Christina A. Cassidy
Associated Press
December 14, 2021
https://www.12newsnow.com/article/news/nation-world/alleged-voter-fraud-analysis-no-change-to-outcome/507-b8894a38-f7e3-4159-84e7-c53abd4a92c6

ATLANTA — An Associated Press review of every potential case of voter fraud in the six battleground states disputed by former President Donald Trump has found fewer than 475 — a number that would have made no difference in the 2020 presidential election.

Democrat Joe Biden won Arizona, Georgia, Michigan, Nevada, Pennsylvania and Wisconsin and their 79 Electoral College votes by a combined 311,257 votes out of 25.5 million ballots cast for president. The disputed ballots represent just 0.15% of his victory margin in those states.

The cases could not throw the outcome into question even if all the potentially fraudulent votes were for Biden, which they were not, and even if those ballots were actually counted, which in most cases they were not.

The review also showed no collusion intended to rig the voting. Virtually every case was based on an individual acting alone to cast additional ballots.

The findings build on a mountain of other evidence that the election wasn't rigged, including verification of the results by Republican governors.

The AP review, a process that took months and encompassed more than 300 local election offices, is one the most comprehensive examinations of suspected voter fraud in last year's presidential election. It relies on information collected at the local level, where officials must reconcile their ballots and account for discrepancies, and includes a handful of separate cases cited by secretaries of state and state attorneys general.

Contacted for comment, Trump repeated a litany of unfounded claims of fraud he had made previously, but offered no new evidence that specifically contradicted the AP's reporting. He said a soon-to-come report from a source he would not disclose would support his case, and insisted increased mail voting alone had opened the door to cheating that involved "hundreds of thousands of votes."

"I just don't think you should make a fool out of yourself by saying 400 votes," he said.

These are some of the culprits in the "massive election fraud" Trump falsely says deprived him of a second term:

- A Wisconsin man who mistakenly thought he could vote while on parole.
- A woman in Arizona suspected of sending in a ballot for her dead mother.

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- A Pennsylvania man who went twice to the polls, voting once on his own behalf and once for his son.

The cases were isolated. There was no widespread, coordinated deceit.

The cases also underscore that suspected fraud is both generally detected and exceptionally rare.

“Voter fraud is virtually non-existent,” said George Christenson, election clerk for Milwaukee County in Wisconsin, where five people statewide have been charged with fraud out of nearly 3.3 million ballots cast for president. “I would have to venture a guess that’s about the same odds as getting hit by lightning.”

Even in the state with the highest number of potential fraud cases — Arizona, with 198 — they comprised less than 2% of the margin by which Biden won.

Trump has continued to insist that the election was fraudulent by citing a wide range of complaints, many of them involving the expansion of mail voting because of the pandemic. As the Republican weighs another run for president in 2024, he has waded into some GOP primary contests, bestowing endorsements on those who mimic his “Stop the steal” rhetoric and seeking to exact revenge on some who have opposed his efforts to overturn the results.

Trump’s false claims of a stolen election fueled the deadly Jan. 6 attempted insurrection at the Capitol, have led to death threats against election officials and have become deeply ingrained within the GOP, with two-thirds of Republicans believing Biden’s election is illegitimate. Republican lawmakers in several states have used the false claims as justification to conduct costly and time-consuming partisan election reviews, done at Trump’s urging, and add new restrictions for voting.

The number of cases identified so far by local elections officials and forwarded to prosecutors, local law enforcement or secretaries of state for further review undercuts Trump’s claim. Election officials also say that in most cases, the additional ballots were never counted because workers did their jobs and pulled them for inspection before they were added to the tally.

“There is a very specific reason why we don’t see many instances of fraud, and that is because the system is designed to catch it, to flag it and then hold those people accountable,” said Amber McReynolds, a former director of elections in Denver and the founding CEO of the National Vote at Home Institute, which promotes mail voting.

The AP’s review of cases in the six battleground states found no evidence to support Trump’s various claims, which have included unsupported allegations that more votes were tallied than there are registered voters and that thousands of mail-in ballots were cast by people who are not on voter rolls. Dozens of state and federal courts have rejected the claims.

White House spokesman Andrew Bates said the AP's reporting offered further proof that the election was fairly conducted and decided, contrary to Trump's claims.

“Each time this dangerous but weak and fear-ridden conspiracy theory has been put forward, it has only cemented the truth more by being completely debunked — including at the hands of elections authorities from both parties across the nation, nonpartisan experts, and over 80 federal judges,” he said.

Experts say to pull off stealing a presidential election would require large numbers of people willing to risk prosecution, prison time and fines working in concert with election officials from both parties who are willing to look the other way. And everyone somehow would keep quiet about the whole affair.

“It would be the most extensive conspiracy in the history of planet Earth,” said David Becker, a senior trial attorney in the Justice Department’s Civil Rights Division during the presidencies of Bill Clinton and George W. Bush who now directs the nonprofit Center for Election Innovation & Research.

Separate from the fraud allegations are claims by Trump and his allies that voting systems or ballot tallies were somehow manipulated to steal the election. Judges across the country, of both parties, dismissed those claims. That includes a federal judge in Michigan who ordered sanctions against attorneys allied with Trump for intending to create “confusion, commotion and chaos” in filing a lawsuit about the vote-counting process without checking for evidence to support the claims.

Even Trump’s former attorney general, William Barr, said a month after the election that there was no indication of widespread fraud that could change the result.

For its review, AP reporters in five states contacted roughly 340 election offices for details about every instance of potential voter fraud that was identified as part of their post-election review and certification process.

After an election is over, officials research voter records, request and review additional information if needed from the state or other counties, and eventually decide whether to refer potential fraud cases for further investigation — a process that can take months.

For Wisconsin, the AP relied on a report about fraud investigations compiled by the state and filed public records requests to get the details of each case, in addition to prosecutions that were not initially reported to the state elections commission. Wisconsin is the only one of the six states with a centralized accounting of all potential voter fraud cases.

A state-by-state accounting:

Arizona
Authorities have been investigating 198 possible fraud cases out of nearly 3.4 million votes cast, representing 1.9% of Biden’s margin of victory in the state. Virtually all the cases were in Pima County, home to Tucson, and involved allegations of double voting. The county has a practice of referring every effort to cast a second ballot to prosecutors, something other offices don’t do. In the Pima cases, only one ballot for each voter was counted. So far, nine people have been charged in the state with voting fraud crimes following the 2020 election. Six of those were filed by the state attorney general’s office, which has an election integrity unit that is reviewing an undisclosed number of additional cases.

Georgia

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Election officials in 124 of the state's 159 counties reported no suspicious activity after conducting their post-election checks. Officials in 24 counties identified 64 potential voter fraud cases, representing 0.54% of Biden's margin of victory in Georgia. Of those, 31 were determined to be the result of an administrative error or some other mistake. Eleven counties, most of them rural, either declined to say or did not respond. The state attorney general's office is reviewing about 20 cases referred so far by the state election board related to all elections in 2020, including the primary, but it was not known if any of those overlapped with cases already identified by local election officials.

Michigan
Officials have identified 56 potential instances of voter fraud in five counties, representing 0.04% of Biden's margin of victory in the state. Most of the cases involved two people suspected of submitting about 50 fraudulent requests for absentee ballots in Macomb, Wayne and Oakland counties. All the suspicious applications were flagged by election officials and no ballots were cast improperly.

Nevada
Local officials identified between 93 and 98 potential fraud cases out of 1.4 million ballots cast, representing less than one-third of 1% of Biden's margin of victory. More than half the total — 58 — were in Washoe County, which includes Reno, and the vast majority involved allegations of possible double voting. The statewide total does not include thousands of fraud allegations submitted to the state by local Republicans. Republican Secretary of State Barbara Cegavske has said many of those were based "largely upon an incomplete assessment of voter registration records and lack of information concerning the processes by which these records are compiled and maintained." It's not known how many remain under investigation.

Pennsylvania
Election officials in 11 of the state's 67 counties identified 26 possible cases of voter fraud, representing 0.03% of Biden's margin of victory. The elections office in Philadelphia refused to discuss potential cases with the AP, but the prosecutor's office in Philadelphia said it has not received any fraud-related referrals.

Wisconsin
Election officials have referred 31 cases of potential fraud to prosecutors in 12 of the state's 72 counties, representing about 0.15% of Biden's margin of victory. After reviewing them, prosecutors declined to bring charges in 26 of those cases. Meagan Wolfe, administrator of the Wisconsin Elections Commission, said the number of cases in 2020 was "fairly run of the mill."

AP's review found the potential cases of fraud ran the gamut: Some were attributed to administrative error or voter confusion while others were being examined as intentional attempts to commit fraud. In those cases, many involved people who sought to vote twice — by casting both an absentee and an in-person ballots — or those who cast a ballot for a dead relative such as the woman in Maricopa County, Arizona. Authorities there say she signed her mother's name on a ballot envelope. The woman's mother had died a month before the election.

The cases are bipartisan. Some of those charged with fraud are registered Republicans or told investigators they were supporters of Trump.

Donald Holz is among the five people in Wisconsin who face voter fraud charges. He said all he wanted to do was vote for Trump. But because he was still on parole after being convicted of felony drunken driving, the 63-year-old retiree was not eligible to do so. Wisconsin is not among the states that have loosened felon voting laws in recent years.

Holz said he had no intention to break the law and only did so after he asked poll workers if it was OK.

"The only thing that helps me out is that I know what I did and I did it with good intentions," Holz said after an initial court appearance in Fond du Lac. "The guy upstairs knows what I did. I didn't have any intention to commit election fraud."

In southeast Pennsylvania, 72-year-old Ralph Thurman, a registered Republican, was sentenced to three years' probation after pleading guilty to one count of repeat voting. Authorities said Thurman, after voting at his polling place, returned about an hour later wearing sunglasses and cast a ballot in his son's name.

After being recognized and confronted, Thurman fled the building, officials said. Thurman's attorney told the AP the incident was the result of miscommunication at the polling place.

Las Vegas businessman Donald "Kirk" Hartle was among those in Nevada who raised the cry against election fraud. Early on, Hartle insisted someone had unlawfully cast a ballot in the name of his dead wife, and state Republicans seized on his story to support their claims of widespread fraud in the state. It turned out that someone had cast the ballot illegally — Hartle, himself. He agreed to plead guilty to a reduced charge of voting more than once in the same election.

Hartle's attorney said the businessman, who is an executive at a company that hosted a Trump rally before the election, had accepted responsibility for his actions.

Additional fraud cases could still surface in the weeks and months ahead. One avenue for those is the Electronic Registration Information Center, a data-sharing effort among 31 states aimed at improving state voter rolls. The effort also provides states with reports after each general election with information about voters who might have cast ballots in more than one state.

In the past, those lists have generated small numbers of fraud cases. In 2018, for example, Wisconsin used the report to identify 43 additional instances of potential fraud out of 2.6 million ballots cast.

Official post-election audits and other research have shown voter fraud to be exceptionally rare. A nonpartisan audit of Wisconsin's 2020 presidential election found no evidence of widespread fraud and a Republican lawmaker concluded it showed that elections in the state were "safe and secure," while also recommending dozens of changes to how elections are run. In Michigan, Republican state senators issued a report earlier this year saying they had found "no evidence of widespread or systematic fraud" in the 2020 election.

Not only do election officials look for fraud, they have procedures to detect and prevent it.

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For mail voting, which expanded greatly last year because of the pandemic, election officials log every mail ballot so voters cannot request more than one. Those ballots also are logged when they are returned, checked against registration and, in many cases, voter signatures on file to ensure the voter assigned to the ballot is the one who cast it.

If everything doesn't match, the ballot isn't counted.

"Often, we don't get to fraud," said Jennifer Morrell, a former local election official in Utah and Colorado who advises election officials on security and other issues. "Say we have evidence that something might not be correct, we ask the voter to provide additional documentation. If the person doesn't respond, the ballot isn't accepted. The fraud never happened."

If a person who requested a mail ballot shows up at a polling place, this will become apparent when they check in. Typically, poll workers either cancel the ballot that was previously issued, ensuring it's never counted, or ask the voter to complete a provisional ballot that will only be counted if the mail ballot is not.

In Union County, Georgia, someone voted in person and then election officials found their ballot in a drop box. Since the person had already voted, the ballot in the drop box was not counted and the case was referred to the state for investigation, Deputy Registrar Diana Nichols said.

"We can tell pretty quick whenever we pull up that record -- wait a minute, this person has already voted," Nichols said. "I'm not saying it's foolproof. We are all human, and we all make mistakes. But as far as the system is set up, if you follow the rules and the guidelines set up by the state, I think it's a very good system."

The final step is the canvassing process in which election officials must reconcile all their counts, ensuring the number of ballots cast equals the number of voters who voted. Any discrepancies are researched, and election officials provide detailed explanations before the election can be certified.

Often, an administrative error can raise questions that suggest the potential for fraud.

In Forsyth County, Georgia, election officials were asked by Arizona investigators for records confirming that a voter had also cast a ballot in Georgia last November. It turns out that voter didn't cast a ballot but was listed as having done so because their registration number was mistakenly associated with another voter's record in the county's system, according to a letter sent by county election officials.

In other cases, it could be as simple as a voter signing on the wrong line next to another person's name in a paper pollbook at their polling place. Once researched, it quickly becomes clear no fraud occurred.

Republican lawmakers have argued there are security gaps in the process, using concerns of fraud to justify restrictions on voting laws. This has happened even in places where Republican lawmakers have pushed back against Trump's false claims and said the 2020 election was valid.

The review by Republican lawmakers in Michigan that found no systemic fraud cited various claims they had investigated. For example, senators were provided with a list of over 200 voters in Wayne County who were believed to be dead. Of these, the report noted, only two instances involved actual dead voters. The first was due to a clerical error in which a son had been confused with his dead father and the second involved a 92-year-old woman who had died four days before the election.

And yet, Republicans in the state are collecting signatures for a citizen initiative that would allow the GOP-controlled legislature to approve voting restrictions and bypass a veto by the Democratic governor. Republicans say mail voting needs to be more secure as more people embrace it.

"These bills will restore confidence in our elections," said GOP Rep. Ann Bollin, chairwoman of the Michigan House Elections and Ethics Committee and a former township clerk. "Voters want to know their vote will count and that they, and only they, are casting their own ballot."

Overall, 80% of counties in the six states reviewed by the AP reported no suspicious activity after completing their post-election reviews. This was true of both small and large counties, something experts said was to be expected given how rare voter fraud has been.

Limited instances of fraud do occur, as the AP review illustrates, but safeguards ensure they are few and that they are caught, said Ben Hovland, a Democrat appointed by Trump to serve on the U.S. Election Assistance Commission, which supports the state and local officials who administer elections.

"Every credible examination has shown there was no widespread fraud" in the 2020 presidential election, Hovland said. "Time and again when we have heard these claims and heard these allegations, and when you do a real investigation, you see that it is the exception and not the rule."

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Texas attorney general cannot unilaterally prosecute election cases, state's highest criminal court rules
Patrick Svitek
Texas Tribune
December 15, 2021
https://www.texastribune.org/2021/12/15/ken-paxton-election-prosecute-court/

Texas' highest court for criminal cases on Wednesday struck down a law that allows the attorney general to unilaterally prosecute election cases.

The state's Court of Criminal Appeals issued an 8-1 opinion saying a provision of the law violates the separation of powers clause in the Texas Constitution, representing an intrusion by the executive branch into the judicial branch. The attorney general can only get involved in a case when asked to by a district or county attorney, the court said.

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Attorney General Ken Paxton, a Republican who has been aggressive in trying to root out voter fraud, bashed the opinion from the all-GOP court. He said in a tweet that the ruling "could be devastating for future elections in Texas."

At stake was a part of the election code that says the attorney general, the state's top law enforcement officer, "may prosecute a criminal offense prescribed by the election laws of this state."

The provision was thrown into jeopardy by a long-winding case involving Jefferson County Sheriff Zena Stephens. After the county district attorney declined to prosecute Stephens over campaign-finance allegations stemming from the 2016 election, Paxton's office stepped in and obtained an indictment from a grand jury in neighboring Chambers County.

In its opinion, the Court of Criminal Appeals overturned a lower-court ruling that said the election code provision "clearly and unambiguously gives the Attorney General power to prosecute criminal laws prescribed by election laws generally whether those laws are inside or outside the Code."

Rather, the Court of Criminal Appeals said, "the Attorney General can prosecute with the permission of the local prosecutor but cannot initiate prosecution unilaterally."

In his tweet, Paxton said the ruling means "Soros-funded district attorneys will have sole power to decide whether election fraud has occurred in Texas." That is a reference to George Soros, the Democratic megadonor who has become a force in local prosecutor elections.

Harris County Attorney Christian Menefee cheered the ruling. Harris County, the largest in Texas, was the epicenter of election-related litigation in the lead-up to the 2020 election in Texas.

"This is a big win for local government and Texans who are tired of state officials exaggerating voter fraud claims to undermine elections," Menefee tweeted.

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Former HPD captain indicted in 2020 aggravated assault case over false voter fraud claim
Charlie Haldeman
KHOU-TV
December 14, 2021
https://www.khou.com/article/news/local/former-hpd-captain-indicted-in-2020-aggravated-assault-case-over-false-voter-fraud-claim/285-a24374dc-ae3e-47d0-8b1b-e4b7bbe2c69e

HOUSTON — A former Houston Police Department captain accused of causing an accident and holding a man at gunpoint has been indicted by a Harris County grand jury.

Mark Anthony Aguirre is charged with aggravated assault with a deadly weapon, a second-degree felony.

The indictment comes a year after his arrest in connection with the alleged incident.

According to court documents, Aguirre told police shortly after the Oct. 19 incident that he was part of a group of private citizens called "Liberty Center," who were conducting a civilian investigation into an alleged ballot scheme.

Aguirre told investigators he had been conducting surveillance on the victim for four days under a theory the victim was the mastermind of a giant fraud, and there were 750,000 fraudulent ballots in a truck he was driving.

Instead, the victim turned out to be an innocent air conditioner repairman.

According to the documents, Aguirre ran his SUV into the back of the truck to get the repairman to stop and get out. When the technician got out of the truck, Aguirre pointed a handgun at him, forced him to the ground, where Aguirre reportedly put his knee on the man's back. The incident was captured on the body-worn camera of a police officer.

Aguirre directed police to a parking lot nearby where another suspect, who has not been identified, took the truck, investigators said. There were no ballots in the truck. It was filled with air conditioning parts and tools.

Aguirre's claims of election fraud were found to be baseless after an investigation by Houston police and by the Harris County Precinct 1 Constable's Office, as part of the Harris County Election Security Task Force.

If convicted, Aguirre faces up to 20 years in prison.

Aguirre had been indefinitely suspended from HPD in January 2003.

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County approves reestablished voting districts
Thomas Lott
Laredo Morning Times
December 15, 2021
https://www.lmtonline.com/news/article/County-approves-reestablished-voting-districts-16703941.php

The Webb County Commissioners Court voted unanimously at Monday's meeting to adopt the reestablished county election districts.

As part of the action, which was required "by Order," the county will establish, redefine and renumerate all of the election precincts to conform with the adopted redistricting changes and to comply with population requirements.

Additionally, to the extent legally permissible, it will separate unincorporated territory from incorporated territory of municipalities with a population of 10,000 or more.

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There were two locations brought up during Monday's meeting that needed to be addressed and were presented by Webb County Assistant Planning Director Jorge Calderon.

"We've gone through this and worked it out with the elections department. It's in compliance with the state election regulations right now the order as it is," Calderon said. " But we wanted to bring to your attention a couple of issues.

"Section 2 and 3 of the order, basically outlining a couple of VTDs (voting tabulation districts or County Election Precincts) that are underpopulated, but based on their boundaries we can't really change them so they have to stay that way."

Additionally, there was one other issue Calderon brought to the commissioners.

"In Section 3 some VTDs or Election Precincts that are half in, half out on the City of Laredo that we also couldn't mess with based on the boundaries," he said.

"This has nothing to do with commissioners precincts, these are election boundaries within the precincts."

Webb County Judge Tano A. Tijerina made sure to clarify everything had been worked out despite these issues and Calderon confirmed it had.

Another commissioner made sure to confirm there was no way to fix the underpopulation problem of the two districts.

"So only 258 and 457 shall remain as is even though they have less than 100 voters?" he asked.

"Because of the underpopulation yes," Calderon replied. "As is. There's other election precincts that we did not change but these two have to stay even though they're underpopulated."

"But they couldn't be absorbed by an adjacent precinct?" the commissioner asked.

"No, based on their boundaries we can't change those lines at this time," Calderon said.

"Because some other boundary interferes?" the commissioner asked.

"Yes. Some other boundary interferes," Calderon replied.

"And this is kosher?" the commissioner asked. "We're doing it?"

"Yes," Calderon replied. "This will become effective Jan. 1 as adopted."

In adopting the reestablished precincts, the County Judge is authorized to execute all required documents and directives to the County Clerk and the Elections Administrator and staff are required to publish required notices in the newspaper and the county's official website.

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Last minute campaign announcement creates opening for Bexar County commissioner in Pct. 3. What happens next?
Fares Sabawi
KSAT-TV
December 15, 2021
https://www.ksat.com/news/local/2021/12/15/last-minute-campaign-announcement-creates-opening-for-bexar-county-commissioner-in-pct-3-what-happens-next/

SAN ANTONIO – On Monday evening, just an hour before the filing deadline expired, Bexar County Pct. 3 Commissioner Trish DeBerry made a surprise announcement that she is running for county judge.

The last minute filing will change the makeup of the Commissioners Court, as DeBerry must resign in order to embark on the political campaign according to state law. DeBerry still had roughly three years left before her term expired.

Shortly after DeBerry's announcement, Bexar County Judge Nelson Wolff said DeBerry will remain in the office in "hold over status" until he appoints an interim commissioner within 60 days.

That commissioner would only serve through November, when voters will decide on who will fill out the remainder of the term, according to the Secretary of State's Office.

Candidates interested in succeeding DeBerry have until 6 p.m. on Dec. 20 to file for the race with their respective political party, officials confirmed on Wednesday.

Those candidates will have to win their party's nomination during the March 1 primary to appear on the ballot during the general election in November.

Though the North Side seat has been reliably Republican in recent years, Democrat Christine Hortick ran a competitive race against DeBerry in 2020. In the end, DeBerry edged out Hortick with nearly 55% of the vote.

As of Wednesday, no candidate has yet filed for the Pct. 3 race.

DeBerry is only the second Republican to file for the county judge race. Nathan Buchanan, a small business owner, filed for the race in November. Several candidates are running for the Democratic nomination, including mayoral Chief of Staff Ivalis Meza Gonzalez, State Rep. Ina Minjarez, former mayoral candidate Gerard Ponce and former District Court Judge Peter Sakai.

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Bexar County voters have not elected a Republican for the county judge office since 1998, when Cyndi Taylor Krier ran unopposed. Krier stepped down in 2001 to join the UT System Board of Regents. Wolff was appointed in her place, and has remained in that office ever since. Earlier this year, Wolff confirmed he will not run again after a long career of public service.

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'Prison gerrymandering:' How inmates are helping the Texas GOP maintain its power
Lauren McGaughy and Ari Sen
Dallas Morning News
December 15, 2021
https://www.dallasnews.com/news/investigations/2021/12/15/prison-gerrymandering-how-inmates-are-helping-the-texas-gop-maintain-its-power/

On paper, the Tennessee Colony area looks like a small but growing East Texas community of 16,000 residents.

But in reality, it's not much more than a country road intersection anchored by a feed store, a church and a shuttered post office. Locals say the biggest draws are Taco Tuesdays at the gas station and the monthly meeting at the Masonic lodge. Only about 2,000 people actually live in this part of rural Anderson County.

The other 13,344 are prisoners here.

Nearly a quarter of a million people were incarcerated in Texas when the Census was taken last year. When lawmakers redrew the state's voting maps this fall, these inmates were counted in the prison towns where they were locked up, rather than where they lived beforehand.

A Dallas Morning News analysis of Census and prison data found this practice, which opponents call "prison gerrymandering," inflates the political power of Republican districts while draining clout from Democratic strongholds. It also makes more conservative, rural areas of the state look larger and more diverse than they truly are.

Republicans say the maps are legal and fair. They argue there isn't a viable alternative for counting prisoners, and changing that won't shift the balance of power in Texas to Democrats.

But The News found the state's new legislative maps would look significantly different if Texas stopped this practice. Reallocating prisoners to the place where they were charged would cause nearly one in five counties — most of which went for Donald Trump last year — to lose population to more urban, liberal areas. Not counting prisoners at all would throw more than two dozen House districts out of population boundaries, making them subject to court challenge.

Experts say The News' findings raise questions about diluting the minority vote, fair representation and the principle of "one person, one vote." Incarcerated people in effect become ghost constituents, they said, unwittingly boosting the power of prison towns, and helping Republicans stay in power, while largely lacking the right to vote.

This and other concerns about the state's most recent redistricting plan have led to a half dozen lawsuits alleging the Texas GOP illegally gerrymandered districts this year to disenfranchise Black and Hispanic communities and retain control in the long term. Last month, a state prisoner from Grand Prairie filed a suit to force Texas to stop counting inmates in their cells.

He's asking for class action status for incarcerated people across the state.

"I'm hoping to be their voice," Damon James Wilson wrote in a letter from his prison cell in Fort Bend County. "I pray it will be the catalyst to spark a change in this manipulative process."

In the past decade, a dozen states have changed how they count incarcerated people. Texas' GOP legislative majority, however, shows no signs of changing unless one of the pending lawsuits against the state is successful.

Prisoners and redistricting
State Rep. Jasmine Crockett watches Corinth Street pass by outside the car window.

Baptist churches and tire shops line the avenue. Crockett points out duplexes built by the area's earliest Black residents. Behind her, the downtown Dallas skyline shines in the morning sun.

This east Oak Cliff zip code sends the most people to state prisons, according to information self-reported by about 100,000 inmates incarcerated by the Texas Department of Criminal Justice. Though they're locked up in units from Amarillo to Edinburg, Crockett considers these men and women to be members of her district, and says they should be counted as such.

"The name of the game here in the state of Texas is we use Black and brown bodies to gain power," Crockett said. "Our constituents, sadly, we know are going to be arrested at a higher rate and incarcerated at a higher rate — and they're not being counted where they actually reside."

Every 10 years, the U.S. Census provides a snapshot of the country's population, which is used to redraw electoral maps that last for a decade, a process called redistricting.

The Census Bureau has counted incarcerated people at the lockups where they are held since the first survey in 1790. Criminal justice and anti-gerrymandering activists began criticizing the policy in the 1980s and 90s, as states built more prisons, many in rural areas, to accommodate rising inmate populations.

The Census Bureau decided to keep its policy in place for the 2020 national headcount. But states have the flexibility to allocate incarcerated people where they want during redistricting.

The 12 states that have decided to ban "prison gerrymandering" since 2010 include California, New York, Pennsylvania and Virginia. Most now count the majority of prisoners at their last known home address. Some exclude federal prisoners or

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those serving life sentences from their district population counts; others only reallocate incarcerated people for state legislative, not congressional, redistricting.

But the Texas Legislature, controlled by Republicans in both chambers, continues counting incarcerated people where they are held when redrawing state and congressional maps this year.

The News' data analysis shows that this practice transfers political representation away from Democratic strongholds to GOP counties with prisons, since most rural counties lean conservative and large cities are more liberal. The decision, if it remains unchallenged, will help the GOP remain in power even as Texas becomes more urban and more diverse.

Texas added nearly 4 million people in the last decade, Census data show, and Hispanics accounted for nearly half of this growth. The boost helped Texas pick up two additional congressional seats this year. But Democrats complain this diverse population growth was not reflected in the electoral maps the GOP majority created. The two new U.S. House seats both favor white candidates, and state Senate maps split communities of color in Tarrant County.

Including jails, federal and state prisons and detention centers, Texas incarcerated more people than any other state, last year's Census data show.

Counting these people at their place of confinement helped Republicans, The News analysis found. It's impossible to know how these incarcerated people would vote. But while many inmates in state prisons were charged in urban areas, and most are not white, the vast majority were drawn into GOP districts.

According to The News' analysis, Republicans in the state Legislature will represent two-thirds of incarcerated people under the newly redrawn maps. The number is even higher for the U.S. Congress: 76% of people incarcerated at Census time were drawn into districts represented by a Republican in Washington.

Two state lawmakers saw their district numbers inflated most by the count of incarcerated people: Rep. Kyle Kacal of College Station and Cody Harris of Palestine, both Republicans. One in 10 people in Kacal's district, where death row and the prisons department headquarters is located, is behind bars.

In Harris' district, which includes Tennessee Colony in Anderson County and all or part of three other counties in East Texas, nearly 8% are incarcerated.

How would the Texas maps change without prisoners?
The News analyzed how the state's new electoral maps would be affected if incarcerated people were counted differently. We used data on more than 140,000 inmates incarcerated in state-run jails and prisons when the Census was taken. This analysis does not include the effect of moving federal inmates or those housed in local jails or ICE detention centers.

Of the 232 counties that went for Donald Trump in the 2020 election, 46 would shrink in population if incarcerated people were counted in the county where they were charged. This is the best measure The News could use for previous residence, since state and federal prison agencies declined to release comprehensive data on inmates' previous home addresses.

The 46 counties would lose more than 104,000 people, The News' analysis shows. When added together, pro-Trump counties would lose nearly 52,000 people. Nearly all of them — 49,667 people — would be reallocated back to one of the state's five largest counties, which all went for President Joe Biden last year, with more than 11,000 going to Dallas County.

The News analysis also found counting incarcerated people at their prison address hurts GOP counties without lockups. McLennan, Smith and Montgomery Counties, all of which went for Trump in 2020, would gain more than 2,500 people each if incarcerated people were moved back to the county where they were charged.

If prisoners were excluded from population counts altogether, The News found that 29 state House districts might need to be redrawn. This is because every Texas legislative district is meant to represent roughly the same amount of people, and there should be no more than a 10% difference in population between the smallest and largest districts.

Those that don't meet this requirement could be challenged in court; they are about equally split between Democrats and Republicans.

Two state Senate districts would come within 1% of crossing the 10% population gap rule if inmate counts were zeroed out: those represented by Sen. Charles Perry of Lubbock and Kel Seliger of Amarillo, both Republicans.

Perry declined to comment for this story. Seliger, who announced his retirement this year, said lawmakers must ensure they are following constitutional rules about equal representation and minority voting rights when drawing new maps. Other tactics within those rules that may help one party over the other, he said, are fair game.

"I'm in favor of anything that benefits Republicans," Seliger said.

Congressional districts are meant to be as equal as possible, representing just fewer than 767,000 people each in Texas. Without the incarcerated population, there would be a 2.9% population gap between the largest and smallest districts.

During redistricting this year, Crockett filed a bill to require incarcerated people to be counted in their home districts. It never got a hearing. Dallas Mayor Eric Johnson, her predecessor in the House, as well as other members of the Texas Legislative Black Caucus have also repeatedly backed this bill — without success.

"People don't stick around the area where they were incarcerated after they are released. They go back home," Johnson said. "Counting them as part of the population of any other city or county during their prison term does not make any sense — except as a way to boost the population of rural areas for political purposes at the expense of cities such as Dallas."

GOP: Prisoners a 'rounding error'
Experts acknowledge that Texas won't suddenly turn blue if "prison gerrymandering" is banned.

In a state of 29 million, incarcerated people account for less than 1% of the population. Plus, as the party in power,

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Republicans could simply tweak district boundary lines to make up for a few thousand prisoners here or there.

But critics note it's one of several tools the GOP uses to maintain power in a rapidly changing state. While they are a fraction of the population, there are more incarcerated people than needed for an entire House district and nearly one-third of a congressional district.

"The dynamics just described obviously favor white, rural Texas," said Rep. Chris Turner of Grand Prairie, chairman of the Texas House Democratic Caucus. "[It] real questions of fairness."

Rory Kramer, an associate professor at Villanova University who is completing a nationwide analysis of incarceration and redistricting, said The News' findings did not surprise him.

"As your analysis demonstrates, this harms equal representation for people who live in neighborhoods with high incarceration rates," Kramer said. "There's no reason why living near a prison should mean some Texans have greater voices in the state legislature than other Texans."

Mike Wessler, communications director for criminal justice advocacy group the Prison Policy Initiative, echoed Kramer's concern: "It distorts political representation at all levels of government."

Speaker of the Texas House Dade Phelan declined to comment for this story, citing pending lawsuits. Gov. Greg Abbott, Lt. Gov. Dan Patrick and Texas House Redistricting Committee Chairman Todd Hunter, all Republicans, also did not weigh in on the findings.

Jim Murphy, chairman of the House Republican Caucus, told The News that changing how prisoners are counted was not on the table this year.

"The caucus has not discussed that at all," Murphy, R-Houston, said in October.

Because Texas is so massive, he insisted counting prisoners differently would have a minimal impact on the final maps — and definitely would not have upset the overall balance of power.

"It's a rounding error," Murphy said.

In some rural areas of Texas, however, prisoners are not a negligible fraction. In 24 counties, they accounted for at least one in 10 people counted in last year's Census.

In Anderson County, they make up 23% of the population.

Plantations to prisons

Tennessee Colony was first settled as a plantation town. For decades, slaves toiled in its cotton fields. But it struggled to retain more than a few hundred people after the Civil War, as residents were drawn to Palestine, the Anderson County seat, and its new railroad.

The first state lockup arrived in the mid-1960s. Thirty years later, the county's five prisons were the single largest employer.

Many of Texas' other 100 state-run units were built in rural areas, where local leaders either balked less at housing inmates or actively lobbied to bring prisons to town. By contrast, just a handful were built in the state's largest cities.

There's little evidence on Palestine's tidy Main Street that thousands of men are behind bars just down the road. A half dozen antique stores and even more churches dot downtown. Victorian mansions of yellow and blue, relics of the railroad's heyday, decorate its quiet neighborhoods.

Chatting over chicken salad sandwiches at a local diner, the former mayor, Steve Presley, said rural communities have shouldered the responsibility for guarding these inmates for decades. It's only fair, he argued, that they should be able to reap the benefits, too.

"They should be counted here," Presley said. Big cities could claim prisoners, he added, but then they should have to guard them, too. "If Houston wants that fix, then build those units in Houston."

According to state demographer Lloyd Potter, while Texas is growing, the population has steadily been shifting from rural to urban and suburban areas. Since 2010, he said 134 mostly rural counties have actually lost population.

Keeping prisons open and full helps mitigate the drain. Anderson County has lost about 500 people in the last decade, Census data show. Without prisoners, the drop would have been much more severe.

Counting inmates in their cells also has an effect on another demographic trend: racial diversity. In majority white Anderson County, more than 5,000 of the county's 11,430 Black residents are actually behind bars, and two-thirds of its prison population was Black or Hispanic when the Census was taken.

This is also true statewide. Texas is 12.6% African American but one in three state inmates are Black, the Census and state prison data show.

Rep. Harris, of Palestine, declined to comment for this storyState Sen. Robert Nichols said he doesn't know of a feasible alternative.

"I'm not so sure it really matters that much," Nichols, R-Jacksonville, said.

But some county officials have pursued another way for years: Don't count prisoners at all.

Just as state lawmakers are in charge of legislative and congressional maps, local officials draw new county districts for

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positions like commissioners court, justices of the peace and constables after each Census. Many smaller, conservative counties with large inmate populations have long chosen to exclude incarcerated people when redrawing local maps because prisoners would skew their demographics.

Anderson County Judge Robert Johnston said counting the local 13,344 prisoners as constituents would inflate his actual population and result in one of his four commissioners representing only a handful of people outside the prison walls.

“[Prisoners are] not out roaming the streets, spending money in my county,” he said.

County judges also said that it wouldn’t be fair to count prisoners because they can’t vote. This is mostly, but not totally, true.

State elections law allows convicted felons to vote if they are in active appeals. But they can only vote in the district where they lived prior to being incarcerated, the Department of Criminal Justice told The News. This allows Republicans who represent prison towns to maintain the benefit of counting inmates in their district without having to worry about winning their vote.

One former prisoner who was released in May from Anderson County’s Coffield Prison was surprised to learn that he will be counted as a member of the community there for the next decade, even though he has returned home to North Texas. The News is not naming him because he is on parole and fears reprisals for talking to the media.

“We can’t vote. Our voice has no say,” he said. “And then using us to fatten up the Census in those towns — That isn’t right.”

Wilson, the Dallas area man suing to overturn the new congressional maps, believes that legislators used prisoners like him to advance their own political ambitions.

He intends to move back to Grand Prairie after he is released from this, his fourth, time behind bars and wants to be counted in Dallas County, not Potter, where he was incarcerated when the Census was taken last year.

If Wilson fails, he’ll be counted in the 13th Congressional District, which is anchored in Amarillo and represented by Rep. Ronny Jackson, a Republican. If he wins, Wilson will be added to Democrat Rep. Eddie Bernice Johnson’s district in Dallas.

Johnson, who has represented the district since 1993, announced her retirement this year. Last month, she endorsed a successor: Jasmine Crockett.

“I plan to pursue [prison gerrymandering], federally,” Crockett vowed. “I don’t believe it should be a state specific issue. It’s about doing things that are fair.”

Methodology

To conduct this analysis, The News began with three data files: one from the Texas Department of Criminal Justice with each incarcerated persons’ name, county of charge and the facility where they were housed on March 31, 2020; another from TDCJ showing the location of each prison and a third from the Census Bureau containing the population of every county in 2020. These three files were joined together for analysis.

To conduct the reallocation analysis, The News wrote a script in the Python programming language to loop through every row of the combined data, adding one person to the county where the prisoner was charged and subtracting one person from the county where they were incarcerated, to generate final adjusted populations for every county in Texas.

The News joined a fourth data table showing county election results for 2020, obtained from the Texas Secretary of State’s office, to the combined data.

The first map of prison population was generated by joining a count of all incarcerated adults in every 2020 Census Tract to a Census geospatial file of these tracts in QGIS. This was then exported as a combined shapefile and styled in Tableau.

To conduct the analysis on excluding inmates, The News reduced each district’s population by its total population of incarcerated adults, as counted by the Census Bureau and then adjusted the ideal district size by the total statewide incarcerated population. The News then calculated which districts, by population size, would fall outside of the 10% maximum-minimum population threshold.

To conduct the demographic analysis, The News used the March TDCJ data and 2020 Census Bureau data for adult correctional facilities (group quarters, institutionalized population). This was compared to the 2020 Census Bureau racial demographic data for Anderson County.

The News used the March TDCJ data to determine sentencing and projected release data for Anderson County prisons in state-run facilities. Texas counties with the highest incarceration rates were determined using the 2020 Census Bureau data for adult correctional facilities.

TDCJ provided The News with data of the number of incarcerated people who reported living in specific zip codes prior to incarceration. TDCJ warned this data was incomplete and self-reported. This data was used solely to determine, to the best of The News’ ability, which zip code sent the most people to state-run jails and prisons.

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March Primary brings contested Taylor County judge race, but many candidates are unopposed
Brian Bethel
Abilene Reporter-News
December 15, 2021
https://www.reporternews.com/story/news/2021/12/15/primary-bring-contested-county-judge-race-some-unopposed-races/8908992002/

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A contested race for Taylor County judge has emerged, while turnover in other areas of the county has put new names on the ballot for the March party primaries.

Filings indicate change is coming in several areas, including the position of county clerk and several justice of the peace slots.

The position of county judge, held by Downing Bolls since 2010, will see a two-man race, consisting of Taylor County Assistant District Attorney Phil Crowley and Scott Lebowitz, who formerly worked for the Taylor County Sheriff's Office.

Bolls, a former TV news anchor, first was appointed by commissioners after Judge George Newman retired, then was elected to the office.

No one filed locally as a Democrat in the primary for county offices.

At the state level, Rep. Stan Lambert drew a Democrat Linda Goolsbee as an opponent for District 7.

State Sen. Charles Perry is unopposed in District 28.

Local Democratic Party chairwoman Elizabeth Smyser and Republican Party chairman Chris Carnohan, both incumbents, did not draw opponents, according to the listings.

Candidates are listed on the Texas secretary of state's website.

County Judge race heats up

Lebowitz, in a statement about his candidacy, said he brings 32 years of experience in personnel management, budgeting and law enforcement.

He has been a resident of Taylor County for 17 years and is a 20-year retired Air Force veteran.

He served at Dyess Air Force Base from 1992-98 in the 96th Security Police Squadron until he was transferred, returning here in 2004.

He continued his career in public service by accepting a position with the sheriff's office in its adult detention facility, where he attained the rank of sergeant. He became a certified peace officer in 2010.

In 2015, he laterally transferred within the county to the Road and Bridge Department in Precinct 2.

Lebowitz has served as a volunteer firefighter with volunteer departments in the cities of Tye and Merkel, also working for Rural Metro Ambulance in Abilene and volunteering with Merkel EMS, he said.

His experience in law enforcement and public safety will aid him in performing required judicial duties, he said, including emergency management, matters of probate and mental health commitments, juvenile cases and guardianships.

"When it comes to the budget I will ensure that our tax dollars are spent wisely," he said. "I also look forward to working with other government entities as needed to ensure the forward progression of Taylor County."

Crowley seeks office

Crowley, who announced his candidacy in September, said he brings "experience and legal knowledge" that will serve him in probate, guardianship, mental health commitment and occasional juvenile law matters heard by the county judge.

He graduated from the Abilene Independent School District and Hardin-Simmons University. He then graduated from Texas Wesleyan School of Law (now Texas A&M School of Law) and immediately returned home to practice.

If elected, his experience would help "efficiently manage the court's civil docket," he said, adding that he also brought experience as a small businessman with his own law practice.

He promised a "capability to make tough decisions daily on felony cases," and said he would set budget priorities to make sure the county's public safety needs are being met.

He said he would bring "strong conservative leadership and knowledge of Taylor County government structure" to the judge's role as the county's administrator.

He also would bring an understanding of the structure and organization of county government through his own experience as a county employee, he said.

"I want to make sure we have someone in that job who cares about government and cares about delivering good service to our constituents," Crowley said.

New blood
Several new candidates seeking office are unopposed:

► Brandi DeRemer, a former Taylor County clerk's office employee, announced her intention to seek that role after Larry Bevill, the elected clerk for 15 years, announced plans to retire.

DeRemer has worked for Taylor County since 2003, and is currently serving in Haig's office as court administrator.

► Court clerk Shawna Joiner put in a solo bid for Justice of the Peace, Precinct 1, Place 2, an office presently held by Sparky Dean.

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Dean said Wednesday that while he might not rule out future political endeavors, he and his wife have trips to take and some independent ventures to explore.

Joiner previously ran for Justice of the Peace, Precinct 1, Place 1, against incumbent Mike McAuliffe in 2019.

►Unopposed is Earl Donnell of Tuscola, who put in a bid for Justice of the Peace, Precinct 3.

That position is currently held by Bob Shea Jr., who said Wednesday he did not planned to run again.

Incumbents and others

A number of incumbent county employees didn't draw opponents in their races, including County Commissioner Kyle Kendrick, County Court at Law No. 1 Judge Robert Harper, County Court at Law No. 2 Judge Harriett Haag and Treasurer Lesa Hart Crosswhite.

Incumbent Justice of the Peace Robert Jones, Precinct 2, and David Doherty, Precinct 4, also are unopposed.

Doherty, who was chief deputy for the Sheriff's Office, replaced Frank Cleveland, who retired in June.

Cleveland had served in the Precinct 4 position for almost 23 years.

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Primaries are set for Texas gubernatorial race. See who's running
Ali Linan
CNHI News
December 14, 2021
https://www.cnhinews.com/cnhi/article_6ab29b18-5c67-11ec-abad-63e751fa4bee.html

AUSTIN — Twelve candidates— seven Republicans and six Democrats — have thrown their hats in the race for Texas' highest office and will face primaries in March.

The filing period for the 2022 Texas gubernatorial race closed at 6 p.m. Monday. Now, candidates will face a primary on March 1 that will narrow the field to a single candidate for each party, unless there is a runoff where no one candidate receives more than 50% of the vote. In that case, a primary runoff election will take place on May 24. Election Day is Nov. 8.

Texas voters elect a governor every four years. The governor operates as the state's chief executive and makes policy recommendations as well as appoints the Secretary of State and other members of boards and commissions, according to the state website.

As of 9:30 a.m. Dec. 15, the following candidates have been officially accepted into the primary race, according to the Texas Secretary of State website:

Republican candidates:

- Greg Abbott—incumbent
- Paul Belew—attorney
- Danny Harrison—small business owner
- Kandy Kaye Horn—philanthropist
- Don Huffines—real estate
- Chad Prather—television host
- Allen West—retired military

Democratic candidates:

- Inocencio Barrieniez—retired
- Michael Cooper—automotive executive
- Joy Diaz—former reporter
- R. Star Locke—veteran
- Beto O'Rourke—organizer
- Rich Wakeland—engineer/attorney

In the 2022 election, Texans will vote for all major statewide offices including lieutenant governor, attorney general, comptroller, railroad commission and state board of education.

Every state house and senate seat is also up for reelection following redistricting, as well as every U.S. House seat — a total of 38 after Texas gained two seats because of population growth.

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See who has filed for candidacy in Harris County ahead of the March 2022 primaries
Hannah Zedaker
Community Impact
December 15, 2021
https://communityimpact.com/houston/spring-klein/election/2021/12/13/see-who-has-filed-for-candidacy-in-harris-county-ahead-of-the-march-2022-primaries/

Nearly 100 candidates have filed for Harris County positions ahead of the March 2022 primaries, as of the candidate filing deadline Dec. 13, according to the Texas Secretary of State website.

The winners for each party in the March primaries will determine which candidates will be on the ballot in the November

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general election. Of note, 11 candidates have filed for county judge, including incumbent Lina Hidalgo; seven candidates have filed for Precinct 2 county commissioner, including incumbent Adrian Garcia; and seven candidates have filed for Precinct 4 county commissioner, including incumbent R. Jack Cagle.

Ahead of the March 2022 primaries, the first day to apply for a ballot by mail will be Jan. 1 and the last day will be Feb. 18 (received not postmarked); the last day to receive ballots by mail will be March 1. Additionally, the last day to register to vote in the March 2022 primaries will be Jan. 31. Early voting will run Feb. 14-25 and election day will be March 1.

Through Harris County's countywide polling place program, registered voters may cast their ballots at any vote center countywide during both early voting and on election day.

For more information about voting in Harris County, click here.

*Indicates incumbent

County Judge

Hector Bolanos (R)

Martina Lemond Dixon (R)

Robert Dorris (R)

Oscar Gonzales (R)

Warren Howell (R)

Randall Kubosh (R)

Vidal Martinez (R)

Alex Mealer (R)

Ahmad R. "Rob-Beto" Hassan (D)

Lina Hidalgo* (D)

Georgia D. Provost (D)

County Civil Court at Law No. 1

James Lombardino (R)

Audrie Lawton Evans* (D)

County Civic Court at Law No. 2

Clyde Raymond Leuchtag (R)

Jim F. Kovach* (D)

County Civic Court at Law No. 3

Lashawna A. Williams* (D)

County Civic Court at Law No. 4

Brian Staley (R)

David M. Patronella (D)

M. K. Monica Singh (D)

County Criminal Court at Law No. 1

Alex Salgado* (D)

County Criminal Court at Law No. 2

Paula Goodhart (R)

Ronnisha Bowman* (D)

Jannell Robles (D)

County Criminal Court at Law No. 3

Leslie Johnson (R)

Staci Biggar (D)

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Porscha Natasha Brown (D)

County Criminal Court at Law No. 4

Zachary Gibson (R)

Shannon Brichelle Baldwin* (D)

County Criminal Court at Law No. 5

Elizabeth Buss (R)

Carlos Aguayo (D)

David Marcel Fleischer* (D)

County Criminal Court at Law No. 6

Mark Montgomery (R)

Selina Alaniz (D)

Kelley Andrews* (D)

County Criminal Court at Law No. 7

Mauricio Vazquez (D)

Andrew A. Wright* (D)

County Criminal Court at Law No. 8

Mark Goldberg (R)

Erika Ramirez (D)

County Criminal Court at Law No. 9

Toria J. Finch* (D)

County Criminal Court at Law No. 10

Dan Spjut (R)

Juanita Jackson (D)

Thuy Le (D)

County Criminal Court at Law No. 11

Daniel Simons (R)

Sedrick T. Walker II* (D)

County Criminal Court at Law No. 12

Genesis E. Draper* (D)

County Criminal Court at Law No. 13

Lance Long (R)

Raul Rodriguez* (D)

County Criminal Court at Law No. 14

Je'rell A. Rogers (D)

DAvid L. Singer* (D)

County Criminal Court at Law No. 15

Tonya Jones* (D)

Probate Court No. 1

Loyd Wright (R)

Jerry Simoneaux* (D)

Probate Court No. 2

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Pamela Medina (D)

Michael Newman* (D)

Probate Court No. 3

Rory Olsen (R)

Jason Cox* (D)

Probate Court No. 4

Will Archer (R)

James Horwitz* (D)

District Clerk

Chris Daniel (R)

Desiree Broadnax (D)

Marilyn Burgess* (D)

County Clerk

Stan Stanart (R)

Teneshia Hudspeth* (D)

County Treasurer

Eric Dick (R)

Kyle Scott (R)

Dylan Osborne* (D)

Carla L. Wyatt (D)

Harris County Department of Education, Place 1

Ben Saldana (R)

Amy Hinojosa* (D)

Harris County Department of Education, Place 2

Danielle Dick (R)

Andrea Duhon* (D)

County Commissioner Precinct 2

Daniel N. Jason (R)

John Manlove (R)

Jack Morman (R)

Jerry Mouton (R)

Richard Vega (R)

Adrian Garcia* (D)

Gary Harrison (D)

County Commissioner Precinct 4

R. Jack Cagle* (R)

Lesley Briones (D)

Gina Calanni (D)

Bejamin "Ben" Chou (D)

Clarence Miller (D)

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Jeff Stauber (D)

Ann Williams (D)

Justice of the Peace Precinct 1, Place 2

Steve Duble (D)

Victor Lombrana (D)

Chris Watson (D)

Justice of the Peace Precinct 2, Place 2

Blair McClure (D)

Justice of the Peace Precinct 3, Place 2

Denise Graves (R)

Lucia Bates* (D)

Herbert Alexander Sanchez (D)

Justice of the Peace Precinct 5, Place 2

Zee Adam Gire (R)

Eman Afshar (D)

Roderick D. Rodgers (D)

Justice of the Peace Precinct 6, Place 2

Luis Garza (D)

Angela D. Rodriguez* (D)

Justice of the Peace Precinct 7, Place 2

Sharon Burney* (D)

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Senate Democrats push to pass voting rights bills by Christmas
Raquel Martin
Nexstar
December 15, 2021
https://www.everythinglubbock.com/news/washington-dc/democrats-split-on-changing-senate-rules-to-pass-voting-rights-legislation/

WASHINGTON (NEXSTAR) — Democrats are renewing their call to pass voting rights legislation before heading home for the holidays. The trouble is not every Democrat is on board.

“We must deal with this issue now,” Sen. Raphael Warnock, D-Ga., said. “The judgment of history is upon us.”

On the Senate floor Tuesday, Warnock said Democrats should change Senate rules to get the job done without Republicans.

“We’ve decided we can do it for the economy but not for the democracy,” Warnock said. “How do we in good conscious justify doing one without the other?”

With President Joe Biden’s Build Back Better Plan likely stalled until the New Year, a growing number of Democrats are backing Warnock’s call to tackle voting rights now.

“I’m completely inspired by and agree with what he said,” Speaker of the House Nancy Pelosi, D-Calif., said.

“If we don’t modify the filibuster to modify voting rights then we’re going to lose Democracy,” Sen. Jeff Merkley, D-Ore., said.

Sen. Debbie Stabenow, D-Mich., said federal legislation is needed to combat a wave of new state voting rules as Michigan is “one of the states where that’s playing out in real time.”

On Wednesday, Senate Majority Leader Chuck Schumer, D-N.Y., voiced his support but stopped short of endorsing the new timeline.

“There is universal consensus in our caucus that we need to pass legislation,” Schumer said.

The problem is, Sen. Joe Manchin, D-W.Va., said he will only support a bipartisan effort. This renewed push comes after Senate Republicans have already struck down voting rights legislation three times this year, and Sen. Josh Hawley, R-Mo., said its for good reason.

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“It’s a federal takeover bill and it’s a democrat party protection bill,” Hawley said.

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Study to look at relief route for Mines Road traffic
Thomas Lott
Laredo Morning Times
December 15, 2021
https://www.lmtonline.com/insider/article/Study-to-look-at-relief-route-for-Mines-16703901.php

City officials are now working with the Regional Mobility Authority on relieving congestion on FM 1472 and Mines Road.

Jed Brown, who was appointed as the presiding officer of the Webb County, City of Laredo Regional Mobility Authority by Texas Gov. Greg Abbott back in 2019, told the Metropolitan Planning Organization during a meeting last month that the RMA was ready to participate on what is known to the city as the “River Road Project.”

Brown said the RMA Board passed a resolution one day prior to the Nov. 17 meeting to work with the MPO on the project and to perform an “alignment study” which would map out a potential avenue west of Mines Road to give passenger vehicles relief from tractor-trailer traffic.

Part of the study would be to find out exactly where the road would start and where it could possibly finish. As of right now, the potential avenue starts where River Bank Road intersects with Aquero Boulevard and ends several miles north on FM 1472.

“That’s part of the alignment study, where the logical location for that road could be,” Brown said.

“The motion that was approved by the RMA was that we would partner with the MPO on that. We did not have that project on our radar screen, but once we really looked at the project, we saw the merit.”

The RMA’s job is to assist the establishment of a comprehensive transportation system to directly benefit the traveling public of the area through the development of additional transportation alternatives within the region.

The problem

Traffic congestion on Mines Road has been a topic of discussion in Laredo for years. Even Rep. Henry Cuellar brought up the issue in September when discussing the construction on one of the bridges going to Mexico.

City Councilmember Vanessa Perez represents District VII where Mines Road sits. She believes a project like the one the RMA will be researching needs to be done for the good of the people in that area.

“With the expansion of the World Trade Bridge on all these outlets, it’s going to alleviate some of the traffic that we have now but it’s also going to cause more traffic,” she said at the Nov. 17 meeting. “There’s going to be more development, there’s going to be more trucks, and I think this project here is pretty much our only way out.”

Laredo is the largest inland port in the United States and Nuevo Laredo is the largest in Latin America. More than 47% of United States international trade and more than 36% of Mexican international trade crosses through the Laredo Port of Entry.

On Mines Road, there sits multiple facilities where trucks pick up and drop off goods which results in heavy traffic throughout the day. Muller Elementary is just off of Mines Road which presents a challenge for many parents getting to the school and making their way back home during school pickup and drop-off hours.

This situation prompted Brown to see the need for relief at this location.

“For us, largely, it’s a safety factor,” he said. “If that road is constructed and tractor-trailer traffic is not allowed on the road, but yet, you can have pedestrian vehicles, smaller vehicles, school buses and emergency services vehicles on that road only, it makes a lot of sense for parents and school buses getting children to all the schools up and down the Mines Road, never having to travel on the Mines Road probably.”

What would RMA be doing

With the RMA’s approved resolution the day before the Nov. 17 meeting, they agreed to work on the River Road project with the city. What that means is they would both map out potential tracks for the road as well as research the potential cost of said roads.

The RMA does not yet have a cost estimate for what a road would cost. That would come with the study.

The study — what Brown called an “alignment study,” which he said might not be exactly what it will be called — carries with it an estimated cost of $250,000, but that number cannot be exceeded. It could cost less but it will not cost more, according to the RMA.

Laredo and RMA would likely partner on this study and share the cost.

A question on studies

Congestion on Mines Road has been an issue for a while. The city, county and even RMA and TxDOT have done studies on potential solutions for the problem in the past but no changes have come about from those studies yet.

One study done on the North Laredo area was one costing $675,000, which gave TxDOT and RMA a “bird’s-eye view” of the area several years ago. This particular study would be more specific and potentially determine an exact track for the relief road to take.

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However, with all of the studies that have been done in the last several years, Webb Co. Judge Tano Tijerina — who sits on the MPO — had some questions about the value of this one.

“I’m one of these guys that … when we’re paying this amount of money for studies and studies and studies and studies and nothing’s getting done, I just feel like we’re just spinning our wheels and getting nothing done,” he said. “And I’m not going against anybody here. I’m not trying to put anybody in a bad light. But if we’re spending the money, we should have some kind of results.”

Tijerina made a motion which passed unanimously asking for the MPO to collect every study done on the area by the city, county, RMA and TxDOT for the past eight years.

Brown was appointed to his position at the RMA in 2019 by Abbott. He was not part of the RMA’s study with TxDOT, so he cannot speak to the lack of action that has come out of studies on possible relief of traffic congestion in the area.

However, he said he wants this study the RMA is doing to specifically be the one to plot out the relief route residents have been wanting.

“It has to be an actionable study,” Brown said. “That’s the way I look at it. It has to be something that the work product that’s developed from it is something that … the alignment that’s ultimately selected hopefully is a result of this study.”

Funding

The RMA and the City of Laredo still have to iron out some things on the cost of the study, but city officials also wondered out loud at the meeting if there was a way to find alternative funding for the eventual road path selected by the study as opposed to paying for it with local funds.

“I was just thinking, maybe, have a setup to where we can get maybe some fed monies and use that as a security road,” Tijerina said.

“I’m just trying to find different alternatives, different monies, trying to look at different opportunities.”

The hope would be that if this road is close enough to the border of Mexico that it could be designated as necessary for, what Mayor Pete Saenz and Tijerina referred to as, a virtual wall.

If that were to happen, Tijerina hopes maybe the city would be able to obtain some funds from the federal government to build the road. He also additionally said the latest passed infrastructure bill could help.

“I know with this infrastructure bill that has been shoved down the United States by Congress and by the Senate, that’s fine,” Tijerina said. “President (Joe) Biden wants his infrastructure bill, this is the perfect infrastructure project. That’s what I’m saying. If there’s not any money for this then what was the bill for?”

The biggest thing that seemed to be on everyone’s mind at the meeting was that there needs to be action taken to get this relief route at that location.

Several members at the meeting acknowledged their confusion that all of the studies done have yet to result in changes for the area.

“I applaud the judge for trying to figure out all of the different projects and all of the different studies that have been done, because I’ve seen six or seven studies that say the same thing — we need more roads,” Councilmember Dr. Marte Martinez said. “Well, I mean, we probably could have funded a road with as many projects as we’ve done, you know? As many studies as we’ve done. That’s the truth.”

What’s next?
Mr. Brown said he will take everything the members of the MPO said and give it to the RMA Board, and they will plan accordingly.

Saenz asked if they could make a motion for Brown to update the MPO on the project monthly, but since this wasn’t a direct item on the agenda they could not take immediate action.

However, Brown said he would come back to the MPO monthly and update the progress on the study.

The MPO meets the third Wednesday of every month and will meet again Wednesday, Dec. 15.

“I’m hearing everything everybody is saying,” Brown said. “We take this information, leave this room and start trying to process it and figure out how to implement it. We have the green light to definitely conceptually be able to move forward, to meet with staff, to meet (with) city staff, whoever we need to who’s appropriate to see what the next step is.”

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North America’s biggest railroad born as Kansas City sale is completed
Mexico News Daily
December 15, 2021
https://mexiconewsdaily.com/news/north-americas-biggest-railroad-born-as-kansas-city-sale-is-completed/

Railway giant Canadian Pacific (CP) closed a US $31 billion deal including the assumption of $3.8 billion of debt for United States railroad Kansas City Southern (KCS) on Tuesday, a sale that was originally agreed upon in September.

The landmark deal creates Canadian Pacific Kansas City (CPKC), an approximately 32,000 kilometer railroad that connects Canada, the United States and Mexico and will generate an estimated $8.7 billion annually.

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CPKC will offer a direct link between Vancouver, Montreal, New York, Texas and large parts of Mexico, currently operated under KCS' wholly-owned subsidiary Kansas City Southern de México, which carries freight from the Pacific port of Lázaro Cárdenas, Michoacán; ports in Tampico and Altamira in Tamaulipas; the port of Veracruz; and the Valley of México and the El Bajío industrial region to the U.S. via Texas.

The combination will capitalize on the North America trade agreement (USMCA), particularly in the automotive and agriculture industries, which are together worth almost $190 billion, according to the Economy Ministry.

However, the deal isn't quite finalized yet: KCS shares have been placed in a voting trust while U.S. regulators review it. The companies expect approval in the fourth quarter of 2022, and will operate independently until then.

The acquisition was given the green light by Mexican regulators in November.

Completion will bring an end to a bidding war between CP and its domestic rival Canadian National (CN), which was previously in line to take over KCS.

The president of CP, Keith Creel, said the deal would benefit North American economies: "Today is an historic day for our two iconic companies … CPKC will become the backbone connecting our customers to new markets, enhancing competition in the U.S. rail network, and driving economic growth across North America while delivering significant environmental benefits," he said.

President of KCS, Patrick Ottensmeyer, said the agreement will be beneficial for clients, shareholders and workers: "The CP-KCS combination will not only benefit customers, partners, labor and shareholders through new single line transportation services, attractive synergies and complementary routes, but will also benefit KCS and our employees by enabling us to be part of a growing corporate enterprise on the North American continent," he said.

CP began operating in 1881 and has approximately 20,100 kilometers of track in the United States and Canada.

KCS is the smallest of the major freight railroads in the U.S, with 10,800 kilometers of track in the U.S. and Mexico.

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Supply-Chain Hell Ignites Economic Boom Along U.S.-Mexico Border
Thomas Black
Bloomberg
December 14, 2021
https://www.bloomberg.com/news/articles/2021-12-14/supply-chain-hell-ignites-economic-boom-along-u-s-mexico-border?sref=ytoldrow

Wedged up against the southern edge of the Rio Grande, the sprawling desert city of Juarez has seen its share of economic booms over the years.

But perhaps none quite like the one that's taken hold today.

There are excavators and bulldozers seemingly everywhere, pushing dirt into tall piles and leaving everything -- and everyone -- covered in a coat of wind-blown dust. The space they are carving out of the desert floor will house a long list of new factories that were ordered up by anxious CEOs across the world when the pandemic roiled their global supply routes.

Ambu A/S, a Danish medical device maker, is erecting a facility on the outskirts of the city. Several miles away, Keeson Technology Corp., a Chinese furniture maker, is building a second plant here just months after opening its first. Boyd Corp., a California-based conglomerate, recently inaugurated one factory and plans to build three more. And MGA Entertainment, a California-based toymaker, began cranking out Little Tikes Cozy Coupes from its plant last month even before construction crews had cleared out debris piles or paved the parking lot.

What's the rush at MGA?

The company has 750 containers of toys stuck in supply-chain hell at ports around Los Angeles. Produced in China, those items were supposed to be on U.S. store shelves this holiday season. That won't happen, says Isaac Larian, MGA's chief executive officer. But the Juarez plant is now shipping two truckloads of toys into the U.S. each day and that number will soon grow to 10. What's more, Larian plans to break ground on a second factory in Mexico next year and will begin shifting some of MGA's Chinese production to these plants.

"We have big ambitions and big plans for Mexico," he says.

This, in the lingo of corporate executives, is near-shoring, one of the biggest economic transformations sparked by the pandemic: Shrink the length of the supply chain to keep production closer to its final destination and reduce the risk of some snag messing things up along the way. A shorter chain is a stronger chain, the thinking now goes, and there's a growing sense that this new approach will remain in vogue in C-suites long after Covid fades.

For the multinationals that do business in the red-hot U.S. economy, near-shoring often means northern Mexico, where labor costs are cheap, land is plentiful and the border is just a short ride away. El Paso, Texas, is less than 10 miles to the north of most of the new plants in Juarez.

Other border cities -- Tijuana, along the west coast, and Reynosa, Matamoros and Piedras Negras, far to the east -- are undergoing similar industrial booms, providing a much-needed lift to a Mexican economy that has been slow to recover from last year's collapse.

For more than half a century now, the factories in these cities have been a key cog in the U.S. supply chain. Known in the industry as maquiladoras, they take imported parts, assemble them into consumer and industrial products and then ship them north.

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When Nafta, the free trade deal between the U.S., Mexico and Canada, took effect in 1994, multinationals set up maquiladoras at a frenetic pace. Juarez alone is home to plants owned by General Electric, Honeywell International, Bosch, Foxconn Technology, Siemens and Electrolux, among others.

Years later, the region began to stagnate when China entered the World Trade Organization. Many companies pulled out of Mexico and set up shop in China, where labor costs were even lower. Flareups of gruesome narco violence along the border only added to the exodus.

China kept stealing U.S. market share from Mexico right up until Donald Trump took office in Washington. When he started slapping tariffs on Chinese-made products, Mexico suddenly looked pretty attractive again to executives. Then the pandemic came along and turbocharged the shift. Keeson, the furniture maker, is Exhibit A for this: It first made plans to open a factory in Juarez shortly after Trump launched his trade war against Beijing, and it sped up those plans by a full year when Covid hit.

“Manufacturing is coming back for sure,” says Jason Tolliver, a managing director who helps oversee logistics and industrial services in the Americas for real-estate firm Cushman & Wakefield PLC. The conversations he’s having with corporate leaders, he says, indicate this wave of investment along the border is just beginning. “It is structural and it’s long term.”

The boom is so intense in Juarez that industrial real estate is suddenly getting tight: 98% of existing space is already leased, and the price has jumped more than 20% over the past year to about $5.25 per square foot, according to Jesse Melendez, a director at industrial real estate company Intermex.

Intermex is rushing to cash in. It’s leasing out 5 million square feet more of factory space in the city today than it did a year ago, and it’s building four additional factory sites. They will be tightly clustered in what is now just a barren field of dirt on the city’s southwestern edge.

As excited as Melendez is about the boom, he’s already mentally preparing for the bust that often follows. “In my career, I’ve typically seen the valleys and peaks seven to 10 years apart,” he says. He figures the slowdown will begin by 2024.

As Melendez drove through the city on a recent weekday afternoon, that seemed like a distant thought. “Hiring” signs kept popping up all around him -- on the facades of factories, on buses, in shop windows.

This is what lured Efrain Gonzalez back to Juarez from his native Veracruz in the south.

People associate Mexican migrants with the U.S. labor market, but the truth is many of them, like Gonzalez, end their journeys just miles south of the border, especially when the maquiladoras are humming like they are now.

The factory jobs offer pay that, while a fraction of typical U.S. wages, is markedly higher than what the migrants can earn back home in the impoverished south of Mexico. And they don’t have to worry about getting deported.

Gonzalez, 49, earns a little over $80 a week, plus benefits like free lunch, at the Keeson plant, which produces the company’s Ergomotion adjustable beds. He said he knew he’d find work as soon as he set foot back in Juarez a few months ago. The sight of all the new factories going up made that clear. “There’s a lot of work here.”

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Civil rights groups ask DOJ to investigate ‘discriminatory’ Operation Lone Star in Texas
Sandra Sanchez
Border Report
December 15, 2021
https://www.borderreport.com/hot-topics/immigration/civil-rights-groups-ask-doj-to-investigate-discriminatory-operation-lone-star-in-texas/

McALLEN, Texas (Border Report) — Ten civil rights organizations have filed a joint discrimination complaint asking the Department of Justice to investigate Operation Lone Star, a law enforcement initiative headed by Texas Gov. Greg Abbott to deter illegal immigration on the Texas/Mexico border.

The ACLU of Texas, Latino Justice, Texas Civil Rights Project and Texas Fair Defense Project are among those on Wednesday that filed a Title VI complaint with the federal government alleging that Operation Lone Star is an “unlawful, racist and xenophobic system of state immigration enforcement in Texas.”

In a letter sent Wednesday to U.S. Attorney General Merrick Garland, the agencies ask that the Department of Justice launch a formal investigation into the operation and end all federal funding received by Texas agencies and counties that are engaged in what they call a “discriminatory operation.”

Operation Lone Star began in March under Abbott’s direction and utilizes the Department of Public Safety, Texas National Guard, as well as support from National Guard sent from other states to several Texas border counties.

In September, Abbott signed into law over $1.8 billion for Texas border security efforts, which includes Operation Lone Star. Abbott has held steadfast in his belief that Texas must “secure” its borders and he has repeatedly faulted the Biden administration for “failing” to better prevent migrants from entering the country illegally.

“Texas supports legal immigration but will not be an accomplice to the open border policies that cause, rather than prevent, a humanitarian crisis in our state and endanger the lives of Texans. We will surge the resources and law enforcement personnel needed to confront this crisis,” Abbott said in March when he began Operation Lone Star.

Over 100 organizations supported the discrimination complaint, according to the letter. This included: Amnesty International USA, Catholic Legal Immigration Network, Freedom Network USA, Human Rights Watch, RAICES, the Immigrant Legal Resource Center and the Haitian Bridge Alliance.

In a call with media Wednesday, several of the groups said the surge of DPS troopers and National Guardsmen inflict undue

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harm on migrants and unfairly affects border communities.

Their discrimination complaint alleges the operation violates the Civil Rights Act of 1964 that bars discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance.

“They’ve created a nefarious state enforcement system to punish brown and black immigrants,” said Laura Peña, legal director of the Racial and Economic Justice Program at the Texas Civil Rights Project. “There’s real human suffering … as well as consequences to the border communities that are required to enforce it.”

Claudia Muñoz, co-executive director of Grassroots Leadership, said 1,500 migrants currently are in prison on arrest charges associated with Operation Lone Star.

She said some of their clients report being magistrated by judges “in parking lots” with hundreds of other migrants.

She said that after charges were dismissed for some migrants, they had to wait days for release, and then some say they were not released but handed over to U.S. Border Patrol agents who deported them.

“It is clear to us that local officials in Texas do not care about the rules,” Muñoz said. “They target migrants and disregard federal law.”

The complaint alleges that law enforcement lure migrants to trespass on private property and “have directed individuals near the border to a particular place – giving them the impression they have permission to be on the property – only then to arrest them for trespassing.”

Kate Huddleston, a lawyer with the ACLU of Texas, said “the program deliberately targets black and brown and LatinX migrants for punishment.” And she alleged that “arrests are often lacking in probable cause.”

“They languish in that system for extremely long periods of time, weeks or months on misdemeanor charges,” Huddleston said.

Border Report reached out to Gov. Abbott’s office for a response to the allegations. This story will be updated if additional information is received.

The letter also says law enforcement have “boasted on social media” about arrests.

Law enforcement say Operation Lone Star has helped to decrease the amount of drugs and migrants trafficked through Texas.

For the past nine months the operation has steadily been increasing in manpower and funding and support from other states. There has been a blockade of the Rio Grande formed off Starr County, and shipping containers were placed off the banks of Eagle Pass, Texas, to help block those trying to enter in between legal ports of entry.

“We’re here to repel and to block any criminal activity coming into the state,” Maj. Mike Perry of the Texas Military Department said Dec. 9 during a media briefing in Weslaco.

Perry said during the first week of this month officers with Operation Lone Star caused nearly 700 migrants to turn back to Mexico.

DPS Lt. Chris Olivarez said law enforcement through Operation Lone Star have, so far, stopped from crossing the border massive loads of fentanyl drugs — enough that could have killed 200 million people, he said Dec. 9.

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Texas election audit undermines democracy
Editorial Board
Dallas Morning News
December 16, 2021
https://www.dallasnews.com/opinion/editorials/2021/12/16/the-real-cost-of-the-texas-elections-audit/

In the days after Gov. Greg Abbott ordered a “forensic audit” of the November 2020 elections, the elections administrators of the four targeted counties were left scratching their heads. Officials in Dallas and Collin counties told us in late September that they were waiting to receive instructions from the Texas secretary of state. Tarrant and Harris counties were also in the dark.

We condemned the audit at that time, though we hoped there would be no follow-through. We thought it might be a superficial stunt to appease President Donald Trump, and nothing more.

But our news colleagues recently reported that Secretary of State John Scott sent a long list of requested documents to the four counties. And last month, the governor and GOP legislative leaders shifted $4 million from the state prison system to the office of the secretary of state to pay for the audit.

Abbott is making a mistake by pressing on with this forensic audit — whatever it is that GOP leaders mean by “forensic.” The myth of widespread voter fraud is red meat for Republican primary voters but far less palatable to moderate suburban voters in a general election, a political calculus that the governor must make as he campaigns for another term and seeks to carry down-ballot Republicans with him.

Above all, this obsession with election audits is eroding democracy for all of us, no matter our political affiliation.

The Texas GOP’s treatment of election integrity as a legislative emergency makes no sense on its face. Trump won Texas comfortably, and voters here kept the state a Republican stronghold. The state’s director of elections described the 2020 vote as “smooth and secure.”

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Yet Abbott and his allies have steered us into Orwellian territory. Texans have heard repeatedly that the elections audits are an attempt to restore confidence in our state's elections systems. They are having precisely the opposite effect. Our democracy is being weakened by these baseless searches for fraud.

Targeted for suspicion are two counties that are Democratic strongholds and two counties that have grown more diverse and where Democrats are gaining ground. That's not a coincidence.

Efforts to undermine election systems continue unabated nationwide. According to one study, at least 16 states have proposed or passed laws this year that would transfer power over election administration from governors or elections officials to legislatures. We should all be alarmed about what this shift means for our future votes.

Our democracy draws its strength from a tradition of debate. We debate issues, we debate policy. We offer choices, and we accept the will of voters. That is what has made our democracy healthy for generations, regardless of whether a Republican or Democrat lived in the White House.

This campaign to make Americans question the validity of elections is corrosive, and all of us will pay the price. How long can our leaders chip away at the foundation of our democracy before the house comes crashing down?

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From: Christina Adkins
Sent: Thursday, December 23, 2021 9:46 AM EST
To: Elec Legal <ElecLegal@sos.texas.gov>
Subject: FW: SOS Morning News Clips 12/23/21

From: Sam Taylor
Sent: Thursday, December 23, 2021 7:47 AM
Subject: SOS Morning News Clips 12/23/21
Sensitivity: Personal

Texas Secretary of State
Morning News Clips
December 23, 2021

Harris County prevails in court challenge over Democratic 'gerrymandering,' *Houston Public Media*, December 22, 2021

Additional details released on purchase of 100 new voting machines, *Brownwood Bulletin*, December 22, 2021

Brown County Commissioners to replace existing voting machines with new hybrid versions, *KTXS-TV*, December 22, 2021

Biden says he supports filibuster carve-out for voting rights, *CNN*, December 23, 2021

US delays intelligence center targeting foreign influence, *Associated Press*, December 23, 2021

Mexico says U.S. approves Deer Park refinery deal, sees completion early 2022, *Reuters*, December 22, 2021

Juarez mayor explains why 1,000 National Guard troops left the city in the middle of a drug war, *Border Report*, December 22, 2021

Column: Getting Ahead, *Rio Grande Guardian*, December 22, 2021

A By the Numbers Look at Voter Suppression in 2021, *Texas Signal*, December 22, 2021

Harris County prevails in court challenge over Democratic 'gerrymandering'
Andrew Schneider
Houston Public Media
December 22, 2021
https://www.houstonpublicmedia.org/articles/news/politics/2021/12/22/416146/harris-county-prevails-in-court-challenge-to-redistricting-plan/

A Harris County Judge on Wednesday tossed a lawsuit from Republican commissioners and voters over new county maps that favor Democrats.

Judge Dedra Davis ruled in favor of Harris County, finding that Republican commissioners Jack Cagle and Tom Ramsey and three voters did not have jurisdiction to sue.

The Republicans' attorney, Andy Taylor, indicated that he planned to appeal the ruling.

Cagle, Ramsey and the three voters filed the lawsuit against Democratic County Judge Lina Hidalgo and against Harris County last month. The suit alleged that the redistricting map proposed by Democratic Commissioner Rodney Ellis, known as the Ellis 3 plan, amounts to an unconstitutional gerrymander that would deprive more than 1.1 million voters of their right to vote.

Texas election law staggers county precinct elections every two years. All county commissioners serve four-year terms, but commissioners in even-numbered precincts and those in odd-numbered precincts take place at two-year intervals.

The next election for even-numbered precincts is in 2022. The lawsuit alleges that the Ellis 3 plan shifts more than 1.1 million voters from even-numbered precincts to odd-numbered precincts, depriving them of their right to vote until 2024.

"Plaintiffs submit that there is a very simple explanation for why this occurred," the lawsuit reads. "Commissioner Ellis wanted to do whatever it would take to draw a new map that would create three...Democratic seats. Thus, the Ellis 3 Plan does just that."

Specifically, the suit charges, it strengthens Ellis' position in Precinct 1 and Democratic Commissioner Adrian Garcia's

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position in Precinct 2, and it renders Ramsey's Precinct 3 a more solidly Republican district at the expense of Cagle's Precinct 4.

Ellis himself has argued that the previous precinct maps ratified in 2010 were gerrymandered by Republicans, and his map seeks to correct that by reuniting communities of interest.

The Ellis 3 plan trades much of the territory now represented by Cagle in northern Harris County with territory now represented by Ramsey in the west. The new Precinct 4 is also majority-minority, with a combined non-Anglo population of more than 70%.

The likelihood is that Cagle's seat would flip to a Democrat in 2022, shifting the current 3-2 Democratic majority on the court to a 4-1 Democratic supermajority. That would enable Democrats, among other measures, to push through tax increases that Republicans can currently block by breaking quorum, as Cagle and then-Commissioner Steve Radack did in 2019, and which Cagle and Ramsey again threatened to do in 2021.

During the commissioners' debate over the Ellis 3 plan, Cagle said he viewed the map as Democrats' revenge for the 2019 quorum break.

"You're inclined to vote for the Ellis 3 because you view that vote as a referendum to the public, in essence on taxes," Cagle told Hidalgo. "You feel because of our disagreement on taxes that you need to move me into a precinct that I have not served, to let me face the public on that referendum of the tax issue."

Hidalgo acknowledged that the tax issue had influenced her decision, particularly because Cagle and Ramsey had recently threatened to break quorum again to block a Democrat-proposed tax cut, forcing a deeper tax cut as well as cuts to county services.

That threat was ultimately averted, when commissioners negotiated a slightly larger tax cut than Democrats initially wanted.

"I am concerned that your party's on a race to the bottom, to literally not be able to pay for life-saving services, when you're rejecting a tax cut so that you can defund the hospital district by $17 million in the middle of a pandemic," Hidalgo said. "I haven't forgotten that."

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Additional details released on purchase of 100 new voting machines
Brownwood Bulletin
December 22, 2021
https://www.brownwoodtx.com/story/news/2021/12/22/additional-details-released-purchase-100-new-voting-machines/8997883002/

Brown County Judge Paul Lilly's office issued the following press release about the county's purchase of new voting machines:

On December 20, 2021 Brown County Commissioners voted unanimously to replace the existing voting machines with new hybrid voting machines that combine use of electronic voting stations and paper ballots to further ensure the integrity of the voting process for Brown County voters and provide additional voting machines to reduce the voters waiting time.

With an expenditure of $647,611.00 voters will see 100 new voting machines along with the variety of companion equipment required. Funds for this project are coming from the 2020 Elect SEC grants, 2020 Elect Fund Matching State funds along with $14,597.70 Brown County matching funds.

Lilly said the new system will provide more security for voters over the previous equipment used in Brown County in that they feature a digital touch screen as well as a paper copy of the voter's selections that the voter can verify before submitting the ballot into a secure on-site ballot box. Lilly stated that the collection of paper ballots and triple data backup allows for easier election audit tracking. The machines will also offer more accessibility for voters, Lilly said, as they feature Americans with Disabilities Act-accessible controls and screen toggling features that make for an easier, faster voting experience. According to Larry Franks, Brown County Elections Administrator, Hart InterCivic Inc. is one of two voting equipment companies certified by the Texas Secretary of State's Office. The county chose Hart InterCivic Inc. due to Brown County's familiarity with the company and their approval by the "Texas State Buy Board". Hart InterCivic Inc. is an Austin-based company that designs and manufactures its voting machines in Texas.

"My commitment to Brown County voters is to provide an open, transparent and accountable voting process - moving to the new paper based, Hart InterCivic Verity Voting System, does just that by giving Brown County voters a more accessible, secure and verifiable ballot to improve the voting experience for all Brown County voters," Lilly said.

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Brown County Commissioners to replace existing voting machines with new hybrid versions
Sarah Burns
KTXS-TV
December 22, 2021
https://ktxs.com/news/local/brown-county-commissioners-to-replace-existing-voting-machines-with-new-hybrid-versions

ABILENE, Texas — Brown County Commissioners voted this past week to replace the existing voting machines with new hybrid ones that combine electronic voting stations with paper ballots to better ensure voting integrity, and reduce voter waiting times.

According to a press release, a total of 100 new voting machines will be added by an expenditure of $647,611.00 coming from the 2020 Elect SEC grants, 2020 Elect Fund Matching State funds along with $14,597.70 Brown County matching funds.

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The new machines will provide higher security and feature a digital touch screen along with a paper copy of the voter's selections that the voter can verify before submitting their ballot, according to Judge Lilly. The collection of paper ballots and triple data backup will allow for audit tracking. In addition to this, the machines will feature Americans with Disabilities Act-accessible controls and screen toggling features to enhance the voting process.

"My commitment to Brown County voters is to provide an open, transparent and accountable voting process - moving to the new paper based, Hart InterCivic Verity Voting System, does just that by giving Brown County voters a more accessible, secure and verifiable ballot to improve the voting experience for all Brown County voters," Judge Lilly said in a statement.

Brown county chose Hart InterCivic Inc. due to its familiarity with the company and their approval by the “Texas State Buy Board”. Hart InterCivic Inc., which is an Austin-based company that designs and manufactures its voting machines in Texas.

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Biden says he supports filibuster carve-out for voting rights
Kyle Blaine
CNN
December 23, 2021
https://kvia.com/news/2021/12/23/biden-says-he-supports-filibuster-carve-out-for-voting-rights/

President Joe Biden says he supports making an exception to the Senate filibuster rules in order to pass voting rights legislation.

“If the only thing standing between getting voting rights legislation passed and not getting passed is the filibuster, I support making the exception of voting rights for the filibuster,” Biden told ABC News’ David Muir in an interview that aired Thursday morning.

It’s the most direct answer Biden has given on his position on the filibuster and voting rights.

CNN’s Anderson Cooper asked Biden at a CNN town hall in October, “When it comes to voting rights, just so I’m clear though, you would entertain the notion of doing away with the filibuster on that one issue, is that correct?”

“And maybe more,” Biden responded.

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US delays intelligence center targeting foreign influence
Associated Press
December 23, 2021
https://spectrumlocalnews.com/tx/south-texas-el-paso/ap-top-news/2021/12/23/us-delays-intelligence-center-targeting-foreign-influence

WASHINGTON (AP) — As Russia was working to subvert U.S. elections and sow discord among Americans, Congress directed the creation of an intelligence center to lead efforts to stop interference by foreign adversaries. But two years later, that center still is not close to opening.

Experts and intelligence officials broadly agree the proposed Foreign Malign Influence Center is a good idea. The U.S. has lacked a cohesive strategy to fight influence operations, they say, with not enough coordination among national security agencies. Adversaries that tried to interfere in the last two presidential elections continue to bombard Americans with disinformation and conspiracy theories at a time of peril for democracy in the U.S. and around the world.

But the intelligence community and Congress remain divided over the center's mission, budget and size, according to current and former officials. While separate efforts to counter interference continue, a person identified this year as a potential director has since been assigned elsewhere and the center likely will not open anytime soon.

“It really is just giving a gift to Russia and China and others who clearly have their sights set not only on the midterm elections but on ongoing campaigns to destabilize American society,” said David Salvo, deputy director of the Alliance for Securing Democracy and a senior fellow at the German Marshall Fund.

The nation's top intelligence official had advocated for the center before taking office. Director of National Intelligence Avril Haines last year co-chaired a German Marshall Fund task force supporting it. In a statement, spokeswoman Nicole de Haay said the director's office "is focused on creating a center to facilitate and integrate the Intelligence Community’s efforts to address foreign malign influence.”

But some lawmakers are concerned about further expanding the mission of the Office of the Director of National Intelligence. ODNI was originally envisioned as a small coordinating body to address the intelligence-sharing failures preceding the Sept. 11 attacks. It has several centers that critics say are well-meaning attempts to solve problems but end up causing unnecessary duplication.

Senate Intelligence Committee Chairman Mark Warner said that while he supports the center, there were “legitimate questions about how large such an organization should be and even about where it would fit" with existing government efforts to fight foreign interference.

“We want to be sure that this center enhances those efforts rather than duplicating them or miring them in unnecessary bureaucracy,” the Virginia Democrat said in a statement. “I don’t have any real doubt that we will ultimately stand the center up in the relatively near future, but we need to be sure we get it right.”

It's unclear who would lead the center. Separately, there is also a vacancy for a new election threats executive after the previous executive, Shelby Pierson, ended her term and returned to another intelligence post. Pierson had been in the spotlight last year after giving lawmakers a closed-door briefing on Russia's efforts to intervene in the 2020 election in favor of former President Donald Trump. That angered Trump, who berated the then-director of national intelligence and later

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replaced him. Trump has promoted falsehoods about elections and pushed Republicans to follow his lead.

Experts on democracy have long warned that what the government refers to as “malign influence” is a national security threat. Social media has helped make disinformation a cheap and powerful tactic for adversaries who can push false or altered stories, videos and images, and amplify falsehoods already circulating among Americans to promote their own interests and create chaos.

U.S. and other Western authorities have accused Russia of spreading disinformation about the coronavirus and vaccines, stealing data from local and state election servers, and pushing false stories intended to exploit divisions over race and civil rights. Intelligence agencies have found that Russia used influence operations to interfere with the 2016 presidential election in favor of Trump's campaign and conducted operations in Trump's favor in 2020.

The U.S. assessed China ultimately did not interfere in the 2020 election, but Beijing has been accused of promoting false theories about the COVID-19 pandemic and trying to sway businesses and all levels of government. Iran was accused of sponsoring emails intended to intimidate Democratic-leaning voters into supporting Trump.

Experts say the new center can warn Americans about interference and produce better information for policymakers. While the FBI, the National Security Agency and several other government agencies have long worked on foreign interference, “we are not organized in a way where we are building a coherent threat picture,” said Jessica Brandt, an expert on foreign interference and disinformation at the Brookings Institution.

But there are risks in the intelligence community ramping up its monitoring of what Americans see and read. The FBI and NSA have been accused of unlawfully spying on Americans. That history contributes to many Americans' distrust of the intelligence community, as do Trump's attacks on intelligence professionals and what he has derided as the “deep state.”

Opponents note the U.S. also has a history of covert interference in other countries and has helped overthrow governments seen as anti-American. A column published by the Kremlin-backed RT.com alleged the proposed center “is just official cover for American intelligence interference in domestic politics.”

The intelligence community also risks being seen as political or infringing on First Amendment rights if it takes the same untruths spread by Americans and labels them as foreign interference when they're spread by an adversary.

The center “is going to have to figure out this enormous challenge to convey threats to American elections, American democracy, at a time when there seem to be two completely different realities,” said Salvo of the German Marshall Fund.

Congress authorized the center in late 2019 and directed ODNI to create it. Several people who worked in intelligence matters at that time, speaking on condition of anonymity to describe confidential discussions, say they didn't know of any effort by the Trump White House to stop the center. Instead, leaders within ODNI disagreed on how to structure the new center or whether it should be a “virtual center" without an office.

According to one of the people, William Evanina, the former chief of ODNI's counterintelligence center, offered to take the malign influence center under his authority, but the office ultimately did not choose that option. Evanina declined to comment.

After President Joe Biden took office, ODNI presented a plan for a small center with a few dozen staff members to the intelligence and appropriations committees in the House and Senate. But even as Congress required the center's creation, key lawmakers from both parties have expressed concerns about the plan.

A proposal to fund the center this summer failed and it is unlikely to be completed while the government is operating with temporary funding. The center may now be included if a full spending plan is approved in early 2022.

Suzanne Spaulding, an election security expert at the Center for Strategic and International Studies, called for the U.S. government to act quickly.

“Time is not on our side,” Spaulding said. “Disinformation is a national security threat and should be treated with the urgency that a national security threat engenders.”

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Mexico says U.S. approves Deer Park refinery deal, sees completion early 2022
Reuters
December 22, 2021
https://www.reuters.com/business/energy/mexico-says-us-government-approves-deer-park-refinery-deal-2021-12-22/

MEXICO CITY, Dec 22 (Reuters) - The U.S. government has authorized the purchase by Petroleos Mexicanos (Pemex) of Royal Dutch Shell's (RDSa.L) controlling interest in a Texas oil refinery in a transaction that should conclude early next year, Mexico's government said Wednesday.

Mexican President Andres Manuel Lopez Obrador told a regular news conference that the U.S. government had on Tuesday approved the purchase of the Deer Park refinery stake by state-run Pemex, calling it "very good news."

"The idea is to finalize the purchase during the first weeks of 2022," Pemex Chief Executive Officer Octavio Romero said, speaking alongside Lopez Obrador.

At the same conference, Mexican Foreign Minister Marcelo Ebrard displayed a letter showing that the Committee on Foreign Investment in the United States (CFIUS) had concluded there were no unresolved national security concerns regarding the deal.

Last week, Shell said the sale of its Deer Park stake to Pemex was pending CFIUS approval.

Lopez Obrador, who backed the purchase as part of a plan to make Mexico self-sufficient in gasoline, thanked U.S.

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President Joe Biden for his support during the authorization process.

Shell in May disclosed an agreement to sell its 50% interest in the 302,800 barrels-per-day (bpd) Deer Park refinery outside Houston to its partner Pemex for some $596 million.

CEO Romero told the news conference that the terms of the deal had not changed since May, and that Mexico would pay off the existing debt of both Shell and Pemex in the refinery, which he said amounted to around $1.2 billion in total.

Shell confirmed the CFIUS approval in a message to Deer Park refinery employees.

"In the coming days, we will work on finalizing the closing date for the deal," the oil refinery's general manager, Guy Hackwell, told workers.

A Shell spokesperson was not immediately available to comment.

Once CFIUS completes its investigation, the White House has up to 15 days to approve or reject the recommendation.

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Juarez mayor explains why 1,000 National Guard troops left the city in the middle of a drug war
Julian Resendiz
Border Report
December 22, 2021
https://www.borderreport.com/hot-topics/border-crime/juarez-mayor-explains-why-1000-national-guard-troops-left-the-city-in-the-middle-of-a-drug-war/

EL PASO, Texas (Border Report) – Mexico City has recalled nearly 1,000 National Guardsmen from Juarez, but the mayor of that border city says replacements will be sent.

“We are told more will come. I imagine (the recall) has to do with the holidays, but we will be paying attention because (Juarez) needs the support of the (federal and state) governments,” Mayor Cruz Perez Cuellar said.

Mexican news reports set off alarms earlier this week in reporting the departure of most National Guard troops from Juarez, a city where drug-related murders remain rampant. The nonprofit Citizens Observatory reported 1,377 homicides for Juarez so far in 2021. Local authorities say 90 percent of the murders are drug-related.

President Andres Manuel Lopez Obrador shored up National Guard presence in Juarez at the request of former Chihuahua Gov. Javier Corral. The president in August inaugurated new National Guard barracks and said more than 2,000 troops would remain in the city to help local authorities quell crime.

As of last Sunday, only 300 soldiers were still in the city, El Diario reported.

Perez Cuellar characterized the move as “staff rotation,” meaning the Army periodically reassigns troops to different regions of Mexico.

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Getting Ahead
M. Ray Perryman
Rio Grande Guardian
December 22, 2021
https://riograndeguardian.com/perryman-getting-ahead/

The latest jobs report for Texas is replete with good news. November data shows strength across the economy and a new record for total state employment. In less than two years, Texas has completely overcome the devastating loss of about 1.5 million jobs that occurred in early 2020.

For November, Texas added 75,100 jobs, the eighteenth gain in the last 19 months, and the unemployment rate has dropped to 5.2%. There are now almost 13.0 million nonagricultural jobs in the state. Topping pre-pandemic employment levels this quickly is quite impressive.

One noteworthy aspect of the increase is that it represents nearly 36% of the national gain for the month (210,000 net new jobs). Other significant increases occurred in Florida (up 51,100) and California (45,700).

It is also notable that every major industry group expanded during the month. In the past, we’ve seen periods where gains in some segments of the economy were offset by drops in others. The COVID-19 uncertainty and measures required to slow the spread caused extreme volatility in sectors such as travel, retail, and energy. There were times when the state added jobs in retail, while core groups such as manufacturing or construction retrenched. In November, expansion emerged across the board.

Additionally, this very positive report comes just as the energy sector is beginning to ramp up. Employment in mining and logging (which is virtually all oil- and gas-related in Texas) was up 3,700 for the month. When you consider all of the linkages across the state, energy accounts for 13-14% of business activity in normal times. As recovery continues with additional rigs added every week (275 as of December 17), the positive patterns in the industry should lead to additional gains across a broad spectrum of businesses and communities.

There are still risks to reckon with, both short-term and long-term. A major surge in serious COVID-19 cases could certainly slow progress (a particular vulnerability as the spread of the omicron variant accelerates), and the lingering supply chain issues will dampen growth in specific industries at times. Long-term Texas challenges include ensuring an adequate workforce for the future through enhancing educational quality and access, providing adequate infrastructure, and assuring inclusiveness.

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On balance, however, the state is well positioned to be among the stellar performers. The Texas economy is diverse, with a strong and varied base of production categories as well as ongoing emergence in advanced manufacturing and other technology sectors. The Lone Star State also has a favorable cost structure and premier economic development programs.

There's indeed a lot to like in the most recent jobs report. As we enter the final weeks of the year, the Texas economy is hitting on all cylinders. Stay safe!

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A By the Numbers Look at Voter Suppression in 2021
Fernando Ramirez
Texas Signal
December 22, 2021
https://texassignal.com/a-by-the-numbers-look-at-voter-suppression-in-2021/

Voting rights experts at the nonprofit The Brennan Center for Justice recently released their roundup of restrictive voting laws passed in 2021.

At least 19 states passed 34 bills into law restricting voting access, including Texas' Senate Bill 1, which banned drive-thru and 24-hour voting, made it more difficult for disabeled Texans to vote, and prohibited election officials from sending out unsolicited mail ballot applications.

At least 49 states saw legislatures introduce some sort of legislation to restrict voting access.

More than a third of all restrictive voting laws enacted since 2011 were passed this year, and they were the most restrictive laws in a decade according to The Brennan Center for Justice.

Texas was also among six states in 2021 to enact politically motivated reviews or audits of the 2020 presidential election.

The Lone Star State continues to conduct an audit of the results, and earlier this year, the Republican-controlled state legislature attempted to pass a provision in their sweeping voter suppression bill that would have made it easier for judges to overturn elections.

Texas also continues to face two federal lawsuits for violating the Voting Rights Act with SB 1 and the state's new district lines. Other civil rights groups and organizations have also filed litigation, bringing the total amount of lawsuits faced by the state to at least 20.

"The department's career voting law experts have accessed Texas' new redistricting rights plans, and determined that they include districts that violate the Voting Rights Act," U.S. Attorney General Merrick B. Garland said in December when announcing the department's second lawsuit against Texas.

On Monday, Senate Majority Leader Chuck Schumer told Democratic colleagues the Senate would consider federal voting rights legislation in early January.

The legislation, the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act, has been stalled in the upper chamber by Republicans who have blocked their advancement with the 60-vote filibuster rule, which at least two Democratic Senators, Joe Manchin and Kyrsten Sinema, support keeping in place.

"If Senate Republicans continue to abuse the filibuster and prevent the body from considering this bill, the Senate will then consider changes to any rules which prevent us from debating and reaching final conclusion on important legislation," Schumer said.

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From: Christina Adkins <CAdkins@sos.texas.gov>
Sent: Wednesday, December 01, 2021 11:10 AM EST
To: Elec Legal <ElecLegal@sos.texas.gov>
Subject: Fwd: SOS Morning News Clips 12/1/21

Christina Worrell Adkins
Legal Director - Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Austin Texas

From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Wednesday, December 1, 2021 9:08 AM
Subject: SOS Morning News Clips 12/1/21

Texas Secretary of State
Morning News Clips
December 1, 2021

He's charged with assaulting police at the Capitol on Jan. 6. Now he's running for office in Texas, *Washington Post*, November 30, 2021

A growing number of Texas Republicans want a fourth special session to pass COVID-19 vaccine mandate ban, *Texas Tribune*, November 30, 2021

McConaughey said he won't run for Texas governor. What does that mean for Beto and Abbott?, *Austin American-Statesman*, November 30, 2021

Four Republicans running for Senate District 31 seat in Texas Panhandle, *The Center Square*, November 30, 2021

Politics 'Get In The Way' Of 4 HISD Board Members As They Face Runoff Challenges, *Reform Austin*, November 30, 2021

Longtime state Sen. Larry Taylor, best known for his work on education issues, says he won't run for reelection, *Texas Tribune*, November 30, 2021

How Much Are Latinos Shifting Right?, *New York Times*, November 30, 2021

GOP targets Wisconsin elections system, nonpartisan director, *Associated Press*, December 1, 2021

Texas Hispanic population has become an economic powerhouse, *Spectrum News*, November 30, 2021

Olaguibel: Construction for full cargo facilities will soon begin at Anzalduas, *Rio Grande Guardian*, November 30, 2021

U.S. security review stalls sale of Shell Texas refinery to Mexico's Pemex, *Reuters*, November 30, 2021

Mexico to reverse course, give COVID-19 booster shots, *Associated Press*, November 30, 2021

Texas Land Commissioner announces agreement authorizing construction of border wall on state-owned land, *Palestine Herald-Press*, November 30, 2021

Texas Looks to Its Future to Guide Its Past, *Bloomberg Opinion*, November 30, 2021

Editorial: Voters are sending a message with rejection of school bonds, and districts must listen, *Dallas Morning News*, December 1, 2021

Analysis: Betting a Texas election on a weather forecast, *Texas Tribune*, December 1, 2021

American elections are getting less predictable; there's a reason for that, *The Hill*, November 30, 2021

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He's charged with assaulting police at the Capitol on Jan. 6. Now he's running for office in Texas
Timothy Bella
Washington Post
November 30, 2021
https://www.washingtonpost.com/politics/2021/11/30/capitol-riot-mark-middleton-texas-police/

As police struggled to fight off rioters trying to breach the U.S. Capitol on Jan. 6, Mark Middleton said he was among "the first group to storm the Capitol." He joined the pro-Trump mob in allegedly yelling expletives and striking officers who stood between them and their goal of disrupting the validation of the 2020 presidential election results, according to the FBI.

"No more fooling around!" he said in a video posted to his Facebook page shortly after he and his wife, Jalise, were at the Capitol, prosecutors say. "Make America great again! Freedom!"

Even though the couple face multiple federal charges stemming from the deadly Jan. 6 riot, that is not stopping Middleton from running for office as a Republican in his home state of Texas.

Middleton, 52, is running for a seat in the Texas House, months after he and his wife, 51, were indicted on charges of assaulting two D.C. police officers, according to a public filing on the Texas secretary of state's website. The Texas Republican Party accepted his nomination to challenge state Rep. David Spiller, a GOP incumbent in Jacksboro, Tex., in a March 2022 primary, according to the Dallas Morning News, the first to report the story. Spiller has been in office since March, after winning a special election in February.

The Middletons were arrested in April and charged with several counts, including assault of a law enforcement officer, obstruction of law enforcement during civil disorder, obstruction of an official proceeding, disorderly conduct on Capitol grounds and unlawful entry on restricted grounds. The Middletons, from Forestburg, Tex., have both pleaded not guilty and remain free on personal recognizance bonds as they await the start of a trial.

Middleton declined to comment to The Washington Post.

"You are welcome to follow my campaign and meet with me on the trail," he wrote in an email.

James Wesolek, a spokesman with the Texas Republican Party, confirmed Middleton's candidacy to The Post.

"Under the Texas Election Code, the party must accept all applications that are correct in form and content," he wrote in an email Tuesday.

Sam Taylor, a spokesman with the Texas secretary of state's office, told The Post that state election code notes how a candidate must "have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities."

"An indictment is not the same as a final conviction," Taylor said. "Middleton is still awaiting trial, and therefore has not been finally convicted of a felony."

The alleged rioter's candidacy comes at a time when at least 13 Republicans who traveled to Washington on Jan. 6 to protest the results of the 2020 election ran for office this year. None of them were charged with crimes, and they all denied being part of the mob supporting President Donald Trump that stormed the Capitol in an effort to stop the certification of President Biden's victory. The attack resulted in five deaths and left about 140 members of law enforcement injured.

At least seven people who attended the pro-Trump rally that preceded the insurrection at the Capitol were elected to public office this month, winning in states such as Virginia, New Jersey, Massachusetts and Idaho.

At 2:09 p.m. on Jan. 6, Middleton, a volunteer firefighter and pilot who wore a red, white and blue Trump beanie, pushed against the barricade and police line with his body, according to body-cam footage obtained by the FBI.

"Get back!" one of the officers said, according to a statement of facts.

In response, Middleton is heard on video yelling an expletive at the officers as he continued to push against the barricade, prosecutors say. He struggled against the officers "for more than 30 seconds" before grabbing an officer's left hand or wrist and pulling him forward, according to the complaint.

At the same time, a woman identified as Jalise Middleton, also wearing a red, white and blue Trump beanie, "repeatedly grabs and strikes" the same officer with her hand, prosecutors say. When another officer attempted to defend their colleague from the assault, Mark Middleton struck that officer in the arm as well, the complaint says.

After the couple continued to grapple with the two officers, police deployed chemical spray that forced the Middletons "to retreat back from the barricade line," investigators say.

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Minutes later, the pro-Trump mob eventually breached the Capitol, breaking windows and climbing inside the building, then opening doors for others to follow.

When he was still in proximity of the Capitol, Middleton bragged in a video posted to social media about being “on the front lines” of the riot, according to the complaint.

“We helped push down the barriers,” he said in a Facebook video, prosecutors say. “Jalise and I got pepper sprayed, clubbed, and tear gassed. We had to retreat, but more patriots pushed forward, and they’re taking back our house.”

He went on to post numerous videos, photos and comments to Facebook regarding the riot and the couple’s involvement in it, records show. The Middletons said in Facebook posts that they did not enter the Capitol, even as Jalise Middleton wrote that “we made history and got everyone in,” the complaint states.

On Jan. 21, a tipster whose daughter is an acquaintance of Jalise Middleton alerted the FBI of the social media posts, which were deleted earlier in the month, according to the Justice Department. A second tipster told the FBI in February of the Middletons’ alleged involvement at the riot, helping investigators confirm that the couple had a physical altercation with police, prosecutors say. Investigators found probable cause after comparing the body-cam footage to the recovered social media posts.

The couple were arrested on April 21 and indicted on May 19 by a federal grand jury in Washington. They were arraigned and pleaded not guilty to all counts on May 27. A trial has yet to be set for them.

Mark Middleton, who lists himself as a Cub Master for the Boy Scouts of America on his LinkedIn profile, last worked in sales for Nortex Communications, an Internet services company, in April — the month he was arrested. He is currently the only primary challenger to Spiller in Texas House District 68, which stretches from the Oklahoma border to counties near Texas Hill Country because of redistricting.

On his campaign website, Middleton’s far-right platform calls for Texas to consider leaving the United States.

“To the extent the Union can be saved we should work to that end,” his campaign website says. “However, it is past time Texans start seriously exploring our exit from the Union.”

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A growing number of Texas Republicans want a fourth special session to pass COVID-19 vaccine mandate ban
Cassandra Pollock
Texas Tribune
November 30, 2021
https://www.texastribune.org/2021/11/30/coronavirus-texas-legislature-vaccine-mandate-ban/

A growing number of Texas Republicans are pushing for lawmakers to return to the state Capitol for a fourth overtime round of legislating to pass laws banning COVID-19 vaccine mandates.

As those calls continue to build, it remains unclear whether Gov. Greg Abbott — the only official with the power to convene special sessions — will order state lawmakers back to Austin and what issues he would include on the agenda.

Lawmakers already met for the biennial regular session that ended in May before convening for three special sessions over the summer and into this fall to tackle redistricting along with a number of GOP priorities, including a law that further tightens the state’s election rules.

Abbott last week declined to say whether he intends to call another special session, but he left the door open, reminding reporters at a news conference that one “can be called anytime.” On Monday, an Abbott spokesperson, contacted for comment, referred to a previous statement from the governor’s office that said “there is no need for another special session at this time.”

Still, at least two dozen Republican lawmakers have so far called for a fourth special session, with many focusing on efforts to ban vaccine mandates. Abbott had named it as a late priority in the third special session that ended in October, but legislation that would have banned any Texas entity from mandating the COVID-19 vaccine for employees failed to gain traction in both chambers after business groups rallied against the proposal.

Another Abbott priority — increasing the penalty for illegal voting — also did not pass in the last special session. The governor called for the stiffer penalty weeks after he signed into law a bill that reduced it. Shortly after the Legislature adjourned the third special session, Lt. Gov. Dan Patrick, the Republican leader of the state Senate, pushed for another session to focus on that as well as passing an election audit bill.

In September, President Donald Trump, who won Texas in 2020, called for a “Forensic Audit of the 2020 Election” in the state. Abbott resisted adding the item to the special session agenda and instead backed a more narrow review of the 2020 election by the secretary of state’s office, which announced it was conducting a “full forensic audit” in four of the state’s biggest counties. There has been no evidence of widespread voter fraud in Texas in 2020. And earlier this year, an official in the secretary of state’s office called the 2020 election in Texas “smooth and secure."

Meanwhile, House Speaker Dade Phelan, the Beaumont Republican who heads the lower chamber, has not weighed in on whether he supports a fourth session, saying through a spokesperson that the decision to convene a special session is up to Abbott.

Vaccines
While Patrick’s push for another special session last month focused on those elections-related issues, other Republicans in recent weeks have rallied largely around banning vaccine mandates. The lieutenant governor's office did not respond to a request for

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comment about whether Patrick supports adding the vaccine mandates issue to a potential special session agenda.

In October, Abbott issued an executive order outlawing COVID-19 vaccine requirements by any entity in Texas, including private businesses and health care facilities. The governor has said his order will remain in place until lawmakers pass a bill related to the issue.

In the meantime, the state has sued the Biden administration over its coronavirus vaccine mandates for federal contractors, private businesses and health care workers.

Meanwhile, the Republican Party of Texas, which last month called for a fourth special session, is campaigning on a “Four-Day 4th,” referring to a four-day special session. The group says that short of a stretch would be all that’s needed to address vaccine mandates.

“We know legislators are tired and nobody wants an extended special session,” Texas GOP Chair Matt Rinaldi said in an interview Monday, pointing to states such as Tennessee and Florida that recently passed legislation on vaccine mandates on short timelines.

As of Tuesday, at least 25 GOP state lawmakers have publicly called for a special session related to banning vaccine mandates. While those calls began with members aligned with the further right faction of the party, other Republicans have in recent days also signaled support, including state Rep. Tom Oliverson of Cypress, who tweeted last week that “medical decisions should be made by the individual, not by their employer or the government.”

Oliverson, an anesthesiologist, said Tuesday that lawmakers during the third special session didn’t have enough time to work on the issue or “build consensus around an approach.”

“I think there’s an appetite to do something,” Oliverson said. “I don’t know exactly what that something will be. I don’t think this is a conversation you have quickly — it needs that full process of deliberation, a kind of let the cream rise to the top sort of thing.”

Another House Republican, state Rep. Briscoe Cain of Deer Park, has also called for a fourth special session over banning vaccine mandates, writing in an Oct. 26 Facebook post that he was ready to return to Austin despite spending the past 10 months in the state’s capital.

“While I am happy to be home after three special sessions in Austin,” Cain wrote, “I would happily return to Austin if called upon to protect the rights of my fellow Texans.”

Cain, a member of the hardline conservative Texas House Freedom Caucus, told The Texas Tribune on Monday that the state could benefit in its legal fight with the Biden administration if it already had a law addressing the issue.

“From a litigation standpoint,” Cain said, “I think it would help the state’s position when claiming that the federal government is interfering with an area of state rights if the state had a law on the books that the feds were interfering with.”

Rinaldi, the Texas GOP chair who’s also a former state House member, said that while legislation to ban vaccines failed during the most recent session, Republicans have since galvanized over the issue.

“When this was put on the special session call during the last special session, the issue was fairly new — people weren’t facing imminent threat of being fired at the time,” Rinaldi said. “I don’t think there’s any way of avoiding it because of the immense damage that these vaccine mandates do, both to individual lives and to our economy.”

State health officials have said that the vaccine greatly reduces the risk of COVID-19 transmission. And state data shows that unvaccinated Texans made up 85% of coronavirus cases and deaths from Jan. 15 to Oct. 1, 2021. About 54% of Texans are fully vaccinated.

Abbott is also fielding pressure over banning vaccines mandates by at least two of his GOP primary challengers: former state Sen. Don Huffines and Allen West, a former Florida congressman and Texas GOP chair.

Weary Legislature
To be sure, most lawmakers have not publicly weighed in on whether there should be another session before the Legislature convenes for its next regular session in January 2023.

The last time a governor convened a fourth special session was in 2004, when then-Gov. Rick Perry again ordered lawmakers back after the Legislature had worked overtime from June to October that previous year following its regular session.

This year, members returned to their districts in mid-October weary from the past 10 months that featured some of the most conservative legislating in recent memory. After House Democrats aimed to block a GOP elections bill by walking out of the chamber in the final hours of the regular session that ended in May, Abbott called lawmakers back for another overtime round focused on passing that legislation along with a number of other Republican priorities.

But business stalled over the summer after Democrats again broke quorum over that elections proposal, with enough members flying to Washington, D.C., to prevent lawmakers in Austin from moving any legislation during the first special session.

That impasse lasted for weeks, though once work resumed, the GOP-dominated Legislature passed its elections legislation in a second special session before turning to the redrawing of the state’s political maps during the third.

Some Democrats, such as state Rep. Chris Turner of Grand Prairie, say Republicans may try to use another special session to rally their party’s base heading into primary election season.

"Texas taxpayers should not be asked to bankroll another unnecessary special session simply because Republicans want to prolong the COVID-19 pandemic,” said Turner, who chairs the House Democratic Caucus, in an email through a spokesperson. “Republican legislators should explore other strategies to win their primary elections."

Another issue that has gotten attention in recent days is the renewal of Chapter 313, a decades-old law that Abbott was asked about at last week’s news conference in Austin announcing that Samsung Electronics Co. will build a roughly $17 billion chipmaking plant in Williamson County.

Chapter 313, one of the state’s largest corporate tax break programs, is set to expire at the end of 2022 after the Legislature did not renew it. Under the program, Samsung would save an estimated $250 million in taxes over the next 15 years.

So far, according to Dale Craymer, president of the Texas Taxpayers & Research Association, there have not been any signs to

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suggest there is interest among leadership at the Legislature to extend the current program in a special session.

“The politics of the issue really haven’t changed since the regular session,” Craymer said, adding that, “it would be challenging to take extraordinary measures to extend the program at this time.”

Craymer, whose group has supported the program in the past but isn’t “making a big push to get a temporary extension at this point,” said that lawmakers may tackle something related to property taxes during a special session given the state’s economic surplus and roughly $3 billion left in federal COVID relief money.

“But I’d be surprised if Chapter 313 is a part of that discussion,” he said.

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McConaughey said he won't run for Texas governor. What does that mean for Beto and Abbott?
Madlin Mekelburg
Austin American-Statesman
November 30, 2021
https://www.statesman.com/story/news/politics/state/2021/11/30/matthew-mcconaughey-texas-tx-governor-greg-abbott-beto-orourke/8797926002/

Actor Matthew McConaughey said Sunday evening that he would not run for governor, ending months of speculation about his political aspirations and clearing the way for a more conventional race for the top job in the state.

McConaughey had teased a run since earlier this year, refraining from indicating whether he’d enter the Democratic primary or the Republican primary or run as an independent candidate. Some polls showed that he would have been a serious contender in a hypothetical matchup against Gov. Greg Abbott and Democrat Beto O’Rourke.'

His decision to stay out of the race clears the field for Abbott and O’Rourke to face off in a more traditional race next November, assuming both are successful in their primary contests.

“Both candidates, they’re breathing a sigh of relief,” said Brian Smith, political science professor at St. Edward's University. “They won’t come out and say it, but both candidates, by McConaughey not running, are very happy.”

Abbott is seeking a third term as governor and is facing at least two primary challengers: Allen West, former Texas GOP chairman, and Don Huffines, a former state senator from Dallas.

O’Rourke, a former congressman from El Paso, has emerged as the highest-profile Democrat running for the seat.

Brandon Rottinghaus, a political science professor at the University of Houston, said the fact that McConaughey was polling so well before entering the race is a reflection of the growing dissatisfaction people feel with the current state of politics. Given that Abbott and O'Rourke are the favorites to emerge from their primaries, he said both will benefit from McConaughey’s decision not to run.

“In a way, they are both better off,” Rottinghaus said. “People are frustrated with politics and politicians as usual. Both parties are going to have to grapple with that reality at some point.”

A McConaughey candidacy

In a video posted to Twitter late Sunday, McConaughey said he was honored to be considered for political leadership, a “humbling and inspiring path to ponder” but “a path that I’m choosing not to take at this moment.” Instead, he said he plans to focus on supporting entrepreneurs, businesses and foundations that he sees as leaders fighting to create “pathways for people to succeed in life.”

The prospect of McConaughey entering the gubernatorial race has been a point of fascination for political observers. His superstardom lends him international name recognition and access to serious money that could fund a competitive campaign, but his lack of experience in the political arena made him a wild card of sorts.

With no voting record in Texas since at least 2012, McConaughey’s political leanings are largely unknown. In 2020, he said he considers himself to be “in the middle” politically and believes a solution to the nation’s political divide lies in being “aggressively centric.”

He has avoided weighing in on many issues facing the state, but earlier this month he said he is against a COVID-19 vaccine mandate for kids “just yet” during an interview at The New York Times’ DealBook summit. Later he clarified that he was speaking strictly about mandates for children between the ages of 5 and 11.

During an interview with Kara Swisher of The New York Times, McConaughey said he found elements of the state's new, restrictive abortion law to be "a little juvenile" but declined to share his perspective on abortion rights overall.

Should McConaughey have opted to enter the race, he would have been forced to take strong policy positions on any number of issues from the economy to immigration to abortion to gun regulations.

“As an undeclared candidate, he was all things to all people,” Smith said. “If he was going to declare, we were going to want to know more about him and his positions — and rightfully so.”

Abbott vs. O’Rourke
Early polls showed that McConaughey could have been a serious contender in hypothetical matchups against Abbott and O’Rourke.

McConaughey led Abbott in a September poll from the University of Texas at Tyler and The Dallas Morning News, in which 44% of respondents said they would vote for the actor over Abbott in a hypothetical race between the two men. Abbott polled at 35%, and 21% said they would vote for someone else.

The same poll asked respondents to choose between O’Rourke and Abbott, with 37% of respondents supporting O’Rourke, 42% supporting Abbott and 21% voting for someone else.

In the immediate future, Smith said O’Rourke might feel more relief than Abbott that McConaughey has opted not to run. If he had

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entered the race as a Democrat, as some had speculated, O'Rourke would have faced an expensive primary battle before facing Abbott and his $55 million campaign war chest.

His absence from the race also means Abbott won't have to spend money campaigning against a well-known candidate as likable as McConaughey. Now he can focus his energy and money against O'Rourke.

But Rottinghaus said McConaughey's decision also benefits Abbott because they probably would have been targeting the same demographics when trying to turn out voters.

In 2006, incumbent Republican Gov. Rick Perry faced a Democratic challenger and two independent candidates during the general election, including singer Kinky Friedman. Rottinghaus said support for Friedman largely came from younger white men who were not previously registered to vote — a profile Rottinghaus said Abbott hopes to cultivate.

"McConaughey isn't running, but it'd have been a lot cooler if he did," said Smith, quoting McConaughey's character in the film "Dazed and Confused."

"It would have made the race very interesting. The good thing about elections is that there's always another opportunity. For McConaughey, he would do better running in an open-seat election than against a well-known Democrat and an incumbent Republican," Smith said.

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Four Republicans running for Senate District 31 seat in Texas Panhandle
Bethany Blankley
The Center Square
November 30, 2021
https://www.thecentersquare.com/texas/four-republicans-running-for-senate-district-31-seat-in-texas-panhandle/article_e32df988-525e-11ec-912c-4bdeed0e2615.html

(The Center Square) – The field to replace Sen. Kel Seliger's Senate District 31 seat in the Texas Panhandle is growing.

The West Texas legislator announced in October that he was retiring and wasn't running for reelection.

Seliger, one of the most liberal Republicans in the Texas Legislature, repeatedly voted against property tax reform measures, banning taxpayer-funded lobbying, and legislation requiring an audit of Texas elections.

The primarily Republican SD31 includes the West Texas areas of Amarillo, Midland, and Odessa.

The first to declare their candidacies for the position were Midland oil and gas tycoon Kevin Sparks, and Coahoma ISD Trustee Stormy Bradley, both Republicans.

Sparks is considered the front-runner, having already been endorsed by former President Donald Trump and Lt. Gov. Dan Patrick.

"At a time when far-left activists seek to nationalize our elections, indoctrinate our kids with so-called critical race theory, and surrender our southern border to the drug cartels, the hard-working families of Senate District 31 deserve a state senator who will proudly defend our conservative values," he said.

Sparks is president of Discovery Operating, Inc, a family owned and operated oil and gas company in Midland, which employees hundreds of workers and has for nearly 50 years.

Bradley is the owner of multiple businesses, including Bulldog Steel, a full-service steel manufacturer in Big Spring. As a Coahoma ISD board member, she's "fought to keep anti-American propaganda and critical race theory out of our schools." She also holds a leadership position with the Big Spring Chamber of Commerce Board of Trustees, and recently won a Russ McEwen Community Hero Award.

Most recently, with two weeks of the filing deadline to declare candidacy, two more candidates have thrown their hats in the ring: retired FBI agent Tim Reid and attorney Jesse Quackenbush.

"As an FBI agent, state trooper, police officer, school board member, and foster child, I believe that I am uniquely qualified to represent the citizens of this district," Reid argues. "I will actively work on the issues that we face to strengthen the future of Texas. I have served the people of this district for 28 years and call the Panhandle and all of West Texas home."

Citing education as his top priority, Reid is currently the director of Athletics and Campus Safety and a teacher at Ascension Academy, a private school in Amarillo.

Amarillo attorney Jesse Quackenbush is running for a second time for the seat, after unsuccessfully running for the seat in 2004. Quackenbush recently told the Odessa American that he was against the recently passed Texas Heartbeat Act.

"I'm pro-life, but until Roe v. Wade is repealed, I'm against gratuitously going out there and wasting millions of dollars just to test the waters with a law that is obviously unconstitutional while senselessly adding a severe crisis for women who seek that type of healthcare," Quackenbush said.

Attorney General Ken Paxton, and those who passed the law in the state legislature, and Gov. Greg Abbott, who signed the bill into law, disagree, arguing the bill is constitutional, and legal.

The filing deadline for all candidates seeking to run for any office in Texas in the 2022 Election is Dec. 13. The primary election is scheduled for March 1, 2022.

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Politics 'Get In The Way' Of 4 HISD Board Members As They Face Runoff Challenges
Reform Austin
November 30, 2021
https://www.reformaustin.org/education/politics-get-in-the-way-of-4-hisd-board-members-as-they-face-runoff-challenges/

Early voting began on Monday, where voters will decide four of five Houston ISD trustees that have been pushed into runoffs.

A month ago in re-elections, incumbents; Elizabeth Santos in District 1, Sue Deigaard in District 5, Holly Flynn Vilaseca in District 6, and Anne Sung in District 7, failed to gather at least 50 percent of the ballots cast. The only HISD race decided was for Myrna Guidry in District 9, who won with nearly 61 percent of the vote.

The outcome of the runoffs could shake things up for the board just when they were reaching a sense of stability with new Superintendent Millard House II preparing a multi-year strategic plan and the district considering its first bond referendum in nearly a decade, as reported by the Houston Chronicle.

The match consists of issues that range from local concerns to statewide issues like the potential takeover threat by the Texas Education Agency to national debates over mask mandates and critical race theory.

One of the reasons so many of the current board members are facing tough reelections is payback by voters who are looking to punish incumbents over the dysfunction of years past, referring to the so-called "walking quorum of 2018" that led HISD to the brink of a state takeover.

In 2019, state investigators determined five trustees – including Santos, Vilaseca, and Sung – met in private in an unsuccessful attempt to replace then interim superintendent Grenita Lathan with former superintendent Abe Saavedra.

Brandon Rottinghaus, a political science professor at the University of Houston, said in an interview with the Houston Chronicle, it appears the district is at a crossroads.

"They are at a point where they are trying to climb out of decades-long troubles," Rottinghaus said, "and the politics of the current moment are, to some degree, getting in the way."

This is certainly true with incumbent Bridget Wade, who is running ahead of incumbent trustee Anne Sung heading into the runoff. She sums up her position on critical race theory, saying she believed "we're all created equal".

When concerning mask mandates, Wade is on the opposing side, stating that "masking should be a parental choice."

Janette Garza Linder, who is facing Santos in the District 1 runoff, is also letting the politics get in the way. In an Interview with The Leader newspaper, she stated that if there weren't new members on the board that she is open to a state takeover.

This raised concerns with parents, like Karina Quesada from the Heights. ""That bothers me very much because as a constituent, as a citizen, as a taxpayer, as a homeowner, I don't want anybody, that's OK with taking my ability to elect a representative to represent us, my children, and our teachers in this community," Quesada said in an interview with Houston Public Media.

Jasmine Jenkins, executive director of the nonprofit Houstonians for Great Public Schools, suggests Republicans and conservatives are trying to stir up parents' concerns by involving issues such as critical race theory and mask mandates.

"From the right, nationally, we see a bigger movement to get involved in local politics, to get involved in school boards, and so there are probably a lot of conservatives who have gotten involved in this race and who've decided to vote in these races who normally just sort of sit school board (elections) out," Jenkins said, as reported by Houston Public Media.

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Longtime state Sen. Larry Taylor, best known for his work on education issues, says he won't run for reelection
Patrick Svitek
Texas Tribune
November 30, 2021
https://www.texastribune.org/2021/11/30/larry-taylor-texas-senate-reelection/

State Sen. Larry Taylor, R-Friendswood, who helped write the law to overhaul school funding in Texas, will not seek reelection.

Taylor chairs the Senate Education Committee and has served in the Legislature since 2003, first as a member of the House. He is also chair of the Senate Republican Caucus.

His decision comes just under two weeks before the candidate filing deadline for the 2022 primary. Within minutes of Taylor announcing his retirement, state Rep. Mayes Middleton, R-Wallisville, announced he had filed for the Senate seat.

"This has been a very difficult decision, as having the privilege of representing my community in the legislature for nearly two decades has been the biggest honor of my life," Taylor said in a statement. "Together, with my colleagues in the Legislature, we have dealt with multiple challenges and worked to secure Texas' future as a leader for our country. I am so proud of our work and so incredibly blessed to have been a part of it."

In the statement, Taylor also acknowledged the sacrifices that public service requires, including a "major commitment of time away from your family and friends."

Taylor's decision creates a vacancy in Senate District 11 in Southeast Texas. The seat favors Republicans.

After news of Taylor's retirement broke, he told a reporter with the Galveston Daily News that part of his decision was due to Middleton's interest in his seat. Taylor told the reporter that he tried to dissuade Middleton, but that he is "ready to go and wanting to spend a lot of money."

Middleton, an oil-and-gas businessman, is the chairman of the conservative Freedom Caucus in the House, where he has been a member since 2019.

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Taylor is perhaps best known for his work on education. He was a key player in the 2019 school finance overhaul that lawmakers counted as a top achievement that session. The $11.6 billion measure boosted per-student funding and reduced property taxes, among other things.

Taylor has also focused on coastal issues, like reforming the Texas Windstorm Insurance Association.

Taylor's decision is abrupt. His campaign had said Sunday that he would file for reelection Monday, though it did not appear to happen.

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How Much Are Latinos Shifting Right?
Jennifer Medina
New York Times
November 30, 2021
https://www.nytimes.com/2021/11/30/us/politics/latinos-republicans-conservative-vote-gop.html

For years, State Representative Ryan Guillen of Texas was regarded as the most conservative Democratic legislator in Austin. He was one of just a few from the party to vote in favor of carrying handguns without a permit, and the sole Democrat in the House chamber to vote for the state's new law banning most abortions. He remained popular in his Rio Grande Valley district, winning re-election last year by 17 percentage points.

Then came the news this month: He was switching parties.

"After much consideration and prayer with my family, I feel that my fiscally conservative, pro-business, and pro-life values are no longer in step with the Democratic Party of today," Mr. Guillen said.

It's an old saw in politics: I haven't changed, the party has changed. And in the past, it has been fairly applied to both Republicans and Democrats. Mr. Guillen has portrayed himself as part of a trend of Hispanic voters moving toward the Republican Party, especially in South Texas, where Donald J. Trump made major inroads during the 2020 election. But it's too soon to tell just how much of a lasting shift the movement represents.

The Republican Party has been reaching out to Latino voters for decades, particularly in Texas. Former President George W. Bush famously courted them with his "compassionate conservatism." And it was former President Ronald Reagan who told his Hispanic outreach director that he would have the easiest job in the world, because "Hispanics are already Republicans, they just don't know it yet."

Historically, roughly 30 percent of Hispanic voters have chosen to vote Republican in presidential elections, a number that increased slightly in 2020, surprising many Democrats. Republicans, unsurprisingly, celebrated the shift and have portrayed it as a seismic shift that could transform the parties.

"Republicans' enthusiasm and sense of momentum ebbs and flows, and this is a moment of high enthusiasm," said Geraldo Cadava, a professor of history at Northwestern University and the author of the book "The Hispanic Republican." "They want to capitalize on the momentum they feel like they have right now. They really think the energy is on their side, but they have to prove that 2020 wasn't just a blip."

So far, the data remains mixed. While there was some dampened enthusiasm among Latino voters during the recall election of Gov. Gavin Newsom of California, for example, an analysis from the Latino Policy & Politics Initiative at the University of California, Los Angeles, showed that Latino-heavy precincts overwhelmingly backed Newsom's remaining in office.

But in San Antonio this month, Democrats lost another State House seat to a Hispanic Republican, John Lujan.

Now, many Democrats are openly worried, with some calling Hispanics the new swing voter group.

"Democrats have to prove that they can stop their losses, and they have to show these voters they are hearing them and caring about them," Dr. Cadava said.

Of course, perception can drive reality: If Latinos believe that Democrats take them for granted, they are more likely to vote for Republican candidates, according to analysis from Equis Research, a Washington-based firm that focuses on Latino voters across the country.

Mr. Guillen, who did not respond to several messages from The Times, has fiercely embraced his new party, appearing with Gov. Greg Abbott of Texas during his party switch announcement and welcoming an endorsement from Mr. Trump by enthusiastically recalling how his signs "covered South Texas" during the presidential election. (Four years after Hillary Clinton won the district by 13 percentage points, Mr. Trump won by the same margin in 2020.)

"Something is happening in South Texas, and many of us are waking up to the fact that the values of those in Washington, D.C., are not our values, not the values of most Texans," Mr. Guillen told reporters during his announcement. "The ideology of defunding the police, of destroying the oil and gas industry and the chaos at our border is disastrous for those of us who live here in South Texas."

But ideology may not have been the only driver of Mr. Guillen's decision, which came after Republican-controlled redistricting turned his legislative district from a Republican-leaning district into one that would most likely be solidly red.

Mr. Guillen has brushed aside suggestions that he simply switched parties to stay in office, telling reporters that his 2020 victory as a Democrat showed his allegiance with voters in the district.

"I have found that my core beliefs align with the Republican Party," he said. "I am confident that my switch today is the right decision."

Mr. Abbott, for his part, portrayed Mr. Guillen's flip as inevitable.

"It's something that has been, candidly, the worst-kept secret in the Capitol," he said. "Ryan, we're glad you finally came out of the closet."

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GOP targets Wisconsin elections system, nonpartisan director
Scott Bauer
Associated Press
December 1, 2021
https://www.chron.com/news/article/GOP-targets-Wisconsin-elections-system-16663548.php

MADISON, Wis. (AP) — Wisconsin Republicans are working to discredit the bipartisan system they created to run elections in the state after President Joe Biden narrowly won last year's presidential race, making the political battleground the latest front in the national push by the GOP to exert more control over elections.

Wednesday will bring a flurry of election-related developments in the state, with both the Wisconsin Elections Commission and a partisan legislative panel dissecting the 2020 presidential election. At the same time, Republican lawmakers are continuing to attack the state's well-regarded election administrator in a pressure campaign to have her resign, an apparent attempt to install a GOP partisan in the position ahead of next year's midterm elections.

"This is really just the politics of fear and vengeance," said Kevin Kennedy, who was Wisconsin's top elections official for 34 years before retiring in 2016. "This is not about ideas. ... They have effigies they want to burn and that's it."

More than a year after the 2020 presidential election, former President Donald Trump and his allies continue to push his false claims that Democrats stole a second term from him. This has manifested in costly and timely partisan election reviews in a handful of states as well as new laws pushed by Republicans adding restrictions to mail voting, which was hugely popular amid the pandemic and embraced by voters of both parties.

Current and former election officials also have warned that the unrelenting attempts to discredit Biden's win have led to an erosion of public confidence in elections and threats of physical violence against election workers. They worry that longtime election officials will be driven from their jobs, creating a vacuum of experience that in some cases could be filled by partisan actors.

In Wisconsin, elections are overseen by a bipartisan elections commission comprised of an equal number of Republicans and Democrats. The commission administrator is a nonpartisan position currently held by Meagan Wolfe, a 10-year veteran of the agency and its predecessor.

Wolfe was appointed director by the commission in 2019 and confirmed unanimously by the Republican-controlled Senate for a term ending in the middle of 2023.

When efforts to overturn Trump's loss in Wisconsin failed through lawsuits and recounts, Republicans repositioned their attacks to the commission and Wolfe. At least 10 Republican lawmakers have called for the resignations of her or one or more commissioners.

If Wolfe were to resign, the Republican-controlled Senate would likely name her successor. That person plays a significant role in determining what guidance is issued to the state's more than 1,800 local election clerks who actually run elections.

Wolfe on Tuesday called the attacks against her "baseless" and said she was more determined than ever not to resign.

"I really think the calls are based on folks being upset that I'm not willing to change my behavior; I'm not willing to engage in partisan politics," she told The Associated Press. "The public recognizes politics when they see it. I think they're smart enough to understand a lot of the rhetoric around this is motivated by partisan politics."

A bipartisan group of more than 50 election experts from across the country came to Wolfe's defense, sending a letter to Republican Assembly Speaker Robin Vos calling Wolfe "one of the most highly-skilled election administrators in the country." Wolfe serves as chair of the national Electronic Registration Information Center and in February will become president of the National Association of State Election Directors.

The attacks against Wolfe and the integrity of the 2020 election make Wisconsin "ground zero for the anti-democratic movement," said David Becker, executive director of the nonpartisan Center for Election Innovation and Research.

Becker said election workers and civil servants such as Wolfe are being used as scapegoats "because leaders do not have the political courage to tell their supporters the truth of the election. And the truth is that it was objectively the most secure, transparent, verified and scrutinized election in American history by any measure."

Republican lawmakers ratcheted up their criticism of Wolfe and the commission after a nonpartisan audit recommended dozens of changes in how elections should be run and detailed ways the elections commission didn't follow some state laws during the pandemic in 2020. The audit did not find any widespread fraud or abuse and did not call into question Biden's victory in the state.

A Trump-supporting sheriff in Racine County recommended felony charges against five of the six commission members for their decision not to send special voting deputies into nursing homes, as required by law, during the pandemic.

Many of those facilities were not allowing any visitors, including families, at the time the commission made the decision. The commission instead called for absentee ballots to be used for residents in such facilities, a move they said was designed to protect their right to vote.

No charges have been filed in any Wisconsin county against Wolfe or any commission member.

In addition to attacking the elections commission, Republicans also are backing an investigation ordered into the 2020 election by Vos, the legislative leader. That effort is being led by a conservative former Wisconsin Supreme Court justice who told lawmakers his probe will include examining the allegations raised by the sheriff.

The elections commission was scheduled to meet Wednesday to discuss the audit. At the same time, the Assembly elections committee is to receive an update on the GOP-ordered election investigation.

Meanwhile, state Republican lawmakers are feeling pressure from U.S. Sen. Ron Johnson, who in November told them the Legislature should take control over federal elections in the state. Opponents have said such a move would be barred under decisions by the U.S. and state supreme courts. The Republican leader of the state Senate also raised concerns about the legality of doing that.

Republicans can't easily alter the elections commission or change how elections are run in the state because any change in law

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would have to be signed by Democratic Gov. Tony Evers. He's made clear that he would block any such attempt.

“Wisconsin held a fair, accurate, and secure election under a system Republicans largely created themselves, and the results of our election have been proven over and over again," Evers said in a statement Tuesday. "It’s clear Republicans’ efforts and rhetoric are more about pre-determining our elections and maintaining political power than making our elections more secure.”

Evers is on the ballot next year, and should he lose Republicans would have a clear path to make widespread election changes before the 2024 elections.

One Republican candidate for governor, former Lt. Gov. Rebecca Kleefisch, has been critical of the elections commission and filed a lawsuit in November seeking to suspend the guidance the agency gave to local election clerks amid the coronavirus pandemic.

Attacks against the current commission are similar to ones Republicans made against its predecessor, the Government Accountability Board, which they dissolved in 2015 under a law signed by then-Gov. Scott Walker, a Republican.

The first administrator of the current commission, Mike Haas, was driven out by Republicans because of his work on an investigation into Walker while at the previous agency. Haas stepped down after the GOP-controlled Senate refused to confirm him.

Kennedy, who retired from the state elections post amid GOP criticism, said Wolfe should not expect the pressure on her to let up.

“If she wants it to end, then she leaves,” Kennedy said.

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Texas Hispanic population has become an economic powerhouse
Eric Griffey
Spectrum News
November 30, 2021
https://spectrumlocalnews.com/tx/dallas-fort-worth/news/2021/11/30/texas-hispanic-population-has-become-an-economic-powerhouse

FORT WORTH, Texas — New research released Tuesday by Texans for Economic Growth, a statewide 110-member business coalition, underscores the crucial role Hispanic Texans play in the state’s economy and across the major metros of Austin, Brownsville, Dallas, El Paso, Fort Worth, Houston and San Antonio.

Hispanic Texans in the Dallas and Fort Worth area are contributing billions in taxes and consumer spending. In 2019, Hispanic households earned $41.2 billion in income, with $6.3 billion going to federal taxes and $3.6 billion going to state and local taxes, leaving them with $31.3 billion in spending power, the study said.

These numbers are more pronounced, considering Hispanic Texans are helping drive population growth in Dallas and Fort Worth. Between 2010 and 2019, the U.S.-born Hispanic population grew by 33.4%, while the foreign-born Hispanic population grew by 13.5%. In 2010, 27.6% of the overall population in Dallas and Fort Worth were Hispanic, and that number increased to 29.3% in 2019.

Hispanic population numbers are growing across the state, though 47% of Texas Hispanics live in the state’s five biggest counties — Harris, Bexar, Dallas, Tarrant and Travis.

The Dallas-Fort Worth region best illustrates the diverging population patterns among Hispanic and white Texans. Among those five counties, Tarrant County — home to Fort Worth — continues to see the fastest growth of Hispanic residents since 2010. With a 28% growth rate, the Hispanic population in Tarrant grew from roughly 483,000 to nearly 620,000 last year.

Meanwhile, the white population in neighboring Dallas County is shrinking. Dallas' white population has fallen below 2010 levels, dropping from about 787,000 to about 746,000 in 2019.

In 2019, 70.9% of the overall Hispanic population and 72.1% of the foreign-born Hispanic population were active in the labor force, compared with 68.1% of the non-Hispanic population.

“As our business community continues to wade through labor and supply chain challenges, it is imperative that we push date-driven, policy-focused discussions regarding the economic contributions of Hispanics to the forefront,” said Anette Landeros, President and CEO of the Fort Worth Hispanic Chamber of Commerce. “Our DFW Metroplex is currently booming with growth and opportunity, and our Hispanic population will play an important role in ensuring that the trajectory is sustainable for years to come.”

The uninsured Texans, known as the “working poor,” include about 1.4 million hourly or low-wage workers. These people, disproportionately Hispanic (61% of the uninsured) tend to have low levels of education (48% of the uninsured don’t have a high school degree), and earn less than $35,000 a year despite typically working full-time, often in jobs such as construction or the service industry.

Hispanic Texans in Dallas & Fort Worth hold substantial voting power. In 2019, there were more than 888,000 eligible Hispanic voters, including more than 191,000 naturalized citizens. Overall, the Hispanic population made up 18.8% of the electorate, including Hispanic naturalized citizens, who on their own made up 4.1%.

“As we prepare for the post-pandemic economic recovery, it is important to know how Hispanics can and will contribute to keep the Texas economy thriving,” said J.R. Gonzales, Executive Vice Chair of the Texas Association of Mexican American Chamber of Commerce. “The new data shows Hispanics can demand a seat at the table now that we can show that what we bring to the dinner party is crucial.”

The economic benefits of "illegals" far outweigh the cost
Most statewide and national studies on the cost-benefit analysis of illegal immigrants suggest Texas is profiting from illegal immigrants.

For example, a recent Rice University study said the state of Texas made more than $420 million off immigrants living in the state illegally.

The study, which replicated an outdated state comptroller report, finds that for every $1 the Texas government spends on the

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estimated 1.6 million people living in the state illegally, the state brings in $1.21 in tax revenue.

The Rice study is modeled off a Texas State Comptroller report from 2006, which had similar findings: Immigrants in Texas without legal authorization generated $424.7 million more than they cost the state. The study calculated costs to the state in education and health care services, as well as incarcerations. It measures benefits through state revenues and school property taxes. Local governments, however, shouldered $929 million in uncompensated health care costs and local law enforcement costs not paid for by the state, the 2006 report found.

The Rice study — which looked at state figures, not local costs — updated it using figures from 2018, estimating that roughly 6% of the total state population that year was in the U.S. without legal authorization. With roughly 65% of those residents working in the labor force and less than 6% unemployed, the study estimated they accounted for more than 8% of the state's workforce.

In 2018, those residents paid some $2.4 billion in state sales taxes, property taxes and consumer taxes on gasoline, vehicle inspections and more, the study estimated. It estimated they cost the state just more than $2 billion in education, health care and prison costs.

In April, Attorney General Ken Paxton said that Texans pay more than $850 million per year on illegal immigration, and the recent surge at the border could cause that amount to surpass $1 billion.

Paxton blamed President Joe Biden's immigration policies for causing the surge of illegal immigration and escalated criminal activity at the Texas-Mexico border.

Paxton's office said "uncompensated care" for those migrants costs public hospital districts between $579 million to $717 million, and between $62 million and $90 million for their inclusion in the state's Emergency Medicaid program.

Housing unauthorized migrants costs $152 million a year, and between $31 million and $63 million a year is spent on education for unaccompanied minors who illegally crossed the border, according to the attorney general's office.

"Texans are hardworking and generous people, but the cost of illegal immigration is an unconscionable burden on the taxpayers of our great state," Paxton said. "If we use the minimum estimated costs for services Texas provides to unlawfully present and undocumented aliens, taxpayers are shelling out an estimated $855 million every year. Texas will always welcome those who legally immigrate, but we cannot continue forcing taxpayers to foot the bill for individuals who skirt the law and skip the line. I will continue to fight for justice, safety, and prosperity for all Texans."

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Olaguibel: Construction for full cargo facilities will soon begin at Anzalduas
Steve Taylor
Rio Grande Guardian
November 30, 2021
https://riograndeguardian.com/olaguibel-construction-for-full-cargo-facilities-will-soon-begin-at-anzalduas/

MCALLEN, Texas – Juan Olaguibel, superintendent of bridges for the City of McAllen, had an alarm set on his mobile phone for the minute he received hot news from the federal government.

That alarm has now gone off and so construction for full cargo facilities at Anzalduas International Bridge can soon begin.

Olaguibel (pictured above) spoke about the alarm he set during his monthly presentation to the McAllen Economic Development Corporation board of directors.

"With regards to the Anzalduas cargo project, I am happy to say the design is in the final stage. I have an alarm on. As soon as I get that email, this thing is supposed to go off really, really, loud. It is supposed to be really, really, soon. That is what the government says. As soon as we get it, that means that we will be signing the agreement and we will be ready for construction for our full cargo facilities at Anzalduas. I will keep you posted on that," Olaguibel told the MEDC board.

Olaguibel will be present on Wednesday, Dec. 1, when an official signing ceremony takes place at McAllen City Hall for a "Donation Acceptance Agreement" for full cargo facilities at Anzalduas International Bridge. The event is slated to take place at 11 a.m. on the 1st.

Anzalduas International Bridge is co-owned by the cities of McAllen, Mission, Hidalgo and Granjeno. The mayors of these four cities, Javier Villalobos of McAllen, Armando Ocaña of Mission, Sergio Coronado of Hidalgo, and Yvette Cabrera of Granjeno, are slated to be at the signing ceremony.

Others VIPs slated to appear at the signing ceremony, include: U.S. Sen, John Cornyn, state Sen. Juan "Chuy" Hinojosa of McAllen, state Rep. Terry Canales of Edinburg,state Rep. Sergio Muñoz of Mission, Hidalgo County Judge Richard Cortez, Hidalgo County Commissioners Eddie Cantu of Pharr and Everardo Villarreal of Mission, McAllen City Manager Roel "Roy" Rodriguez, and CBP Port Director Carlos Rodriguez.

"These facilities will allow full cargo commercial traffic to cross into the United States from Mexico, increasing trade between the two countries.The project cost is $49.9 millionand will be paid by state and local funds," a City of McAllen news advisory states.

Olaguibel told the Rio Grande Guardian International News Service: "After this (signing ceremony) we will be able to construct."

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U.S. security review stalls sale of Shell Texas refinery to Mexico's Pemex
Erwin Seba
Reuters
November 30, 2021
https://uk.finance.yahoo.com/news/shell-deer-park-texas-refinery-174037853.html?guccounter=1

HOUSTON (Reuters) - A U.S. national security review has delayed the sale of Royal Dutch Shell's controlling interest in a Texas

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refinery to Mexico's national oil company, Petroleos Mexicanos (Pemex), Shell said on Tuesday.

Shell in May disclosed an agreement to sell its 50% interest in the 302,800-barrel-per-day (bpd) Deer Park, Texas, refinery outside Houston to partner Pemex for about $596 million. The closing was expected as early as Wednesday.

Approval by the Committee on Foreign Investment in the United States (CFIUS) is the last hurdle to the transfer of full control of the Texas refinery to Pemex, said people familiar with the matter.

"While we were hopeful we could conclude the sale of the Deer Park refinery earlier in the CFIUS review process, we're still targeting late 2021 as a closing date for the transfer of Shell's interest in the refinery," Shell spokesperson Curtis Smith said.

A spokesperson for CFIUS declined to comment.

One person close to Pemex said CFIUS approval could happen in mid-December.

A person who works at Deer Park said, however, there is no certain closing date. "Could be next week. Could be early next year," the person said.

U.S. Representative Brian Babin, a Republican representing southeast Texas, called on Tuesday for the U.S. government to block the sale, saying "Pemex lacks the technical expertise, safety record, and business practices needed to operate a facility of such scale in the United States."

"Allowing a foreign company run by an administration that is hostile toward American energy producers access to our critical infrastructure endangers my constituents and threatens our national security," Babin said in a statement.

Babin has openly criticized the sale since June, when he requested a review by the U.S. Treasury and Energy departments.

Under the sale agreement announced in May, Shell would retain control of the Deer Park facility's chemical plant and the company will have only one refinery in the United States, the 230,611-bpd plant in Norco, Louisiana.

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Mexico to reverse course, give COVID-19 booster shots
Associated Press
November 30, 2021
https://www.registercitizen.com/news/article/Mexico-to-reverse-course-give-COVID-19-booster-16663293.php

MEXICO CITY (AP) — Mexican officials have reversed their previous position against giving coronavirus booster shots and said Tuesday they are studying a plan to administer third doses to people over 60.

The announcement came as Mexico nears 450,000 deaths from COVID-19. The country has fully vaccinated only about 50% of its 126 million people.

President Andrés Manuel López Obrador said plans for the boosters are still being drawn up, but added, “It won’t be long, we have the vaccines.”

López Obrador's administration has long resisted adopting measures like mandatory face masks, mass testing and travel restrictions that have been used in many other countries.

Assistant Health Secretary Hugo López-Gatell had said as recently as August that there was no scientific evidence to justify giving booster shots, and suggested they were part of a campaign by vaccine manufacturers to increase sales.

“This proposal is being strongly pushed by the pharmaceutical companies, but it has been rejected by international organizations ... because there is no scientific evidence indicating the need for booster shots," López-Gatell said at the time.

The government also long resisted vaccinating minors, but recently relented and began administering shots to youths between 15 and 17 years of age.

Of special concern are the nation's teachers, almost all of whom got the CanSino Chinese vaccine in the spring. There have been suggestions that single-dose vaccine's protection begins to wane.

Mexico's test-confirmed coronavirus death toll stood at 293,950 on Tuesday, but because the country does so little testing, many people have died without tests. The government's own analysis of death certificates indicates the real toll is about 448,658.

Officials have been downplaying the threat posed by the Omicron variant first identified in South Africa, saying the new strain illustrates the need to get more vaccines to poorer countries.

“It's not that the new variant is terrible,” López Obrador “It's that the poor countries of the world have been abandoned."

True to form, López Obrador said there would be dance music at a massive gathering he is planning in Mexico City's vast main plaza Wednesday to celebrate his first three years in office. The president, as usual, said face masks would be optional.

“Those who want to wear face masks can do so,” López Obrador said. “We are against authoritarianism.”

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Texas Land Commissioner announces agreement authorizing construction of border wall on state-owned land
Palestine Herald-Press
November 30, 2021
https://www.palestineherald.com/news/texas-land-commissioner-announces-agreement-authorizing-construction-of-border-wall-on-state-owned-land/article_4df4ae4e-5177-11ec-973b-3f1b22644e64.html

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WESLACO—On Monday, Nov. 29, Texas Land Commissioner George P. Bush announced the signing of a lease agreement between the General Land Office and the Texas Department of Public Safety authorizing the construction of border wall along a GLO-owned farm tract in Starr County.

The signing of this lease agreement is the latest effort by Commissioner Bush to mitigate the immigration crisis following Governor Greg Abbott's emergency declaration to complete the Texas border wall.

"Washington continues to ignore the Biden Administration's border crisis, leaving Texans no choice but to take matters into our own hands," Bush said. "Lease revenue from this land directly benefits the most important asset in Texas—our schoolchildren. As the border crisis continues to escalate, the lives of Texans are being endangered and we are at serious risk of losing revenue generated from leased lands along the Texas-Mexico border. I thank DPS for their partnership on this critical issue, working together, we will secure our border."

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Texas Looks to Its Future to Guide Its Past
Tyler Cowen
Bloomberg Opinion
November 30, 2021
https://www.bloomberg.com/opinion/articles/2021-11-30/texas-looks-to-its-future-to-guide-its-past

Texans think very highly of Texas. This has always been the case, at least in my experience, but during a recent trip to Austin I noticed a deeper development: Texans are beginning to come to terms with their state's history — and they are less concerned about past misdeeds than about future achievements.

The relevant "monument" in Austin at the moment is Tesla's new headquarters and factory, called Giga Texas, which is still under construction. When complete, it is promised to be almost one mile long, and it is already so big it is difficult to see all at once. Meanwhile, about 90 miles southwest and almost 200 years into the past, plans are proceeding for a $400 million renovation of the Alamo site, even though the project would disrupt older burial sites, including for indigenous peoples. That too is Texas at work.

I am a fan of Texas and have long been a booster of its prospects. I also live in Virginia, and can't help but notice the difference in the treatment of the historical.

Consider the state flag, which is on display everywhere in Texas. In fact it is reputed to be the best-selling state flag, and can be found on items ranging from bikinis to boots, even though it represents a history every bit as fraught as Virginia's. Texas had slavery both before and after it joined the Union, and the flag dates from 1839. Nor did Texas treat Native Americans well, especially during its period as an independent nation.

The veneration of the Texas flag stands in stark contrast to the flag not only of Virginia but also of the Confederacy, which was once flown prominently in both states but is now socially unacceptable to display anywhere.

Context, however, is all important, so I can accept this difference in flag traditions. As Texas continues to boom, its core story is being retold. The new Texas narrators — such as the startup crowd and real-estate developers — treat the past as bygone and adopt a more forward-looking perspective. They ask which regions and political units, victimized groups included, will do the most for America.

That may feel like dodging crucial questions about historic injustice, but consider Texas's recent record of job creation and inward migration. The Texas approach has passed a market test by attracting and keeping significant numbers of minorities. By one measure, people of color account for 95% of Texas's population growth since 2010. That too is a kind of restitution.

A visitor to Texas also can't help but ponder questions about land rights. It is now common practice for universities and companies, especially in blue states, to make "land acknowledgements," decrying the thefts of their current real estate from indigenous tribes. Yet there is rarely serious talk about giving those lands back — never mind giving indigenous peoples a share in Harvard's hedge fund income or Microsoft's dividends. This supposed acknowledgement mocks the powerlessness of those victimized groups while displaying the arrogance of power.

The Texas approach is more honest. Implicitly at least, the state recognizes that none of its land will be returned to indigenous peoples — but it offers the descendants of those groups the opportunity to shape its future and share in its prosperity, if only by working or owning property there.

If you go to BookPeople, an Austin book store emphasizing many left-wing titles (and where virtually everyone wears a mask, a rarity in the city), you will find prominently displayed T.R. Fehrenbach's monumental "Lone Star: A History of Texas and the Texans." The book proudly defends the broader sweep of Texas history, including the taking of Texas from Mexico and then the absorption of Texas into the United States, a sequence not without its share of chicanery.

I don't agree with every moral judgment in that book. But I am glad to see it has not been cancelled, even in the bluest part of the state. Arguably Texas pride is part of what is helping Texas build a better future. This emphasis on the future over the past is being strengthened by the arrival of so many out-of-state migrants, including well-to-do Californians from the technology sector.

None of this is to say that all historical discourses should mirror those now playing out in Texas. There is no single best answer or response to the rise of wokeism. But one thing the pandemic has made clear is that public messaging is a lot cruder and a lot simpler than one might wish.

So should we talk about "the future" or obsess over "the past"? The state of Texas is making a pretty good case for a marginal revolution — for a little less self-excoriation and a little more self-visualization.

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Voters are sending a message with rejection of school bonds, and districts must listen
Editorial Board
Dallas Morning News
December 1, 2021

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https://www.dallasnews.com/opinion/editorials/2021/12/01/voters-are-sending-a-message-with-rejection-of-school-bonds-and-districts-must-listen/

Texas voters have a long habit of rubber-stamping school bond packages. And, for the most part, that's been a good thing.

But as we recently highlighted in Allen ISD, and as reporter Corbett Smith laid out in more detail in a recent story, it isn't as easy these days for school boards to get their whole wish list out of voters. And that's a good thing, too. Officials need to know that voters are looking at their spending carefully and are ready to send a message of financial accountability and fiscal restraint.

In the past year, multimillion dollar propositions in Dallas, Fort Worth, Allen, Azle and White Settlement have all been rejected. Smith reports that, across the state, only 47% of 110 district-led propositions passed on the November ballot.

That pushback from traditionally easygoing voters has raised questions about what political dynamics are at play locally and statewide.

We can't know why individual voters decided the way they did, but we see a pattern in the outcomes of North Texas school bond elections. Voters are rejecting projects that they see as spending on areas beyond core education, and they're often saying no for good reason.

Allen voters have twice turned down spending on athletic facilities since 2020 but approved $214 million in campus infrastructure and technology improvements. Last fall, Dallas ISD voters funded repairs and upgrades to more than 200 campuses along with technology spending but rejected three propositions focused on expensive new facilities for the fine arts and athletics. Similar scenarios played out in the Fort Worth and Azle school districts this November.

Meanwhile, White Settlement ISD voters balked at a $115 million package to expand schools, from classrooms to playgrounds to fine arts spaces, but approved a tax increase to boost counseling and teacher salaries.

In Allen ISD, a conservative political action committee takes credit for mobilizing voters, but we cannot ascribe the bond failures in other North Texas communities to the same movement.

It would also be too easy to attribute this broad voter rejection of school bonds to incendiary national politics. Rockwall ISD can offer some perspective on this. In the spring, this predominantly conservative community spurned school board candidates critical of masking mandates or guidelines in schools, and in the fall, it approved bond funds for new schools and technology.

People are keenly aware of their growing property tax bills, and the days of letting school boards borrow to the hilt might be over. We don't see voters rejecting education spending. We see them holding local governments accountable for how their money is spent.

State lawmakers gave voters a hand in 2019, when they required that districts separate out the construction of stadiums, swimming pools, theaters and other special facilities from general construction propositions. This requirement allows voters to review projects more carefully. It was the right thing to do.

Arts and athletics are important aspects of our children's education, and we don't think voters are asking that they be tossed aside. But as financial pressures grow on families, it's understandable that they want schools to focus on the meat and potatoes. It's a message that officials must heed.

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Analysis: Betting a Texas election on a weather forecast
Ross Ramsey
Texas Tribune
December 1, 2021
https://www.texastribune.org/2021/12/01/texas-election-winter-storm/

In spite of the confident assurances from Texas officeholders, there's still a risk that your power will go off in the face of a big winter storm in the next few months.

Sure, this is politics. The problem, as Austin energy consultant Doug Lewin told The Texas Tribune's Mitchell Ferman, is not with technology, or even with the way electric plants are operated. It's regulatory. This is exactly the sort of problem politics and government were made for — one that can be fixed in Austin.

It's a question of who the state government is working for at any given time. Was it the electric utilities? The natural gas producers who fuel so many electric plants? Commercial and industrial electric customers willing to weather a few blackouts here and there if it means cheaper electric rates? Was it residential customers who want light and heat and water, even (or especially) when it's freezing cold?

Lobbyists are in power when the Legislature is writing laws, the governor is appointing regulators and the state agencies are writing rules. Voters are in power in election years.

Winter is coming, and so is an election year. It doesn't matter whether someone is a great fundraiser, an incumbent, a movie star or someone who flashes a skateboard in a Whataburger parking lot late at night. The job people like that are seeking starts with keeping Texans safe.

Texas failed to do that in February. The Legislature passed some bills on the subject. Some think they came up short. The governor has said that everything that could be done was done, that there's nothing to see here, that the risks are gone.

"I can guarantee the lights will stay on," he told Austin's Fox 7 News last weekend. He said he's "very confident" and said he had signed "almost a dozen laws that make the power grid more effective."

Hope he's right. So do his many supporters and donors — not to mention the Texans who suffered through the last storm.

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Those laws include getting electric generating plants ready for winter. The natural gas providers who fuel many of those plants aren't required to winterize yet; the Texas Railroad Commission won't have those requirements written into the rules until after this winter. There's still a lot to do.

The risk for Abbott and the rest of the elected class is that voters, who expect and demand results to the problems with the Texas electric grid, have the right to toss anyone who doesn't deliver.

Voters have the power to be as tough as the state itself was earlier this year, when it dumped the people at the top of ERCOT and the Public Utility Commission.

The reasons are different. The elected people ran out the appointed people as a kind of political sacrifice, feeding the regulators to an angry public before those voters fixed the blame on the elected class.

So far, that's been enough. Republicans are betting the voters will stay warm this winter, and that will be that.

Meanwhile, the Democrats harping on the chances of a repeat disaster are doing so in self interest. President Joe Biden's popularity is down. National issues — immigration, the withdrawal from Afghanistan and so on — play into Republican hands. Republican lawmakers drew the election maps during this year's redistricting.

It'll take something big to topple the Republican advantage in the state this year. Like a blackout or a bad reaction to the Texas Legislature's very conservative work this year. Without something surprising that moves voters, Texas Democrats start the election cycle at the bottom of a steep hill.

And voters might not be thinking about any of this when the general election rolls around in November. It probably won't be that cold at that time. It's a good distance from February to the election, and voters could be making their decisions on the basis of other issues.

But the electric grid remains a sore spot, even after the bills passed by the Legislature and then signed and bragged on by the governor. In a University of Texas/Texas Tribune poll in October, 60% of voters said they disapproved of lawmakers' response to February's blackouts — including 78% of self-identified Democrats, 46% of Republicans and 61% of independents.

The incumbents on the ballot are forging ahead, watching the political polls and the weather forecasts and hoping the governor's confidence is rewarded.

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American elections are getting less predictable; there's a reason for that
John Opdycke
The Hill
November 30, 2021
https://thehill.com/opinion/campaign/583435-american-elections-are-getting-less-predictable-theres-a-reason-for-that?rl=1

Much has been written about the recent elections in Virginia and New Jersey and what they mean for the Democratic and GOP brands heading into the midterms. Most share two core assumptions: The Red vs. Blue paradigm is still the most accurate way to understand political outcomes, and the increasingly unpredictable gyrations of voters are but a natural pendulum within two party political life.

Polls are routinely wrong — by wide margins. Voters seem to be acting and reacting to a new set of rules and concerns. Political analysts should be asking "What's going on? Do we need new ways and new tools to understand voters? Is something happening in America that we don't quite get?" But that's not what's happening.

Case in point is how the analyst community relates to independent voters.

The largest and fastest growing segment of the electorate is now independent voters: 40 percent to 45 percent of American voters are registered to vote or identify themselves as independents, a trend that is on the uptick in red, blue and purple states. This includes 50 percent of younger Americans. In the 30 states that register by party, "no-party-affiliation" voters are on track to be the largest or second largest group of registrants by 2030.

Most political scientists and analysts consider this trend to be unimportant, not worth studying or understanding.

Some go so far as to insist that independents are not really independents. They are "party leaners." It is standard practice among polling firms to ask people how they identify themselves, and then to ask people who say "independent" which party they lean towards. Thus, an electorate that is 40 percent independent, 30 percent Democratic and 30 percent Republican magically becomes an electorate that is roughly 50 percent Democratic and 50 percent Republican.

Political science insists that the voters should fit the analysis, not the other way around.

It's a clever trick. And it works in the short term. You simply reclassify independent voters as Democratic or Republican fellow-travelers and then feed their views and opinions into the existing algorithms and analytical frameworks. You generate end-product that seems to make sense: "Democrats need to distance themselves from woke extremism;" "Republicans should emphasize small business recovery and less regulation." It works.

And yet it doesn't.

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We live in an era of insurgencies. Outsiders like Ross Perot, Barack Obama, Bernie Sanders, AOC, Andrew Yang and Donald Trump (to name a few) dominate the political landscape. They tap into ... something. A desire for disruption, a hunger for cross-ideological (even contradictory-ideological or non-ideological) forms of political expression, a craving for authenticity over platform consistency. I won't slap on convenient labels nor attempt to link these disjointed uprisings into one cohesive narrative — but it seems obvious to me that an analytical approach that insists upon ignoring significant shifts in how the American people identify themselves is going to miss the mark when it comes to understanding this current/emerging era of insurgency and disruption.

In Virginia, independent voters, who supported Biden by 19 points over Trump in 2020, supported Republican Glenn Youngkin over Democrat Terry McAulliffe by 9 points — a 28-point swing. Many young people — the majority of them independents — stayed home. Insisting that independents are "partisans lite" covers over a very fluid and dynamic situation. What a missed opportunity to dig deeper into what's going on.

The decision to register to vote as an independent has consequences. It makes you a second-class citizen in many states, unable to vote in primaries, serve on boards of elections, or even work the polls. You are legally barred from running for judge in Delaware if you are not a Democrat or Republican. Despite the costs, Americans are increasingly choosing this identity.

My experience, as someone who has led dozens of campaigns to give independents full voting rights in primary elections, is that voters who identify and/or register to vote as independent do so for concrete reasons, ranging from the mundane to the profound. Political analysts should be jumping over each other to dig deeper into this emerging phenomenon. Instead, independents are — poof — disappeared with the click of a button, magically to reappear as partisan leaners. Problem solved. Opportunity missed.

There is something going on in American politics. Understanding that it starts with listening to the American people, millions of whom are going independent would be a start. They have a lot to say. And we have much to learn.

John Opdycke is the President of Open Primaries, a national election reform organization.

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From: Kristi Hart
To: Jimmy Gewin
Subject: RE: Program Spclst V question
Date: Tuesday, December 7, 2021 5:52:32 PM
Sensitivity: Personal

This position will be with the Elections Audit Division. Basically, the work will be auditing election procedures and processes in counties around the state.

From: Jimmy Gewin <JGewin@sos.texas.gov>
Sent: Tuesday, December 7, 2021 1:03 PM
To: Kristi Hart <KHart@sos.texas.gov>
Subject: Program Spclst V question
Sensitivity: Personal

Hi Kristi,

I have a question about the Program Spclst V position JP22-016. What kind of work is involved while traveling with this position?

Jimmy

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Tuesday, November 16, 2021 9:38 AM EST
Subject: SOS Morning News Clips 11/16/21

Texas Secretary of State
Morning News Clips
November 16, 2021

A Republican Harris County commissioner voted against certifying the 2021 election results, *Houston Public Media*, November 15, 2021

DA testifies in effort to remove him from Edinburg mayor's voter fraud case, *McAllen Monitor*, November 15, 2021

Judge hears arguments on Edinburg mayor's request to remove DA from illegal voting case, *Valley Central*, November 15, 2021

Beto O'Rourke enters 2022 a weaker candidate with a harder race, *Texas Tribune*, November 15, 2021

Texas state lawmaker leaves Democratic Party for GOP, *The Hill*, November 15, 2021

Democratic state Rep. Michelle Beckley launches campaign for Texas lieutenant governor, *Austin American-Statesman*, November 16, 2021

Renewed urgency surrounds statewide campaigns as candidates cast doubts on elections, *ABC News*, November 16, 2021

Galveston County officials approve controversial redistricting plan, *Houston Public Media*, November 15, 2021

Vegas man to admit voting twice in November 2020 election, *Associated Press*, November 15, 2021

Mexican police rescue dozens of migrants near van holding bodies of five alleged smugglers killed execution-style, *Border Report*, November 15, 2021

The Newest Texans Are Not Who You Think They Are, *Texas Monthly*, November 15, 2021

Opinion: Junk lawsuits by Republican attorneys general harm their own people, *The Hill*, November 15, 2021

A Republican Harris County commissioner voted against certifying the 2021 election results
Paul Debenedetto
Houston Public Media
November 15, 2021
https://www.houstonpublicmedia.org/articles/news/politics/2021/11/15/413426/a-republican-harris-county-commissioner-voted-against-certifying-the-2021-election-results/

Harris County leaders voted to confirm the results of the most recent election on Monday — with the exception of one Republican.

Harris County Precinct 3 Commissioner Tom Ramsey was the lone "no" vote on a measure to certify the results of the Nov. 2 election.

Citing "grave concerns" that included delays in election night results and a lack of equipment familiarity, Ramsey said he wanted an independent audit of the process.

"This was a very small (turnout) election," Ramsey said. "We've got some big elections coming up next year. We've got the primary likely in March, and we've got, of course, November 2022, and we just have to make sure that everything is as it should be."

Republican Commissioner Jack Cagle of Precinct 4 joined the three Democrats on Commissioners Court to vote "yes" on confirming the results.

The state has already announced it would review this year's early voting returns in Harris County, which Elections Administrator Isabel Longoria said were delayed because of a power outage at the central count location. The Texas Secretary of State's Office said it would "work to ensure that all ballots were handled appropriately and counted validly."

The 2021 election was an off-year cycle, with no major candidates on the ballot. Voters did approve eight constitutional amendments, including one that would ban local governments from suspending religious services during an emergency.

But Ramsey's vote against certifying the results comes amid increased polarization among political parties over the validity of elections, despite no proof of widespread voter fraud.

Former President Donald Trump publicly called for an audit into Texas' 2021 election results, insisting for months without

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evidence that widespread voter fraud cost him the election. Hours after Trump's statements, the Texas Secretary of State's Office did open an audit into Harris and three other counties — Dallas, Tarrant and Collin. All but Collin County voted for Joe Biden.

In September, Ramsey and Cagle voted against a resolution condemning that audit. The resolution nonetheless passed 3-2 along party lines, with Harris County Judge Lina Hidalgo calling it "yet another argument to feed a conspiracy theory" that the 2020 election was stolen.

A number of Texas Republicans have come under fire for refusing to accept the results of 2020's presidential election, in which Biden defeated Trump with 306 electoral college votes to Trump's 232. Biden also won 51.3% of the popular vote.

More than a dozen Texas Republicans and U.S. Sen. Ted Cruz all voted to reject the presidential election results in January. That same day, violent pro-Trump extremists stormed the U.S. Capitol to stop the process of counting the votes and certifying the election.

Some state Republican lawmakers who echoed the false stolen election narrative later championed sweeping new voting laws that critics say amount to voter suppression. Houston-area state Rep. Briscoe Cain, who traveled to Pennsylvania to try and help Trump overturn the election, was chair of the House Elections Committee.

Abbott also later appointed John Scott, who briefly represented Trump in his attempts to overturn the election, as Texas Secretary of State.

Ramsey's tenure on Commissioners Court has not been without controversy. At a meeting two weeks ago, he was criticized for going on a conservative talk radio show and accusing Democratic Precinct 1 Commissioner Rodney Ellis of corruption without evidence.

Ramsey also said Ellis, who is Black, may have "anger issues." Precinct 2 Commissioner Adrian Garcia, also a Democrat, put forward a resolution to condemn Ramsey's remarks, saying they promoted a stereotypical "angry Black person" image.

A resolution condemning Ramsey for his comments passed 3-2 on party lines.

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DA testifies in effort to remove him from Edinburg mayor's voter fraud case
Mark Reagan
McAllen Monitor
November 15, 2021
https://myrgv.com/local-news/2021/11/15/da-testifies-in-effort-to-remove-him-from-edinburg-mayors-voter-fraud-case/

Edinburg Mayor Richard Molina's attorney made his case during an all-day, in-person hearing Monday as to why a visiting judge should remove District Attorney Ricardo Rodriguez Jr. and his office from prosecuting the voter fraud case against the elected official.

Testimony throughout the day probed Rodriguez's familial relationships, including one with the person who initially filed the voter fraud complaint with the Texas Secretary of State's office against Molina after he was elected in 2017. That person is former Hidalgo County Justice of the Peace Mary Alice Palacios, Rodriguez's aunt.

Cross examination during the hearing also elicited testimony from a politiquero who admitted that the FBI questioned him about Molina, the mayor's relationships and about a pay-to-play scheme.

That agency does not confirm or deny the existence of investigations.

The district attorney, his aunt and former city councilman David Torres testified, as did several other witnesses.

Molina was indicted on 11 counts of illegal voting and one count of engaging in organized election fraud.

He has pleaded not guilty to the allegations and has maintained his innocence since his arrest, claiming the charges are retaliation for him being elected to office by political players in Hidalgo County who lost lucrative contracts and positions after he was elected.

Visiting Judge Carlos Valdez indicated he would make a ruling on the motion to disqualify Rodriguez Tuesday morning.

During the Monday hearing, Molina's attorney, Carlos A. Garcia, placed those arguments in the hands of the visiting judge as he sought to have Rodriguez removed from the case, arguing a conflict of interest.

While questioning Rodriguez, Garcia asked about whether he had any involvement in his aunt's complaint with the secretary of state, to which the district attorney said he had none. The attorney also asked Rodriguez why he remained on the case against Molina but handed a separate complaint of voter fraud against members of his family to the Secretary of State's office. Garcia also questioned why Rodriguez didn't appoint a special prosecutor in the case.

That second complaint was filed with Rodriguez by Dalia Molina, the mayor's wife.

She was indicted on a single count of engaging in organized fraud and two counts of illegal voting and has pleaded not guilty.

While on the stand, Rodriguez said he had the discretion not to appoint a special prosecutor and decided to pass the complaint to the Secretary of State's office.

"I didn't want to touch it," the district attorney said about the complaint the mayor's wife filed.

On cross examination, prosecutor Michael Garza indicated during questioning that the complaint made its way to the Texas

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Attorney General's office, which made no finding on the complaint.

Garcia also questioned Rodriguez about Edinburg's former mayor, Richard Garcia, who lost his re-election to Molina in 2017.

The former mayor is Terry Palacios' law partner. He is also Rodriguez's uncle and Edinburg's longtime municipal judge.

The defense attorney asked Rodriguez whether the former mayor or the municipal judge ever assisted him financially while he went to law school, which the district attorney denied.

"I wish they would have paid my loans," he said.

Mary Alice Palacios was the last witness of the day and Garcia pressed her on whether she had spoken with Rodriguez about the complaint against Molina and about whether he or anyone else assisted her in compiling a binder of allegations against Molina that she submitted to the Secretary of State's office. The defense attorney also questioned her on how she knew the procedure for filing such a complaint.

She said she used Google to find out how to submit the complaint and that she conducted the investigative work for the complaint on her own and without assistance.

Molina and his attorney have asserted that Mary Alice Palacios filed the complaint against Molina because she lost a lucrative insurance contract she had with the city after he was elected.

"Mary Alice Palacios had an axe to grind with my client," Garcia said.

He also expressed skepticism that she had no help in her investigation that resulted in the complaint to the Secretary of State, which eventually took the form of the indictment against the mayor.

"I think that credibility is questionable," Garcia said.

There was also testimony that centered around a 2015 meeting at Rodriguez's home where Molina, Terry Palacios and other Palacios family members were present, which Torres, the former city councilman, said was about talking politics and improving communication.

"It was about an effort to work together," Torres said.

At the time, Molina was a city councilmember.

Then there was testimony from Miguel Angel Garza, a well-known politiquero whose home was raided by the FBI Feb. 24, 2020, and has had several DWI arrests, including a felony DWI arrest.

Miguel Angel Garza has not been charged in relation to that FBI raid and under questioning by Garza, the prosecutor, he denied that he was cooperating with an FBI investigation into Molina.

The politiquero claimed that he was invited to a party at the district attorney's house in 2015 where he heard Rodriguez and other Palacios family members looking for an opponent to beat Molina, which the prosecutor pointed out apparently happened long before Molina even ran for mayor.

Molina is currently up for re-election and is locked in a runoff race with former Edinburg City Manager Ramiro Garza, a point Molina's attorney also hammered home.

Prosecutors in the case filed a motion to set a jury trial a week before early voting in the general election, which Garcia, Molina's attorney, has characterized as an effort to undermine the election.

However, Garza, the prosecutor, again pointed out that Molina did not have a trial date or any settings in his case because of the pandemic and that the motion's filing followed a ruling by the Hidalgo County Board of Judges that has allowed jury empanelment for trials, which ground to a halt at the onset of the pandemic in March 2020.

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Judge hears arguments on Edinburg mayor's request to remove DA from illegal voting case
Nathaniel Puente
Valley Central
November 15, 2021
https://www.valleycentral.com/news/local-news/judge-hears-arguments-on-edinburg-mayors-request-to-remove-da-from-illegal-voting-case/

EDINBURG, Texas (ValleyCentral) — After hearing arguments and witness testimony from multiple parties, a district judge will soon decide if Hidalgo County's District Attorney will be removed as a prosecutor from the Edinburg mayor's illegal voting case.

Richard Molina, Edinburg mayor, is facing a felony indictment for engaging in organized election fraud and several charges of illegal voting relating to his election as mayor in 2017.

In October, Molina issued a request to remove Hidalgo County District Attorney Ricardo Rodriguez from his position as the prosecutor on the case, citing that Molina removed numerous relatives of Rodriguez from positions during his time as mayor.

A hearing was held on Monday in the 92nd District Court to see if Rodriguez would be removed from the case.

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Judge Luis M. Singleterry heard from several people involved with Molina and Rodriguez on the matter and announced he would issue a decision on Tuesday.

Among those subpoenaed to the trial on Monday were Rodriguez, district attorney's office officials, and other former Edinburg city officials.

Molina turned himself in for the 12 charges he is facing in April 2019 after an indictment was brought against him.

The incumbent mayor ran for re-election in 2021 and received the second-highest vote total behind former Edinburg city manager Ramiro Garza, Jr. Neither of the two received over 50 percent of the votes and will face off in a runoff election in December.

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Beto O'Rourke enters 2022 a weaker candidate with a harder race
Patrick Svitek
Texas Tribune
November 15, 2021
https://www.texastribune.org/2021/11/15/beto-orourke-texas-governor-2022-election/

Four years ago, a little-known Democratic congressman from El Paso named Beto O'Rourke announced he was running for U.S. Senate, challenging Republican incumbent Ted Cruz.

O'Rourke got started early, launching more than a year and a half before the general election. At the time, a majority of voters told pollsters they were unfamiliar with him. And perhaps for that reason, the incumbent virtually ignored him for 11 months, as O'Rourke began to tour all 254 counties in Texas, built an electrifying campaign that captured the nation's attention and ultimately came within 3 percentage points of Cruz.

He had the wind at his back as the country delivered a blue wave in rebellion against President Donald Trump's first two years in office.

And in the process, O'Rourke became the new star of a Texas Democratic Party that desperately needed one, smashing fundraising records, energizing young people and attracting a healthy amount of GOP defectors. Even his defeat was treated as a kind of victory by Democrats as the "Beto wave" swept their other candidates into office down the ballot.

This time, O'Rourke's statewide campaign is starting in a completely different place.

His run against Gov. Greg Abbott, which he announced Monday, is starting 229 days later than his U.S. Senate campaign did in 2017. O'Rourke is now well known statewide — and polls show more Texas voters have a negative view of him than a positive one. And Abbott's not giving him a pass, regularly rallying Republicans against him on the campaign trail and releasing videos attacking him.

This time, national politics will not play in his favor. Trump is out of office, President Joe Biden is deeply unpopular in Texas and Democrats are expecting to take a beating in the midterm elections nationwide.

Meanwhile, O'Rourke's shine has dulled considerably after an unsuccessful presidential campaign during which he took positions that could be politically perilous in Texas.

"The dynamics are just much more different, and the climate's totally different," said Nick Maddux, a Texas Republican strategist who worked on Cruz's 2018 campaign.

Of course, Abbott is also not in the same position he was the last time he was on the statewide ballot four years ago, when his race was an afterthought compared to Cruz's. After navigating the coronavirus pandemic, February's winter weather disaster and a series of contentious legislative sessions, the governor's approval rating has sunk to the lowest it has been since he took office in 2014.

Zack Malitz, a Texas Democratic consultant who was statewide field director for O'Rourke's 2018 campaign, said the Senate race was "this runaway, totally unexpected, pretty joyous campaign." While Cruz was a "real villain," Malitz added, he was not an executive like Abbott, who, especially in the time of pandemic, is making decisions every day that affect many Texans.

"This is just gonna feel different because it's so vividly clear that lives are on the line," Malitz said, acknowledging that both candidates are already "fairly well defined in the minds of Texas voters."

"On both sides, this is gonna be an angry and existential election," he added.

One of O'Rourke's top goals, Democrats agree, should be to ensure the race is a referendum on Abbott, who this year ushered through some of the most conservative laws — on abortion, guns and voting — in recent Texas memory.

Abbott's campaign is already trying to make the contest about O'Rourke, branding him "Wrong Way O'Rourke" and spotlighting comments in which he has tacked to the left since the 2018 race.

"He clearly keeps running more to the left and he stands at the extreme left wing of his party as of today," Abbott campaign spokesperson Mark Miner said. "Now he'll try to reinvent himself, but he can't run from his past."

A series of losses

Even before losing to Cruz, O'Rourke was being discussed as a potential White House contender.

He launched in March 2019 after months of fervent speculation. The initial fanfare quickly gave way to tougher scrutiny than O'Rourke faced in the Senate contest, beginning with a glossy Vanity Fair cover story that accompanied his launch in which

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he declared he was “just born to be in it,” referring to public service. Soon after, his presidential campaign faded into the back of the crowded primary pack.

A pivotal moment for O’Rourke nonetheless came that summer, when a gunman opened fire inside a Walmart in El Paso, killing 23 people and injuring 23 others. The tragedy was personal for O’Rourke, who often touted his love for his hometown on the campaign trail and frequently reminded people that it was one of America’s safest cities.

O’Rourke responded to the massacre by becoming one of the loudest voices in the Democratic presidential primary on gun control and proposing a mandatory buyback of assault weapons.

That led to a debate performance that would live in infamy among both O’Rourke’s supporters and detractors.

“Hell yes, we’re going to take your AR-15, your AK-47,” O’Rourke vowed from the debate stage in Houston, garnering loud applause.

Despite the new urgency that O’Rourke brought to his campaign after the El Paso massacre, he remained low in the polls. Running out of money and facing the possibility of missing the cut for the next debate, O’Rourke announced on Nov. 1, 2019, in Iowa that he was dropping out of the race.

O’Rourke wasted little time returning to Texas politics after his presidential bid. He resisted encouragement to challenge U.S. Sen. John Cornyn and instead launched a political action committee to boost the state’s Democrats in the 2020 election.

The group, Powered by People, made its first major project a January special election for a state House seat in suburban Houston that Democrats thought was trending in their favor. O’Rourke became omnipresent in the contest, spending dayslong stretches in the district hundreds of miles from El Paso.

But the all-out offensive ended in devastation for Democrats: The Republican won by a large margin.

Weeks later, O’Rourke reemerged on the national political scene to endorse Biden for president — making a surprise appearance with two other former Biden rivals at a Dallas rally on the eve of the Texas primary. Afterward, Biden and O’Rourke dined together at a nearby Whataburger.

“When Beto took the stage that night to endorse President Biden, it electrified not only that room but the surging Biden campaign,” said Mike Collier, the Democratic candidate for lieutenant governor who was a senior adviser to Biden’s campaign in Texas.

Biden went on to win the Texas primary comfortably, part of a sweep of the Super Tuesday states that set him on the path to the nomination.

O’Rourke, meanwhile, redoubled his efforts in Texas, diving headfirst into the Democratic campaign to capture the state House majority. Democrats thought — and Republicans worried — that they had a real shot at controlling the lower chamber for the first time since they lost the majority in 2002 in what would have been a thunderous shakeup in Texas politics.

With the coronavirus pandemic bearing down on the country, the efforts went mostly virtual, with O’Rourke leading massive phone banks over Zoom.

While many candidates welcomed O’Rourke’s support — grateful for the attention, fundraising and organizing he brought — Republicans salivated. That was especially true of Abbott and his campaign, which painted O’Rourke the central villain in its multimillion-dollar effort to keep the state House red.

One Democratic candidate in a tight state House election, Joanna Cattanach, recalled seeing digital ads from the National Rifle Association linking her to O’Rourke, portraying both as “red-faced bogeymen.” She believes such ads did not necessarily change minds in her race but inspired more Republicans to turn out.

“Beto for many of us is — and always has been — an energizing force to a campaign,” said Cattanach, who ended up losing to state Rep. Morgan Meyer, R-Dallas, by a small margin. “Good or bad, there is an energizing force that comes with Beto. I always found it uplifting. I always found it worth it.”

Despite the massive push by O’Rourke and other Democrats, the GOP easily held on to the state House majority, with neither side netting any seats.

In the days after the devastating election, O’Rourke joined other Democrats in conceding they were hurt by not campaigning in person during the coronavirus pandemic as much as Republicans did, among other factors.

The next time most Texans would see O’Rourke in the headlines, it would be in a less political context. After millions of Texans lost power to electric grid failure in February, O’Rourke began raising money for relief efforts and traveling the state to volunteer for those affected. His actions drew the spotlight back to him but also provided a contrast with Abbott, who was getting pilloried by some for his response to the crisis.

Finally came this year’s legislative sessions, during which Abbott steered the state further to the right on issues like guns and abortion, all while he took aggressive executive action to roll back statewide coronavirus restrictions and prohibit local officials from acting on their own. The biggest debate that caught O’Rourke’s attention, though, was the fight over Abbott’s priority elections bill, which further tightened voting rules in Texas. The proposal prompted Democrats in the Texas House to flee to Washington, D.C., shutting down business in the Legislature for nearly six weeks for lack of a quorum.

As the state lawmakers used their time in Washington to lobby for federal voting rights legislation, O’Rourke raised hundreds of thousands of dollars to keep them there and sought to build public pressure on Congress back home, crisscrossing the state for nearly two dozen events. It was the most statewide travel for a political cause that O’Rourke had done since his 2018 race, and speculation about his 2022 plans followed him virtually everywhere.

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Still, he waved off questions about challenging Abbott, saying he would make up his mind after the fight over the elections legislation.

It ended in yet another loss for Democrats, with the state lawmakers eventually returning home and restoring quorum for the GOP to send the elections bill to Abbott's desk. And despite O'Rourke's efforts, Congress has yet to send federal voting rights legislation to the president's desk.

Running a different race

After O'Rourke's Senate campaign, presidential campaign and starring role in the 2020 election in Texas — and all the GOP attacks that have accompanied each endeavor — O'Rourke's image in the state is damaged.

In the span of four years of polling from the University of Texas and The Texas Tribune, O'Rourke went from a politician that 55% of voters said they were unfamiliar with to one that only 7% said they were unfamiliar with. In the latest survey, conducted late last month, 35% of voters rated O'Rourke favorably, while 50% rated him unfavorably.

"Everyone has an opinion of Beto O'Rourke — and it's upside down," said Maddux, the Cruz strategist.

At the same time, Abbott has found himself at one of the most vulnerable points in his governorship. Two months ago, the same poll gave Abbott his highest disapproval rating — 50%. It ticked down to 48% in the latest survey.

For those reasons, Democrats hope O'Rourke can keep the focus on Abbott and the governor's response to the electric grid failure and coronavirus pandemic.

Whether — and how much — to go after the incumbent was a hotly debated topic in O'Rourke's 2018 race, and O'Rourke grappled with it for months before deciding to launch anti-Cruz ads in the closing weeks of the contest. He does not appear to be hesitating this time.

"I want to make sure that the people of Texas understand the choice before us," O'Rourke said in an interview with the Tribune. Asked if that means he will run ads that provide a contrast with Abbott, O'Rourke replied, "Absolutely."

Art Pronin is a longtime Democratic activist from Houston who is president of the Meyerland Area Democrats. Pronin said Democrats are hoping O'Rourke has a "disciplined, hammered, honed-in message on Abbott" and do not "want to have a situation where it's all about Beto and every single thing he's ever said and done."

"I think that's really key for his run," Pronin said. "It has to be really disciplined, and Beto's a guy who speaks from the heart, which is part of the appeal, but I think there's a widespread recognition this has to be different from 2018."

Democrats are also looking for a more professionalized campaign from O'Rourke, who famously eschewed polling in his Senate race. In the interview, he signaled openness to using polling to make certain campaign decisions.

"I'm certainly happy to look at data and to make sure that we make informed decisions about where we deploy resources, but I will never take a poll or look at a survey to try to determine what I believe or what the people of Texans want," O'Rourke said.

And of course, Democrats are hoping O'Rourke is ready to address guns after his "Hell yes" moment from the 2019 debate stage. He said in the interview that he would not be shying away from that proposal in his race against Abbott.

Michael Tolbert, chair of the Smith County Democratic Party in deep-red East Texas, said O'Rourke has "good instincts, and I believe part of his success in his Senate campaign was that he relied on his instincts." But when it comes to guns, Tolbert added, O'Rourke "needs to do his research to find out what Texans think and feel."

"If he wants to come hunting in East Texas, I would be happy to train him, go hunting with him, kind of let him see that's part of the culture here," Tolbert said. "Yes, we do believe there needs to be more background checks, more gun safety, but there's gotta be a way to do it without going too far to the extreme."

The gun comment is not the only one O'Rourke has made since 2018 that he will have to grapple with against Abbott. The governor's campaign has already spotlighted other statements O'Rourke has made expressing varying levels of support for the "defund the police" movement and the Green New Deal, the ambitious progressive plan to fight climate change.

Then there is Biden, who, as of now, is anything but an asset for a Democratic statewide candidate in Texas. Only 35% of Texas voters approved of Biden's job performance in the latest UT/Texas Tribune Poll, compared with 55% who disapproved.

While O'Rourke was a key supporter of Biden in the 2020 election, O'Rourke has not given Biden a perfect score in the White House. O'Rourke has said Biden could do more to push for voting rights legislation and wrote an op-ed in September criticizing how the administration dealt with the thousands of Haitian migrants who showed up at the Texas-Mexico border.

Both of those critiques have been from the left of Biden, though, and it remains to be seen how O'Rourke will appeal to those on the other side of the political spectrum from the president. Asked about Biden in the interview, O'Rourke responded by focusing on how Texas benefited from the federal COVID-19 recovery money that Biden's administration has distributed — and how the state will soon benefit from the $1 trillion infrastructure bill that Biden is set to sign into law Monday.

Malitz, the staffer from O'Rourke's 2018 campaign, said O'Rourke can stand out in the challenging national environment by focusing on "local circumstances" — issues exclusive to Texas like the power grid debacle.

"This is gonna be a tough midterm for Democrats, and if you have to win, you have to defy the trend," Malitz said. "For a race to defy a national trend, voters have to go to the polls to vote on something affecting their state specifically."

The differences for O'Rourke are not all negative. After all his work in the 2020 election, Texas Democrats now see him as much more of a team player, a far cry from the 2018 candidate who did not always seem comfortable with the intraparty

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responsibilities that came with leading the statewide ticket.

O'Rourke is also running in a different campaign finance system at the state level — one that allows unlimited donations to candidates. That will be key if O'Rourke wants to have any chance of catching up to Abbott's overwhelming campaign war chest, which stood at $55 million at the end of June. He confirmed in the interview that he will accept unlimited donations.

O'Rourke was otherwise restrained in discussing how he is approaching this campaign differently from his 2018 run, repeatedly saying his strategy would be informed by what Texans are telling him.

"If I have any chance of winning this," he said, "I've got to listen to, trust, work with the people of Texas."

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Texas state lawmaker leaves Democratic Party for GOP
Mychael Schnell
The Hill
November 15, 2021
https://thehill.com/homenews/state-watch/581569-texas-state-lawmaker-leaves-democratic-party-for-gop

Texas state Rep. Ryan Guillen announced on Monday that he is departing the Democratic Party to join the GOP.

"After much consideration and prayer with my family, I feel that my fiscally conservative, pro-business, and pro-life values are no longer in-step with the Democrat Party of today, and I am proudly running as a Republican to represent House District 31," Guillen said in a statement, according to the Texas Tribune.

The state lawmaker, who was first elected to the Texas House in 2002, made the move official during an in-person announcement Monday morning alongside Texas Gov. Greg Abbott (R) and Texas House Speaker Dade Phelan (R).

Guillen's move came after the Republican-led redistricting of the Lone Star State transformed the lawmaker's already GOP-leaning district into reliably red territory, the Tribune noted.

According to ideological rankings by Mark Jones, a political science fellow at Rice University's James A. Baker III Institute for Public Policy, Guillen was the least-liberal Democrat in the Texas caucus. The ranking was published earlier this month.

Guillen did not join a majority of his colleagues in leaving Texas for Washington, D.C. over the summer amid the legislature's intense battle over a sweeping elections bill, according to the Tribune. Members of the caucus were gone for roughly two months, in an effort to deny Republicans a quorum they needed to convene a special legislative session and take up the controversial bill.

Guillen also broke from his party last month when he voted for a bill that sought to prohibit transgender student athletes from joining teams that correlated with their gender identities, according to the Tribune. He was the only Democrat to vote for the measure, which was ultimately passed and signed into law by Abbott.

Texas House Democratic Caucus Chair Chris Turner (D) knocked Guillen in a statement after news of his departure from the party broke, questioning his will to fight the GOP redistricting.

"Republicans cynically gutted Rep. Guillen's district in the redistricting process, showing complete disrespect for both him and his constituents. Usually, people in Ryan's position would choose to fight. Instead, he has chosen to join them," Turner wrote.

He also aired doubt regarding the lawmaker's belief in Republican principles.

"Rep. Guillen probably doesn't believe the Republican talking points he is repeating today, but he thinks they may help him get elected again. Ryan has run for office and been elected as a Democrat for 19 years. He has supported many key Democratic priorities, such as Medicaid expansion and investments in public education, while also opposing the so-called 'election integrity' bill," Turner said.

"It will be interesting to see how he explains his voting record to his new party, given Republicans' hostility to affordable health care and the freedom to vote," he added.

U.S. Rep. Vicente Gonzalez (D-Texas), who represents a congressional district that neighbors Guillen's state district, said the news of Guillen leaving the party was "sad," pointing to redistricting in the state.

"As sad as it is, that's the only way he could have continued to represent his community," said González.

Republican National Committee Chair Ronna McDaniel gladly received the news of Guillen switching parties, writing in a statement that she is "proud to welcome state Representative Ryan Guillen to the GOP."

"The Republican Party is the party of faith, freedom, and opportunity, and we will continue to stand for these ideals in Texas and across the country. With trailblazers like Representative Guillen, we will continue to make gains in South Texas and grow the party in our way to victories up and down the ballot in 2022," she added.

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Democratic state Rep. Michelle Beckley launches campaign for Texas lieutenant governor
Madlin Mekelburg
Austin American-Statesman
November 16, 2021
https://www.statesman.com/story/news/politics/state/2021/11/16/democrat-michelle-beckley-lieutenant-governor-dan-patrick/8627036002/

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Democratic state Rep. Michelle Beckley will launch a bid for lieutenant governor on Tuesday.

Beckley, who represents House District 65 in Denton County, said she is running because Lt. Gov. Dan Patrick and other Republican leaders do not have the interests of Texans at heart.

“We have to stop chasing after these boogeymen that don’t exist,” she told the American-Statesman. “We have enough problems in Texas, and we have to settle down into fixing those problems. I bring experience in the Legislature, and I’ve won two elections. We also get to give voters a choice in the Democratic primary, another option, and that’s a big motivator for me.”

Two other Democratic candidates have announced campaigns for the seat: Mike Collier, an accountant and former chief financial officer of an oil company who came within 4.9 points of beating Patrick in 2018, and Matthew Dowd, a one-time strategist for former President George W. Bush and political analyst for ABC News.

Beckley briefly launched a campaign for Congress earlier this year to challenge U.S. Rep. Beth Van Duyne, R-Irving. But she suspended her campaign after the decennial redistricting process at the statehouse when the political boundaries of the district shifted and she no longer lived in the area she sought to represent.

Similarly, Beckley said she was drawn out of her current seat and can no longer run for reelection. Candidates for the statehouse must live in the district they hope to represent for one year before an election.

“The reality is, they can’t draw me out of the state,” she said.

Beckley defeated incumbent Rep. Ron Simmons, a Republican, in 2018. She said she'll use the same strategy and messaging when it comes to running statewide.

"Most Democrats did not think I was going to win in 2018, and then in 2020 I improved my margins, so I do know how hard it is to flip a district," she said. "The message that I run on is definitely resounding with the voters in the district, and the district I represent encompasses a lot of what is going on in Texas with businesses moving in and demographics changing."

Beckley is running to expand Medicaid coverage to more low-income people, boost funding for public education and improve the state's infrastructure to prevent another statewide failure of the power grid such as happened during the deadly winter storms in February. She also supports fully legalizing marijuana.

Looking at the months ahead, Beckley said much of her campaign efforts will be focused on reaching voters online instead of trying to visit every part of the state.

"You just have to take a leap of faith," she said. "I took a leap of faith in 2018, and I'm going to do it in 2022. We've been registering voters, getting our message out there. Democrats have a stronger infrastructure than they did in 2018. ... Four years later, we have progressed a lot farther and we're playing the long game. It may not be this cycle or the next one or the one after, but you keep moving forward."

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Renewed urgency surrounds statewide campaigns as candidates cast doubts on elections
Alisa Wiersema and Meg Cunningham
ABC News
November 16, 2021
https://abcnews.go.com/Politics/renewed-urgency-surrounds-statewide-campaigns-candidates-cast-doubts/story?id=81116215

More than a year after Donald Trump's efforts to undermine election results were rebuffed at the state and national levels, a wave of Republican candidates across battleground states have made election administration and "integrity" central campaign messages – with more than a dozen still voicing doubt about the results of last year's general election.

An ABC News analysis of 12 high-profile battleground states reveals a trend: Republican candidates for state offices are either questioning the legitimacy of the 2020 election or casting significant doubt on how elections are conducted and votes are counted in their home states. The states examined include Arizona, Nevada, Colorado, Wisconsin, New Hampshire, Pennsylvania, Ohio, Michigan, North Carolina, Texas, Georgia and Florida.

Across these states – five of which Trump won, and seven of which Joe Biden won – at least 15 Republican candidates running for statewide offices – governor, lieutenant governor, secretary of state and attorney general – have refused to acknowledge Biden's win or made other comments directly challenging the validity of the 2020 election, according to an ABC News review of public statements, interviews and campaign websites.

At least 18 GOP candidates in those politically critical states have alleged broader fraud related to 2020 election results. Across these states, at least 12 are using "election integrity" as a campaign issue, and in some cases, these candidates are also casting doubt on the administration of last year's election. Furthermore, at least two candidates are attempting to align the concept of "election integrity" with election-related conspiracy theories.

Post-2020, election experts warn of dangers of highly partisan officials

Should they be successful, some of these Republicans could be in a position to either validate or discard election results in their states for the 2024 presidential election, where Trump himself might be a candidate again. Election experts have expressed concern over the recent trend in GOP candidacies and worry that election administration will no longer be so shielded from party politics.

"We have partisan election officials. Election officials in much of the United States run on partisan lines, and there are often philosophical differences between the Democrat and the Republican in terms of how elections should be run," Lawrence Norden, the executive director of the nonpartisan Brennan Center for Justice's Election Reform program told ABC News.

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"But what we haven't seen so much of in the past, is somebody explicitly saying, 'Elect me because I'm on one side. When elections are going to be run, I'm going to be on one side.' But that message to the public I think is very dangerous: that the job of election administrators is to make sure that one side won," Norden said.

The stakes are even higher in the context of the way the last general election unfolded. Last year, Republican officials holding statewide office were critical in resisting Trump's demands that the election results be overturned.

In Georgia, Secretary of State Brad Raffensberger rebuffed former President Trump's claims that it was "not possible" for him to have lost the state. He also rejected the former president's attempts to get him to "find" the exact number of votes needed to win the election. Georgia Gov. Brian Kemp similarly backed the state's election results, despite the former president calling for his resignation as a result. Meanwhile, in Arizona, the GOP governor certified the election and publicly pushed back against Trump's claims of fraud.

The former president publicly lashed out against these Republicans, which could explain why so many aspiring GOP hopefuls are now bolstering Trump's false claims about elections to varying degrees on the campaign trail. This trend is particularly salient given Republican losses across states that tended to favor Republicans prior to the 2020 general election.

"The overall mistaken belief that somehow the 2020 election was stolen from Donald Trump is a very useful backdrop for (Republicans) in very instrumental ways and it doesn't require that they agree with it entirely. It just requires that they tap into the sentiment for approval of what they're doing," said James Henson, director of the Texas Politics Project at the University of Texas at Austin.

Texas sets the post-2020 Republican tone

In the aftermath of the 2020 election, several Republican lawmakers in Texas appeared to take the steering wheel in driving the discourse surrounding the legitimacy of the 2020 general election. Most prominently, the state's Republican Attorney General Ken Paxton filed a lawsuit challenging election results in the battleground states of Georgia, Michigan, Pennsylvania and Wisconsin -- all of which Biden won.

The move appeared to open the door to simmering suspicions in the state's electorate. Since then, the push for "election integrity" became an accepted policy position by Texas Republicans, and all of Paxton's primary challengers -- including land commissioner George P. Bush, attorney Eva Guzman and state representative Matt Krause -- have mentioned their support for pursuing "election integrity" in some way.

"They can rely on the fact that there is a high level of suspicion among Republican voters about the elections and they think they depend on voters to fill in the gaps themselves," Henson said.

"The exploitation of these attitudes has already been made manifest in Texas with the passage of the election laws," he added in reference to recently enacted legislation that overhauled the state's election parameters and tightened voting rules that were already among some of the toughest in the country.

Both Gov. Greg Abbott and Lieutenant Gov. Dan Patrick backed the effort after having made "election integrity" a top legislative priority item despite walkouts from Democrats and protests from voting rights advocates. Abbott's primary challengers, former state Sen. Don Huffines and former Texas GOP Chair Allen West, also hammered their support for "voter integrity" while indicating they would potentially go farther than the incumbent in that pursuit.

On his campaign website, Huffines alleges that "illegal aliens have cast ballots in Texas elections," appearing to echo Trump's false claims of undocumented voters costing him electoral success. Despite there being no evidence of widespread fraud happening across Texas, he also promises to "investigate and aggressively prosecute voter fraud" if elected.

West was the state party chair when the Texas GOP released a statement saying it took "massive election irregularities for President Trump to be removed from office." He now highlights "election integrity" as part of his campaign platform, noting that, if elected, he will support "a full, comprehensive forensic audit of ballots, voting system software platforms, voting records, and records kept by local election administrators."

Arizona "audit" bleeds into 2022

West's focus on the concept of so-called election "audits" builds off a situation that played out in Arizona following the certification of 2020 election, in which state Republicans backed a months-long, forensic re-examination of voting systems. Although the effort concluded that Biden actually won by more votes than originally tabulated, many prominent Arizona candidates now running for statewide office prioritized denying the results of the 2020 election while leaning into the "audit" as a part of their campaigns.

Retired TV news anchor Kari Lake, now a frontrunner in the GOP gubernatorial primary, has said over the course of her campaign that if she were governor last November, she would not have certified the election. State Rep. Mark Finchem, who was at the insurrection on Jan. 6 and defended the actions of those who stormed the Capitol, is now pursuing a run for the state's chief elections official and would have oversight over the state's elections.

Chuck Coughlin, a veteran Republican strategist who is now an independent, said his firm's data shows candidates going big on the "Big Lie" will have a hard time in a statewide general election.

"All of our data shows out here that a election conspiracy theorist that believes that the election was stolen -- if that is the core part of the election dialogue -- will lose, because a majority of the electorate doesn't believe in that," Coughlin said.

Georgia Republicans grapple with path forward

The heightened divisions among Republicans are already emerging in Georgia, a state that became a core focus of 2020 politics.

Rep. Jody Hice, who voted against certifying the election in Arizona and Pennsylvania in Congress, is now running for

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secretary of state and is facing off against incumbent Secretary Raffensperger. Raffensperger's strength as an incumbent will be tested given his past adherence to the law despite pressures from the former president.

A similar dynamic is playing out in the governor's race, where Kandiss Taylor is running to unseat incumbent Gov. Brian Kemp, who repeatedly did not engage with the "Big Lie." She's claimed that Arizona helped Georgia complete voter fraud last November.

Coughlin says the context of a crowded Republican primary can lead some candidates to the fringes of the party in an attempt to differentiate themselves to voters. The stakes of that possibility are heightened in Georgia for Republican incumbents who may be seen as out of sync with the views of the party base.

"Every campaign that I've run you don't want to have a Republican primary, because it makes you do the things you do," he said.

Trump's backing weighs into Michigan races

A crowded field is vying for the top executive position in Michigan, where Biden won by 2.8% of the vote, and where Democrats have fought to make inroads with the electorate after Trump in 2016 took the state as a Republican for the first time since 1988.

"Michigan had a very close presidential election in 2020, and Donald Trump repeatedly questioned the outcome, including having Michigan state legislative leaders to the White House to try to pressure them to do something about it, and so that's certainly the origin of this trend that we're seeing of more Republican officials and candidates deciding that they need to get on board with that message," said Matt Grossman, who serves as director of the Institute for Public Policy and Social Research at Michigan State University.

Grossman also notes the state's revisions of voting rules ahead of the 2020 election -- including parameters regarding absentee and mail voting -- could have heightened existing partisan tensions.

"Those are legitimate issues about how elections are run that we would expect Democrats and Republicans to disagree on, and so the problem hasn't been that those issues are under consideration -- the problem has been the linkage of those more legitimate issues with this other set of illegitimate set of claims about the election results themselves," he said.

In hopes of ousting incumbent Democrat Gov. Gretchen Whitmer, almost half of the Republican gubernatorial field have expressed beliefs that rampant fraud was a factor in landing Biden the presidency. As reported by MLive over the summer, Articia Bomer, Ryan Kelley, Evan Space, Bob Scott and Ralph Rebandt all lean on these allegations of unsubstantiated voter fraud when asked about the 2020 election outcome.

Although it will be up to the state's GOP to nominate candidates for attorney general and secretary of state at next year's party convention, two candidates for these positions already earned the endorsement of Trump.

In a statement, the former president touted attorney general candidate Matt DePerno as a "Super Lawyer" who "relentlessly fights to reveal the truth about the Nov. 3rd Presidential Election Scam." Trump also announced his backing of secretary of State candidate Kristina Karamo -- who spent weeks backing legal efforts to challenge Michigan's 2020 election results.

Taken together, these examples of high-profile, 2022 statewide races highlight divisions over election administration that will raise the stakes for the next general election and will set the tone for how election officials administer voting procedures.

"Election officials faced massive, unprecedented pressure to lie about the election, and they didn't. And I think that that is part of the reason now why there is such a focus, there's such a backlash against them, was because they refused to lie. They insisted on telling the truth about the election results. If they had bent to that pressure, the story of the post-2020 election might have looked very different," Norden said.

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Galveston County officials approve controversial redistricting plan
Jen Rice
Houston Public Media
November 15, 2021
https://www.houstonpublicmedia.org/articles/news/politics/2021/11/15/413375/galveston-county-officials-approve-controversial-redistricting-plan/

Galveston County commissioners on Friday voted to approve a controversial new precinct plan, despite strong pushback from residents who say the new map would dilute minority representation in the region.

Officials considered two maps during Friday's meeting — one that would nullify the minority voting advantage by adding to it the largely Anglo Bolivar Peninsula, and the other, which was approved, that would dismantle the precinct entirely by shifting it inland.

In a packed room, dozens of Galveston County residents — many people of color — testified against the plan.

"I'm neither Democrat nor Republican. What I do know, as a woman born in the south and raised in the south, is that this map — both of them — are racist, and you know it," said Galveston County resident Hannah Melcer.

The move will likely cost the seat of Precinct 3 Commissioner Stephen Holmes, the only Black member of the court and the only Democrat. Holmes, first appointed to the court in 1999, is up for reelection in 2024.

Before Friday's vote, Holmes addressed residents and members of the court, calling the proposed maps "discriminatory."

"We are not going to go quietly (into) the night," Holmes said. "We are going to rage, rage, rage until justice is done."

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The final vote was 3 to 1 — Galveston County Judge Mark Henry and Republican commissioners Joe Giusti and Darrell Apffel voted in favor, while Holmes voted against. Commissioner Ken Clark was absent.

Judge Henry did not immediately respond to a request for comment on Monday.

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Vegas man to admit voting twice in November 2020 election
Ken Ritter
Associated Press
November 15, 2021
https://www.beaumontenterprise.com/news/article/Vegas-man-to-admit-voting-twice-in-November-2020-16622740.php

LAS VEGAS (AP) — A Las Vegas business executive whose claim of voter fraud was featured by state Republicans in November 2020 as proof of tainted votes has agreed to plead guilty to a reduced charge of voting more than once in the same election.

Donald “Kirk” Hartle is expected to pay a $2,000 fine and receive the equivalent of one year of probation when he's sentenced, according to a plea agreement filed Monday ahead of his scheduled plea on Tuesday in state court in Las Vegas.

Hartle, 55, had faced two felony charges in a criminal complaint alleging that he used his dead wife’s ballot. Hartle’s wife, Rosemarie Hartle, died in 2017 at age 52.

Hartle’s attorney, David Chesnoff, on Monday called the plea deal fair and said Hartle accepted responsibility for his actions.

Through a spokesman, state Attorney General Aaron Ford declined immediate comment.

The state Republican Party featured Hartle’s account as an example of widespread voter fraud in Nevada, where now-President Joe Biden, a Democrat, defeated then-President Donald Trump by 33,596 of 1.4 million votes cast, or about 2.4%.

Records showed a ballot for Rosemarie Hartle was submitted with a signature that matched Clark County voter records.

State and federal courts in Nevada and other states rejected dozens of election challenges by Republicans and Trump’s presidential campaign, including claims of widespread voter fraud.

Ford, a Democrat, has called voter fraud rare and vowed that his office would not tolerate it.

In an earlier Nevada case, a 53-year-old man was sentenced last July to up to two years of probation for his guilty plea to one felony charge of voting twice — in Benton, Arkansas and in Las Vegas — during the 2016 presidential election.

At least five other people have been convicted in Nevada since 2011 of registration fraud during voter recruitment, and one woman pleaded guilty to trying to vote twice in 2012.

When Hartle was charged, he became the only person currently being prosecuted on voter fraud allegations in Nevada.

Nevada Secretary of State Barbara Cegavske, a Republican, said in April that reviews of election fraud claims delivered to her office by the state GOP in March found that some cases were already under investigation but that most were baseless or inaccurately interpreted.

Hartle is an executive at Ahern Rentals, a company that hosted a re-election campaign event in September 2020 for then-President Donald Trump.

Company owner Donald Ahern also owns a Las Vegas hotel at which a national group espousing fringe QAnon conspiracy theories met in October for an event with speakers featured on Fox TV, News Max, The Victory Channel, One America Network and other sites favored by Trump.

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Mexican police rescue dozens of migrants near van holding bodies of five alleged smugglers killed execution-style
Julian Resendiz
Border Report
November 15, 2021
https://www.borderreport.com/hot-topics/border-crime/mexican-police-rescue-dozens-of-migrants-near-van-holding-bodies-of-five-alleged-smugglers-killed-execution-style/

EL PASO, Texas (Border Report) – Police in southern Chihuahua state are investigating the execution-style murder of three men and two women whose bound bodies were found inside a vehicle near a van transporting dozens of Central American migrants.

The migrants were alive and rescued by police near the Jimenez-Gomez Palacios Highway. Mexican media said the five shooting victims are suspected smugglers believed to have been “taken out” by rivals or members of a drug cartel. The latter in recent months have increasingly and violently tried to take over the migrant-smuggling trade from independent operators.

A spokesman for the Chihuahua Attorney General’s Office on Monday said he could not comment on the investigation. He said the victims had their hands tied behind their backs and were shot to death.

Initial news reports said 16 Honduran migrants were found locked inside the van, but AG’s spokesman Enrique Rodriguez said more than two dozen citizens of Honduras and Guatemala were found wandering near the highway.

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“We are taking their statements to see if they can help with the investigation. We are still waiting for the autopsy results on the victims. I can say they were shot,” Rodriguez told Border Report.

A representative of the state’s Human Rights Commission met with several of the rescued migrants over the weekend, including a 16-year-old boy and two adults who don’t speak Spanish, Diario de Chihuahua reported. The migrants are to be repatriated.

This would be at least the third incident in the past two months in the border state of Chihuahua involving violent attacks against migrant smugglers.

In late September, a group of heavily armed men intercepted a truck carrying 14 migrants south of the Presidio, Texas-Ojinaga, Mexico border. The men allegedly beat up two smugglers and took the 13 adult migrants, according to a boy who was going with the migrants to work in Odessa, Texas, and escaped the assailants. The 13 migrants and the smugglers are still missing.

In October, a shootout in South Juarez left an alleged smuggler dead and a Honduran migrant injured. The assailants commandeered the vehicle the smuggler was driving and took off with three Hondurans inside.

Former Chihuahua Attorney General Cesar Augusto Peniche earlier told Border Report that drug cartels such as La Linea are aggressively moving to take over the migrant smuggling trade in Chihuahua and were going as far as kidnapping and murdering independent operators to achieve their goal.

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The Newest Texans Are Not Who You Think They Are
Tom Foster
Texas Monthly
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https://www.texasmonthly.com/news-politics/newest-texans-who-are-they/

What an attractive crowd!” cheered Fredrik Eklund, the Swedish-born celebrity real estate broker who stars on the hit Bravo reality show Million Dollar Listing. He stood on the patio of a newly built home in Tarrytown, the tony neighborhood that hugs the shores of Lake Austin, addressing the local brokers who were packed into the yard. It was the launch party for the Austin branch of Douglas Elliman, a brokerage famous in New York and California for selling luxury homes and high-rise condos.

Eklund, who wore a double-breasted navy linen jacket, snug-fitting white slacks, and sockless dress shoes, seemed a little surprised that the crowd had matched him ankle for stylish ankle, but he didn’t linger on it. Speeches had to be made, toasts given, and then he’d board a plane for Miami first thing in the morning, after fewer than 24 hours in the Texas capital. For the moment, his job was simply to be seen, to lend some sizzle to the occasion. Not only was Elliman moving in on Texas real estate, it had brought its biggest gun, Eklund, one of the country’s top real estate brokers, who also happens to be a bona fide TV star.

Not that Austin—or this house—needed any help in the sizzle category. The three-story brick-and-shingle mansion had sold in two days for considerably more than its $16.25 million asking price, to an out-of-town buyer whose identity was confidential (but who was rumored to be to an entrepreneur from Los Angeles). During the party, celebrated interior designer Fern Santini glided from room to room in a silk Pucci caftan aswirl with soft pinks and yellows, showing off the many style innovations she’d brought to the home, which was sold fully furnished. Brass mesh paneling encircled a spiral staircase. Blue-and-gold cowhide carpeted the ceiling of the third-floor man cave. Outside on the meticulous lawn, a bearded bartender wore pointy boots with skinny black jeans and a flat-brim Stetson. This was rootsy old Austin taken to its most glamorous—or, depending on your perspective, its most absurd—conclusion.

Eklund has built his New York–based Elliman subsidiary, the Eklund Gomes Team, around what he calls the “golden triangle” of U.S. real estate: New York, Miami, and L.A. But as he and his partners got wind of Texas’s booming population and economy in recent years, they started planning to expand here—to Houston, Austin, and Dallas, another kind of golden triangle. As he would tell me later, “I was in Beverly Hills yesterday, and Texas real estate was the only thing anyone wanted to talk to me about.”

In the black-lacquered Tarrytown kitchen, I spoke to a visitor from California who suggested the reality was a little more complicated. “Nobody’s actually moving here,” he said, smiling conspiratorially. “Nobody’s leaving L.A. They’re looking for a tax shelter or something.”

He was exaggerating, of course. For one thing, a string of high-profile corporate relocations from California had grabbed headlines (Charles Schwab to Denton County, Hewlett Packard Enterprise to Houston, Oracle to Austin), and the Elliman team had spent the day meeting with Texas economic development officials in the governor’s office. Eklund’s publicist, Alexander Ali, noted that Elliman was especially excited about the arrival of Tesla, which is in the process of building what it’s calling its Gigafactory near the Austin airport—a structure the size of 165 football fields that would theoretically create 15,000 jobs. Ali suggested that a few high-profile celebrities who’d moved from the West Coast were inspiring others. “Elon Musk and Joe Rogan have such cult followings,” he said. “And when celebrities move, people pay attention.”

And then he leaned in close again and confided that he wasn’t sure this whole scene was entirely welcome. “Does the community not love it?” he asked.

In fact, breakneck growth in recent years has stirred up all sorts of conflicts across the city, much as it has elsewhere in the state, which is perhaps why Ali made certain to explain that this evening’s party was also a benefit for the Health Alliance for Austin Musicians.

Later that night, at an after-party downtown in a dimly lit cocktail bar called the Roosevelt Room, the waitstaff tried in vain to enforce the establishment’s mask mandate while huddles of partygoers talked about the challenges and rewards of surfing this real estate wave. One Dallas agent told me there are simply too many faux chateaus in Big D and not enough contemporary homes to suit the tastes of newcomers. In Austin, developers can’t build high-rise condos fast enough. In Houston, buyers from abroad—the United Arab Emirates, China, parts of post-Brexit Europe—are scooping up many of the

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high-end properties.

At the after-party, I also met U.S. congressman John Carter, a former Williamson County district court judge who's been a law-and-order, free-market Republican representing Round Rock and the other far-northern suburbs of Austin since 2003. Carter was talking with a circle of real estate developers, including an executive from the Related Companies—one of the largest commercial developers in the country, responsible for Manhattan's Hudson Yards and similar megaprojects in London, Abu Dhabi, and beyond. Though he hadn't made it out to Tarrytown for the open house ("Sheesh," he said when I mentioned the sale price), Carter had met the Elliman team as part of the firm's goodwill tour. "I think they're creating enthusiasm," he said. "They realize they don't want to change what makes us a great place to be, so let's hope they don't. We still want to be Central Texas." And how might one do that? "Be cautious," he said.

Of course, nothing about the evening—or the pace of the state's growth—seemed especially cautious.

The Big Picture

The Texas population grew by about four million people in the past decade—far more than any other state in raw numbers, and enough as a percentage to make it the third-fastest-growing state in the nation over that period, behind Utah and Idaho. Roughly 3,800 more people move here every week than move out of state. Tick down any list of the fastest-growing cities in the country, and Texas shows up again and again. Fort Worth, Austin, and San Antonio all landed on the list of cities with a population gain of at least 100,000 over the past decade, according to the U.S. Census Bureau, which released its latest data in August. Frisco easily topped the list of large cities, followed by a lot of other suburbs and exurbs, such as New Braunfels, McKinney, and Conroe.

You get the idea: the Texas population is booming.

That growth, of course, has come with plenty of hand-wringing about everything from an overheated housing market to fears of a hostile takeover by liberal coastal elites. News headlines have stoked those worries in the past two years. And then there was Greg Abbott's 2018 campaign slogan: "Don't California My Texas." But perhaps unsurprisingly, partisans may have it wrong.

For one thing, despite all the public focus on Californication, there are intriguing signs that many of the newest arrivals share key characteristics with lifelong Texans. Many are coming for abundant jobs, lower taxes, fewer regulations, and a more reasonable cost of living (which may be hard to believe for Texan buyers and renters fretting over the housing market but is a fact).

It's also worth noting that people moving from elsewhere make up only about half of Texas's population growth; the other half comes from births outpacing deaths. Of the people moving here, about 40 percent come from other countries and 60 percent from other states—though that balance has tipped back and forth a few times in recent years. Californians are hardly the full story.

Perhaps the most surprising Texas statistic that landed with the latest census: those of Hispanic or Latino origin, Asians, and members of other racial and ethnic minority groups made up about 95 percent of the population growth from 2010 to 2020. (95 percent!) That's 3.8 million new non-Anglos in Texas, compared with about 200,000 non-Hispanic whites. Rogelio Saenz, a demographer at the University of Texas at San Antonio and a native of the Rio Grande Valley, has a memorable way of driving that statistic home. "Essentially, that means we added the equivalent of the cities of Houston and San Antonio in [non-Anglos]," he told me. "And we added the city of Brownsville in [non-Hispanic whites]."

The census revealed just how close Hispanic Texans are to becoming a plurality. When it was published, they constituted 39.3 percent of the population, whereas non-Hispanic whites constituted 39.8 percent. That threshold will be crossed any day now, and by 2050, less than 30 percent of Texans will be non-Hispanic white.

Hispanic Texans, however, are not the fastest-growing ethnic group in the state. That honor goes to Asian Texans. While the proportion of Asians in the state remains just 5.4 percent, the group has gained nearly three times as many new members as Anglo Texans have over the past decade. Whereas Texas gained 187,252 non-Hispanic whites in that period, it gained 613,092 Asians. In some areas of Denton and Collin counties, north of Dallas, or Fort Bend County, just southwest of Houston, Asian immigrants are the driving force of growth.

Whatever their ethnicities, Californians are coming to Texas in much higher numbers than are migrants from any other state. In 2019 about 42 percent of net domestic immigrants came from California. For all the hyperventilating about Californians ruining certain Texas cities, however, the fastest-growing parts of the state owe much of their growth to Texans shuffling around from city to city. In fact, a primary reason Texas is growing so fast is that we tend to stick around as compared to natives of other states, meaning there's less out-migration to offset the in-migration. About 82 percent of people born in Texas still live here, making it the so-called stickiest state in the country.

Bill Fulton, director of the Kinder Institute for Urban Research at Rice University, in Houston, points out that "basically all the population growth is in the Texas Triangle," the relatively tight space defined by the Dallas–Fort Worth, Houston, and Austin–San Antonio regions. He recently wrote a book with former San Antonio mayor Henry Cisneros, "and we found that the Texas Triangle favorably compared to virtually all other mega-regions in the U.S., including Southern California and the Northeast Corridor. It is a true economic powerhouse."

That's just one of the ways Texas's population growth is changing the landscape. In the booming cities, Fulton points out, the influx of a young professional class has led to a flowering of high-rise and mid-rise apartment buildings, as well as multiunit home lots. At the same time, suburbs have become more diverse than they were in the days of white flight from urban neighborhoods, in the sixties, in part because today gentrifying city neighborhoods are edging out non-white residents. Rural and small-town Texas, meanwhile, is shrinking. In fact, 142 of the state's 254 counties are declining in population, some of them precipitously. Schleicher County, between San Angelo and Sonora, lost 29 percent of its population in ten years, the steepest drop in the state.

The diversification of the suburbs could fundamentally alter the political map by changing reliable Republican standbys to perennial toss-ups. Dying small towns carry less electoral weight. Gerrymandering of districts, now pursued as avidly by Republicans as it once was by Democrats, will continue to redraw electoral maps to maintain the current political order. But

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at some point, likely soon, the old assumptions will simply no longer hold true, and the keys to winning Texas will change.

The continued growth of the Texas economy, meanwhile, will increasingly rely on newcomers from other states and countries—to both provide jobs and fill them. In turn, pressure will mount for Texas to better educate and train its homegrown workforce to remain competitive, especially as our population ages. Dramatic shifts in the economic and cultural landscape of the U.S.—as well as in Texas itself—have landed the Lone Star State an opportunity to lead the country into the future. Figuring out how to respond requires understanding the forces that brought us here.

The Growth Propellant

Half an hour's drive southwest of Killeen, within sight of U.S. 183, a patch of prairie has been blasted into a barren crater by eruptions of highly refined kerosene and liquid oxygen that combust and emerge as a torrent of fire from a tangle of tubes and wires—the guts of a rocket engine test model—with such violence that the technicians in charge must watch from a control center eight hundred yards away.

Here, at the edge of the unincorporated Central Texas community of Briggs, which has a population of about 430, is where Tom Markusic met me on a blazing hot afternoon. He's the CEO and founder of Firefly Aerospace, a company that builds rockets to take satellites to space and ultimately, he hopes, to ferry supplies to the moon and other celestial bodies. The company recently won a $93.3 million contract with NASA to construct a lunar lander, and it has built a simulated moonscape here in Briggs, alongside the test-firing field and a small rocket factory.

Markusic, who worked for NASA, SpaceX, Blue Origin, and Virgin Galactic before launching Firefly in 2014, chose Texas for his company's headquarters in part because he knew nobody would get in his way. It's the same reason Jeff Bezos tests and launches his rockets near Van Horn, and Elon Musk launches his in Boca Chica. "There's a different view of property ownership in Texas," Markusic told me as we settled down in a dark conference room inside one of the factory buildings. "There's a clear cultural expectation that your land is [yours] to do with as you choose—within the confines of the prevailing zoning and such, of course. So, the neat thing is, so long as you are a good neighbor, people leave you alone and let you do what you need to do."

"Time is our most precious commodity," Tom Markusic explained, "and we can move a lot faster here in Texas."

In particular, Markusic explained, he needed the freedom to act fast. Firefly, which was valued at more than $1 billion earlier this year and plans to grow its workforce from roughly three hundred at the start of 2021 to nearly a thousand by the end of 2023, competes with some of the world's most deep-pocketed and aggressive entrepreneurs. "Time is our most precious commodity," Markusic explained, "and we can move a lot faster here in Texas." In other states, he said, "you're almost working from a position of presumed guilt, and then you have to prove you're not doing anything wrong. In Texas, it's set up to presume that you're not breaking the law. That allows us to operate our site without extensive permitting. The only permitting that's required at this site right now that I'm aware of is our septic." The company has to abide by state and federal environmental laws, he added, but there were no bureaucratic approvals to secure before his team could start firing up the rocket blaster.

He compared that to a previous experience when he was building a test facility for Virgin in California: "When we went in to get the permitting, they wanted to classify it as a power plant. And you can imagine if you want to build a power plant, that's going to be a tough permitting slog. It was just a silly, one-size-fits-all way of thinking."

His comments echo those of several high-profile recent California defectors, including Musk, who told the Wall Street Journal last December, upon announcing his move to Texas, that he wished California would "just get out of the way" of innovators. That was a couple of weeks after Joe Lonsdale, an influential venture capitalist and cofounder of big-data contractor Palantir, explained his move to Austin from Silicon Valley, also in the WSJ. "Forty years ago . . . you could accomplish anything in the Golden State," Lonsdale wrote in an op-ed that quickly went viral. "Government policy facilitated the entrepreneurial spirit. Dreamers and doers could thrive. The burst of activity in tech, finance, medicine, energy and many other industries lasted for decades. But now a state like Texas provides these opportunities without the problems and baggage California has accumulated."

Just a few years ago, calling Texas more fertile for innovators than Silicon Valley would have raised more than a few eyebrows among the entrepreneurial elite. Texas is home to fifty Fortune 500 companies, sure, and its GDP is nearly $2 trillion, more than that of any state not named California. But the future was being built elsewhere—specifically the West Coast. Now that has changed, and the pandemic hastened the shift. In Musk's case, legal battles with officials over COVID-19 restrictions at Tesla's Fremont, California, factory were a clear catalyst for the company's eventual announcement, this October, that it would be moving its headquarters to Austin.

Of course, wealthy moguls and investors also stand to reap handsome personal financial benefits by setting up in Texas. The state famously doesn't charge income tax (though high property taxes make up the difference for a lot of homeowners). More importantly for the investor class, Texas doesn't charge capital gains tax. California's personal-income tax, by comparison, is the highest in the U.S., at 13.3 percent for sums of more than $1 million a year. The capital gains rate is similar.

And then there are the corporate incentives. Texas has long been known for luring companies away from other states with generous packages containing various tax breaks. Tesla recently negotiated a tax break worth nearly $60 million over 10 years to build its Gigafactory in Del Valle, in exchange for investing $1.1 billion in the plant and vowing to hire at least half of its expected employees from Travis County. At the time of this writing, Samsung was negotiating with Williamson County and the City of Taylor to build a potential $17 billion chipmaking plant there. The South Korean electronics giant had rejected an initial offer from the City of Austin that included almost $650 million in incentives over 10 years; the company wanted a 100 percent tax abatement for 25 years.

Whether economic incentives for business relocation come from a city, a county, or the state's Texas Enterprise Fund (former governor Rick Perry's legacy), they're almost always controversial, with opponents pointing out all the ways they can strain existing infrastructure—roads, water, schools, the electric grid—and end up costing a community as much as it gives away in incentives. The math of whether a deal ends up benefiting a community can be endlessly debated, though. Proponents argue that landing a big corporate relocation spurs investment in communities and creates jobs (though Perry also had terrific luck getting donations from a source tied to the companies his administration locked in with incentives, as a New York Times investigation famously found). A new plant like Tesla's or Samsung's will ideally lead to local home

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construction, investment in the local service economy, and eventual relocation of suppliers.

“HP Enterprise, Google, all these technology-based companies cannot meet their workforce demands with the current Texas workforce,” said Steven Pedigo. “It just doesn’t happen.”

Regardless of how the math of individual economic development deals stacks up, virtually everyone agrees there’s value in diversifying the state’s economy. Though Texas relies a lot less on oil and gas than it did a few decades ago, fossil fuels still represent one of the largest sectors of the economy and the dominant one in the state’s largest city, Houston. This puts the state at risk as the energy industry transitions away from petroleum. As Rice’s Bill Fulton put it, “Houston is at a critical juncture right now. The business leaders have to get out in front to the energy transition so we remain the energy capital of the world but not the fossil fuel capital.” Failing to make that shift, he said, would make Houston “the next Detroit.” While Texas has, in recent years, added jobs in software development and cloud computing, those gains have been outpaced, sometimes drastically, by those in California and other states. Which only underscores the urgency many local leaders feel.

Even Firefly wrangled roughly $1.2 million in incentives from the City of Cedar Park when it established its headquarters there, back in 2014, and earlier this year it picked up an additional $4.3 million in incentives. That package, in addition to paying the company for each job it creates (and for purchasing and renovating a building), shells out $10,000 in cash directly to each employee who buys a home in Cedar Park. In return, Firefly pledged to create nearly seven hundred jobs in the area, with an average salary of $90,000, by the year 2030.

That sounds like a big benefit, but there’s a catch, not just in Cedar Park but all across Texas: companies that relocate and expand here find it tough to hire Texans to fill many of the kinds of jobs that require the most education, expertise, and experience. “We haven’t done a very good job of educating our workforce,” said Steven Pedigo, at the University of Texas at Austin’s LBJ Urban Lab. Those who come to Texas from other states are more likely to have college degrees than native Texans. “HP Enterprise, Google, all these technology-based companies cannot meet their workforce demands with the current Texas workforce. It just doesn’t happen.”

Which raises a question: If not Texans, who exactly is filling all those new jobs?

The Art of the Suburb

The immaculate streets of Frisco, in the far northern reaches of metro Dallas, nearly sparkled under a cloudless sky. It was a Thursday morning, and Dana Baird, a former Dallas TV news reporter who’s now the City of Frisco’s director of communications, piloted her Honda SUV from one commercial development to another, tracing the history of one of the fastest-growing cities in the country. First up was the Stonebriar Centre (“Our first economic engine,” Baird said). Then the Frisco RoughRiders minor league ballpark (“Our first sports venue—the convention and visitors bureau now calls us Sports City USA”). Then the Ikea, the headquarters of the Dallas Stars National Hockey League team, the sprawling Hall office park, the stadium and practice facility of the FC Dallas professional soccer team, and ultimately, the pièce de résistance: the Star District, the gleaming headquarters of the Dallas Cowboys and surrounding office buildings, restaurants, shops, and other amenities.

It was 1987 when Baird’s boss, city manager George Purefoy, settled into his job leading Frisco’s development. A native of Mineral Wells, he’d been the city manager in Columbus, a hamlet that abuts Interstate 10 between Houston and San Antonio, when he decided it was time to level up and head somewhere with more growth potential. “I took out a map one night, and for some reason I followed Preston Road up through the Metroplex, because it was kind of a growth corridor, and it came up to Frisco,” he told me. At that time, it had around five thousand residents and was essentially still a small rail town. But Purefoy saw it as a kind of suburban start-up, a little old place that could eventually grow into something altogether different. “So, I thought, ‘If the city manager job ever opens up there, I’ll apply.’ And that night my wife and I prayed on it, and not one week later I got a call from the City of Frisco asking me to apply.”

A soft-spoken, throwback gentleman who brings to mind Ward Cleaver, Purefoy became the first and only city manager Frisco has ever had—though he likes to joke that he’s had an entirely different job every five years as the city has ballooned. Today’s Frisco population of around 200,000 is almost double that of a decade ago, and the city projects it will reach 300,000 in the next five years or so.

There are a few keys to the success of Frisco. For one thing, abundant land and the expectation of growth: even before Purefoy showed up, city leaders had annexed land on both sides of multiple roads that stretched out from the center of town, creating what he calls “octopus arms” that would come to frame the area’s eventual sprawl. Among Purefoy’s first acts was securing an abundant water supply for the town and cleaning up the finances. He was essentially laying a foundation on which to replicate or improve on what the city of Plano, just south across the Sam Rayburn Tollway, had begun building a few decades prior.

Perhaps most important to Frisco was the counterintuitive fact that Dallas Area Rapid Transit (DART), the metro area’s commuter light-rail system, did not extend past Plano. Whereas the communities served by DART have to dedicate a one percent sales tax to the rail system, Frisco voters elected to use that same cut of money to incentivize businesses to move in and also to buy land for parks and other amenities. The result is that entertainment is so plentiful that many Frisco residents have little reason to leave. The city is less a bedroom community for Dallas than a thriving place all its own that just happens to be adjacent to one of the largest cities in the U.S.

In economic development circles, Frisco is known for its mastery of public-
private partnerships. To help build the Star District, for instance, the city, its economic and community development corporations, and Frisco Independent School District kicked in a collective $115 million, and in return Frisco’s high school football and soccer players get to use the Cowboys’ spectacular indoor stadium. The whole deal came together in three months, Baird told me—lightning speed for a giant commercial development on prime property in a city center. The same strategy built Toyota Stadium, which FC Dallas shares with the high schools.

“We’re basically a city of immigrants,” George Purefoy said, “either from within the United States or from outside the United States.”

The result is a town that regularly lands on the lists of best places to live and best places to do business in America—which in turn helps it stay on the lists of fastest-growing places. And it’s not all strip malls and subdivisions. Frisco has the second-

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largest skate park in Texas, after Houston; the largest private collection of contemporary Texas sculpture; and one of the largest collections of historic train cars in the Southwest.

It's not slowing down anytime soon. Earlier this year the military-grade eyeglass maker Wiley X announced it was coming to Frisco from Livermore, California, and that it hoped to bring its one hundred employees along. In 2019 iconic Texas brand Dr Pepper announced it would move its headquarters from Plano to the Star. The Professional Golfers' Association of America announced in 2018 that it would move from Palm Beach County, Florida, to Frisco. The smoothie company Jamba moved there in 2016. The list goes on.

The competition for corporate relocations or expansions can be a full-contact sport among cities—sometimes even adjacent ones—but the effects often ripple out. Though Frisco lost out on one of the greatest economic development deals in the area's history—neighboring Plano landed Toyota's North American headquarters, which was relocating from Southern California—the runner-up still managed to reap the benefits. The carmaker's campus, which opened in 2017, sits at the northwest corner of Plano, close to residential areas of Frisco. Baird remembers running a trade booth back when Toyota employees were starting to explore the area and the company had set up a kind of relocation bazaar at a hotel. Because Frisco had so many new neighborhoods sprouting up, thousands of Toyota employees ended up settling there, leading to rumors of whole neighborhoods being colonized by transplanted Californians. Today, the median household income is about $127,000—more than double the number for Texas overall—and the median home value is about $400,000.

When I asked Baird whether residents of Frisco ever grouse about all the growth and newcomers, she looked at me sideways. Purefoy pointed out that in a place whose population is almost entirely newcomers, it would be hard to look askance at other fresh arrivals. "We're basically a city of immigrants," he said, "either from within the United States or from outside the United States."

The New Face of Immigration

If the city that George Purefoy built is a triumph of capitalism and Texas's natural inclination toward sprawl, it is also a marvel of something more surprising: the diversification of the suburbs in terms of race, ethnicity, and national origin.

According to the 2020 census, Texas is now the fifth-most diverse state in the country, just ahead of New Jersey and New York. (At the top of the list: Hawaii and California.) And in the major metro areas, the census showed a clear pattern of cities with static diversity levels abutting suburban counties where diversity is surging. One measure of diversity is the census-calculated Diversity Index, which demonstrates the likelihood that any two people in a community will represent different ethnic or racial groups. In Dallas County, the Diversity Index grew by just 2 percent from 2010 to 2020. In Collin County, which includes part of Frisco, that number grew by 19.8 percent.

In Frisco, the largest and fastest-growing minority group is Asian Americans, who make up nearly 21 percent of the city's population. Some 14 percent of the surrounding county's population traces its origins to India, with those hailing from South Korea, Japan, and China making up much of the rest. Many are new not just to the North Dallas suburbs but to the U.S. Nearly 23 percent of Frisco residents were born in another country.

Anamika Mukherjee, a preschool teacher, was born in India and moved to Frisco five years ago, after her husband's job had taken them to California, Connecticut, Brazil, and, finally, North Texas. She told me that Frisco sometimes reminds her of Little India, a famously large ethnic enclave in New Jersey that she and her husband used to visit when they lived in Connecticut. "I have three Indian stores within easy reach of my house," she said, "and you can find every single thing you might want."

She can thank, at least in part, Sunitha Cheruvu. Born in southern India, in the state of Andhra Pradesh, Cheruvu grew up in New York and New Jersey. After she met her husband, who is from Texas, she moved with him to Plano. They were happy, but as practicing Hindus they had to travel more than thirty minutes to worship at a temple in Irving.

She and members of five other families from the area joined forces to build a temple nearer to their homes, and in 2009 they ended up buying a piece of land in Frisco, on the site of a former gardening company. They gathered in a small trailer while their first permanent building was under construction. And then, in 2015, they opened a second, larger, gleaming ivory structure that they believe is the largest Hindu worship hall in the nation, at 34,000 square feet.

Cheruvu now lives, along with many other members of her faith, in the Eldorado Crossing neighborhood, in a two-story brick-facade home whose backyard fence adjoins what's now called the Karya Siddhi Hanuman Temple. "I can look out my window and see the rajagopuram," she told me, referring to the temple's ornate entrance tower, which rises seventy feet between two large elephant statues. "It's beautiful during sunrise and sunset."

In fact, all throughout Frisco, the suburban shopping centers and green spaces show signs of diversity, such as Korean dessert shops and Taiwanese teahouses. The Frisco school district recently introduced a three-week cricket unit as part of the PE curriculum. The student body at Roach Middle School, near the Hanuman Temple, is 37 percent non-Hispanic white, 28 percent Asian, 18 percent Black, 11 percent Hispanic, and 6 percent of a category that includes American Indian, Pacific Islander, and two or more races. At McSpedden Elementary, just down the road, 68 percent of the students are Asian. A few miles away in Plano, Russell Creek Park is the only park in North America to boast seven cricket pitches.

In 2019 Cheruvu helped start the City of Frisco's Inclusion Committee, of which she's the vice chair. The committee has polled residents about issues regarding diversity and inclusivity, and it has spearheaded events such as the first official city celebrations of Diwali, Kwanzaa, and Lunar New Year.

All of which has given Frisco a reputation far beyond the state's borders. As a Dallas Morning News story put it, shortly before the temple's opening, "Young parents in India know Frisco is the place to raise a family." The story cited DFW-based tech companies as part of the allure but credited word of mouth as the greater force. Cheruvu told me the same thing. A week after the temple opened, it hosted a livestreamed chant marathon for nearly eight hundred that lasted more than 24 hours and set a Guinness World Record.

To demographers who study Texas, the story of Indian Frisco is both fascinating and no great surprise: fascinating because it's such a transformation from just one or two census cycles ago, and no great surprise because Frisco is hardly the only place in Texas to see the trend.

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The Great Mosaic
It is hard, the teacher said.
It is hard, the class repeated, fifteen teenage voices in unison.
to leave
to leave
a home.
a home.

The call-and-response continued: It is even harder . . . to make . . . a new home . . . Everything is new . . . Everything is strange.

It was a few minutes before the lunch bell in Johnny Rios's English language arts class at the Language Institute for Newcomers, a specialty school in an annex building that connects two adjacent high school campuses in the Alief Independent School District, which straddles the city limits of Houston on its southwest side. The fifteen teenagers in this class—seven Hondurans, four Guatemalans, three Salvadorans, and one Nicaraguan—attended LINC because they were new to the U.S., and some had no experience with English. They were reading Growing Together, by the Cuban American children's book author Carmen Agra Deedy.

LINC, which was established in 2003, typically serves about three hundred students. They complete a one- or two-year program, depending on how much help they need (some come with no schooling background whatsoever), after which they join the rest of the student body at one of the district's high schools: Elsik or Hastings right next door, or a third school a couple of blocks away. Together, the three serve an astounding 11,200 students.

Much has been made in recent years in the national media about the diversity of Houston, and no place showcases it better than Alief. A mostly lower-income area, Alief is one of the country's most diverse communities. Unlike that of Frisco, Alief's population of roughly 113,000 doesn't fluctuate much, but every year droves of newcomers land here, as others who are more established disperse to the wider region. To drive through Alief is to tour the world—Vietnamese stores on this block, Chinese stores on the next, followed by Salvadoran shops, Mexican shops, Nigerian shops, and on and on. The distinctive rooflines of mosques and Buddhist temples punctuate the horizon.

In her twelve years working for Alief ISD, first as a teacher and now as the ESL department chair for LINC, Dulce Segovia has seen wave after wave of migrants from different parts of the world. There were the hundreds of Burmese students who showed up six years ago. Four years ago, there was a surge of unaccompanied boys from Central America. Today the district is expecting hundreds of Afghan refugees any day, many of them kids. "For me, this is very raw and real, because I went through the same thing forty-two years ago," Segovia told me. She's a former refugee herself, having arrived in Alief in 1980 with her aunt after escaping war in El Salvador. "We asked for asylum, and we did exactly what our students are doing now"—worked hard to find their place in a new country. She referred to the migrants massing at the border in Del Rio, as thousands of Haitians had in the weeks right before I visited Alief, and remembered an incident from childhood when someone called Salvadoran refugees cockroaches—"because there were so many of us and they couldn't get rid of us."

Segovia grew up in the nearby Sharpstown area, earned degrees in English and in curriculum and instruction at the University of Houston, and eventually came back for work. "Alief is family," she and her colleagues like to say. In some ways she means that literally: many immigrant students, even unaccompanied minors, end up in Alief because they have extended family members in the area. Roughly 65 percent of students live in apartments or multifamily units.

Some also arrive in the community with pressing needs: no shoes, no familiarity with indoor plumbing. The school district provides vision and dental care, social workers to visit families, and other basic services. As superintendent HD Chambers puts it, "Not only are we teaching children how to read and write, how to add and subtract, but we're teaching and helping people from all of these different ethnicities and cultures how to come in and adapt to our country."

Chambers, who started his career as an assistant football coach and economics teacher in the Aldine district, on the north side of Houston, has, to his surprise, ended up dedicating his career to educating diverse populations. He landed in Alief ten years ago and has built a reputation as a passionate and innovative leader whose mantra is "meeting students where they are—as opposed to where we wish they were."

It's a mission that not only resonates with colleagues like Segovia—who cites it regularly—but derives from what sounds like a deep sense of patriotism. For an educator, Chambers said, the only response to the rapid diversification of the population "is to do everything you can to make sure that these individuals . . . regardless of where they come from, are educated in a way that will sustain our republic and our democracy and the things that our country was founded on."

Of the population changes Chambers and his colleagues have observed in their district, one of the starkest in recent years has been the fluctuation in Texas's Hispanic population: even as Hispanic Texans become the state's dominant demographic group, fewer and fewer Mexicans are migrating to Texas. According to one analysis by Rogelio Saenz, of UT–San Antonio, Mexican migration to Texas has plunged. There are multiple reasons for this, from militarization of the border and the aging of Mexico's population to the improving economic fortunes of Mexican women, who are having fewer children later in life. Of the Mexicans who do come to the U.S., many are now better-educated and have higher incomes than in the past. This year the Hispanic population at LINC largely comprises refugees from Central and South American countries—most from El Salvador, Honduras, and Guatemala, which are wracked by organized crime and sagging economies.

Whereas some years the LINC classrooms serve kids speaking dozens of languages (there are more than ninety languages spoken in the surrounding community), in 2021 the vast majority of students are native Spanish speakers. Of the Hispanic students, very few come from Mexico. "Can you imagine the ganas, the desire, to better their lives?" Saenz had asked me, referring to Central American refugees. "They are walking, sometimes unaccompanied, without their parents, hundreds or thousands of miles, and then we have them here and have the possibility that they can be our future workforce."

A few blocks from LINC, in a sprawling, glassy new building that opened in 2018, Jennifer Baker works to make that possible. Baker helps run the Center for Advanced Careers, where Alief students train to work in construction, IT, health care, and other high-demand industries that don't require college degrees for many well-paying jobs. There are state-of-the-art robot arms in the advanced manufacturing lab. There's a working pet day care in the veterinary science lab and a working auto shop. In the wood shop, they build furniture for Mattress Mack at Gallery Furniture. "They have to make money to pay for our operations," Baker said.

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With Hispanic Texans on pace to be the dominant demographic group, their lower average educational attainment looms as a crisis for the state's economy. Whereas nearly 95 percent of non-Hispanic white Texans aged 25 and over have at least a high school degree, that number is less than 70 percent for the Hispanic population. One of the ways that students who are starting at a disadvantage can gain an edge, superintendent Chambers believes, is by getting vocational training that directly meets employers' needs. Vocational programs are nothing new in high schools, of course, but the scope of the program in Alief looks more like that of a community college, and its partnerships with employers run deep.

"You know the company Trio Electric?" Baker asked me, referring to the Houston-based commercial electrical contractor. "They wrote our electrical curriculum. Their workforce shortage is tremendous. They provide all the equipment, all the supplies. And then after the students' junior year, they give them an internship in the summertime that pays four thousand dollars. Kids in this neighborhood making four thousand dollars—you might as well tell them they're making a million bucks. So then, senior year, they're more excited to finish out the program. And then they go in for interviews, and up to twenty-five of our kids will have a good chance to get hired."

As she spoke, a voice periodically boomed out of the PA system advising prospective students to rotate to the next lab. Signs in the lobby welcomed a delegation of recruiters from CenterPoint Energy. "I've given over five hundred tours of this building," Baker said, her voice catching, "and I spend a lot of time showing people what my kids can do. A lot of them get it, but we're still in the baby stages of businesses realizing the gold mine of talent they have here."

The Not-So-Great Sorting

Peter Rex's Texas journey doesn't have much in common with that of the students at LINC. The 39-year-old embarked on a career in business, he told me, when he realized, after consulting with the abbot at a Catholic monastery, that capitalism would be his best avenue for serving Jesus and helping people on the widest scale possible. Rex subsequently made a bundle of money for himself and his investors by buying and managing undervalued apartment complexes in Texas and Florida after the Great Recession, from what at the time was his base, in Tampa. In 2016 he moved to San Francisco to start a portfolio of real estate and insurance tech businesses, and then moved to Seattle in 2018 to be closer to Amazon's and Microsoft's headquarters and learn from their empire-building prowess.

In both of those West Coast tech hubs, he realized, some of his employees couldn't afford to buy homes. But more importantly, he wrote in a June 2020 WSJ op-ed, "both [cities] have become hostile to the principles and policies that enable people to live abundantly in the broadest sense." In Rex's view, he wrote, not only were West Coast state governments stifling free enterprise, but the culture was stifling freedom of speech and freedom of religion. "In both San Francisco and Seattle, many of our Christian and Muslim friends and employees have expressed concern that their deeply held views are being driven from the public square."

Rex wrote the op-ed to announce his move to Austin. "In Texas, the quintessential American ideals of family, faith, and freedom still reign supreme," he wrote, adding that "as the West Coast becomes more insular and exclusive, other parts of the country will become the biggest drivers of tech innovation." The column came out at the height of the first wave of the coronavirus pandemic and the presidential campaign season. Conservative media and the financial press quickly elevated Rex's move as a signal moment—and talked up Rex as a tech titan (which he's not). As the pandemic drove a wave of individuals and companies to move to Texas and Florida from California and New York, Rex's story came to define part of the narrative: migrants were leaving the coastal hubs not just because they couldn't justify overpaying for shoebox apartments during a lockdown but because they'd finally had it with failed liberal policies that created expensive cities riddled with crime and homelessness and livable only for the superrich.

"We didn't feel safe talking about having voted for Donald Trump in 2016," Marie Bailey told me.

For Marie Bailey, a realtor who lives in Prosper, just north of Frisco, that line of thinking sounds familiar. When she and her husband moved their family from El Segundo, California, to North Texas four and a half years ago, they were effectively giving up on their lifelong home for reasons she cites as "cost of living mixed with politics. We didn't feel safe talking about having voted for Donald Trump in 2016," she told me. "And then you get a seven-hundred-dollar car-registration bill, and voters vote in higher gas prices—I mean, who does that?" The Baileys bought a new-construction home in the Windsong Ranch community, across the street from a lagoon with an artificial beach, and Marie quickly spotted a business opportunity to help other escaping Californians find similarly soft landings. She got her realtor's license and, to find clients, started a Facebook group called "Move to Texas From California!" Today that community has 34,700 members, and Bailey's business is booming.

From her perspective, conservative Californians' desire to flee has grown throughout the pandemic, as frustrated families sought a place where their kids could return to school sooner. "I had people coming here crying when they'd see kids playing on playgrounds," Bailey said. "They couldn't do that in California." Although she shares those sentiments and sees migration to Texas as a "red wave," Bailey also knows the full picture is complicated.

In fact, Bailey and Peter Rex landed at the center of an argument that has circulated in political circles for years. It holds that a great ideological sorting is underway, in which like-minded people gravitate toward one another, often across state lines. Those who see California as a nanny state will escape to a more enlightened Texas, while those who see Texas as a fundamentalist petro-state will escape to a more enlightened California or Colorado. Swap California for New York and Texas for Florida, and the argument stays largely the same.

At the same time, many Texans have seized on Governor Abbott's rallying cry "Don't California My Texas." Indeed, his 2018 reelection campaign played out against a changing electoral map. Barack Obama lost Texas by sixteen points in 2012. Hillary Clinton lost the state four years later by nine. And Joe Biden came within six. Some previously deep-red suburban counties now trend purple or even blue. Abbott was arguing that new Texans might be responsible for the change and that it wasn't welcome (though he's also, at various times, argued the opposite: that folks coming from California are conservatives who should be embraced).

But according to Derek Ryan, a GOP political consultant who leads voter-targeting efforts for candidates up and down the ballot, there's very little data to support either argument—that Texas is growing more conservative because of ideological sorting or that it's becoming more liberal at the hands of Californians. One of Ryan's clients is Congressman John Carter, whom I'd met earlier at that bar in Austin, and who represents several fast-changing suburban cities. Ryan has watched the evolving Texas suburbs closely; he's seen migration patterns in person

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and in the data.

To identify likely new Texans in the data, Ryan looked at those who registered to vote after the 2018 election and ended up voting in 2020, and then he zeroed in on the subset over the age of thirty—to rule out young people, including longtime Texas residents, who were probably registering for the first time. He turned up 1.3 million voters, "but trying to figure out their political ideology is tricky because they haven't necessarily voted in a Republican or Democratic primary," he said.

So, he turned to modeling data, the kind of information voter-targeting groups use to identify friendly targets based on their consumer spending habits, income levels, homeownership, and so on. "There are literally hundreds of data points to model people and determine if they're likely Democratic or Republican voters," he explained.

According to Ryan's best analysis, 50.4 percent of his possible new Texans were likely Democratic voters, and 49.6 percent were likely Republicans. "So, you know," he said, "we hear a lot about these people moving from blue states and bringing blue-state politics with them, but it doesn't necessarily appear that that's the case. It's closer to right in the middle. There are certainly some hard-core liberals moving here that are still voting that way, but it appears that it's a wash as far as Republicans versus Democrats."

Rice University's Bill Fulton has looked at myriad possible explanations for the ebb and flow of migration from California and found that, as he wrote in a post on the Kinder Institute's website, "the driving force is not a pull into Texas but a push out of California: home prices." That is, when the price of a house goes up on the West Coast, people come to Texas. When the prices ease, fewer make the move.

Of course, Fulton published that piece before the governor signed one of the nation's most restrictive abortion laws, effectively outlawing the procedure, as well as one of the nation's most severe restrictions on voting—on top of a law discriminating against transgender students and one permitting the open carry of handguns without permits or training. The City of Chicago's economic development arm took out a full-page ad in the Dallas Morning News trying to lure alarmed Texans away. The real estate bonanza had, meanwhile, prompted northwest Arkansas to begin trying to lure away Austinites being priced out, and California-based companies such as Salesforce began offering to help any of their Texas employees to relocate in the face of Abbott's actions.

Still, Fulton speaks for many who study migration into the state when he says he doesn't expect the flow of new Texans to slow down anytime soon. "Texas may be hot in the summer, and you may not agree with the politics. It may be sprawling, and you may have to buy an F150 pickup. But it is probably unparalleled in the country right now as a place of economic opportunity." For many, he said, it's still "a place where you can get ahead."

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Junk lawsuits by Republican attorneys general harm their own people
Jim Jones
The Hill
November 15, 2021
https://thehill.com/opinion/581489-junk-lawsuits-by-republican-attorneys-general-harm-their-own-people?rl=1

As a former red-state Republican attorney general, it is hard to understand why current GOP attorneys general (AGs) are enamored with junk litigation that endangers their own states. The Texas lawsuit challenging the election results of other states, the court filings supporting Texas's vigilante-style abortion law and the Republican AG challenges to President Biden's vaccine mandates all harm the interests of their own people.

In December, Texas Attorney General Ken Paxton, supported by 18 other Republican AGs, led an assault on the very heart of our federal system in the U.S. Supreme Court, challenging the presidential election results in Georgia, Michigan, Pennsylvania and Wisconsin. It was a junk lawsuit with no factual support or legal merit. The Supreme Court swatted it away in a mere three days.

A few Republican AGs opposed the move to subvert the U.S. Constitution, recognizing the dangers posed to their states. Ohio Attorney General David Yost said that Paxton's gambit would "undermine a foundational premise of our federalist system: the idea that the States are sovereigns, free to govern themselves."

Idaho Attorney General Lawrence Wasden also refused to join Texas, expressing "significant concerns about supporting a legal argument that could result in other states litigating against legal decisions made by Idaho's legislature and governor. Idaho is a sovereign state and should be free to govern itself without interference from any other state." Had Texas prevailed, it would have enabled any state to challenge the laws of another state — gun laws, pandemic measures and voting laws, to name a few.

The legal attack on the U.S. electoral system was bad enough, but the rightwing AGs followed up with an even worse assault on democracy just weeks later. An arm of the Republican Attorneys General Association, with $150,000 donated by a grocery store heiress, funded a robocall urging a Jan. 6 march to the U.S. Capitol to "Stop the Steal." It was an incomprehensible move. Luckily, the vice president heeded advice from his predecessor, Dan Quayle, and refused to go along with this attempted coup.

The next junk litigation engaged in by Texas and 18 other Republican AGs was asking the Supreme Court to uphold the Texas law outsourcing abortion enforcement to vigilantes across the country. The Supreme Court will soon issue an opinion, and I fully expect it to rule the scheme unconstitutional. During argument of the case, justices expressed concern about allowing private citizens to restrict constitutional rights, something that had apparently escaped the attention of the GOP lawyers. Laws of this ilk could be used to infringe practically any right contained in our sacred Bill of Rights. The Idaho AG, again, recognized the danger and refused to join this misguided ploy.

More recently, most of the Republican attorneys general have aimed junk lawsuits at the president's workplace vaccine mandates. Because so many red-state folks have stubbornly refused to get vaccinated that it became necessary to require those employed by federal contractors and companies with 100 or more employees to get vaccinated against COVID-19.

Vaccine mandates are the quickest and most effective way to save thousands of lives and get back to our normal lives. Most

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red-state governors have done little to get their people vaccinated; some have even taken action to discourage vaccination. Without action by the federal government, success against the virus will be hard to achieve.

Mandates work. After losing 151 employees to the coronavirus early in the pandemic, Tyson Foods implemented a vaccine mandate for its employees to keep its plants open. Now, more than 96 percent of Tyson's workforce is vaccinated, its employees have safe work spaces and it does not have to worry about work stoppages. Similar results can be achieved by the federal mandates. Red states would be particularly benefited because the vaccination rates there are the lowest and the mortality rates are the highest.

The mandates will make their people safer and allow their businesses and schools to get back to normal, but Republican attorneys general have challenged the mandates in court. The conservative Republican appointees on the Fifth Circuit Court of Appeals have halted the 100-employee mandate and may rule against it. Other federal courts will likely uphold both mandates, but that remains to be seen.

If the Republican AGs eventually prevail in the suits, their constituents will lose — many their very lives. In fact, on Nov. 8, just days after AG Paxton sued to stop the mandates, Texas disclosed that more than 85 percent of its nearly 29,000 COVID-related fatalities between Jan. 15 and Oct. 15 were among the unvaccinated. The state's unvaccinated were 40 times more likely to die than fully vaccinated Texans.

Back in the 1980s, when I served as Idaho attorney general, my colleagues of both parties took pride in standing up for the rule of law. We strived to protect our people, often coming in conflict with powerful people in our own party. Party was subordinate to the interests of the public.

State attorneys general are now just as divided along party lines as any other group of officeholders. Political pandering is commonplace. What pains me the most is that a majority of Republican AGs have become so beholden to partisanship that they would endanger their own voters with junk litigation just to score political points.

Jim Jones is a Vietnam combat veteran who served eight years as Idaho attorney general (1983-1991) and 12 years as justice of the Idaho Supreme Court (2005-2017). He is a regular contributor to The Hill.

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Monday, November 29, 2021 10:20 AM EST
Subject: SOS Morning News Clips 11/29/21

Texas Secretary of State
Morning News Clips
November 29, 2021

Matthew McConaughey says he won't run for Texas governor, *Texas Tribune*, November 28, 2021

Commissioners court to take up Britton's 'holdover' county attorney status, *Brownwood Bulletin*, November 24, 2021

Judge: District Attorney's Office may prosecute Edinburg mayor for voter fraud, *Progress Times*, November 26, 2021

Abbott makes it official, files to run for 3rd term as Texas governor, *San Antonio Express-News*, November 24, 2021

Texas' new district maps under fire as 2022 candidate deadline looms, *KAMR-TV*, November 24, 2021

Galveston Republicans gut precinct represented by county's lone Black, Democratic county commissioner, *Houston Chronicle*, November 29, 2021

Early voting begins this week in Mesquite city council runoff, *Dallas Morning News*, November 24, 2021

Burnet County might keep additional early voting sites, *Daily Trib*, November 24, 2021

Democratic frustration growing over stagnating voting rights bills, *The Hill*, November 28, 2021

Absentee request deadline trips voters under new Georgia law, *Associated Press*, November 28, 2021

Inside the 'big wave' of misinformation targeted at Latinos, *Associated Press*, November 28, 2021

Family, police say couple orchestrated scheme to deed 8 homes from man who died to their nonprofit, *WFAA-TV*, November 23, 2021

Governor Greg Abbott: Thousands of new jobs coming to Texas, billions in investments, *KTSM-TV*, November 28, 2021

U.S. to require vaccines for all border crossers, starting in January, *Associated Press*, November 24, 2021

Border: New customs requirements for Mexico shipments begin Wednesday, *FreightWaves*, November 28, 2021

Human shields, drones, gunships aid Mexico's drug war, *Associated Press*, November 27, 2021

Mexico lays out conditions for restart of 'Remain in Mexico' program, *The Hill*, November 26, 2021

Texas border landowners ask for federal funding for damage incurred during migrant crisis, *KXAN-TV*, November 24, 2021

7 former McAllen Chamber chairs say organization is in 'turmoil'; ask Mayor Villalobos to intervene, *Rio Grande Guardian*, November 26, 2021

Column: Texas state senators draw for term lengths, *Huntsville Item*, November 25, 2021

Editorial: Unnecessary election audit supports baseless claims of extensive voter fraud, *Beaumont Enterprise*, November 27, 2021

Matthew McConaughey says he won't run for Texas governor
Patrick Svitek
Texas Tribune
November 28, 2021
https://www.texastribune.org/2021/11/28/matthew-mcconaughey-texas-governor-2022/

Actor Matthew McConaughey on Sunday removed himself from consideration as a potential candidate for governor after months of toying with a campaign.

In a video posted to his Twitter account, McConaughey, who lives in Austin, said he was honored to be considered for "political leadership."

"It's a humbling and inspiring path to ponder," McConaughey said. "It is also a path that I'm choosing not to take at this moment."

McConaughey's video came just over two weeks before the candidate filing deadline for the Texas primary.

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Since earlier this year, McConaughey said he was mulling a run for governor, though he did not specify whether he would run in the Democratic primary, in the Republican primary or as an independent. He has previously described himself as "aggressively centrist."

GOP Gov. Greg Abbott is seeking a third term next year. He has drawn at least three primary challengers, while Democrats got their strongest candidate yet earlier this month when Beto O'Rourke launched his campaign against Abbott.

Instead of running for office, McConaughey said he would continue to support “entrepreneurs, businesses and foundations that I believe are leaders” and “creating pathways for people to succeed in life.”

The prospect of a McConaughey candidacy had intrigued the Texas and national political world for months. Some polling showed he would have been a force to be reckoned with, leading Abbott in a head-to-head matchup.

But McConaughey never did much to elaborate on how he would have run, and he did not seem particularly attuned to political events in Texas. During an October podcast, he displayed a lack of familiarity with the Republicans' priority elections bill that prompted Democrats in the Texas House to flee to Washington, D.C, in protest this summer.

He more recently courted controversy for coming out against mandating COVID-19 vaccine requirements for "the younger kids." He later clarified he was specifically referring to mandates for 5- to 11-year-olds.

While some surveys suggested McConaughey could be a real contender, some in politics theorized that he was benefiting from being a political blank canvas to most Texans. That group included O'Rourke, who has crossed paths with McConaughey over the years.

"He’s a really popular figure whose political views have not in any way been fixed," O’Rourke said in September. “I don’t know, for example, who he voted for in the most consequential election since 1864 in this country. I don’t know how he feels about any of the issues that we’ve brought up. … So I think that might explain part of [the polling]."

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Commissioners court to take up Britton's 'holdover' county attorney status
Steve Nash
Brownwood Bulletin
November 24, 2021
https://www.brownwoodtx.com/story/news/2021/11/24/commissioners-court-take-up-brittons-holdover-county-attorney-status/8756177002/

Shane Britton will know a little more about his political future after Monday's meeting of the Brown County Commissioners Court, where two items are on the agenda pertaining to Britton:

* Consideration and possible approval of action to declare a special election for the county attorney position.

* Consideration and possible action to appoint someone to the county attorney position until after the March primary. Commissioners meet at 9 a.m.

Britton, 55, has been the Brown County attorney since 2001. Last week, Britton announced he is a candidate for Brown County judge in the Republican Party primary elections in March. Britton's announcement created a three-way race for Brown County judge. In addition to Britton, candidates are:

* Incumbent Paul Lilly, 52, who has been Brown County judge since 2019.

* Molly Smith, 44, who ranches and farms.

Britton's announcement of his Brown County judge candidacy triggered what's known as "Resign to Run" under the Texas constitution. And that means it's an automatic resignation for a county attorney and other elected officials who announce their candidacies for a different office.

But the Texas Constitution also provides that "an elected public official continues to perform the duties of office (or 'hold over') until his or her successor takes office," the Texas Association of Counties (TAC) states in a document called "Short Answers to Common Questions. The purpose of the holdover provision is to "maintain the functioning of government," TAC said.

Britton said earlier via text that his announcement "serves as automatic resignation but I remain in office until my successor takes office. Commissioners will call a special election for my job."

The way Lilly sees it, the commissioners court should appoint someone who's qualified for the job as county attorney in place of Britton. Lilly said he'll ask commissioners to appoint Terri Moore, who works in Britton's office as assistant county attorney, to the office during Monday's meeting. Lilly also said he knows of a couple of other attorneys who are willing to be appointed. He declined to name them.

Lilly said he spoke with Caroline Griggs, government relations manager in the Texas Attorney General's Office, for clarification of Britton's status under "Resign to Run."

"She said 'you always try and follow the intent of the law, and the intent of the Resign to Run was that the elected official resigns immediately, but they do hold that office over because they're elected until someone new is appointed,'" Lilly said.

Lilly told Griggs that he had heard from Precinct 1 Commissioner Gary Worley that commissioners were probably going to leave Britton in office as a holdover.

"She said 'it's legal but it's not what they intended when they passed the law,'" Lilly said.

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He said Griggs referred him to Keith Ingram, director of elections in the Texas Secretary of State's office. "So I talked to Keith Ingram," Lilly said. "I told him what was brewing here and he said 'no, hold the phone. He said you can only hold a candidate over when there is no one else qualified to be appointed for the job.'"

Lilly said Ingram told him, "when our legislature created that statue, they always assumed candidates would do the honorable and right thing. In his words, they never dreamed that somebody would try and stay in office absent there not being anybody else that could do the job.

"He said they've never encountered a commissioners court that didn't accept the resignation and appoint someone new as the statute says they're supposed to do. Is it technically illegal to leave him in there? No, it's not. But it's sure, in my opinion, the unethical and dishonorable thing to do. It's very clear what the intent of the resign to run law is. It's very clear so that you can't use your current office as a springboard to get to the next.

"There's a thing called the smell test. You could do it but if it doesn't smell good, the public's going to see that. If it doesn't pass the smell test, then that means the public clearly sees that while technically it may be legal -- and I'm not implying that they're not going to follow the spirit of the law. All I'm saying is, based on a conversation with commissioner Worley, it was my impression that they have the intention to leave Mr. Britton in office."

Lilly said Ingram toll him he's 'never encountered a commissioners court that would do something like that and he's praying that we're not the first, and I'm praying we're not the first either. If it were anybody else, we wouldn't be sitting here having this conversation, in my opinion."

Worley countered that commissioners "do not have to appoint someone immediately. It never mentions any timeline. An elected official who resigns, under the Texas constitution, remains in office as a holdover until his successor qualifies for office. The commissioners court is the only one that can make the appointment, not a county judge."

"I'm for having Shane serve until after the March primary just to keep the continuity in the office, to keep things progressing. I think Shane needs to serve as a holdover."

Worley proposed a timeline for events following Britton's announcement of his candidacy:

* Monday, Nov. 29 -- the commissioners court calls a special election for county attorney to be held at the time of the general election in November 2022.

* After Nov. 29 -- candidates for county attorney will file for a place on the March primary ballot.

* Between Nov. 29 and the March 2022 primary -- Britton will continue as holdover county attorney.

* If no one runs in the Democratic Primary -- once the primary votes are canvassed, the winner of the Publican Primary will be appointed as county attorney effective April 1, 2022.

Precinct 2 Commissioner Joel Kelton said, "As far as what to do with Shane, there are several options. You can appoint someone to fill that position. You can take no action and remains in that position and draws his salary."

Kelton said he was inclined to vote for Britton to remain as a holdover county attorney until the primary elections.

"They're already behind up there already," Kelton said of the county attorney's office. "If you pull him out, you're going to be even more shorthanded up there. My recommendation, from my understanding at the moment -- and I'm still learning about this -- is probably to let him stay in that position. It looks to me like the most commonsense thing to do is don't vacate that spot because they need that help."

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Judge: District Attorney's Office may prosecute Edinburg mayor for voter fraud
Dave Hendricks
Progress Times
November 26, 2021
https://www.progresstimes.net/2021/11/26/judge-district-attorneys-office-may-prosecute-edinburg-mayor-for-voter-fraud/

A judge on Tuesday denied Edinburg Mayor Richard Molina's request to disqualify the Hidalgo County District Attorney's Office from handling the voter fraud case against him.

Attorney Carlos A. Garcia of Mission, who represents Molina, argued that Hidalgo County District Attorney Ricardo Rodriguez and his family cooked up the voter fraud case against Molina when they couldn't beat him at the polls.

State District Judge Carlos Valdez of Corpus Christi didn't buy it.

"After considering the testimony of witnesses, the evidence admitted, the legal authorities submitted and the arguments of counsel, the Court is of the opinion that said motion should be denied," Valdez ruled on Tuesday morning.

Rodriguez's aunt, former Hidalgo County Justice of the Peace Mary Alice Palacios, filed a complaint against Molina in December 2017 — a month after he won the mayoral election.

The complaint alleged that voters who didn't live in Edinburg changed their addresses to cast ballots during the election.

In perhaps the most infamous example, the complaint alleged that 11 adults had registered to vote from a tiny house on the 400 block of East Fay Street.

"The work required to prepare the information thus far is not with the singular intent to change the results of the election,"

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according to the complaint, which Mary Alice Palacios sent to the Texas Secretary of State's Office on Dec. 12, 2017, "rather, it is intended to highlight a much greater problem that will inevitably affect all future elections in Hidalgo County."

The Secretary of State's Office referred the complaint to the Texas Attorney General's Office. After an investigation, Molina was arrested in April 2019.

Molina is charged with one count of engaging in organized election fraud, a first-degree felony; and 11 counts of illegal voting, a second-degree felony.

He pleaded not guilty.

The pandemic, which prevented Hidalgo County judges from holding jury trials, left the case in limbo. More than a year went by without a hearing.

The District Attorney's Office revived the case in mid-October, when prosecutors asked the judge to set a trial date.

"Given the nature of the charges, the position of the defendant as a public servant and the length of time this case has been pending, the State also requests the court consider setting this case as soon as practicable," according to the motion filed by the District Attorney's Office, "as the State believes there is a societal interest in providing a speedy trial."

Molina found the motion suspicious.

The District Attorney's Office had filed the motion Oct. 12 — just six days before early voting started in Molina's re-election campaign. At roughly the same time, someone mailed a flier to voters that showed Molina in handcuffs and warned he could be sent to jail.

"This is a coordinated effort between the district attorney, his family and other power players within this county," Garcia said. "Your honor, it's no accident or mistake that you've been asked to come from Corpus — from another county — to come and sit in judgment. To call the balls and the strikes."

Garcia asked the court to disqualify the District Attorney's Office from handling the case.

First Assistant District Attorney Michael J. Garza called that argument nonsense.

"We've had the cooperation of the Federal Bureau of Investigation and other state agencies," Michael J. Garza said. "And to suggest that Ricardo Rodriguez and the Palacios family controls the Attorney General, the FBI and the Texas Rangers is a ridiculous proposition."

Valdez weighed the arguments during a daylong hearing on Monday, when Molina attempted to put the Palacios family on trial.

At one point, Garcia showed the judge a chart titled "The Power of the Palacios."

It noted that former Edinburg Mayor Richard Garcia is a partner in a law firm with Rodriguez's uncle, Edinburg Municipal Judge Toribio "Terry" Palacios. It noted that Rodriguez's cousin, Ricardo "Rick" Palacios, is the former city attorney. And it noted that his aunt, Mary Alice Palacios, sought insurance contracts with the city.

Garcia questioned why the District Attorney's Office had prioritized Molina's case for trial when Hidalgo County had nearly 1,700 people in custody.

He called Hidalgo County District Clerk Laura Hinojosa, who testified that more than 9,200 cases are pending in local district courts.

With so many people in jail and so many cases pending, Garcia argued the District Attorney's Office had another motivation for requesting a trial date: politics.

Miguel Angel Garza, a politiquero aligned with Molina, testified about how the Palacios family views politics.

"If you don't support the Palacios, you're against them," Miguel Angel Garza said. "And they attack you. That's pretty much what it is."

Michael J. Garza eviscerated Miguel Angel Garza on cross examination.

In response to questions, Miguel Angel Garza admitted the FBI had questioned him about Molina.

"About your relationship and taking money for Richard Molina on pay-to-play schemes?" Michael J. Garza asked.

Miguel Angel Garza acknowledged meeting with the FBI but denied he'd cooperated with the government.

"You like to drink?" Michael J. Garza asked. "And drive while intoxicated?"

Miguel Angel Garza admitted he'd been convicted on several drunken driving charges.

"And you've done that on more than three occasions?" Michael J. Garza said. "And been arrested?"

Throughout his testimony, Miguel Angel Garza appeared very nervous and frequently veered off topic.

When he finished testifying, Miguel Angel Garza was in such a hurry to leave the courtroom that he tripped over a cord and nearly fell.

Garcia also quizzed Rodriguez and his aunt, Mary Alice Palacios, about the voter fraud complaint.

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Rodriguez said he didn't talk with Mary Alice Palacios about the complaint before or after she filed it. Mary Alice Palacios, who testified separately, backed up his story.

"How credible is it that she never spoke to her own nephew about it? This has been the talk of the county for the last three years," Garcia said. "And yet she testified, under oath, before your honor, that she never spoke to him before, during or after. I think that credibility is questionable, judge."

Michael J. Garza, who could barely contain his contempt for the allegations, pushed back hard.

"I cited a case that talked about society's interest. And the citizens of the city of Edinburg had an interest. They have a mayor who's supposed to represent that interest but instead is more concerned with his own," Michael J. Garza said. "And that interest is to have a government that is elected free of fraud."

The facts just don't meet the standard to disqualify the District Attorney's Office, Michael J. Garza said, adding that Molina couldn't muster credible witnesses.

"Nothing in any of the testimony comes remotely close to suggesting that there's a conflict of interest," Michael J. Garza said. "And that somehow Mr. Molina's rights are infringed upon because of this imaginary statement that they want to impute some kind of a bias from some kind of made up political war on the district attorney."

Valdez sided with the District Attorney's Office. The case may head to trial in the spring.

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Abbott makes it official, files to run for 3rd term as Texas governor
Edward McKinley
San Antonio Express-News
November 24, 2021
https://www.expressnews.com/politics/texas/article/Abbott-makes-it-official-files-to-run-for-3rd-16649026.php

Gov. Greg Abbott is officially running for reelection after filing paperwork Tuesday with the Texas Secretary of State's office.

Abbott's filing comes as no surprise. The 64-year-old Republican has hosted political events and been fundraising aggressively throughout much of the year, and his campaign had $55 million in its warchest at the end of June as Abbott prepared to face challengers from within his own party in the March 2022 primary election.

"I am running for re-election so that we can continue to secure the border, support our police, and keep Texas the best state for business," the two-term governor wrote in a Tuesday news release.

Other Republican contenders for governor include Don Huffines, a former state senator, and Allen West, an ex-Florida congressman and former chair of the Texas GOP. West and Huffines have been quick to critique Abbott as insufficiently conservative on a number of issues, often pushing the governor to the right.

Polls have shown Abbott with a significant lead over his primary challengers. If he overcomes them, he would likely face former Democratic congressman Beto O'Rourke, himself a prolific fundraiser, who began his campaign last week.

Republican Lt. Gov. Dan Patrick also filed for reelection this week, writing: "Like Travis at the Alamo, I am drawing a line in the sand. I will not yield, I will not waiver. I am resolved to continue the fight for the safety and security of Texas."

Democratic candidates vying to run against Patrick include Mike Collier, who ran unsuccessfully for the seat in 2018, state Rep. Michelle Beckley, and Matthew Dowd, a political commentator and former Republican strategist.

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Texas' new district maps under fire as 2022 candidate deadline looms
Cat Keenan
KAMR-TV
November 24, 2021
https://www.myhighplains.com/news/your-local-election-hq/texas-new-district-maps-under-fire-as-2022-candidate-deadline-looms/

AMARILLO, Texas (KAMR/KCIT) – While the restructuring of Texas' district maps was inevitable after the 2020 census was completed, a growing list of lawsuits against how the state government grouped together land and voters could impact the 2022 elections in ways voters may not expect. Here's a look at the current state of Texas' congressional and senate districts, and how the High Plains could be impacted in the near future.

The 2020 census and the Texas Legislature

Florida, Texas, and the Carolinas were among states that, according to 2020 census data, benefitted the most from population growth. Amarillo saw an increase in the population of about 1.6%, and Texas overall saw an increase of 16% from the 2010 census. The South, according to the data, and the West have been overtaking the Northeast and Midwest in having the majority of the country's population.

Because of results from the census, not only did Texas gain two new seats in the US House of Representatives, but population distribution throughout the state led to district lines needing to be reset to adhere to federal law.

Texas Tech University Political Science Professor Mark McKenzie explained to NPR in September that while provisions to protect voters of color from discrimination were removed in 2013, state governments are required to have equal populations in each district. Specific demographics, economic, and geographic interests across those districts don't need to coordinate.

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West Texas A&M University Assistant Professor Christopher Macaulay, Ph.D., said that each Texas US Congressional District needed to have around 766,000 people – which led to the expansion of territory such as District 13, containing Amarillo, which was already the second-largest geographical district in the state.

In September 2021, Texas Governor Greg Abbott called a third special legislative session for the state legislature to focus on redistricting. Using the released data from the 2020 census, which came months later than the initial census bureau plan of delivering data by the end of March, the Texas State House and Senate went back and forth until Abbott signed the newly created maps into law on Oct. 25.

Local representatives, school size and funding, early childhood programs, where grocery stores are built, and which roads are repaired are only a few aspects of day-to-day impacts the census count and redistricting are expected to have on Texas communities.

The Texas Legislature and a list of lawsuits

Millions of Texas residents have been noted by census experts as among those most difficult to count – immigrants, poor Texans, non-English speakers being a few. However, despite that difficulty, census data showed that 95% of the population growth in Texas since 2010 was through people of color, and half of the total gains were through Hispanic people. Despite that, the new Texas House map drops the number of districts in which Hispanic people make up the majority of eligible voters from 33 to 30, and the congressional map reduced the number of districts with a Hispanic voting majority from eight to seven.

Often with this disparity cited as one of the causes, as well as the constitutionality of the entire redistricting process, the census and redistricting efforts in Texas have been dotted with lawsuits against the state legislature from communities and colleagues alike.

September saw two Texas state senators file lawsuits that contended district maps could not be legally redrawn during a special session, which ended up the process after months of census data delays.
In October, two federal lawsuits were filed against the redistricting efforts' constitutionality, and the Latino civil rights group Voto Latino alongside 13 Texas voters sued to ask a Texas US District Court to overturn the new maps.

In November, three separate lawsuits were filed by Texas lawmakers that also sought to overturn the maps, and several civil rights groups filed suit against Governor Abbott and Texas Secretary of State John Scott with the argument that the new maps were racially discriminatory.

While the exact dates in which these cases will be heard in court have remained unclear, and their verdicts not yet settled, these lawsuits carry the potential to further delay or even upend Texas' 2022 elections. After census data delays already led to the candidate filing deadline for the election to be set to Dec. 13, the primary elections were set for early May and the general election for November. However, depending on the actions of the courts, those dates could see further changes.

For a number of decades, including at recently as 2017, legislators have been sued on similar bases and higher courts have found that Texas lawmakers intentionally discriminated against Hispanic and Black voters during mapmaking.

The day-to-day thoughts from communities

It has not been only some lawmakers and civil rights organizations that have spoken out in objection or confusion regarding the newly drawn districts. Both rural and urban voters have either protested the maps or pleaded with lawmakers for consideration while they were being made.

Angela Arthur from Ralls, outside of Lubbock, asked lawmakers during a Texas House redistricting committee hearing to consider keeping communities with similar interests together. She worried that merging agricultural communities with more urban big-city centers would impact the quality of representation citizens like her and her neighbors would get at state and federal levels of government.

"It may seem like our county is not concerned about this issue or where or what we'll be paired with. This is not the case," Arthur said, "I don't want our county needs to be overlooked and underserved because of our size and population."

However, despite that sort of plea from rural and urban citizens alike, the new Texas maps have resulted in sometimes strangely-shaped districts that can group populations hours away from one another together while splitting up neighbors a few houses down the road.

Macaulay further noted that rural districts like 13 and 19 could see their representation even more diluted than in the past. Altogether, the watering down of voter demographics and day-to-day priorities across urban centers and the large swaths of rural communities across the state has appeared to be a concern many Texans share as common ground.

Although changes could arise before incoming election days, current candidates can be tracked here alongside other coverage from Your Local Election Headquarters.

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Galveston Republicans gut precinct represented by county's lone Black, Democratic county commissioner
Jasper Scherer
Houston Chronicle
November 29, 2021
https://www.houstonchronicle.com/politics/texas/article/Galveston-Republicans-gut-precinct-represented-by-16654380.php

During the last moments his political precinct was still intact, the lone Black member of the Galveston County Commissioners Court delivered a closing message to his all-Republican colleagues, as they prepared to approve a map that would effectively doom his re-election chances.

"We are not going to go quietly in the night," Commissioner Stephen Holmes said, half turning to address the other

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members at a Nov. 12 meeting. “We are going to rage, rage, rage until justice is done.”

The new map, approved seconds later, dramatically reshapes Holmes’ Precinct 3, uprooting it from areas that he had represented since being appointed to the court in 1999. While the precinct had previously cut through the middle of Galveston County, covering an area where the majority of eligible voters were Black and Hispanic, it is now consolidated in the largely white and Republican northwest corner of the county, taking in Friendswood and League City.

Under the freshly drawn boundaries, Galveston County Republicans have laid the groundwork for winning a 5-0 majority on Commissioners Court in a county where 38 percent of voters cast their ballots for President Joe Biden last year. Holmes, the court’s only Democrat, is up for re-election in 2024.

The dismantling of Holmes’ precinct mirrors the aggressive redistricting efforts seen across the country in recent months, with members of both parties using data from the 2020 Census to draw new political boundaries that expand or preserve their majorities — often at the expense of their fellow elected officials.

No longer bound by strict federal supervision, Texas and other Republican-led southern states have crafted new maps in which minority voters are drawn into predominantly white districts. They’ve also enacted voting restrictions that critics say are aimed at suppressing turnout of minority communities.

Holmes said he expects to be replaced by a white candidate, given that only about a quarter of the eligible voters in his new precinct are minorities.

“Even though Galveston County is 45 percent minority, every single member of the Galveston County Commissioners Court, under the new map, is going to be Anglo,” Holmes said in an interview. “Minorities would not be represented by, or have the opportunity to elect, the candidate of their choice.”

The map will likely give Republicans all but unchecked power to enact conservative policies on the court, which adopts the county’s annual tax rate and budget, approves its spending and maintains its infrastructure, such as county buildings, roads and bridges.

County Judge Mark Henry, who was elected in 2010, has brought a conservative posture to his role, which includes presiding over the court. He refused to enforce some of Gov. Greg Abbott’s COVID-19 restrictions last year and more recently issued an executive order that sent local authorities to the border, citing what he called an ongoing crisis there.

A spokesperson for Henry — who was joined by Commissioners Darrell Apffel and Joe Giusti in adopting the maps — said he was not available for comment.

Apffel said he supported the new map because it brings Galveston Island and Bolivar Peninsula into a single precinct, replacing the prior layout that split those areas among three commissioners, the Galveston County Daily News reported.

‘Diluting their power’

This is not the first time that redistricting, the decennial process of redrawing political maps to ensure each commissioner precinct has roughly the same number of residents, has threatened Holmes’ political career.

In 2012, the U.S. Department of Justice struck down Galveston County’s maps, finding that the plan — which had been drawn up by a Republican consultant — diluted the strength of minority voters in commissioner, constable and justice-of-the-peace precincts. Federal officials also concluded that Holmes was deliberately excluded from “meaningful involvement” in the map-drawing process, which had resulted in a proposal to fold the bright red Bolivar Peninsula into his precinct.

This time, Galveston County’s maps are no longer subject to Justice Department review. In 2013, the U.S. Supreme Court struck down the so-called “preclearance” requirement of the Voting Rights Act that forced Texas and other states with a history of racial discrimination to obtain DOJ approval for changes to political maps and election laws.

“There is no longer an incentive not to be aggressive,” said Michael Li, a redistricting expert and senior counsel for the Brennan Center for Justice at New York University. “In other words, you can be aggressive in drawing maps knowing that those maps ultimately may get struck down, but that getting them struck down will take time — and in the meantime, you get to use them in one or multiple election cycles.”

Holmes did not say whether he planned to challenge the new map in court, though he has called on the Justice Department to do so, arguing that the redrawn boundaries violate Section 2 of the Voting Rights Act. The section broadly bars racially discriminatory voting practices, including those that minimize the voting strength of racial minority groups.

As GOP-led legislatures across the South enact new maps that consolidate their power, Li said it has become clear that Republicans are preparing to argue that the Voting Rights Act only protects districts where a single minority group forms a majority — unlike Holmes’ former precinct, where Black and Hispanic voters combined to form a majority. That question has never been decided by the high court.

In recent weeks, other commissioners courts in the Houston area have also reconfigured their boundaries to protect or bolster the majority party, including courts in Democrat-controlled Harris and Fort Bend counties, where longtime Republican commissioners are now in jeopardy of losing re-election.

But those new maps were not drawn up “at the expense of communities of color,” Li said, drawing a distinction with the Galveston County map.

“Here, people of color are being used sort of as the tool by which you accomplish this partisan power grab,” Li said. “You're diluting their power, and you're depriving them of a seat at the table.”

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Early voting begins this week in Mesquite city council runoff

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Leah Waters
Dallas Morning News
November 24, 2021
https://www.dallasnews.com/news/2021/11/24/early-voting-begins-this-week-in-mesquite-city-council-runoff/

Mesquite voters in Districts 1 and 3 can cast ballots this week as early voting begins in a runoff for two city council seats.

Jeff Casper and David Burris are vying for the District 1 seat, and Jennifer Vidler and Elizabeth Rodriguez-Ross will face off for District 3.

Casper and Burris both won 42% of 1,156 votes; Vidler claimed 47% and Rodriguez-Ross secured 36% of 1,008 votes.

Jeff Casper, a teacher and 30-year Mesquite resident, served as District 2 council member on the city council between 2015 and 2019. Casper serves on various boards and commissions for the city of Mesquite and Mesquite ISD.

David Burris, a retired 64-year resident of Mesquite, is running in his first city election. He is a mentor for Poteet High School football players, an umpire for Mesquite Baseball Inc. and a member of the local American Business Clubs (AMBUCS) chapter. He has also mentored youths at First United Methodist Church, Mesquite.

Elizabeth Rodriguez-Ross — a homemaker, senior hostess at E Bar Tex Mex and 35-year Mesquite resident — is running in her first city council election. She has been involved with community groups such as the Mesquite Pee Wee Football Association, Mesquite Soccer Association, NMHS Booster Club and LULAC-Mesquite.

Jennifer Vidler, a small business owner and 47-year Mesquite resident, is running in her second city council election, after losing a bid for Place 3 to Robert Miklos in 2019. She served on the Board of Adjustments and Traffic Advisory Board, and as the Planning and Zoning commissioner from 2014-19. Vidler sits on various community boards, including Old Town Mesquite/Community Heart, which focuses on the revitalization of downtown.

The runoff election day is Dec. 7.

Early voting times and location
Early voting will be at Florence Recreation Center at 2501 Whitson Way.

- Monday, Nov. 22, and Wednesday, Nov. 24, from 8 a.m. to 5 p.m.
- No voting on Nov. 25-26 because of the Thanksgiving holiday.
- Saturday, Nov. 27, from 8 a.m. to 5 p.m.
- Sunday, Nov. 28, from 1 to 6 p.m.
- Monday, Nov. 29, and Wednesday, Dec. 1, from 8 a.m. to 5 p.m.
- Thursday, Dec. 2, and Friday, Dec. 3, from 7 a.m. to 7 p.m.

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Burnet County might keep additional early voting sites
Suzanne Freeman
Daily Trib
November 24, 2021
https://www.dailytrib.com/2021/11/24/county-might-keep-4-early-voting-sites/

Having four polling sites open for early voting in primary elections should become the new norm, Burnet County commissioners informally agreed at a regular meeting Tuesday, Nov. 23. Burnet County Elections Administrator Doug Ferguson recommended keeping polling locations in Bertram and Granite Shoals for a total of four during the two weeks of early voting for the March 1, 2022, Republican and Democratic primaries.

“Having four locations for early voting last fall was very helpful,” Ferguson said. “Especially, since traditionally in the primary, we have the same amount (of voters) in early voting as on Election Day. In fact, we’ve grown a little in early voting.”

Providing more access to early voting, which is Feb. 14-25, 2022, keeps Election Day lines from growing too long, especially in the Burnet County Courthouse South Annex in Marble Falls, he continued.

“My recommendation is to prepare for the worst and have those two additional locations open,” Ferguson said. “Let’s let that be the new standard.”

The two additional locations are in the Bertram Library, 170 S. Gabriel St., and the Granite Shoals Community Center, 1208 N. Phillips Ranch Road. The other two locations are in the Burnet County AgriLife Extension building, 607 N. Vandeveer in Burnet, and the South Annex, 810 Steve Hawkins Parkway in Marble Falls.

No vote was taken on the issue, but all seemed in general agreement with Ferguson’s recommendation.

“That’s the responsible thing to do,” County Judge James Oakley said.

Polling locations will be finalized at a later Commissioners Court meeting.

Commissioners did vote to approve all contracts pertaining to the primary elections this coming March.

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Democratic frustration growing over stagnating voting rights bills
Tal Axelrod
The Hill
November 28, 2021
https://thehill.com/homenews/campaign/583077-democratic-frustration-growing-over-stagnating-voting-rights-bills

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Frustration among Democrats and activists is growing over stagnating legislation on Capitol Hill meant to expand voting rights, an issue the party has said is a priority but has been unable to clinch a victory on in Congress.

The dissatisfaction is mushrooming as Democrats repeatedly try and fail to muscle two bills – the John Lewis Voting Rights Advancement Act and the Freedom to Vote Act – through a 50-50 Senate after both pieces of legislation passed through the narrowly divided House.

Republicans in Washington remain almost unanimously opposed to the voting rights expansions, leaving Democrats forced to confront their dwindling options and activists calling for bold reforms to Senate rules.

“If the Senate can pass the two bills that it has before it, we could be at a turning point heading in a new direction on this issue. Until that happens, and if that doesn't happen, then I think we have a lot to be concerned about right now,” said Sean Morales-Doyle, the acting director of the voting rights and elections program at the Brennan Center. “There have been a lot of states taking action to restrict access to voting in the last year.”

Democrats have insisted that voting rights is a priority, casting expanded access to the ballot box as a necessity as Republicans, led by former President Trump, decry unsubstantiated allegations of fraud in the 2020 presidential race and look to implement restrictions in key swing states that President Biden flipped last year.

Most recently, Senate Republicans on Nov. 3 blocked the chamber from debating the voting rights legislation named after the late Rep. John Lewis (D-Ga.), a civil rights icon.

The bill would strengthen sections of the 1965 Voting Rights Act that required Justice Department preclearance before some states could change voting laws and dropped a requirement for localities with growing minority populations to get preclearance for changes on offering food or drinks to people waiting in line to vote.

Democrats were able to win over Sen. Lisa Murkowski (R-Alaska), but no other Republicans voted to start debate, and Democrats fell short of the 60 votes needed to break a filibuster and move the bill forward, sparking another round of lamentations from lawmakers over the lack of progress on the issue.

“At virtually every turn, we have been met with resistance. What has happened to the Party of Lincoln? What has happened to that noble, noble view that voting rights is important on both sides of the aisle?” Senate Majority Leader Chuck Schumer (D-N.Y.) said the day after the vote. “The Senate is capable of far more than what we have seen from our Republican colleagues on voting rights.”

Besides the bill named after Lewis, Democrats have also been stymied in their attempts to proceed with debate on the Freedom to Vote Act. That legislation would, among other things, give all voters access to a minimum of 15 early voting days and same-day registration, make Election Day a federal holiday and expand the ability to vote by mail.

Amid the gridlock in Washington, Democrats have seen states pass laws that they liken to voter suppression.

In Texas, Gov. Greg Abbott (R) signed into law legislation that prohibits round-the-clock polling stations, implements new restrictions on drive-thru voting and voting by mail, empowers partisan poll watchers who can observe an election, increases the requirements for identification voters must show when they cast a ballot and prevents elections officials from distributing vote-by-mail applications to voters who have not specifically requested them.

Georgia Gov. Brian Kemp (R) also signed a law requiring a photo ID to vote by mail, limiting the time people have to request an absentee ballot and restricting where ballot drop boxes can be located.

And Florida Gov. Ron DeSantis (R) also issued new restrictions, including curtailing voter access to absentee ballot drop boxes used by most Florida counties and mandating voters who want to cast absentee ballots to submit new requests every election cycle instead of every four years.

All told, 19 states ratified 33 laws that make it harder for Americans to vote, according to the Brennan Center.

Lawmakers say those restrictions up the ante for Democrats to pass a federal bill.

“Mostly from a national perspective, I think that's where we should have the most hope. I think to have the greatest impact is first to have a national standard when it comes to voting rights in this country. These proposals are kind of sitting on third base, if you will,” said state Rep. Trey Martinez Fischer (D-Texas), who fled to Washington earlier this year to deny the state legislature a quorum to pass Texas’s voter restrictions, a gambit that only temporarily worked.

However, activists say the stumbling blocks to passing legislation in Congress are blocking off any path to passing laws at the federal level – absent a change in the Senate’s rules.

Progressive lawmakers and outside proponents of implementing sweeping elections reforms have made the filibuster public enemy No. 1, saying the 60-vote hurdle to pass most legislation in the Senate must go or at least be altered to include a carve out for certain issues like voting rights.

“I think that they should get rid of the filibuster,” said Nsé Ufot, the CEO of the New Georgia Project. “Stop playing, get rid of the filibuster, do whatever carve out you need to do to make you feel like you are playing well with others, but we need to stop lying and stop pretending like we are not seeing what is happening right now with American democracy.”

But changing the rules is no easy feat.

In a 50-50 Senate Democrats would need all 50 of their members to agree to a change, and Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) have said they don’t support any adjustments.

Manchin, one of the most vocal opponents of altering the filibuster, has said he wants to move voting rights legislation forward in a bipartisan fashion. But activists are growing tired of that effort given the West Virginian’s inability to bring the

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requisite number of Republicans over to his side.

“It seems like there’s the desire to allow these attacks on our democracy to continue so that folks can continue to worship at the temple of bipartisanship,” Ufot said. “And unfortunately, I don't think that that is an aim, a goal that's worthy of our time, attention, frustration or resources in this moment. Bipartisanship should not come at the expense of being able to participate in our democracy.”

“I'm gonna let him do his thing,” she added of Manchin. “But at some point, we need to stop pretending and just acknowledge that someone farted in the room, and it stinks.”

Biden, for his part, has expressed openness to altering the filibuster, providing a jolt to progressives after saying in October he thinks “we’re going to have to move to the point where we fundamentally alter the filibuster.”

However, he has not pressured senators to get behind any specific changes, which, combined with his focus on passing sprawling infrastructure and social spending bills, have led activists to accuse Biden of not actively prioritizing voting rights in line with the way he speaks about the issue in public.

“It's definitely not a priority,” Cliff Albright, the co-founder and executive director of Black Voters Matter, told The Hill. “Anytime you say, ‘we're going to get to this after A, B and C,’ then by definition this is not a priority.”

When asked for comment on the criticism, the White House did not directly respond but pointed The Hill to comments by Principal Deputy Press Secretary Karine Jean-Pierre at a briefing earlier this month in which she maintained Biden “is committed to making sure that the fundamental right to vote … still exists.”

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Absentee request deadline trips voters under new Georgia law
Associated Press
November 28, 2021
http://www.elpasoinc.com/news/texas/absentee-request-deadline-trips-voters-under-new-georgia-law/article_f7e1dec2-bcf5-5a36-8de0-aac2fa35e62e.html

ATLANTA (AP) — More than half of absentee ballot applications rejected in Georgia in advance of the Nov. 2 elections were turned down because they came in after a deadline created in Georgia's new voting law.

The Atlanta Journal-Constitution reports 52% of applications were rejected because voters asked for an absentee ballot within the last 11 days before the election, too late to meet the requirements of a voting law passed in March.

The deadline was created in Senate Bill 202, which also limited absentee voting by restricting drop boxes and requiring voters to prove they had a driver's license or other state identification when applying.

The top reason Georgia election officials rejected absentee ballot applications this fall was that they were submitted too close to Election Day, missing a deadline imposed by the state’s new voting law.

Republicans in the General Assembly pushed through the new law after a record 1.3 million Georgians mailed in or dropped off ballots in the 2020 presidential election.

The newspaper reports about 26% of those who made absentee ballot requests after the deadline later cast ballots in person on Election Day.

Some voting groups supported an earlier request deadline, saying it ensures voters have enough time to return their ballots by mail before Election Day. In past elections, voters could request absentee ballots until the Friday before an election, and many mail-in ballots were never returned.

“The way it was before, you almost were setting voters up to fail,” said Amber McReynolds, the founding CEO for the National Vote at Home Institute, which advocates for voting access outside polling places. “That’s actually a best practice to cut it off so that voters are actually receiving the ballot with enough time to get it back.”

Critics of the absentee request deadline said it’s too early and hinders voters from being able to cast ballots.

State Election Board member Sara Tindall Ghazal, appointed by the Democrats Party of Georgia, said the deadline should be five to seven days before Election Day.

“Far too many voters end up being disenfranchised,” Ghazal said. “It leads to many voters getting their applications rejected and not able to access their ballot otherwise.”

Overall, election officials rejected 4% of absentee ballot requests for municipal elections on Nov. 2, according to records analyzed by The Atlanta Journal-Constitution. There were 1,362 rejected absentee ballot applications out of 35,312 submitted.

That’s an increase from fewer than 1% of absentee ballot applications rejected in 2020's general election.

The second-largest cause of absentee application rejections also stemmed from Georgia’s voting law. Missing or incorrect ID information accounted for 15% of denied ballot requests.

The voting law requires a driver’s license number, state ID number or a photocopy of another form of ID for absentee voting. Previously, election officials verified absentee voters by a system of signature matching and registration information verification.

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Inside the 'big wave' of misinformation targeted at Latinos
Amanda Seitz and Will Weissert
Associated Press
November 28, 2021
https://abcnews.go.com/Politics/wireStory/inside-big-wave-misinformation-targeted-latinos-81440503

WASHINGTON -- Before last year's presidential election, Facebook ads targeting Latino voters described Joe Biden as a communist. During his inauguration, another conspiracy theory spread online and on Spanish-language radio warning that a brooch worn by Lady Gaga signaled Biden was working with shadowy, leftist figures abroad.

And in the final stretch of Virginia's election for governor, stories written in Spanish accused Biden of ordering the arrest of a man during a school board meeting.

None of that was true. But such misinformation represents a growing threat to Democrats, who are anxious about their standing with Latino voters after surprise losses last year in places like South Florida and the Rio Grande Valley in Texas.

Heading into a midterm election in which control of Congress is at stake, lawmakers, researchers and activists are preparing for another onslaught of falsehoods targeted at Spanish-speaking voters. And they say social media platforms that often host those mistruths aren't prepared.

“For a lot of people, there’s a lot of concern that 2022 will be another big wave,” said Guy Mentel, executive director of Global Americans, a think tank that provides analysis of key issues throughout the Americas.

This month's elections may be a preview of what's to come.

After Democratic incumbent Phil Murphy won New Jersey’s close governor’s race, Spanish-language videos falsely claimed the vote was rigged, despite no evidence of widespread voter fraud — a fact the Republican candidate acknowledged, calling the results “legal and fair.”

In Virginia, where Republican Glenn Youngkin campaigned successfully on promises to defend “parental rights” in classrooms, false headlines around a controversial school board meeting emerged.

“Biden ordenó arrestar a padre de una joven violada por un trans,” read one of several misleading articles, translating to “Biden ordered the arrest of a father whose daughter was raped by a trans.”

The mistruth was spun from an altercation during a chaotic school board meeting months earlier in Loudoun County that resulted in the arrest of a father whose daughter was sexually assaulted in a bathroom by another student. The father claimed the suspect was “gender fluid,” which sparked outcry over the school’s policy allowing transgender students to use bathrooms matching their gender identity.

In reality, the White House wasn't involved with the meeting. The man was arrested by the local sheriff’s department. It’s also unclear how the suspect identifies.

Loudoun County was already the epicenter of a heated political debate over how the history of racism is taught in schools — another issue that became fodder for misinformation and political attacks on Spanish-language websites this summer, said Maria Teresa Kumar, president and CEO of Voto Latino, a nonprofit that mobilizes Hispanics to become politically engaged.

“It has everything to do with trust in institutions. Trust in government,” said Kumar, whose group works to combat the misinformation. “Eroding that trust will transfer not just to voting in the midterms, but just overall disengagement from your government."

Stretched truths accusing some Democrats of being socialists or communists could also dominate the online narrative, said Diego Groisman, a research analyst at New York University’s Cybersecurity for Democracy project.

During the 2020 election, Groisman flagged Facebook ads targeting Latino voters in Texas and Florida that described Biden as a “communist." The ads in Florida — where a majority of the country's Venezuelan population is concentrated — compared Biden to that country's socialist President Nicolás Maduro.

“There were clearly specific Spanish-speaking communities that were being targeted,” said Laura Edelson, the lead researcher for NYU’s program.

Evelyn Pérez-Verdía, a Florida Democratic strategist who watches Spanish misinformation patterns, says many online narratives intentionally stoke “fear in the Spanish-speaking communities."

One conspiracy theory mentioned on talk radio grew out of Lady Gaga's golden bird brooch at Biden’s inauguration. Some spreading the claim noted a similar brooch once worn by Claudia López Hernandez, the first openly gay mayor of Bogota, Colombia, signaled the new president was working with foreign leftists.

“They’re not going to stop. They’re going to double down on it,” Pérez-Verdía said of the misinformation.

Critics argue that social media companies like Meta, which owns Facebook, Instagram and WhatsApp, have placed outsize attention on removing or fact-checking misinformation in English over other languages like Spanish.

Facebook’s own documents, leaked by ex-Facebook employee turned whistleblower Frances Haugen earlier this year, echo those concerns. Haugen said the company spends 87% of its misinformation budget on U.S. content — a figure that Meta spokesperson Kevin McAllister said is “out of context.”

An internal Facebook memo, written in March, revealed the company's ability to detect anti-vaccine rhetoric and misinformation was “basically non-existent” in non-English comments.

Last year, for example, Instagram and Facebook banned “#plandemic,” a hashtag associated with a video full of COVID-19

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conspiracy theories. Yet users were spreading misinformation on the platforms using “#plandemia,” the Spanish version of the hashtag, until just last month.

An analysis last year by Avaaz, a left-leaning advocacy group that tracks online misinformation, also found Facebook failed to flag 70% of Spanish-language misinformation surrounding COVID-19 compared to just 29% of such information in English.

McAllister said the company removes false Spanish-language claims about voter fraud, COVID-19 and vaccines. Four news outlets, including The Associated Press, also fact-check Spanish-language falsehoods circulating around U.S. content on Instagram and Facebook.

Meanwhile, researchers at the nonpartisan Global Disinformation Index estimated that Google will make $12 million this year off ads on websites that peddled COVID-19 disinformation in Spanish. Google has “stopped serving ads on a majority of the pages shared in the report," company spokesperson Michael Aciman said in an email.

“Spanish-language misinformation campaigns are absolutely exploding on social media platforms like Facebook, WhatsApp, etc.,” New York Democratic Rep. Alexandria Ocasio-Cortez, one of the party’s top progressive voices, tweeted after the Nov. 2 election.

That explosion is fueled in part by a U.S.-Latin America feedback loop that allows falsehoods to fester.

Misinformation that starts on U.S. websites is sometimes translated by social media pages in Latin American countries like Colombia and Venezuela. The inaccuracies are shared back through YouTube videos or messaging apps with Spanish speakers in expatriate communities like those in Miami and Houston.

Those falsehoods are more likely to reach U.S. Latinos because they tend to spend more time on sites such as YouTube, WhatsApp, Instagram and Telegram, according to an October Nielsen report.

“We see YouTube accounts or radio stations churning out mis- or disinformation regarding a whole range of things that they pick up from fringe U.S. outlets,” Mentel said.

Some are working to fill the void of reliable information in those communities.

The Oakland, California, news service El Timpano delivers a text message of local news in Spanish to roughly 2,000 subscribers every week. Subscribers can text back with questions that staffers work to answer, said Madeleine Blair, who launched El Timpano.

The news service has fielded more than 1,500 questions over the past year, including ones about hoax COVID-19 cures.

“We really ramped up because it was clear that the communities we were serving were most in need of basic public health information,” Blair said, “and that information wasn’t reaching them.”

Others have urged the government to take on a watchdog role. Federal Trade Commission commissioner Rebecca Kelly Slaughter, a Democrat, said the regulator may look at disparities in how Big Tech monitors English-language disinformation compared to other languages.

“The first thing I think we need to do is investigate,” Slaughter said during a November panel with lawmakers.

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Family, police say couple orchestrated scheme to deed 8 homes from man who died to their nonprofit
Tanya Eiserer and Mark Smith
WFAA-TV
November 23, 2021
https://www.wfaa.com/article/news/local/investigates/dirty-deeds-family-couple-scheme-deed-8-homes/287-cf7ba507-0320-4557-8bf7-0890b5283e29

DALLAS — Arnold Young never married, never had children and served in the Army. He taught elementary school in Dallas.

Over the course of his 82 years, he amassed a small real estate empire: nine homes in Dallas County, part ownership in a funeral home, and land in East Texas.

“He was about family and he was just a hard-working man,” his niece, Audrey Hogg said.

So, his family was heartbroken when he fell ill of prostate cancer last fall. His decline was rapid. Surrounded by family, he passed away in February.

Young’s family thought settling his estate would be a simple matter. Young meticulously listed the relatives who would inherit his properties in a 2014 will. He designated Hogg and his sister as executors.

But within weeks of his death, family members discovered deeds, which transferred ownership of nine of Young’s houses, had been filed with the Dallas County Clerk’s office.

The houses had a value of more than a million dollars. The deeds transferring titles had allegedly been signed by Arnold Young.

One deed transferred ownership to a tenant. The other eight deeds transferred ownership to a nonprofit called Mutual Freedom, registered to a mailbox at a UPS store in Dallas.

The deeds were dated July 8, 2020 – seven months before Arnold Young’s death.

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Young's niece told WFAA that she knew immediately that the signatures on the deeds were not her uncle's.

The notary on the deeds: Belinda Tucker.

Tucker and her husband Anthony are the founders of Mutual Freedom, the nonprofit now claiming ownership of eight of the homes. One of the properties deeded to Tucker's nonprofit was Arnold Young's personal residence.

"He would not have done that," Hogg said. "In all my 52 years of living, he never said anything about the Tuckers."

Young's family and their attorney, Alisha Melvin, question how Belinda Tucker could notarize deeds giving control of the properties to herself.

According to the Texas Secretary State's rules for notaries, a notary is a "third party who has no personal interest in the transaction."

"You are not supposed to notarize anything that you have an interest in," Melvin said.

Tucker and her husband both face one felony count for theft in connection with the alleged deed fraud scheme. Belinda Tucker also has been arrested on a separate charge, accusing her of fraudulently selling one of the houses to an unsuspecting buyer.

Since 2019, WFAA has detailed how easy it is to forge people's signatures on property deeds – even the signatures of dead people. Once those deeds are filed with the county clerk, scammers can take control of properties they don't own.

Belinda Tucker declined to answer WFAA's questions. However, she did provide a six-page statement denying that any deed fraud occurred. Tucker also alleged that she and her husband were victims of a conspiracy involving Young's family, the police and city officials.

"My husband and I are merely the victims of false allegations by a disgruntled family member," she wrote.

Tucker, a former Lancaster mayoral candidate, said that after she was shot by a neighbor in 2019, Young reached out to console her. She said he later asked her to notarize some documents.

"As we talked, I noticed there were several deeds that were transferred to my nonprofit organization," Tucker said. "It was hard to say no to someone who was being so generous to me."

She said he also showed her a copy of his will, which named her charity as the beneficiary of those properties.

"Still struggling with bouts of depression, I did nothing with the properties that were transferred to my organization," she said.

She also provided WFAA a handwritten note that she claimed Young sent her around that time. WFAA could not make out the signature on the note.

After learning of Young's death, Tucker filed the deeds with the Dallas County Clerk's office which transferred the title for eight of the properties to her nonprofit. She said she soon contacted tenants to schedule inspections and to determine if she could offer them a new lease under her nonprofit housing.

Young's niece said the first sign of trouble began when one of the tenants refused to pay rent on his Lancaster home. During an April 5 eviction hearing, the tenant presented a deed to a justice of the peace.

Hogg said she looked at the deed and told the judge that it was not her uncle's signature. Hogg called Melvin, who found eight other of Young's properties had been transferred to Mutual Freedom without the family's knowledge.

Hogg filed a report with the Lancaster Police Department the next day.

Around that same time, the Tuckers sent out 30-day vacate notices to the tenants living in Young's houses. Hogg provided WFAA video of Belinda Tucker placing a vacate notice on Arnold Young's personal residence.

Bennie Williams received one of the vacate notices. She and her family have lived in the house for 40 years. Williams said Young never had her sign a lease.

"He was a person that kept his word," Williams said.

Meanwhile, Belinda Tucker was in contact with real estate investor Andrew Howard. He runs ads on a Dallas radio station, offering to buy properties from owners seeking to sell quickly.

Howard maintains an electronic record-keeping system for his real estate business. He kept records of all his contacts with Belinda Tucker. According to his notes, the first time he heard from Tucker was on April 7.

"Belinda called in from radio," his notes say. "Says she loved the AD and it really caught her attention."

His notes say they reached an agreement for him to buy the house Williams was living in that same day. He agreed to pay $68,000. Two days later, Howard's notes say Belinda told him the tenants have been "unresponsive since they sent notice to vacate."

A few weeks later, Bennie Williams received an eviction notice. Williams said she was shocked when Belinda Tucker and a locksmith showed up to change the locks a few days before the hearing.

"I spoke to Miss Tucker on the phone, and she told me she was coming in," Williams said. "I told her you cannot go in my house, and if you go in my house, I'm going to have you arrested."

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A judge dismissed the eviction case, allowing Williams to stay in the home.

On May 19, the Tuckers filed a contest to Young's 2014 will, contending that their nonprofit was the rightful owner of the eight houses.

That same day, according to Howard's notes, Belinda Tucker agreed to sell the house to him for a reduced price of $63,000, once he agreed to buy the house with Williams still living there.

On May 21, Howard closed on the property. The next day, he went to see Williams.

"That didn't go well at all," Howard said. "She met me at the door and told me that this whole thing was a Ponzi scheme, that Belinda didn't own the property so I couldn't possibly own it."

Melvin, the Young family's attorney, had filed paperwork with the county clerk's office to block the sale or transfer of the houses. But the title company missed it, allowing the sale to the Howards to go through.

That left Howard and his wife on the hook for a loan on a house that they lacked clear title.

"What we would like to happen is for it to not be so easy for people to steal property," Howard told WFAA. "We want to buy it, but we want to buy it from the rightful owners."

After Hogg filed a police report, Lancaster Detective Senad Deranjic was assigned to the case.

Deranjic says he investigated the deed transferring ownership to a tenant. The tenant initially denied knowing the Tuckers, Deranjic told WFAA.

Deranjic said the tenant eventually admitted that Anthony Tucker had been his caretaker. The tenant told police that Anthony Tucker came up with the idea to put the house in the tenant's name and gave him the forged warranty deed.

"He said that he fired Anthony after he discovered that Anthony Tucker forged all of the deeds, and not just the deed to his house," Deranjic told WFAA.

Deranjic said he spoke to Belinda Tucker on May 25. He said she denied wanting to sell any of the homes. The detective said Belinda Tucker told him she met Young at a 2015 fundraiser. She denied knowing the tenant, the detective said. Anthony Tucker also denied knowing the tenant, according to police records. But police obtained documents showing Anthony Tucker had been the tenant's caretaker.

Deranjic told WFAA that Belinda Tucker would not provide any evidence – no phone records, no emails, nor text messages – indicating that she knew Arnold Young.

In late October, a justice of the peace ordered the $55,000 check paid to the Tuckers' nonprofit be returned to the Howards' lender.

Belinda Tucker remains adamant that she and her husband have done nothing wrong, but the legal fight between the Tuckers and Young family is far from over.

In late January 2022, Young's family and the Tuckers will face off in court over the Tucker's effort to overturn his 2014 will.

"For them to come in and just take what he built for his family, his legacy, without a thought is painful," Hogg said. "It makes you angry.

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Governor Greg Abbott: Thousands of new jobs coming to Texas, billions in investments
Christina Aguayo
KTSM-TV
November 28, 2021
https://www.krqe.com/news/national/governor-greg-abbott-thousands-of-new-jobs-coming-to-texas-billions-in-investments/

EL PASO, Texas (KTSM) – Gov. Greg Abbott announced that the world's largest commercial real estate services investment firm, CBRE Group, will bring more than 1,000 jobs to two Texas cities.

CBRE Group will invest nearly 30 million dollars in its Dallas headquarters, creating 460 new jobs. With more than a 13 million dollar capital investment going towards an operations center in Richardson, Texas, the group aims to create 550 new jobs.

"Exceptional companies like CBRE are attracted to Texas because of our dynamic workforce and unrivaled business climate. CBRE's expansion in the Dallas-Fort Worth Metroplex will bring over one thousand high-paying jobs and greater opportunities for the hardworking people of North Texas, and I look forward to a strong relationship with the company as we work together to keep Texas the national model for economic prosperity." -GOV. GREG ABBOTT

Abbott also announced the construction of a Samsung facility, a 17 billion dollar investment, being made in Taylor, Texas.

"Samsung had many other options for this project…this is the largest foreign investment in the state of Texas ever."-GOV GREG ABBOTT

The Samsung facility will produce advanced microchips for mobile devices, 5G, high-performance computing (HPC), and artificial intelligence (AI).

It is predicted that the creation of the Samsung facility in Taylor will create more than 2,000 technical jobs, thousands of indirect jobs, and at least 6,500 construction jobs. Construction of the facility will start early next year and production will

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start in 2024.

“Companies like Samsung continue to invest in Texas because of our world-class business climate and exceptional workforce. Samsung’s new semiconductor manufacturing facility in Taylor will bring countless opportunities for hardworking Central Texans and their families and will play a major role in our state’s continued exceptionalism in the semiconductor industry. I look forward to expanding our partnership to keep the Lone Star State a leader in advanced technology and a dynamic economic powerhouse.” -GOV. GREG ABBOTT

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U.S. to require vaccines for all border crossers, starting in January
Zeke Miller
Associated Press
November 24, 2021
https://www.houstonchronicle.com/coronavirus/article/us-vaccine-requirement-texas-mexico-border-16648444.php

WASHINGTON (AP) — President Joe Biden will require essential, nonresident travelers crossing U.S. land borders, such as truck drivers, government and emergency response officials, to be fully vaccinated beginning on Jan. 22, the administration planned to announce.

A senior administration official said the requirement, which the White House previewed in October, brings the rules for essential travelers in line with those that took effect earlier this month for leisure travelers, when the U.S. reopened its borders to fully vaccinated individuals.

Essential travelers entering by ferry will also be required to be fully vaccinated by the same date, the official said. The official spoke to The Associated Press on the condition of anonymity to preview the announcement.

The rules pertain to non-U.S. nationals. American citizens and permanent residents may still enter the U.S. regardless of their vaccination status, but face additional testing hurdles because officials believe they more easily contract and spread COVID-19 and in order to encourage them to get a shot.

The Biden administration pushed back the requirement for essential travelers by more than two months from when it went into effect on Nov. 8 for non-essential visitors to prevent disruptions, particularly among truck drivers who are vital to North American trade. While most cross-border traffic was shut down in the earliest days of the pandemic, essential travelers have been able to transit unimpeded.

Even with the delay, though, Norita Taylor, spokeswoman for the trucking group Owner-Operator Independent Drivers Association, criticized the vaccination requirement, calling it an example of “how unnecessary government mandates can force experienced owner-operators and independent truckers out of business.”

“These requirements are another example of how impractical regulations will send safe drivers off the road,” she said.

The latest deadline is beyond the point by which the Biden administration hopes to have large businesses require their employees to be vaccinated or tested weekly under an emergency regulation issued by the Occupational Health and Safety Administration. That rule is now delayed by litigation, but the White House has encouraged businesses to implement their own mandates regardless of the federal requirement with the aim of boosting vaccination.

About 47 million adults in the U.S. remain unvaccinated, according to figures from the Centers for Disease Control and Prevention.

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Border: New customs requirements for Mexico shipments begin Wednesday
Noi Mahoney
FreightWaves
November 28, 2021
https://www.freightwaves.com/news/new-customs-requirements-for-mexico-shipments-begin-wednesday

New customs requirements for Mexico shipments begin Wednesday

Hoping to quell a rising tide of smuggled goods and lost tax revenue, Mexico’s controversial new waybill regulations — known as the Carta Porte supplement — is scheduled to go into effect Wednesday.

The regulations from the Mexican Tax Authority (SAT) aim to reduce cargo theft and the movement of contraband throughout the country. The SAT also estimates that Mexican authorities are losing as much as $7 billion a year on uncollected taxes from smuggled goods.

Trade officials in Mexico said they support the new regulations but that cross-border operators should be given more time to prepare for the changes.

“We are convinced of how important it is to fight the smuggling that affects the industry so much, and how essential it is to strengthen formal trade in our country,” José Abugaber, president of the Confederation of Industrial Chambers of Mexico (CONCAMIN), said during a recent video posted on Facebook.

CONCAMIN represents more than 50 industrial chambers across different sectors and advocates for policy initiatives, while providing economic and legal advice to members.

Abugaber said the organization is concerned about the short time remaining for the start of the new regulation.

It’s expected that on Wednesday, the SAT will begin trial enforcement without liability of the waybill information, and on Jan. 1, it will begin full enforcement.

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“We have full confidence that the private sector can participate in an important way in the necessary and urgent training and dissemination of [Carta Porte] to a large percentage of service providers and users of all modes of transportation, including SMEs, which require regulatory and technological preparation,” Abugaber said.

“We are concerned about the short time remaining for the mandatory start of this provision. We make a call to consider the extension of the deadline for the entry into force of this complement only for the time strictly necessary to resolve some pending technical aspects.”

The SAT will require any entities sending goods through Mexico to modify their electronic invoices — known as CFDI in Spanish — with the Carta Porte supplement.

All freight of any size traveling by road, rail, air or sea through Mexico and all types of commodities will be required to have the supplement.

One of the forms that parties need to fill out for the supplement has up to about 160 questions. Providing the information will be the responsibility of the shipper, carrier and also suppliers involved in the shipment.

The SAT could fine shippers, carriers or other parties up to $4,500 for not having correct documentation.

Anaid Chacon, Nuvocargo’s head of product, said the company hosted a customer event a few weeks ago during which many were asking about Carte Porte.

New York-based Nuvocargo is a digital logistics platform for cross-border trade between the U.S. and Mexico.

“I think we broke all of our records of assistance during the event because a lot of people really want to know about the subject,” Chacon told FreightWaves.

The new requirements make it more important to vet potential suppliers and vendors to make sure they have the technological capability to handle the new rules, Chacon said.

“One of the things that we’ve seen a shift from, especially more even recently with the Carte Porte regulations changes, is that a lot of the vetting initially was very focused on price. This has now expanded also to include compliance,” Chacon said.

Shippers should be thinking about their suppliers, not only as a cost center and something that they need to spend money on, but as something that can give them a strategic advantage.

“When you’re thinking about the vendors or carriers to work with, it’s thinking about what is their technological aptitude? What tools do they use to manage their internal teams? What kind of visibility do they have in terms of KPIs for metrics that they care about internally as a company; are they able to produce those reports?” Chacon said.

“There’s a lot of changes happening very quickly, as results of regulations or as results of also things that happened with COVID, that you need to be able to respond quickly to and asking those questions [is] super valuable.”

Samsung announces $17B semiconductor plant in Texas

Samsung plans to build a $17 billion semiconductor manufacturing facility in Texas to tackle a global shortage of chips, officials said.

“With greater manufacturing capacity, we will be able to better serve the needs of our customers and contribute to the stability of the global semiconductor supply chain,” Kinam Kim, Samsung’s vice chairman and CEO, said in a statement Tuesday.

The South Korea-based company’s newest factory could create 2,000 high-tech jobs directly and is scheduled to open by the end of 2024.

A global semiconductor chip shortage has affected different manufacturing sectors around the world. Short supplies of semiconductors have hampered production of new vehicles and electronic devices over the past year.

“Increasing domestic production of semiconductor chips is critical for our national and economic security,” said U.S. Commerce Secretary Gina Raimondo in a statement.

Great Lakes Dredge & Dock secures $92.5M contract for Houston Ship Channel

Great Lakes Dredge & Dock Corp. has signed a $92.5 million dredging contract for the Houston Ship Channel Widening and Improvement, known as Project 11.

It represents the first phase of the Houston Ship Channel expansion and deepening program. Dredging is expected to begin in early 2022.

Great Lakes Dredge & Dock will dredge 11.5 miles of the channel to widen a portion of the bay from 530 feet to 700 feet, according to a release. It will pump 1.6 million cubic yards of dredged material to construct an island for a bird habitat and oyster reef.

The project will allow for larger container and petrochemical ships to navigate the Houston Ship Channel to access the Port of Houston.

Truck driver charged in record-breaking border drug seizure

A truck driver from Mexico faces federal drug charges after he was caught with record-breaking amounts of methamphetamine and fentanyl while trying to cross into the U.S., authorities said.

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Carlos Martin-Quintana-Arias was arrested on Nov. 18 after 17,584 pounds of methamphetamine and 389 pounds of fentanyl were seized from a tractor-trailer he was driving at the U.S.-Mexico port of entry in Otay Mesa, California, just south of San Diego.

Authorities said the truck manifest listed automotive parts as the load being transported. Martin-Quintana-Arias was arraigned in San Diego federal court on Nov. 19 on two counts of importation of a controlled substance.

Authorities did not provide an estimated street value for the drugs seized from the truck.

Noi Mahoney is a Texas-based journalist who covers cross-border trade, logistics and supply chains for FreightWaves. He graduated from the University of Texas at Austin with a degree in English in 1999. Mahoney has more than 20 years experience as journalist, working for newspapers in Florida, Maryland and Texas. Contact nmahoney@freightwaves.com

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Human shields, drones, gunships aid Mexico's drug war
Mark Stevenson
Associated Press
November 27, 2021
https://www.borderreport.com/regions/mexico/human-shields-drones-gunships-aid-mexicos-drug-war/

AGUILILLA, Mexico (AP) — The Mexican government is rapidly running out of tools to control the expansion of the feared Jalisco cartel on the front lines of Mexico's narco war in the western state of Michoacan and the stalled ground effort is being supplemented by an increasingly sophisticated aerial conflict.

Jalisco, Mexico's most militarily powerful drug gang, has begun organizing townspeople to act as human shields against army troops, which now just try to keep rival cartels apart.

"If they try to come in here again, we'll put 2,000 people out here to stop them," said Habacuc Solorzano, a 39-year-old farmer who leads the civilian movement associated with the cartel. His statement, like most of what comes out of the Jalisco side, is not mere boasting: He already had about 500 local residents marching last week— then wading across a river — to confront an army squad blocking a dirt road leading out of Jalisco territory.

Residents of Aguililla are fed up with the army's strategy of simply separating the Jalisco and the Michoacan-based Viagras gang. The army policy effectively allows the Viagras — best known for kidnapping and extorting money — to set up roadblocks and checkpoints that have choked off all commerce with Aguililla. Limes and cattle heading out, or supplies heading in, must pay a war tax to the Viagras.

"We'd rather be killed by you than killed by those criminals!" one demonstrator shouted at soldiers during a tense, hour-long confrontation between demonstrators and a squad of a dozen troops who took cover behind a barricade of car tires. Many of the demonstrators carried rocks and powerful slingshots, but did not use them.

The residents want the army to either fight both cartels, or at least let the two gangs battle.

"Let the two cartels fight it out and kill each other," another demonstrator shouted. "Jalisco is going to beat everybody!"

That view is widespread. "What we need is for one cartel to take control, stop the fighting and impose some semblance of calm," said a local priest. "Everything indicates that group is the Jalisco cartel."

Above all, what residents want is for the Viagras' checkpoints to be cleared and the road opened again. Because they must occasionally pass through those roadblocks, none of the residents wanted to give their names for fear of reprisals.

But one explained it this way to the army squad: "The only road into Aguililla is blocked and controlled by a cartel that is only 500 yards away from you, and you (the army) are not doing anything to protect our right to travel freely," he said. "You don't know how hard it is to be paying a war tax that is being used to kill us."

That is actually a fairly accurate description of government policy: preserving the status quo, and making each cartel stay in its own territory.

But Jalisco won't accept the government as the arbiter of drug cartel territorial divisions; the local Jalisco cartel leader says the army is only trying to protect the weaker of the two gangs, the Viagras, for reasons of corruption.

Jalisco is everywhere in Aguililla, from pickups and homemade armored cars bearing the cartel's initials to the small trampolines the gang installed for children in every village.

Some residents say they are strongly pressured to participate in the protests, fearing their water or electricity might be cut off if they don't. Others are just tired of paying the Viagras' war taxes and being cut off from the outside world. One female protester described how her father died in early 2020 because the Viagras wouldn't allow them past to get to a hospital.

Dozens of cartel gunmen openly wear bulletproof vests emblazoned with the group's Spanish initials, "CJNG" — Jalisco New Generation Cartel — on the back, and on the front, "FEM" — "Mencho's Special Forces," a reference to the nickname of the cartel's leader, Nemesio Oseguera.

Jalisco is the one cartel in Mexico that doesn't hide what it is, and doesn't play to the politics of press relations or restraint.

"We're narcos," said the local Jalisco leader, who did not give his name. "Everybody should mind his own business." His beef with the Viagras and other local gangs he's fighting is that "they want everything for themselves."

Jalisco keeps its sizeable army of troops running with a potent mixture of money — the cartel has a lot, from trafficking fentanyl and meth into the United States — and cocaine, which it flies in from Costa Rica.

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As the local boss stands at an impromptu street-side command post, a pickup full of Jalisco gunmen with AR15 assault rifles pulls up. The driver says, “The Scorpion said he needs some stuff,” and the boss reaches into his own truck and hands the co-pilot a plastic bag with what appears to be a kilogram brick of cocaine, apparently for ”the troops.”

Jalisco understands brute force; for the moment, it doesn’t bother Aguililla residents much, because it doesn’t have to. But if it suspects a resident of actively working for or passing information to the Viagras, that person’s life expectancy is likely to be very short.

The local boss shrugs off the government’s assertions that cartels like Jalisco are having trouble finding young recruits, due to the current administration’s youth employment and training programs.

“It depends on the kind of youth,” he says. “Those that sleep under bridges, they come here and they think they’re in Paris. There’s food here.”

“I make it clear to my people that they come here to fight,” he adds.

Beyond food, regular pay and unlimited drugs, the Jalisco cartel also offers its young foot soldiers a kind of family structure. Everyone, even the local boss, refers to their immediate superior as “Apa,” the way a child would say “Papa.”

Both cartels have developed bomb-carrying drones, and the most feared warrior on these battlefields is the “dronero,” or drone operator. While initially crude and dangerous to load and operate — and still worrisomely indiscriminate — drone warfare has improved, and it’s not unusual to see metal barn or shed roofs opened like tin cans from the impact of drone explosions.

Locals also claim — though there is little evidence beyond a few craters in roads — that the cartels are starting to use land mines.

To handle the increasing firepower in the conflict, the Mexican government has resorted to playing a powerful card to outgun the Jalisco cartel: Blackhawk helicopter gunships equipped with rotating-barrel electric machine guns that can fire 6,000 rounds per minute.

It is a weapon that almost defines ‘’indiscriminate blanket fire” and is banned in most countries in civil conflicts. It is the kind of weapon President Andrés Manuel López Obrador says he no longer wants.

But for the moment, such massive firepower is the only thing holding Jalisco back.

“They shot up and burned two of our trucks,” the local gang boss said of the gunships. “When the soldiers arrive with a helicopter, there’s nothing you can do, you just get out of the way.”

It’s not clear that is going to be the case for long. Jalisco is known for two things: being the most heavily armed cartel in Mexico, and the only one to have ever shot down a military helicopter.

In 2015, Jalisco cartel gunmen brought down a Eurocopter transport helicopter with a rocket-propelled grenade, killing eight soldiers and a police officer. While the choppers Jalisco faces now are Blackhawks, there is little doubt the cartel can come up with something punchier.

The newspaper El Universal published transcripts of intercepted cartel communications where a leader can be heard coaching a sniper with a .50-caliber rifle to put armor-piercing rounds through the door of a helicopter. The Mexican army did not respond to request for comment on this, or other issues.

In the past, Jalisco has obtained squad machine guns, .50-caliber sniper rifles and 40mm grenades and launchers.

The government, afraid of the kind of bloodbath that started in 2018 when the Jalisco cartel moved into the neighboring state of Guanajuato, is now left with an unworkable policy of defending gang territorial divisions, and an increasingly narrow military advantage.

An unnamed army captain who tried to talk with the Aguililla protesters expressed the predicament.

“How can it be that Mexicans are killing other Mexicans?” the captain said. “This just can’t be.”

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Mexico lays out conditions for restart of 'Remain in Mexico' program
Monique Beals
The Hill
November 26, 2021
https://thehill.com/policy/international/583227-mexico-lays-out-conditions-for-restart-of-remain-in-mexico-program

The Mexican government has laid out various requests it wants met before the Trump-era "Remain in Mexico" program is reinstated after a federal judge ordered the Biden administration to restart it.

"The government of Mexico ... has raised various concerns of a humanitarian nature regarding the asylum procedure in the United States," the Mexican Foreign Ministry said in a statement Friday, per Reuters.

Biden and Mexican President Andrés Manuel López Obrador have yet to agree to restart the program, formally known as the Migrant Protection Protocols, which requires asylum-seekers to live in Mexico as they await determination of their applications in the U.S.

Mexico is asking that development programs for southern Mexico and Central America be accelerated in an effort to address the root causes of migration. Additionally, Mexico asked that migrants get medical attention and COVID-19 vaccines and

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requested "additional resources" for shelters and assistance with legal advice, the news service added.

"The Government of Mexico emphasizes that ... it requires the Government of the United States to promptly address these humanitarian measures," the Foreign Ministry also said, adding that it "awaits a formal response from the United States government," according to Reuters.

Last month, the Biden administration said it was prepared to reimplement the program in mid-November if it could get agreement from the neighboring government.

Axios reported on Wednesday that the White House plans to offer COVID-19 vaccines to asylum-seekers under the program, which sources said could restart within a week, though the administration said that would depend on Mexico.

The moves to restart the Trump-era program, which led to 70,000 asylum-seekers being sent back to Mexico, was prompted by Texas and Missouri winning legal battles that claimed the Biden administration was too quick to retract the policy.

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Texas border landowners ask for federal funding for damage incurred during migrant crisis
Maggie Glynn
Nexstar/KXAN-TV
November 24, 2021
https://www.krqe.com/news/national/texas-border-landowners-ask-for-federal-funding-for-damage-incurred-during-migrant-crisis/

DEL RIO, Texas (Nexstar) — This week, U.S. Senator John Cornyn (R-Texas) met with local leaders in Del Rio to discuss how the current crisis at Texas' southern border is affecting the community.

While local law enforcement and city officials asked for more funding, border communities have already secured $30 million from the federal government to reimburse local communities and non-governmental organizations who had spent significant resources on migrant care.

Landowners, however, said they have been overlooked. The South Texans' Property Rights Association said landowners have experienced property damage and worker shortages due to the migrant crisis.

"We don't want to compete with law enforcement monies because of stolen vehicles and that sort of thing. So where does that come from? That leaves the landowner high and dry," Susan Kibbe, the association's executive director, told Cornyn on Monday.

"There's people that are leaving, employers are losing employees on their property. They don't want to stay anymore," Kibbe said, explaining the employees feel unsafe.

Senator Cornyn said he would take the stories he heard at the roundtable discussion to try to garner attention in D.C.

"We've been doing what we can to bring attention to the issue in a public way. We openly support the state and their efforts. And we're working with them to try to with processing centers and trying to work with all county officials to make it happen. But we need federal help, and we need a mindset change," Kibbe said.

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7 former McAllen Chamber chairs say organization is in 'turmoil'; ask Mayor Villalobos to intervene
Steve Taylor
Rio Grande Guardian
November 26, 2021
https://riograndeguardian.com/7-former-mcallen-chamber-chairs-say-organization-is-in-turmoil-ask-mayor-villalobos-to-intervene/

MCALLEN, Texas – Seven former chairs of McAllen Chamber of Commerce have written to McAllen Mayor Javier Villalobos to express concern over the current leadership of the chamber's board of directors.

In a joint letter, Dora Brown, Joe Brown, Bob McCreery, Karen Valdez, Charles Marina, Maurice Welton, and Larry Delgado claim the McAllen Chamber is currently in "turmoil."

Without naming her directly, the former chairs are clearly unhappy with performance of the current Board Chair Annette Franz.

"Never have we seen the actions of one Chair cause so much unrest within the Chamber, among our Chamber staff and within the Business community of McAllen," the former chairs wrote.

The former chairs say the McAllen Chamber had a great reputation under the leadership of its former president, Steve Ahlenius. He left abruptly last month.

"We wish to express our disappointment in the actions of the current board of directors and plead for your intervention in securing a change of leadership on the Board of Directors," the seven former chairs wrote, in their letter to Villalobos.

The letter ends: "Our request is that you restore order to our beloved Chamber before irreparable damage is done to it or our Great City."

Villalobos received the letter as an attachment to an email from Delgado (pictured above), a master chef and restaurant owner in McAllen. The subject line was marked "Confidential." The Rio Grande Guardian received the email and the letter via an open records request to the City of McAllen.

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Here is what Delgado wrote:

Good evening Mayor,

The attached letter represents the sentiment of some of your past Chairman of the Board of Directors of the McAllen Chamber of Commerce. While we concede that Steve Ahlenius may not be salvageable, we all agree that the Chamber of Commerce is. Thank you for your time.

Larry Delgado

Chef/Owner

Delgado Collective

Here is the letter Delgado and the six other former McAllen Chamber chairs sent Mayor Villalobos:

November 5, 2021

Dear Mayor Villalobos,

We write you in response to the turmoil currently disrupting the McAllen Chamber of Commerce. We wish to express our disappointment in the actions of the current board of directors and plead for your intervention in securing a change in leadership on the Board of Directors.

As former Chair of the board and having served many years on the Board of Directors, we are no strangers to conflict, hardship, or difference of opinion. We are, however, shocked at how quickly and utterly devastating current matters have negatively impacted the reputation and the future of the McAllen Chamber of Commerce. Never have we seen the actions of one Chair cause so much unrest within the Chamber, among the Chamber staff, and within the Business community of McAllen.

Throughout the years we have held our heads high with honor and a great sense of pride for all that the McAllen Chamber of Commerce has stood for and accomplished. This Chamber has stood head and should above any in our region and perhaps the Great State of Texas and has set the standard of excellence for over 20 years culminating in National recognition for their work. The Chamber staff, under the leadership of Steve Ahlenius have worked tirelessly to fulfill the mission of the Chamber to help McAllen businesses be successful and make money, accelerate connections, create economic momentum, and enhance the image and quality of place of McAllen. Our request is that you restore order to our beloved Chamber before irreparable damage is done to it or our Great City.

Respectfully,

Dora Brown,

Chairman of the Board 2005

Joe Brown

Chairman of the Board 2010

Bob McCreery

Chairman of the Board 2011

Karen Valdez

Chairman fo the Board 2012

Charles Marina

Chairman of the Board 2016

Maurice Welton

Chairman of the Board 2017

Larry Delgado

Chairman of the Board 2019

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Column: Texas state senators draw for term lengths
Dave McNeely
Huntsville Item
November 25, 2021
https://www.itemonline.com/opinion/texas-state-senators-draw-for-term-lengths/article_38392a5f-6980-5e12-a9c4-58f8094c1362.html

Unless you are a relatively close follower of Texas politics and government, you may not know this.

The Texas House of Representatives has 150 members, who have two-year terms. All the seats are up for election every two years. No problem.

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But the 31 members of the Texas Senate serve staggered four-year terms. That means 15 seats are up for election in one even-numbered election year, and two years later, the other 16 seats are up.

But once a decade, after the decennial census, the Senate adjusts its districts, to accommodate population shifts -- and, to be blunt, to see the party in power gerrymander the districts as much as possible to help their side for elections for the next 10 years.

In the election year following the census – in this case, 2022, after the 2021 redistricting, based on the 2020 census – all 31 senate districts are up for election.

Then, to restore the senate to staggered four- year terms -- roughly half of the senators chosen every two years – all 31 senators elected in 2022 will draw lots early in the regular 140-day legislative session beginning in January of 2023 following the elections of all 31 senators – this time in 2023 – the senators will draw lots to see which 16 get four-year terms, and which 15 will get two-year terms.

And barring successful lawsuits challenging the redistricting, the districts, with the staggered four-year terms will be in place until the 2030 census starts the shuffle once again.

This ritual to restore the staggered terms every ten years can have a major effect on the political choices of senators.

If they draw a two-year term initially, then they will come up for election in presidential election years for the rest of the decade. If they draw a four-year term, their seat will come up for election in non-presidential election years – the years that statewide officials are chosen.

For instance, if a senator wants to run for attorney general, if they initially drew a two-year term, their district would be up for election in the same election years as the attorney general's four-year term.

That means their choice would be "Up or Out." Since you can't be on the ballot for more than one office in an election (except for president or vice-president), you'd have to give up your senate seat to run for attorney general.

An example of the "Up Or Out" race for a state senator was when Democratic state Sen. Wendy Davis was catapulted into national prominence by her filibuster to block an anti-abortion bill in 2013.

She ran in 2014 for governor, rather than for re-election. But she lost the general election to Republican then-Atty. Gen. Greg Abbott. And had sacrificed her senate seat in the process.

If she had drawn a four-year initial term, she could have made a "free-ride race," where a senator could seek statewide office, and if they lost, would still be a senator for another two years.

An example is State Sen. Royce West, the long-time Dallas Democrat, who ran in 2020 for the U.S. Senate seat held by Republican U.S. Sen. John Cornyn.

West lost the Democratic primary runoff to M.J. Hegar and was out of the U.S. Senate contest. But he was still a state senator.

So, the drawing for terms in 2023 among the 31 senators elected in November of 2022 ought to be really interesting – at least to the 31 senators.

Some senators bowing out

Three of the most senior members of the Texas Senate have announced they won't run for re-election in 2022 – leaving their seats up for grabs, which is already going on.

The three are:

— Eddie Lucio, Jr., D - Brownsville 75 – third in seniority, senator since 1991, after two House terms. A surprise, because he had earlier announced he would run again.

His anti-abortion stance distanced him from other Democrats, but endeared him to Republican Lt. Gov. Dan Patrick.

His son, State Rep. Eddie Lucio III, was considered a potential successor, but announced he also will not run for re-election in 2022.

— Jane Nelson, R-Flower Mound, 70, senator since 1993, is the most senior Republican. Chair of the budget-writing Senate Finance Committee for the last four sessions.

— Kel Seliger, Republican, 68, former longtime Amarillo Mayor, joined the Senate in 2005.

— Dawn Buckingham, R-Lakeway, 53, senator since 2017, is leaving to run for Land Commissioner.

— Senate Dean John Whitmire, D-Houston, 72, a House member for 10 years before joining the Senate in 1983, plans to run for re-election in 2022, but after the regular legislative session ends May 29, 2023, he says he's running for mayor of Houston in November 2023.

—

Dave McNeely is a statewide political columnist. He can be reached via email at[*davemcneely111@gmail.com*](mailto:davemcneely111@gmail.com)

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Unnecessary election audit supports baseless claims of extensive voter fraud
Editorial Board
Beaumont Enterprise
November 27, 2021
https://www.beaumontenterprise.com/opinions/editorials/article/OPINION-Unnecessary-election-audit-supports-16655703.php

John B. Scott, the new Texas secretary of state, believes that a "full forensic audit (of last year's elections) will restore faith in Texas voting." Someone should tell him that most Texans already have faith in Texas voting. That group should include most Texas Republicans, because their party did very well in the 2020 elections. Former president Trump carried the state easily, the GOP won all statewide races and maintained its control of the state House and Senate.

It's hard to see what they are concerned with — maybe not winning by large enough margins? — and what "problem" has to be fixed. Apparently they don't realize how disappointed Texas Democrats were with the 2020 results. Members of that party truly thought they would break through last year; if any party should be questioning the results, it would be them.

Instead, in Texas and across the nation, it is some Republicans pushing the baseless theory that last year's elections were riddled with fraud and somehow the shenanigans must finally be uncovered and exposed. That is why Scott is boasting about the ongoing "top-to-bottom examination of election records in the two largest counties with Democratic Commissioners Courts — Harris and Dallas — as well as the two largest counties with Republican Commissioners Courts — Tarrant and Collin" by his office.

Again, it's not clear what this expensive and unnecessary exercise is supposed to prove. Scott cited one poll which said that 79 percent of Americans in both parties believe there sometimes is cheating in elections. That may be true, but the word "sometimes" is important there. Nothing in life is absolutely perfect, and that includes elections where millions of people vote. And to the extent that some Americans believe larger fraud exists, it's because Republican officials like Scott and Gov. Greg Abbott have been promoting this baseless theory for months. It all comes from President Trump, of course, and too many Republicans are publicly going along with his fantasy when they privately admit it's bonkers.

Scott and Abbott should have noticed similar claims in Arizona, where not one but two official audits of the 2020 election were held, finding no fraud. State officials then contracted with a sketchy company with no relevant experience to conduct a third audit, and the results were the same. Well, except for a few more votes added for President Biden, which certainly wasn't the goal. Oh, and no evidence of phony paper ballots imported from China with telltale bamboo fibers.

Whenever and wherever it occurs, voter fraud is serious. Any perpetrators should get serious punishment. But when large numbers of votes are cast in large counties or a huge state like Texas, some small counting mistakes are likely, if not inevitable. That's not widescale fraud, however, which is what Scott and Abbott are talking about.

Scott hopes that this audit will that show Texans that "voting in our state is fair and secure, and that only legal votes are cast and counted." We hope so too; in fact, there's no reason to think otherwise.

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Monday, November 08, 2021 10:22 AM EST
Subject: SOS Morning News Clips 11/8/21

Texas Secretary of State
Morning News Clips
November 8, 2021

Delays, Staffing Hiccups, Equipment Problems Interrupt Harris County Election Process, *The Texan*, November 5, 2021

Voting lawsuit keeps Texas, Biden administration at odds, *Associated Press*, November 5, 2021

Gov. Abbott's response to DOJ's suit aimed at Texas voting law – 'Bring it', *Southeast Texas Record*, November 5, 2021

Longtime state Sen. Eddie Lucio Jr. announces retirement, *Spectrum News*, November 5, 2021

Kaufman County sees a decrease in voter turn out for Constitutional Amendments and Joint Election, *Kaufman Herald*, November 6, 2021

Gregg County sees higher voter turnout for constitutional amendment election, *Longview News-Journal*, November 6, 2021

Voting distrust likely to continue despite smooth election, *Associated Press*, November 7, 2021

Chandler to test mobile voting in effort to make elections faster, more secure, *FOX 10 Phoenix*, November 5, 2021

City of El Paso ready to implement plans to deal with increase of border traffic, *KFOX-TV*, November 7, 2021

Judge in Mexico Orders Arrest of Another Former Pemex CEO, *Bloomberg*, November 5, 2021

George P. Bush warns that if Ken Paxton wins GOP nomination for AG, a Democrat will win in November, *Dallas Morning News*, November 5, 2021

Budding rivalry pits Greg Abbott against Ron DeSantis in race to the right, *Austin American-Statesman*, November 6, 2021

Tesla's Central Texas presence is already spurring hiring at other companies, *KXAN-TV*, November 5, 2021

Commentary: Texas needs an independent redistricting commission, *San Antonio Express-News*, November 7, 2021

Opinion: Abbott emulating Trump is a blow to democracy, *Corpus Christi Caller-Times*, November 5, 2021

Editorial: Smooth voting in Texas, other states was a good sign, *Houston Chronicle*, November 5, 2021

Texas Gov. Abbott thinks he can attract cargo to Texas ports due to delays in California. Here's why that makes no sense, *CNN Business*, November 6, 2021

Delays, Staffing Hiccups, Equipment Problems Interrupt Harris County Election Process
Holly Hansen
The Texan
November 5, 2021
https://thetexan.news/delays-staffing-hiccups-equipment-problems-interrupt-harris-county-election-process/

Despite having revamped the elections division and spending $54 million on new voting machines, Harris County struggled to cope with elections snafus this week that included inadequate staffing levels, lack of training, equipment problems, and logistical challenges.

Although early voting results are usually posted at the time polls close on Election Day, Harris County was unable to provide any results until nearly 10:30 p.m. Final tallies were not fully reported until 8:30 a.m. on Wednesday, although other large Texas counties and even other entire states had provided the public with unofficial results shortly after midnight.

Late Tuesday night, the county's elections department wrote in a social media post that they "had some power issues at central count" that would delay results.

Referring to the World Series game taking place that evening, they continued, "Watch the game and catch us after for Election results. Go Stros!!"

According to workers at central count operations, a power fluctuation interrupted work mid-afternoon on Tuesday and the elections division did not have adequately charged battery back-ups in place. Thus a "logic and accuracy" (L&A) test of

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computer equipment that is required prior to processing ballots cast by early and absentee voters was long delayed.

Although the required test usually takes a few hours, an L&A test conducted by the elections division back in September took more than nine days to complete, prompting calls to re-hire experienced elections staff that had been fired after the county's transition to an elections administrator.

Additional issues occurred after polls closed as election judges traveled to NRG Park to deliver equipment and ballots. In previous years, drop off sites were situated in several parts of the sprawling county, but now the elections division requires all 700-plus precincts to drive the materials to NRG in Houston.

"After 18 hours of serving as an election judge, I then had to wait in a car line for two hours to drop off," Robert Choate, an election judge, told The Texan.

Shortly after 5 a.m. Wednesday, Elections Administrator Isabel Longoria stated on Twitter that she was waiting for a school custodian to wake up to open a school supply closet that purportedly contained a missing ballot box.

After receiving all election day ballots, staff scrambled to complete essential work before packing up all equipment and vacating the NRG facility which had been leased only until 11:59 a.m. Wednesday. The remaining work of processing will take place on county property.

County Commissioner Adrian Garcia (D-Pct. 2) wrote on social media that "not getting timely results is unfair to voters and candidates," but said he expected the issues were a "one-time glitch" and then complained that county elections had earned a poor reputation due to former Republican county clerk Stan Stanart who left office in 2018.

Election Day judges also expressed frustration over equipment failures and a lack of training for election workers.

According to an email from Harris County Republican Party (HPRC) Chair Cindy Siegel, although the parties were to recruit election judges and workers, "Training was limited or non-existent."

"We requested several times access to the new machines so that our election workers could be trained. It wasn't until early voting when we were allowed to come in and use [machines to] create a video on how to use it," Siegel wrote.

"Interestingly enough, the same day we were allowed access the [Harris County Democrat Party] posted a professionally done video where they showed the old and new equipment and how to use it."

The HCRP notes that lack of training may have been a factor in multiple election judges leaving either boxes full of paper ballots, electronic ballot records, or both at polling sites Tuesday evening, thus creating a chain of custody concerns.

On Wednesday, Texas Secretary of State John Scott released a statement saying that his office was working to ensure the integrity of the ballot-counting process in Harris County for the November 2 elections.

"The Secretary of State's office will work to ensure that all ballots were handled appropriately and counted validly."

Multiple sites reported equipment problems, and election judge Rolando Garcia said he was unable to process any voters at his polling site until 10:15 a.m. after two technicians had addressed equipment failures.

The county also faced staffing issues and on Monday, the day before the election, Longoria sent an urgent plea to both the local Democrat and Republican parties to find persons who could serve as election judges for 30 locations, noting that she would modify the usual requirements including those for training.

By Tuesday morning, election day, Longoria informed the parties that six polling sites would not open due to a lack of staff.

Under the prior county organization, two elected officials — the county clerk and the tax assessor-voter registrar — managed various aspects of elections in the state's most populous county.

Last year however, despite bipartisan opposition, Harris County commissioners voted 3 to 2 to create the office of elections administrator with a base salary of $190,00 per year.

Before the vote, Commissioner Rodney Ellis (D-Pct. 1) argued that it would be "better to have an office that focuses every day of the year, for 12 months, on 'What can we do to make this process of running elections as seamless [as possible]?'"

Following this week's election, Commissioner Jack Cagle (R-Pct. 4) said it would be better to return to the county's former model for election management.

"We have an unelected bureaucrat who was appointed by three members of commissioners court. There's no accountability to the public," said Cagle.

Last year Ellis had also vowed that a "neutral, nonpartisan administrator will increase election integrity, increase voters' trust in the process."

A hiring committee consisting of county Judge Lina Hidalgo (D), the county political party chairs, Tax Assessor and Voter Registrar Ann Harris Bennet (D), and interim County Clerk Chris Hollins selected Isabel Longoria, a former staffer for state Sen. Sylvia Garcia (D-Houston) with no elections work experience. Both Bennet and then HCRP Chair Keith Nielsen opposed the appointment.

The elections department managed by Longoria has hired former Ellis campaign staffer Tyler James to serve as chief of staff, and former Texas Civil Rights Project staffer Beth Stevens as a director of operations.

Under Longoria's administration, the county opened 16 drive-thru voting sites this year and held the first-ever polling site inside the county jail where reportedly nearly 100 ballots were cast. As of December 2021, drive-thru voting will no longer be permitted under state law.

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Voting lawsuit keeps Texas, Biden administration at odds
Paul Weber
Associated Press
November 5, 2021
https://apnews.com/article/texas-voting-rules-joe-biden-us-supreme-court-9b8cbb3ec9a5dfbfdaeacbfe4ec15ed5

AUSTIN, Texas (AP) — More and more, Texas and the Biden administration are dragging each other to court.

First it was over immigration enforcement on the U.S.-Mexico border. Then a Texas ban on most abortions. Then this week, just days after the Justice Department urged the U.S. Supreme Court to halt the nation's most restrictive abortion law, Attorney General Merrick Garland brought another lawsuit against America's biggest red state, this time over restrictive new voting rules.

With President's Joe Biden's own domestic priorities remaining stuck despite his party controlling Congress, his administration is simultaneously trying to knock down pillars of a hard-right agenda the Texas GOP muscled through over the last year. Doing so could provide a boost to Democrats, who are searching for a win as they confront an already stormy outlook heading into the 2022 midterm elections.

But putting up the fight is still short of sweeping federal legislation sought by Democrats, and a conservative majority on the Supreme Court could ultimately stand in the way.

Although the justices signaled on Monday they would allow Texas abortion providers to pursue a court challenge to a controversial law that has banned most abortions in the state since September, it was not clear whether they would let the restrictions remain in place for now.

"It seems like every harmful law in the state of Texas ends up in federal court," Democratic state Rep. Trey Martinez Fischer said. "Republicans control every lever of government in the state of Texas. If they wanted to celebrate Christmas in the month of April, they have the votes to do it. But just because they have the votes, that doesn't necessarily make it so."

Texas Republicans have defended their laws as legal, and Gov. Greg Abbott reacted to the latest lawsuit by tweeting: "Bring it."

Depending on the party in the White House, big states have become eager centers of resistance. California proudly sued the Trump administration more than 120 times. During the Obama administration, Abbott's biggest applause line was that his former job as attorney general was to go into the office, sue the federal government and go home.

Not even a week after Biden was sworn in, Texas eagerly resumed the role of chief antagonist to a Democratic president, suing over a 100-day moratorium on deportations. Texas has not let up since and rushed to challenge the Biden administration at just about every turn, including a lawsuit filed Friday over COVID-19 vaccine mandates for private businesses.

"The Biden Administration's new vaccine mandate on private businesses is a breathtaking abuse of federal power," said Republican Attorney General Ken Paxton, calling the requirement "flatly unconstitutional."

The Biden administration's latest suit against Texas, filed Thursday, targets provisions of a sweeping GOP-backed elections overhaul that outlasted months of protests from Democrats, including a 38-day walkout that had ground the state Capitol to a halt over the summer.

Texas is one of at least 18 states that have enacted new voting restrictions since the 2020 election, according to the Brennan Center for Justice. The laws were part of a GOP campaign in the name of election security, partly driven by former President Donald Trump's claims the election was stolen.

The Biden administration also sued Georgia over its new election laws. But the bigger goal for Democrats continues to remain out of reach: new federal elections laws they say are needed to counteract the wave of GOP voting measures. Those efforts, however, have been unable to overcome opposition by Senate Republicans, who have called it a power grab.

On Monday, the Supreme Court justices sounded less convinced that the Justice Department lawsuit against Texas over its abortion law should go forward. Justice Elena Kagan suggested that a ruling instead in favor of the providers would allow the court to avoid difficult issues of federal power.

More than 100 prosecutors and former judges signed in opposition to the law in a brief filed by the group Fair and Just Prosecution, which argued that letting the Texas law stand would allow states to create an end run around federal law.

"The fact that it's Texas means more women have been impacted," said Miriam Krinsky, the group's executive director. "But if any state had chosen to bring this type of illegal construct, I think we would have found a lot of troubled people around the country willing to come together to speak up."

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Gov. Abbott's response to DOJ's suit aimed at Texas voting law – 'Bring it'
Southeast Texas Record
November 5, 2021
https://setexasrecord.com/stories/611747671-gov-abbott-s-response-to-doj-s-suit-aimed-at-texas-voting-law-bring-it

AUSTIN – "Bring it" – that's what Gov. Greg Abbott tweeted once he got word the U.S. Department of Justice had filed suit against Texas over the state's election integrity law.

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Over the past few months, Senate Bill 1 has created a stir. In it's complaint, the DOJ argues the new law violates both the Voting Rights Act and Civil Rights Act.

Here's what Abbott had to say about the DOJ's suit on his Twitter account:

"Bring it.

"The Texas election integrity law is legal.

"It INCREASES hours to vote.

"It does restrict illegal mail ballot voting. Only those who qualify can vote by mail.

"It also makes ballot harvesting a felony.

"In Texas it is easier to vote but harder to cheat."

Attorney General Ken Paxton also took to his Twitter account after learning about the suit.

"Biden is coming after Texas for SB1, our recently enacted election integrity law," Paxton tweeted. "It's a great and a much-needed bill. Ensuring Texas has safe, secure, and transparent elections is a top priority of mine. I will see you in court, Biden! #ElectionIntegrity."

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Longtime state Sen. Eddie Lucio Jr. announces retirement
Craig Huber and Reena Diamante
Spectrum News
November 5, 2021
https://spectrumlocalnews.com/tx/south-texas-el-paso/news/2021/11/05/longtime-state-sen--eddie-lucio-jr--announces-retirement-

AUSTIN, Texas — State Sen. Eddie Lucio Jr., D-Brownsville, a devout Catholic who's known for voting with Republicans on issues including abortion, on Thursday announced his retirement after 30 years in the Texas Legislature's upper chamber.

The Brownsville native has been in the Senate since 1991 but his public service in Texas stretches back 50 years.

"I am grateful for every person who has ever supported us, challenged us, and most importantly, fought alongside me for the benefit of Senate District 27. My office remains committed to continuing to serve our constituents over the next year," Lucio wrote in a Facebook post announcing his retirement.

Capital Tonight in April profiled Lucio as part of its Power Players series. Prior to serving in the Senate, the lawmaker served two terms in the House of Representatives. He credited his father with his decision to go into public service.

"I saw my dad served the public. As you know the Valley is high in poverty. They needed someone to be understanding and caring and my dad was very much that," he said.

Lucio's son, Rep. Eddie Lucio III, D-Harlingen, is a member of the House. It is the first time the Legislature has seen a father-son duo as colleagues in decades.

"I was walking him down the aisles in the House of Representatives in 1987, as a 9-year-old. They used to call him 'governor' and just play around with him. But, he became a state representative. Now, he's my colleague besides being my wonderful son," Lucio said.

Lucio in April discussed his religious convictions causing him to split with his fellow Democrats when it comes to key issues.

"I value life, the sanctity of life, and I will do anything to help the unborn," Lucio said.

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Kaufman County sees a decrease in voter turn out for Constitutional Amendments and Joint Election
Kaufman Herald
November 6, 2021
http://www.kaufmanherald.com/around_town/article_6d981378-3d89-11ec-9511-b3b0c3d0123a.html

Unofficial results as of 7:30 p.m. on Nov. 2 showed that voter turnout for Kaufman County residents was at an all time low during the Constitutional Amendments and Joint Election. In the past, numbers were larger than what the polls received this year.

The unofficial results for the ballots cast in Kaufman County were recorded as of 7:30 p.m. on Nov. 2.

The State of Texas proposed eight constitutional amendments, the unofficial results for each proposition from Kaufman County are as follows:

Proposition 1: "The constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association or the Women's Professional Rodeo Association to conduct charitable raffles at rodeo venues."

81.22% of the votes were for Proposition 1 while 18.78% of the votes were against it.

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Proposition 2: “The constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county.”

As written, the Texas Constitution gives cities and towns the power to issue such bonds or notes, but counties are not granted similar authority.

59.81% of the votes were for Proposition 2 while 40.19% of the votes were against it.

Proposition 3: “The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.”

At the beginning of the COVID-19 pandemic, executive orders issued by Texas Gov. Greg Abbott (R) limited the number of people who could be at most indoor public gatherings, including religious services. Under this proposed amendment, religious organizations would be exempt from any orders, proclamations or rules that limit capacity.

“If it’s gone through two-thirds of both houses, these things are highly consensual things and people can’t imagine restricting religious liberty these days, so I think that’s going to pass quite easily,” Elkins said.

71.50% of the votes were for Proposition 3 while 28.50% of the votes were against it.

Proposition 4: “The constitutional amendment changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge.”

The eligibility requirements the amendment would add, among other things, that a person is licensed to practice law in Texas and that they live in Texas at the time of election. The amendment would also change requirements to be eligible to be appointed to a position.

62.43% of the votes were for Proposition 4 while 37.57% of the votes were against it.

Proposition 5: “The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.”

The State Commission on Judicial Conduct can only accept complaints or reports on people who hold judicial office. Proposition 5 would expand that oversight to includes candidates for judicial office.

62.57% of the votes were for Proposition 5 while 37.43% of the votes were against it.

Proposition 6: “The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.”

During the height of the COVID-19 pandemic, many people who live in assisted living or nursing facilities were barred from having visitors of any kind for months. Proposition 6 would allow a family to designate one caregiver who could not be prohibited from visiting the facility.

“Everybody’s on board with that. There have been some constraints with elderly, and again this partly a pandemic thing, access to the elderly and some actually dying without seeing their closest friends and relatives at the end,” Elkins said. “The idea that a designated caregiver wouldn’t be able to get in to see somebody in one of these facilities just strikes people as heartless.” 87.56% of the votes were for Proposition 6 while 12.44% of the votes were against it.

Proposition 7: “The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse’s residence homestead if the spouse is 55 years of age or older at the time of the person’s death.” 90.03% of the votes were for Proposition 7 while 9.97% of the votes were against it.

Proposition 8: “The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.”

According to the Texas Secretary of State’s office, the constitution as written “provides a property tax exemption to the surviving spouse of a member of the armed services who is killed in action, but the current exemption does not include members of the military who die during their service due to injuries sustained that are not combat-related.” 89.19% of the votes were for Proposition 8 while 10.81% of the votes were against it.

Cities and towns/school districts/other districts proposition and bond results are as follows:

City of Mesquite General Election for the purpose of electing Mayor:

Dan Aleman received 66.67% of the votes against Ron Ward who received only 33.33% of the votes.

City of Mesquite Council Member Districts 6:

Debbie Anderson received 66.67% of the votes against Brandon Murden who received only 33.33% of the votes.

City of Mesquite Special Election for Proposition A:

57.14% of the votes were for the special election proposition and 42.86% of the votes were against the proposition.

Town of Poetry for the adoption of a local sales and use tax in the Town of Poetry, Texas at the rate of two percent to provide revenue for street maintenance and repair of municipal streets:

75% of the votes were for the proposition for the Town of Poetry and 25% of the votes were against the proposition.

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Rockwall Independent School District Special Bond Election Proposition A:

62.50% of the votes were for the special bond election proposition A and 37.50% of the votes were against the proposition.

Rockwall Independent School District Special Bond Election Proposition B:

50% of the votes were for the special bond election proposition B and 50% of the votes were against the proposition.

Scurry-Rosser Independent School District Bond Election Proposition A:

23.64% of the votes were for the bond election proposition A and 76.36% of the votes were against the proposition.

Becker-Jiba Special Utility District General Election for Board of Directors:

Beverly Curtis holds 33.33% of the votes while Ronnie Davis holds 24.24%, Robert Shiels holds 22.73%, and Kirsten Cusic holds 19.70% of the votes.

Fresh Water Service District 7B Confirmation Election Proposition A:

100% of the votes were for proposition A and 0% were against it.

Fresh Water Service District 7B Supervisors Election:

Candidates Dave Arrington, Bill King, and Joshua Heathcote each held 33.33% of the votes.

Fresh Water Service District 7B Confirmation Election Proposition B:

100% of the votes were for proposition B and 0% were against it.

Fresh Water Service District 7B Confirmation Election Proposition C:

100% of the votes were for proposition C and 0% were against it.

Fresh Water Service District 7B Confirmation Election Proposition D:

100% of the votes were for proposition D and 0% were against it.

Fresh Water Service District 7B Confirmation Election Proposition E:

100% of the votes were for proposition E and 0% were against it.

Fresh Water Service District 7B Confirmation Election Proposition F:

100% of the votes were for proposition F and 0% were against it.

City of Post Oak Special Election to fill a Vacancy for City Council Member

60% of the votes were for Billy Ray McMahan Jr. and 40% of the votes were for Chris Cox.

Kaufman County Special Assistance District 3A Special Election and imposition of a Sales Tax:

50% of the votes were for the imposition of a Sales Tax and 50% of the votes were against the imposition.

Gastonia-Scurry Special Utility District for Board of Directors:

Jeremy Rhodes received 70.13% of the votes while Ernest H (Ernie) Martzen received 29.87% of the votes.

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Gregg County sees higher voter turnout for constitutional amendment election
Maleri McHam
Longview News-Journal
November 6, 2021
https://www.news-journal.com/news/elections/gregg-county-sees-higher-voter-turnout-for-constitutional-amendment-election/article_324f1f10-3e64-11ec-9f72-d33a9873a51c.html

Voter turnout was up in Gregg County for Tuesday's state constitutional amendment election.

During a typical odd-year election, turnout in the county is about 2% to 3%, said Jennifer Briggs, Gregg County elections administrator.

In Tuesday's election, 5,125 registered voters out of 71,728 — or 7.15% — went to the polls.

Along with the eight constitutional amendments, voters in Kilgore ISD also approved a bond package totaling $113 million. One proposition for $109 million will fund the construction of a new high school and renovations to Chandler Elementary School. The second proposition for $4 million will pay for renovations at R.E. St. John Stadium.

"I am very excited that more voters came out to vote for this constitutional election," Briggs said. "It just shows that we are doing a better job of getting the word out."

She added that compared with a general election, turnout was still low, but an improvement from past years. In the future,

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Briggs said she hopes to see numbers during odd-year elections continue to increase.

This year's election was promoted more through newspapers, TV and other media outlets, Briggs said. The Kilgore ISD bond referendum also likely brought out more voters, she added.

"It may be some residual from the last presidential election as well," Briggs said. "People are still thinking that it is very important to vote, which it is."

Voters need to know that even if they are not hearing from candidates, that doesn't mean an election isn't happening, she said.

"The main thing that people need to understand is that we have an election in November every single year," Briggs said.

Next year's primary elections are set March 1, with early voting beginning Feb. 14.

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Voting distrust likely to continue despite smooth election
Christina Cassidy
Associated Press
November 7, 2021
https://www.houstonchronicle.com/news/article/Voting-distrust-likely-to-continue-despite-smooth-16597777.php

ATLANTA (AP) — The first major election day following a year of relentless attacks on voting rights and election officials went off largely without a hitch. Unlike the 2020 presidential election, there were no claims of widespread fraud, ballots emerging mysteriously in the dark of night or compromised voting machines changing results.

The relative calm was a relief to those who oversee elections, but will it matter to those who still believe last year's election was stolen from former President Donald Trump?

Election experts say even a smooth election cycle this year is unlikely to curb the distrust that has built up over the last year within a segment of the public. That skepticism has led to costly and time-consuming partisan ballot reviews, threats to election officials and new voting restrictions in Republican-controlled states.

"I'm extremely concerned that we're not at the end of this," said David Becker, a former U.S. Justice Department lawyer who now heads the Center for Election Innovation and Research. "We're not at the middle of this. We're at the beginning of this, and nobody is addressing it particularly well right now, with the exception of the professional election officials who are keeping their heads down and doing their job."

There has been no evidence of widespread fraud or other wrongdoing with the 2020 election, and those claims have been rejected by judges, election officials and Trump's own attorney general. Nevertheless, two-thirds of Republicans said Joe Biden was not legitimately elected president, according to an Associated Press-NORC Center for Public Affairs Research poll conducted two weeks after Biden's inauguration.

Tuesday's election featured problems typical of an election day that were quickly resolved: power outages, technical issues with equipment or too few ballots at particular polling places. In New Jersey, confusion over the reporting of election results circulated on social media. The Republican gubernatorial candidate, Jack Ciattarelli, had yet to concede but said after the election that he did not want supporters "falling victim to wild conspiracy theories or online rumors."

Ahead of Virginia's high-profile gubernatorial election, Trump had said in a statement that he was "not a believer in the integrity of Virginia's elections, lots of bad things went on, and are going on." Yet in his statement congratulating Republican Glenn Youngkin, Trump made no mention of fraud and credited his own supporters with the win.

Matt Masterson, a former top election security official in the Trump administration, noted that little changed between 2020 and this year in how elections are run in the U.S.

"These are the same systems, the same people, the same processes," Masterson said. "Election officials did their job in 2020, and they did it again in 2021."

When problems arose, they were caught quickly. The Ohio secretary of state took administrative oversight of the state's most populous county, home to Columbus, after it failed to properly update its poll books and allowed three people to cast ballots twice, although that did not affect the outcome of any race.

That elections are mostly running well hasn't stopped Republican officials from making claims about election fraud to justify new voting restrictions even in places where Trump and Republicans won handily in 2020 and where election officials reported no problems.

Florida Gov. Ron DeSantis, a Trump ally, earlier this week called for a new state office to investigate election crimes. He also seeks new laws adding more restrictions to ballot drop boxes and increasing penalties for those who collect ballots for others.

"I am excited that with this legislation, our state will be able to enforce election violations, combat voter fraud and make sure violators are held accountable," DeSantis said in a statement.

Mail voting was hugely popular last year amid the pandemic and helped drive high turnout this year in Virginia. And it was Republicans who did well on Tuesday in Virginia, where Democrats had expanded voting access in recent years. That included no longer requiring voters to provide an excuse to cast a mail ballot.

But GOP lawmakers still say rules around mail ballots must be tightened to address public concerns about fraud, even if there is no evidence it exists.

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In Ohio, Republicans have introduced two bills seeking to rewrite state election laws. One calls for prohibiting off-site ballot drop boxes, eliminating a day of early voting and tightening the state voter ID requirement. The other goes even further -- reducing early voting from 21 days to six, eliminating no-excuse absentee voting and banning drop boxes altogether. Trump won the state handily, but lawmakers behind the second bill cited the potential of fraud to justify their proposal.

State Rep. Bill Seitz, a Cincinnati Republican sponsoring the less stringent bill, believes Biden was legitimately elected but laments that the dispute over the 2020 election results makes it difficult to discuss voting issues rationally.

“This is what happens when you try to do something fair in an environment in which there is no fair,” he said. “The Democrats will be knee-jerk opposed to anything they see as restrictive of voting, and a contingent of Republicans will be opposed to anything they see as an added convenience on voting.”

Election officials said it was important to remind the public that there were no widespread problems with the 2020 election, which was dubbed the “most secure” in U.S. history by a group of federal, state and local election officials.

“This isn’t something that went wrong that we’re fixing,” said Colorado Secretary of State Jena Griswold, a Democrat. “This is something that went really right in 2020. We had the safest elections in America’s history, with record turnout among both Democrats and Republicans. And the lies are about that.”

Falsehoods surrounding the 2020 presidential election also triggered death threats against election officials that continue even a year later.

Michigan Secretary of State Jocelyn Benson described what the nation is confronting as a “five-alarm fire” and called on industry and community leaders to help defend democracy.

“Those trying to dismantle democracy have shown us again and again that there may be no bottom to where they will go to lie and deceive voters,” said Benson, a Democrat. “We must take them at their word and believe them, and get to work spending every day countering their lies with truth.”

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Chandler to test mobile voting in effort to make elections faster, more secure
Matt Galka
FOX 10 Phoenix
November 5, 2021
https://www.fox10phoenix.com/news/chandler-to-test-mobile-voting-in-effort-to-make-elections-faster-more-secure

CHANDLER, Ariz. - Can mobile voting, using the same technology that helps power Bitcoin, help make elections faster and more secure? The City of Chandler wants to find out, as they begin a pilot program on mobile voting next week.

Those into cryptocurrency may have heard of the blockchain, which is essentially a digital ledger or record. Now, some are wondering if votes can be recorded on the same thing.

"It's not as much about mobile voting as it is about being able to audit quickly, or take a look at results fast, because it's immediate," said Chandler Vice Mayor Mark Stewart.

Vice Mayor Stewart says the city will be the first to start a blockchain voting pilot program. They will be asking people to download an app through the company Voatz. Then, people will vote in a mock election.

Vice Mayor Stewart says the advantages are speed and safety.

"Our ultimate goal is to break it, just like the research companies in Chandler," said Vice Mayor Stewart. "Their job is to find better solutions, and we figure if we do it here at the city level, where it's more trusted -- you have seven council members looking at the data to see if it works -- then you have the county and state with data they can use."

The blockchain has been touted as a system with power spanning from currency to voting, healthcare, and beyond. Data Doctors Cyber Expert Ken Colburn says the potential could be limitless.

"You think about all the people who are saying 'this is not right.' If we can get to the point where blockchain is controlling the voting system, all of those issues of fraudulent votes and things like that become way easier to track, because it's all in this public ledger. There's no who's hiding what. It's all there," said Colburn.

As this is just a test, there are no age requirements, and teenagers will be able to participate. The test will go on for about three weeks, with the results presented at a December City Commission meeting.

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City of El Paso ready to implement plans to deal with increase of border traffic
Jhovani Carillo
KFOX-TV El Paso
November 7, 2021
https://kfoxtv.com/news/local/city-of-el-paso-ready-to-implement-plans-to-deal-with-increase-border-traffic

El PASO, TEXAS (KFOX14) — Starting at midnight, non-essential travel from Mexico to the United States will resume. Thousands of people are expected to travel into El Paso once the border reopens.

"We do expect to have crossings increase overnight starting on the on the eighth and so we need to be ready for that," said David Coronado, managing director for international bridges and economic development.

Coronado said the city will be reinstating the P3 program, which allows more Border Patrol agents to be called in to help with the rush.

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With the program, CBP's overtime will be going from 350 hours to roughly 1,000 hours a month.

"That is going to allow them to open additional lanes," said Coronado." We're going to be doing that for both vehicle and pedestrian at the El Paso del Norte and the Ysleta bridge."

The city will also be increasing overtime hours for the El Paso Police Department.

EPPD will now get an additional 300 hours a month.

Coronado said police will be helping with traffic control and people crossing once their shift ends.

"Adding additional officers is crucial for us," added Coronado. "The South Staton Bridge is the one right now we are seeing a lot of pressure put by drivers."

Coronado said the fees people pay while crossing helps pay for the overtime CBP and the police department will be using.

"There's no pressure on the on the city's budget, there's no pressure on property taxes. It's all a user funded," said Coronado.

Carlos De Lara said he is excited for the bridges to open back up.

Many of his cousins live in Juarez, Mexico and he hasn't been able to see them for a while.

"Once it opens my cousin has no excuse to visit me, " said De Lara.

De Lara said when his family does cross, they will most likely experience a long wait time to get into El Paso.

"It's going to be good, but I know it's going to be a bit hectic for them because the bridges get a little too crowded over there," added De Lara.

That's why he's glad more CBP officers and police will be there to help with the influx of people.

"I think that with the increase of CBP employees and also officers in the street, it will definitely help," said De Lara.

Coronado said it's important for travelers to have the proper documentation to help with the wait times.

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Judge in Mexico Orders Arrest of Another Former Pemex CEO
Amy Stillman
Bloomberg News
November 5, 2021
https://www.bnnbloomberg.ca/judge-in-mexico-orders-arrest-of-another-former-pemex-ceo-1.1677662

(Bloomberg) -- A federal judge in Mexico ordered the arrest of former Petroleos Mexicanos chief executive officer Carlos Trevino for not appearing at the hearing in which he was going to be charged with criminal association and money laundering, local newspaper Reforma reported.

Another ex-Pemex CEO Emilio Lozoya, who is accused of corruption but became a protected witness and avoided prison, testified against Trevino for alleged corruption linked to the Etileno XXI polyethylene plant in Veracruz state owned by a joint-venture comprising Brazil's Braskem and Mexican company Idesa.

Trevino denies the allegations and sent the judge a letter through his defense team to justify his absence on the day of the hearing, arguing that the proceeding lacked legal certainty to guarantee a fair trial.

Trevino didn't immediately respond to requests for comment on two social media platforms. There was no immediate response to a request for comment from the Attorney General's Office.

The arrest order for Trevino is the latest in a series of measures taken by the government of Andres Manuel Lopez Obrador to crack down on alleged corruption under the previous government and dial back the energy reforms that opened the market to private competition. Lozoya's past testimony accused former officials of bribing lawmakers to vote in favor of the oil reform, a charge which ex-officials deny.

Lozoya, who has become a poster-boy for Lopez Obrador's anti-corruption messaging, has accused Trevino of receiving 4 million pesos ($196,000) in 2014 on the instructions of Luis Videgaray Caso, then Secretary of Finance. He also said that an ex-official of Brazilian construction group Odebrecht told him to deliver money to Trevino, among others, for the approval of a contract in 2010.

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George P. Bush warns that if Ken Paxton wins GOP nomination for AG, a Democrat will win in November
Gromer Jeffers Jr.
Dallas Morning News
November 5, 2021
https://www.dallasnews.com/news/politics/2021/11/05/george-p-bush-warns-that-if-ken-paxton-wins-gop-nomination-for-ag-a-democrat-will-win-in-november/

FORT WORTH — George P. Bush has sharpened his criticism of Texas Attorney General Ken Paxton, warning Republican voters that a Democrat will beat the embattled incumbent if he's nominated for a third term.

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“I remind my fellow Republicans that one thing they need to think about is that Ken was the lowest vote-getter, with the securities fraud charges four years ago,” Bush said during a recording of Lone Star Politics, a Sunday political show produced by KXAS-TV (NBC 5) and The Dallas Morning News. “This time around he will not win, because he’s facing corruption and bribery charges. Imagine having a Democrat AG with a Democrat president and what that means for Texas politics.”

The Paxton campaign did not immediately return requests for comment.

Bush, the Texas Land Commissioner, is one of several high-profile Republicans challenging Paxton in the March primary for attorney general. Other candidates include former Supreme Court Justice Eva Guzman and state Rep. Matt Krause of Fort Worth.

Democrats seeking the office include former Galveston Mayor Joe Jaworski, North Texas civil rights lawyer Lee Merritt and former ACLU lawyer Rochelle Garza of Brownsville.

Paxton, who is in his second term as attorney general, is awaiting a trial on securities fraud charges that have been pending since 2015. Meanwhile, the FBI is investigation Paxton over bribery and corruption allegations. Last year several senior staffers in the AG’s office warned that Paxton was misusing the office to help his friend and campaign donor Nate Paul. Paxton has denied the allegations and in August his office released a report clearing him. Critics contend the report was a sham.

Bush says the legal troubles make Paxton unfit for another term.

“He’s now in year seven of this (securities fraud) trial. And if he’s as innocent as he proclaims, then he needs to sit down for a jury trial in front of his fellow peers here in the state of Texas and be evaluated, which he has refused to do now for seven years,” Bush said. “As it relates to the FBI investigation, these allegations can be taken very seriously. These were brought by his seven top lieutenants that he hand-picked and recruited to the agency. And they’ve alleged everything from bribery to corruption to abuse of Office on behalf of financial donor, so if there’s an office in Austin that requires somebody to be above reproach, it’s this one.”

A trial on the securities fraud charges has been delayed by court battles over where it should be held. A judge has ruled that Paxton should be tried in Collin County, his home.

Meanwhile, Bush says he’s the best choice to lead the office.

“We need a new attorney that’s above reproach, not facing criminal indictment. And that is going to serve the people of Texas every single day with the core focus on protecting Texas values.”

But Paxton remains the frontrunner in the crowded primary field. A September poll by The Dallas Morning News and the University of Texas-Tyler found that he had a commanding 43-28 lead in the GOP primary over Bush. Guzman trailed far behind at 5% and Krause wasn’t in the contest when the survey was conducted.

Still, Paxton could have trouble ahead. Fewer than half of Republican voters polled (48%) say Paxton has the integrity to serve in the job he’s held since January 2015. That mark was a three-point improvement from earlier in the summer. Only one in four undecided GOP voters approve of Paxton’s job performance, and most think he lacks the integrity needed to serve as Texas’ top lawyer.

Paxton could be lifted in the primary by support from former President Donald Trump. This summer Trump endorsed Paxton over Bush.

Bush said he could overcome Trump’s backing of the incumbent.

“I’ve remained a supporter of President Trump,” Bush said, touting his role of the former president’s 2016 Texas presidential campaign. “And to be honest with you, I’m the more effective spokesperson for the president because, again, I’m not under criminal indictment, and I will actually win against a Democrat in the general election.”

During the interview, Bush said that Krause’s investigation of about 850 books in public schools that “might make students feel discomfort, guilt, anguish, or any other form of psychological distress because of their race or sex” was mere “political theater.”

“What I’ve called for is more local involvement in the design of curriculum,” he said. “At the local level, we’re seeing dangerous proposals in terms of critical race theory, in terms of what I would call work cultures. There are ways to teach history in a fact basis, not necessarily subjective interpretation that try to redefine…so this is good political theater, but we need people, especially concerned parents, to step forward, run for school board, and reevaluate curriculum.”

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Budding rivalry pits Greg Abbott against Ron DeSantis in race to the right
John Kennedy and Madlin Mekelburg
Austin American-Statesman
November 6, 2021
https://www.statesman.com/story/news/politics/state/2021/11/06/florida-texas-governors-duel-ahead-2024-presidential-election/6246808001/

Seeking to lead across a broad spectrum of hot-button conservative issues, from fighting mask and vaccine mandates to limiting teaching on race and skewering the Biden administration over the rise in migrant border crossings, Texas Gov. Greg Abbott and Florida Gov. Ron DeSantis appear locked in a duel for a Republican base of voters eager to recapture the White House in 2024.

But before either one has a shot at playing on the national stage, they face must-win reelection campaigns in their home states one year from now, when they’ll go before voters and answer for the past few years of policymaking and political

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posturing.

Reelection, though, seems to be built on who can be the most like former President Donald Trump.

As a result, both men have been in a race to the right for nearly a year, driven by a culture war rivalry based on who can fire the most shots — and get the most Fox News hits — from their capitals less than 1,000 miles apart.

“The dynamic at play here is: Who is the leader of the opposition?” said Mark Jones, a Rice University political science professor. “You have some competition between Abbott and DeSantis for that position, for who is the principal rival to Joe Biden and Kamala Harris.

“As governors of the second- and third-most populous states in the country, they have a platform that no other Republican in the country has,” he added.

Jones also said stepping into that role is a goal in and of itself. “But it’s a goal that, if you do achieve it, puts you in a good position to compete for the 2024 nomination,” he said.

Their responses to the COVID-19 pandemic, vaccine requirements and more

The latest example of one-upmanship came just days ago, when DeSantis called a special session of the Florida Legislature to ban Biden’s vaccine requirements for private businesses. Abbott has signed a similar ban by executive order, but he failed to get a prohibition approved by Texas lawmakers during the most recent legislative special session.

Both leaders shared headlines over the past year for their responses to the coronavirus pandemic and attracted a national following among conservatives for their defiant stands on COVID-19 safety measures and repeated attacks on Biden administration policies.

But health care advocates are bitter about their leadership. In Texas and Florida combined, about 130,000 people have died and 7.8 million have been infected by COVID-19. That represents almost a fifth of all coronavirus fatalities and illnesses in the nation.

In recent weeks, both DeSantis and Abbott have seized on other key Republican talking points to boost their conservative credentials and catch the eye of GOP voters across the country.

For now, Jones said, DeSantis looks to have the advantage over Abbott because he is more proactive and open to taking political risks.

“Initially, Abbott was tending to follow DeSantis, but more recently Abbott got ahead of DeSantis in some ways,” Jones said. “It was sort of a win-win for Abbott, because the things he was doing to lock down the 2022 Texas GOP gubernatorial primary also helped position him on the right in the eyes of national Republicans. That’s his opposition to Biden on vaccine, his support for border security and his ties to the Texas abortion law.”

Mask and COVID vaccine mandates

DeSantis is calling Florida lawmakers into special session to try to block a rule by the Biden administration requiring companies with 100 workers or more to ensure by Jan. 4 that employees are fully vaccinated or testing negative for COVID-19 at least once a week.

Abbott attempted a similar swipe at Biden last month, issuing an executive order essentially prohibiting any private entity in the state from issuing such a requirement. But his attempt to codify his order during the most recent special session was rejected by Texas lawmakers who sided with powerful business and health care groups that came out in force against his ban.

Just three other states besides Texas have a law or order in place outright banning such a mandate or allowing employees to opt out, according to the National Academy for State Health Policy: Montana, Arkansas and West Virginia.

Earlier in the pandemic, Abbott and DeSantis both came out against mask mandates in schools.

DeSantis moved to withhold pay from school board members in districts that refuse to follow his strict anti-mask policies, which leave it to parents to decide whether their children should wear masks. He also has allowed children exposed to COVID-19 to return to the classroom, assuming they don’t show any symptoms.

Abbott also has banned school districts from requiring masks and is locked in several legal battles with local districts over the ban. His actions inspired an ongoing investigation by Biden’s Education Department, focused on whether Texas is violating federal law by preventing disabled students from safely returning to in-person classes.

Recent polling shows a clear partisan divide when it comes to COVID-19 policies, with Republicans supporting the more lax measures backed by Abbott and DeSantis and Democrats favoring mask and vaccine mandates.

U.S.-Mexico border

As governor of the state with the longest border with Mexico, Abbott is on the front lines of what Republicans deride as Biden’s failed immigration policies.

Underscoring his lack of confidence in federal officials, Abbott has directed the Texas National Guard and the Texas Department of Public Safety to patrol the border region as part of his “Operation Lone Star.”

Under his direction, the state doubled its investment in border security initiatives this year, budgeting $2.8 billion for personnel, grants for local law enforcement and infrastructure. This investment and focus on the border are in spite of the fact that state and local law enforcement do not have the authority to enforce federal immigration laws.

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Plus, when Trump left office, Abbott picked up the border wall cause, directing roughly $1 billion in state money to the initiative and soliciting private donations to cover the remaining costs. As of Nov. 2, he had raised $54.3 million for the effort from unidentified donors.

When Abbott sought attention by issuing a call last summer for aid from other states, DeSantis likely earned conservative points by responding quickly — sending 250 Florida law enforcement officers to help respond to the influx of migrants.

DeSantis joined Abbott in July for a border news conference, where Abbott thanked his Floridian counterpart for stepping up.

“Our continued efforts to secure the border are made stronger by the support of states like Florida through our Emergency Management Assistance Compact, and I thank Gov. DeSantis and the law enforcement officers from Florida for stepping up to support the Lone Star State,” Abbott said at the event.

Florida in September sued the White House over immigration, claiming federal policies will cost the state millions of dollars and harm the state.

Challenging Biden

The lawsuit is one of three Florida has filed against the Biden administration, the others being two separate challenges to federal rules for vaccine mandates affecting employees of contractors and larger companies.

The lawsuits came after DeSantis and Biden clashed over mask policies in schools, with the president questioning whether the Florida and Texas governors were willing to “do the right thing to beat this pandemic.”

DeSantis shot back, telling the president: “Why don’t you do your job? Why don’t you get this border secure and until you do that, I don’t want to hear a blip about COVID from you.”

Abbott earned points among conservatives when Biden in March labeled the governor’s push to end the statewide mask mandate and all pandemic business restrictions as “Neanderthal thinking.”

Abbott said Biden’s remark was “not the type of word that a president should be using,” then referred to Biden’s “Neanderthal-type approach” to immigration and COVID-19.

Abbott has been an outspoken critic of Biden since he took office. Texas Attorney General Ken Paxton has filed about a dozen lawsuits against the Biden administration, including seven legal actions specific to border and immigration issues. This is in line with Abbott’s actions during his tenure as Texas attorney general, when he filed 31 lawsuits against the Obama administration.

In the early days of Biden’s presidency, Abbott spoke out against the administration’s climate change agenda, which seeks to transition the nation away from fossil fuels.

“One thing that we are going to be doing is exactly what I did when I was attorney general in Texas and Barack Obama was the president of the United States, when President Obama was lodging challenge after challenge after challenge to the Texas energy sector,” Abbott said at the time. “Texas will continue with that litigation strategy to fight back against any efforts by the Biden administration that threaten either the energy sector in general or jobs in the energy sector — in particular in the state of Texas.”

Critical race theory

Abbott and DeSantis almost clanged into each other weeks ago in their attack on critical race theory, a favorite target of conservative media.

The framework of thought used by scholars to examine racism has become a catch-all term for what some see as divisive efforts in public schools to address and discuss racism and inequities.

In June, Abbott signed a law limiting classroom discussions of race and gender in social studies classes. Five days earlier, DeSantis’ Board of Education also barred critical race theory from schools, with the Florida governor saying educators were “trying to indoctrinate (students) with ideology,” although failing to present any proof that was happening.

During a summer special session, Abbott said the earlier Texas bill didn’t go far enough and asked lawmakers to ban the teaching from all courses and create a new state civics training program for teachers. Republicans pushed the bill through over objections from Democrats and teacher groups.

Transgender issues

Abbott last month signed legislation banning transgender athletes from playing on school sports teams that don’t align with the sex listed on their birth certificates. The Texas action came months after DeSantis also barred transgender females from playing on public school teams intended for students born as girls.

DeSantis signed the law on the first day of Gay Pride Month in June, further antagonizing the LGBTQ community and drawing a federal lawsuit before the month was over.

Election laws

Both DeSantis and Abbott enacted new voter restrictions, including new limits on drop-boxes and vote-by-mail in Florida and a sweeping law in Texas that critics say will disenfranchise voters of color.

Both men also have fielded calls for an audit of 2020 presidential election results, a push spearheaded by Trump as he continues to perpetuate the baseless claim that the election was stolen from him. Trump won Florida and Texas.

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DeSantis has rejected calls for an audit, defending his state's election results. But he reacted Wednesday, saying he wants to establish a new statewide law enforcement office to go after potential election crimes.

The move came just hours after Trump adviser Roger Stone threatened to run against DeSantis if he doesn't order an audit.

Abbott has resisted, to a degree, public pressure from Trump to pursue an audit, declining to add the issue to the agenda for the final special session of the year, despite public directives from the former president to do so. But shortly after those calls, Abbott's secretary of state office announced an audit of 2020 election results in four of the state's largest counties.

Seeking confrontation

Both DeSantis and Abbott have pushed policies that seem aimed at confrontation.

In response to the Black Lives Matter movement, DeSantis signed legislation that toughens penalties for violence at demonstrations — even creating new crimes. Abbott also signed a slew of laws to heighten criminal penalties for protesters and to punish cities that opt to cut police funding.

DeSantis also has taken on Facebook, signing a bill regulating how people get removed from the social media platform, the best-known banned user being his mentor, Trump. Abbott signed a bill in September that allows social media users to sue if they or their opinions are blocked from view or removed.

Abbott also drew national attention by signing into law the nation's most restrictive abortion law, which prohibits the procedure after six weeks of pregnancy and allows any individual to sue abortion providers or those who aid or abet a procedure that violates the law. Two legal challenges to the law are pending before the U.S. Supreme Court.

Florida is expected to consider a similar bill in January.

Fundraising chops

Both governors are fundraising machines. DeSantis is sitting on more than $58 million and regularly disappears from the Florida Capitol for out-of-state fundraising jaunts, including in Texas.

Abbott also raises big money and is going into the 2022 election cycle with more than $55 million in the bank, a record-breaking cash-on-hand figure for a statewide candidate in Texas, according to his campaign.

"Ron raises money in Texas, but these people are Abbott donors, too," said Brian Ballard, a Florida fundraiser and lobbyist close to the former president. "And they're Trump donors."

Looking ahead

DeSantis is expected to win his party's nomination for a second term next year with only token opposition. Three major Democrats are challenging DeSantis, including former Republican Gov. Charlie Crist, now a Democratic congressman, making a second run for governor in his new party.

In his bid for a third term, Abbott, by contrast, must contend with two primary challengers running to his right and giving voice to a branch of the Texas GOP that does not consider Abbott conservative enough for the state. In the general election, he could be looking at a showdown with former Democratic presidential candidate Beto O'Rourke.

O'Rourke, a prolific fundraiser in his own right, is mulling a gubernatorial run, but has not announced a candidacy.

Even with reelection campaigns looming, it's likely that DeSantis and Abbott will continue their cross-country sparring. While they're looking for home state voters to give them a new lease on the Governor's Mansion, they're eyeing the future — and each other.

When looking at their presidential prospects, most say it's too early to gauge how both men measure up among Republican primary voters.

Recent polls from Morning Consult/Politico and Harvard CAPS-Harris surveying voters on a hypothetical 2024 Republican primary field don't include Abbott as one of the contenders.

DeSantis, though, was in the mix in both polls. While his support paled in comparison to Trump, he was close to former Vice President Mike Pence as the second choice among GOP voters.

"Political decisions are never made in a vacuum," Aubrey Jewett, University of Central Florida political scientist, said of the two governors.

"They're thinking about the politics of getting reelected. But whatever each does, they're also thinking about what their potential opponents are doing, too."

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Tesla's Central Texas presence is already spurring hiring at other companies
Tahera Rahman
KXAN-TV
November 5, 2021
https://www.kxan.com/news/local/travis-county/new-pflugerville-initiative-aims-to-close-employment-gap-as-national-hiring-rebounds/

AUSTIN (KXAN) — A sign came Friday that pandemic recovery is overcoming a slowdown: 531,000 jobs were filled last month, according to the U.S. labor department's monthly report.

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The report also indicates the unemployment rate has dropped slightly to 4.6% — the lowest since the pandemic began but still over a full percent higher than the pre-pandemic jobless rate.

That means high-demand industries in Central Texas, like construction, manufacturing and tech, are looking at big employment gaps, and some are expecting to experience a hiring surge for the next few years, as Tesla opens shop.

“It’s exciting,” said Shaun Mahan, Texas division manager for Rosendin Electric, Inc. “But someone has to be there to build that infrastructure. We’re a part of that, and we need people to do that.”

Mahan says right now, they’ve got about 220 electricians at any given moment in Central Texas, and they’d love to get up to 400 or 500 — or even more, as more companies relocate or spring up in the area.

That’s why Rosendin is partnering with Skillpoint Alliance, a nonprofit that provides free training and education programs for skilled trades and manufacturing jobs.

That’s how they got one of their newest hires, Myles Carpenter.

“I was actually a Domino’s Pizza driver,” said Carpenter. He wanted a career with more advancement opportunities and switched circuits to the electric industry.

“Definitely a lot of the growth here was part of why I chose this, as well, with all the construction going on in Austin and Pflugerville area,” Carpenter said.

That’s also the reason why EnergyX chose to move from California to Austin and is now expanding.

The company sources and processes lithium for batteries that go into electric cars.

“We think that Austin is going to be the center of the renewable energy world, the same way that you think about New York as the center of finance or LA as the center of entertainment or Houston as the center of oil and gas,” Egan said.

He says that gut feeling was proven further last month, after Tesla announced its headquarter move to Austin-Travis County.

“I think that… a lot of the supply chain for electric vehicles and that transition to renewable energy is going to follow Tesla to Austin, and we want to be right here where the action is,” Egan said.

He’s looking to go from 32 employees to 100 over the next year and possibly more after that.

“I think this is the first inning,” he said.

Ramping up training in Pflugerville
Skillpoint Alliance executive director Kevin Brackmeyer says they’ve got a lot of open spots for more people like Carpenter to take advantage of training in skilled trades or manufacturing.

“It is all connected,” said Brackmeyer. “The skilled trades is connected to the manufacturing, manufacturing is connected to the skilled trades.”

On Friday, the nonprofit announced a new initiative aimed at closing the employment gap in Central Texas called the Pflugerville Career Development Challenge.

“It is expected that Pflugerville will still be among the highest rates of unemployment in Texas,” Brackmeyer said.

The initiative will provide free training programs in the area and comes alongside National Career Development Month in November.

The local nonprofit was joined by the Pflugerville Community Development Corporation and Council Member Rudy Metayer at Rosendin’s 50,000 square-foot facility in Pflugerville.

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Texas needs an independent redistricting commission
Anthony Gutierrez
San Antonio Express-News
November 7, 2021
https://www.expressnews.com/opinion/commentary/article/Commentary-Texas-needs-an-independent-16596445.php

From start to finish, the Texas Legislature’s redistricting process was rushed, secretive and undemocratic. In a matter of weeks, partisan legislators jammed through gerrymandered maps drawn to protect the politicians in power and silence voters’ voices, especially those of Black and brown Texans.

The new district maps were drawn almost entirely behind closed doors and approved in the middle of the night with hardly any input from the public.

Texans deserve better.

It’s time to give serious consideration to redistricting reform, including an independent commission that transfers power from the politicians to the people.

From the beginning, this year’s redistricting cycle was set up to fail. In September, Gov. Greg Abbott tacked redistricting on to a list of policy priorities to be addressed in a third special session set to end Oct. 20. As a result, the Legislature decided the fate of our elections for the next 10 years in just under 30 days.

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Not only was redistricting hastily scheduled, there was hardly any effort to encourage the public to participate in the process. Instead, legislators created barriers to keep voters from having a say.

For the few public hearings that were scheduled, legislators gave voters just 24 hours notice of meetings, which were held during traditional working hours and required the public to register the day before the hearing to submit any comments. The hearings were so secretive even some state legislators didn't know a meeting was scheduled.

It's no surprise that a process without any trace of fairness or transparency resulted in extremely gerrymandered maps that deny fair representation to the voters.

Following the 2020 census count, Texas was the only state in the country to gain two additional members of Congress because of our state's explosive population growth. More than 95 percent of that growth was driven by communities of color.

Yet, none of the new maps reflect our state's changing demographics. Rather, the new maps were designed to erase voters of color's representation and voting power — and that's exactly what Abbott and partisan legislators wanted.

Instead of consolidating Latino communities into one majority-minority district, Republican legislators split heavily Latino neighborhoods in Dallas and eastern Irving into four congressional districts. By "cracking" Latinos into multiple districts, making them a small minority in each, state legislators denied this community a substantive say in their futures for the next decade.

Additionally, the maps protect the politicians in office now from having to lift a finger to earn our votes in the future. The maps were drawn to keep their seats "safe" from competition from other candidates. In fact, the same congressional district elections that experts described as "toss-ups" in 2020 now have double-digit margins.

It's no coincidence that as Latinos, Blacks and Asian Americans emerge as a powerful voting bloc, this Legislature designed maps that deny them participation in our democracy; or that the politicians in power drew maps that would support their political ambitions instead of our communities' needs.

It's why only 39 percent of our state legislators come from communities of color, despite composing a majority of the Texas population since 2004. It's why the state has been sued over gerrymandered maps that discriminate against voters of color every redistricting cycle for the last five decades.

This year's process and these maps were approved against our will. In more than 10 hours of testimony on congressional plans, not a single Texan spoke in favor of the draft maps.

Without reform, we're bound to repeat this flawed process in another 10 years. It's time to put an end to a process that allows the politicians to choose which Texans they want to represent.

Anthony Gutierrez is executive director of Common Cause Texas, a nonpartisan grassroots organization dedicated to upholding the core values of American democracy.

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Abbott emulating Trump is a blow to democracy
Jack Bernard
Corpus Christi Caller-Times
November 5, 2021
https://www.caller.com/story/opinion/forums/2021/11/05/forum-abbott-emulating-trump-blow-democracy/6289943001/

"Texas' secretary of state office announced it had launched a review of the 2020 election in four of the state's largest counties on Thursday evening, hours after former President Donald Trump sent an open letter to GOP Gov. Greg Abbott demanding one."- Politico, Sept. 23, 2021.

Gov. Greg Abbott has decided to link his fate to Donald Trump, who was impeached twice and came close to being removed from office. No wonder Abbott is sinking, as shown by a new poll which showed that only 42% of Texas voters support him for reelection (down from 46% just a few months ago). Only 44% give him a positive job approval rating, his worst rating since he's been in office.

Abbott has low ratings on abortion (36% approval), the border situation (43% approval) and handling the virus (46% approval). Only 45% say he's taking Texas in the right direction. Which leads me to say that blindly following Trump was not smart for him politically.

For a segment of our population, former President Donald Trump was (and still is) a charismatic leader. But it is increasingly clear that Trump came very close to overturning the basic tenet of our apparently fragile democratic republic -- fair elections. As information has come out, it has become obvious that Trump either does not understand democracy or just disagrees with letting the people decide who should be President. And that is who Abbott is emulating.

The Oxford Dictionary defines fascism as "An authoritarian and nationalistic right-wing system of government and social organization." Undeniably, Trump is a fascist. He believes in a top-down system where everyone reports to him (regardless of the Constitution or political norms), including Congress, the Supreme Court and the Department of Justice. Trump feels he should be elected even if the Electoral College and the American voters see things differently.

Early in 2016, when Trump believed he would lose, he complained about fraud, "(Democrats) want to try to rig the election at the polling booths." He lied to the American people, saying that "voter fraud is very, very common," when the opposite is true.

With no substantiation, he claimed that illegal immigrants were voting ("because non-citizens tend to favor Democrats"), as were dead people. He demanded his supporters "watch other communities, because we don't want this election stolen from us." And that rhetoric was before a single vote was cast, doing irreparable harm to our democracy by pre-assuming the

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illusion of fraud.

He even created a farcical “election integrity commission” to investigate. Since they could find no irregularities, the group was quietly disbanded.

Which brings us to the shameful way that Trump has characterized the 2020 presidential election, which experts say was the most fair and honest in US history. Per Attorney General Barr, a Trump appointee and supporter, “To date, we have not seen fraud on a scale that could have effected a different outcome in the election.”

But according to Trump, even before the first vote was cast, this election was also ripe with irregularities, “they’re trying to steal an election.”

After his clear loss, he again claimed fraud with no substance to his claims. He charged that votes were "processed illegally," dead people voted, mail-in ballots were tampered with, and voting machines switched votes away from him. None of these charges could be proven. Dozens of suits (63 in all, including in Texas) were brought by the Trump team, and all were thrown out of court, often by GOP-appointed judges.

After his loss, Trump tried a series of fascist maneuvers to overturn a free and fair election, calling on various state officials to help. For example, Trump called Georgia’s GOP Secretary of State, Brad Raffensperger, to pressure him to find non-existent Trump votes to overturn that states election. He asked his lawyers to repeat inaccurate claims of fraud. Trump pressured his appointees, like AG Barr, to find fraud where it did not exist. He even told Vice President Pence that either he would help get Trump elected (by failing to certify the election results, regardless of the Electoral College) or he would no longer be his “friend.”

And then we have the Jan. 6 terrorist insurrection instigated by Trump, who asked his violent supporters to come to Washington and march on our Capitol.

Trump is clearly a fascist. But what about the GOP-elected officials like Abbott who refused to acknowledge Biden’s election was fair? They were and are complicit, making them supporters of fascism.

Jack Bernard is a retired corporate executive who worked extensively with hospital systems throughout Texas.

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Smooth voting in Texas, other states was a good sign
Editorial Board
Houston Chronicle
November 5, 2021
https://www.chron.com/politics/article/Midterm-voting-texas-opinion-16596055.php

Texas and a few other states held elections on Tuesday, so the results are what statisticians would call a small sample size. But in these states, one encouraging sign emerged: No serious access problems were reported, and that’s a trend that must continue. These “off-year” elections could be a dress rehearsal for bigger state and national voting in 2022, and public officials must be ready to help nudge voter turnout as high as possible.

In Texas, only about 9% of registered voters cast ballots for eight constitutional amendments, all of which passed. That was lower than the last round of voting for constitutional amendments in 2019 but about what this state has averaged for some time. These proposed amendments are important, but unless they cover a hot-button issue, they don’t drive up turnout themselves.

In these off-year elections, turnout is mostly driven by local issues, such as the proposals for collective bargaining for firefighters in Groves and Port Neches, both of which passed, and city council elections in Bevil Oaks and Groves.

The only significant snag reported in Texas was a delay in ballot tabulation in Harris County because of a power outage at the central counting station. But it didn’t appear to be anything nefarious and the count was completed.

But in Harris County, the most populous one in Texas, turnout was surprisingly brisk in the two-week early voting period for the constitutional amendments and several school bond issues. County officials said the total for in-person early voting was 63,358 people as compared to 46,224 in 2017, a 37% increase. The county’s mail-in voting also increased in the early voting period with 47,243 ballots cast compared to 12,205 in 2017, almost a four-fold surge.

The voting experience in Harris County was noteworthy because it was a prime target of the controversial “elections security” bill passed by the Legislature this year. It was widely viewed as an effort by Republicans in the state House and Senate to make it harder for Democrats to vote in that county.

On that note, the voting in Virginia and Georgia was also interesting. The Democratic Legislature in Virginia made voting easier, and turnout was very high for a competitive governor’s race. Republicans in Georgia made voting harder, causing baseball’s all-star game to be moved from Atlanta to Denver, but no major access problems were reported for that state’s elections.

Because of all the controversial elections laws passed this year, various hotlines staffed by voting rights groups were set up to assist voters. Damon Hewitt of the Lawyers’ Committee for Civil Rights Under Law said Tuesday’s elections presented an important test.

“It’s a test of voters to run the gauntlet, to figure out these new rules and restrictions,” Hewitt said. “And frankly, it’s also a test of our democracy: How strong can it be, and are we willing to tolerate these efforts to make it harder for people to vote?”

Those are important questions for Texas and every other state going forward. Voters have often shown themselves to be more determined than some politicians expected, but that doesn’t excuse any unnecessary barriers to the voting booth. With voter turnout, more is always better. People should vote whether the process is easy or hard, but one option will clearly

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produce better results.

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Texas Gov. Abbott thinks he can attract cargo to Texas ports due to delays in California. Here's why that makes no sense
Chris Isidore
CNN Business
November 6, 2021
https://www.cnn.com/2021/11/06/economy/texas-ports-california-port-delays/index.html

New York (CNN Business)Texas Gov. Greg Abbott thinks the delays at the nation's largest ports in Southern California is an opportunity for Texas to capture more business.

Or at least he might want his state's voters to think so, even if he doesn't believe it.

His campaign has put out a video which wrongly claims the way for cargo to get around delays in Southern California is to sail to ports in Texas instead.

"Are your products stuck off Long Beach? Texas ports are wide open," says the video, which Abbott tweeted to his followers on Monday. "Port delays are up to 100 days in California. In less than two weeks your cargo can set sail from California and be at one of our 24/7 functioning Texas cargo ports, unloaded and on their way to shelves near you. Choose a state that doesn't see inflation and America's supply chain backlog as a good thing. Escape California. Everyone's doing it. Choose Texas."

It's true there has been a steady flow of both individuals and business from California to Texas in recent years. Most notably Tesla (TSLA) announced a month ago it is moving its headquarters from Silicon Valley to near Austin. HP Enterprises (HPE), a descendant of the company that helped give birth to Silicon Valley as the nation's premier tech corridor, and software and cloud services giant Oracle (ORCL), both announced they, too, are moving to the Texas state capital in December. There are good reasons, including lower taxes and real estate prices, those moves make sense for companies and individuals.

But when it comes to containers of cargo, not so much.

There are many problems and inaccuracies with the governor's video, not the least of which is port delays are nowhere near 100 days in California. Earlier this fall they were averaging about 10 days. Now the delays to get into ports has dropped to seven to eight days, according to data from Spire Global, a data analytics firm that provides global vessel tracking data.

And no, it doesn't take "less than two weeks" of extra sailing time from Asia to Texas compared to the time it takes to sail from Asia to Los Angeles or neighboring Long Beach. Shanghai to Houston would be 37 days on average, according to data from Spire. Shanghai to Los Angeles or Long Beach would be only 20 days.

Many of the largest container ships are actually too big to sail through the Panama Canal and couldn't possibly make the trip that fast. In fact, many of the ships that bring Asian cargo to Texas are going the other way around the world, and making stops in Europe before reaching Houston.

Even with the port delays, it's faster to put a container unloaded in Los Angeles or Long Beach on a rail car and send it anywhere in the country, including Texas, than it is to sail all the way to a Gulf Coast or East Coast port. That's why the West Coast ports handle the lion's share of Asian imports.

"No other port in the Western Hemisphere has the infrastructure, labor force, rail network and warehousing to match the [container volume] that will move through the [Southern California ports] complex this year," said a statement from the Port of Los Angeles when asked about the Abbott's video.

Abbott's campaign, and his administration, did not respond to requests for comment from CNN Business about the video and its claims. The fact the video was made by his campaign and posted on Abbott's personal Twitter feed, and not the state's economic development agency or the Port of Houston, the only major container port in the state, suggests it was aimed more at voters than at actually attracting business. Abbott is running for reelection in 2022.

To be sure, Houston has seen an increase in container traffic this year, and so have all US ports. The reason is the pandemic-related seismic shift in spending by US consumers, away from services such as eating out, travel or going out to movies or sporting events, and more on actual goods, which need to be moved. Even domestically made goods, such as cars or appliances, rely on parts that must be imported through the US ports.

So that's why there are delays outside of Los Angeles and Long Beach, which between them handle about 40% of containers carrying goods into the United States.

"The port complex will handle all-time record volumes amid the unprecedented surge in imports driven by the American consumer," said the statement from the Port of Los Angeles. "The supply chain challenges being faced around the world are largely a result of new levels of global demand."

While Houston is seeing more cargo volume it has not seen any ships diverted from Southern California, said Lisa Ashley, spokesperson for the Port of Houston.

Houston is the nation's 6th largest container port. But in 2020 it handled at equivalent of 2.9 million 20-foot containers of cargo, which is how volumes are measured. That's a fraction of the 9.2 million handled by Los Angeles alone, plus another 8.1 million at Long Beach.

Houston's primary business is bulk products, primarily oil and gas. But it does handle 70% of the container traffic along the Gulf Coast, and virtually all the containers at Texas ports. In the unlikely event a Los Angeles-bound container ship was diverted to Texas, that's where it would go.

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Wednesday, December 01, 2021 10:07 AM EST
Subject: SOS Morning News Clips 12/1/21

Texas Secretary of State
Morning News Clips
December 1, 2021

He's charged with assaulting police at the Capitol on Jan. 6. Now he's running for office in Texas, *Washington Post*, November 30, 2021

A growing number of Texas Republicans want a fourth special session to pass COVID-19 vaccine mandate ban, *Texas Tribune*, November 30, 2021

McConaughey said he won't run for Texas governor. What does that mean for Beto and Abbott?, *Austin American-Statesman*, November 30, 2021

Four Republicans running for Senate District 31 seat in Texas Panhandle, *The Center Square*, November 30, 2021

Politics 'Get In The Way' Of 4 HISD Board Members As They Face Runoff Challenges, *Reform Austin*, November 30, 2021

Longtime state Sen. Larry Taylor, best known for his work on education issues, says he won't run for reelection, *Texas Tribune*, November 30, 2021

How Much Are Latinos Shifting Right?, *New York Times*, November 30, 2021

GOP targets Wisconsin elections system, nonpartisan director, *Associated Press*, December 1, 2021

Texas Hispanic population has become an economic powerhouse, *Spectrum News*, November 30, 2021

Olaguibel: Construction for full cargo facilities will soon begin at Anzalduas, *Rio Grande Guardian*, November 30, 2021

U.S. security review stalls sale of Shell Texas refinery to Mexico's Pemex, *Reuters*, November 30, 2021

Mexico to reverse course, give COVID-19 booster shots, *Associated Press*, November 30, 2021

Texas Land Commissioner announces agreement authorizing construction of border wall on state-owned land, *Palestine Herald-Press*, November 30, 2021

Texas Looks to Its Future to Guide Its Past, *Bloomberg Opinion*, November 30, 2021

Editorial: Voters are sending a message with rejection of school bonds, and districts must listen, *Dallas Morning News*, December 1, 2021

Analysis: Betting a Texas election on a weather forecast, *Texas Tribune*, December 1, 2021

American elections are getting less predictable; there's a reason for that, *The Hill*, November 30, 2021

He's charged with assaulting police at the Capitol on Jan. 6. Now he's running for office in Texas
Timothy Bella
Washington Post
November 30, 2021
https://www.washingtonpost.com/politics/2021/11/30/capitol-riot-mark-middleton-texas-police/

As police struggled to fight off rioters trying to breach the U.S. Capitol on Jan. 6, Mark Middleton said he was among "the first group to storm the Capitol." He joined the pro-Trump mob in allegedly yelling expletives and striking officers who stood between them and their goal of disrupting the validation of the 2020 presidential election results, according to the FBI.

"No more fooling around!" he said in a video posted to his Facebook page shortly after he and his wife, Jalise, were at the

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Capitol, prosecutors say. “Make America great again! Freedom!”

Even though the couple face multiple federal charges stemming from the deadly Jan. 6 riot, that is not stopping Middleton from running for office as a Republican in his home state of Texas.

Middleton, 52, is running for a seat in the Texas House, months after he and his wife, 51, were indicted on charges of assaulting two D.C. police officers, according to a public filing on the Texas secretary of state’s website. The Texas Republican Party accepted his nomination to challenge state Rep. David Spiller, a GOP incumbent in Jacksboro, Tex., in a March 2022 primary, according to the Dallas Morning News, the first to report the story. Spiller has been in office since March, after winning a special election in February.

The Middletons were arrested in April and charged with several counts, including assault of a law enforcement officer, obstruction of law enforcement during civil disorder, obstruction of an official proceeding, disorderly conduct on Capitol grounds and unlawful entry on restricted grounds. The Middletons, from Forestburg, Tex., have both pleaded not guilty and remain free on personal recognizance bonds as they await the start of a trial.

Middleton declined to comment to The Washington Post.

“You are welcome to follow my campaign and meet with me on the trail,” he wrote in an email.

James Wesolek, a spokesman with the Texas Republican Party, confirmed Middleton’s candidacy to The Post.

“Under the Texas Election Code, the party must accept all applications that are correct in form and content,” he wrote in an email Tuesday.

Sam Taylor, a spokesman with the Texas secretary of state’s office, told The Post that state election code notes how a candidate must “have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.”

“An indictment is not the same as a final conviction,” Taylor said. “Middleton is still awaiting trial, and therefore has not been finally convicted of a felony.”

The alleged rioter’s candidacy comes at a time when at least 13 Republicans who traveled to Washington on Jan. 6 to protest the results of the 2020 election ran for office this year. None of them were charged with crimes, and they all denied being part of the mob supporting President Donald Trump that stormed the Capitol in an effort to stop the certification of President Biden’s victory. The attack resulted in five deaths and left about 140 members of law enforcement injured.

At least seven people who attended the pro-Trump rally that preceded the insurrection at the Capitol were elected to public office this month, winning in states such as Virginia, New Jersey, Massachusetts and Idaho.

At 2:09 p.m. on Jan. 6, Middleton, a volunteer firefighter and pilot who wore a red, white and blue Trump beanie, pushed against the barricade and police line with his body, according to body-cam footage obtained by the FBI.

“Get back!” one of the officers said, according to a statement of facts.

In response, Middleton is heard on video yelling an expletive at the officers as he continued to push against the barricade, prosecutors say. He struggled against the officers “for more than 30 seconds” before grabbing an officer’s left hand or wrist and pulling him forward, according to the complaint.

At the same time, a woman identified as Jalise Middleton, also wearing a red, white and blue Trump beanie, “repeatedly grabs and strikes” the same officer with her hand, prosecutors say. When another officer attempted to defend their colleague from the assault, Mark Middleton struck that officer in the arm as well, the complaint says.

After the couple continued to grapple with the two officers, police deployed chemical spray that forced the Middletons “to retreat back from the barricade line,” investigators say.

Minutes later, the pro-Trump mob eventually breached the Capitol, breaking windows and climbing inside the building, then opening doors for others to follow.

When he was still in proximity of the Capitol, Middleton bragged in a video posted to social media about being “on the front lines” of the riot, according to the complaint.

“We helped push down the barriers,” he said in a Facebook video, prosecutors say. “Jalise and I got pepper sprayed, clubbed, and tear gassed. We had to retreat, but more patriots pushed forward, and they’re taking back our house.”

He went on to post numerous videos, photos and comments to Facebook regarding the riot and the couple’s involvement in it, records show. The Middletons said in Facebook posts that they did not enter the Capitol, even as Jalise Middleton wrote that “we made history and got everyone in,” the complaint states.

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On Jan. 21, a tipster whose daughter is an acquaintance of Jalise Middleton alerted the FBI of the social media posts, which were deleted earlier in the month, according to the Justice Department. A second tipster told the FBI in February of the Middletons' alleged involvement at the riot, helping investigators confirm that the couple had a physical altercation with police, prosecutors say. Investigators found probable cause after comparing the body-cam footage to the recovered social media posts.

The couple were arrested on April 21 and indicted on May 19 by a federal grand jury in Washington. They were arraigned and pleaded not guilty to all counts on May 27. A trial has yet to be set for them.

Mark Middleton, who lists himself as a Cub Master for the Boy Scouts of America on his LinkedIn profile, last worked in sales for Nortex Communications, an Internet services company, in April — the month he was arrested. He is currently the only primary challenger to Spiller in Texas House District 68, which stretches from the Oklahoma border to counties near Texas Hill Country because of redistricting.

On his campaign website, Middleton's far-right platform calls for Texas to consider leaving the United States.

"To the extent the Union can be saved we should work to that end," his campaign website says. "However, it is past time Texans start seriously exploring our exit from the Union."

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A growing number of Texas Republicans want a fourth special session to pass COVID-19 vaccine mandate ban
Cassandra Pollock
Texas Tribune
November 30, 2021
https://www.texastribune.org/2021/11/30/coronavirus-texas-legislature-vaccine-mandate-ban/

A growing number of Texas Republicans are pushing for lawmakers to return to the state Capitol for a fourth overtime round of legislating to pass laws banning COVID-19 vaccine mandates.

As those calls continue to build, it remains unclear whether Gov. Greg Abbott — the only official with the power to convene special sessions — will order state lawmakers back to Austin and what issues he would include on the agenda.

Lawmakers already met for the biennial regular session that ended in May before convening for three special sessions over the summer and into this fall to tackle redistricting along with a number of GOP priorities, including a law that further tightens the state's election rules.

Abbott last week declined to say whether he intends to call another special session, but he left the door open, reminding reporters at a news conference that one "can be called anytime." On Monday, an Abbott spokesperson, contacted for comment, referred to a previous statement from the governor's office that said "there is no need for another special session at this time."

Still, at least two dozen Republican lawmakers have so far called for a fourth special session, with many focusing on efforts to ban vaccine mandates. Abbott had named it as a late priority in the third special session that ended in October, but legislation that would have banned any Texas entity from mandating the COVID-19 vaccine for employees failed to gain traction in both chambers after business groups rallied against the proposal.

Another Abbott priority — increasing the penalty for illegal voting — also did not pass in the last special session. The governor called for the stiffer penalty weeks after he signed into law a bill that reduced it. Shortly after the Legislature adjourned the third special session, Lt. Gov. Dan Patrick, the Republican leader of the state Senate, pushed for another session to focus on that as well as passing an election audit bill.

In September, President Donald Trump, who won Texas in 2020, called for a "Forensic Audit of the 2020 Election" in the state. Abbott resisted adding the item to the special session agenda and instead backed a more narrow review of the 2020 election by the secretary of state's office, which announced it was conducting a "full forensic audit" in four of the state's biggest counties. There has been no evidence of widespread voter fraud in Texas in 2020. And earlier this year, an official in the secretary of state's office called the 2020 election in Texas "smooth and secure."

Meanwhile, House Speaker Dade Phelan, the Beaumont Republican who heads the lower chamber, has not weighed in on whether he supports a fourth session, saying through a spokesperson that the decision to convene a special session is up to Abbott.

Vaccines
While Patrick's push for another special session last month focused on those elections-related issues, other Republicans in recent weeks have rallied largely around banning vaccine mandates. The lieutenant governor's office did not respond to a request for comment about whether Patrick supports adding the vaccine mandates issue to a potential special session agenda.

In October, Abbott issued an executive order outlawing COVID-19 vaccine requirements by any entity in Texas, including private businesses and health care facilities. The governor has said his order will remain in place until lawmakers pass a bill related to the issue.

In the meantime, the state has sued the Biden administration over its coronavirus vaccine mandates for federal contractors, private businesses and health care workers.

Meanwhile, the Republican Party of Texas, which last month called for a fourth special session, is campaigning on a "Four-Day 4th," referring to a four-day special session. The group says that short of a stretch would be all that's needed to address vaccine mandates.

"We know legislators are tired and nobody wants an extended special session," Texas GOP Chair Matt Rinaldi said in an interview Monday, pointing to states such as Tennessee and Florida that recently passed legislation on vaccine mandates on short timelines.

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As of Tuesday, at least 25 GOP state lawmakers have publicly called for a special session related to banning vaccine mandates. While those calls began with members aligned with the further right faction of the party, other Republicans have in recent days also signaled support, including state Rep. Tom Oliverson of Cypress, who tweeted last week that “medical decisions should be made by the individual, not by their employer or the government.”

Oliverson, an anesthesiologist, said Tuesday that lawmakers during the third special session didn’t have enough time to work on the issue or “build consensus around an approach.”

“I think there’s an appetite to do something,” Oliverson said. “I don’t know exactly what that something will be. I don’t think this is a conversation you have quickly — it needs that full process of deliberation, a kind of let the cream rise to the top sort of thing.”

Another House Republican, state Rep. Briscoe Cain of Deer Park, has also called for a fourth special session over banning vaccine mandates, writing in an Oct. 26 Facebook post that he was ready to return to Austin despite spending the past 10 months in the state’s capital.

“While I am happy to be home after three special sessions in Austin,” Cain wrote, “I would happily return to Austin if called upon to protect the rights of my fellow Texans.”

Cain, a member of the hardline conservative Texas House Freedom Caucus, told The Texas Tribune on Monday that the state could benefit in its legal fight with the Biden administration if it already had a law addressing the issue.

“From a litigation standpoint,” Cain said, “I think it would help the state’s position when claiming that the federal government is interfering with an area of state rights if the state had a law on the books that the feds were interfering with.”

Rinaldi, the Texas GOP chair who’s also a former state House member, said that while legislation to ban vaccines failed during the most recent session, Republicans have since galvanized over the issue.

“When this was put on the special session call during the last special session, the issue was fairly new — people weren’t facing imminent threat of being fired at the time,” Rinaldi said. “I don’t think there’s any way of avoiding it because of the immense damage that these vaccine mandates do, both to individual lives and to our economy.”

State health officials have said that the vaccine greatly reduces the risk of COVID-19 transmission. And state data shows that unvaccinated Texans made up 85% of coronavirus cases and deaths from Jan. 15 to Oct. 1, 2021. About 54% of Texans are fully vaccinated.

Abbott is also fielding pressure over banning vaccines mandates by at least two of his GOP primary challengers: former state Sen. Don Huffines and Allen West, a former Florida congressman and Texas GOP chair.

Weary Legislature
To be sure, most lawmakers have not publicly weighed in on whether there should be another session before the Legislature convenes for its next regular session in January 2023.

The last time a governor convened a fourth special session was in 2004, when then-Gov. Rick Perry again ordered lawmakers back after the Legislature had worked overtime from June to October that previous year following its regular session.

This year, members returned to their districts in mid-October weary from the past 10 months that featured some of the most conservative legislating in recent memory. After House Democrats aimed to block a GOP elections bill by walking out of the chamber in the final hours of the regular session that ended in May, Abbott called lawmakers back for another overtime round focused on passing that legislation along with a number of other Republican priorities.

But business stalled over the summer after Democrats again broke quorum over that elections proposal, with enough members flying to Washington, D.C., to prevent lawmakers in Austin from moving any legislation during the first special session.

That impasse lasted for weeks, though once work resumed, the GOP-dominated Legislature passed its elections legislation in a second special session before turning to the redrawing of the state’s political maps during the third.

Some Democrats, such as state Rep. Chris Turner of Grand Prairie, say Republicans may try to use another special session to rally their party’s base heading into primary election season.

"Texas taxpayers should not be asked to bankroll another unnecessary special session simply because Republicans want to prolong the COVID-19 pandemic,” said Turner, who chairs the House Democratic Caucus, in an email through a spokesperson. “Republican legislators should explore other strategies to win their primary elections."

Another issue that has gotten attention in recent days is the renewal of Chapter 313, a decades-old law that Abbott was asked about at last week’s news conference in Austin announcing that Samsung Electronics Co. will build a roughly $17 billion chipmaking plant in Williamson County.

Chapter 313, one of the state’s largest corporate tax break programs, is set to expire at the end of 2022 after the Legislature did not renew it. Under the program, Samsung would save an estimated $250 million in taxes over the next 15 years.

So far, according to Dale Craymer, president of the Texas Taxpayers & Research Association, there have not been any signs to suggest there is interest among leadership at the Legislature to extend the current program in a special session.

“The politics of the issue really haven’t changed since the regular session,” Craymer said, adding that, “it would be challenging to take extraordinary measures to extend the program at this time.”

Craymer, whose group has supported the program in the past but isn’t “making a big push to get a temporary extension at this point,” said that lawmakers may tackle something related to property taxes during a special session given the state’s economic surplus and roughly $3 billion left in federal COVID relief money.

“But I’d be surprised if Chapter 313 is a part of that discussion,” he said.

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McConaughey said he won't run for Texas governor. What does that mean for Beto and Abbott?
Madlin Mekelburg
Austin American-Statesman
November 30, 2021
https://www.statesman.com/story/news/politics/state/2021/11/30/matthew-mcconaughey-texas-tx-governor-greg-abbott-beto-orourke/8797926002/

Actor Matthew McConaughey said Sunday evening that he would not run for governor, ending months of speculation about his political aspirations and clearing the way for a more conventional race for the top job in the state.

McConaughey had teased a run since earlier this year, refraining from indicating whether he'd enter the Democratic primary or the Republican primary or run as an independent candidate. Some polls showed that he would have been a serious contender in a hypothetical matchup against Gov. Greg Abbott and Democrat Beto O'Rourke.'

His decision to stay out of the race clears the field for Abbott and O'Rourke to face off in a more traditional race next November, assuming both are successful in their primary contests.

"Both candidates, they're breathing a sigh of relief," said Brian Smith, political science professor at St. Edward's University. "They won't come out and say it, but both candidates, by McConaughey not running, are very happy."

Abbott is seeking a third term as governor and is facing at least two primary challengers: Allen West, former Texas GOP chairman, and Don Huffines, a former state senator from Dallas.

O'Rourke, a former congressman from El Paso, has emerged as the highest-profile Democrat running for the seat.

Brandon Rottinghaus, a political science professor at the University of Houston, said the fact that McConaughey was polling so well before entering the race is a reflection of the growing dissatisfaction people feel with the current state of politics. Given that Abbott and O'Rourke are the favorites to emerge from their primaries, he said both will benefit from McConaughey's decision not to run.

"In a way, they are both better off," Rottinghaus said. "People are frustrated with politics and politicians as usual. Both parties are going to have to grapple with that reality at some point."

A McConaughey candidacy

In a video posted to Twitter late Sunday, McConaughey said he was honored to be considered for political leadership, a "humbling and inspiring path to ponder" but "a path that I'm choosing not to take at this moment." Instead, he said he plans to focus on supporting entrepreneurs, businesses and foundations that he sees as leaders fighting to create "pathways for people to succeed in life."

The prospect of McConaughey entering the gubernatorial race has been a point of fascination for political observers. His superstardom lends him international name recognition and access to serious money that could fund a competitive campaign, but his lack of experience in the political arena made him a wild card of sorts.

With no voting record in Texas since at least 2012, McConaughey's political leanings are largely unknown. In 2020, he said he considers himself to be "in the middle" politically and believes a solution to the nation's political divide lies in being "aggressively centric."

He has avoided weighing in on many issues facing the state, but earlier this month he said he is against a COVID-19 vaccine mandate for kids "just yet" during an interview at The New York Times' DealBook summit. Later he clarified that he was speaking strictly about mandates for children between the ages of 5 and 11.

During an interview with Kara Swisher of The New York Times, McConaughey said he found elements of the state's new, restrictive abortion law to be "a little juvenile" but declined to share his perspective on abortion rights overall.

Should McConaughey have opted to enter the race, he would have been forced to take strong policy positions on any number of issues from the economy to immigration to abortion to gun regulations.

"As an undeclared candidate, he was all things to all people," Smith said. "If he was going to declare, we were going to want to know more about him and his positions — and rightfully so."

Abbott vs. O'Rourke
Early polls showed that McConaughey could have been a serious contender in hypothetical matchups against Abbott and O'Rourke.

McConaughey led Abbott in a September poll from the University of Texas at Tyler and The Dallas Morning News, in which 44% of respondents said they would vote for the actor over Abbott in a hypothetical race between the two men. Abbott polled at 35%, and 21% said they would vote for someone else.

The same poll asked respondents to choose between O'Rourke and Abbott, with 37% of respondents supporting O'Rourke, 42% supporting Abbott and 21% voting for someone else.

In the immediate future, Smith said O'Rourke might feel more relief than Abbott that McConaughey has opted not to run. If he had entered the race as a Democrat, as some had speculated, O'Rourke would have faced an expensive primary battle before facing Abbott and his $55 million campaign war chest.

His absence from the race also means Abbott won't have to spend money campaigning against a well-known candidate as likable as McConaughey. Now he can focus his energy and money against O'Rourke.

But Rottinghaus said McConaughey's decision also benefits Abbott because they probably would have been targeting the same demographics when trying to turn out voters.

In 2006, incumbent Republican Gov. Rick Perry faced a Democratic challenger and two independent candidates during the general election, including singer Kinky Friedman. Rottinghaus said support for Friedman largely came from younger white men who were not previously registered to vote — a profile Rottinghaus said Abbott hopes to cultivate.

"McConaughey isn't running, but it'd have been a lot cooler if he did," said Smith, quoting McConaughey's character in the film "Dazed and Confused."

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“It would have made the race very interesting. The good thing about elections is that there’s always another opportunity. For McConaughey, he would do better running in an open-seat election than against a well-known Democrat and an incumbent Republican,” Smith said.

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Four Republicans running for Senate District 31 seat in Texas Panhandle
Bethany Blankley
The Center Square
November 30, 2021
https://www.thecentersquare.com/texas/four-republicans-running-for-senate-district-31-seat-in-texas-panhandle/article_e32df988-525e-11ec-912c-4bdeed0e2615.html

(The Center Square) – The field to replace Sen. Kel Seliger’s Senate District 31 seat in the Texas Panhandle is growing.

The West Texas legislator announced in October that he was retiring and wasn’t running for reelection.

Seliger, one of the most liberal Republicans in the Texas Legislature, repeatedly voted against property tax reform measures, banning taxpayer-funded lobbying, and legislation requiring an audit of Texas elections.

The primarily Republican SD31 includes the West Texas areas of Amarillo, Midland, and Odessa.

The first to declare their candidacies for the position were Midland oil and gas tycoon Kevin Sparks, and Coahoma ISD Trustee Stormy Bradley, both Republicans.

Sparks is considered the front-runner, having already been endorsed by former President Donald Trump and Lt. Gov. Dan Patrick.

“At a time when far-left activists seek to nationalize our elections, indoctrinate our kids with so-called critical race theory, and surrender our southern border to the drug cartels, the hard-working families of Senate District 31 deserve a state senator who will proudly defend our conservative values,” he said.

Sparks is president of Discovery Operating, Inc, a family owned and operated oil and gas company in Midland, which employees hundreds of workers and has for nearly 50 years.

Bradley is the owner of multiple businesses, including Bulldog Steel, a full-service steel manufacturer in Big Spring. As a Coahoma ISD board member, she’s “fought to keep anti-American propaganda and critical race theory out of our schools.” She also holds a leadership position with the Big Spring Chamber of Commerce Board of Trustees, and recently won a Russ McEwen Community Hero Award.

Most recently, with two weeks of the filing deadline to declare candidacy, two more candidates have thrown their hats in the ring: retired FBI agent Tim Reid and attorney Jesse Quackenbush.

“As an FBI agent, state trooper, police officer, school board member, and foster child, I believe that I am uniquely qualified to represent the citizens of this district,” Reid argues. “I will actively work on the issues that we face to strengthen the future of Texas. I have served the people of this district for 28 years and call the Panhandle and all of West Texas home.”

Citing education as his top priority, Reid is currently the director of Athletics and Campus Safety and a teacher at Ascension Academy, a private school in Amarillo.

Amarillo attorney Jesse Quackenbush is running for a second time for the seat, after unsuccessfully running for the seat in 2004. Quackenbush recently told the Odessa American that he was against the recently passed Texas Heartbeat Act.

“I’m pro-life, but until Roe v. Wade is repealed, I’m against gratuitously going out there and wasting millions of dollars just to test the waters with a law that is obviously unconstitutional while senselessly adding a severe crisis for women who seek that type of healthcare,” Quackenbush said.

Attorney General Ken Paxton, and those who passed the law in the state legislature, and Gov. Greg Abbott, who signed the bill into law, disagree, arguing the bill is constitutional, and legal.

The filing deadline for all candidates seeking to run for any office in Texas in the 2022 Election is Dec. 13. The primary election is scheduled for March 1, 2022.

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Politics ‘Get In The Way’ Of 4 HISD Board Members As They Face Runoff Challenges
Reform Austin
November 30, 2021
https://www.reformaustin.org/education/politics-get-in-the-way-of-4-hisd-board-members-as-they-face-runoff-challenges/

Early voting began on Monday, where voters will decide four of five Houston ISD trustees that have been pushed into runoffs.

A month ago in re-elections, incumbents; Elizabeth Santos in District 1, Sue Deigaard in District 5, Holly Flynn Vilaseca in District 6, and Anne Sung in District 7, failed to gather at least 50 percent of the ballots cast. The only HISD race decided was for Myrna Guidry in District 9, who won with nearly 61 percent of the vote.

The outcome of the runoffs could shake things up for the board just when they were reaching a sense of stability with new

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Superintendent Millard House II preparing a multi-year strategic plan and the district considering its first bond referendum in nearly a decade, as reported by the Houston Chronicle.

The match consists of issues that range from local concerns to statewide issues like the potential takeover threat by the Texas Education Agency to national debates over mask mandates and critical race theory.

One of the reasons so many of the current board members are facing tough reelections is payback by voters who are looking to punish incumbents over the dysfunction of years past, referring to the so-called “walking quorum of 2018” that led HISD to the brink of a state takeover.

In 2019, state investigators determined five trustees – including Santos, Vilaseca, and Sung – met in private in an unsuccessful attempt to replace then interim superintendent Grenita Lathan with former superintendent Abe Saavedra.

Brandon Rottinghaus, a political science professor at the University of Houston, said in an interview with the Houston Chronicle, it appears the district is at a crossroads.

“They are at a point where they are trying to climb out of decades-long troubles,” Rottinghaus said, “and the politics of the current moment are, to some degree, getting in the way.”

This is certainly true with incumbent Bridget Wade, who is running ahead of incumbent trustee Anne Sung heading into the runoff. She sums up her position on critical race theory, saying she believed “we’re all created equal”.

When concerning mask mandates, Wade is on the opposing side, stating that “masking should be a parental choice.”

Janette Garza Linder, who is facing Santos in the District 1 runoff, is also letting the politics get in the way. In an Interview with The Leader newspaper, she stated that if there weren’t new members on the board that she is open to a state takeover.

This raised concerns with parents, like Karina Quesada from the Heights. “”That bothers me very much because as a constituent, as a citizen, as a taxpayer, as a homeowner, I don’t want anybody, that’s OK with taking my ability to elect a representative to represent us, my children, and our teachers in this community,” Quesada said in an interview with Houston Public Media.

Jasmine Jenkins, executive director of the nonprofit Houstonians for Great Public Schools, suggests Republicans and conservatives are trying to stir up parents’ concerns by involving issues such as critical race theory and mask mandates.

“From the right, nationally, we see a bigger movement to get involved in local politics, to get involved in school boards, and so there are probably a lot of conservatives who have gotten involved in this race and who’ve decided to vote in these races who normally just sort of sit school board (elections) out,” Jenkins said, as reported by Houston Public Media.

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Longtime state Sen. Larry Taylor, best known for his work on education issues, says he won't run for reelection
Patrick Svitek
Texas Tribune
November 30, 2021
https://www.texastribune.org/2021/11/30/larry-taylor-texas-senate-reelection/

State Sen. Larry Taylor, R-Friendswood, who helped write the law to overhaul school funding in Texas, will not seek reelection.

Taylor chairs the Senate Education Committee and has served in the Legislature since 2003, first as a member of the House. He is also chair of the Senate Republican Caucus.

His decision comes just under two weeks before the candidate filing deadline for the 2022 primary. Within minutes of Taylor announcing his retirement, state Rep. Mayes Middleton, R-Wallisville, announced he had filed for the Senate seat.

"This has been a very difficult decision, as having the privilege of representing my community in the legislature for nearly two decades has been the biggest honor of my life,” Taylor said in a statement. “Together, with my colleagues in the Legislature, we have dealt with multiple challenges and worked to secure Texas’ future as a leader for our country. I am so proud of our work and so incredibly blessed to have been a part of it.”

In the statement, Taylor also acknowledged the sacrifices that public service requires, including a “major commitment of time away from your family and friends.”

Taylor’s decision creates a vacancy in Senate District 11 in Southeast Texas. The seat favors Republicans.

After news of Taylor’s retirement broke, he told a reporter with the Galveston Daily News that part of his decision was due to Middleton’s interest in his seat. Taylor told the reporter that he tried to dissuade Middleton, but that he is “ready to go and wanting to spend a lot of money.”

Middleton, an oil-and-gas businessman, is the chairman of the conservative Freedom Caucus in the House, where he has been a member since 2019.

Taylor is perhaps best known for his work on education. He was a key player in the 2019 school finance overhaul that lawmakers counted as a top achievement that session. The $11.6 billion measure boosted per-student funding and reduced property taxes, among other things.

Taylor has also focused on coastal issues, like reforming the Texas Windstorm Insurance Association.

Taylor’s decision is abrupt. His campaign had said Sunday that he would file for reelection Monday, though it did not appear to happen.

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How Much Are Latinos Shifting Right?
Jennifer Medina

AMERICAN OVERSIGHT

New York Times
November 30, 2021
https://www.nytimes.com/2021/11/30/us/politics/latinos-republicans-conservative-vote-gop.html

For years, State Representative Ryan Guillen of Texas was regarded as the most conservative Democratic legislator in Austin. He was one of just a few from the party to vote in favor of carrying handguns without a permit, and the sole Democrat in the House chamber to vote for the state's new law banning most abortions. He remained popular in his Rio Grande Valley district, winning re-election last year by 17 percentage points.

Then came the news this month: He was switching parties.

"After much consideration and prayer with my family, I feel that my fiscally conservative, pro-business, and pro-life values are no longer in step with the Democratic Party of today," Mr. Guillen said.

It's an old saw in politics: I haven't changed, the party has changed. And in the past, it has been fairly applied to both Republicans and Democrats. Mr. Guillen has portrayed himself as part of a trend of Hispanic voters moving toward the Republican Party, especially in South Texas, where Donald J. Trump made major inroads during the 2020 election. But it's too soon to tell just how much of a lasting shift the movement represents.

The Republican Party has been reaching out to Latino voters for decades, particularly in Texas. Former President George W. Bush famously courted them with his "compassionate conservatism." And it was former President Ronald Reagan who told his Hispanic outreach director that he would have the easiest job in the world, because "Hispanics are already Republicans, they just don't know it yet."

Historically, roughly 30 percent of Hispanic voters have chosen to vote Republican in presidential elections, a number that increased slightly in 2020, surprising many Democrats. Republicans, unsurprisingly, celebrated the shift and have portrayed it as a seismic shift that could transform the parties.

"Republicans' enthusiasm and sense of momentum ebbs and flows, and this is a moment of high enthusiasm," said Geraldo Cadava, a professor of history at Northwestern University and the author of the book "The Hispanic Republican." "They want to capitalize on the momentum they feel like they have right now. They really think the energy is on their side, but they have to prove that 2020 wasn't just a blip."

So far, the data remains mixed. While there was some dampened enthusiasm among Latino voters during the recall election of Gov. Gavin Newsom of California, for example, an analysis from the Latino Policy & Politics Initiative at the University of California, Los Angeles, showed that Latino-heavy precincts overwhelmingly backed Newsom's remaining in office.

But in San Antonio this month, Democrats lost another State House seat to a Hispanic Republican, John Lujan.

Now, many Democrats are openly worried, with some calling Hispanics the new swing voter group.

"Democrats have to prove that they can stop their losses, and they have to show these voters they are hearing them and caring about them," Dr. Cadava said.

Of course, perception can drive reality: If Latinos believe that Democrats take them for granted, they are more likely to vote for Republican candidates, according to analysis from Equis Research, a Washington-based firm that focuses on Latino voters across the country.

Mr. Guillen, who did not respond to several messages from The Times, has fiercely embraced his new party, appearing with Gov. Greg Abbott of Texas during his party switch announcement and welcoming an endorsement from Mr. Trump by enthusiastically recalling how his signs "covered South Texas" during the presidential election. (Four years after Hillary Clinton won the district by 13 percentage points, Mr. Trump won by the same margin in 2020.)

"Something is happening in South Texas, and many of us are waking up to the fact that the values of those in Washington, D.C., are not our values, not the values of most Texans," Mr. Guillen told reporters during his announcement. "The ideology of defunding the police, of destroying the oil and gas industry and the chaos at our border is disastrous for those of us who live here in South Texas."

But ideology may not have been the only driver of Mr. Guillen's decision, which came after Republican-controlled redistricting turned his legislative district from a Republican-leaning district into one that would most likely be solidly red.

Mr. Guillen has brushed aside suggestions that he simply switched parties to stay in office, telling reporters that his 2020 victory as a Democrat showed his allegiance with voters in the district.

"I have found that my core beliefs align with the Republican Party," he said. "I am confident that my switch today is the right decision."

Mr. Abbott, for his part, portrayed Mr. Guillen's flip as inevitable.

"It's something that has been, candidly, the worst-kept secret in the Capitol," he said. "Ryan, we're glad you finally came out of the closet."

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GOP targets Wisconsin elections system, nonpartisan director
Scott Bauer
Associated Press
December 1, 2021
https://www.chron.com/news/article/GOP-targets-Wisconsin-elections-system-16663548.php

MADISON, Wis. (AP) — Wisconsin Republicans are working to discredit the bipartisan system they created to run elections in the state after President Joe Biden narrowly won last year's presidential race, making the political battleground the latest front in the national push by the GOP to exert more control over elections.

Wednesday will bring a flurry of election-related developments in the state, with both the Wisconsin Elections Commission and a

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partisan legislative panel dissecting the 2020 presidential election. At the same time, Republican lawmakers are continuing to attack the state's well-regarded election administrator in a pressure campaign to have her resign, an apparent attempt to install a GOP partisan in the position ahead of next year's midterm elections.

"This is really just the politics of fear and vengeance," said Kevin Kennedy, who was Wisconsin's top elections official for 34 years before retiring in 2016. "This is not about ideas. ... They have effigies they want to burn and that's it."

More than a year after the 2020 presidential election, former President Donald Trump and his allies continue to push his false claims that Democrats stole a second term from him. This has manifested in costly and timely partisan election reviews in a handful of states as well as new laws pushed by Republicans adding restrictions to mail voting, which was hugely popular amid the pandemic and embraced by voters of both parties.

Current and former election officials also have warned that the unrelenting attempts to discredit Biden's win have led to an erosion of public confidence in elections and threats of physical violence against election workers. They worry that longtime election officials will be driven from their jobs, creating a vacuum of experience that in some cases could be filled by partisan actors.

In Wisconsin, elections are overseen by a bipartisan elections commission comprised of an equal number of Republicans and Democrats. The commission administrator is a nonpartisan position currently held by Meagan Wolfe, a 10-year veteran of the agency and its predecessor.

Wolfe was appointed director by the commission in 2019 and confirmed unanimously by the Republican-controlled Senate for a term ending in the middle of 2023.

When efforts to overturn Trump's loss in Wisconsin failed through lawsuits and recounts, Republicans repositioned their attacks to the commission and Wolfe. At least 10 Republican lawmakers have called for the resignations of her or one or more commissioners.

If Wolfe were to resign, the Republican-controlled Senate would likely name her successor. That person plays a significant role in determining what guidance is issued to the state's more than 1,800 local election clerks who actually run elections.

Wolfe on Tuesday called the attacks against her "baseless" and said she was more determined than ever not to resign.

"I really think the calls are based on folks being upset that I'm not willing to change my behavior; I'm not willing to engage in partisan politics," she told The Associated Press. "The public recognizes politics when they see it. I think they're smart enough to understand a lot of the rhetoric around this is motivated by partisan politics."

A bipartisan group of more than 50 election experts from across the country came to Wolfe's defense, sending a letter to Republican Assembly Speaker Robin Vos calling Wolfe "one of the most highly-skilled election administrators in the country." Wolfe serves as chair of the national Electronic Registration Information Center and in February will become president of the National Association of State Election Directors.

The attacks against Wolfe and the integrity of the 2020 election make Wisconsin "ground zero for the anti-democratic movement," said David Becker, executive director of the nonpartisan Center for Election Innovation and Research.

Becker said election workers and civil servants such as Wolfe are being used as scapegoats "because leaders do not have the political courage to tell their supporters the truth of the election. And the truth is that it was objectively the most secure, transparent, verified and scrutinized election in American history by any measure."

Republican lawmakers ratcheted up their criticism of Wolfe and the commission after a nonpartisan audit recommended dozens of changes in how elections should be run and detailed ways the elections commission didn't follow some state laws during the pandemic in 2020. The audit did not find any widespread fraud or abuse and did not call into question Biden's victory in the state.

A Trump-supporting sheriff in Racine County recommended felony charges against five of the six commission members for their decision not to send special voting deputies into nursing homes, as required by law, during the pandemic.

Many of those facilities were not allowing any visitors, including families, at the time the commission made the decision. The commission instead called for absentee ballots to be used for residents in such facilities, a move they said was designed to protect their right to vote.

No charges have been filed in any Wisconsin county against Wolfe or any commission member.

In addition to attacking the elections commission, Republicans also are backing an investigation ordered into the 2020 election by Vos, the legislative leader. That effort is being led by a conservative former Wisconsin Supreme Court justice who told lawmakers his probe will include examining the allegations raised by the sheriff.

The elections commission was scheduled to meet Wednesday to discuss the audit. At the same time, the Assembly elections committee is to receive an update on the GOP-ordered election investigation.

Meanwhile, state Republican lawmakers are feeling pressure from U.S. Sen. Ron Johnson, who in November told them the Legislature should take control over federal elections in the state. Opponents have said such a move would be barred under decisions by the U.S. and state supreme courts. The Republican leader of the state Senate also raised concerns about the legality of doing that.

Republicans can't easily alter the elections commission or change how elections are run in the state because any change in law would have to be signed by Democratic Gov. Tony Evers. He's made clear that he would block any such attempt.

"Wisconsin held a fair, accurate, and secure election under a system Republicans largely created themselves, and the results of our election have been proven over and over again," Evers said in a statement Tuesday. "It's clear Republicans' efforts and rhetoric are more about pre-determining our elections and maintaining political power than making our elections more secure."

Evers is on the ballot next year, and should he lose Republicans would have a clear path to make widespread election changes before the 2024 elections.

One Republican candidate for governor, former Lt. Gov. Rebecca Kleefisch, has been critical of the elections commission and filed a lawsuit in November seeking to suspend the guidance the agency gave to local election clerks amid the coronavirus pandemic.

Attacks against the current commission are similar to ones Republicans made against its predecessor, the Government Accountability Board, which they dissolved in 2015 under a law signed by then-Gov. Scott Walker, a Republican.

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The first administrator of the current commission, Mike Haas, was driven out by Republicans because of his work on an investigation into Walker while at the previous agency. Haas stepped down after the GOP-controlled Senate refused to confirm him.

Kennedy, who retired from the state elections post amid GOP criticism, said Wolfe should not expect the pressure on her to let up.

“If she wants it to end, then she leaves,” Kennedy said.

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Texas Hispanic population has become an economic powerhouse
Eric Griffey
Spectrum News
November 30, 2021
https://spectrumlocalnews.com/tx/dallas-fort-worth/news/2021/11/30/texas-hispanic-population-has-become-an-economic-powerhouse

FORT WORTH, Texas — New research released Tuesday by Texans for Economic Growth, a statewide 110-member business coalition, underscores the crucial role Hispanic Texans play in the state’s economy and across the major metros of Austin, Brownsville, Dallas, El Paso, Fort Worth, Houston and San Antonio.

Hispanic Texans in the Dallas and Fort Worth area are contributing billions in taxes and consumer spending. In 2019, Hispanic households earned $41.2 billion in income, with $6.3 billion going to federal taxes and $3.6 billion going to state and local taxes, leaving them with $31.3 billion in spending power, the study said.

These numbers are more pronounced, considering Hispanic Texans are helping drive population growth in Dallas and Fort Worth. Between 2010 and 2019, the U.S.-born Hispanic population grew by 33.4%, while the foreign-born Hispanic population grew by 13.5%. In 2010, 27.6% of the overall population in Dallas and Fort Worth were Hispanic, and that number increased to 29.3% in 2019.

Hispanic population numbers are growing across the state, though 47% of Texas Hispanics live in the state’s five biggest counties — Harris, Bexar, Dallas, Tarrant and Travis.

The Dallas-Fort Worth region best illustrates the diverging population patterns among Hispanic and white Texans. Among those five counties, Tarrant County — home to Fort Worth — continues to see the fastest growth of Hispanic residents since 2010. With a 28% growth rate, the Hispanic population in Tarrant grew from roughly 483,000 to nearly 620,000 last year.

Meanwhile, the white population in neighboring Dallas County is shrinking. Dallas' white population has fallen below 2010 levels, dropping from about 787,000 to about 746,000 in 2019.

In 2019, 70.9% of the overall Hispanic population and 72.1% of the foreign-born Hispanic population were active in the labor force, compared with 68.1% of the non-Hispanic population.

“As our business community continues to wade through labor and supply chain challenges, it is imperative that we push date-driven, policy-focused discussions regarding the economic contributions of Hispanics to the forefront,” said Anette Landeros, President and CEO of the Fort Worth Hispanic Chamber of Commerce. “Our DFW Metroplex is currently booming with growth and opportunity, and our Hispanic population will play an important role in ensuring that the trajectory is sustainable for years to come.”

The uninsured Texans, known as the “working poor,” include about 1.4 million hourly or low-wage workers. These people, disproportionately Hispanic (61% of the uninsured) tend to have low levels of education (48% of the uninsured don’t have a high school degree), and earn less than $35,000 a year despite typically working full-time, often in jobs such as construction or the service industry.

Hispanic Texans in Dallas & Fort Worth hold substantial voting power. In 2019, there were more than 888,000 eligible Hispanic voters, including more than 191,000 naturalized citizens. Overall, the Hispanic population made up 18.8% of the electorate, including Hispanic naturalized citizens, who on their own made up 4.1%.

“As we prepare for the post-pandemic economic recovery, it is important to know how Hispanics can and will contribute to keep the Texas economy thriving,” said J.R. Gonzales, Executive Vice Chair of the Texas Association of Mexican American Chamber of Commerce. “The new data shows Hispanics can demand a seat at the table now that we can show that what we bring to the dinner party is crucial.”

The economic benefits of "illegals" far outweigh the cost
Most statewide and national studies on the cost-benefit analysis of illegal immigrants suggest Texas is profiting from illegal immigrants.

For example, a recent Rice University study said the state of Texas made more than $420 million off immigrants living in the state illegally.

The study, which replicated an outdated state comptroller report, finds that for every $1 the Texas government spends on the estimated 1.6 million people living in the state illegally, the state brings in $1.21 in tax revenue.

The Rice study is modeled off a Texas State Comptroller report from 2006, which had similar findings: Immigrants in Texas without legal authorization generated $424.7 million more than they cost the state. The study calculated costs to the state in education and health care services, as well as incarcerations. It measures benefits through state revenues and school property taxes. Local governments, however, shouldered $929 million in uncompensated health care costs and local law enforcement costs not paid for by the state, the 2006 report found.

The Rice study — which looked at state figures, not local costs — updated it using figures from 2018, estimating that roughly 6% of the total state population that year was in the U.S. without legal authorization. With roughly 65% of those residents working in the labor force and less than 6% unemployed, the study estimated they accounted for more than 8% of the state’s workforce.

In 2018, those residents paid some $2.4 billion in state sales taxes, property taxes and consumer taxes on gasoline, vehicle inspections and more, the study estimated. It estimated they cost the state just more than $2 billion in education, health care and

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prison costs.

In April, Attorney General Ken Paxton said that Texans pay more than $850 million per year on illegal immigration, and the recent surge at the border could cause that amount to surpass $1 billion.

Paxton blamed President Joe Biden's immigration policies for causing the surge of illegal immigration and escalated criminal activity at the Texas-Mexico border.

Paxton's office said "uncompensated care" for those migrants costs public hospital districts between $579 million to $717 million, and between $62 million and $90 million for their inclusion in the state's Emergency Medicaid program.

Housing unauthorized migrants costs $152 million a year, and between $31 million and $63 million a year is spent on education for unaccompanied minors who illegally crossed the border, according to the attorney general's office.

"Texans are hardworking and generous people, but the cost of illegal immigration is an unconscionable burden on the taxpayers of our great state," Paxton said. "If we use the minimum estimated costs for services Texas provides to unlawfully present and undocumented aliens, taxpayers are shelling out an estimated $855 million every year. Texas will always welcome those who legally immigrate, but we cannot continue forcing taxpayers to foot the bill for individuals who skirt the law and skip the line. I will continue to fight for justice, safety, and prosperity for all Texans."

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Olaguibel: Construction for full cargo facilities will soon begin at Anzalduas
Steve Taylor
Rio Grande Guardian
November 30, 2021
https://riograndeguardian.com/olaguibel-construction-for-full-cargo-facilities-will-soon-begin-at-anzalduas/

MCALLEN, Texas – Juan Olaguibel, superintendent of bridges for the City of McAllen, had an alarm set on his mobile phone for the minute he received hot news from the federal government.

That alarm has now gone off and so construction for full cargo facilities at Anzalduas International Bridge can soon begin.

Olaguibel (pictured above) spoke about the alarm he set during his monthly presentation to the McAllen Economic Development Corporation board of directors.

"With regards to the Anzalduas cargo project, I am happy to say the design is in the final stage. I have an alarm on. As soon as I get that email, this thing is supposed to go off really, really, loud. It is supposed to be really, really, soon. That is what the government says. As soon as we get it, that means that we will be signing the agreement and we will be ready for construction for our full cargo facilities at Anzalduas. I will keep you posted on that," Olaguibel told the MEDC board.

Olaguibel will be present on Wednesday, Dec. 1, when an official signing ceremony takes place at McAllen City Hall for a "Donation Acceptance Agreement" for full cargo facilities at Anzalduas International Bridge. The event is slated to take place at 11 a.m. on the 1st.

Anzalduas International Bridge is co-owned by the cities of McAllen, Mission, Hidalgo and Granjeno. The mayors of these four cities, Javier Villalobos of McAllen, Armando Ocaña of Mission, Sergio Coronado of Hidalgo, and Yvette Cabrera of Granjeno, are slated to be at the signing ceremony.

Others VIPs slated to appear at the signing ceremony, include: U.S. Sen, John Cornyn, state Sen. Juan "Chuy" Hinojosa of McAllen, state Rep. Terry Canales of Edinburg,state Rep. Sergio Muñoz of Mission, Hidalgo County Judge Richard Cortez, Hidalgo County Commissioners Eddie Cantu of Pharr and Everardo Villarreal of Mission, McAllen City Manager Roel "Roy" Rodriguez, and CBP Port Director Carlos Rodriguez.

"These facilities will allow full cargo commercial traffic to cross into the United States from Mexico, increasing trade between the two countries.The project cost is $49.9 millionand will be paid by state and local funds," a City of McAllen news advisory states.

Olaguibel told the Rio Grande Guardian International News Service: "After this (signing ceremony) we will be able to construct."

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U.S. security review stalls sale of Shell Texas refinery to Mexico's Pemex
Erwin Seba
Reuters
November 30, 2021
https://uk.finance.yahoo.com/news/shell-deer-park-texas-refinery-174037853.html?guccounter=1

HOUSTON (Reuters) - A U.S. national security review has delayed the sale of Royal Dutch Shell's controlling interest in a Texas refinery to Mexico's national oil company, Petroleos Mexicanos (Pemex), Shell said on Tuesday.

Shell in May disclosed an agreement to sell its 50% interest in the 302,800-barrel-per-day (bpd) Deer Park, Texas, refinery outside Houston to partner Pemex for about $596 million. The closing was expected as early as Wednesday.

Approval by the Committee on Foreign Investment in the United States (CFIUS) is the last hurdle to the transfer of full control of the Texas refinery to Pemex, said people familiar with the matter.

"While we were hopeful we could conclude the sale of the Deer Park refinery earlier in the CFIUS review process, we're still targeting late 2021 as a closing date for the transfer of Shell's interest in the refinery," Shell spokesperson Curtis Smith said.

A spokesperson for CFIUS declined to comment.

One person close to Pemex said CFIUS approval could happen in mid-December.

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A person who works at Deer Park said, however, there is no certain closing date. "Could be next week. Could be early next year," the person said.

U.S. Representative Brian Babin, a Republican representing southeast Texas, called on Tuesday for the U.S. government to block the sale, saying "Pemex lacks the technical expertise, safety record, and business practices needed to operate a facility of such scale in the United States."

"Allowing a foreign company run by an administration that is hostile toward American energy producers access to our critical infrastructure endangers my constituents and threatens our national security," Babin said in a statement.

Babin has openly criticized the sale since June, when he requested a review by the U.S. Treasury and Energy departments.

Under the sale agreement announced in May, Shell would retain control of the Deer Park facility's chemical plant and the company will have only one refinery in the United States, the 230,611-bpd plant in Norco, Louisiana.

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Mexico to reverse course, give COVID-19 booster shots
Associated Press
November 30, 2021
https://www.registercitizen.com/news/article/Mexico-to-reverse-course-give-COVID-19-booster-16663293.php

MEXICO CITY (AP) — Mexican officials have reversed their previous position against giving coronavirus booster shots and said Tuesday they are studying a plan to administer third doses to people over 60.

The announcement came as Mexico nears 450,000 deaths from COVID-19. The country has fully vaccinated only about 50% of its 126 million people.

President Andrés Manuel López Obrador said plans for the boosters are still being drawn up, but added, “It won’t be long, we have the vaccines.”

López Obrador's administration has long resisted adopting measures like mandatory face masks, mass testing and travel restrictions that have been used in many other countries.

Assistant Health Secretary Hugo López-Gatell had said as recently as August that there was no scientific evidence to justify giving booster shots, and suggested they were part of a campaign by vaccine manufacturers to increase sales.

“This proposal is being strongly pushed by the pharmaceutical companies, but it has been rejected by international organizations ... because there is no scientific evidence indicating the need for booster shots," López-Gatell said at the time.

The government also long resisted vaccinating minors, but recently relented and began administering shots to youths between 15 and 17 years of age.

Of special concern are the nation's teachers, almost all of whom got the CanSino Chinese vaccine in the spring. There have been suggestions that single-dose vaccine's protection begins to wane.

Mexico's test-confirmed coronavirus death toll stood at 293,950 on Tuesday, but because the country does so little testing, many people have died without tests. The government's own analysis of death certificates indicates the real toll is about 448,658.

Officials have been downplaying the threat posed by the Omicron variant first identified in South Africa, saying the new strain illustrates the need to get more vaccines to poorer countries.

“It's not that the new variant is terrible,” López Obrador “It's that the poor countries of the world have been abandoned."

True to form, López Obrador said there would be dance music at a massive gathering he is planning in Mexico City's vast main plaza Wednesday to celebrate his first three years in office. The president, as usual, said face masks would be optional.

“Those who want to wear face masks can do so,” López Obrador said. “We are against authoritarianism.”

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Texas Land Commissioner announces agreement authorizing construction of border wall on state-owned land
Palestine Herald-Press
November 30, 2021
https://www.palestineherald.com/news/texas-land-commissioner-announces-agreement-authorizing-construction-of-border-wall-on-state-owned-land/article_4df4ae4e-5177-11ec-973b-3f1b22644e64.html

WESLACO—On Monday, Nov. 29, Texas Land Commissioner George P. Bush announced the signing of a lease agreement between the General Land Office and the Texas Department of Public Safety authorizing the construction of border wall along a GLO-owned farm tract in Starr County.

The signing of this lease agreement is the latest effort by Commissioner Bush to mitigate the immigration crisis following Governor Greg Abbott’s emergency declaration to complete the Texas border wall.

“Washington continues to ignore the Biden Administration’s border crisis, leaving Texans no choice but to take matters into our own hands,” Bush said. “Lease revenue from this land directly benefits the most important asset in Texas—our schoolchildren. As the border crisis continues to escalate, the lives of Texans are being endangered and we are at serious risk of losing revenue generated from leased lands along the Texas-Mexico border. I thank DPS for their partnership on this critical issue, working together, we will secure our border.”

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Texas Looks to Its Future to Guide Its Past
Tyler Cowen
Bloomberg Opinion
November 30, 2021
https://www.bloomberg.com/opinion/articles/2021-11-30/texas-looks-to-its-future-to-guide-its-past

Texans think very highly of Texas. This has always been the case, at least in my experience, but during a recent trip to Austin I noticed a deeper development: Texans are beginning to come to terms with their state's history — and they are less concerned about past misdeeds than about future achievements.

The relevant "monument" in Austin at the moment is Tesla's new headquarters and factory, called Giga Texas, which is still under construction. When complete, it is promised to be almost one mile long, and it is already so big it is difficult to see all at once. Meanwhile, about 90 miles southwest and almost 200 years into the past, plans are proceeding for a $400 million renovation of the Alamo site, even though the project would disrupt older burial sites, including for indigenous peoples. That too is Texas at work.

I am a fan of Texas and have long been a booster of its prospects. I also live in Virginia, and can't help but notice the difference in the treatment of the historical.

Consider the state flag, which is on display everywhere in Texas. In fact it is reputed to be the best-selling state flag, and can be found on items ranging from bikinis to boots, even though it represents a history every bit as fraught as Virginia's. Texas had slavery both before and after it joined the Union, and the flag dates from 1839. Nor did Texas treat Native Americans well, especially during its period as an independent nation.

The veneration of the Texas flag stands in stark contrast to the flag not only of Virginia but also of the Confederacy, which was once flown prominently in both states but is now socially unacceptable to display anywhere.

Context, however, is all important, so I can accept this difference in flag traditions. As Texas continues to boom, its core story is being retold. The new Texas narrators — such as the startup crowd and real-estate developers — treat the past as bygone and adopt a more forward-looking perspective. They ask which regions and political units, victimized groups included, will do the most for America.

That may feel like dodging crucial questions about historic injustice, but consider Texas's recent record of job creation and inward migration. The Texas approach has passed a market test by attracting and keeping significant numbers of minorities. By one measure, people of color account for 95% of Texas's population growth since 2010. That too is a kind of restitution.

A visitor to Texas also can't help but ponder questions about land rights. It is now common practice for universities and companies, especially in blue states, to make "land acknowledgements," decrying the thefts of their current real estate from indigenous tribes. Yet there is rarely serious talk about giving those lands back — never mind giving indigenous peoples a share in Harvard's hedge fund income or Microsoft's dividends. This supposed acknowledgement mocks the powerlessness of those victimized groups while displaying the arrogance of power.

The Texas approach is more honest. Implicitly at least, the state recognizes that none of its land will be returned to indigenous peoples — but it offers the descendants of those groups the opportunity to shape its future and share in its prosperity, if only by working or owning property there.

If you go to BookPeople, an Austin book store emphasizing many left-wing titles (and where virtually everyone wears a mask, a rarity in the city), you will find prominently displayed T.R. Fehrenbach's monumental "Lone Star: A History of Texas and the Texans." The book proudly defends the broader sweep of Texas history, including the taking of Texas from Mexico and then the absorption of Texas into the United States, a sequence not without its share of chicanery.

I don't agree with every moral judgment in that book. But I am glad to see it has not been cancelled, even in the bluest part of the state. Arguably Texas pride is part of what is helping Texas build a better future. This emphasis on the future over the past is being strengthened by the arrival of so many out-of-state migrants, including well-to-do Californians from the technology sector.

None of this is to say that all historical discourses should mirror those now playing out in Texas. There is no single best answer or response to the rise of wokeism. But one thing the pandemic has made clear is that public messaging is a lot cruder and a lot simpler than one might wish.

So should we talk about "the future" or obsess over "the past"? The state of Texas is making a pretty good case for a marginal revolution — for a little less self-excoriation and a little more self-visualization.

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Voters are sending a message with rejection of school bonds, and districts must listen
Editorial Board
Dallas Morning News
December 1, 2021
https://www.dallasnews.com/opinion/editorials/2021/12/01/voters-are-sending-a-message-with-rejection-of-school-bonds-and-districts-must-listen/

Texas voters have a long habit of rubber-stamping school bond packages. And, for the most part, that's been a good thing.

But as we recently highlighted in Allen ISD, and as reporter Corbett Smith laid out in more detail in a recent story, it isn't as easy these days for school boards to get their whole wish list out of voters. And that's a good thing, too. Officials need to know that voters are looking at their spending carefully and are ready to send a message of financial accountability and fiscal restraint.

In the past year, multimillion dollar propositions in Dallas, Fort Worth, Allen, Azle and White Settlement have all been rejected. Smith reports that, across the state, only 47% of 110 district-led propositions passed on the November ballot.

That pushback from traditionally easygoing voters has raised questions about what political dynamics are at play locally and

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statewide.

We can't know why individual voters decided the way they did, but we see a pattern in the outcomes of North Texas school bond elections. Voters are rejecting projects that they see as spending on areas beyond core education, and they're often saying no for good reason.

Allen voters have twice turned down spending on athletic facilities since 2020 but approved $214 million in campus infrastructure and technology improvements. Last fall, Dallas ISD voters funded repairs and upgrades to more than 200 campuses along with technology spending but rejected three propositions focused on expensive new facilities for the fine arts and athletics. Similar scenarios played out in the Fort Worth and Azle school districts this November.

Meanwhile, White Settlement ISD voters balked at a $115 million package to expand schools, from classrooms to playgrounds to fine arts spaces, but approved a tax increase to boost counseling and teacher salaries.

In Allen ISD, a conservative political action committee takes credit for mobilizing voters, but we cannot ascribe the bond failures in other North Texas communities to the same movement.

It would also be too easy to attribute this broad voter rejection of school bonds to incendiary national politics. Rockwall ISD can offer some perspective on this. In the spring, this predominantly conservative community spurned school board candidates critical of masking mandates or guidelines in schools, and in the fall, it approved bond funds for new schools and technology.

People are keenly aware of their growing property tax bills, and the days of letting school boards borrow to the hilt might be over. We don't see voters rejecting education spending. We see them holding local governments accountable for how their money is spent.

State lawmakers gave voters a hand in 2019, when they required that districts separate out the construction of stadiums, swimming pools, theaters and other special facilities from general construction propositions. This requirement allows voters to review projects more carefully. It was the right thing to do.

Arts and athletics are important aspects of our children's education, and we don't think voters are asking that they be tossed aside. But as financial pressures grow on families, it's understandable that they want schools to focus on the meat and potatoes. It's a message that officials must heed.

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Analysis: Betting a Texas election on a weather forecast
Ross Ramsey
Texas Tribune
December 1, 2021
https://www.texastribune.org/2021/12/01/texas-election-winter-storm/

In spite of the confident assurances from Texas officeholders, there's still a risk that your power will go off in the face of a big winter storm in the next few months.

Sure, this is politics. The problem, as Austin energy consultant Doug Lewin told The Texas Tribune's Mitchell Ferman, is not with technology, or even with the way electric plants are operated. It's regulatory. This is exactly the sort of problem politics and government were made for — one that can be fixed in Austin.

It's a question of who the state government is working for at any given time. Was it the electric utilities? The natural gas producers who fuel so many electric plants? Commercial and industrial electric customers willing to weather a few blackouts here and there if it means cheaper electric rates? Was it residential customers who want light and heat and water, even (or especially) when it's freezing cold?

Lobbyists are in power when the Legislature is writing laws, the governor is appointing regulators and the state agencies are writing rules. Voters are in power in election years.

Winter is coming, and so is an election year. It doesn't matter whether someone is a great fundraiser, an incumbent, a movie star or someone who flashes a skateboard in a Whataburger parking lot late at night. The job people like that are seeking starts with keeping Texans safe.

Texas failed to do that in February. The Legislature passed some bills on the subject. Some think they came up short. The governor has said that everything that could be done was done, that there's nothing to see here, that the risks are gone.

"I can guarantee the lights will stay on," he told Austin's Fox 7 News last weekend. He said he's "very confident" and said he had signed "almost a dozen laws that make the power grid more effective."

Hope he's right. So do his many supporters and donors — not to mention the Texans who suffered through the last storm.

Those laws include getting electric generating plants ready for winter. The natural gas providers who fuel many of those plants aren't required to winterize yet; the Texas Railroad Commission won't have those requirements written into the rules until after this winter. There's still a lot to do.

The risk for Abbott and the rest of the elected class is that voters, who expect and demand results to the problems with the Texas electric grid, have the right to toss anyone who doesn't deliver.

Voters have the power to be as tough as the state itself was earlier this year, when it dumped the people at the top of ERCOT and the Public Utility Commission.

The reasons are different. The elected people ran out the appointed people as a kind of political sacrifice, feeding the regulators to an angry public before those voters fixed the blame on the elected class.

So far, that's been enough. Republicans are betting the voters will stay warm this winter, and that will be that.

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Meanwhile, the Democrats harping on the chances of a repeat disaster are doing so in self interest. President Joe Biden's popularity is down. National issues — immigration, the withdrawal from Afghanistan and so on — play into Republican hands. Republican lawmakers drew the election maps during this year's redistricting.

It'll take something big to topple the Republican advantage in the state this year. Like a blackout or a bad reaction to the Texas Legislature's very conservative work this year. Without something surprising that moves voters, Texas Democrats start the election cycle at the bottom of a steep hill.

And voters might not be thinking about any of this when the general election rolls around in November. It probably won't be that cold at that time. It's a good distance from February to the election, and voters could be making their decisions on the basis of other issues.

But the electric grid remains a sore spot, even after the bills passed by the Legislature and then signed and bragged on by the governor. In a University of Texas/Texas Tribune poll in October, 60% of voters said they disapproved of lawmakers' response to February's blackouts — including 78% of self-identified Democrats, 46% of Republicans and 61% of independents.

The incumbents on the ballot are forging ahead, watching the political polls and the weather forecasts and hoping the governor's confidence is rewarded.

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American elections are getting less predictable; there's a reason for that
John Opdycke
The Hill
November 30, 2021
https://thehill.com/opinion/campaign/583435-american-elections-are-getting-less-predictable-theres-a-reason-for-that?rl=1

Much has been written about the recent elections in Virginia and New Jersey and what they mean for the Democratic and GOP brands heading into the midterms. Most share two core assumptions: The Red vs. Blue paradigm is still the most accurate way to understand political outcomes, and the increasingly unpredictable gyrations of voters are but a natural pendulum within two party political life.

Polls are routinely wrong — by wide margins. Voters seem to be acting and reacting to a new set of rules and concerns. Political analysts should be asking "What's going on? Do we need new ways and new tools to understand voters? Is something happening in America that we don't quite get?" But that's not what's happening.

Case in point is how the analyst community relates to independent voters.

The largest and fastest growing segment of the electorate is now independent voters: 40 percent to 45 percent of American voters are registered to vote or identify themselves as independents, a trend that is on the uptick in red, blue and purple states. This includes 50 percent of younger Americans. In the 30 states that register by party, "no-party-affiliation" voters are on track to be the largest or second largest group of registrants by 2030.

Most political scientists and analysts consider this trend to be unimportant, not worth studying or understanding.

Some go so far as to insist that independents are not really independents. They are "party leaners." It is standard practice among polling firms to ask people how they identify themselves, and then to ask people who say "independent" which party they lean towards. Thus, an electorate that is 40 percent independent, 30 percent Democratic and 30 percent Republican magically becomes an electorate that is roughly 50 percent Democratic and 50 percent Republican.

Political science insists that the voters should fit the analysis, not the other way around.

It's a clever trick. And it works in the short term. You simply reclassify independent voters as Democratic or Republican fellow-travelers and then feed their views and opinions into the existing algorithms and analytical frameworks. You generate end-product that seems to make sense: "Democrats need to distance themselves from woke extremism;" "Republicans should emphasize small business recovery and less regulation." It works.

And yet it doesn't.

We live in an era of insurgencies. Outsiders like Ross Perot, Barack Obama, Bernie Sanders, AOC, Andrew Yang and Donald Trump (to name a few) dominate the political landscape. They tap into ... something. A desire for disruption, a hunger for cross-ideological (even contradictory-ideological or non-ideological) forms of political expression, a craving for authenticity over platform consistency. I won't slap on convenient labels nor attempt to link these disjointed uprisings into one cohesive narrative — but it seems obvious to me that an analytical approach that insists upon ignoring significant shifts in how the American people identify themselves is going to miss the mark when it comes to understanding this current/emerging era of insurgency and disruption.

In Virginia, independent voters, who supported Biden by 19 points over Trump in 2020, supported Republican Glenn Youngkin over Democrat Terry McAulliffe by 9 points — a 28-point swing. Many young people — the majority of them independents — stayed home. Insisting that independents are "partisans lite" covers over a very fluid and dynamic situation.

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What a missed opportunity to dig deeper into what's going on.

The decision to register to vote as an independent has consequences. It makes you a second-class citizen in many states, unable to vote in primaries, serve on boards of elections, or even work the polls. You are legally barred from running for judge in Delaware if you are not a Democrat or Republican. Despite the costs, Americans are increasingly choosing this identity.

My experience, as someone who has led dozens of campaigns to give independents full voting rights in primary elections, is that voters who identify and/or register to vote as independent do so for concrete reasons, ranging from the mundane to the profound. Political analysts should be jumping over each other to dig deeper into this emerging phenomenon. Instead, independents are — poof — disappeared with the click of a button, magically to reappear as partisan leaners. Problem solved. Opportunity missed.

There is something going on in American politics. Understanding that it starts with listening to the American people, millions of whom are going independent would be a start. They have a lot to say. And we have much to learn.

John Opdycke is the President of Open Primaries, a national election reform organization.

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Monday, December 13, 2021 10:50 AM EST
Subject: SOS Morning News Clips 12/13/21

Texas Secretary of State
Morning News Clips
December 13, 2021

Texas secretary of state sends 'exhaustive' election audit ask to Dallas, Tarrant, Collin counties, *Dallas Morning News*, December 10, 2021

2nd phase of 2020 election audit in 4 Texas counties underway, *KXAN-TV*, December 10, 2021

Republicans in Texas County, in Unusual Move, Upend Primary System, *New York Times*, December 10, 2021

Emails: Texas' Election Audit Caught Collin and Tarrant County Officials Flat-Footed, *Dallas Observer*, December 13, 2021

Potter County Republican Party making move to hand-marked, hand-counted ballots in primary election, *KAMR-TV*, December 13, 2021

State of Texas: Federal lawsuit over redistricting might delay Texas primary election, *KXAN-TV*, December 12, 2021

Montgomery County to conduct Conroe's May election to boost polling locations, *Houston Chronicle*, December 10, 2021

Opportunity was snatched away from Dallas County Latino communities when Texas Republicans redrew congressional maps, *Texas Tribune*, December 13, 2021

Campbell draws GOP opponent in District 25, *New Braunfels Herald-Zeitung*, December 10, 2021

Conservative wins show power of politics in HISD board races, *Houston Chronicle*, December 13, 2021

U.S. to Coordinate With Mexico, Regional Countries for Crackdown on People Smuggling, *Reuters*, December 11, 2021

USMCA neighbors Canada, Mexico cry foul over Biden's electric car subsidies, *Washington Times*, December 12, 2021

Mexican peso is on a skid; Buying power decreases with value, *Brownsville Herald*, December 12, 2021

Port Houston's trade jumps 51% to nearly $17B, *FreightWaves*, December 12, 2021

Is it time to get tougher with AMLO as energy policies threaten U.S. companies? *Houston Chronicle*, December 13, 2021

Analysis: From homegrown culture warriors to tomorrow's Texas leaders, *Texas Tribune*, December 13, 2021

Texas secretary of state sends 'exhaustive' election audit ask to Dallas, Tarrant, Collin counties
Philip Jankowski
Dallas Morning News
December 10, 2021
https://www.dallasnews.com/news/politics/2021/12/10/texas-secretary-of-state-sends-exhaustive-request-to-dallas-tarrant-counties-in-election-audit/

AUSTIN — Texas Secretary of State John Scott announced late Friday that his office has presented an "exhaustive" document request to Dallas, Tarrant, Collin and Harris counties as part of an audit of 2020's election.

Scott's office also announced that phase one of the audit is nearing completion, with a summary of findings expected to be made public by the end of December. The document request marks the beginning of the second phase of the audit,

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according to a news release from the secretary of state's office.

The request, sent to election administrators at each of the counties, asks for the counties to provide information including a full accounting of mail-in votes and provisional votes, any reported chain of custody issues as well as complaints that those offices might have received regarding the 2020 presidential election.

"Texas is leading in election integrity. As we embark on Phase 2 of our agency's Full Forensic Audit of the 2020 Election, we want to ensure every single eligible Texas voter knows that ballots in Texas are being properly processed, tabulated, and reported by county election officials in accordance with state and federal law," Scott said in the news release.

The ongoing audit comes amid unfounded claims of widespread voter fraud in 2020 pushed forward by former President Donald Trump. In September, Trump called for Texas to perform a full audit of the 2020 election results, despite winning the state by 5.5 percentage points.

The secretary of state's office announced the ongoing audit just hours after Trump made his demand. Trump later called the audit "weak" and pressured Gov. Greg Abbott to add an election audit to the special legislative session that was ongoing at the time. Abbott declined.

Following Friday's announcement, James Slattery, a senior counsel at the Texas Civil Rights Project, called the document request from the secretary of state's office a "fishing expedition."

"No other words to describe these unbelievably wide ranging document requests than 'fishing expedition,' " Slattery said on Twitter. "It'll tie these offices up in knots just as the primary season begins, diverting crucial resources from helping voters navigate all of 2021′s election law changes."

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2nd phase of 2020 election audit in 4 Texas counties underway
Jaclyn Ramkissoon
KXAN-TV
December 10, 2021
https://www.kxan.com/news/texas-politics/2nd-phase-of-2020-election-audit-in-4-texas-counties-underway/

AUSTIN (KXAN) — The Texas Secretary of State's Office announced Friday it's beginning Phase 2 of its forensic audit of the 2020 general election results in four counties.

The office first announced the forensic audit for Collin, Dallas, Harris and Tarrant Counties in September and explained the process would be carried out in two phases.

The office spent a little over two months in Phase 1 of the audit, which focused on voting machine accuracy, cybersecurity assessments and identifying and removing any ineligible voters who may have casted ballots during the election. Any potential instances of illegal voting were to be sent to the Texas Attorney General's Office to be investigated.

A summary of findings from Phase 1 of the audit will be available to the public by the end of this month, the SOS' office said.

Phase 2 of the audit began with an "exhaustive document request" from the four counties, the SOS' office said on Friday. The office claims the request "covers more election materials than any other election audit in the United States to date," and the audit of those four counties will cover about 35% of all votes cast in the state during the 2020 election.

The office is asking for all documents county election officials are required to maintain for 22 months after each election under federal and state law.

According to a letter from Texas Secretary of State John B. Scott addressed to the four counties' elections administrators, the counties are being asked to locate the documents in preparation for an on-site examination, tentatively scheduled for some time in January.

Also in the letter, Scott asks the elections administrators several questions about election security, including the following:

- Do you have badge-controlled access to your election office?
- Do you keep track of who enters into the office, especially sensitive areas?
- Are visitors escorted at all times?
- Do you keep track of who enters the ballot programming area?
- Are the number of people authorized to access the programming area limited?

Click here to read the full letter outlining all the documents the Texas Secretary of State's Office requested.

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Republicans in Texas County, in Unusual Move, Upend Primary System
Jennifer Medina
New York Times
December 10, 2021
https://www.nytimes.com/2021/12/10/us/politics/republicans-amarillo-potter-county-primary.html

The Republican Party in the second-largest county in the Texas Panhandle is planning to conduct its own election during the state primary in March, breaking away from a nonpartisan county election board in a highly unusual move.

The G.O.P. in Potter County, which includes Amarillo, plans to use ballots that will be marked and counted by hand, rather than employ the electronic systems that the county has relied on for decades. Election experts said the changes would confuse voters and create more potential for fraud.

Under Texas law, county parties are allowed to run their own primary elections, but the vast majority have contracted with local boards of election for decades. The decision, which was reported by Votebeat, an election news website, comes as Republicans nationally have continued to push baseless claims of fraud in the 2020 election and sow doubts about the reliability of election machinery.

Daniel L. Rogers, the chairman of the Potter County Republicans, said that he made the decision this week because “a lot of voters have concerns” with the electronic counters and “don’t feel comfortable with them.” He did not cite evidence of any problems arising under the current system, and studies have shown that hand counting leads to more inaccuracies. He argued that paper ballots would be more secure.

“The parties have become lazy and complacent, but the primaries are actually the party’s responsibility,” said Mr. Rogers, a real estate broker whose office was decorated with red Make America Great Again hats when a New York Times reporter interviewed him last year. “The counties are spending millions of dollars on electronic systems, but this way it’s a true secret ballot.”

He said that “the voters are smarter than our elected officials, than administrators — they don’t trust the voters. I do.”

Mark P. Jones, a professor of political science at Rice University in Houston, said the move “removes the Republican Party one more step away from the standard electoral procedure.”

He added: “The integrity of our electoral system depends on institutionalizing and professionalizing election boards. There will be more doubts about the overall outcome, or it will lead to more slip-ups and more potential flaws and problems than if the professionals ran it.”

Potter County has about 57,000 registered voters, and they are overwhelmingly Republican: Roughly 70 percent cast their ballots for Donald J. Trump in 2020.

Mr. Rogers, when asked if the election results nationally were valid, responded, “I don’t have any idea and that’s the problem — I don’t know if it was accurate or not.”

Under state law, the county elections board will still be responsible for absentee and early voting, which a majority of voters in Texas use to cast their ballots. But the two systems, experts said, could complicate the process and make it easier for voters to cast ballots twice.

“It opens the door wide to fraud,” Dr. Jones said. “It doesn’t close the door to fraud.”

The legal office of the Texas secretary of state, who oversees elections in the state and who was appointed by Gov. Greg Abbott, a Republican, raised several concerns about the move.

“Any time that a party conducts their own election rather than contracting with a county, it is more confusing to voters,” said Sam Taylor, the assistant secretary of state for communications. Still, he added that “ultimately it’s their decision to go at it alone.”

One risk, Mr. Taylor said, is that candidates in contested races could file election challenges to prompt a court to order a new primary election. “It’s not unprecedented,” he said. “But county parties usually do not invite that opportunity upon themselves.”

“They have every legal right to do so,” he added. “We can’t really intervene.”

Melynn Huntley, the Potter County elections administrator, said that she had been taken aback by Mr. Rogers’s decision and that she was most worried about the potential to make it easier to vote twice.

“The biggest worry I have is that those two systems will not talk with each other,” Ms. Huntley said. “His desire is to eliminate

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fraud, but there is a vulnerability in the plan. I am concerned whether this can function with high integrity."

Ms. Huntley, who has served as elections administrator for eight years, said that when she took on the job, she pledged not to vote in either party's primary so that she could maintain her role as a nonpartisan overseer.

"I am truly trying to figure out how this is going to work," she said.

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Emails: Texas' Election Audit Caught Collin and Tarrant County Officials Flat-Footed
Patrick Strickland
Dallas Observer
December 13, 2021
https://www.dallasobserver.com/news/emails-texas-election-audit-caught-collin-and-tarrant-county-officials-flatfooted-13000167

Back in September, Texas state officials announced that they had "already begun" what was dubbed a "full forensic audit" into the November 2020 presidential elections that saw Joe Biden defeat former President Donald Trump.

Now, an investigation by the watchdog American Oversight has brought back communication records and documents that show election officials in Collin and Tarrant counties were caught on their heels when the audit was announced, and that they apparently had no idea what the process meant.

In one of the emails American Oversight obtained, Collin County Election Administrator Bruce Sherbet informed employees that the audit would kick off in November.

(Does the timing feel a bit funny to you? Well: "Governor Abbott, we need a 'Forensic Audit of the 2020 Election,'" Trump wrote in an open letter to Abbott. "Texans know voting fraud occurred in some of their counties." A little more than eight hours later, boom: an audit is born.)

Texas Director of Elections Keith Ingram had informed Sherbet of the upcoming probe, despite having previously told the Collin County elections administrator that the vote had been both "smooth and secure."

On Sept. 24, Collin County Commissioner Darrell Hale wrote back to Sherbet and Collin County Administrator Bill Bilyeu. "What is the story?" he asked. "What's going on?"

"Just heard about it last night," Sherbet replied. "Not sure of any details."

Later, Hale confessed to an inquisitive constituent by email, "We are curious on the details ourselves."

Trump brought home 51% of the votes in Collin County, while Biden took 46%, nearly the same margin by which the former Republican president won Texas as a whole. Not only has there been no evidence of widespread voter fraud in Texas, Attorney General Ken Paxton has only closed a whopping total of 16 minor fraud cases, all of which were investigated in Harris County.

Biden narrowly bested Trump in Tarrant County, where voters hadn't gone for a Democratic presidential candidate since 1964.

After the Texas Secretary of State's Office announced the audit, Tarrant County Elections Administrator Heider Garcia urged election officials not to comment publicly until they figured out what exactly was going on and knew "what they need from us," the email communications American Oversight obtained show. Garcia urged the officials to forward any media inquiries to him.

But the lack of clarity about what such an audit actually means and what it involves hasn't stopped Texas Republicans from finding a way to spend Texans' money on the process. (By the time it would be said and done, one economic analysis firm predicts a statewide audit would cost up to some $250 million in taxpayer bucks.)

For now, the audit focuses on Dallas, Harris, Collin and Tarrant counties, and in November, Abbott and leading GOP legislators have already moved $4 million from the state prison coffers to help bankroll the probe. The funds will go toward hiring, training and sending out election auditors to — again — doublecheck the results of an election Republicans handily won.

Even Tarrant County Judge Glen Whitley, a Republican, has blasted the audit as a waste of time and resources. "The conspiracy theorists who want to come up with all these ways or reasons why this election wasn't right — they might very well find something else," he told the Texas Tribune last month. "It's time to move on."

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After Trump got voted out, Attorney General Paxton caught flak for spending taxpayer money on lawsuits asking the Supreme Court to throw out results in four battleground states that picked Biden over Trump: Georgia, Michigan, Pennsylvania and Wisconsin. "There is no reason not to do an audit," Paxton said earlier this year. "There is no reason not to know the truth of every election."

Last month, Abbott defended the audit while appearing on Fox News. "Why do we audit everything in this world, but people raise their hands in concern when we audit elections, which is fundamental to our democracy?" the governor said.

Meanwhile, here at the Observer, no one has thought to "raise their hands in concern" over auditing an election in a state everyone agrees Republicans won. Instead, we're sitting around scratching our heads, entirely clueless as to how Texas produced so many U.S. Capitol rioters last January.

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Potter County Republican Party making move to hand-marked, hand-counted ballots in primary election
Judd Baker
KAMR-TV
December 13, 2021
https://www.valleycentral.com/news/potter-county-republican-party-making-move-to-hand-marked-hand-counted-ballots-in-primary-election/

AMARILLO, Texas (KAMR/KCIT)— The Potter County Republican Party said it is changing the way it holds primary elections, making a move to hand-marked and counted ballots.

“This is the way we did it, and it worked for over 200 years,” said Republican Party Chairman, Dan Rogers.

“They vote to not go with electronic voting machines, that we go back to the way we used to do things where we vote in our precincts, and marked and counted manual poll books countywide,” said Rogers.

So how does this change the way you vote?

Potter County Elections Administrator Melynn Huntley said if you are voting in the Republican Primary during early voting, you can still go to a voting center and cast your ballot on an electronic voting machine as normal, for now. The same applies to absentee voting. Voters will still mail in their ballots and have them tabulated by Huntley’s office.

However, if you are going to vote as a Republican in the primary on Election Day, in Potter County, you will have to vote in a precinct, not a voting center, on the hand-marked paper ballots.

“I look up your name, you sign, we look at your ID make sure it matches what’s on there, you sign, we give you a ballot, and you fill it out, and then you drop it in a box, and you leave,” said Rogers.

Rogers said he would like to see the Potter County Democratic Party adopt the same voting style.

We reached out to the Potter County Democratic Chair, Amy Taylor, for comment. Said in a statement:

“The system of voting that’s been in place for the last fifteen years in Potter County is watertight. Voter fraud under the current system is not possible. Therefore, I see no need to change to a system of all paper ballots. It’s the Republican Party’s right to run the Primary Election as they see fit, but the Potter County Democratic Party will not be following suit.” - AMY TAYLOR | POTTER COUNTY DEMOCRATIC CHAIR

“I want the Democrats’ vote counted, as well as the Republicans without any question. And I’m not saying there’s fraud. I’m not accusing anybody of doing anything wrong,” said Rogers. “You know, we have a phenomenal election administrator here that does a wonderful job. But it’s not about that. It’s about doing what’s right for the voters.”

Rogers said he has contacted other Republican County Chairs to let them know what they are doing, and what he thinks every Republican county chair should follow suit.

We asked Randall County Elections Administrator Shannon Lackey if she anticipated any changes to their primary election. She said, “I don’t anticipate any changes for Randall County. A joint primary has already been decided upon by both Party Chairs and the resolution will be adopted in Commissioner’s Court on Tuesday.”

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State of Texas: Federal lawsuit over redistricting might delay Texas primary election
Tahera Rahman
KXAN-TV

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December 12, 2021
https://www.kxan.com/state-of-texas/state-of-texas-federal-lawsuit-over-redistricting-might-delay-texas-primary-election/

AUSTIN (KXAN) – The U.S. Department of Justice is suing the state of Texas, saying the state's new redistricting maps deny and dilute votes from people of color.

The DOJ says Texas' new maps purposely violate Section 2 of the federal Voting Rights Act based on certain voters' race and/or minority group — also known as "vote dilution."

In a press conference Monday, U.S. Associate Attorney General Vanita Gupta pointed to Texas' two new congressional districts specifically. The state gained two seats due to its population growth from the 2010 to 2020 U.S. Census. Texas grew by nearly 4 million residents, with an estimated 95% of that growth due to Latino and Black residents.

"…Texas has designed both of those new seats to have white voting majorities," she said. "The congressional plan also deliberately reconfigured a west Texas district to eliminate the opportunity for Latino voters to elect a representative of their choice."

Texas Attorney General Ken Paxton took to Twitter to criticize the lawsuit, calling it a "preposterous attempt to sway democracy."

The Texas primary election is scheduled for March 1, but some say it could be put on hold because of the federal lawsuit.

U.S. Rep. Lloyd Doggett, D-Austin, said he's fought against Texas redistricting before and supports the DOJ's challenge.

He doesn't believe any map changes would dramatically affect the newly-created district he is running for, Congressional District 37.

"This district is mainly the city of Austin, Westlake and Rollingwood," Doggett said.

He said CD 37 is the area he represented before previous redistricting-related legislative and court actions changed his boundaries.

"And now, the district I serve today stretches from north of 183 and I-35, to the very south side of San Antonio. So often, I find myself needing to be at events in both San Antonio and Austin at the same time," Doggett said of CD 35, which also now has new boundaries under Texas' new maps.

He said one change he's concerned about that might come out of the legal battle is pausing the March primary.

"I hope that doesn't happen, because it moves us off the traditional day, and it usually means fewer people participate," Doggett said.

The lawsuit asks the court to stop Texas from holding elections under these maps and to make new redistricting plans.

Richard Pineda, University of Texas at El Paso political science professor, said it's one of the few things the DOJ can try to do right now: delay the primaries or use existing district maps.

"This is one of the important questions when it comes to these kinds of lawsuits, which is the timeliness of how quickly you can get a federal judge to intervene," Pineda explained.

Pineda said changing maps will be a lot trickier once the primaries start.

"The state is making these changes that's affected the U.S. congressional districts, but this has also affected municipalities that have redrawn lines for municipal seats like county commissioner districts and also city council seats," he said. "So it throws a huge wrench into the works to try to stop all these things or try to move against them."

"But if there's any entity that has the power to — the Department of Justice," Pineda added.

Pineda said the next legal steps are to wait for additional filings and for the court to decide a venue and assign a judge to the case.

KXAN reached out to a few of the state lawmakers who supported Texas' newly redistricted maps. They either did not respond or were not available for an interview.

In October, state Sen. Joan Huffman, R-Houston, defended the new maps during a debate on the Senate floor.

Huffman led the redistricting process in the Senate and said she took the Voting Rights Act into consideration, which is now one of the bases of the Justice Department's new lawsuit.

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“While these maps were drafted blind to race, it is wrong to say that race was wholly ignored in my end-to-end process. I’m committed to giving due regard to all factors relevant to legal compliance, including compliance with section two of the Voting Rights Act,” she said.

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Montgomery County to conduct Conroe’s May election to boost polling locations
Catherine Dominguez
Houston Chronicle
December 10, 2021
https://www.houstonchronicle.com/neighborhood/moco/news/article/Montgomery-County-to-conduct-Conroe-s-May-16690579.php

The Conroe City Council agreed to have Montgomery County Elections conduct the city’s May 2022 elections to help save money and offer more polling locations.

The council made the decision during its Thursday meeting.

“If we decide to conduct the election ourselves, I need to go out and buy the equipment,” said City Secretary Soco Gorjon. “The equipment we have now is over 10 years old and some is not working and is not in compliance with new laws.”

The cost for new equipment, she added, would be about $200,000. The cost to have the county handle the city election would be about $80,000 to $100,000 with 10 to 12 polling locations.

Councilwoman Marsha Porter asked if the city needed that many polling locations. In the past, the city has only offered municipal voting at city hall and at April Sound.

Gorjon said it would likely increase voter turnout and recommended the city allow the county to hold the election.

“The main reason is one big complaint our judges and I received is why is the city making the voters go to two separate elections and why isn’t the city saving money by having the county run the city election,” Gorjon said.

Councilman Curt Maddux noted Montgomery County commissioners in September approved the $8.1 million purchase of over 1,900 voting machines to replace the county’s aging voting machines. The machines will be used in the upcoming March primaries.

While the commissioners had some discussion regarding the integrity of the machines, County Judge Mark Keough’s Chief of Staff Jason Millsaps said the Verity Voting 2.5 by Hart Intercivic Inc. was approved by the Texas Secretary of the State’s Office and Texas Attorney General’s Office in January.

“They review the equipment in person and followed a checklist required to certify the equipment,” Millsaps said. “This system replaces the current electric voting system and has a paper back up element to it is not hackable and is verifiable by not only the voter but something we can look back to later to do a recount or any type audit required.”

Millsaps added the machines are not connected to the internet via a WiFi signal or ethernet cable making it impossible to tamper with.

“So less expense and more polling locations, sounds like a win-win,” said Mayor Jody Czajkoski.

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Opportunity was snatched away from Dallas County Latino communities when Texas Republicans redrew congressional maps
Alexa Ura
Texas Tribune
December 13, 2021
https://www.texastribune.org/2021/12/13/latinos-texas-redistricting-dallas/

DALLAS — When Henry R. Martinez Jr.'s cellphone rings, it usually means his community is in need. A surprise shipment of food must be distributed, a collapsed roof repaired, a vaccination clinic set up at the community center.

His neighbors turn to him in times of want and crisis because he knows them, respects them and will do his best to help. He wishes their government would do the same.

Martinez endeavors to fulfill the needs of the mostly Latino residents of the Ledbetter Eagle Ford community in West Dallas because the broader social and political structures don’t — and haven’t since his late father first took up this work decades ago.

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Change seemed possible when Texas lawmakers met in Austin this year to redraw the state's political maps. The 2020 census showed that the Latino population in the Dallas-Fort Worth area had grown large enough that it seemed possible to cluster their communities, including Ledbetter Eagle Ford, together into a congressional district that would allow them to elect someone more connected to their daily lives.

Perhaps they could finally be represented by a Latino or Latina member of Congress from Dallas. Residents, legal experts and local leaders all pleaded with state lawmakers to acknowledge their constituency in the new district boundaries being drawn up.

Instead, Republicans — who entirely controlled the process — carved up predominantly Latino neighborhoods, leaving many voters of color with even less of a say in who represents them. In a bid to entrench partisan advantage in a rapidly changing state, GOP mapmakers awarded increased representation and control to white voters in rural areas, Austin and Houston.

For Martinez, it was the latest indignity for a community long denied an equal role in the democratic process.

“They’re focused more on others than the Latino people, and that’s unfortunate and that’s sad,” Martinez said. “We waited 10 years.”

Rather than honoring how representation can be built, Martinez said, “they make us real small.”

Generations of community

On a recent weekday, Martinez’s phone buzzed late in the evening with an alert of an unexpected donation of fresh fruits and vegetables. It was too last-minute to call on other volunteers that help him run a community-based food pantry, so as a November evening chill set in, Martinez and his wife, Isabel, found themselves unloading a truckload of produce onto the uneven parking lot of a small church.

The following morning, Martinez joined three other volunteers in distributing the donations. Some were sorted into black plastic bags offering a good mix of produce, but most of it was loaded straight into car trunks and back seats of grateful residents as the volunteers pulled from clumsily stacked cartons of grapes, pears, berries and a selection of squash, lettuce, tomatoes and bell peppers. There hadn’t been enough time to organize.

Yet the demand was so extraordinary. Even with the distribution's impromptu nature, the volunteers faced a long line of cars stretching for blocks in an area where one in four people live below the poverty line.

Ledbetter Eagle Ford sits just west of downtown Dallas, crammed between the Trinity River and Interstate 30. The busy boulevard running through its middle is lined by warehouses, industrial businesses, trucking companies and a few of what Martinez calls historical staples, including an old diner and a barber shop. Behind are rows of single-family homes, some 70 to 80 years old, tucked behind chain link or iron post fences.

It’s an old neighborhood, so power lines overhang the streets. But like other historic Latino and Black enclaves in urban centers, its residents have watched warily as redevelopment swallows up areas around them. The homes for sale in Ledbetter Eagle Ford are marketed as “investor opportunities” and for their proximity to nearby trendy areas.

To Martinez, community service is an inheritance from his father. The 62-year-old is the executive director of the Ledbetter Eagle Ford Community Organization, an organization run entirely on donations.

Beyond the food pantry, the organization has helped set up a senior program for older residents at a community center, where they regularly gather to share meals, crossword puzzles and, on a recent weekday, dance moves as some shimmied and twirled over polished wood floors. Months before, the room had been lined with health care workers in masks and face shields for a COVID-19 vaccination clinic Martinez helped organize.

He also leads the Ledbetter Neighborhood Association, founded by his father to represent the area’s residents, through which he helps maintain the community by helping neighbors whose homes are in need of repair, among other tasks.

Martinez himself is from and of Ledbetter Eagle Ford, born and raised in the area; his elementary school sits at the end of the road from where he was distributing the donated produce. He splits his time between his day job as a transportation specialist for a chiropractic business, his grown children and a handful of grandchildren, and his service to the community. He is so well known that some of the police officers who regularly patrol the area refer to him as the “mayor of Eagle Ford” when they run into him.

His family ties to the area date back to the early 1900s when immigrants fleeing the violence of revolution in Mexico, including his grandfather, settled in Eagle Ford, drawn in by work at a local cement company. By the late 1980s, a federal judge would refer to the area as the “largest Hispanic neighborhood in Dallas.” Also born and raised there, Martinez’s father served in the military before throwing himself into community work and going on to form the Ledbetter Neighborhood Association.

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Under his father's tenure, the organization's agenda ranged from overseeing a small cemetery to helping expand main thoroughfares to pushing back as development began encroaching on the area — all in service of preserving the community's historical narrative.

Always the group found itself fighting for recognition.

One of its most significant contributions came in the late '80s when the Ledbetter Neighborhood Association joined two local Black leaders, Roy Williams and Marvin Crenshaw, to sue the city of Dallas, claiming its hybrid system for electing some city council members at large violated the federal Voting Rights Act by diluting the votes of African Americans and Mexican Americans.

Black and Latino residents had been pushing for change for decades, looking to the courts to force Dallas to move from a system in which city council members were elected citywide to a mixed system with some elected from smaller single-member districts. But that hybrid system still drew objections as Black and Hispanic candidates struggled to be elected to any of the three at-large seats that existed at the time.

Ultimately, a federal district judge knocked down the system, finding it discriminated against Black and Hispanic voters, and ordered the city to fix it.

"The history of minority participation in the political process of Dallas is not one of choice; it is a record of what blacks and Hispanics have been permitted to do by the white majority," U.S. District Judge Jerry Buchmeyer wrote in a March 1990 opinion.

After the first election under a newly created system of 14 single-member districts, the city council was made up of nine white members, four Black members and two Latino members. This doubled the number of Black representatives; no Latino candidates had even run in the election before.

The elder Martinez would continue his service until retiring in 2010, passing the baton — and an overstuffed Rolodex of phone numbers — to his son. The younger Martinez remembers how his father kept his community in mind until just before his death in 2019, imploring him to carry on his work.

"He said, 'Son, I want you to keep up this community. I was born and raised here. My parents came here.' He told me, 'You gotta take care of and keep up this community, no matter what happens,'" Martinez said. "If there's people that need help, help them."

His father's fight helped the community gain more voice in the halls of power. But in the denial of a new district anchored in the community, Martinez sees a contraction of Latinos' political equality. It makes the progress they've made feel tenuous, Martinez said.

"We need more representation," Martinez said. "It's like they're taking it and grabbing it and taking it away after we worked so hard for it."

Opportunity lost

Martinez and other community leaders don't complain about their current, Democratic representatives. Their frustration lies with Republicans' rejection of a new district commensurate with their growing numbers. The work Martinez does relies on relationships he's built locally to bring resources and attention to people for whom they aren't always afforded.

A new district would have granted them an additional voice in the halls of power on policy changes that could improve the lives of their neighbors. That includes issues like raising the minimum wage, access to affordable health care and a safety net that includes paid sick leave.

"Whenever I think of what an additional Latino district would mean, I think about the issues that are important to our members like immigration and safe, good-paying jobs," said Diana Ramirez, the civic engagement director for the Workers Defense Action Fund, which advocates on behalf of low-wage and immigrant workers in Dallas and other areas. "I think about the area of Pleasant Grove where I grew up and knocking on doors in that area and seeing so many pickup trucks with what look like [construction and contractor] materials."

She imagines a political reality in which those working in construction, one of the deadliest industries, would have "direct access to a representative that could hear what their day-to-day is like."

That opportunity existed, at least in theory, with this year's redistricting process. Federal law, in fact, provides for the creation of "opportunity districts" for traditionally marginalized voters, and Texas has a long history of depressing the political influence of Hispanic and Black voters.

Those sorts of districts are supposed to boost representation for voters of color, giving voters of a traditional minority group the ability to harness their numbers into real political power and elect their preferred candidates. Often, but not always, those candidates are of the same race or ethnicity. When lawmakers redraw political districts every 10 years to ensure they are

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equal in population, communities of color have a window in which to make their case.

The campaign for a district controlled by Latinos in North Texas is a manifestation of the demographic change that has transformed the region over the last few decades.

In Dallas County, the Hispanic population has grown by about 60% since 2000, crossing the 1 million mark to make up the largest portion of the county's population. Three out of every five residents the county gained in the last decade were Hispanic. Combined with Hispanic population growth in neighboring Tarrant County, Hispanic residents now outnumber white residents in the two large counties. At the same time, the white population has shrunk both in its share of the overall population and in absolute numbers. The 2020 census recorded a decrease of roughly 60,000 white residents in Dallas County in the last decade.

That change, locals say, makes for a different slate of needs that demand increased representation to ensure the community's priorities are being addressed.

"We need someone who can actually represent the voice of the ethnic makeup of the community. That is what, at this point, has been challenging and has been missing," said Elba Garcia, a Dallas County commissioner who represents the western end of the county. "We have never had a Latino or Latina member of Congress. The opportunity has been denied [even though] that's what the Constitution and redistricting is all about."

There are various complex legal thresholds to clear in order to claim a Latino opportunity district, including political cohesion among Latino voters in the area and evidence that other voters, namely white voters, tend to vote in a bloc to defeat the candidates favored by Latinos.

But their numbers must first grow enough so that a geographically compact district can be drawn containing their communities — a threshold, many proponents of a new district argue, Dallas Latinos have long since crossed.

Though they've expanded their presence across the region, helping to diversify even traditionally white suburban communities, the western end of Dallas County comprises some of the neighborhoods most densely populated by Latinos. Some have pointed to Garcia's commissioner precinct as a possible starting point since it has long allowed Latinos to elect their preferred candidate at the county level. (Garcia is often mentioned as a prospective candidate for Congress if a Latino opportunity district were drawn in the area.) Advocates for a Latino-controlled district in Dallas have also looked to the southeast to communities like Pleasant Grove, where the Latino population has been expanding.

But the redistricting process is mired in partisan considerations.

Efforts to draw a new district covering those areas, which would likely elect a Democrat, were resoundingly rejected by Republicans in the Texas Legislature — at times without much substantive opposition.

In the Senate, Republicans rebuffed a Democratic proposal for such a district after the chamber's lead map-drawer said it would result in a "detailed and painstaking racial gerrymander" in North Texas. Racial gerrymanders, in which lawmakers rely too heavily on race or ethnicity to draw a district, are illegal, though race can be considered as a primary factor when drawing political districts, particularly to create or maintain opportunity districts that comply with the federal Voting Rights Act. (Senate Republican leaders claimed the state's congressional map was drawn "race blind.")

In the House, floor debate over a potential Latino opportunity district combusted after Republicans offered an incongruous argument to shoot down an amendment by state Rep. Rafael Anchía of Dallas that would have anchored a new district in west Dallas County.

"It's immoral to prevent the creation of a district like this. It's also likely illegal," Anchía told his colleagues in presenting his amendment hours into the chamber's floor debate on a new congressional map. "You really have to try hard to deny Latinos in North Texas the ability to elect the candidate of their choice, but that's what's baked in this plan and I ask that we fix it through this amendment."

Addressing the House, state Rep. Jacey Jetton, a Republican from the Fort Bend area, spoke in opposition to the amendment by pointing out that it would "unnecessarily" drop the Hispanic population in neighboring Congressional District 33.

That district had been created by a three-judge federal panel a decade before to protect the voting rights of people of color in the area, offering Hispanic or Black voters an equal chance to elect their preferred candidate. A decade later, Hispanics were just shy of making up the majority of eligible voters in CD-33.

Despite Jetton's stated opposition, it was Republicans' new congressional map that actually reduced the Hispanic population in the district from 48% to roughly 42% — a fact pointed out by state Rep. Victoria Neave of Dallas as she challenged Jetton's claim.

"It is the underlying map that's reducing the number of Latino voters in Congressional District 33 that you just mentioned. Did you know that?" Neave said as she pressed Jetton.

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Jetton responded that he was “not advised.”

In the end, Republicans approved a map that sliced heavily Latino areas of Dallas County into at least five different districts. In all but one, Latino voters make up about a fifth or less of the electorate. In reducing the share of the Hispanic population in CD-33, Republicans placed some of those residents into Congressional District 6, a sprawling, mostly white rural district that stretches across several counties to the south and east of Dallas, covering roughly 6,000 square miles.

They used an oddly shaped tendril to connect that swath of rural counties to the areas around Irving and Arlington, stranding urban and suburban Hispanic voters who in the past were concentrated enough to influence the election of who represents them in Congress.

More broadly, the congressional map Republicans approved for elections to come will shrink the number of districts in which Hispanic and Black voters are in the majority. White voters will largely determine who fills the two new Congressional seats the state gained based on its overall growth in the last decade, almost all of which was attributable to people of color. Hispanic Texans were responsible for half of the state’s increase of 4 million new residents.

“I think it just goes to show you the lengths to which Republicans are willing to go to try to stick their head in the sand about the changing demographics of Texas,” said Michael Li, a senior counsel for the Brennan Center for Justice whose work focuses on redistricting and voting. “The word I keep using is ‘brazen.’ There was a really strong argument for a Latino district [in Dallas] last decade. It’s only gotten stronger because the population has grown even more.”

“Latinos will always have to fight in court”

As in the fight Martinez’s father helped waged, the fate of Dallas Latinos’ representation will be decided in a federal court — in this case, one more than 600 miles away in El Paso, where a panel of three federal judges will be considering various legal challenges to the state’s new political maps.

As they did in the last round of redistricting, and as they’ve done in legal fights dating past that, the individual voters and organizations that serve Texans of color suing the state will have to prove that state lawmakers denied them an equal opportunity to participate in the voting process. Their hope is that the courts will force a redraw of state’s political districts.

“What’s new? They’ve been doing it for the last 30 years, and sadly Latinos will always have to fight in court to get the representation they deserve,” said Garcia, the Dallas County commissioner.

Five different lawsuits have been filed against the state’s new congressional map, most arguing it is unconstitutional and violates the Voting Rights Act by diluting the electoral power of voters of color. To make their case, various of the complaints point to Republicans’ refusal to create new districts that give Latinos meaningful influence in elections. Some take specific aim at the new political boundaries in the Dallas-Fort Worth region, where they say lawmakers unlawfully manipulated the population based on race to the detriment of voters of color.

“Without such blatant cracking, map drawers could have created either an additional Latino majority district or a coalition district with Black and Latino voters in this region,” one of the lawsuits argues.

Those Texas voters and groups were recently joined in their fight by the U.S. Department of Justice, which in its lawsuit against the state scrutinized how Republicans “surgically excised” voters of color from the core of the Dallas-Fort Worth region.

The state has so far failed to convince the court to dismiss the challenges but is expected to fight arduously to keep them in place for the upcoming March primaries, arguing there isn’t enough time to redo the districts before voting is set to begin.

But with the litigation left as their only hope, it could be years before Dallas Latinos learn whether they were cheated out of increased representation or whether they will have to wait another 10 years to again make their case.

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Campbell draws GOP opponent in District 25
Will Wright
New Braunfels Herald-Zeitung
December 10, 2021
https://herald-zeitung.com/community_alert/article_e65cb2d4-5a1f-11ec-a5fe-9fcb7d33a1b8.html

In the past week several local candidates officially filed for the March 1, 2022 party primary elections, including a challenge to Republican Texas District 25 state Sen. Donna Campbell.

Channon Cain, a financial professional from Lakeway, says he’s not a politician.

“I believe Texas remains the best place to raise a family and call home,” he told the Herald-Zeitung on Friday. “District 25 is

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the very heart of Texas, and deserves a politically courageous state senator who can be counted on to solve hard problems instead of continuing to kick the can down the road."

Cain's opening salvo came in one of the few contested races in Comal and Guadalupe counties, where no Democrat has yet filed before Monday's 6 p.m. deadline.

Comal County has contested GOP races for Comal County Court at-Law No. 1 and for precinct 4 justice of the peace. Guadalupe County Judge Kyle Kutscher drew a challenge from Seguin's Nolan Schmidt; other contested races are for precinct 4 commissioner and precinct 1 justice of the peace.

Both parties have candidates in the District 73 Texas House race. Justin Calhoun has filed for the Democratic nomination and Barron Casteel, George Green and Carrie Isaac are vying for the Republican nod.

Comal Democratic Party Chair Marilyn Aden said the party office at 1592 West San Antonio Street will accept filings from 2-6 p.m. Monday. Sue Piner, county GOP chair, said her party headquarters at 265 Landa Street will be open from 10 a.m. to 6 p.m. Monday.

Elections Administrator Cynthia Jaqua said the Comal County Elections Office at 396 North Seguin Avenue will also be open until the 6 p.m. filing deadline.

After redistricting, Senate District 25 will include all of Comal, Blanco and Kendall counties, north Bexar County, southwest Guadalupe County, and western portions of Hays and Travis counties.

Campbell, a physician with mailing addresses in San Antonio and Austin and a home in New Braunfels, has represented District 25 since winning a two-year term in 2012. She easily won reelection to four-year terms in 2014 and 2018.

"The 87th Texas Legislature has entered into the Interim period where we are now assessing the implementation of legislation passed, as well as studying policy topics that may need to be addressed in the 88th Legislative Session," she wrote to constituents on Nov. 29. "The Interim is also a time where you will see me out-and-about in my district attending policy luncheons, events, and meeting with all of you to discuss the issues you care about!

"It is a blessing to serve you in the Texas Senate. Together, we will continue to keep Texas strong! Why do we have to keep Texas strong? Because we don't have another Texas to move to!"

Cain's rhetoric mirrors Campbell's playbook in blasting government debt and spending, but also seeks to "stop the infringement of our medical freedoms by the Biden Administration and employers, work to secure our elections at local levels, and always fight for life, our Second Amendment rights, securing our border, and supporting our veterans."

All Comal County incumbents have filed for reelection except for Precinct 4 JP Jennifer Saunders, who announced her retirement when her term expires in 2023, and 207th District Court Judge Jack Robison. First elected in 1994, Robison has privately indicated he will not seek an eighth four-year term.

The last day to register to vote in the 2022 party primary is Monday, Jan. 31; the early voting period runs from Monday, Feb. 14 through Friday, Feb. 25. Runoff elections in both parties will be held Saturday, May 24.

For election information and updated candidate filings, visit the elections link at the Texas Secretary of State's website, www.sos.state.tx.us.

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Conservative wins show power of politics in HISD board races
Sam Gonzalez Kelly
Houston Chronicle
December 13, 2021
https://www.houstonchronicle.com/news/houston-texas/houston/article/Conservative-wins-show-power-of-politics-in-HISD-16696925.php

Conservative candidates flipped two of the four open seats in Saturday's runoff elections for the Houston Independent School District board — a testament, some say, to the grip that national politics have taken over local education.

Pastor Kendall Baker edged out Trustee Holly Maria Flynn Vilaseca by less than 100 votes to win the seat in District 6. In District 7, Trustee Anne Sung lost to former PTO President Bridget Wade.

It will be the first time that a conservative has had a seat on the nine-person board since the last batch of trustees was elected in 2019.

About 5,300 people, less than 7 percent of registered voters, participated in the District 6 runoff, while over 12,400 people,

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about 12 percent of registered voters, turned out for the District 7 election, according to Harris County election statistics.

For the incumbents, the results were an indicator of just how deeply political talking points resonated with voters. Issues that sparked nationwide debate — such as the teaching of critical race theory and mask mandates in school — found themselves front and center of what are traditionally nonpartisan races.

“Knocking on doors in District 7, it was pretty clear to me that the impression that voters have of public schools, if they don’t themselves have children in public schools, is informed by Fox News and national news coverage that has nothing to do with what our kids are being taught,” Sung said.

“The fear that kids are being taught critical race theory or taught that they are victims is completely opposite of what we’re doing in HISD schools,” Sung said.

Critical race theory — an academic framework most typically taught in colleges and universities — was banned by Gov. Greg Abbott in public schools this year. Opponents of the ban say it is not taught in Texas schools in the first place and accuse proponents of the law of trying to whitewash discussions of race and the country’s history.

Superintendent Millard House II’s mask mandate for students in public schools also drew the ire of local conservatives, mirroring similar battles that played out elsewhere across the country.

Wade says the results are proof that issues like these matter to everyday Houstonians.

“It speaks to the fact that people want to have a say in their public education as taxpayers and parents and families, people want to be active participants and be heard, and so I think it was people crying out to be heard. That was the foundation from which everything came,” Wade said.

Jasmine Jenkins, executive director of Houstonians for Greater Public Schools, a school board watchdog group, said the results were not entirely surprising, as Districts 6 and 7, which cover swaths of west Houston, tend to lean Republican.

She lamented, however, that national political talking points had made their way into local nonpartisan races.

“School board races are nonpartisan for a reason, and here we saw particular vitriol being thrown by both parties in an attempt to grab power and saw real diversion away from actual education issues,” Jenkins said.

“I do think the Republicans, both nationally and here locally, were able to hammer home a very clear message that resonated with a lot of voters that ultimately led them to victory. Much like we see with Democrats nationally, here locally they were trying to defend their position without a clear and affirmative stance that resonated with voters,” she said.

Baker spoke out against mask mandates and critical race theory during his campaign but said Sunday that he will take time to assess the situation in Houston’s public schools before taking action.

He also attempted to put behind him sexual harassment allegations that cost him his job at the city’s 311 center in 2013. He was suspended indefinitely after an inspector general report found that he “made lewd comments and sexual advances toward subordinate female employees.”

Baker has denied the allegations and said the Texas Workforce Commission cleared him of wrongdoing. A 2014 letter from the commission found that he was fired “for a reason that was not misconduct connected to the work.”

He was also a vocal opponent of the Houston Equal Rights Ordinance in 2015 and was featured in ad campaigns saying that “we have a moral obligation to protect women from the potential danger of perverted men,” in reference to transgender people using public restrooms.

“We’re going to move forward in the best interest of all of the children, keeping all of the children safe and protected, keeping children first and parents’ voices first. Nothing will impede my ability to serve,” Baker said. “That chapter of my life is closed.”

With nine people on the school board, Baker and Wade still remain in the minority and will not be able to unilaterally affect the district’s direction. Both have said they want to put politics aside and work with the other trustees to improve educational outcomes for the students.

“We are going to see very interesting dynamics play out on the board, which could be for good or for bad,” Jenkins said, noting that school board issues rarely fall along the “typical left-right spectrum.”

“I’m optimistic enough to think that people can grow and adjust once they’re out of campaign mode and they can get work done for kids,” Jenkins said.

Jackie Anderson, president of the Houston Federation of Teachers, said members will continue to ensure that schools are safe and welcoming.

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“We want to state very clearly that there is no place in HISD for discrimination of any kind. The HFT and our community simply won’t tolerate it,” she said.

The HFT is disappointed in the results of the races in Districts 6 and 7 but said it expects all elected leaders to live up to their promises of higher pay for teachers.

“Priority one for this new board must be to stabilize staffing and ensure a qualified and certified teacher is available for every student. We don’t need anyone in Austin, D.C. or some new ‘think tank’ to tell us what we must do to retain teachers. The answer is simple. Ask them. We stand ready to work with the district to achieve this very important goal,” Anderson said in a statement.

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U.S. to Coordinate With Mexico, Regional Countries for Crackdown on People Smuggling
Cassandra Garrison
Reuters
December 11, 2021
https://www.usnews.com/news/world/articles/2021-12-11/u-s-to-coordinate-with-mexico-regional-countries-for-crackdown-on-people-smuggling

MEXICO CITY (Reuters) - The United States, Mexico and several regional countries will coordinate to apprehend the network of human smugglers responsible for a deadly accident that killed dozens of migrants, the U.S. embassy in Mexico said on Saturday.

The embassy announced the creation of an action group tasked with investigating, identifying and apprehending the smugglers involved in organizing a trailer, crammed with more than 160 people, which overturned on Thursday in the Mexican state of Chiapas. At least 55 migrants, most from Guatemala, were killed and dozens others were injured.

The United States, Mexico, Guatemala, Ecuador, Honduras, Nicaragua and the Dominican Republic would support the efforts, though coordination was open to all regional countries, the embassy said.

"We have a shared commitment to apply the full weight of the law against those who are responsible, in addition to working in a coordinated manner to combat human trafficking and smuggling in all its manifestations," the embassy said in a statement.

Thousands of migrants fleeing poverty and violence in Central America have traveled through Mexico to reach the U.S. border in recent years. They often face perilous conditions, including transport in crammed trucks organized by smugglers, known as "coyotes," in dangerous conditions.

Guatemala on Friday urged the United to invest in the country and elsewhere in Central America to boost development.

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USMCA neighbors Canada, Mexico cry foul over Biden’s electric car subsidies
Haris Alic and David R. Sands
Washington Times
December 12, 2021
https://www.washingtontimes.com/news/2021/dec/12/usmca-neighbors-canada-mexico-cry-foul-over-bidens/

America’s USMCA neighbors are unhappy with President Biden’s proposed electric car subsidies for unionized U.S. carmakers, putting in question a key piece of the administration’s climate agenda as it nears a critical test in the Senate.

The Canadian government over the weekend joined the Mexican government in escalating the fight over a provision in Mr. Biden’s roughly $1.75 trillion social spending package now on Capitol Hill that offers a lucrative tax credit for electric vehicles made by union workers in America. Officials in both capitals say they are readying retaliatory tariffs if the U.S.-only tax credits are adopted.

The North American auto production market is one of the most integrated in the world, and even with the revised U.S.-Mexico-Canada Agreement (USMCA) that went into effect in mid-2020, billions of dollars in cross-border trade in vehicles and parts remains a central feature of the market.

Canadian Deputy Prime Minister Chrystia Freeland sent a letter Friday to Senate leaders threatening retaliatory tariffs unless the White House strips the proposed tax credits from Mr. Biden’s Build Back Better Act.

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“We are deeply concerned that certain provisions of the electric vehicle tax credits as proposed in the Build Back Better Act violate the United States’ obligations under the United States-Mexico-Canada Agreement,” Ms. Freeland wrote, referring to the trade pact.

“The proposal is equivalent to a 34% tariff on Canadian-assembled electric vehicles.”

Mr. Biden’s big bill, if enacted, would provide a $7,500 tax credit for consumers that purchase electric vehicles throughout 2026. Car buyers would be eligible to receive a further $4,500 credit if they purchase a vehicle manufactured at a union-run plant located in the U.S.

After Mexico, South Korea, Japan and a number of European countries complained about the proposal in a letter in October, U.S. Trade Representative Katherine Tai said her office backs the administration’s support for the electric car industry and that she had had talks with countries unhappy with the offending provision.

The administration “is committed to tackling the threat of climate change by supporting the transition to electric vehicle manufacturing,” USTR spokesman Adam Hodge said in a statement to the Reuters news agency on Dec. 3. “We will continue to engage a range of stakeholders, including our close trading partners, as Congress considers legislation to strengthen U.S. leadership in the sector.”
But the combined $12,500 credit poses a significant “threat to the Canadian automotive industry,” according to Ms. Freeland.

“This issue is at the top of Canada’s agenda with the United States,” she wrote. “We want to be clear that if there is no satisfactory resolution to this matter, Canada will defend its national interest … [by] applying tariffs on American exports in a manner that will impact American workers in the auto sector and several other sectors of the U.S. economy.”

Mexican officials have sounded a similar note, saying the Biden subsidy would effectively be more punitive than straight automotive tariffs President Trump threatened during the USMCA negotiations.

“President Trump at the time proposed to implement a national security measure to impose a 25% tariff on all imports to the United States,” Mexican Undersecretary for Foreign Trade Luz Maria de la Mora told The Hill newspaper earlier this month. “This proposed measure would be equivalent to a tariff that’s higher than the 25% that Trump proposed at the time and that we all thought was a crazy idea.”

In her letter, Ms. Freeland noted that Canada is the top market of U.S. “automotive exports, buying about 10%” of all American-produced vehicles annually.

Senate Majority Leader Charles E. Schumer is pushing to hold a vote on the spending package before Christmas, though not all Senate Democrats are on board with the bill. One of the main holdouts, Sen. Joe Manchin III of West Virginia, has raised concerns specifically about the electric vehicle tax credit.

Last month in an interview with Automotive News, Mr. Manchin argued that subsidizing electric vehicles from union shops would be un-American and wrong.

“We should not use everyone’s tax dollars to pick winners and losers,” Mr. Manchin told the auto industry trade publication.

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Mexican peso is on a skid; Buying power decreases with value
Steve Clark
Brownsville Herald
December 12, 2021
https://news.yahoo.com/mexican-peso-skid-buying-power-172900719.html

Dec. 12—Mexico's economy is shrinking and dragging down the value of the peso, which is never good news for businesses on this side of the border that rely on cross-border shoppers.

Antonio O. Garza, counsel for White & Case Mexico City, retired U.S. ambassador to Mexico and Brownsville native, said in a recent analysis of the "Three Amigos" summit between President Joe Biden, Mexican President Andres Manuel Lopez Obrador and Canadian Prime Minister Justin Trudeau, which Biden hosted on Nov. 18 at the White House, that Mexico's sagging economy is being caused in part by U.S. consumer price inflation and an increase in interest rates by the Bank of Mexico.

Ironically, the news comes on the heels of the recent reopening of the U.S. land ports-of-entry to "non-essential" travel from Mexico, a move cheered by the Rio Grande Valley's retail sector, largely forced to do without business from Mexican national shoppers since the U.S. Department of Homeland Security imposed restrictions in March 2020.

Garza wrote in his analysis that the impact of the challenges discussed during the summit was "reverberating throughout

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the region." U.S. inflation recently hit a 31-year high, as employers still face labor shortages and supply-chain issues, and the Mexican economy shrank 0.2 percent from the previous quarter, that country's first contraction since recovery from the pandemic began, he noted. Garza said the peso's value is expected to continue falling next year.

"There are a number of things at play here, all of which I think we'll feel in Brownsville and along the border," he said. "First, the weakening of the currency will have an impact on Mexican's purchasing power and, in spite of some pent-up demand in the wake of the travel restrictions, Mexico's economy is sagging and folks are feeling it. I'm guessing you'll see a slight uptick in economic activity going into the holiday season, and a fall-off shortly thereafter and lasting well into 2022."

Among the sore points going into the summit was the Biden administration's proposed consumer tax credit for electric cars produced in the United States, Garza said. Canada and Mexico are worried such a credit would encourage automakers to move their factories to the United States and allege it would violate the terms of the U.S. Mexico Canada Agreement, which took force last year, he said.

Garza said in his report on the summit that Mexico's economy minister called out the United States for allegedly pursuing protectionist polities, while the Canadian finance minister said the proposal was at risk of becoming the "dominant issue in our bilateral relationship." Much of the steel used by automakers in Mexico comes through the Port of Brownsville, and it represents a key source of income for the port.

Other companies that cater to the auto industry in Mexico are located in the Valley as well, though Garza wasn't expecting any impact from the credit — if it comes to pass — anytime soon.

"The saving grace of Mexico's economy these past couple of years have been manufacturing and remittances," he said. "I think that to the extent that our port activity is tied to Mexico's auto sector we won't feel an immediate hit from initiatives like the electric car credit. What steel companies are more focused on in the short term are keeping production and employment in North America and fending off the challenge of China and other countries."

Garza described the summit, which took place against a backdrop of pressing challenges such as COVID-19 and regional migration, as a further step toward Biden's goal of re-institutionalizing relations abroad and more fully integrating North American nations in order to counterbalance China's growing global influence.

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Port Houston's trade jumps 51% to nearly $17B
Noi Mahoney
FreightWaves
December 12, 2021
https://www.freightwaves.com/news/port-houstons-trade-jumps-51-to-nearly-17b
Port Houston's trade totaled $16.9 billion during October, an increase of 51% compared to the same period last year, according to a WorldCity analysis of U.S. Census Bureau data.

Port Houston's trade totaled $137 billion for the first 10 months of 2020, a 31% increase compared to the same period in 2020.

Port Chairman Ric Campo said 2021 has been an "interesting year."

"There's been lots of really good stuff going on, but also a very complicated year for our team," Campo said during the port's monthly meeting Tuesday.

Exports increased 50% year-over-year in October, while imports grew 53%.

Trade was boosted by imports of gasoline/fuels ($5.58 billion); oil ($5.25 billion); passenger vehicles ($2.05 billion); iron tubes/pipes ($1.17 billion); and furniture ($1.06 billion).

Top exports included gasoline/fuels ($2.08 billion); liquified natural gas/petroleum gases ($1.45 billion); oil ($1.34 billion); plastics ($575 million); and acyclic hydrocarbons ($318 million).

Port Houston's top international trade partners during October were China ($1.68 billion); Mexico ($1.29 billion); Brazil ($1.21 billion); South Korea ($797 million); and Japan ($797 million).

The port ranked sixth for total trade among the nation's roughly 450 airports, seaports and border crossings and is the third-ranked seaport, behind Port of Los Angeles and Port of Newark.

"One of the things that is really cool is that the Army Corps of Engineers came out with their 2020 statistics and the Houston Ship Channel is still at No. 1 in total tonnage in the U.S.," Campo said. "We handled more than 275 million short tons of cargo during 2020."

Campo said looking ahead to 2022 and beyond, the port aims to expedite Project 11, a $1.1 billion widening and deepening

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of the Houston Ship Channel.

“Port Houston’s [Army Corp of Engineers] ranking highlights the need to continue to make improvements and expedite our Project 11 to make sure that we ensure sustainable opportunities for our community and industry for generations,” Campo said.

The port commission also recently approved its fiscal year 2022 operating and capital budget.

“We’re investing in the future with a lot of things — additional yard capacity and equipments, 12 ship-to-shore cranes, 19 rubber-tired gantry cranes, two additional container yards, two new container berths, additional wharves/turning basin facilities and redevelopment of general cargo and breakbulk docks.”

Weekly maritime imports into Port Houston (WICSTM.USHOU) totaled 29,147 shipments last week. The port’s weekly maritime shipments were up significantly year-over-year (as indicated by the blue line) compared to 2020 (red line), according to FreightWaves’ SONAR platform, which collects data on the daily number of customs filings for maritime imports.

Automotive production in Mexico drops 20% in November

Mexico’s auto production of passenger vehicles recorded its lowest monthly output since 2012 in November at 248,960 vehicles assembled, according to data from Mexico’s national statistics agency (INEGI).

The output represents a 20% decline compared to the same period in 2020, when 312,184 vehicles were produced.

Auto exports declined by 16% to 240,341 units, INEGI statistics showed.

It was the fifth month in a row that automotive output for passenger vehicles was down, fueled by an ongoing shortage of semiconductors.

AMIA chief Fausto Cuevas forecast that Mexico’s auto production would return to pre-pandemic levels by late 2023 or in 2024.

The companies with the largest monthly declines were Japanese automaker JAC (97%), Mercedes-Benz (69%) and General Motors (44%).

Mexico OKs another state to export avocados to US

Mexico’s agriculture department said it has reached an agreement with U.S. authorities on a plan to allow avocados from a second Mexican state to be exported to markets across the United States.

The state of Jalisco could begin exporting avocados as soon as early next year’s harvest season, according to the Mexican Ministry of Agriculture and Rural Development.

Since 1997, the state of Michoacán has retained the sole right to export avocados to the U.S.

Mexico is the largest avocado producer in the world, with a volume that exceeded 2.3 million tons in 2020. Mexico supplies most of the avocados imported into the U.S., totaling $2.8 billion during the 2019-20 growing season.

The ports of entry in Laredo and Pharr, Texas, are two of the largest gateways for avocados from Mexico into the U.S., combining for more than $2 billion last year.

Constellation Brands to build large export brewery in Mexico

New York-based Constellation Brands Inc. recently announced it will build a $1.3 billion brewery in southeastern Mexico.

The brewery’s exact site has not been officially announced, but Mexican officials have reportedly said it will be built in the state of Veracruz, along the Gulf of Mexico, according to El Economista.

The company, which distributes Corona beer and other Grupo Modelo brands across the U.S., was planning to build a factory in the Mexican city of Mexicali, along the California-Mexico border.

Mexican President Andres Manuel Lopez Obrador halted plans for the Mexicali brewery in March 2020 after the facility ran into opposition from local residents who had concerns about its water consumption.

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Is it time to get tougher with AMLO as energy policies threaten U.S. companies?

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George Baker
Houston Chronicle
December 13, 2021
https://www.houstonchronicle.com/business/energy/article/Comment-Is-it-time-to-get-tougher-with-AMLO-as-16682248.php

Texas Gov. Greg Abbott, on the eve of the trilateral meeting of the heads of state of the United States, Mexico and Canada last month, urged President Biden to begin “aggressive engagement with Mexico.”

He complained of the regulatory mistreatment of American investors in Mexico’s energy sector. The situation, he said, requires “immediate attention by your administration to prevent irreparable harm to Texas businesses and workers.” He cited the situation of just one Texas company, Monterra Energy, whose fuel terminals in Mexico were closed by elements of the National Guard. He called on the administration to negotiate the “immediate withdrawal” of the “militarized police force” from the facilities of Texas companies.

The governor was not alone. In a letter to Energy Secretary Jennifer Granholm, Sen. John Kennedy, R-La., demanded that the Biden administration act to “reopen American energy assets that have been illegally shut by Mexican militarized police.” In addition to Monterra, the senator mentioned Sempra Energy of San Diego, which operates natural gas and natural gas liquids pipelines and terminals in Mexico, and Bulkmatic, an Indiana transportation company that operates a refined products terminal in Mexico, as facing “similar operational threats.”

Kennedy warned that Mexican President Andrés Manuel López Obrador, known as AMLO, seems intent on shutting down foreign competition to the state-owned oil company Pemex. Meanwhile, Kennedy complained, the Biden administration isn’t doing anything to stop it.

A third recent protest about Mexico’s energy policies to the Biden administration came from the House of Representatives. On November 3, 40 Republican House members cosigned a letter to the secretaries of Commerce, State and Energy, as well as the U.S. Trade Representative, exhorting them to “elevate efforts to press Mexican authorities to stop discriminatory actions and provide U.S. companies . . . a level playing field.”

AMLO has made no secret of his desire to kill the energy reforms of his predecessor, Enrique Pena Nieto, which ended Pemex’s monopoly and invited foreign competition and investment. His efforts to undermine the reform have been described by critics as “slow rolling expropriation” and left foreign investors who entered Mexico’s energy markets in good faith in the lurch, to the detriment of Mexicans.

One of the egregious instances involves Talos Energy, a Houston offshore exploration and production company. Talos is the target of a state conspiracy to deprive it of most of the commercial rights to which it is entitled by virtue of its discovery of a major oil field on the Mexican side of the Gulf of Mexico. The field, known as Zama, holds an estimated 600 million barrels of recoverable hydrocarbons.

The Mexican government is to receive nearly 80 percent the revenues from the sale of Zama production, which is targeted at 150,000 barrels per day. At $70 a barrel, the foregone state royalties in a production-sharing agreement on sales of 150,000 barrels a day exceed $4 million a day or some $1.4 billion annually. Had standard industry practices been followed, Zama would have been producing two years ago. The government has willfully wasted two years and nearly $3 billion, damaging the finances of not only investors but of Mexico.

Neither Abbott nor Kennedy mentioned Talos in their letters advocating “aggressive engagement” with Mexico. Neither defined what they meant by aggressive engagement, but it’s clear that the U.S. needs to react more strongly to AMLO’s expropriatory policies — which likely violate the spirit, if not the letter, of the United States-Mexico-Canada Agreement, a free trade pact.

One suggestion: AMLO plays rough with American investors but he wants the U.S. regulator, the Committee on Foreign Investment in the United States to play nice with his proposed acquisition of the controlling interest in the Deer Park refinery, now operated by Shell. Inform AMLO that the committee’s approval has been put on standby.

That small step should get the Mexican president's attention.

George Baker is the founding publisher of Mexico Energy Intelligence, a Houston-based industry newsletter. He is the platform director of Energia.com.

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Analysis: From homegrown culture warriors to tomorrow’s Texas leaders
Ross Ramsey
Texas Tribune
December 13, 2021
https://www.texastribune.org/2021/12/13/texas-republican-local-elections/

City councils and school boards in Texas are full of Republicans and Democrats, even if those people take office after

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nonpartisan elections in which they don't fly those party flags.

Local offices are where the political parties find many of their future leaders and where those future leaders are having some of their gnarliest fights. School boards, in particular, have become focal points for issues that combine local and statewide interests, like book bans, critical race theory, what's taught and what's not, property taxes, gender identity, parental involvement, teacher autonomy, vaccinations and mask mandates.

That's why the Republican Party of Texas is taking a "shop local" approach to candidate recruitment, trying to build farm teams of candidates who'll turn debates the party's way at the local level and then, perhaps, run for state and federal offices later.

The GOP announced its initiative this week, but both parties have been recruiting candidates this way for years. This is how the political ecosystem works.

Current issues work as fertilizer. Divisive topics being debated at school board and city council meetings often mirror what state legislators are talking about. They get the public's interest. They sharpen the rhetorical skills needed in political debate, if not in collaborative legislating.

At any given moment, the Texas Legislature has plenty of people who started off on school boards, as mayors and city council people, members of local commissions and boards. It's the training ground. And it's only natural that the political parties, always looking for new stars, are recruiting and grooming local government folk.

The GOP announcement wasn't surprising, but the timing is interesting. Texas Democrats are trying, again, to put together a win or two on the statewide ticket, hoping that their lock on most of the state's big cities and their growing strength in suburban counties will get them in position for that.

Republicans are looking at signs that Democratic strength in South Texas has begun to wane. They've been recruiting candidates — the full list will be available after the Monday evening deadline to file for the 2022 ballot — and in one case, getting incumbent Democrats in the Legislature to change parties. Ryan Guillen of Rio Grande City started his current term as a Democrat and will end it as a Republican.

He's seen the numbers: Republican lawmakers, after the 2020 elections, redrew the state's political maps with those gains in mind, favoring their party where they could.

Lots of local races won't be on that ballot after Monday's deadline. For one thing, they're nonpartisan, and there are no primary races for the candidates. And the local elections are often on other dates.

Republicans in Austin have been after local governments for years, pushing aside local laws and rules on ride-sharing, short-term rentals, public health orders, mask mandates, property taxes, housing policies — a long list of issues where local and state powers overlap. Lawmakers have failed several times to outlaw lobbying by local governments and the associations they employ to tell the state lawmakers how their work will help or undermine what's happening back at home.

Those legislative eyes are still on cities and counties, particularly those in Democratic parts of the state, but they've turned their attention this year to school districts. State-level efforts — to reverse local COVID-19 responses, pull certain books from school libraries or block teachers whose lessons on history or social studies they don't like — have gone local. What were issues in Austin are echoed wherever local elected officials meet.

It's already a training ground for the next generation of state leaders. The Republicans are just formalizing it, and making an announcement that they hope will get like-minded people to run for local office and, maybe someday, for higher office.

The parties are just like sports teams in this way, building farm teams they hope will turn into dynasties.

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Tuesday, December 14, 2021 9:43 AM EST
Subject: SOS Morning News Clips 12/14/21

Texas Secretary of State
Morning News Clips
December 14, 2021

The Texas election audit Trump encouraged, then called 'weak', enters a new stage, *Texas Standard*, December 13, 2021

An ill-advised plan for a GOP primary shows the power of election lies, *Votebeat*, December 13, 2021

'Rick Perry' is running for Texas governor against Greg Abbott but it's not the Rick Perry you know, *Dallas Morning News*, December 13, 2021

Texas' 2022 races coming into focus as candidate filings close, *Texas Tribune*, December 13, 2021

Phase 2 details released for election audit that includes Collin, Dallas counties, *Rowlett Lakeshore Times*, December 13, 2021

Potter County Republican Party making move to hand-marked, hand-counted ballots in primary election, *CW 39 Houston*, December 13, 2021

Former Dallas County DA Faith Johnson files with GOP to run for her former post, *Dallas Morning News*, December 13, 2021

Texas Republicans swarm 2022 primaries while Democrats lament lack of battleground races, *Houston Chronicle*, December 14, 2021

When the Myth of Voter Fraud Comes for You, *The Atlantic*, December 14, 2021

Democrats worry their grip on Hispanic vote is loosening, *The Hill*, December 13, 2021

Mexico May Reduce Pemex's Profit-Sharing Taxes Again, *Bloomberg*, December 13, 2021

Op-Ed: Texas Redistricting Needs to Protect Campus Communities, *Texas Signal*, December 13, 2021

Rep. Israel: What I want for Christmas, *Austin American-Statesman*, December 13, 2021

The Texas election audit Trump encouraged, then called 'weak', enters a new stage
Jill Amend and Laura Rice
Texas Standard
December 13, 2021
https://www.texasstandard.org/stories/the-texas-election-audit-trump-encouraged-then-called-weak-enters-a-new-stage/

The Texas secretary of state's office is now asking four Texas counties to provide information and documentation surrounding the 2020 Election. It's the next step in an ongoing election audit that Republicans, including former President Trump, have pushed for, arguing without evidence that there was widespread election fraud.

Though Trump won in Texas by 5.5 percentage points in the 2020 election, he asked Texas Gov. Greg Abbott to audit the results. Instead of a full audit, Abbott requested an audit of four of the state's largest counties: Dallas, Tarrant, Collin and Harris. Trump called the move "weak," but the audit effort has continued.

Texas Secretary of State John Scott has said the first phase of the audit is nearly complete, and the request from counties is the next phase.

Dallas Morning News Austin Bureau correspondent Philip Jankowski told Texas Standard, "phase two begs the question, 'What was going on in phase one?'" He said that might be made clearer when the secretary of state's office releases findings from it. That's scheduled to happen later in December.

Learn more about the background of this audit and what happens next in the audio player above or in the transcript below.

This transcript has been edited lightly for clarity.

Texas Standard: Trump won Texas. What's this election audit all about?

Philip Jankowski: It's kind of tough to say, to be to be honest. I mean, the audit itself is because of Trump. The governor hasn't said that, but I think the timing clearly outlines Trump makes public his demand and then hours later, the secretary of state announces that it's performing this audit. So I definitely do believe that it is.

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This audit comes as, should be mentioned, Abbott is facing attacks from his right flank. [The Texas gubernatorial] election is coming up next year, and he's got two opponents who are trying to position themselves further to his right. And they saw, they possibly saw, the lack of a full audit of Texas' results as somewhere that they could go after [Abbott]. Trump adds some – a whole lot – of kindling to that fire. And so he makes an open demand, and so now we have an audit.

Give us some background on new Texas Secretary of State John Scott, and why the former person in that job left the office.

The former secretary of state was never confirmed by the Texas State Legislature, which actually invoked some ire from the governor. This new secretary of state didn't have to deal with any of that. He was appointed while the Legislature was out of session, so no need for a pesky vote. His name is John Scott and he's got some involvement in some of the Trump recount stuff that went on some of those lawsuits.

What is phase two of this audit he announced Friday?

Phase two is basically a total accounting of mail-in ballots and provisional ballots – seems to be the two largest focuses of this second phase. [Secretary of State John Scott has] asked for an "exhaustive" amount of information from these four counties. And most of it centers around mail-in ballots and provisional votes cast in the 2020 Election.

What four counties are we talking about here, and what do you make of the fact that we're talking about these four counties?

We're talking about Collin County, which is North Dallas; Dallas County; Tarrant County, where Fort Worth is; and, of course, Harris County, the largest county in the state. So we're looking at urban counties relative to the larger state and, as you know, those counties tend to vote more in favor of Democrats; denser populated counties tend to do that. And so it does seem to be some sort of, well, maybe not causation but, at the least, correlation between how those counties voted and the ones that are being examined.

How have local election officials been responding to this audit and this demand for more detailed information?

I'm unsure as of yet. As I said, this announcement was made late Friday. So, many of them might have already packed up and gone home for the weekend. And maybe this is top on their to-do list this Monday morning, but it's unclear at this point.

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An ill-advised plan for a GOP primary shows the power of election lies
Jessica Huseman
Votebeat
December 13, 2021
https://www.votebeat.org/2021/12/13/22832485/jeff-zink-election-integrity-symposium-hand-counted-ballots-potter-county

On Friday we published a scoop out of Amarillo, Texas, my ancestral homeland. The Potter County GOP chair, Dan Rogers, has decided to run his own Republican primary in March. He says he'll use manual poll books and hand-marked ballots, and that election workers will count those ballots by hand. It's a recipe for disaster, multiple election administrators and experts told me. They also told him that, but he doesn't seem to care.

Manual poll books will make it impossible for the county to prevent those who have already cast ballots in the Democratic primary (which will be run by the county in the standard way) from also casting a ballot in the Republican primary. Rogers acknowledged this, but said he "trusts" people. He also says that "logic" tells him that all of the ballots will be counted in half an hour — despite multiple studies that show it would take much, much longer. "I don't need studies, they are a waste of money," he told me.

While parties are allowed to run their primaries however they see fit, they are not allowed to violate Texas election law. And Texas's new voting bill, passed earlier this year, holds party chairs personally liable for any violations. In addition to being removed from his position, Rogers could face a $1,000 fine per individual violation. He, again, didn't seem to care.

My conversation with Rogers was confusing. He rejected studies, gave short shrift to federal civil rights law, and ignored the problems with his plan the state and the county have pointed out to him. This, he said, is what his voters want. Why do they want this? Well, they received an "election integrity symposium" from Jeff Zink, a native of nearby Borger, Texas, and a congressional candidate for Arizona's 7th District. Zink and his son were part of the Jan. 6 U.S. Capitol insurrection, though he denies that they entered the building. That's news to federal prosecutors, who have charged his son, Ryan, with several crimes. "We knocked down the gates! We're storming the Capitol! You can't stop us!" he said, facing his video camera. "We're about to bum rush this shit!"

Jeff Zink is also a Cyber Ninjas truther who believes the company intentionally hid the 2020 fraud he is confident took place in Maricopa County. At the mid-October symposium, he expounded on the benefits of hand-counted ballots, and Rogers took the lessons to heart. He appears unwilling to back down from his half-baked plan and very willing to ignore facts.

The Jan. 6 insurrection continues to creep into actual policy and procedure, and this is a scary sign of things to come. While he's so far received no buy-in from other county parties, Rogers has encouraged every GOP county chair in the state to follow suit. On Dec. 3, Rogers sent out an email saying, "We would like to see other County Committees follow our lead and we will help any County Chair interested in having real secret ballot elections," he wrote.

The Texas secretary of state's office (headed by John Scott, recently appointed by Republican Gov. Greg Abbott) has told Rogers it's a bad idea, and will do so again this week in a meeting on Tuesday. "This introduces a lot of potential mistakes and it also introduces opportunities for fraud," said Christina Adkins, the legal director of the secretary of state's elections division. "The candidates on this ballot really need to think about whether this is how they want their election run."

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Amarillo is the largest city in Texas to use "cumulative voting," which allows voters to cast as many votes as there are open seats in school board elections. If, for example, there are three open seats, voters can cast one ballot in each race or give all three votes to a single candidate. The city made the switch from at-large voting after being sued by civil rights groups in

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1998. After the change, a Black school board member was elected for the first time, and a Latino candidate was elected for the first time since the 1970s.

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'Rick Perry' is running for Texas governor against Greg Abbott but it's not the Rick Perry you know
Robert T. Garrett
Dallas Morning News
December 13, 2021
https://www.dallasnews.com/news/politics/2021/12/13/rick-perry-is-running-for-texas-governor-against-greg-abbott-but-its-not-the-rick-perry-you-know/

AUSTIN — A "Rick Perry" from Parker County is trying to deny two-term Republican Gov. Greg Abbott the nomination of his party for a third term next year.

But the Perry who filed his papers as a gubernatorial candidate on Monday is not the former Texas governor and U.S. energy secretary.

The newly filed candidate, Rick Perry of Springtown, northwest of Fort Worth, is apparently a computer technician with the title of "senior desktop engineer" at Lockheed Martin, according to a LinkedIn profile.

Ballot-name confusion is part of Texas political lore, with Gene Kelly (not the Hollywood actor) a perennial candidate in recent decades. Earlier, candidates with Sam Houston in their monikers and some variant of former U.S. Sen. Ralph Yarborough's surname made headway. In March 2020, political newcomer Jim Wright (not the former U.S. House speaker who represented Fort Worth in Congress for more than three decades) unseated Railroad Commissioner Ryan Sitton.

On the last day to file for the 2022 governor's race, the Rick Perry from Springtown in Parker County briefly roiled the political community in Austin, where unfounded rumors that the former governor might come out of retirement to challenge Abbott had circulated for months. One online political news outlet, Capitol Inside, rushed out an email blast with the subject line, "State GOP: Perry Files to Run for Governor." Five minutes later, another email followed sheepishly confessing "it's not the former governor."

Attempts to reach either Perry were unsuccessful Monday.

As to the Springtown-based Perry, voter registration, driver license and other public records show he is 63 and has worked as a computer technician.

In recent years, he has donated small amounts to some of the Texas GOP's most conservative candidates — former Bedford Rep. Jonathan Stickland ($125), Garland House aspirant Jonathan Boos ($10) and onetime Railroad Commission candidate Gregory Parker ($75) — and $100 to the Parker County Conservatives' political action committee, according to filings with the Texas Ethics Commission.

Although he used "Rick Perry" on LinkedIn, voter and driver records list him as "Ricky Lynn Perry." The 71-year-old former governor, who grew up in Paint Creek in Haskell County north of Abilene, is James Richard Perry.

'Stupid pet trick'
On Monday, Dave Carney, Abbott's chief political strategist, fired off tweets calling Ricky Lynn Perry's surprise candidacy a "stupid pet trick" and insinuating it's a ploy that will backfire by one of the incumbent governor's other Republican rivals — who include former Dallas state Sen. Don Huffines and former state GOP chairman Allen West.

"Hard to be a straw candidate by using [your] commonly referred to name now, isn't it?" Carney said in one tweet that noted the discrepancy between Springtown Perry's ballot name and voter registration records.

University of Houston political scientist Brandon Rottinghaus said the new development "could be problematic" for Abbott, who's hoping to coast through the March 1 GOP primary. Abbott, who'd strongly prefer to avoid a runoff, already is running internet ads against his likely Democratic opponent next fall, former El Paso congressman Beto O'Rourke.

Any voter confusion with the former governor might require some application by Abbott of time and resources to dispel, the UH professor said.

"Rick Perry is still really well-liked in most Republican circles, if not the most far right," noted Rottinghaus, who is writing a political biography of the longest-serving chief executive (14 years) in Texas history.

"It's not likely to affect Abbott all that much, but there are still enough people out there who might feel wistful for the days of Rick Perry and Republican politics of old that this might be an issue for Abbott," he said.

In recent months, Abbott has been endorsed by former President Donald Trump. As he eyed both the 2022 governor's race and a possible run for the presidency in 2024, Abbott has embraced controversial elections legislation, the nation's strictest abortion ban and positions resisting COVID-19 vaccine mandates.

Two Ricky Perrys?
Since leaving the Trump administration, Perry and his wife Anita have lived in Round Top, near Brenham.

"He is fairly happily retired," Rottinghaus said. "He's on a couple of [corporate] boards — so earning a pretty good living. Still keeps his hand in politically. He's really close to Morgan Luttrell, who is running in CD 8, for the [Kevin] Brady seat," the political scientist said, referring to a former Navy SEAL who is running for Congress in the Houston area.

Rottinghaus said when he saw press reports about the Springtown-based Perry's candidacy, he chuckled.

"When I saw 'Ricky Perry,' my thought was that in his younger days, people called Richard Perry 'Ricky,'" he said. "His mom and his wife called him Ricky. And his wife still calls him Ricky. I mean, not that it means anything, but he's still also Ricky

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Perry in that way, I guess."

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Texas' 2022 races coming into focus as candidate filings close
Patrick Svitek
Texas Tribune
December 13, 2021
https://www.texastribune.org/2021/12/13/texas-2022-elections-candidates/

Candidate filing for the 2022 primary in Texas closed Monday evening, and there were more than a few late developments in what is set to be a busy election cycle.

All the major statewide offices — including governor — are on the ballot, and every seat in the Texas Legislature is up for a vote because of redistricting. That is on top of the usual 36 congressional seats that are on the ballot every two years — plus two new U.S. House seats that Texas received because of population growth in the past decade.

The primary elections determining the two major parties' nominees will be March 1. The general election will be Nov. 8.

At the top of the ticket, Republican Gov. Greg Abbott is running for a third term, but faces challengers from within the GOP. On the Democratic side Beto O'Rourke will likely be his party's nominee for a general election that is expected to be a marquee race. But farther down the ticket, there is a hive of activity generated by redistricting — dozens of state lawmakers are not seeking reelection to their current seats — and the GOP's determination to make new inroads in South Texas.

Still, statewide races continued to take shape Monday ahead of the 6 p.m. filing deadline. The Democratic primary for lieutenant governor got a third candidate as Carla Brailey, vice chair of the state party, announced her campaign. Her launch came amid a lingering discussion among Democrats about whether their statewide slate is diverse enough.

Brailey said in an interview that she was running because she "really believe[s] our democracy is at stake, and I think this is gonna be one of the most important elections we have experienced in a very long time in Texas."

"It's very important that we have leadership that just reflects Texans — all Texans — and I think I will be able to do that," said Brailey, who is Black.

She joined a primary field that includes Mike Collier, the last nominee for lieutenant governor who has been running since early this year, and state Rep. Michelle Beckley of Carrollton, who announced last month. Matthew Dowd, the cable-news commentator who once was a strategist for former President George W. Bush, had been running in the primary until last week, when he dropped out and said he wanted to make way for a more diverse field.

Brailey is not the only Democrat who has stepped forward for the statewide ticket as the filing deadline loomed. Janet Dudding, a 2020 candidate for a battleground state House seat in Brazos County, filed to run for comptroller, joining at least two other Democrats vying to take on GOP incumbent Glenn Hegar. Susan Hays, a prominent cannabis lawyer and hemp advocate, announced she was running for agriculture commissioner, giving Democrats their first candidate to challenge Republican incumbent Sid Miller.

"Farming is hard, but ethics should be easy," Hays said Thursday as she announced her campaign against the scandal-prone Miller.

In addition to the gubernatorial election, another blockbuster statewide contest is the GOP primary for attorney general, where incumbent Ken Paxton is trying to fend off three challengers: Land Commissioner George P. Bush, former state Supreme Court Justice Eva Guzman and U.S. Rep. Louie Gohmert of Tyler. Despite some volatility in recent weeks — state Rep. Matt Krause of Fort Worth ended his campaign and Gohmert launched his — that primary saw no 11th-hour surprises.

Congressional contests also saw 11th-hour developments Monday. Democrats lost a prominent candidate for the 15th Congressional District, which Republicans are trying to flip, as Ivan Melendez, the Hidalgo County health authority, announced he was passing on a campaign for the seat, saying he could better serve his community by continuing to fight the coronavirus pandemic.

Another South Texas seat that the GOP wants to capture — that of U.S. Rep. Henry Cuellar, D-Laredo — gained at least one politically involved contender in Cassandra "Cassy" Garcia, a former staffer for U.S. Sen. Ted Cruz. Cruz endorsed Garcia within minutes of her campaign announcement.

Over in the Houston area, where one of Texas' new congressional seats is located, the longtime Republican frontrunner, Wesley Hunt, got arguably his best-known opponent yet: Mark Ramsey, a former member of the State Republican Executive Committee. The seat was drawn to favor the GOP, so Republicans have been watching how complicated of a path Hunt will have on his quest for a general-election win.

Until Monday, no Democrat was contesting the Houston-area seat — the 38th District — but that changed when Centrell Reed, a Houston life coach, switched to the race after filing for the 7th District. Reed's decision spares the 7th District incumbent, U.S. Rep. Lizzie Pannill Fletcher, D-Houston, a primary challenge in a district that has been made much bluer by redistricting.

In state House races, there was little late drama involving incumbents. One question mark going into Monday was whether state Rep. Claudia Ordaz Perez would follow through on her plan to run against state Rep. Art Fierro, a fellow El Paso Democrat — and she did, filing with hours to spare. Ordaz Perez had chosen to take on Fierro after redistricting forced her into the district of a fellow El Paso Latina, Democratic state Rep. Lina Ortega.

In another late development in a state House contest, state Rep. Harold Dutton, D-Houston, drew a primary challenger: Candis Houston, president of the Aldine chapter of the American Federation of Teachers. Dutton, chair of the House Public Education Committee, was under fire from fellow Democrats earlier this year over how he handled legislation placing

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restrictions on transgender student athletes.

Another primary challenge emerged at the 11th hour for a state House seat in the Bryan-College Station area. John Harvey Slocum, the son of former Texas A&M University football coach R. C. Slocum, filed to run against state Rep. John Raney, R-College Station.

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Phase 2 details released for election audit that includes Collin, Dallas counties
Audrey Henvey
Rowlett Lakeshore Times
December 13, 2021
https://starlocalmedia.com/rowlettlakeshoretimes/news/phase-2-details-released-for-election-audit-that-includes-collin-dallas-counties/article_819153bc-5c51-11ec-97f9-13264b13cf2f.html

The Texas Secretary of State's office has laid out details for phase two of its "full forensic audit" of the 2020 general election in Collin, Dallas, Harris and Tarrant counties.

On Friday, the office shared a letter from Texas Secretary of State John B. Scott addressed to elections administrators for each county.

"As indicated in our office's previous communications, the Texas Secretary of State's office is conducting the largest and most comprehensive forensic audit of the November 2020 General Election in your respective counties," the letter stated. "The purpose of this audit is to provide clarity and confidence for Texas voters that all applicable laws and procedures were followed during the 2020 Election, and to identify any irregularities or issues that need to be addressed going forward."

The letter asks the elections offices to begin locating requested documents in preparation for on-site examinations by the office's Forensic Audit Division, which will be coordinated in January.

The request comes after the office first announced in September that an election audit had already begun in the state's two largest Democrat and Republican counties. The office has since said that the audit is expected to cover about 35% of votes cast for the 2020 general election in Texas.

Scott's Friday letter came with a 10-page attachment outlining the records and procedures that the office is reviewing.

"The specific review process for each category will be based on the county's response to the initial survey questions provided," the office stated. "Once the scope is established on a county-by-county basis, we will provide detailed documentation regarding the specific review of each applicable category."

The outlined materials include voting system test records, lists of election workers, video surveillance records and questions about the county's election security measures.

According to an audit outline that was shared by the office in September, phase 2 involves the office conducting a comprehensive election records examination over several months "to ensure election administration procedures were properly followed during the 2020 General Election." That includes looking at county records including logic and accuracy testing records for voting machines, early voting and election day materials and training materials.

Irregularities or deviations from election administration procedures could trigger a full manual recount of ballots in a certain area, the office stated.

"I'm very confident that Collin County will come through this audit very well," Collin County elections administrator Bruce Sherbet said in September. "We had a very smooth and good election, and I think the biggest part for me is if this audit will help voters that don't have confidence in the process have confidence or more confidence that everything was handled appropriately, then that's very important."

Official election results posted on the Texas Secretary of State's website show that three of the four counties voted for President Joseph R. Biden Jr. in the 2020 general election. Collin County was the only one of the four that overall voted in favor of former President Donald J. Trump in the 2020 general election with 51.4% of the votes cast. Dallas County overall showed favor for Biden with 65.1% of votes cast.

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Potter County Republican Party making move to hand-marked, hand-counted ballots in primary election
Judd Baker
CW 39 Houston
December 13, 2021
https://cw39.com/news/texas/potter-county-republican-party-making-move-to-hand-marked-hand-counted-ballots-in-primary-election/

AMARILLO, Texas (KAMR/KCIT)— The Potter County Republican Party said it is changing the way it holds primary elections, making a move to hand-marked and counted ballots.

"This is the way we did it, and it worked for over 200 years," said Republican Party Chairman, Dan Rogers.

"They vote to not go with electronic voting machines, that we go back to the way we used to do things where we vote in our precincts, and marked and counted manual poll books county wide," said Rogers.

So how does this change the way you vote?

Potter County Elections Administrator Melynn Huntley said if you are voting in the Republican Primary during early voting, you can still go to a voting center and cast your ballot on an electronic voting machine as normal, for now. The same applies

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to absentee voting. Voters will still mail in their ballots and have them tabulated by the Huntley's office.

However, if you are going to vote as a Republican in the primary on Election Day, in Potter County, you will have to vote in a precinct, not a voting center, on the hand-marked paper ballots.

"I look up your name, you sign, we look at your ID make sure it matches what's on there, you sign, we give you a ballot, and you fill it out, and then you drop it in a box, and you leave," said Rogers.

Rogers said he would like to see the Potter County Democratic Party adopt the same voting style.

We reached out to the Potter County Democratic Chair, Amy Taylor, for comment. Said said in a statement:

"The system of voting that's been in place for the last fifteen years in Potter County is watertight. Voter fraud under the current system is not possible. Therefore, I see no need to change to a system of all paper ballots. It's the Republican Party's right to run the Primary Election as they see fit, but the Potter County Democratic Party will not be following suit." - AMY TAYLOR | POTTER COUNTY DEMOCRATIC CHAIR

"I want the Democrats vote counted, as well as the Republicans without any question. And I'm not saying there's fraud. I'm not accusing anybody of doing anything wrong," said Rogers. "You know, we have a phenomenal election administrator here that does a wonderful job. But it's not about that. It's about doing what's right for the voters."

Rogers said he has contacted other Republican County Chairs to let them know what they are doing, and what he thinks every Republican county chair should follow suit.

We asked Randall County Elections Administrator Shannon Lackey if she anticipated any changes to their primary election. She said, "I don't anticipate any changes for Randall County. A joint primary has already been decided upon by both Party Chairs and the resolution will be adopted in Commissioner's Court on Tuesday."

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Former Dallas County DA Faith Johnson files with GOP to run for her former post
Krista M. Torralva
Dallas Morning News
December 13, 2021
https://www.dallasnews.com/news/courts/2021/12/13/former-dallas-county-da-faith-johnson-files-with-gop-to-run-for-her-former-post/

Former Dallas County District Attorney Faith Johnson is vying to win back her old post, making her the third candidate from the 2018 election to compete again to be the county's top prosecutor.

Johnson, a Republican who was appointed to the job in 2016 but lost the election, threw her hat into the ring on the last day to file for the race, the local GOP said Monday.

The primary is in March, and the general election will be in November.

When reached Monday, Johnson said she would release a statement but had not as of 8:30 p.m. Dallas County District Attorney John Creuzot did not comment about Johnson's joining the race.

Last week, former state district judge Elizabeth Frizell also filed to run against Creuzot in the Democratic primary. Creuzot narrowly defeated Frizell in the 2018 primary. She did not respond to requests for comment.

Creuzot went on to face Johnson in the general election and won 60% of the vote.

Republican Party chairwoman Jennifer Stoddard-Hajdu said the party urged Johnson to run.

"She is a very big difference from John Creuzot, who has not been upholding the law," she said. "He's not prosecuting people."

The GOP has faulted Creuzot for one of his early policy changes as district attorney: no longer prosecuting theft of personal items worth less than $750 unless a theft is for financial gain. The amount of $750 is the value of stolen items that under state law is at most a Class B misdemeanor.

The change was intended to decriminalize poverty, Creuzot said, but Republican leaders and law enforcement groups quickly criticized the change.

"Crime is crime, and we believe that all crime needs to be prosecuted," Stoddard-Hajdu said. "It needs to be fair, but it all needs to be prosecuted."

She did not say whether she expected Johnson to overturn the theft policy or another of Creuzot's heavily criticized decisions: to stop taking most first-time misdemeanor marijuana cases.

He has said data shows police disproportionately arrest Black people for marijuana offenses even though national studies have shown that people of most races use marijuana at similar rates.

Johnson became district attorney when Gov. Greg Abbott appointed her in December 2016 to replace Susan Hawk, who resigned because of health issues.

Hawk was the last Republican district attorney to win an election in Dallas County. She defeated embattled Democratic former District Attorney Craig Watkins in 2014.

Under Johnson, prosecutors tried former Balch Springs Officer Roy Oliver, who is white, for killing 15-year-old Jordan

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Edwards, who was Black, while on duty. Jurors convicted Oliver of murder and sentenced him to 15 years in prison. Johnson was praised for her office's handling of the racially charged case.

In another case with racial overtones, Johnson's prosecutors secured a murder indictment against Amber Guyger, a white police officer who was off-duty when she shot fatally Botham Jean, a Black man, in his own apartment. Guyger had initially been arrested on the lesser charge of manslaughter.

Creuzot had taken over the office before Guyger's trial and agreed she should be charged with murder. His prosecutors secured a conviction, and jurors sentenced her to 10 years in prison.

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Texas Republicans swarm 2022 primaries while Democrats lament lack of battleground races
Jasper Scherer
Houston Chronicle
December 14, 2021
https://www.houstonchronicle.com/politics/texas/article/Texas-Republicans-swarm-2022-primaries-while-16699597.php

With the field now set for the March 1 primaries in Texas, much of the focus this winter will fall on the Republican side, where a raft of retirements and newly drawn districts have created an opening for first-time candidates to run for dozens of open seats, including in the Houston area.

Meanwhile, GOP incumbents who have historically received little or no primary opposition, including Gov. Greg Abbott and Attorney General Ken Paxton, are in newfound territory defending their seats against fellow Republicans.

Democrats did not see the same flurry of activity in Houston or on the statewide ballot, with elected officials mostly avoiding major primary opposition. Only one Democratic elected official in Texas, state Rep. Michelle Beckley of Carrollton, is giving up her seat to run for a statewide office.

Republicans, on the other hand, have fielded candidates in each countywide judicial race in Harris County, a reversal from last year's sparse showing. And a half-dozen GOP elected officials in Texas are giving up their seats to run against statewide incumbents from their own party.

The outlook is a departure from the last two election cycles, when Democrats went after Republican districts long considered untouchable as they made aggressive plays to flip Texas blue.

But in advance of the 2022 primaries, Texas Republicans redrew many of those districts to move them well out of reach for Democrats. And the political landscape appears far tougher for the state's minority party, largely due to redistricting and President Joe Biden's dismal approval rating in Texas.

"This whole election cycle has been about Republican primaries," said state Rep. Garnet Coleman, D-Houston, who is not seeking re-election. "The whole special sessions were about Republican primaries. The rhetoric is about Republican primaries."

Harris County GOP 'pretty fired up'

In north Harris County, state Rep. Valoree Swanson, R-Spring, is set for a rematch against Tomball Republican Debbie Riddle, whom Swanson beat in 2016. At least two other GOP candidates are running in the district, which former President Donald Trump carried by 14 percentage points in 2020.

State Rep. Lacey Hull, a freshman Republican who represents a portion of west Houston, also is slated for a rematch against 2020 primary opponent Josh Flynn, a GOP activist and former Harris County Department of Education board president.

But some of the most crowded contests are in seats where the incumbent is stepping down or running for another office. In Hull's neighboring district, five Republicans are running for the seat being vacated by state Rep. Jim Murphy, R-Houston — among them former City Council members Greg Travis and Bert Keller and Republican attorneys Mano DeAyala and Shelley Barineau.

Harris County Republican Party Chair Cindy Siegel said the national environment has given local conservatives a much-needed dose of optimism following recent cycles that saw them lose control of county government and other long-held offices.

"When I first took over last December, I think Republicans were very disheartened, and I include myself in that," Siegel said. "But I think based upon what they've seen locally, and quite frankly what they've seen from the Democrat side nationally, the Republican Party here particularly in Harris County is pretty fired up."

Even some Republican candidates who were primed for a smooth ride through the March primary received last-minute opponents. In northeast Harris County, Republican Deanna Robertson joined Humble City Councilman Charles Cunningham in the GOP primary to succeed retiring state Rep. Dan Huberty. Cunningham was endorsed by Huberty and had a clear path to the Republican nomination before that.

And in a newly drawn congressional seat in west Harris County, former Army helicopter pilot Wesley Hunt received a last-minute challenge Monday from Mark Ramsey, a former member of the State Republican Executive Committee. At least seven other Republicans are also vying for the GOP-leaning seat, though Ramsey appears to be the best-known challenger to Hunt, the 2020 nominee for a nearby congressional seat.

Democrats spared primary battles

In mid-August, three Houston Democrats returned to the Texas House for the first time in almost six weeks, allowing Republicans to advance their priority elections bill that had been stalled since early July.

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The move by state Reps. Coleman, Ana Hernandez and Armando Walle sparked outrage among some Democratic activists and even a few fellow legislators, prompting calls for the lawmakers to face primary challenges. But by 6 p.m. Monday — the deadline for candidates to file for Texas' March primaries — nobody had stepped forward to challenge Hernandez, Walle or most other Democrats who helped Republicans restore a quorum this summer.

Across all of Harris County's state House districts, only a few Democratic incumbents, including state Reps. Alma Allen and Harold Dutton, received primary opponents.

"What that tells me is that our people are doing a good job," Harris County Democratic Party Chair Odus Evbagharu said. "Obviously we encourage competition. In a democracy, it needs to be competitive. But when your primary isn't as crowded, what that also says is that our electeds are doing a good job up and down the ballot."

Still, it appeared the party did not have the same enthusiasm among prospective candidates that it saw in the last two cycles.

Until Monday, no Democrat had filed to run for Murphy's open west Houston seat, which Trump carried by less than a percentage point in 2020. Hours before the filing deadline, Mohamad Maarouf, a program director for School Empowerment Network, an education nonprofit, filed for the seat.

"The reality is, there are no battleground seats. That's the problem," Evbagharu said. "When Republicans get to carve up the state of Texas and gerrymander it by diluting the votes and taking away the voice of Texans, particularly brown and Black people, you're not going to have these seats that are competitive."

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When the Myth of Voter Fraud Comes for You
Vann R. Newkirk II
The Atlantic
December 14, 2021
https://www.theatlantic.com/magazine/archive/2022/01/voter-fraud-myth-election-lie/620846/

When I met with Crystal Mason recently at her home in Rendon, Texas, we sat on a wide couch that served as the center of her domain, with plenty of space for children, grandchildren, nephews, and nieces. Their photographs filled the house. Mason's mother called to her from another room, needing advice; later, her eight-month-old grandson, Carter, joined us on the couch after waking up from an afternoon nap. For hours that day, Mason spoke candidly about the illegal-voting case that has consumed her life for half a decade. With us was one of her lawyers, Alison Grinter Allen.

If there is an individual in America who epitomizes one central aspect of our political moment, it might well be Crystal Mason. The story of Mason, a Black woman, illuminates the extraordinary efforts the Republican Party has made to demonstrate that fraud is being committed by minority voters on a massive scale. That false notion is now an article of faith among tens of millions of Americans. It has become an excuse to enact laws that make voting harder for everyone, but especially for voters of color, voters who are poor, voters who are old, and voters who were not born in the United States.

Mason watches the news diligently and can recount the details of prosecutions that have resulted thus far from the attack on the Capitol on January 6—an attack that was stoked by conspiracy theories about fraudulent voters. She can't help but wonder about punishments meted out for the insurrection as compared with the one she has already received for, she says, unwittingly violating a Texas voting law. "These people," Mason said of the participants in the January 6 assault, "came to do and commit dangerous crimes." When she and I spoke, only two of them had been sentenced to jail or prison, and neither for more than eight months. Mason was sentenced to five years. She is currently out on bond while she appeals her conviction.

The idea that systemic fraud has subverted the democratic process demands a search for evidence of such fraud. The point of this effort is not merely to support spurious claims that Donald Trump won the 2020 election or to stockpile spurious arguments in advance of 2024. It is to lay a foundation for the resurgence of a specific form of Jim Crow–style disenfranchisement. Jim Crow relied on outright bans at the ballot box and threats of violence to ensure white political power. But eliminating the Black vote during that era was accomplished in subtler ways as well: by undermining community cohesion, by sapping time and energy, by sheer frustration. The modern effort relies on similar tactics. The so-called Big Lie is built on small lies, about the actions and intentions of individuals—the kinds of lies that can destroy lives and families.

Crystal mason's role in this story began during the 2016 presidential election. She was 41 and readjusting to life at home after serving most of a five-year sentence in federal prison for tax fraud. Mason had run a tax-preparation business with her then-husband and had been charged with inflating their clients' refunds. Mason pleaded guilty and paid the penalty; after four years, a supervised-release program allowed her to return to her home. She has publicly "owned up," as she has said, to her mistakes.

Mason has three adult children, and cares for other members of the family. She had been putting her life back together, working at a Santander bank in nearby Dallas and taking classes to become an aesthetician. Around this same time, Donald Trump was making his ascent: calling Mexican immigrants "rapists," brandishing casual racism and xenophobia, and asking Black voters what the hell they had to lose by voting for him. Texas was not expected to be a swing state, but in this menacing atmosphere, Mason's mother told Crystal it was her duty to vote.

On Election Day, Mason drove to her polling place, the Tabernacle Baptist Church. She was coming from work, and almost didn't make it. "It was raining," Mason told me, remembering the night. "It was right at 7 o'clock, when it was about to be closing up. I went with my name and my ID—who I was—to where I was supposed to go." But a volunteer there, a 16-year-old neighbor of hers named Jarrod Streibich, couldn't find her name on the rolls, which happens sometimes. Streibich suggested that she use a provisional ballot. "They offered it to me," Mason recalled, "and I said, 'What's that?' And they said, 'Well, if we're at the right location, it'll count. If you're not, it won't.'" There was nothing particularly noteworthy about the interaction. Like tens of thousands of Texas voters, and millions of Americans across the country, Mason cast a provisional ballot, and went home.

Mason's provisional ballot was destined to be rejected, however. Texas law requires all terms of any felony sentence to be

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completed before a person once again becomes eligible to vote, and Mason had not fully completed her sentence for the tax-fraud conviction. Mason says she didn't know that ineligibility extended to the period of supervised release; she made a simple mistake. Many provisional ballots are rejected because of ineligibility, often for reasons potential voters are unaware of. Mason was sent a letter after the election stating that her provisional ballot had been disallowed.

By any reasonable measure, Mason's experience at the polls amounted to a meaningless misunderstanding that had no effect on anything. Donald Trump carried Tarrant County, which includes Rendon, and all of Texas by a healthy margin on his way to winning the White House in 2016. Republicans in Texas retained control of most of the political system in the state. Trump was inaugurated in January. Mason continued her court-mandated check-ins with her supervision officer.

Without realizing it, however, Mason had become the subject of an investigation. After the polls closed, Streibich, the neighbor who had suggested that she use a provisional ballot in the first place, told an election judge on the scene—who was also a neighbor of Mason's—something he had just remembered: that he thought Mason might still be on supervised release for a federal offense. The judge, Karl Dietrich, a local Republican Party official, informed the Tarrant County district attorney, Sharen Wilson. On February 16, 2017, Crystal Mason was arrested for illegal voting.

Fear of voter fraud, or at least the pretense of fear, has been a centerpiece of conservative objections to the expansion of voting rights going back, in the modern era, to the Voting Rights Act of 1965. Taking steps to curb alleged illegal voting tends to boost Republican electoral fortunes by disenfranchising people of color.

In 2008, the increase in Black turnout that helped put Barack Obama in office—and raised hopes among Democrats for a "demographic revolution" that would aid their cause for years to come—gave voter suppression new urgency. Then, in 2013, the Supreme Court's decision in Shelby County v. Holder granted states more power to keep people from the polls. The decision effectively eliminated the system of preemptive federal oversight that had been in place since the passage of the Voting Rights Act. In the absence of new legislation at the national level, state laws restricting the right or ability to vote could now be blocked only if courts found them to be discriminatory after their passage. In other words, governments could be elected under legal regimes that might ultimately prove to be unconstitutional; once in office, they would be free to further restrict voting.

Meanwhile, the Court made clear in other cases that it was inclined to take states at their word if they said restrictive voting laws were simply intended to combat fraud and had no racist intent—even if the predictable consequence of those laws was to create greater burdens for voters of color. Taking states at their word provided a lot of cover. The result was a surge of democracy-limiting measures in Republican-led states: restrictive voter-ID laws, tighter guidelines for registration, and wholesale purges of voters from the electoral rolls, conducted in such a way that people of color have been disproportionately affected. According to the nonprofit Brennan Center for Justice, 33 restrictive laws were passed in 19 states in the first nine months of 2021. The laws, which will make casting a ballot more difficult in 2022, reveal how central voter suppression has become as a mobilizing issue for the GOP.

It must be underscored: There is no evidence that illegal voting of any kind occurs at a level capable of influencing elections. Nor is there evidence that the scattered violations that do take place have been increasing in frequency or severity. Common kinds of election violations include local candidates fudging signatures to get on the ballot, partisans politicking too close to polling places, and people accidentally voting at the polls after forgetting that they had already mailed in a ballot—a glitch easily corrected by administrative procedures that already exist.

Most of the new laws, however, are aimed at violations that are exceedingly rare: impersonation of one person by another, or noncitizens attempting to vote. Such violations are already illegal, yet their specter is raised to make the case for, among other measures, voter-ID laws. Voting-rights advocates and federal courts have agreed that such laws tend to target and disenfranchise people of color, older folks, and students—groups less likely to have identification documents of the kind that many of the new laws require.

In 2012, before Shelby County allowed Texas to implement a strict new voter-ID law without federal oversight, Greg Abbott, then the Texas attorney general, railed against a decision by the Department of Justice to block the law from going into effect. "I know for a fact that voter fraud is real, that it must be stopped," he said. When he made that statement, the official rate of alleged election violations reported to his office over the previous decade—allegations, not convictions—was seven for every 1 million votes cast in the state. Data from Abbott's own office showed that, over the same period, in all Texas elections at every level, 26 people had been convicted of some form of election violation. Only two of those cases involved someone impersonating another voter, which is what the voter-ID law was ostensibly supposed to address. Rather than attempting to prove the impossible—that illegal voting was truly a problem—Abbott and other GOP officials across the country chose to make public examples of the very few cases of alleged voter fraud they could find.

Abbott was elected governor in 2014. His successor as attorney general, Ken Paxton, eagerly took up the cause. One of Paxton's allies was District Attorney Sharen Wilson. In 2015, she began investigating Rosa Maria Ortega, a 35-year-old mother of four who lived in the Dallas suburbs. Ortega had been born in Mexico and came to the U.S. as a baby. She held permanent-resident status. As a noncitizen, she was not eligible to vote, but she had registered (as a Republican) and had cast ballots in several elections in Dallas County, including for Paxton as attorney general, before she moved to Tarrant County. Her new voter-registration application was rejected because she had correctly indicated her citizenship status. Ortega then sent in another application, this time identifying herself as a citizen. She had done the same thing in Dallas County, and voted without issue; she has said that when Tarrant County accepted her registration, she assumed she was allowed to vote again.

Ortega was indicted and declined a plea deal, which, her lawyers warned, would likely result in deportation. In court, the defense cited Ortega's professed misunderstanding of election law as it applied to permanent residents, and her lack of a motive for purposefully breaking the law. The prosecution presented her actions as part of a disturbing statewide pattern. As Wilson said after Ortega's indictment, "People insist this kind of thing doesn't happen, but it's happening right here at home."

Wilson's office has denied in the past that its work has been politically motivated or employed as a "scare tactic." In a statement, a spokesperson for the district attorney wrote that Wilson "didn't go out looking for the voter fraud cases against Crystal Mason and Rosa Maria Ortega." The spokesperson also noted that Ortega had been offered probation, but had turned it down. In February 2017, she was convicted of illegal voting and sentenced to eight years in prison. When the Fort Worth Star-Telegram reviewed hundreds of voting-related cases in Texas from 2005 to 2018, it found that Ortega's sentence was the longest one handed down. A prosecutor praised the jury, saying it had secured the "floodgates" that kept illegal

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voting under control. Ortega's case fit a familiar narrative: that immigrant voters are subverting democracy. She served nine months in prison before being paroled, then spent nearly two months in the custody of U.S. Immigration and Customs Enforcement. She is currently on parole and living in Dallas, according to Wilson's office.

One week after ortega's conviction, Crystal Mason was arrested, and found her life newly upended. Mason's family had often been in conflict with other residents in their predominantly white community—for a variety of reasons, including, Mason and her lawyers believe, outright racism. When her children were younger, she told me, a neighbor had once brandished a shotgun as her son passed by; her then-husband reported the incident, and she said that local authorities added a bus stop closer to her home so that her children could keep away from the neighbor's house. Now she faced charges brought by the local district attorney. There was no way to keep a low profile. She lost her job.

The district attorney offered a deal: 10 years' probation. But the deal required an admission of guilt, which Mason could not accept. It also would have put her back in prison: The mere fact of a conviction would mean that she had violated the terms of her supervised release. The only way for Mason to remain free was to prove her innocence. She chose a trial before a judge.

As prosecutors presented it, Mason was a felon who had ignored notifications sent by election officials to her home, warning that she was no longer a registered voter. Despite those warnings, she had nevertheless signed an affidavit when accepting her provisional ballot, affirming that she was indeed a registered voter. Her crime was not accidental, prosecutors argued, but a purposeful subversion of democracy.

Mason's legal team countered that the notices about illegal voting had been sent to her home while she was in prison, and therefore she had never received them. They argued, too, that, unlike people returning from state prisons on parole or probation, who typically receive official instruction about voting eligibility, as a federal inmate, she had been given no such instruction when starting her supervised release. (The person who oversaw the officer responsible for Mason's supervision confirmed this in court testimony: "That's just not something we do.") As Mason recalled when I spoke with her, the affidavit was just another thing to sign, and she hadn't really read it closely. She was focused on providing the personal information that the same sheet of paper was requesting. She said to me, "Do you have a mortgage? Have you read all your mortgage papers and all the closing [documents]?" What bothers her most is that there was no serious attempt to establish any sort of criminal motive. "They said I tried to circumvent the system," Mason said. "And for what? For a sticker?" Alison Grinter Allen, her attorney, echoed the point: "Why would you risk two to 20 years in the penitentiary in order to shout your opinion into the wind, basically?"

The arguments on Mason's behalf proved unavailing. She was convicted and sentenced to five years in prison. The prosecution had argued for "a stern prison sentence" in order to "send a message." Mason subsequently appealed to a three-judge panel, which upheld her conviction. Her case is now under review by the Texas Court of Criminal Appeals.

The ACLU of Texas has been assisting with Mason's defense, and its data suggest a racial double standard in cases like hers. A 2021 study by the group found that nearly three-quarters of prosecutions by the state's Election Integrity Unit appear to have been brought against people of color. Almost half of the total cases appear to have been brought against Black and Latina women, two of the core groups of Democratic voters in the state.

Of course, facts and circumstances differ from case to case, and rules and procedures differ from one legal setting to another. But it is worth recalling the treatment accorded to some white officials who have had encounters with election law. In 2018, Russ Casey, a Republican judge in Tarrant County, pleaded guilty to falsifying signatures in order to get his name on the ballot. Casey held a position of public trust, his actions were egregious, and he admitted that the accusations were true. In a plea deal, he received five years' probation, with no prison time. In 2016, Sharen Wilson herself was accused of an election-related violation: using the personal information of her subordinates in the D.A.'s office to invite them to a fundraiser and solicit donations from them for her reelection campaign. Her case was dismissed by the district attorney in a nearby county for "insufficient evidence of criminal intent." Wilson has acknowledged that including her employees on the invitation list for the fundraiser was a mistake.

In Mason's case, the ACLU of Texas argues that the illegal-voting charge is inappropriate on its face because Mason did not, strictly speaking, ever vote. Her provisional ballot was not counted. According to Tommy Buser-Clancy, an ACLU staff attorney, Mason's prosecution could theoretically open the door to felony charges against any potential voter whose provisional ballot is rejected: "If you start to criminalize people who make mistakes, [who think] they're eligible and then find out they're not, then that guts the provisional-balloting system—turns it into a trap." The D.A.'s office has publicly dismissed the possibility that Mason's prosecution poses any danger of precedent to people who make simple mistakes or act unknowingly; the decision by the three-judge panel in the Mason case articulated a different view. It declared that, under Texas law, prosecutors did not need to establish that Mason knew she was ineligible.

Because of her conviction, Mason's supervised release was revoked, and in September 2018 she was returned to prison. One of Mason's lawyers launched a crowdfunding effort to help provide for her immediate and extended family; health insurance was a particular concern. (She has been able to raise $81,000.) "It was devastating," Mason told me. "I was like, 'Are you serious? I'm a mother.'" She recalled her original experience of emerging from prison into the supervised-release program. "I was embarrassed. I was. Because when I got out of prison, I wanted my kids to know that, yeah, I hit that bump in the road. But you can get your life back on track. And that's what I did." She was working. She was going to school. And then she was back in prison. Mason was released in May 2019 and was able to return home in June.

As we spoke, the practiced cheerfulness in her voice drained away. "This isn't supposed to be happening to me. This is not right."

Only days after his inauguration in 2017, Trump declared that millions of fraudulent votes had been cast, implying that many had been cast by noncitizens or by citizens of color mobilized by Democrats to vote more than once. His evidence for widespread fraud was nonexistent, and his anecdotal accounts, and those of others, collapsed under scrutiny. Gregg Phillips, a Texas businessman and self-proclaimed voter-fraud sleuth, tweeted that he and the Tea Party–associated group True the Vote had identified 3 million noncitizen voters. The source of this information was an unnamed private database, and Trump declared that he would order a full investigation. I spoke with Phillips at the time, and in that conversation he provided no supporting evidence and backed away from any specific number of illegal voters. He told me, "The work that we're doing could create a foundation for looking at elections moving forward." I interpreted his statement to be a kind of face-saving fallback. Now I understand it to have been prophetic.

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Crystal Mason's lawyers believe that Trump's claim of mass voter fraud created an environment in which actions against Mason could be especially punitive. Clark Birdsall, a lawyer for Rosa Maria Ortega, made the same argument, describing Trump's comments about millions of fraudulent voters as "the 800-pound gorilla sitting in the jury box."

Trump established a Presidential Advisory Commission on Election Integrity, an ostensibly bipartisan body designed to uncover "those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of voting processes used in Federal elections." It fell apart in 2018 after it tried to push states to turn over massive amounts of voter data—including Social Security numbers, party affiliations, and voting histories. Even many Republican politicians believed that the voter data might be used for nefarious purposes. Resistance to handing over the data helped kill the commission.

It had found no evidence of any widespread election violations. But in Republican-led states, investigations proliferated. Kris Kobach, then the Kansas secretary of state and a vice chair of the presidential commission, had provided a blueprint. Even before Trump's election, he had claimed that there were thousands of fraudulent or dead voters on the rolls in Kansas. He would later claim to have identified more than 100 noncitizen voters in his state. In 2015, leveraging the hysteria he had begun to create, Kobach persuaded the state legislature to give him the power to directly prosecute election-violations cases. (In every other state, only an attorney general or a local district attorney has such authority.) Yet over a period of four years, Kobach brought forward just 15 illegal-voting cases, most of which involved people who had accidentally voted in two places. He secured a single conviction involving a noncitizen voter.

In Texas, besides Ortega's case, there has been only one other successful prosecution by the state attorney general for voting as a noncitizen since 2005. Five people have been successfully prosecuted for impersonating other voters. Fourteen people—including Crystal Mason—have been successfully prosecuted for voting as felons with unresolved sentences. Only 11 people have been sent to prison by the state for voting violations of any kind. In 2020, Paxton's office almost doubled the working hours spent on election-violations cases and resolved only 16 of them. All stemmed from voters giving false addresses. (Paxton's office did not respond to multiple queries related to this article.)

Since 2005, nearly 90 million votes have been cast in Texas. Even if the true number of fraudulent voters is double what the state has prosecuted, the prevalence of election violations—the majority of which involve bad addresses—is about three ten-thousandths of a percent. As for voter impersonation, it is more common for a person to be struck by lightning twice than it is for voter impersonation to happen in Texas.

Those involved in investigating allegations of voter fraud argue that the detection of a small number of violations just means we aren't as good at detecting the larger number that must be out there somewhere—thus the need for new laws. But laws that make the process of registering and casting a ballot even more convoluted also increase the likelihood that people will make mistakes—the kinds of mistakes that can land them in jail.

It's a vicious cycle—which is exactly the point. First gin up fear about fraud, then use that fear to aggressively prosecute voting infractions, then use those prosecutions to create stricter laws, then use the stricter laws to induce more examples of fraud, then use those examples to gin up even more fear. The potential impact on turnout is bad enough. But the cumulative effect of restrictive laws corrodes the democratic process itself. In Texas, the narrative fueled in part by Mason's conviction has given Republicans the momentum to pass laws that restrict voting by mail, permit forms of interference by partisan poll watchers at election sites, and create new classes of felonies for engaging in common forms of voter assistance, such as explaining written instructions to people who don't speak English. (This last measure is currently facing a lawsuit brought by the Department of Justice.)

Crystal Mason is not the same person she was in 2017, when she was indicted. At the time, she was fearful; her impulse was to lie low. She eventually came to realize that her unwanted notoriety could be leveraged, not only for her own cause but for the cause of voting rights nationwide. When I spoke with her at her home, she had just gotten back from a voting-rights rally in Washington, D.C. She wore a shirt that read crystal mason: the fight against voter suppression.

If she serves her five-year sentence, her infant grandson, who was sitting on her lap, will be reading and at school by the time she gets out. She is thinking about how to prepare family members for what may lie ahead. Her adult children have been deputized to run the house in her absence.

Demagogues and insurrections are not the only—or even the primary—threats to our democracy. The slow, relentless erosion of individual civic agency is at least as dangerous, and perhaps more so. Most of the people accused of "voter fraud" have made mistakes with no provable malicious intent as they navigate voting systems that grow ever more byzantine and frustrating. Their lives may be derailed by reputational damage, by time and money spent in court, by prohibitive fines, and by jail or prison. The people who bear this burden may be the cornerstones of their social worlds. Their fates stand as warnings to others in already fragile communities. In a country where the influence of Black and Latino voters is purposefully diluted by gerrymandering, and where poorer, overworked folks must contend with long lines and short hours at sparse polling locations, the fear of being caught up in a punitive administrative labyrinth adds another variable to the calculus of deciding whether to vote at all.

That is why there is something in this moment reminiscent of the insidious bureaucratic character of Jim Crow. As all-encompassing as we know it to have been, Jim Crow was not imposed by a single stroke. It was built community by community, year by year, ruined life by ruined life, law by law, and lie by lie.

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Democrats worry their grip on Hispanic vote is loosening
Rafael Bernal and Alex Gangitano
The Hill
December 13, 2021
https://thehill.com/latino/585381-democrats-worry-their-grip-on-hispanic-vote-is-loosening

Democrats are worried they could be losing their electoral grip on Hispanics, the country's second-largest voter bloc by ethnicity.

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A Wall Street Journal poll released last week showed Hispanic voters evenly split between Democrats and Republicans, and while that poll's data faced substantive questions over its tiny sample size, its results sounded alarm bells among Democrats nonetheless.

"I think that both parties should always have a sense of urgency in communicating with Hispanics, Latinos," said Ivan Zapien, a Democratic lobbyist and former executive director at the Hispanic Leadership Council of the Democratic National Committee (DNC).

"Do I think that Democrats' heads should be on fire over this issue? Yeah, I do. I think that their head should be on fire over this issue every day regardless of what polls say," he added.

The poll is just the latest data point that shows a growing sympathy among Hispanics toward Republican messaging. Democrats lost the states of Florida and Texas in the 2020 presidential race, and they were disappointed with some of their results from Hispanic voters.

President Biden still won 63 percent of the Latino vote in the 2020 race, nearly 30 percentage points more than former President Trump.

But the Journal's poll offered troublesome signs, finding that just 44 percent of Hispanics would vote for Biden if the 2024 presidential election were held today and 43 percent would vote for Trump.

In recent presidential elections, Democratic candidates have done about as well as Biden in 2020, but former President George W. Bush did fairly well with Hispanic voters as recently as 2004.

According to the Pew Hispanic Center, 40 percent of the Hispanic vote went to Bush that year, compared to 58 percent for Democratic nominee John Kerry.

The various figures suggest Democrats should not take a large edge with Hispanic voters for granted, and Zapien said that whichever party can communicate best with Hispanic voters while "figuring out what's on their mind" is likely to increase their share of the Hispanic vote going forward.

Democrats say they have a lead on cultural competency in communicating with most Hispanic communities in the country — Cubans, Venezuelans and Colombians in South Florida may be the exception — but they face challenges due to the size of their coalition.

"The Republican Party has a way easier job than we do. They just need to strip 5 percent to 7 percent of our national vote and they win," said Rep. Rep. Ruben Gallego (D-Ariz.), chairman of the Congressional Hispanic Caucus's campaign arm, Bold PAC.

He said the GOP needs to spend in the range of $10 million to $30 million on a combination of voter suppression efforts and campaign messaging to hit that goal.

"We have to continue to invest and make sure that we're still hitting in the 65 to 70 percent range in order to keep our national coalition together, which is very expensive, especially as we have a growing population," added Gallego.

Republicans are latching on to the polling numbers and indications from 2020 that Hispanics — particularly voters in Texas and Florida — are increasingly responsive to a conservative economic message.

Sen. John Cornyn (R-Texas) called last week's Journal polling troubling for Democrats.

"Hispanic voters are splitting their support more evenly between the two parties, a new WSJ poll finds. That's an ominous sign for Democrats," he said on Wednesday.

The White House is working to sell Hispanic voters on their Build Back Better social spending agenda, blasting out quotes last month from Tucson, Ariz., Mayor Regina Romero, Los Angeles Mayor Eric Garcetti and Colorado state Senate President Leroy Garcia, among others. They also highlighted statements from UnidosUS, the Hispanic Federation and Voto Latino.

In addition, they're selling Hispanic voters on the two major bills already signed by Biden: the American Rescue Plan, signed into law in the spring, that provided stimulus checks and other forms of coronavirus relief, and the recently approved infrastructure measure.

"Unemployment is down, the lowest it's been in 50 years. We've created nearly 6 million jobs. Our economy is recovering faster than any other advanced economy in the world," said Mayra Macías, chief strategy officer of Building Back Together, a political nonprofit dedicated to selling Biden's message.

"While we've made progress. We realize that people are still not fully feeling the positive impacts in their day to day lives, but this is, if anything, more of an impetus to get Build Back Better across the finish line, because this legislation will lower the cost of health care, prescription drugs, housing, child care and more," she added.

The White House made another effort to gain popularity among Latinos for Hispanic Heritage Month in September with a virtual discussion to highlight the benefits of the Build Back Better agenda for the community.
The roundtable featured Latinos in the administration, including Small Business Administration chief Isabel Guzman, Health and Human Services Secretary Xavier Becerra, Education Secretary Miguel Cardona and Homeland Security Secretary Alejandro Mayorkas.

Lucas Acosta, coalitions director and senior spokesman at the DNC, argued that Biden has been delivering for Latino families since the start of his administration, naming the expanded child tax credit and helping Latino-owned small businesses as examples.

"In the coming year, Democrats will continue to make the case to Latinos that while President Biden has focused on

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improving their lives, Republicans have consistently tried to stand in the way," he said.

Aside from extending social programs popular among many Latino communities, the bill currently includes immigration language that is generally popular among Hispanics.

Democrats like Gallego say the immigration provisions could be a boon if they make it into law — potentially granting immigration relief to up to 6.5 million people — but that they are not a necessary magic bullet to get Latinos to the polls.

"I don't think that there's a magic wand or a particular issue that is going to assure you some sort of long-term fidelity by 'the Hispanic vote.' Or even segments of the Hispanic vote," Zapien said. "The party that spends the most time, energy and resources communicating with them, where they are, is going to have the momentum."

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Mexico May Reduce Pemex's Profit-Sharing Taxes Again
Amy Stillman and Maya Averbuch
Bloomberg
December 13, 2021
https://www.bloomberg.com/news/articles/2021-12-13/mexico-may-reduce-pemex-s-profit-sharing-taxes-again-amlo-says?sref=ytoldrow

Mexico could slash Petroleos Mexicanos's taxes further as the world's most indebted oil company scrambles to reverse long-term oil production declines.

"With Pemex, for example, we are constantly or periodically lowering taxes so they have more funds," said President Andres Manuel Lopez Obrador during his daily press conference on Monday. "And we can lower them more."

In September, the government cut Pemex's profit-sharing duty to 40% for 2022 from 54% in 2021. Last week, Pemex announced that it will receive a $3.5 billion capital injection from the government as part of a transaction to pay down obligations and also embark on a series of bond buybacks and new issuance to reduce the cost of servicing its borrowings.

The beleaguered state oil company has $113 billion in debt, the most of any major oil producer, and has seen output decline for over a decade. Pemex replaced its chief financial officer this month amid concerns he wasn't able to win investors' confidence. It could also end up spending nearly twice as much as originally projected to take over Royal Dutch Shell Plc's Deer Park refinery in Texas.

Since coming into power in late 2018, Lopez Obrador has made it his mission to roll back the energy reforms of his predecessor and reinstate Pemex's near monopoly in the oil sector. AMLO's energy policies have been criticized by investors for allocating more resources to the company's unprofitable refining business and reducing crude exports in order to send oil to its refineries instead. International credit ratings companies such as Fitch Ratings and Moody's Corp. have downgraded Pemex's bonds to junk in recent years, in part because they say it has no clear strategy to reverse production declines.

"We're no longer following neoliberal policies, which treated Pemex as if it were any other company," said Lopez Obrador on Monday. "Now Pemex is a protected company, supported and backed by the government."

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Op-Ed: Texas Redistricting Needs to Protect Campus Communities
Jocelyn Carrera and CJ Cetina
Texas Signal
December 13, 2021
https://texassignal.com/op-ed-texas-redistricting-needs-to-protect-campus-communities/

Following the 2020 U.S. Census, the state of Texas reapportioned its districts based on population changes in a process called redistricting. This process should be guided by public input so that policymakers can make informed decisions about what our districts should look like. However, that has not been the case in our state. Texas has decades of partisan and racial gerrymandering embedded in its legislative districts. As a result, many communities continue to be split apart, leaving them unheard and underrepresented in our government. Of note, colleges and universities across the state and country consistently endure the consequences of redistricting processes that largely ignore their interests.

Between a lack of notice for public hearings, the need to travel hours to Austin for hearings that lack remote testimony options, and the need to potentially wait hours to testify in the end, our redistricting process does not encourage public participation. In fact, it actively discourages it.

As redistricting fellows with Fair Elections Center's Campus Vote Project, we are a voice for Texas college students in our state's redistricting process. The focus of our advocacy efforts has been to keep college and university communities together as communities of interest. While campus communities are incredibly diverse, we have common interests and concerns that deserve proper representation by elected officials.

Jocelyn attends the University of Texas at El Paso which, thankfully, is kept together in its Congressional and State Legislative districts. However, CJ and his community are not as lucky: Texas State University and the San Marcos area are split, or "cracked," into multiple Congressional and State Senate districts. As a result, the voting power of students in the San Marcos community is diluted, impacting their ability to elect officials who will understand and advocate for their needs. Students are split into different districts depending on which dorm they live in, meaning different representatives and, when it comes to voting in elections, different ballots and polling places. This is unnecessarily confusing and complex for students who want to participate in their democracy.

Over the past couple of months, we drew and submitted nearly 100 maps of Texas college and university communities, illustrating where students live on and off-campus. These maps are an important way for us to inform map-drawers about what our campus communities look like and how they should be kept together. We also waited hours (CJ waited over 5

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hours and Jocelyn waited over 8 hours) to testify at public hearings held by the Texas House of Representatives' redistricting committee. At these hearings, we shared our concerns about campus communities being split apart and the need to bring and keep them together. Although we were privileged to be able to wait for hours to testify, we noticed many Texans who gave up after a while because waiting an entire day to testify is impractical. Many of these prospective testifiers traveled hours to Austin, only to have to give up on making their voices heard in the end.

Governor Greg Abbott recently signed into law our Congressional and State Legislative districts for the next decade, which continue to split Texas campus communities apart. However, the fight for fair districts in Texas is not over —— these maps are already in the courts with litigation well underway. Texans, including college students, need to continue advocating for our communities. We need to take advantage of every opportunity to share with the courts that our communities, the state of Texas, and our democracy are at their strongest when fair districts are drawn, communities are kept together, and every Texan is properly represented and heard by our lawmakers. And we need to continue advocating for a redistricting process that embraces public participation and ends partisan and racial gerrymandering.

Jocelyn Carrera is a senior at the University of Texas at El Paso, and CJ Cetina is a senior at Texas State University. They are also redistricting fellows with Fair Elections Center's Campus Vote Project

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What I want for Christmas
Rep. Celia Israel
Austin American-Statesman
December 13, 2021
https://www.statesman.com/story/news/2021/12/13/rep-israel-what-want-christmas/6494802001/

It's been a year like no other. And I pray we never experience this kind of year again.

Let me begin by saying each of us have gone through unique challenges over the past 12 months. The stresses of a pandemic have elevated the regular stresses of life in ways we don't always appreciate. I hope you've found and are continuing to find ways to take care of yourself. Here's some of my observations on the year as a member of the Texas Legislature during a time when finding common ground is elusive and being hopeful about the future is increasingly difficult.

Let's think back on how this year started. Perhaps in hindsight, the Jan. 6 insurrection could have set the tone for just how challenging this year would be. It was chaos. Seeing Americans attack the U.S. Capitol because they didn't believe the outcome of an election still gives me chills. That was followed up by a February winter storm that caused the loss of life and billions in property damage, then three special legislative sessions focused on far-right agendas rather than the mainstream middle issues we should have focused on, like the energy grid.

The dramatic quorum break in July made national news and helped move the needle on what became the John Lewis Voting Rights Advancement Act. I, along with most of my fellow Democratic House members, saw an opportunity to take this fight literally to the steps of Congress to push for federal legislation protecting the right to vote. I felt so strongly about the quorum break and voting rights that I postponed my wedding on the House floor to join my colleagues and keep up the fight. We gave up time with family, our businesses, and some pretty darn good Tex-Mex to take the fight to Congress.

Because much of my legislative energy has been spent on elections reform as well as helping to encourage others to vote, I've been so disturbed by recent stories of local Texas officials being bullied because they are not buying into the "big lie" of a stolen election. In Hood County, the long-serving elections administrator was forced to resign because she wouldn't feed into the false stories about stolen elections.

The Texas Legislature should be focused on how to help us vote more efficiently and more securely. I have always had hope of passing online voter registration to help our counties save money and ensure the accuracy of our voting rolls. As time passed, what was a common sense reform enacted by over 40 states became a politically-charged change that began to have little chance of passing. This is just one of the policies now wrapped in the John Lewis Voting Rights Advancement Act.

It's a very involved piece of elections legislation. If passed, it would prevent elected officials from the revolving door practice of leaving public office then going into a paid lobbying position. It would allow for uniform early voting practices. There is also a requirement that states would enact same-day voter registration. This is really important to a state like Texas where people are moving frequently and unsure about where and when to vote.

For example, if your registration has expired and you didn't know it but showed up to vote, wouldn't it just make sense to have the election officials look you up and renew you on the spot? We have the technology to do so. When we go vote, elections officials look us up and validate our eligibility. Why not just hit the "renew" button right then and there rather than send a voter home because their registration expired when they are eligible to vote?

If you believe, as I do, that we need to stand up for voting freedoms and stand against corruption, please make your voice heard with your congressional representatives and let them know you want measures like the John Lewis Voting Rights Advancement Act and the Freedom to Vote Act to move forward.

So this Christmas, after this most extraordinary year, I want my country to begin healing and getting back to basics in ensuring a healthy democracy for us all. The basis of our democracy is worthy of urgent action in Congress. Unfortunately the words "urgent" and "congressional action" rarely work well together.

So we are at the end of 2021 and on the verge of another big election year. Let's all find time to take a breath. I urge you to be mindful of what we have all been through, take care of yourself and those around you, and let us give grace to ourselves for the resiliency we've each endured through these truly historic times. I wish you all a peaceful and happy holiday season and I look forward to what 2022 has to bring.

Rep. Celia Israel represents House District 50, which includes Pflugerville. Follow her on Twitter @celiaisrael, or like her on Facebook at fb.com/CeliaIsraelTX.

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Thursday, December 16, 2021 10:04 AM EST
Subject: SOS Morning News Clips 12/16/21

Texas Secretary of State
Morning News Clips
December 16, 2021

Potter County Republican Party wants to run its GOP primary, *Texas Standard*, December 15, 2021

Texas GOP Denies Appeal to Remove a 'Rick Perry' from GOP Governors Primary Ballot, *The Texan*, December 15, 2021

Not enough voter fraud cases in disputed states to change 2020 election, AP analysis finds, *Associated Press*, December 14, 2021

Texas attorney general cannot unilaterally prosecute election cases, state's highest criminal court rules, *Texas Tribune*, December 15, 2021

Former HPD captain indicted in 2020 aggravated assault case over false voter fraud claim, *KHOU-TV*, December 14, 2021

County approves reestablished voting districts, *Laredo Morning Times*, December 15, 2021

Last minute campaign announcement creates opening for Bexar County commissioner in Pct. 3. What happens next?, *KSAT-TV*, December 15, 2021

'Prison gerrymandering:' How inmates are helping the Texas GOP maintain its power, *Dallas Morning News*, December 15, 2021

March Primary brings contested Taylor County judge race, but many candidates are unopposed, *Abilene Reporter-News*, December 15, 2021

Primaries are set for Texas gubernatorial race. See who's running, *CNHI News*, December 14, 2021

See who has filed for candidacy in Harris County ahead of the March 2022 primaries, *Community Impact*, December 15, 2021

Senate Democrats push to pass voting rights bills by Christmas, *Nexstar*, December 15, 2021

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North America's biggest railroad born as Kansas City sale is completed, *Mexico News Daily*, December 15, 2021

Supply-Chain Hell Ignites Economic Boom Along U.S.-Mexico Border, *Bloomberg*, December 14, 2021

Civil rights groups ask DOJ to investigate 'discriminatory' Operation Lone Star in Texas, *Border Report*, December 15, 2021

Editorial: Texas election audit undermines democracy, *Dallas Morning News*, December 16, 2021

Potter County Republican Party wants to run its GOP primary
Jill Ament
Texas Standard
December 15, 2021
https://www.texasstandard.org/stories/potter-county-republican-party-wants-to-run-its-gop-primary/

Despite Potter County going 70% for former President Donald Trump in 2020, GOP leaders there are raising unfounded claims of election irregularities and fraud. Potter County GOP chair Dan Rogers wants to reintroduce hand-marked, paper ballots for people voting in the March 2022 Republican primary, despite warnings from statewide election officials that this change could actually increase the risk of voter fraud. Rogers also wants to run his own election, rather than relying on county officials to do it.

Jessica Huseman has been reporting on this for VoteBeat.org, an online publication dedicated to reporting on elections and voting in the U.S. Listen to the interview above or read the transcript below.

This transcript has been edited lightly for clarity:

Texas Standard: First, why does the Potter County Republican Party want to conduct their own election in the 2022 Republican primary?

Jessica Huseman: The chairman of the party, Dan Rogers, has said that his voters do not trust the machines or the central

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count system that Potter County uses. He hasn't presented any survey data to back that up, but that is what he claims.

Does this have anything to do with President Donald Trump's false claims about the 2020 presidential election he claims was stolen from him?

Absolutely, it does. A few weeks ago, they had a presentation from Jeff Zink, who is running for Congress in Arizona and believes that the Arizona audit was, for example, manipulated and that the CyberNinjas audit there was false and hid a lot of the fraudulent numbers. And so I think that this is definitely a continuation of "the big lie."

CyberNinjas, by the way, is the name of the company that Arizona hired to do the to do the audit. So how would they be able to do this? And by bypassing county election officials, is that something they can do under the Texas Constitution?

That is something that they can do. The parties are entirely responsible for the conduct of the primaries on Election Day, but not during early voting. And so the county will continue to conduct early voting through the normal means. And then on Election Day, they will run their own, using paper ballots that they will hand count. And the hand counting process is really where the experts tell me things are going to go awry. It's harder than it sounds to hand count lots of ballots, especially when there are more than two dozen races on there. And so I anticipate it will take them quite a while if they if they end up doing it at all.

Well, I guess one question would be whether or not other counties might try to follow suit. Is that something people are talking about right now?

That is something that Dan Rogers really wants to happen. He sent an email out on December 3 to every party chair in the state, encouraging them to follow their lead. I have not heard of anyone doing this quite yet, nor has the Secretary of State's Office. So it seems like it's Dan Rogers out there on his own in Potter County, but who knows what will catch on in the next couple of months?

How have state election officials been responding to this? Have they made any sort of official pronouncements? Have you heard anything from your sources?

They have no power to stop Mr. Rogers from doing this, if that's what he'd like to do. The party chairs can run the primaries however they like as long as they comply with Texas' election code. The state has not been shy at telling Mr. Rogers that they think this is a terrible idea though. They think it will cause massive voter confusion and potentially lead to fraud. The checks and balances of the system that Potter County uses would all go away in this iteration of Mr. Rogers' vote counting method. I think that the state the state has told Mr. Rogers under no uncertain terms that they prefer he not do this, but they have no power to stop him.

What about local Potter County election officials? Are they anticipating separate voting sites for Republicans and Democrats, or how does this play out

That's exactly what they're anticipating. Mr. Mr. Rogers also declined to use the e-poll books that that check voters in, which allow voters to vote at any precinct in Potter County. So because he wants to use paper pull books, voters will have to turn up at an assigned precinct and can only vote there. So it really is going to be a radically different voting system than what Potter County voters are used to.

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Texas GOP Denies Appeal to Remove a 'Rick Perry' from GOP Governors Primary Ballot
Brad Johnson
The Texan
December 15, 2021
https://thetexan.news/texas-gop-denies-appeal-to-remove-a-rick-perry-from-gop-governors-primary-ballot/

Parker County resident Rick Perry — not the former governor — filed a declaration of candidacy for the GOP gubernatorial primary this week.
At first, this sparked a frenzy over whether former presidential candidate and Texas governor Rick Perry had decided he wanted his old job back. After that claim was disputed, questions were raised over this unknown Rick Perry's existence. Turns out, he is an IT engineer from Springtown who has served as a precinct chair for the Republican Party.

The validity of his gubernatorial candidacy was challenged Tuesday by attorney Eric Opiela who delivered a letter to the Republican Party of Texas (RPT) requesting Perry's removal from the 2022 gubernatorial primary ballot on behalf of a client.

Being a primary election, its oversight is the responsibility of the party rather than the secretary of state.

RPT Chair Matt Rinaldi issued a ruling on Opiela's appeal on Wednesday and denied the request.

The issue at hand is that Perry filed for re-election to his precinct chair position on November 30. Under state code, individuals may not be on the same ballot for two different positions at once. If that happens, "each application filed subsequent to the first one filed is invalid."

On December 12, the day before he filed for governor, Perry sent a letter to Scott Utley, chairman of the Parker County GOP, to withdraw his name from the precinct chair race. That normally triggers the removal automatically, but Opiela's letter alleges the withdrawal isn't valid because it wasn't properly notarized.

"I ask that you immediately reject his application, or in the alternative declare him ineligible, take any and all necessary steps to remove Mr. Perry from the 2022 Republican Primary Ballot for Governor, and notify me when you have done so," Opiela's letter reads.

"If you fail to do so, litigation may be necessary to compel the performance of your duty under the law."

Perry's campaign treasurer is Tony McDonald, an Austin attorney and conservative activist who is on the endorsement list

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for Don Huffines, one of Governor Greg Abbott's primary opponents.

Reached Wednesday, McDonald pointed to a section of the state election code which both supersedes the section of code Opiela cites and lacks the "acknowledge[ment]" requirement pointed to.

There is also legal precedent on this question. In 1986, a similar situation arose and Texas' Eighth Circuit Court of Appeals ruled that the section Opiela cited this week "has no application" in situations of a withdrawal from a primary ballot.

RPT's reply to Opiela's letter said, "You rely upon Section 145.001 of the Election Code, which is a general provision for withdrawal of candidates that does require a request be in writing, signed and acknowledged. This section has no application."

The letter then cited that case law precedent as support for its ruling.

Further, Rinaldi writes, "As an initial matter, it is unclear from your correspondence whether you are making this request in your personal capacity or on behalf of a client. If it is the former, I question your standing to seek a judicial remedy. If it is the latter, please identify on whose behalf this request is being made."

For a legal challenge to be heard, before its merits are considered, the plaintiff must prove legal standing, or that they were dealt harm by the issue and person at hand. At first glance, it's likely that the only individuals who might have standing against Rick Perry ineligibly appearing on the ballot are the other GOP gubernatorial candidates.

Abbott is facing the first substantial primary of his political career, headlined by Huffines and Allen West. While not the fruits of his labor, Perry's spot on the ballot would carry with it considerable name-ID and threaten to siphon off votes from the other candidates.

Neither Opiela nor Perry returned a request for comment after the RPT issued its ruling.

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Not enough voter fraud cases in disputed states to change 2020 election, AP analysis finds
Christina A. Cassidy
Associated Press
December 14, 2021
https://www.12newsnow.com/article/news/nation-world/alleged-voter-fraud-analysis-no-change-to-outcome/507-b8894a38-f7e3-4159-84e7-c53abd4a92c6

ATLANTA — An Associated Press review of every potential case of voter fraud in the six battleground states disputed by former President Donald Trump has found fewer than 475 — a number that would have made no difference in the 2020 presidential election.

Democrat Joe Biden won Arizona, Georgia, Michigan, Nevada, Pennsylvania and Wisconsin and their 79 Electoral College votes by a combined 311,257 votes out of 25.5 million ballots cast for president. The disputed ballots represent just 0.15% of his victory margin in those states.

The cases could not throw the outcome into question even if all the potentially fraudulent votes were for Biden, which they were not, and even if those ballots were actually counted, which in most cases they were not.

The review also showed no collusion intended to rig the voting. Virtually every case was based on an individual acting alone to cast additional ballots.

The findings build on a mountain of other evidence that the election wasn't rigged, including verification of the results by Republican governors.

The AP review, a process that took months and encompassed more than 300 local election offices, is one the most comprehensive examinations of suspected voter fraud in last year's presidential election. It relies on information collected at the local level, where officials must reconcile their ballots and account for discrepancies, and includes a handful of separate cases cited by secretaries of state and state attorneys general.

Contacted for comment, Trump repeated a litany of unfounded claims of fraud he had made previously, but offered no new evidence that specifically contradicted the AP's reporting. He said a soon-to-come report from a source he would not disclose would support his case, and insisted increased mail voting alone had opened the door to cheating that involved "hundreds of thousands of votes."

"I just don't think you should make a fool out of yourself by saying 400 votes," he said.

These are some of the culprits in the "massive election fraud" Trump falsely says deprived him of a second term:

- A Wisconsin man who mistakenly thought he could vote while on parole.
- A woman in Arizona suspected of sending in a ballot for her dead mother.
- A Pennsylvania man who went twice to the polls, voting once on his own behalf and once for his son.

The cases were isolated. There was no widespread, coordinated deceit.

The cases also underscore that suspected fraud is both generally detected and exceptionally rare.

"Voter fraud is virtually non-existent," said George Christenson, election clerk for Milwaukee County in Wisconsin, where five people statewide have been charged with fraud out of nearly 3.3 million ballots cast for president. "I would have to venture a guess that's about the same odds as getting hit by lightning."

Even in the state with the highest number of potential fraud cases — Arizona, with 198 — they comprised less than 2% of

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the margin by which Biden won.

Trump has continued to insist that the election was fraudulent by citing a wide range of complaints, many of them involving the expansion of mail voting because of the pandemic. As the Republican weighs another run for president in 2024, he has waded into some GOP primary contests, bestowing endorsements on those who mimic his “Stop the steal” rhetoric and seeking to exact revenge on some who have opposed his efforts to overturn the results.

Trump’s false claims of a stolen election fueled the deadly Jan. 6 attempted insurrection at the Capitol, have led to death threats against election officials and have become deeply ingrained within the GOP, with two-thirds of Republicans believing Biden’s election is illegitimate. Republican lawmakers in several states have used the false claims as justification to conduct costly and time-consuming partisan election reviews, done at Trump’s urging, and add new restrictions for voting.

The number of cases identified so far by local elections officials and forwarded to prosecutors, local law enforcement or secretaries of state for further review undercuts Trump’s claim. Election officials also say that in most cases, the additional ballots were never counted because workers did their jobs and pulled them for inspection before they were added to the tally.

“There is a very specific reason why we don’t see many instances of fraud, and that is because the system is designed to catch it, to flag it and then hold those people accountable,” said Amber McReynolds, a former director of elections in Denver and the founding CEO of the National Vote at Home Institute, which promotes mail voting.

The AP’s review of cases in the six battleground states found no evidence to support Trump’s various claims, which have included unsupported allegations that more votes were tallied than there are registered voters and that thousands of mail-in ballots were cast by people who are not on voter rolls. Dozens of state and federal courts have rejected the claims.

White House spokesman Andrew Bates said the AP's reporting offered further proof that the election was fairly conducted and decided, contrary to Trump's claims.

“Each time this dangerous but weak and fear-ridden conspiracy theory has been put forward, it has only cemented the truth more by being completely debunked — including at the hands of elections authorities from both parties across the nation, nonpartisan experts, and over 80 federal judges,” he said.

Experts say to pull off stealing a presidential election would require large numbers of people willing to risk prosecution, prison time and fines working in concert with election officials from both parties who are willing to look the other way. And everyone somehow would keep quiet about the whole affair.

“It would be the most extensive conspiracy in the history of planet Earth,” said David Becker, a senior trial attorney in the Justice Department’s Civil Rights Division during the presidencies of Bill Clinton and George W. Bush who now directs the nonprofit Center for Election Innovation & Research.

Separate from the fraud allegations are claims by Trump and his allies that voting systems or ballot tallies were somehow manipulated to steal the election. Judges across the country, of both parties, dismissed those claims. That includes a federal judge in Michigan who ordered sanctions against attorneys allied with Trump for intending to create “confusion, commotion and chaos” in filing a lawsuit about the vote-counting process without checking for evidence to support the claims.

Even Trump’s former attorney general, William Barr, said a month after the election that there was no indication of widespread fraud that could change the result.

For its review, AP reporters in five states contacted roughly 340 election offices for details about every instance of potential voter fraud that was identified as part of their post-election review and certification process.

After an election is over, officials research voter records, request and review additional information if needed from the state or other counties, and eventually decide whether to refer potential fraud cases for further investigation — a process that can take months.

For Wisconsin, the AP relied on a report about fraud investigations compiled by the state and filed public records requests to get the details of each case, in addition to prosecutions that were not initially reported to the state elections commission. Wisconsin is the only one of the six states with a centralized accounting of all potential voter fraud cases.

A state-by-state accounting:

Arizona
Authorities have been investigating 198 possible fraud cases out of nearly 3.4 million votes cast, representing 1.9% of Biden’s margin of victory in the state. Virtually all the cases were in Pima County, home to Tucson, and involved allegations of double voting. The county has a practice of referring every effort to cast a second ballot to prosecutors, something other offices don’t do. In the Pima cases, only one ballot for each voter was counted. So far, nine people have been charged in the state with voting fraud crimes following the 2020 election. Six of those were filed by the state attorney general’s office, which has an election integrity unit that is reviewing an undisclosed number of additional cases.

Georgia
Election officials in 124 of the state’s 159 counties reported no suspicious activity after conducting their post-election checks. Officials in 24 counties identified 64 potential voter fraud cases, representing 0.54% of Biden’s margin of victory in Georgia. Of those, 31 were determined to be the result of an administrative error or some other mistake. Eleven counties, most of them rural, either declined to say or did not respond. The state attorney general's office is reviewing about 20 cases referred so far by the state election board related to all elections in 2020, including the primary, but it was not known if any of those overlapped with cases already identified by local election officials.

Michigan
Officials have identified 56 potential instances of voter fraud in five counties, representing 0.04% of Biden’s margin of victory in the state. Most of the cases involved two people suspected of submitting about 50 fraudulent requests for absentee ballots in Macomb, Wayne and Oakland counties. All the suspicious applications were flagged by election officials and no

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ballots were cast improperly.

Nevada
Local officials identified between 93 and 98 potential fraud cases out of 1.4 million ballots cast, representing less than one-third of 1% of Biden's margin of victory. More than half the total — 58 — were in Washoe County, which includes Reno, and the vast majority involved allegations of possible double voting. The statewide total does not include thousands of fraud allegations submitted to the state by local Republicans. Republican Secretary of State Barbara Cegavske has said many of those were based "largely upon an incomplete assessment of voter registration records and lack of information concerning the processes by which these records are compiled and maintained." It's not known how many remain under investigation.

Pennsylvania
Election officials in 11 of the state's 67 counties identified 26 possible cases of voter fraud, representing 0.03% of Biden's margin of victory. The elections office in Philadelphia refused to discuss potential cases with the AP, but the prosecutor's office in Philadelphia said it has not received any fraud-related referrals.

Wisconsin
Election officials have referred 31 cases of potential fraud to prosecutors in 12 of the state's 72 counties, representing about 0.15% of Biden's margin of victory. After reviewing them, prosecutors declined to bring charges in 26 of those cases. Meagan Wolfe, administrator of the Wisconsin Elections Commission, said the number of cases in 2020 was "fairly run of the mill."

AP's review found the potential cases of fraud ran the gamut: Some were attributed to administrative error or voter confusion while others were being examined as intentional attempts to commit fraud. In those cases, many involved people who sought to vote twice — by casting both an absentee and an in-person ballots — or those who cast a ballot for a dead relative such as the woman in Maricopa County, Arizona. Authorities there say she signed her mother's name on a ballot envelope. The woman's mother had died a month before the election.

The cases are bipartisan. Some of those charged with fraud are registered Republicans or told investigators they were supporters of Trump.

Donald Holz is among the five people in Wisconsin who face voter fraud charges. He said all he wanted to do was vote for Trump. But because he was still on parole after being convicted of felony drunken driving, the 63-year-old retiree was not eligible to do so. Wisconsin is not among the states that have loosened felon voting laws in recent years.

Holz said he had no intention to break the law and only did so after he asked poll workers if it was OK.

"The only thing that helps me out is that I know what I did and I did it with good intentions," Holz said after an initial court appearance in Fond du Lac. "The guy upstairs knows what I did. I didn't have any intention to commit election fraud."

In southeast Pennsylvania, 72-year-old Ralph Thurman, a registered Republican, was sentenced to three years' probation after pleading guilty to one count of repeat voting. Authorities said Thurman, after voting at his polling place, returned about an hour later wearing sunglasses and cast a ballot in his son's name.

After being recognized and confronted, Thurman fled the building, officials said. Thurman's attorney told the AP the incident was the result of miscommunication at the polling place.

Las Vegas businessman Donald "Kirk" Hartle was among those in Nevada who raised the cry against election fraud. Early on, Hartle insisted someone had unlawfully cast a ballot in the name of his dead wife, and state Republicans seized on his story to support their claims of widespread fraud in the state. It turned out that someone had cast the ballot illegally — Hartle, himself. He agreed to plead guilty to a reduced charge of voting more than once in the same election.

Hartle's attorney said the businessman, who is an executive at a company that hosted a Trump rally before the election, had accepted responsibility for his actions.

Additional fraud cases could still surface in the weeks and months ahead. One avenue for those is the Electronic Registration Information Center, a data-sharing effort among 31 states aimed at improving state voter rolls. The effort also provides states with reports after each general election with information about voters who might have cast ballots in more than one state.

In the past, those lists have generated small numbers of fraud cases. In 2018, for example, Wisconsin used the report to identify 43 additional instances of potential fraud out of 2.6 million ballots cast.

Official post-election audits and other research have shown voter fraud to be exceptionally rare. A nonpartisan audit of Wisconsin's 2020 presidential election found no evidence of widespread fraud and a Republican lawmaker concluded it showed that elections in the state were "safe and secure," while also recommending dozens of changes to how elections are run. In Michigan, Republican state senators issued a report earlier this year saying they had found "no evidence of widespread or systematic fraud" in the 2020 election.

Not only do election officials look for fraud, they have procedures to detect and prevent it.

For mail voting, which expanded greatly last year because of the pandemic, election officials log every mail ballot so voters cannot request more than one. Those ballots also are logged when they are returned, checked against registration and, in many cases, voter signatures on file to ensure the voter assigned to the ballot is the one who cast it.

If everything doesn't match, the ballot isn't counted.

"Often, we don't get to fraud," said Jennifer Morrell, a former local election official in Utah and Colorado who advises election officials on security and other issues. "Say we have evidence that something might not be correct, we ask the voter to provide additional documentation. If the person doesn't respond, the ballot isn't accepted. The fraud never happened."

If a person who requested a mail ballot shows up at a polling place, this will become apparent when they check in. Typically,

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poll workers either cancel the ballot that was previously issued, ensuring it's never counted, or ask the voter to complete a provisional ballot that will only be counted if the mail ballot is not.

In Union County, Georgia, someone voted in person and then election officials found their ballot in a drop box. Since the person had already voted, the ballot in the drop box was not counted and the case was referred to the state for investigation, Deputy Registrar Diana Nichols said.

"We can tell pretty quick whenever we pull up that record -- wait a minute, this person has already voted," Nichols said. "I'm not saying it's foolproof. We are all human, and we all make mistakes. But as far as the system is set up, if you follow the rules and the guidelines set up by the state, I think it's a very good system."

The final step is the canvassing process in which election officials must reconcile all their counts, ensuring the number of ballots cast equals the number of voters who voted. Any discrepancies are researched, and election officials provide detailed explanations before the election can be certified.

Often, an administrative error can raise questions that suggest the potential for fraud.

In Forsyth County, Georgia, election officials were asked by Arizona investigators for records confirming that a voter had also cast a ballot in Georgia last November. It turns out that voter didn't cast a ballot but was listed as having done so because their registration number was mistakenly associated with another voter's record in the county's system, according to a letter sent by county election officials.

In other cases, it could be as simple as a voter signing on the wrong line next to another person's name in a paper pollbook at their polling place. Once researched, it quickly becomes clear no fraud occurred.

Republican lawmakers have argued there are security gaps in the process, using concerns of fraud to justify restrictions on voting laws. This has happened even in places where Republican lawmakers have pushed back against Trump's false claims and said the 2020 election was valid.

The review by Republican lawmakers in Michigan that found no systemic fraud cited various claims they had investigated. For example, senators were provided with a list of over 200 voters in Wayne County who were believed to be dead. Of these, the report noted, only two instances involved actual dead voters. The first was due to a clerical error in which a son had been confused with his dead father and the second involved a 92-year-old woman who had died four days before the election.

And yet, Republicans in the state are collecting signatures for a citizen initiative that would allow the GOP-controlled legislature to approve voting restrictions and bypass a veto by the Democratic governor. Republicans say mail voting needs to be more secure as more people embrace it.

"These bills will restore confidence in our elections," said GOP Rep. Ann Bollin, chairwoman of the Michigan House Elections and Ethics Committee and a former township clerk. "Voters want to know their vote will count and that they, and only they, are casting their own ballot."

Overall, 80% of counties in the six states reviewed by the AP reported no suspicious activity after completing their post-election reviews. This was true of both small and large counties, something experts said was to be expected given how rare voter fraud has been.

Limited instances of fraud do occur, as the AP review illustrates, but safeguards ensure they are few and that they are caught, said Ben Hovland, a Democrat appointed by Trump to serve on the U.S. Election Assistance Commission, which supports the state and local officials who administer elections.

"Every credible examination has shown there was no widespread fraud" in the 2020 presidential election, Hovland said. "Time and again when we have heard these claims and heard these allegations, and when you do a real investigation, you see that it is the exception and not the rule."

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Texas attorney general cannot unilaterally prosecute election cases, state's highest criminal court rules
Patrick Svitek
Texas Tribune
December 15, 2021
https://www.texastribune.org/2021/12/15/ken-paxton-election-prosecute-court/

Texas' highest court for criminal cases on Wednesday struck down a law that allows the attorney general to unilaterally prosecute election cases.

The state's Court of Criminal Appeals issued an 8-1 opinion saying a provision of the law violates the separation of powers clause in the Texas Constitution, representing an intrusion by the executive branch into the judicial branch. The attorney general can only get involved in a case when asked to by a district or county attorney, the court said.

Attorney General Ken Paxton, a Republican who has been aggressive in trying to root out voter fraud, bashed the opinion from the all-GOP court. He said in a tweet that the ruling "could be devastating for future elections in Texas."

At stake was a part of the election code that says the attorney general, the state's top law enforcement officer, "may prosecute a criminal offense prescribed by the election laws of this state."

The provision was thrown into jeopardy by a long-winding case involving Jefferson County Sheriff Zena Stephens. After the county district attorney declined to prosecute Stephens over campaign-finance allegations stemming from the 2016 election, Paxton's office stepped in and obtained an indictment from a grand jury in neighboring Chambers County.

In its opinion, the Court of Criminal Appeals overturned a lower-court ruling that said the election code provision "clearly and

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unambiguously gives the Attorney General power to prosecute criminal laws prescribed by election laws generally whether those laws are inside or outside the Code."

Rather, the Court of Criminal Appeals said, "the Attorney General can prosecute with the permission of the local prosecutor but cannot initiate prosecution unilaterally."

In his tweet, Paxton said the ruling means "Soros-funded district attorneys will have sole power to decide whether election fraud has occurred in Texas." That is a reference to George Soros, the Democratic megadonor who has become a force in local prosecutor elections.

Harris County Attorney Christian Menefee cheered the ruling. Harris County, the largest in Texas, was the epicenter of election-related litigation in the lead-up to the 2020 election in Texas.

"This is a big win for local government and Texans who are tired of state officials exaggerating voter fraud claims to undermine elections," Menefee tweeted.

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Former HPD captain indicted in 2020 aggravated assault case over false voter fraud claim
Charlie Haldeman
KHOU-TV
December 14, 2021
https://www.khou.com/article/news/local/former-hpd-captain-indicted-in-2020-aggravated-assault-case-over-false-voter-fraud-claim/285-a24374dc-ae3e-47d0-8b1b-e4b7bbe2c69e

HOUSTON — A former Houston Police Department captain accused of causing an accident and holding a man at gunpoint has been indicted by a Harris County grand jury.

Mark Anthony Aguirre is charged with aggravated assault with a deadly weapon, a second-degree felony.

The indictment comes a year after his arrest in connection with the alleged incident.

According to court documents, Aguirre told police shortly after the Oct. 19 incident that he was part of a group of private citizens called "Liberty Center," who were conducting a civilian investigation into an alleged ballot scheme.

Aguirre told investigators he had been conducting surveillance on the victim for four days under a theory the victim was the mastermind of a giant fraud, and there were 750,000 fraudulent ballots in a truck he was driving.

Instead, the victim turned out to be an innocent air conditioner repairman.

According to the documents, Aguirre ran his SUV into the back of the truck to get the repairman to stop and get out. When the technician got out of the truck, Aguirre pointed a handgun at him, forced him to the ground, where Aguirre reportedly put his knee on the man's back. The incident was captured on the body-worn camera of a police officer.

Aguirre directed police to a parking lot nearby where another suspect, who has not been identified, took the truck, investigators said. There were no ballots in the truck. It was filled with air conditioning parts and tools.

Aguirre's claims of election fraud were found to be baseless after an investigation by Houston police and by the Harris County Precinct 1 Constable's Office, as part of the Harris County Election Security Task Force.

If convicted, Aguirre faces up to 20 years in prison.

Aguirre had been indefinitely suspended from HPD in January 2003.

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County approves reestablished voting districts
Thomas Lott
Laredo Morning Times
December 15, 2021
https://www.lmtonline.com/news/article/County-approves-reestablished-voting-districts-16703941.php

The Webb County Commissioners Court voted unanimously at Monday's meeting to adopt the reestablished county election districts.

As part of the action, which was required "by Order," the county will establish, redefine and renumerate all of the election precincts to conform with the adopted redistricting changes and to comply with population requirements.

Additionally, to the extent legally permissible, it will separate unincorporated territory from incorporated territory of municipalities with a population of 10,000 or more.

There were two locations brought up during Monday's meeting that needed to be addressed and were presented by Webb County Assistant Planning Director Jorge Calderon.

"We've gone through this and worked it out with the elections department. It's in compliance with the state election regulations right now the order as it is," Calderon said. " But we wanted to bring to your attention a couple of issues.

"Section 2 and 3 of the order, basically outlining a couple of VTDs (voting tabulation districts or County Election Precincts) that are underpopulated, but based on their boundaries we can't really change them so they have to stay that way."

Additionally, there was one other issue Calderon brought to the commissioners.

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“In Section 3 some VTDs or Election Precincts that are half in, half out on the City of Laredo that we also couldn’t mess with based on the boundaries,” he said.

“This has nothing to do with commissioners precincts, these are election boundaries within the precincts.”

Webb County Judge Tano A. Tijerina made sure to clarify everything had been worked out despite these issues and Calderon confirmed it had.

Another commissioner made sure to confirm there was no way to fix the underpopulation problem of the two districts.

“So only 258 and 457 shall remain as is even though they have less than 100 voters?” he asked.

“Because of the underpopulation yes,” Calderon replied. “As is. There’s other election precincts that we did not change but these two have to stay even though they’re underpopulated.”

“But they couldn’t be absorbed by an adjacent precinct?” the commissioner asked.

“No, based on their boundaries we can’t change those lines at this time,” Calderon said.

“Because some other boundary interferes?” the commissioner asked.

“Yes. Some other boundary interferes,” Calderon replied.

“And this is kosher?” the commissioner asked. “We’re doing it?”

“Yes,” Calderon replied. “This will become effective Jan. 1 as adopted.”

In adopting the reestablished precincts, the County Judge is authorized to execute all required documents and directives to the County Clerk and the Elections Administrator and staff are required to publish required notices in the newspaper and the county’s official website.

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Last minute campaign announcement creates opening for Bexar County commissioner in Pct. 3. What happens next?
Fares Sabawi
KSAT-TV
December 15, 2021
https://www.ksat.com/news/local/2021/12/15/last-minute-campaign-announcement-creates-opening-for-bexar-county-commissioner-in-pct-3-what-happens-next/

SAN ANTONIO – On Monday evening, just an hour before the filing deadline expired, Bexar County Pct. 3 Commissioner Trish DeBerry made a surprise announcement that she is running for county judge.

The last minute filing will change the makeup of the Commissioners Court, as DeBerry must resign in order to embark on the political campaign according to state law. DeBerry still had roughly three years left before her term expired.

Shortly after DeBerry’s announcement, Bexar County Judge Nelson Wolff said DeBerry will remain in the office in “hold over status” until he appoints an interim commissioner within 60 days.

That commissioner would only serve through November, when voters will decide on who will fill out the remainder of the term, according to the Secretary of State’s Office.

Candidates interested in succeeding DeBerry have until 6 p.m. on Dec. 20 to file for the race with their respective political party, officials confirmed on Wednesday.

Those candidates will have to win their party’s nomination during the March 1 primary to appear on the ballot during the general election in November.

Though the North Side seat has been reliably Republican in recent years, Democrat Christine Hortick ran a competitive race against DeBerry in 2020. In the end, DeBerry edged out Hortick with nearly 55% of the vote.

As of Wednesday, no candidate has yet filed for the Pct. 3 race.

DeBerry is only the second Republican to file for the county judge race. Nathan Buchanan, a small business owner, filed for the race in November. Several candidates are running for the Democratic nomination, including mayoral Chief of Staff Ivalis Meza Gonzalez, State Rep. Ina Minjarez, former mayoral candidate Gerard Ponce and former District Court Judge Peter Sakai.

Bexar County voters have not elected a Republican for the county judge office since 1998, when Cyndi Taylor Krier ran unopposed. Krier stepped down in 2001 to join the UT System Board of Regents. Wolff was appointed in her place, and has remained in that office ever since. Earlier this year, Wolff confirmed he will not run again after a long career of public service.

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‘Prison gerrymandering:’ How inmates are helping the Texas GOP maintain its power
Lauren McGaughy and Ari Sen
Dallas Morning News
December 15, 2021

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https://www.dallasnews.com/news/investigations/2021/12/15/prison-gerrymandering-how-inmates-are-helping-the-texas-gop-maintain-its-power/

On paper, the Tennessee Colony area looks like a small but growing East Texas community of 16,000 residents.

But in reality, it's not much more than a country road intersection anchored by a feed store, a church and a shuttered post office. Locals say the biggest draws are Taco Tuesdays at the gas station and the monthly meeting at the Masonic lodge. Only about 2,000 people actually live in this part of rural Anderson County.

The other 13,344 are prisoners here.

Nearly a quarter of a million people were incarcerated in Texas when the Census was taken last year. When lawmakers redrew the state's voting maps this fall, these inmates were counted in the prison towns where they were locked up, rather than where they lived beforehand.

A Dallas Morning News analysis of Census and prison data found this practice, which opponents call "prison gerrymandering," inflates the political power of Republican districts while draining clout from Democratic strongholds. It also makes more conservative, rural areas of the state look larger and more diverse than they truly are.

Republicans say the maps are legal and fair. They argue there isn't a viable alternative for counting prisoners, and changing that won't shift the balance of power in Texas to Democrats.

But The News found the state's new legislative maps would look significantly different if Texas stopped this practice. Reallocating prisoners to the place where they were charged would cause nearly one in five counties — most of which went for Donald Trump last year — to lose population to more urban, liberal areas. Not counting prisoners at all would throw more than two dozen House districts out of population boundaries, making them subject to court challenge.

Experts say The News' findings raise questions about diluting the minority vote, fair representation and the principle of "one person, one vote." Incarcerated people in effect become ghost constituents, they said, unwittingly boosting the power of prison towns, and helping Republicans stay in power, while largely lacking the right to vote.

This and other concerns about the state's most recent redistricting plan have led to a half dozen lawsuits alleging the Texas GOP illegally gerrymandered districts this year to disenfranchise Black and Hispanic communities and retain control in the long term. Last month, a state prisoner from Grand Prairie filed a suit to force Texas to stop counting inmates in their cells.

He's asking for class action status for incarcerated people across the state.

"I'm hoping to be their voice," Damon James Wilson wrote in a letter from his prison cell in Fort Bend County. "I pray it will be the catalyst to spark a change in this manipulative process."

In the past decade, a dozen states have changed how they count incarcerated people. Texas' GOP legislative majority, however, shows no signs of changing unless one of the pending lawsuits against the state is successful.

Prisoners and redistricting
State Rep. Jasmine Crockett watches Corinth Street pass by outside the car window.

Baptist churches and tire shops line the avenue. Crockett points out duplexes built by the area's earliest Black residents. Behind her, the downtown Dallas skyline shines in the morning sun.

This east Oak Cliff zip code sends the most people to state prisons, according to information self-reported by about 100,000 inmates incarcerated by the Texas Department of Criminal Justice. Though they're locked up in units from Amarillo to Edinburg, Crockett considers these men and women to be members of her district, and says they should be counted as such.

"The name of the game here in the state of Texas is we use Black and brown bodies to gain power," Crockett said. "Our constituents, sadly, we know are going to be arrested at a higher rate and incarcerated at a higher rate — and they're not being counted where they actually reside."

Every 10 years, the U.S. Census provides a snapshot of the country's population, which is used to redraw electoral maps that last for a decade, a process called redistricting.

The Census Bureau has counted incarcerated people at the lockups where they are held since the first survey in 1790. Criminal justice and anti-gerrymandering activists began criticizing the policy in the 1980s and 90s, as states built more prisons, many in rural areas, to accommodate rising inmate populations.

The Census Bureau decided to keep its policy in place for the 2020 national headcount. But states have the flexibility to allocate incarcerated people where they want during redistricting.

The 12 states that have decided to ban "prison gerrymandering" since 2010 include California, New York, Pennsylvania and Virginia. Most now count the majority of prisoners at their last known home address. Some exclude federal prisoners or those serving life sentences from their district population counts; others only reallocate incarcerated people for state legislative, not congressional, redistricting.

But the Texas Legislature, controlled by Republicans in both chambers, continues counting incarcerated people where they are held when redrawing state and congressional maps this year.

The News' data analysis shows that this practice transfers political representation away from Democratic strongholds to GOP counties with prisons, since most rural counties lean conservative and large cities are more liberal. The decision, if it remains unchallenged, will help the GOP remain in power even as Texas becomes more urban and more diverse.

Texas added nearly 4 million people in the last decade, Census data show, and Hispanics accounted for nearly half of this

AMERICAN OVERSIGHT

growth. The boost helped Texas pick up two additional congressional seats this year. But Democrats complain this diverse population growth was not reflected in the electoral maps the GOP majority created. The two new U.S. House seats both favor white candidates, and state Senate maps split communities of color in Tarrant County.

Including jails, federal and state prisons and detention centers, Texas incarcerated more people than any other state, last year's Census data show.

Counting these people at their place of confinement helped Republicans, The News analysis found. It's impossible to know how these incarcerated people would vote. But while many inmates in state prisons were charged in urban areas, and most are not white, the vast majority were drawn into GOP districts.

According to The News' analysis, Republicans in the state Legislature will represent two-thirds of incarcerated people under the newly redrawn maps. The number is even higher for the U.S. Congress: 76% of people incarcerated at Census time were drawn into districts represented by a Republican in Washington.

Two state lawmakers saw their district numbers inflated most by the count of incarcerated people: Rep. Kyle Kacal of College Station and Cody Harris of Palestine, both Republicans. One in 10 people in Kacal's district, where death row and the prisons department headquarters is located, is behind bars.

In Harris' district, which includes Tennessee Colony in Anderson County and all or part of three other counties in East Texas, nearly 8% are incarcerated.

How would the Texas maps change without prisoners?
The News analyzed how the state's new electoral maps would be affected if incarcerated people were counted differently. We used data on more than 140,000 inmates incarcerated in state-run jails and prisons when the Census was taken. This analysis does not include the effect of moving federal inmates or those housed in local jails or ICE detention centers.

Of the 232 counties that went for Donald Trump in the 2020 election, 46 would shrink in population if incarcerated people were counted in the county where they were charged. This is the best measure The News could use for previous residence, since state and federal prison agencies declined to release comprehensive data on inmates' previous home addresses.

The 46 counties would lose more than 104,000 people, The News' analysis shows. When added together, pro-Trump counties would lose nearly 52,000 people. Nearly all of them — 49,667 people — would be reallocated back to one of the state's five largest counties, which all went for President Joe Biden last year, with more than 11,000 going to Dallas County.

The News analysis also found counting incarcerated people at their prison address hurts GOP counties without lockups. McLennan, Smith and Montgomery Counties, all of which went for Trump in 2020, would gain more than 2,500 people each if incarcerated people were moved back to the county where they were charged.

If prisoners were excluded from population counts altogether, The News found that 29 state House districts might need to be redrawn. This is because every Texas legislative district is meant to represent roughly the same amount of people, and there should be no more than a 10% difference in population between the smallest and largest districts.

Those that don't meet this requirement could be challenged in court; they are about equally split between Democrats and Republicans.

Two state Senate districts would come within 1% of crossing the 10% population gap rule if inmate counts were zeroed out: those represented by Sen. Charles Perry of Lubbock and Kel Seliger of Amarillo, both Republicans.

Perry declined to comment for this story. Seliger, who announced his retirement this year, said lawmakers must ensure they are following constitutional rules about equal representation and minority voting rights when drawing new maps. Other tactics within those rules that may help one party over the other, he said, are fair game.

"I'm in favor of anything that benefits Republicans," Seliger said.

Congressional districts are meant to be as equal as possible, representing just fewer than 767,000 people each in Texas. Without the incarcerated population, there would be a 2.9% population gap between the largest and smallest districts.

During redistricting this year, Crockett filed a bill to require incarcerated people to be counted in their home districts. It never got a hearing. Dallas Mayor Eric Johnson, her predecessor in the House, as well as other members of the Texas Legislative Black Caucus have also repeatedly backed this bill — without success.

"People don't stick around the area where they were incarcerated after they are released. They go back home," Johnson said. "Counting them as part of the population of any other city or county during their prison term does not make any sense — except as a way to boost the population of rural areas for political purposes at the expense of cities such as Dallas."

GOP: Prisoners a 'rounding error'
Experts acknowledge that Texas won't suddenly turn blue if "prison gerrymandering" is banned.

In a state of 29 million, incarcerated people account for less than 1% of the population. Plus, as the party in power, Republicans could simply tweak district boundary lines to make up for a few thousand prisoners here or there.

But critics note it's one of several tools the GOP uses to maintain power in a rapidly changing state. While they are a fraction of the population, there are more incarcerated people than needed for an entire House district and nearly one-third of a congressional district.

"The dynamics just described obviously favor white, rural Texas," said Rep. Chris Turner of Grand Prairie, chairman of the Texas House Democratic Caucus. "[It] real questions of fairness."

Rory Kramer, an associate professor at Villanova University who is completing a nationwide analysis of incarceration and redistricting, said The News' findings did not surprise him.

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“As your analysis demonstrates, this harms equal representation for people who live in neighborhoods with high incarceration rates,” Kramer said. “There’s no reason why living near a prison should mean some Texans have greater voices in the state legislature than other Texans.”

Mike Wessler, communications director for criminal justice advocacy group the Prison Policy Initiative, echoed Kramer’s concern: “It distorts political representation at all levels of government.”

Speaker of the Texas House Dade Phelan declined to comment for this story, citing pending lawsuits. Gov. Greg Abbott, Lt. Gov. Dan Patrick and Texas House Redistricting Committee Chairman Todd Hunter, all Republicans, also did not weigh in on the findings.

Jim Murphy, chairman of the House Republican Caucus, told The News that changing how prisoners are counted was not on the table this year.

“The caucus has not discussed that at all,” Murphy, R-Houston, said in October.

Because Texas is so massive, he insisted counting prisoners differently would have a minimal impact on the final maps — and definitely would not have upset the overall balance of power.

“It’s a rounding error,” Murphy said.

In some rural areas of Texas, however, prisoners are not a negligible fraction. In 24 counties, they accounted for at least one in 10 people counted in last year’s Census.

In Anderson County, they make up 23% of the population.

Plantations to prisons

Tennessee Colony was first settled as a plantation town. For decades, slaves toiled in its cotton fields. But it struggled to retain more than a few hundred people after the Civil War, as residents were drawn to Palestine, the Anderson County seat, and its new railroad.

The first state lockup arrived in the mid-1960s. Thirty years later, the county’s five prisons were the single largest employer.

Many of Texas’ other 100 state-run units were built in rural areas, where local leaders either balked less at housing inmates or actively lobbied to bring prisons to town. By contrast, just a handful were built in the state’s largest cities.

There’s little evidence on Palestine’s tidy Main Street that thousands of men are behind bars just down the road. A half dozen antique stores and even more churches dot downtown. Victorian mansions of yellow and blue, relics of the railroad’s heyday, decorate its quiet neighborhoods.

Chatting over chicken salad sandwiches at a local diner, the former mayor, Steve Presley, said rural communities have shouldered the responsibility for guarding these inmates for decades. It’s only fair, he argued, that they should be able to reap the benefits, too.

“They should be counted here,” Presley said. Big cities could claim prisoners, he added, but then they should have to guard them, too. “If Houston wants that fix, then build those units in Houston.”

According to state demographer Lloyd Potter, while Texas is growing, the population has steadily been shifting from rural to urban and suburban areas. Since 2010, he said 134 mostly rural counties have actually lost population.

Keeping prisons open and full helps mitigate the drain. Anderson County has lost about 500 people in the last decade, Census data show. Without prisoners, the drop would have been much more severe.

Counting inmates in their cells also has an effect on another demographic trend: racial diversity. In majority white Anderson County, more than 5,000 of the county’s 11,430 Black residents are actually behind bars, and two-thirds of its prison population was Black or Hispanic when the Census was taken.

This is also true statewide. Texas is 12.6% African American but one in three state inmates are Black, the Census and state prison data show.

Rep. Harris, of Palestine, declined to comment for this storyState Sen. Robert Nichols said he doesn’t know of a feasible alternative.

“I’m not so sure it really matters that much,” Nichols, R-Jacksonville, said.

But some county officials have pursued another way for years: Don’t count prisoners at all.

Just as state lawmakers are in charge of legislative and congressional maps, local officials draw new county districts for positions like commissioners court, justices of the peace and constables after each Census. Many smaller, conservative counties with large inmate populations have long chosen to exclude incarcerated people when redrawing local maps because prisoners would skew their demographics.

Anderson County Judge Robert Johnston said counting the local 13,344 prisoners as constituents would inflate his actual population and result in one of his four commissioners representing only a handful of people outside the prison walls.

“[Prisoners are] not out roaming the streets, spending money in my county,” he said.

County judges also said that it wouldn’t be fair to count prisoners because they can’t vote. This is mostly, but not totally, true.

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State elections law allows convicted felons to vote if they are in active appeals. But they can only vote in the district where they lived prior to being incarcerated, the Department of Criminal Justice told The News. This allows Republicans who represent prison towns to maintain the benefit of counting inmates in their district without having to worry about winning their vote.

One former prisoner who was released in May from Anderson County's Coffield Prison was surprised to learn that he will be counted as a member of the community there for the next decade, even though he has returned home to North Texas. The News is not naming him because he is on parole and fears reprisals for talking to the media.

"We can't vote. Our voice has no say," he said. "And then using us to fatten up the Census in those towns — That isn't right."

Wilson, the Dallas area man suing to overturn the new congressional maps, believes that legislators used prisoners like him to advance their own political ambitions.

He intends to move back to Grand Prairie after he is released from this, his fourth, time behind bars and wants to be counted in Dallas County, not Potter, where he was incarcerated when the Census was taken last year.

If Wilson fails, he'll be counted in the 13th Congressional District, which is anchored in Amarillo and represented by Rep. Ronny Jackson, a Republican. If he wins, Wilson will be added to Democrat Rep. Eddie Bernice Johnson's district in Dallas.

Johnson, who has represented the district since 1993, announced her retirement this year. Last month, she endorsed a successor: Jasmine Crockett.

"I plan to pursue [prison gerrymandering], federally," Crockett vowed. "I don't believe it should be a state specific issue. It's about doing things that are fair."

Methodology

To conduct this analysis, The News began with three data files: one from the Texas Department of Criminal Justice with each incarcerated persons' name, county of charge and the facility where they were housed on March 31, 2020; another from TDCJ showing the location of each prison and a third from the Census Bureau containing the population of every county in 2020. These three files were joined together for analysis.

To conduct the reallocation analysis, The News wrote a script in the Python programming language to loop through every row of the combined data, adding one person to the county where the prisoner was charged and subtracting one person from the county where they were incarcerated, to generate final adjusted populations for every county in Texas.

The News joined a fourth data table showing county election results for 2020, obtained from the Texas Secretary of State's office, to the combined data.

The first map of prison population was generated by joining a count of all incarcerated adults in every 2020 Census Tract to a Census geospatial file of these tracts in QGIS. This was then exported as a combined shapefile and styled in Tableau.

To conduct the analysis on excluding inmates, The News reduced each district's population by its total population of incarcerated adults, as counted by the Census Bureau and then adjusted the ideal district size by the total statewide incarcerated population. The News then calculated which districts, by population size, would fall outside of the 10% maximum-minimum population threshold.

To conduct the demographic analysis, The News used the March TDCJ data and 2020 Census Bureau data for adult correctional facilities (group quarters, institutionalized population). This was compared to the 2020 Census Bureau racial demographic data for Anderson County.

The News used the March TDCJ data to determine sentencing and projected release data for Anderson County prisons in state-run facilities. Texas counties with the highest incarceration rates were determined using the 2020 Census Bureau data for adult correctional facilities.

TDCJ provided The News with data of the number of incarcerated people who reported living in specific zip codes prior to incarceration. TDCJ warned this data was incomplete and self-reported. This data was used solely to determine, to the best of The News' ability, which zip code sent the most people to state-run jails and prisons.

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March Primary brings contested Taylor County judge race, but many candidates are unopposed
Brian Bethel
Abilene Reporter-News
December 15, 2021
https://www.reporternews.com/story/news/2021/12/15/primary-bring-contested-county-judge-race-some-unopposed-races/8908992002/

A contested race for Taylor County judge has emerged, while turnover in other areas of the county has put new names on the ballot for the March party primaries.

Filings indicate change is coming in several areas, including the position of county clerk and several justice of the peace slots.

The position of county judge, held by Downing Bolls since 2010, will see a two-man race, consisting of Taylor County Assistant District Attorney Phil Crowley and Scott Lebowitz, who formerly worked for the Taylor County Sheriff's Office.

Bolls, a former TV news anchor, first was appointed by commissioners after Judge George Newman retired, then was elected to the office.

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No one filed locally as a Democrat in the primary for county offices.

At the state level, Rep. Stan Lambert drew a Democrat Linda Goolsbee as an opponent for District 7.

State Sen. Charles Perry is unopposed in District 28.

Local Democratic Party chairwoman Elizabeth Smyser and Republican Party chairman Chris Carnohan, both incumbents, did not draw opponents, according to the listings.

Candidates are listed on the Texas secretary of state's website.

County Judge race heats up

Lebowitz, in a statement about his candidacy, said he brings 32 years of experience in personnel management, budgeting and law enforcement.

He has been a resident of Taylor County for 17 years and is a 20-year retired Air Force veteran.

He served at Dyess Air Force Base from 1992-98 in the 96th Security Police Squadron until he was transferred, returning here in 2004.

He continued his career in public service by accepting a position with the sheriff's office in its adult detention facility, where he attained the rank of sergeant. He became a certified peace officer in 2010.

In 2015, he laterally transferred within the county to the Road and Bridge Department in Precinct 2.

Lebowitz has served as a volunteer firefighter with volunteer departments in the cities of Tye and Merkel, also working for Rural Metro Ambulance in Abilene and volunteering with Merkel EMS, he said.

His experience in law enforcement and public safety will aid him in performing required judicial duties, he said, including emergency management, matters of probate and mental health commitments, juvenile cases and guardianships.

"When it comes to the budget I will ensure that our tax dollars are spent wisely," he said. "I also look forward to working with other government entities as needed to ensure the forward progression of Taylor County."

Crowley seeks office

Crowley, who announced his candidacy in September, said he brings "experience and legal knowledge" that will serve him in probate, guardianship, mental health commitment and occasional juvenile law matters heard by the county judge.

He graduated from the Abilene Independent School District and Hardin-Simmons University. He then graduated from Texas Wesleyan School of Law (now Texas A&M School of Law) and immediately returned home to practice.

If elected, his experience would help "efficiently manage the court's civil docket," he said, adding that he also brought experience as a small businessman with his own law practice.

He promised a "capability to make tough decisions daily on felony cases," and said he would set budget priorities to make sure the county's public safety needs are being met.

He said he would bring "strong conservative leadership and knowledge of Taylor County government structure" to the judge's role as the county's administrator.

He also would bring an understanding of the structure and organization of county government through his own experience as a county employee, he said.

"I want to make sure we have someone in that job who cares about government and cares about delivering good service to our constituents," Crowley said.

New blood
Several new candidates seeking office are unopposed:

► Brandi DeRemer, a former Taylor County clerk's office employee, announced her intention to seek that role after Larry Bevill, the elected clerk for 15 years, announced plans to retire.

DeRemer has worked for Taylor County since 2003, and is currently serving in Haig's office as court administrator.

► Court clerk Shawna Joiner put in a solo bid for Justice of the Peace, Precinct 1, Place 2, an office presently held by Sparky Dean.

Dean said Wednesday that while he might not rule out future political endeavors, he and his wife have trips to take and some independent ventures to explore.

Joiner previously ran for Justice of the Peace, Precinct 1, Place 1, against incumbent Mike McAuliffe in 2019.

►Unopposed is Earl Donnell of Tuscola, who put in a bid for Justice of the Peace, Precinct 3.

That position is currently held by Bob Shea Jr., who said Wednesday he did not planned to run again.

Incumbents and others

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A number of incumbent county employees didn't draw opponents in their races, including County Commissioner Kyle Kendrick, County Court at Law No. 1 Judge Robert Harper, County Court at Law No. 2 Judge Harriett Haag and Treasurer Lesa Hart Crosswhite.

Incumbent Justice of the Peace Robert Jones, Precinct 2, and David Doherty, Precinct 4, also are unopposed.

Doherty, who was chief deputy for the Sheriff's Office, replaced Frank Cleveland, who retired in June.

Cleveland had served in the Precinct 4 position for almost 23 years.

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Primaries are set for Texas gubernatorial race. See who's running
Ali Linan
CNHI News
December 14, 2021
https://www.cnhinews.com/cnhi/article_6ab29b18-5c67-11ec-abad-63e751fa4bee.html

AUSTIN — Twelve candidates— seven Republicans and six Democrats — have thrown their hats in the race for Texas' highest office and will face primaries in March.

The filing period for the 2022 Texas gubernatorial race closed at 6 p.m. Monday. Now, candidates will face a primary on March 1 that will narrow the field to a single candidate for each party, unless there is a runoff where no one candidate receives more than 50% of the vote. In that case, a primary runoff election will take place on May 24. Election Day is Nov. 8.

Texas voters elect a governor every four years. The governor operates as the state's chief executive and makes policy recommendations as well as appoints the Secretary of State and other members of boards and commissions, according to the state website.

As of 9:30 a.m. Dec. 15, the following candidates have been officially accepted into the primary race, according to the Texas Secretary of State website:

Republican candidates:

- Greg Abbott—incumbent
- Paul Belew—attorney
- Danny Harrison—small business owner
- Kandy Kaye Horn—philanthropist
- Don Huffines—real estate
- Chad Prather—television host
- Allen West—retired military

Democratic candidates:

- Inocencio Barrieniez—retired
- Michael Cooper—automotive executive
- Joy Diaz—former reporter
- R. Star Locke—veteran
- Beto O'Rourke—organizer
- Rich Wakeland—engineer/attorney

In the 2022 election, Texans will vote for all major statewide offices including lieutenant governor, attorney general, comptroller, railroad commission and state board of education.

Every state house and senate seat is also up for reelection following redistricting, as well as every U.S. House seat — a total of 38 after Texas gained two seats because of population growth.

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See who has filed for candidacy in Harris County ahead of the March 2022 primaries
Hannah Zedaker
Community Impact
December 15, 2021
https://communityimpact.com/houston/spring-klein/election/2021/12/13/see-who-has-filed-for-candidacy-in-harris-county-ahead-of-the-march-2022-primaries/

Nearly 100 candidates have filed for Harris County positions ahead of the March 2022 primaries, as of the candidate filing deadline Dec. 13, according to the Texas Secretary of State website.

The winners for each party in the March primaries will determine which candidates will be on the ballot in the November general election. Of note, 11 candidates have filed for county judge, including incumbent Lina Hidalgo; seven candidates have filed for Precinct 2 county commissioner, including incumbent Adrian Garcia; and seven candidates have filed for Precinct 4 county commissioner, including incumbent R. Jack Cagle.

Ahead of the March 2022 primaries, the first day to apply for a ballot by mail will be Jan. 1 and the last day will be Feb. 18 (received not postmarked); the last day to receive ballots by mail will be March 1. Additionally, the last day to register to vote in the March 2022 primaries will be Jan. 31. Early voting will run Feb. 14-25 and election day will be March 1.

Through Harris County's countywide polling place program, registered voters may cast their ballots at any vote center countywide during both early voting and on election day.

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For more information about voting in Harris County, click here.

*Indicates incumbent

County Judge

Hector Bolanos (R)

Martina Lemond Dixon (R)

Robert Dorris (R)

Oscar Gonzales (R)

Warren Howell (R)

Randall Kubosh (R)

Vidal Martinez (R)

Alex Mealer (R)

Ahmad R. "Rob-Beto" Hassan (D)

Lina Hidalgo* (D)

Georgia D. Provost (D)

County Civil Court at Law No. 1

James Lombardino (R)

Audrie Lawton Evans* (D)

County Civic Court at Law No. 2

Clyde Raymond Leuchtag (R)

Jim F. Kovach* (D)

County Civic Court at Law No. 3

Lashawna A. Williams* (D)

County Civic Court at Law No. 4

Brian Staley (R)

David M. Patronella (D)

M. K. Monica Singh (D)

County Criminal Court at Law No. 1

Alex Salgado* (D)

County Criminal Court at Law No. 2

Paula Goodhart (R)

Ronnisha Bowman* (D)

Jannell Robles (D)

County Criminal Court at Law No. 3

Leslie Johnson (R)

Staci Biggar (D)

Porscha Natasha Brown (D)

County Criminal Court at Law No. 4

Zachary Gibson (R)

Shannon Brichelle Baldwin* (D)

County Criminal Court at Law No. 5

Elizabeth Buss (R)

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Carlos Aguayo (D)

David Marcel Fleischer* (D)

County Criminal Court at Law No. 6

Mark Montgomery (R)

Selina Alaniz (D)

Kelley Andrews* (D)

County Criminal Court at Law No. 7

Mauricio Vazquez (D)

Andrew A. Wright* (D)

County Criminal Court at Law No. 8

Mark Goldberg (R)

Erika Ramirez (D)

County Criminal Court at Law No. 9

Toria J. Finch* (D)

County Criminal Court at Law No. 10

Dan Spjut (R)

Juanita Jackson (D)

Thuy Le (D)

County Criminal Court at Law No. 11

Daniel Simons (R)

Sedrick T. Walker II* (D)

County Criminal Court at Law No. 12

Genesis E. Draper* (D)

County Criminal Court at Law No. 13

Lance Long (R)

Raul Rodriguez* (D)

County Criminal Court at Law No. 14

Je'rell A. Rogers (D)

DAvid L. Singer* (D)

County Criminal Court at Law No. 15

Tonya Jones* (D)

Probate Court No. 1

Loyd Wright (R)

Jerry Simoneaux* (D)

Probate Court No. 2

Pamela Medina (D)

Michael Newman* (D)

Probate Court No. 3

Rory Olsen (R)

Jason Cox* (D)

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Probate Court No. 4

Will Archer (R)

James Horwitz* (D)

District Clerk

Chris Daniel (R)

Desiree Broadnax (D)

Marilyn Burgess* (D)

County Clerk

Stan Stanart (R)

Teneshia Hudspeth* (D)

County Treasurer

Eric Dick (R)

Kyle Scott (R)

Dylan Osborne* (D)

Carla L. Wyatt (D)

Harris County Department of Education, Place 1

Ben Saldana (R)

Amy Hinojosa* (D)

Harris County Department of Education, Place 2

Danielle Dick (R)

Andrea Duhon* (D)

County Commissioner Precinct 2

Daniel N. Jason (R)

John Manlove (R)

Jack Morman (R)

Jerry Mouton (R)

Richard Vega (R)

Adrian Garcia* (D)

Gary Harrison (D)

County Commissioner Precinct 4

R. Jack Cagle* (R)

Lesley Briones (D)

Gina Calanni (D)

Bejamin "Ben" Chou (D)

Clarence Miller (D)

Jeff Stauber (D)

Ann Williams (D)

Justice of the Peace Precinct 1, Place 2

Steve Duble (D)

Victor Lombrana (D)

Chris Watson (D)

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Justice of the Peace Precinct 2, Place 2

Blair McClure (D)

Justice of the Peace Precinct 3, Place 2

Denise Graves (R)

Lucia Bates* (D)

Herbert Alexander Sanchez (D)

Justice of the Peace Precinct 5, Place 2

Zee Adam Gire (R)

Eman Afshar (D)

Roderick D. Rodgers (D)

Justice of the Peace Precinct 6, Place 2

Luis Garza (D)

Angela D. Rodriguez* (D)

Justice of the Peace Precinct 7, Place 2

Sharon Burney* (D)

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Senate Democrats push to pass voting rights bills by Christmas
Raquel Martin
Nexstar
December 15, 2021
https://www.everythinglubbock.com/news/washington-dc/democrats-split-on-changing-senate-rules-to-pass-voting-rights-legislation/

WASHINGTON (NEXSTAR) — Democrats are renewing their call to pass voting rights legislation before heading home for the holidays. The trouble is not every Democrat is on board.

“We must deal with this issue now,” Sen. Raphael Warnock, D-Ga., said. “The judgment of history is upon us.”

On the Senate floor Tuesday, Warnock said Democrats should change Senate rules to get the job done without Republicans.

“We’ve decided we can do it for the economy but not for the democracy,” Warnock said. “How do we in good conscious justify doing one without the other?”

With President Joe Biden’s Build Back Better Plan likely stalled until the New Year, a growing number of Democrats are backing Warnock’s call to tackle voting rights now.

“I’m completely inspired by and agree with what he said,” Speaker of the House Nancy Pelosi, D-Calif., said.

“If we don’t modify the filibuster to modify voting rights then we’re going to lose Democracy,” Sen. Jeff Merkley, D-Ore., said.

Sen. Debbie Stabenow, D-Mich., said federal legislation is needed to combat a wave of new state voting rules as Michigan is “one of the states where that’s playing out in real time.”

On Wednesday, Senate Majority Leader Chuck Schumer, D-N.Y., voiced his support but stopped short of endorsing the new timeline.

“There is universal consensus in our caucus that we need to pass legislation,” Schumer said.

The problem is, Sen. Joe Manchin, D-W.Va., said he will only support a bipartisan effort. This renewed push comes after Senate Republicans have already struck down voting rights legislation three times this year, and Sen. Josh Hawley, R-Mo., said its for good reason.

“It’s a federal takeover bill and it’s a democrat party protection bill,” Hawley said.

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Study to look at relief route for Mines Road traffic
Thomas Lott
Laredo Morning Times
December 15, 2021
https://www.lmtonline.com/insider/article/Study-to-look-at-relief-route-for-Mines-16703901.php

City officials are now working with the Regional Mobility Authority on relieving congestion on FM 1472 and Mines Road.

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Jed Brown, who was appointed as the presiding officer of the Webb County, City of Laredo Regional Mobility Authority by Texas Gov. Greg Abbott back in 2019, told the Metropolitan Planning Organization during a meeting last month that the RMA was ready to participate on what is known to the city as the “River Road Project.”

Brown said the RMA Board passed a resolution one day prior to the Nov. 17 meeting to work with the MPO on the project and to perform an “alignment study” which would map out a potential avenue west of Mines Road to give passenger vehicles relief from tractor-trailer traffic.

Part of the study would be to find out exactly where the road would start and where it could possibly finish. As of right now, the potential avenue starts where River Bank Road intersects with Aquero Boulevard and ends several miles north on FM 1472.

“That’s part of the alignment study, where the logical location for that road could be,” Brown said.

“The motion that was approved by the RMA was that we would partner with the MPO on that. We did not have that project on our radar screen, but once we really looked at the project, we saw the merit.”

The RMA’s job is to assist the establishment of a comprehensive transportation system to directly benefit the traveling public of the area through the development of additional transportation alternatives within the region.

The problem

Traffic congestion on Mines Road has been a topic of discussion in Laredo for years. Even Rep. Henry Cuellar brought up the issue in September when discussing the construction on one of the bridges going to Mexico.

City Councilmember Vanessa Perez represents District VII where Mines Road sits. She believes a project like the one the RMA will be researching needs to be done for the good of the people in that area.

“With the expansion of the World Trade Bridge on all these outlets, it’s going to alleviate some of the traffic that we have now but it’s also going to cause more traffic,” she said at the Nov. 17 meeting. “There’s going to be more development, there’s going to be more trucks, and I think this project here is pretty much our only way out.”

Laredo is the largest inland port in the United States and Nuevo Laredo is the largest in Latin America. More than 47% of United States international trade and more than 36% of Mexican international trade crosses through the Laredo Port of Entry.

On Mines Road, there sits multiple facilities where trucks pick up and drop off goods which results in heavy traffic throughout the day. Muller Elementary is just off of Mines Road which presents a challenge for many parents getting to the school and making their way back home during school pickup and drop-off hours.

This situation prompted Brown to see the need for relief at this location.

“For us, largely, it’s a safety factor,” he said. “If that road is constructed and tractor-trailer traffic is not allowed on the road, but yet, you can have pedestrian vehicles, smaller vehicles, school buses and emergency services vehicles on that road only, it makes a lot of sense for parents and school buses getting children to all the schools up and down the Mines Road, never having to travel on the Mines Road probably.”

What would RMA be doing

With the RMA’s approved resolution the day before the Nov. 17 meeting, they agreed to work on the River Road project with the city. What that means is they would both map out potential tracks for the road as well as research the potential cost of said roads.

The RMA does not yet have a cost estimate for what a road would cost. That would come with the study.

The study — what Brown called an “alignment study,” which he said might not be exactly what it will be called — carries with it an estimated cost of $250,000, but that number cannot be exceeded. It could cost less but it will not cost more, according to the RMA.

Laredo and RMA would likely partner on this study and share the cost.

A question on studies

Congestion on Mines Road has been an issue for a while. The city, county and even RMA and TxDOT have done studies on potential solutions for the problem in the past but no changes have come about from those studies yet.

One study done on the North Laredo area was one costing $675,000, which gave TxDOT and RMA a “bird’s-eye view” of the area several years ago. This particular study would be more specific and potentially determine an exact track for the relief road to take.

However, with all of the studies that have been done in the last several years, Webb Co. Judge Tano Tijerina — who sits on the MPO — had some questions about the value of this one.

“I’m one of these guys that … when we’re paying this amount of money for studies and studies and studies and studies and nothing’s getting done, I just feel like we’re just spinning our wheels and getting nothing done,” he said. “And I’m not going against anybody here. I’m not trying to put anybody in a bad light. But if we’re spending the money, we should have some kind of results.”

Tijerina made a motion which passed unanimously asking for the MPO to collect every study done on the area by the city, county, RMA and TxDOT for the past eight years.

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Brown was appointed to his position at the RMA in 2019 by Abbott. He was not part of the RMA's study with TxDOT, so he cannot speak to the lack of action that has come out of studies on possible relief of traffic congestion in the area.

However, he said he wants this study the RMA is doing to specifically be the one to plot out the relief route residents have been wanting.

"It has to be an actionable study," Brown said. "That's the way I look at it. It has to be something that the work product that's developed from it is something that … the alignment that's ultimately selected hopefully is a result of this study."

Funding

The RMA and the City of Laredo still have to iron out some things on the cost of the study, but city officials also wondered out loud at the meeting if there was a way to find alternative funding for the eventual road path selected by the study as opposed to paying for it with local funds.

"I was just thinking, maybe, have a setup to where we can get maybe some fed monies and use that as a security road," Tijerina said.

"I'm just trying to find different alternatives, different monies, trying to look at different opportunities."

The hope would be that if this road is close enough to the border of Mexico that it could be designated as necessary for, what Mayor Pete Saenz and Tijerina referred to as, a virtual wall.

If that were to happen, Tijerina hopes maybe the city would be able to obtain some funds from the federal government to build the road. He also additionally said the latest passed infrastructure bill could help.

"I know with this infrastructure bill that has been shoved down the United States by Congress and by the Senate, that's fine," Tijerina said. "President (Joe) Biden wants his infrastructure bill, this is the perfect infrastructure project. That's what I'm saying. If there's not any money for this then what was the bill for?"

The biggest thing that seemed to be on everyone's mind at the meeting was that there needs to be action taken to get this relief route at that location.

Several members at the meeting acknowledged their confusion that all of the studies done have yet to result in changes for the area.

"I applaud the judge for trying to figure out all of the different projects and all of the different studies that have been done, because I've seen six or seven studies that say the same thing — we need more roads," Councilmember Dr. Marte Martinez said. "Well, I mean, we probably could have funded a road with as many projects as we've done, you know? As many studies as we've done. That's the truth."

What's next?
Mr. Brown said he will take everything the members of the MPO said and give it to the RMA Board, and they will plan accordingly.

Saenz asked if they could make a motion for Brown to update the MPO on the project monthly, but since this wasn't a direct item on the agenda they could not take immediate action.

However, Brown said he would come back to the MPO monthly and update the progress on the study.

The MPO meets the third Wednesday of every month and will meet again Wednesday, Dec. 15.

"I'm hearing everything everybody is saying," Brown said. "We take this information, leave this room and start trying to process it and figure out how to implement it. We have the green light to definitely conceptually be able to move forward, to meet with staff, to meet (with) city staff, whoever we need to who's appropriate to see what the next step is."

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North America's biggest railroad born as Kansas City sale is completed
Mexico News Daily
December 15, 2021
https://mexiconewsdaily.com/news/north-americas-biggest-railroad-born-as-kansas-city-sale-is-completed/

Railway giant Canadian Pacific (CP) closed a US $31 billion deal including the assumption of $3.8 billion of debt for United States railroad Kansas City Southern (KCS) on Tuesday, a sale that was originally agreed upon in September.

The landmark deal creates Canadian Pacific Kansas City (CPKC), an approximately 32,000 kilometer railroad that connects Canada, the United States and Mexico and will generate an estimated $8.7 billion annually.

CPKC will offer a direct link between Vancouver, Montreal, New York, Texas and large parts of Mexico, currently operated under KCS' wholly-owned subsidiary Kansas City Southern de México, which carries freight from the Pacific port of Lázaro Cárdenas, Michoacán; ports in Tampico and Altamira in Tamaulipas; the port of Veracruz; and the Valley of México and the El Bajío industrial region to the U.S. via Texas.

The combination will capitalize on the North America trade agreement (USMCA), particularly in the automotive and agriculture industries, which are together worth almost $190 billion, according to the Economy Ministry.

However, the deal isn't quite finalized yet: KCS shares have been placed in a voting trust while U.S. regulators review it. The companies expect approval in the fourth quarter of 2022, and will operate independently until then.

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The acquisition was given the green light by Mexican regulators in November.

Completion will bring an end to a bidding war between CP and its domestic rival Canadian National (CN), which was previously in line to take over KCS.

The president of CP, Keith Creel, said the deal would benefit North American economies: “Today is an historic day for our two iconic companies … CPKC will become the backbone connecting our customers to new markets, enhancing competition in the U.S. rail network, and driving economic growth across North America while delivering significant environmental benefits,” he said.

President of KCS, Patrick Ottensmeyer, said the agreement will be beneficial for clients, shareholders and workers: “The CP-KCS combination will not only benefit customers, partners, labor and shareholders through new single line transportation services, attractive synergies and complementary routes, but will also benefit KCS and our employees by enabling us to be part of a growing corporate enterprise on the North American continent,” he said.

CP began operating in 1881 and has approximately 20,100 kilometers of track in the United States and Canada.

KCS is the smallest of the major freight railroads in the U.S, with 10,800 kilometers of track in the U.S. and Mexico.

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Supply-Chain Hell Ignites Economic Boom Along U.S.-Mexico Border
Thomas Black
Bloomberg
December 14, 2021
https://www.bloomberg.com/news/articles/2021-12-14/supply-chain-hell-ignites-economic-boom-along-u-s-mexico-border?sref=ytoldrow

Wedged up against the southern edge of the Rio Grande, the sprawling desert city of Juarez has seen its share of economic booms over the years.

But perhaps none quite like the one that’s taken hold today.

There are excavators and bulldozers seemingly everywhere, pushing dirt into tall piles and leaving everything -- and everyone -- covered in a coat of wind-blown dust. The space they are carving out of the desert floor will house a long list of new factories that were ordered up by anxious CEOs across the world when the pandemic roiled their global supply routes.

Ambu A/S, a Danish medical device maker, is erecting a facility on the outskirts of the city. Several miles away, Keeson Technology Corp., a Chinese furniture maker, is building a second plant here just months after opening its first. Boyd Corp., a California-based conglomerate, recently inaugurated one factory and plans to build three more. And MGA Entertainment, a California-based toymaker, began cranking out Little Tikes Cozy Coupes from its plant last month even before construction crews had cleared out debris piles or paved the parking lot.

What’s the rush at MGA?

The company has 750 containers of toys stuck in supply-chain hell at ports around Los Angeles. Produced in China, those items were supposed to be on U.S. store shelves this holiday season. That won’t happen, says Isaac Larian, MGA’s chief executive officer. But the Juarez plant is now shipping two truckloads of toys into the U.S. each day and that number will soon grow to 10. What’s more, Larian plans to break ground on a second factory in Mexico next year and will begin shifting some of MGA’s Chinese production to these plants.

“We have big ambitions and big plans for Mexico,” he says.

This, in the lingo of corporate executives, is near-shoring, one of the biggest economic transformations sparked by the pandemic: Shrink the length of the supply chain to keep production closer to its final destination and reduce the risk of some snag messing things up along the way. A shorter chain is a stronger chain, the thinking now goes, and there’s a growing sense that this new approach will remain in vogue in C-suites long after Covid fades.

For the multinationals that do business in the red-hot U.S. economy, near-shoring often means northern Mexico, where labor costs are cheap, land is plentiful and the border is just a short ride away. El Paso, Texas, is less than 10 miles to the north of most of the new plants in Juarez.

Other border cities -- Tijuana, along the west coast, and Reynosa, Matamoros and Piedras Negras, far to the east -- are undergoing similar industrial booms, providing a much-needed lift to a Mexican economy that has been slow to recover from last year’s collapse.

For more than half a century now, the factories in these cities have been a key cog in the U.S. supply chain. Known in the industry as maquiladoras, they take imported parts, assemble them into consumer and industrial products and then ship them north.

When Nafta, the free trade deal between the U.S., Mexico and Canada, took effect in 1994, multinationals set up maquiladoras at a frenetic pace. Juarez alone is home to plants owned by General Electric, Honeywell International, Bosch, Foxconn Technology, Siemens and Electrolux, among others.

Years later, the region began to stagnate when China entered the World Trade Organization. Many companies pulled out of Mexico and set up shop in China, where labor costs were even lower. Flareups of gruesome narco violence along the border only added to the exodus.

China kept stealing U.S. market share from Mexico right up until Donald Trump took office in Washington. When he started slapping tariffs on Chinese-made products, Mexico suddenly looked pretty attractive again to executives. Then the pandemic came along and turbocharged the shift. Keeson, the furniture maker, is Exhibit A for this: It first made plans to open a factory

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in Juarez shortly after Trump launched his trade war against Beijing, and it sped up those plans by a full year when Covid hit.

“Manufacturing is coming back for sure,” says Jason Tolliver, a managing director who helps oversee logistics and industrial services in the Americas for real-estate firm Cushman & Wakefield PLC. The conversations he’s having with corporate leaders, he says, indicate this wave of investment along the border is just beginning. “It is structural and it’s long term.”

The boom is so intense in Juarez that industrial real estate is suddenly getting tight: 98% of existing space is already leased, and the price has jumped more than 20% over the past year to about $5.25 per square foot, according to Jesse Melendez, a director at industrial real estate company Intermex.

Intermex is rushing to cash in. It’s leasing out 5 million square feet more of factory space in the city today than it did a year ago, and it’s building four additional factory sites. They will be tightly clustered in what is now just a barren field of dirt on the city’s southwestern edge.

As excited as Melendez is about the boom, he’s already mentally preparing for the bust that often follows. “In my career, I’ve typically seen the valleys and peaks seven to 10 years apart,” he says. He figures the slowdown will begin by 2024.

As Melendez drove through the city on a recent weekday afternoon, that seemed like a distant thought. “Hiring” signs kept popping up all around him -- on the facades of factories, on buses, in shop windows.

This is what lured Efrain Gonzalez back to Juarez from his native Veracruz in the south.

People associate Mexican migrants with the U.S. labor market, but the truth is many of them, like Gonzalez, end their journeys just miles south of the border, especially when the maquiladoras are humming like they are now.

The factory jobs offer pay that, while a fraction of typical U.S. wages, is markedly higher than what the migrants can earn back home in the impoverished south of Mexico. And they don’t have to worry about getting deported.

Gonzalez, 49, earns a little over $80 a week, plus benefits like free lunch, at the Keeson plant, which produces the company’s Ergomotion adjustable beds. He said he knew he’d find work as soon as he set foot back in Juarez a few months ago. The sight of all the new factories going up made that clear. “There’s a lot of work here.”

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Civil rights groups ask DOJ to investigate ‘discriminatory’ Operation Lone Star in Texas
Sandra Sanchez
Border Report
December 15, 2021
https://www.borderreport.com/hot-topics/immigration/civil-rights-groups-ask-doj-to-investigate-discriminatory-operation-lone-star-in-texas/

McALLEN, Texas (Border Report) — Ten civil rights organizations have filed a joint discrimination complaint asking the Department of Justice to investigate Operation Lone Star, a law enforcement initiative headed by Texas Gov. Greg Abbott to deter illegal immigration on the Texas/Mexico border.

The ACLU of Texas, Latino Justice, Texas Civil Rights Project and Texas Fair Defense Project are among those on Wednesday that filed a Title VI complaint with the federal government alleging that Operation Lone Star is an “unlawful, racist and xenophobic system of state immigration enforcement in Texas.”

In a letter sent Wednesday to U.S. Attorney General Merrick Garland, the agencies ask that the Department of Justice launch a formal investigation into the operation and end all federal funding received by Texas agencies and counties that are engaged in what they call a “discriminatory operation.”

Operation Lone Star began in March under Abbott’s direction and utilizes the Department of Public Safety, Texas National Guard, as well as support from National Guard sent from other states to several Texas border counties.

In September, Abbott signed into law over $1.8 billion for Texas border security efforts, which includes Operation Lone Star. Abbott has held steadfast in his belief that Texas must “secure” its borders and he has repeatedly faulted the Biden administration for “failing” to better prevent migrants from entering the country illegally.

“Texas supports legal immigration but will not be an accomplice to the open border policies that cause, rather than prevent, a humanitarian crisis in our state and endanger the lives of Texans. We will surge the resources and law enforcement personnel needed to confront this crisis,” Abbott said in March when he began Operation Lone Star.

Over 100 organizations supported the discrimination complaint, according to the letter. This included: Amnesty International USA, Catholic Legal Immigration Network, Freedom Network USA, Human Rights Watch, RAICES, the Immigrant Legal Resource Center and the Haitian Bridge Alliance.

In a call with media Wednesday, several of the groups said the surge of DPS troopers and National Guardsmen inflict undue harm on migrants and unfairly affects border communities.

Their discrimination complaint alleges the operation violates the Civil Rights Act of 1964 that bars discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance.

“They’ve created a nefarious state enforcement system to punish brown and black immigrants,” said Laura Peña, legal director of the Racial and Economic Justice Program at the Texas Civil Rights Project. “There’s real human suffering … as well as consequences to the border communities that are required to enforce it.”

Claudia Muñoz, co-executive director of Grassroots Leadership, said 1,500 migrants currently are in prison on arrest charges associated with Operation Lone Star.

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She said some of their clients report being magistrated by judges “in parking lots” with hundreds of other migrants.

She said that after charges were dismissed for some migrants, they had to wait days for release, and then some say they were not released but handed over to U.S. Border Patrol agents who deported them.

“It is clear to us that local officials in Texas do not care about the rules,” Muñoz said. “They target migrants and disregard federal law.”

The complaint alleges that law enforcement lure migrants to trespass on private property and “have directed individuals near the border to a particular place – giving them the impression they have permission to be on the property – only then to arrest them for trespassing.”

Kate Huddleston, a lawyer with the ACLU of Texas, said “the program deliberately targets black and brown and LatinX migrants for punishment.” And she alleged that “arrests are often lacking in probable cause.”

“They languish in that system for extremely long periods of time, weeks or months on misdemeanor charges,” Huddleston said.

Border Report reached out to Gov. Abbott’s office for a response to the allegations. This story will be updated if additional information is received.

The letter also says law enforcement have “boasted on social media” about arrests.

Law enforcement say Operation Lone Star has helped to decrease the amount of drugs and migrants trafficked through Texas.

For the past nine months the operation has steadily been increasing in manpower and funding and support from other states. There has been a blockade of the Rio Grande formed off Starr County, and shipping containers were placed off the banks of Eagle Pass, Texas, to help block those trying to enter in between legal ports of entry.

“We’re here to repel and to block any criminal activity coming into the state,” Maj. Mike Perry of the Texas Military Department said Dec. 9 during a media briefing in Weslaco.

Perry said during the first week of this month officers with Operation Lone Star caused nearly 700 migrants to turn back to Mexico.

DPS Lt. Chris Olivarez said law enforcement through Operation Lone Star have, so far, stopped from crossing the border massive loads of fentanyl drugs — enough that could have killed 200 million people, he said Dec. 9.

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Texas election audit undermines democracy
Editorial Board
Dallas Morning News
December 16, 2021
https://www.dallasnews.com/opinion/editorials/2021/12/16/the-real-cost-of-the-texas-elections-audit/

In the days after Gov. Greg Abbott ordered a “forensic audit” of the November 2020 elections, the elections administrators of the four targeted counties were left scratching their heads. Officials in Dallas and Collin counties told us in late September that they were waiting to receive instructions from the Texas secretary of state. Tarrant and Harris counties were also in the dark.

We condemned the audit at that time, though we hoped there would be no follow-through. We thought it might be a superficial stunt to appease President Donald Trump, and nothing more.

But our news colleagues recently reported that Secretary of State John Scott sent a long list of requested documents to the four counties. And last month, the governor and GOP legislative leaders shifted $4 million from the state prison system to the office of the secretary of state to pay for the audit.

Abbott is making a mistake by pressing on with this forensic audit — whatever it is that GOP leaders mean by “forensic.” The myth of widespread voter fraud is red meat for Republican primary voters but far less palatable to moderate suburban voters in a general election, a political calculus that the governor must make as he campaigns for another term and seeks to carry down-ballot Republicans with him.

Above all, this obsession with election audits is eroding democracy for all of us, no matter our political affiliation.

The Texas GOP’s treatment of election integrity as a legislative emergency makes no sense on its face. Trump won Texas comfortably, and voters here kept the state a Republican stronghold. The state’s director of elections described the 2020 vote as “smooth and secure.”

Yet Abbott and his allies have steered us into Orwellian territory. Texans have heard repeatedly that the elections audits are an attempt to restore confidence in our state’s elections systems. They are having precisely the opposite effect. Our democracy is being weakened by these baseless searches for fraud.

Targeted for suspicion are two counties that are Democratic strongholds and two counties that have grown more diverse and where Democrats are gaining ground. That’s not a coincidence.

Efforts to undermine election systems continue unabated nationwide. According to one study, at least 16 states have proposed or passed laws this year that would transfer power over election administration from governors or elections officials to legislatures. We should all be alarmed about what this shift means for our future votes.

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Our democracy draws its strength from a tradition of debate. We debate issues, we debate policy. We offer choices, and we accept the will of voters. That is what has made our democracy healthy for generations, regardless of whether a Republican or Democrat lived in the White House.

This campaign to make Americans question the validity of elections is corrosive, and all of us will pay the price. How long can our leaders chip away at the foundation of our democracy before the house comes crashing down?

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Friday, December 17, 2021 10:38 AM EST
Subject: SOS Morning News Clips 12/17/21

Texas Secretary of State

Morning News Clips

December 17, 2021

Dallas County audit details released, *Coppell Gazette*, December 16, 2021

Texas' renewed voter citizenship review is still flagging citizens as "possible non-U.S. citizens," *Texas Tribune*, December 17, 2021

Ballot numbering under scrutiny in Ellis County, *Waxahachie Daily Light*, December 16, 2021

Garcia: Get set for the weirdest county commissioner race we've ever seen, *San Antonio Express-News*, December 16, 2021

Texas AG Paxton's $2.2M voter fraud unit closed three cases in 2021. GOP lawmakers still boosted its budget, *Houston Chronicle*, December 17, 2021

Lawsuit alleges Harris County Democrat's map disqualifies some voters for six years, *The Center Square*, December 16, 2021

Redistricting changes raises tension in Texas before elections, *KGNS-TV*, December 16, 2021

Texas Democrats eye redistricting fights in state court as federal suits over gerrymandering mount, *Dallas Morning News*, December 16, 2021

How Out Texas Rep. Celia Israel Put Voting Rights First in 2021, *The Advocate*, December 16, 2021

Arlington approves redrawn council districts that some say dilute Black, Latino voting power, *KERA News*, December 16, 2021

Court tells Texas AG, "Nah," On Election Prosecutions, *The Root*, December 16, 2021

Controversial businessman with Dallas ties sees renewed fame as election 'expert', *KERA News*, December 16, 2021

Nevada county where Trump won to replace voting machines, *Associated Press*, December 16, 2021

Yes, many noncitizens can now vote in New York City, but only in municipal elections, *KCEN-TV*, December 16, 2021

Biden met virtually with U.S. senators to discuss voting rights bill, *Reuters*, December 16, 2021

Voting rights advocates hold hunger strike near White House, *Washington Post*, December 17, 2021

Fox's worst week? Dominion ruling adds to drumbeat of bad news for the network, *CNN*, December 16, 2021

Opening of Texas-Mexico border boosts holiday retail in San Antonio, *Texas Public Radio*, December 16, 2021

EXCLUSIVE-Royal Dutch Shell confirms new delay in sale of Texas refinery to Mexico's Pemex, *Reuters*, December 16, 2021

Texas has built 6 miles of wire border fencing along Rio Grande under Operation Lone Star, *Border Report*, December 16, 2021

Dallas County audit details released
Audrey Henvey
Coppell Gazette
December 16, 2021

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https://starlocalmedia.com/coppellgazette/news/dallas-county-audit-details-released/article_37d2abc8-5e99-11ec-9aff-7b644dd8215e.html

The Texas Secretary of State's office has laid out details for phase two of its "full forensic audit" of the 2020 general election in Collin, Dallas, Harris and Tarrant counties.

On Friday, the office shared a letter from Texas Secretary of State John B. Scott addressed to elections administrators for each county.

"As indicated in our office's previous communications, the Texas Secretary of State's office is conducting the largest and most comprehensive forensic audit of the November 2020 General Election in your respective counties," the letter stated. "The purpose of this audit is to provide clarity and confidence for Texas voters that all applicable laws and procedures were followed during the 2020 Election, and to identify any irregularities or issues that need to be addressed going forward."

The letter asks the elections offices to begin locating requested documents in preparation for on-site examinations by the office's Forensic Audit Division, which will be coordinated in January.

The request comes after the office first announced in September that an election audit had already begun in the state's two largest Democrat and Republican counties. The office has since said that the audit is expected to cover about 35% of votes cast for the 2020 general election in Texas.

Scott's Friday letter came with a 10-page attachment outlining the records and procedures that the office is reviewing.

"The specific review process for each category will be based on the county's response to the initial survey questions provided," the office stated. "Once the scope is established on a county-by-county basis, we will provide detailed documentation regarding the specific review of each applicable category."

The outlined materials include voting system test records, lists of election workers, video surveillance records and questions about the county's election security measures.

According to an audit outline that was shared by the office in September, phase 2 involves the office conducting a comprehensive election records examination over several months "to ensure election administration procedures were properly followed during the 2020 General Election." That includes looking at county records including logic and accuracy testing records for voting machines, early voting and election day materials and training materials.

Irregularities or deviations from election administration procedures could trigger a full manual recount of ballots in a certain area, the office stated.

"I'm very confident that Collin County will come through this audit very well," Collin County elections administrator Bruce Sherbet said in September. "We had a very smooth and good election, and I think the biggest part for me is if this audit will help voters that don't have confidence in the process have confidence or more confidence that everything was handled appropriately, then that's very important."

Official election results posted on the Texas Secretary of State's website show that three of the four counties voted for President Joseph R. Biden Jr. in the 2020 general election. Collin County was the only one of the four that overall voted in favor of former President Donald J. Trump in the 2020 general election with 51.4% of the votes cast. Dallas County overall showed favor for Biden with 65.1% of votes cast.

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Texas' renewed voter citizenship review is still flagging citizens as "possible non-U.S. citizens"
Alexa Ura
Texas Tribune
December 17, 2021
https://www.texastribune.org/2021/12/17/texas-voter-roll-review/

Texas' last attempt to scour its voting rolls for noncitizens two years ago quickly devolved into a calamity.

The state flagged nearly 100,000 voters for citizenship checks and set them up for possible criminal investigation based on flawed data that didn't account for immigrants who gained citizenship. After it became clear it was jeopardizing legitimate voter registrations, it was pulled into three federal lawsuits challenging its process. Former Secretary of State David Whitley lost his job amid the fallout. And the court battle ultimately forced the state to abandon the effort and rethink its approach to ensure naturalized citizens weren't targeted.

This fall, the state began rolling out a new, scaled-down approach. But again, the county officials responsible for carrying it out are encountering what appear to be faults in the system.

Scores of citizens are still being marked for review — and possible removal from the rolls. Registrars in some of the state's

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largest counties have found that a sizable number of voters labeled possible noncitizens actually filled out their voter registration cards at their naturalization ceremonies. In at least a few cases, the state flagged voters who were born in the U.S.

The secretary of state's office says it is following the settlement agreement it entered in 2019 — an arrangement that limited its screening of voters to those who registered to vote and later indicated to the Texas Department of Public Safety that they are not citizens. Flagged voters can provide documentation of their citizenship in order to keep their registrations, officials have pointed out.

But the issues tied to the new effort are significant enough that they've renewed worries among the civil rights groups that forced the state to change its practices. They are questioning Texas' compliance with the legal settlement that halted the last review. And for some attorneys, the persisting problems underscore their concerns that the state is needlessly putting the registrations of eligible voters at risk.

"We're trying to get a grasp of the scale, but obviously there's still a problem, which I think we always said would be the case," said Joaquin Gonzalez, an attorney with the Texas Civil Rights Project, which was involved in the 2019 litigation. "It's definitely something we were concerned would happen if they tried to restart this process."

The review process tries to identify noncitizens using the Department of Public Safety's massive driver's license and ID database. It takes people who indicated they were not citizens when they obtained their IDs and then matches them to the voting rolls. But civil rights groups have been wary of that strategy because the database can contain inaccuracies and is prone to human error.

"It made sense to improve the process [in the settlement], but I think all parties were aware that there were still fundamental problems with the database and how they matched records," Gonzalez said.

Texas' voter citizenship review has persisted through the tenure of multiple secretaries of state and has been backed by state Republican leaders who have touted the broader review effort as a way to ensure the integrity of the voter rolls, though there is no evidence that large numbers of noncitizens are registered to vote.

The current iteration was formally initiated in early September before the appointment of the state's new secretary of state, John Scott, who helped former President Donald Trump challenge the 2020 presidential election results in Pennsylvania.

That's when the state sent counties 11,737 records of registered voters who were deemed "possible non-U.S. citizens." It was a much smaller list than the one it produced in 2019, when it did not account for people who became naturalized citizens in between renewing driver's licenses or ID cards they initially obtained as noncitizens.

But when Bexar County received its list of 641 flagged voters, county workers quickly determined that 109 of them — 17% of the total — had actually registered at naturalization ceremonies. The county is able to track the origin of those applications because of an internal labeling system it made up years ago when staff began attending the ceremonies, said Jacque Callanen, the county's administrator.

Election officials in Travis County said they were similarly able to identify that applications for 60 voters on the county's list of 408 flagged voters — roughly 15% of the total — had been filled out at naturalization ceremonies.

The American Civil Liberties Union of Texas, another group that sued the state in 2019, is still assessing the extent to which the state's new attempt to review the rolls may be defective. But those figures alone should give everyone pause, ACLU staff attorney Thomas Buser-Clancy said after The Texas Tribune provided him those tallies.

"What we do know is that every time the secretary of state tries to do something like this it fails and that these efforts, which inevitably ensnare eligible voters, should not be happening," Buser-Clancy said.

In an advisory announcing the revised process, the secretary of state's office told counties that they should first attempt to "investigate" a voter's eligibility. If they are unable to verify citizenship, the county must then send out "notices of examination" that start a 30-day clock for the voter to submit proof of citizenship to retain their registration. Voters who don't respond with proof within 30 days are removed from the rolls — though they can be reinstated if they later prove their citizenship, including at a polling place.

Beyond the figures from Bexar and Travis counties, local election officials in other counties, including Cameron and Williamson, confirmed they've heard back from flagged voters who are naturalized citizens. After mailing 2,796 notices, officials in Harris County said 167 voters had provided them with documentation proving their citizenship. In Fort Bend, officials received proof of citizenship from at least 87 voters on their list of 515 "possible noncitizens." Last week, Texas Monthly reported on two cases of citizens in Cameron County who were flagged as possible noncitizens.

"This process, agreed upon by all parties and stakeholders, will ensure that only qualified U.S. citizens remain on the voter rolls in Texas' 254 counties," said Sam Taylor, the secretary of state's spokesperson. "We do not want any legitimate, qualified U.S. citizens to be canceled from the voter rolls, and this process protects U.S. citizens' right to remain registered and to vote."

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In its advisory, the secretary of state suggested voter registrars could attempt to confirm a flagged voter's eligibility by consulting with other county governmental entities that may have verified their citizenship or by trying to identify voter registration applications that originated from naturalization ceremonies.

"To the extent that counties were able to confirm their citizenship status and they were kept on the rolls — that's exactly how the agreed-upon process is supposed to work," Taylor said of the naturalized citizens identified by officials in Bexar and Travis counties.

However, county officials have previously told the state they often have no way to independently verify someone's citizenship status to avoid sending out the 30-day notices. And most counties don't appear to track applications from naturalization ceremonies.

So far, 2,327 voter registrations have been canceled as part of the review — 88% of them because the voter did not respond to the notice within 30 days. Just 278 were canceled after voter registrars verified they were not citizens. In some cases, county officials said, this occurs because of clerical errors. Nearly 17 million Texans are registered to vote.

The rest remain pending, largely because the state is now under a federally mandated moratorium on registration cancellations within 90 days of a federal election — in this case, the upcoming March primaries. (Various counties did not send out notices until the last few weeks, meaning any cancellations for failing to respond cannot be carried out until after the primary election.)

Voters flagged through the review process "have every opportunity to confirm their U.S. citizenship status and remain on the rolls, including at the polls when they go to vote," Taylor said.

But lawyers involved in the 2019 litigation said the state cannot rely on that as a failsafe if the review process is systematically including eligible voters.

"Whatever the flaw is, it's systematic with respect to naturalized citizens," said Nina Perales, the vice president of litigation for the Mexican American Legal Defense and Educational Fund, which also sued the state in 2019.

In the shadow of the state's botched 2019 effort, some county elections officials told the Tribune they approached the renewed effort with hesitation. But unlike two years ago when many of them held off on acting on the state's lists, county voter registrars are now under financial threat if they don't cull through them.

The Texas Legislature this year empowered the secretary of state's office to withhold funds from them if they fail to "timely perform" voter roll maintenance duties, including those related to voters flagged as possible noncitizens. Keith Ingram, the director of the office's elections division, reminded locals of this in a Nov. 15 email in which he noted "that a number of counties" had taken no action on the registrations his office put into question.

Ingram's email appears to have prompted several counties to send out notices of examination, while others are still seeking additional data or information that could allow them to confirm that voters are citizens without sending the notices.

Gretchen Nagy, the director of voter registration in Travis County, sees it as "due diligence" owed to the voters, recalling the phone conversations she had with anguished naturalized citizens who were caught up in the state's 2019 review.

"It was really difficult when people on the other end were really upset and emotionally distraught, [asking] 'Is there something wrong? Did I do something wrong?'" Nagy said. "We're basically trying to think outside the box — any agency, any department that we can reach out to — to see if we can do a confirmation of citizenship before these individuals ever have to hear from us."

Up the road, election officials in Williamson County last week were waiting on guidance from the state in regard to nearly a fifth of the voters on their list of 138 "possible noncitizens" who appeared to have registered through the Department of Public Safety, which only registers individuals once their citizenship has been verified.

The state erroneously included 25,000 of those types of records in its 2019 review — a mistake it began quietly walking back within days of announcing the review effort.

The secretary of state's office confirmed its current review includes "a limited number" of those matches, though it did not respond to a request for an exact number. Taylor, the spokesperson, said the state determined that some voters who initially registered through DPS were flagged because they "marked 'yes' on the citizenship field but later marked 'no' on the same field at a subsequent visit to DPS." Those records could also include voters who were unable to provide citizenship documents to DPS.

"As a result, these records were flagged for citizenship review," Taylor said.

The issues with the revised review appear to even be reaching voters who were born in the U.S.

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Among them is Ivan Henson, a certified public accountant in Tarrant County, who was puzzled when he found in his mailbox a notice from the county dated Nov. 30 indicating his citizenship was in question. He was born in New Mexico.

“There is absolutely no reason I should be on this list,” Henson said.

Henson’s name appeared alongside more than 600 others on the list of possible noncitizens Tarrant County received from the state. County officials said they reviewed the list to see if they could find any clerical errors but ultimately sent out the notices following the state’s instructions.

Recalling news coverage of the state’s voter rolls debacle from two years ago, Henson made copies of his birth certificate and passport and quickly mailed them to the county, but he said he worries others who “don’t have time to mess with it” won’t be able to comply as easily.

“I am self-employed with my own copier and my own resources and my own time,” Henson said. “You know who this letter is going to disenfranchise.”

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Ballot numbering under scrutiny in Ellis County
Bill Spinks
Waxahachie Daily Light
December 16, 2021
https://www.waxahachietx.com/story/news/politics/elections/2021/12/16/ballot-numbering-under-scrutiny-ellis-county/8935432002/

Ellis County’s election system is secure, members of the Commissioners’ Court were told during Tuesday’s regular bi-weekly meeting as they peppered county elections administrator Jana Onyon with questions and heard public comments on election security across almost an hour and a half.

Onyon’s assertions, though, didn’t seem to assuage some members of the court as they seemed to lean toward reinstating sequentially numbered ballots for elections in the county.

Onyon told commissioners that ballots are numbered for security purposes so that they can be traced back to a polling location. The process dates back to legislation when hand ballots were still commonplace, but Onyon said the same process was kept even with technology advances.

A 2019 change to the balloting process allows for unused ballot stock to be reused in subsequent elections, which Onyon said resulted in significant cost savings — about $13,000 for the November 2020 election. The reason this is possible is because ballots are not numbered until the votes are cast with the electronic system Ellis County began using in May 2019. The system generates a 2-digit alpha code and a random serial number.

Several public speakers urged a return to sequentially numbered ballots and called into question the Texas Secretary of State’s advisory allowing for non-pre-numbered ballots. Most cited what they said was lack of confidence that votes were being securely counted, and said the money being saved wasn’t worth the concern over security.

Onyon replied afterward that all guidance regarding the update originated from state legislation, and that all ballots that are placed in the tabulator are counted after they are filled out, regardless of numbers.

Onyon said voting equipment is routinely tested before every election. In the event that a voter is not satisfied with his or her recorded vote, that voter can request a new ballot and the old ballot is “spoiled.” Onyon added that a rigorous count of all ballots — used, unused or “spoiled” — is kept at each polling site. All ballots are kept on file for 22 months following an election.

Voting devices are not connected to the internet, Onyon said. The laptop that checks in voters is the only computer that will be connected to the web, so that voters are able to be verified.

Precinct 3 Commissioner Paul Perry said he will ask County Attorney Ann Montgomery to research election statutes to find out if the allowance of random numbering has any basis in law, and bring an answer back for the Dec. 28 court meeting. Perry also said even though the Ellis County Elections Office is independent of the Commissioners’ Court, the court does hold the budgetary purse strings for the office.

Precinct 1 Commissioner Randy Stinson said funding should be no object in the name of securing ballots.

“When it comes to elections, we have the money,” Stinson said. “We need to put extra staff over there to implement the situation that we’re trying to solve. I don’t think any commissioner on this court would back off of that.”

All court members were present.

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Column: Get set for the weirdest county commissioner race we’ve ever seen
Gilbert Garcia
San Antonio Express-News

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December 16, 2021
https://www.expressnews.com/news/news_columnists/gilbert_garcia/article/Garcia-Get-set-for-the-weirdest-county-16708414.php

Let's say you're a politically active person living on the North Side and you've thought about running for county commissioner.

But the precinct in which you live (Precinct 3) didn't have another election scheduled until 2024, and, besides, it had a solid incumbent, Trish DeBerry, who just took office at the beginning of this year.

Given those circumstances, you recently filed to run for another office.

This must be a strange time for you.

On Monday afternoon, moments before the filing period closed for the 2022 Texas primary elections, DeBerry stunned political observers by filing paperwork to run for county judge. In doing so, she relinquished her Precinct 3 seat.

DeBerry's move triggered an obscure provision in the Texas Election Code, which states that if a vacancy occurs after the 10th day before the filing deadline, candidates have five days from the regular filing deadline in which to apply for the primary election.

In this case, that would have meant a Saturday deadline, but the Texas Secretary of State's office rolled the deadline over to Monday.

It has created one of the weirdest dynamics we've ever seen in Bexar County politics.

"People are struggling," said Jacque Callanen, the elections administrator for Bexar County. "Lots of phone calls will be made."

Callanen said some primary candidates for other offices have contacted her to inquire about switching to the Precinct 3 contest.

"They've said, 'Hey, if I'd known that, I wouldn't have filed for this slot. Can I withdraw from this slot now and run for that one?'"

The answer, of course, is they can't.

John Austin, the chairman of the Bexar County Republican Party, said no GOP candidates had filed for the Precinct 3 seat as of Thursday morning.

"I've talked to multiple individuals that are interested," Austin said. "People are just kind of mulling it over. It's so fast and whirlwind.

"A typical executive at one of the big companies in town might be interested in that at some point. But to have only four or five days to put everything in order, it's just not enough time."

There's also the issue of filing fees. Candidates for Bexar County commissioner have the option of paying a $1,250 filing fee or submitting 500 petition signatures.

In this case, however, with only a few days in which to gather signatures, Precinct 3 hopefuls will almost certainly have to cough up the $1,250 if they hope to get their names on the March 1 primary ballot.

It's worth considering that the race for Precinct 3 commissioner (a gig which pays nearly $138,000 a year) is operating on two tracks.

There's the behind-the-scenes jockeying to secure an interim appointment from Democratic County Judge Nelson Wolff (whose voice mail, as I write this, is probably filling up with flattery from ambitious local Republicans). That appointment will get you the job for about a year.

Then there's the election battle, which will secure the Precinct 3 seat for the winner until the end of the 2024 election cycle. This is a solid Republican seat and most of the real action will be in the GOP primary.

Here's what we know about the Republican race:

Former Councilman (and two-time mayoral candidate) Greg Brockhouse will be running. Seven months after getting smoked by a 2-1 margin in the mayoral election by Ron Nirenberg, Brockhouse sees the Precinct 3 seat as a prime opportunity for a political comeback.

Patty Gibbons, a long-time Republican activist who finished fifth in a 10-candidate North Side field for City Council in 2017, also plans to run.

In addition, there's a slew of prominent players in the local business community who are giving this race a look.

Grant Moody, the director of policy, strategy and innovation at Valero Energy, told me that he is "prayerfully considering whether this is the right time and right opportunity for me to serve our community."

Moody majored in economics at the U.S. Naval Academy, served 10 years as a Marine F-18 pilot (including deployments to Afghanistan and Iraq) and received a gubernatorial appointment to the Texas Veterans Land Board.

Former Councilman Jeff Webster, the vice president of business development with Jacobs Engineering Group, said he is "putting it

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through the consideration process." A few months ago, Webster nearly entered the race for the Texas House seat being vacated by Lyle Larson, but decided he didn't want the aggravation.

Preston Woolfolk, the co-president of DOCUmation, said "he is giving it a lot of thought."

The tech executive added, "It's going to be a tight race, due to the timeline. That's a pro or a con, depending on who's looking at it. That's going to be the bigger conversation piece for everybody looking at it."

It's definitely a major conversation piece. And prospective candidates won't have much time to conduct those conversations.

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Texas AG Paxton's $2.2M voter fraud unit closed three cases in 2021. GOP lawmakers still boosted its budget
Taylor Goldenstein
Houston Chronicle
December 17, 2021
https://www.houstonchronicle.com/politics/texas/article/Texas-AG-Paxton-s-2-2M-voter-fraud-unit-closed-16708051.php

Texas Republican Attorney General Ken Paxton has been one of former President Donald Trump's most reliable allies in spreading the myth of widespread voter fraud, particularly in the 2020 election, and frequently boasts that few states are as vigilant.

His office's election integrity unit added two lawyers to the team in the last year, bringing it up to six staffers total, and worked more than 20,000 hours between Oct. 2020 and Sept. 2021. Its budget, meanwhile, ratcheted up from $1.9 million to $2.2 million during that time.

Yet records from the office show that the unit closed just three cases this year, down from 17 last year, and opened seven new ones. That includes the newly created unit focused on the 2021 local elections, which has yet to file a single case.

"This is an exorbitant amount of money that has resulted in no benefit for the average Texan," said Austin Evers, executive director of American Oversight, a left-leaning nonprofit government watchdog that regularly files public information requests and files suits to force compliance with those requests. The organization shared some records it obtained from the Texas attorney general's office with Hearst Newspapers for this report; others were obtained independently by Hearst Newspapers.

Evers added: "Taxpayers are funding a political stunt meant to fuel the false claim of a stolen election and justify voting restrictions."

The scant caseload comes after Texas Republican lawmakers insisted a 2020 election audit was necessary and passed a sweeping elections overhaul bill loaded with voting restrictions that Democrats have warned will have a disproportionate effect on already-marginalized voters.

Paxton's office has not uncovered any evidence of voter fraud in 2020 beyond isolated incidents affecting a handful of votes in an election in which more than 11 million Texans cast ballots.

Republican Gov. Greg Abbott, under pressure by former president Donald Trump, initiated reviews of election processes across the state in the fall.

Paxton's office did not respond to a request for comment for this story, but in a podcast his office produced in November 2020 about voter fraud, Paxton blamed low resources for the election integrity unit's output.

"I don't think anybody knows the degree to which it happens because even our office who probably prosecutes more election fraud than anyone else in the country ... We don't have enough resources to cover all election fraud. So it's really hard to know how large an issue this is because very few states put any resources in to actually detect or prosecute voter fraud."

It's a point he's made often before, though he's never offered specifics as to what kind of staffing or funding he would find sufficient.

Richard L. Hasen, an election law professor at the University of California Irvine, said there's a more likely explanation, noting that Paxton, who is running for re-election, has "every incentive," politically speaking, to vigorously go after voter fraud, as it's an issue that energizes his party's base.

"He's finding very little of it despite spending a lot of money and using a lot of resources looking for it," Hasen said. "The reason is not that such fraud is too hard to find. Those that commit voter fraud tend not to be brain surgeons. The reason he's not finding a lot of it is because voter fraud is rare."

Multiple academic studies and journalistic reviews have uncovered no evidence of widespread voter fraud, nor did a wide-ranging investigation of election fraud in 2020 conducted by the U.S. Justice Department.

After Texas' own director of elections Keith Ingram testified to lawmakers in March that the 2020 election was "smooth and secure," the Secretary of State failed to receive confirmation of her appointment by the Republican-majority state Senate and was forced to step down.

In one of the most comprehensive reviews to date, an AP analysis this month reviewed potential election fraud cases in six battleground states contested by Trump and found 475, nowhere near enough to have altered the results of his 2020 loss.

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Paxton boasts of more voter fraud cases than ever
The biggest case closed this year by the Texas attorney general's office involved a Medina County resident who allegedly unlawfully assisted 10 voters with mail ballot applications during the 2020 election.

The other two were people in Lubbock and Guadalupe counties who allegedly made false statements on their voter registration applications and voted illegally in the 2018 election, and one of them also in the 2020 election.

In 2016, 2017 and 2019, Paxton's office also closed three cases.

Yet in a tweet in October, Paxton proclaimed that his office was "between pending cases & investigations — working more voter fraud cases than Texas has ever seen."

While it's true that the office has more cases pending this year over last year, 44 up from 38, that's not because of a surge in new prosecutions. It's because the vast majority of cases that were pending around this time last year are still making their way through the court system.

Among the cases pending include that of Hervis Rogers, a Black man from Houston who was charged this year with illegally voting while on parole, after he had made national headlines for waiting for six hours to vote in the 2020 primary election.

A new ruling from the state's highest criminal court Wednesday may afford legal relief to Rogers and potentially others, after it found that Paxton's office does not have the constitutional right to prosecute voter fraud without the consent of local prosecutors.

The office is also in the midst of investigating 386 allegations of fraud, according to its website, up by about 150 over what it reported it was looking into last year.

Paxton, members of his office and his supporters often use an unusual metric to tout the election integrity unit as a success, citing the more than 500 counts of offenses filed against defendants in pending cases, as opposed to the number of defendants, about 45.

This can prove misleading: An individual case can involve dozens of counts because the state's lawyers can file many different charges for the same action or set of actions. For example, a social worker in the Mexia State Supported Living Center was charged in October with two election fraud offenses for each of the 67 residents she registered to vote prior to the 2020 presidential election without their permission, landing her a total of 134 counts. No illegal votes were cast.

As has been the trend since the voter fraud unit began its work 15 years ago, the majority of defendants, including the three whose cases were resolved this year, have been entered into diversion programs. Those are alternatives to prosecution for low-risk, typically first-time offenders that often involve some court supervision.

Twenty-seven defendants, or 17 percent, were sentenced to deferred adjudication, which is a form of probation that gives the person a chance to avoid a criminal conviction on their record.

Under a third of defendants' cases ended in a conviction, and of those 46, a little over a dozen spent time behind bars.

The extensive use of these diversion programs makes it difficult for the public to find much information about the situations leading to the alleged crimes, which would typically be uncovered in court documents.

The Republican chairs of the committee in charge of writing the budget in the Texas House and Senate did not respond to questions about why funding increases to the election integrity unit continue to be approved despite its lack of results.

Democratic State Rep. Jessica González, vice-chair of the elections committee in the Texas House, called the spending unacceptable.

"It is clear the Election Integrity Unit receives an absurd level of funding considering their inability to find real cases of voter fraud, and this funding increase only continues to fuel their witch-hunt," González said.

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Lawsuit alleges Harris County Democrat's map disqualifies some voters for six years
Bethany Blankley
The Center Square
December 16, 2021
https://www.inforney.com/texas/lawsuit-alleges-harris-county-democrats-map-disqualifies-some-voters-for-six-years/article_3c985955-ef94-5c4a-8175-d284a759c5ae.html

(The Center Square) – Three Harris County voters and two Republican County Commissioners have sued Democratic Harris County Judge Lina Hidalgo and Harris County for a redistricting plan proposed by a Democratic commissioner, alleging it unconstitutionally disenfranchises more than one million voters in next year's county elections.

Harris County is the largest county in Texas with 4.7 million residents, according to 2020 Census data. Roughly half, or 2.48 million residents, are registered to vote, according to the Texas Secretary of State's office, with 1.63 million having voted in the 2020 General Election.

The lawsuit filed in U.S. District Court in Harris County asks the court to issue a temporary restraining order and/or temporary or

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permanent injunction against the judge and county from implementing the redistricting plan.

The Commissioner's Court is comprised of four commissioners representing four districts, and the county judge. Two commissioners are Democrats (Precincts 1 and 2), two are Republicans (Precinct 3 and 4) and the judge is a Democrat.

The redistricting map proposed by Democratic Commissioner Rodney Ellis, known as the "Ellis Plan 3," would redraw the lines in such a way to ensure that Democrats would hold a supermajority on the court because it would likely eliminate one of the Republican districts.

Harris County Republicans argue the Democrats' goal is to eliminate a Republican from the court to ensure a Democratic supermajority. One way to do this is to take advantage of a stipulation in the Texas Constitution that states that elections for county commissioners, who serve four-year terms, must be staggered every two years.

Ellis' plan redraws the district lines so much so that it moves 1.1 million voters from even-numbered to odd-numbered voting precincts—thereby eliminating their ability to vote in at least the next election.

For example, under the state constitution's staggered election process, residents of Precincts 2 and 4 will vote in 2022; residents in Precincts 1 and 3 will vote for their commissioners in 2024. Voters in Precincts 2 and 4 would vote again in 2026, and voters in Precincts 1 and 3 in 2028.

Under Ellis' plan, his Precinct 1 would remain largely unchanged.

But Cagle's Precinct 4 would absorb the northeastern portion of the existing Precinct 2, and the northwestern portion of the existing Precinct 3.

Precinct 4 would include Katy in west Harris County, and Baytown in East Harris County, which are at least an hour apart without traffic.

Some of the Precinct 4 residents would also be moved to an odd-numbered precinct, and not be able to vote until 2024. If the district weren't redrawn, they'd be voting in 2022.

And the newly chopped up Precinct 4, historically a Republican stronghold, would be transformed enough to become a Democratic precinct. Then, the 3-2 Democrat-Republican court would become a 4-1 Democratic-controlled court.

"The Ellis map moves over a million Harris County voters who did not get to vote for commissioner last year to a new precinct where they won't get to vote for commissioner next year, either," Alan Vera, a conservative leader within the Harris County Republican Party and plaintiff in the lawsuit, said in a Houston Public Media report. "Those voters will have gone six years without the right to vote for a county commissioner, when they're entitled to vote for commissioner every four years."

"Democrats on Commissioners Court were so intent on padding their 3-2 majority that they callously and intentionally trampled on our clients' sacred right – the right to elect their government officials and to participate in the electoral process," the plaintiffs' attorney Andy Taylor said in a statement when announcing the lawsuit.

Officials are required to set district lines every 10 years according to new census data, to ensure "one person, one vote" proportionality. County precincts are required to be drawn with no more than a 10% population deviation.

While courts have historically upheld partisan redistricting plans, Taylor argues the districts can't be redrawn "in a manner that violates the constitutional rights of voters in those precincts."

He and the plaintiffs' other attorneys prepared an alternate redistricting map that they argue is constitutionally valid, and only moves a fraction of the number of voters compared to those moved by Ellis' plan.

Judge Hidalgo maintains the plan is legal, as does Harris County Attorney Christian Menefee. He says the county "ran a transparent and thorough redistricting process" and the map the court adopted "complies with Texas law."

Ellis has argued that Harris County was previously gerrymandered by Republicans, and that his map corrects that.

"Our plan seeks to keep communities of interest together and bring together areas that have been split apart for years," Ellis said. "For too long this county has been intentionally divided by precinct boundaries that deny people the opportunity to elect representation that accurately reflects the views of the majority of our communities. The boundaries proposed cease that continued suppression, and allows the voices and views of the people to be reflected by those who represent them."

Republicans argue the opposite.

If the court grants their request for injunction and directs the commissioners court to go back to the drawing board, and if the commissioner's court fails to adopt an acceptable redistricting plan in time for the March primaries, the county could use the current map or the plaintiffs' map for the 2022 election cycle.

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Redistricting changes raises tension in Texas before elections
Christian Del Rio

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KGNS-TV
December 16, 2021
https://www.kgns.tv/2021/12/16/redistricting-changes-raises-tension-texas-before-elections/

LAREDO, TX. (KGNS) - Texas Governor Greg Abbott approved the new political map for redistricting for the State of Texas.

Critics of the new maps say the changes made will benefit Republican candidates keeping them in office for the next decade.

They also believe the new maps could deny the voting rights of Latino and black voters.

The Webb County Democratic Party Chair Silvia Bruni believes it's a move by the Republican Party to hold on to whatever opportunity or advantage they might have, and they particularly targeted counties that have strong democratic demographics.

Bruni encourages everyone to register to vote before it's too late and reminds you to please go out and vote when the time comes.

The new map will be in effect for next year's primary and general elections.

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Texas Democrats eye redistricting fights in state court as federal suits over gerrymandering mount
Sami Sparber
Dallas Morning News
December 16, 2021
https://www.dallasnews.com/news/politics/2021/12/16/texas-democrats-eye-redistricting-fights-in-state-court-as-federal-suits-over-gerrymandering-mount/

AUSTIN — As federal lawsuits over new political maps pile up, some Texas Democrats are focusing on a pair of state court cases, arguing this year's GOP-led redistricting effort violated the Texas Constitution.

The Legislature's GOP mapmakers in October passed new lines that cement Republicans' grip on power for the next decade but blunt the voting strength of nonwhite voters who fueled Texas' population surge.

In two cases heard Wednesday and Thursday, a group of mostly Democratic, Hispanic lawmakers from both chambers challenged the legality of when and how Republicans drew the boundaries.

"All we're asking is for Republicans, who claim to be constitutionalists, to start acting like it, and follow the plain meaning and reading of the Constitution," said Roland Gutierrez, one of two Democratic state senators who are suing Texas.

Focusing on the timing are Gutierrez and Sen. Sarah Eckhardt, who sued to block the Legislature from redistricting in a special session this year. Also at issue are rules for keeping counties intact when drawing Texas House districts.

Similar to a suit they filed in federal court before redrawing began, the senators' attorneys argued the Texas Constitution requires that redistricting be done in a regular session that won't happen until 2023.

That makes the newly drawn state House and state Senate plans invalid, argued the legal team for Gutierrez and Eckhardt, of San Antonio and Austin, respectively.

The senators' lawyers pointed to a provision in the state Constitution that requires the redistricting process to start in the first regular session after the decennial Census has been published, asking the court to block the new plans from being used.

State lawyers argued the provision does not prohibit apportionment at other times, and warned that blocking the map will disrupt the 2022 election process that is already in motion.

"The Legislature … is perfectly free to redistrict whenever it wants," Will Thompson, the attorney general's deputy chief for special litigation, said at the Dec. 15 hearing in district court in Travis County.

All parties face a tight timeline for the March primaries. Overseas mail-in ballots are set to go out Jan. 15, and candidate filing ended Dec. 13.

But the court fights are not uncharted territory. The senators' attorney, Wallace B. Jefferson, pointed out that for decades, every Texas redistricting plan has been either changed or tossed out by a federal court after being found in violation of the U.S. Constitution or the federal Voting Rights Act.

Texas argues "chaos will ensue if the court were to enjoin the maps, but the sky will not fall if that's what the court decides," said Jefferson, former Texas Supreme Court Chief Justice and Republican from San Antonio.

The consolidated cases have been assigned a panel of three district court judges, with Democrat Karin Crump presiding, alongside Republicans Emily Miskel and Ken Wise.

Splitting Cameron County
The senators' legal team also argued the new state House map violated the "county line rule" of the Texas Constitution, which requires that counties with sufficient population be kept intact in drawing Texas House districts.

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The second challenge, mounted by the Mexican American Legislative Caucus in the Texas House, made a similar case that the rule was broken, arguing it was designed to ensure people have local representation.

Both complaints focus on the redrawing of Cameron County in the Rio Grande Valley.

As lawmakers this fall debated the new House lines late into the night, they narrowly adopted a major change in South Texas. House District 37 was redrawn from a seat President Joe Biden won by 17 percentage points, to a seat the president won by only two points over former President Donald Trump in the 2020 election.

That amendment, developed by Kingsville Republican Rep. J.M. Lozano, was denounced by some Valley lawmakers. State Rep. Eddie Lucio III, D-Brownsville, called the change a “disingenuous, last-minute attempt to do a grab.”

The plaintiffs’ legal team argued the county line rule requires that two districts be wholly contained within Cameron County. Yet Lozano’s tweaks give Cameron County just one wholly contained district, with two that connect to adjoining counties.

The state’s lawyers argued the new boundaries do not dilute votes in Cameron County, and that Cameron got the number of districts it was constitutionally entitled to. The plaintiffs’ attorney rejected that interpretation of the rules.

“There is no doubt that to whatever extent Cameron County voters are a cohesive group … they get to elect the candidates of their choice,” said Thompson, one of the state’s lawyers.

District 37 Democratic candidate Ruben Cortez Jr. joined the senators’ suit, along with political organization Tejano Democrats. The new version of the district was joined with adjacent Willacy County.

“This Republican redistricting scheme is robbing the voice of Cameron County voters,” Cortez, also a member of the Texas State Board of Education, said in a news release.

The caucus’ complaint asked the court to block the Texas House map from being used in upcoming elections and allow for the creation of alternative boundaries. Both sides discussed a full trial beginning Jan. 10.

It’s unclear, if the judges rule in favor of the plaintiffs on the county line rule, whether they would delay Texas House primary elections just for South Texas, or the entire state. The plaintiffs’ legal team asked the court to delay the primary to May 24.

Thompson, the state lawyer, said he expects the 2023 Legislature to have to revisit the maps.

In a separate federal suit, MALC has argued the redrawn congressional, Texas House and State Board of Education maps are intentionally racially discriminatory and dilute Latino voting strength, in violation of the federal Voting Rights Act and U.S. Constitution.

The U.S. Department of Justice has joined the federal court fight, suing to block Texas’ gerrymandered congressional and state House maps. Several civil and voting rights groups, as well as individual voters, are among the plaintiffs in the consolidated federal redistricting cases.

Court challengers say the redrawn congressional, legislative and State Board of Education maps do not reflect the major growth of the Hispanic community, which made up nearly half of the state’s population gain since 2020. People of color accounted for 95% of the state’s population boom over the last decade, with much of the growth concentrated in cities and suburban areas, census data show.

In the plan for state House elections, the number of majority-white seats increased from 83 to 89, among eligible voters. The number of majority-Hispanic districts grew from 33 to 30, and the number of majority-Black districts dropped from seven to six. Asian voters remain without majority control in any district.

The decennial process following a U.S. Census typically leads to lawsuits in Texas, with the courts largely siding with Republicans in recent years. Lawmakers can draw maps in a way that benefits their party’s political future as long as they do not discriminate on the basis of race.

This year, Republican lawmakers have a clearer path toward using the lines they want, as Texas is no longer required to get federal approval on new political maps.

The new maps are generally expected to withstand lawsuits, but battles over aspects of the boundaries could last several years.

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How Out Texas Rep. Celia Israel Put Voting Rights First in 2021
Trudy Ring
The Advocate
December 16, 2021
https://www.advocate.com/exclusives/2021/12/16/how-out-texas-rep-celia-israel-put-voting-rights-first-2021

Celia Israel, a member of the Texas House of Representatives, stood for her principles this year even though it meant personal sacrifice. She was set to marry her partner of 26 years, Celinda Garza, on the House floor July 15, but she ended up leaving Texas

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for Washington, D.C., three days earlier with more than 50 other House Democrats so there would not be the number of representatives required to vote on a Republican-backed voter suppression bill. They returned eventually, though, and a later version of the bill passed. But Israel doesn't regret her action one bit.

"This summer, I was part of something larger than myself when my colleagues and I broke quorum in defense of voting rights and took the fight to Washington, D.C.," she says. "During a year in which Texas was reeling from the effects of a polar vortex that killed hundreds and a pandemic where nearly 70,000 Texans have needlessly lost their lives, I've stood firm to call out the misplaced priorities of the Texas legislature, where our democratic institutions, reproductive rights, and the LGBTQ community have been targeted."

"I fight for everyone who knows rather than using transgender children as political piñatas to placate 5 percent of the electorate, we should be working together on solutions to the gaps in our health care and infrastructure," she adds. "What is happening in our politics today is a stain on the state that I love. What motivates me are the young voters and people of color who know what's happening now in Texas and around the country is not normal and who are making their voices heard."

Israel is now being motivated to seek a different office. She announced in September that she will not seek reelection to the House, where she has represented an Austin district since 2014, and will instead consider a run for mayor of the Texas capital next year. The current mayor, Steve Adler, cannot run again due to term limits. She has formed an exploratory committee with a diversity of members.

And Israel and Garza will have their wedding. They're planning a Texas-size ceremony and party for next spring.

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Arlington approves redrawn council districts that some say dilute Black, Latino voting power
Kailey Broussard
KERA News
December 16, 2021
https://www.keranews.org/government/2021-12-16/arlington-approves-redrawn-council-districts-that-some-say-dilute-black-latino-voting-power

Arlington's new city council districts give slightly more voting power to voters of color, but NAACP and LULAC leaders said they do not reflect its diverse communities.
Arlington city council approved redrawn voting districts this week that some civil and voting rights groups say do not reflect growth in Black, Hispanic and Latino communities.

Council members gave final approval Tuesday to a map that redraws four of the city's five single-member districts to more evenly split Arlington residents. The city-appointed redistricting task force selected the map as the best of five put forward — three from Bojorquez Law Firm, two from residents and community groups.

The approved map moves voters in the area between North Bowen Road, West Sanford Street, Oakwood Lane, and West Randol Mill Road/Westwood Drive from District 1 to District 4. District 3 residents in the boundaries of East Arkansas Lane, New York Avenue, Sherry Street, and East Mayfield Road will become part of District 5. The maps give slightly more voting power to Hispanic and Latino voters in District 1 and to Black and African-American voters in districts 3 and 5.

The 7-1 vote was the last needed to finalize the new districts ahead of municipal elections in 2022 when residents will decide four city council seats. Ruby Faye Woolridge, at-large District 6 council member, voted against the map.

Woolridge applauded the redistricting task force's efforts and formation; the group marks the first time a community board formally advised city council during the redistricting process.

"I'm very grateful for that and I look forward to the future and the progress that will continue to be made," she said.

Mayor Jim Ross was absent from the meeting.

The final vote followed months of criticism from local NAACP and LULAC chapters, whose leaders claimed the redistricting task force and council upheld districts that dilute voices in communities of color.

"Same old, same old"
Luis Castillo, president of Arlington LULAC, said the city has historically protected incumbents who, until recent years, have been mostly white. Castillo argued the same interests caused the city to gravitate from eight at-large council members to five single-member districts and three at-large members.

"It's a continuation of the same old, same old," he said.

Castillo's group and Arlington NAACP submitted a map that stretched District 4, a majority-white voting district, to cover northwest Arlington, including Viridian, the city's master-planned community composed of upscale housing developments. The leaders have opposed the task force-recommended map, and defended their submission, drawn in a manner that would give communities of color more voting power in the city's northern, southeast and eastern regions — districts 1, 3 and 5, respectively.

Alisa Simmons, Arlington NAACP president, told council members Dec. 7 the city's 8% population growth between 2010 and 2020 was "entirely driven by Arlington's communities of color." The 2020 census put Arlington's population at 394,266, making it the 50th

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largest city in the United States.

“When combined, these groups can together constitute a majority of the city’s voting age population in possibly three districts,” she said.

Attorney Rezzin Pullum with Bojorquez Law Firm told council the same day the groups’ map did not fall in line with two city-instituted requirements for redistricting: that the new lines do not alter district shape as much as possible or draw sitting council members out of their districts. The NAACP and LULAC map would have cast District 1 Council Member Helen Moise into District 4, a majority-white district.

Stephanie Swanson with the League of Women Voters of Texas
said the NAACP and LULAC map did a better job of upholding section 2 of the Voting Rights Act, which prohibits practices that discriminate against race, color or languages spoken by voters.

“Preserving incumbency is a very problematic redistricting criteria to adopt,” Swanson said. “There is no federal law stating that incumbents must be protected.”

Bojorquez Law Firm reviewed the concerns Swanson and the groups raised during redistricting and did not find issues that would open the city to legal action, city staff said.

Incumbents' power diminished?
Moise said the term limits for mayor and council seats that voters approved in 2018 temper concerns that incumbents can leverage redrawn lines. Moise can run for one more council term under limits that confine candidates to 12 years in office, or three two-year terms holding any council seat or serving as mayor.

In her first two races, Moise said, she ran against Black or African-American candidates, and she won support from communities of color for her work to support neighborhoods. Moise was first elected in May 2018 and re-elected in November 2020.

“I love District 1; I’ve lived in it for 38 years,” she said. “In both of my elections, I ran a campaign that said I would serve every single person in my district, and my district listened."

Moise’s seat is one of four voters will decide in 2022, when the new districts go into effect. Raul Gonzalez, who represents southwest Arlington in District 2, announced he will run for re-election. Arlington voters will select two new at-large council members, as Victoria Farrar-Myers, District 7, is being termed out, and Woolridge announced she will run for Tarrant County commissioner’s court.

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Court tells Texas AG, "Nah," On Election Prosecutions
Keith Reed
The Root
December 16, 2021
https://www.theroot.com/court-tells-texas-ag-nah-on-election-prosecutions-1848229952

A high court in Texas smacked down the state attorney general’s argument that he can prosecute election offenses all by himself. The ruling means that Attorney General Ken Paxton, a Republican Trump supporter, loses a potentially powerful tool in his party’s voter suppression campaign.

The Court of Criminal Appeals, Texas’ highest authority on criminal cases, ruled on Wednesday that Paxton can’t barge in on local criminal cases involving elections, such as possible instances of voter fraud or campaign finance violations, according to the Texas Tribune. Instead Paxton has to get the OK from a local prosecutor before he sticks his nose in.

From News 4 San Antonio

In its opinion, the Court of Criminal Appeals overturned a lower-court ruling that said the election code provision “clearly and unambiguously gives the Attorney General power to prosecute criminal laws prescribed by election laws generally whether those laws are inside or outside the Code.”

Rather, the Court of Criminal Appeals said, “the Attorney General can prosecute with the permission of the local prosecutor but cannot initiate prosecution unilaterally.”

In his tweet, Paxton said the ruling means “Soros-funded district attorneys will have sole power to decide whether election fraud has occurred in Texas.” That is a reference to George Soros, the Democratic megadonor who has become a force in local prosecutor elections.

In short, Paxton thought he could overrule local district attorneys when he didn’t like their decisions on who to haul into court, or who not to, over elections. By an eight-to-one margin, a panel of Republican judges told him no.

It’s an important ruling because in Texas and many other states, some GOP officials have passed shady new laws designed to shrink voting rights in the wake of Donald Trump’s failed attempt to hold onto the presidency. Those laws were cooked up based on the Big Lie of rampant voter fraud in the 2020 election. Handing Paxton the green light on who to charge with election crimes presented the opportunity use the office to his or his party’s political advantage.

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Texas is already being sued over new voting restrictions its Republican governor and legislature put in place, as well as a gerrymandered voting map.

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Controversial businessman with Dallas ties sees renewed fame as election 'expert'
Bret Jaspers
KERA News
December 16, 2021
https://www.keranews.org/politics/2021-12-16/controversial-businessman-with-dallas-ties-sees-renewed-fame-as-election-expert

Longtime Dallas businessman J. Hutton Pulitzer once promoted triple-edged wiper blades and a device called the CueCat that found a spot in the Museum of Failure. More recently, he's tried to sell something else – allegations of election fraud.

The New York Times is reporting former President Trump's final chief of staff Mark Meadows submitted a PowerPoint to the congressional committee investigating the Jan. 6 insurrection. That PowerPoint, the Times says, "is similar to a 36-page document available online, and it appears to be based on the theories of Jovan Hutton Pulitzer, a Texas entrepreneur and self-described inventor."

Pulitzer, also known as Jovan Philyaw, attained fame – or perhaps infamy – when he convinced several companies in the late 1990s to invest in the CueCat, a much-derided computer accessory. If you haven't heard of Pulitzer, here are some important things to know:

- **CueCat.** *Time* magazine ranked it Number 5 on a list of the 50 worst inventions of all time. A 2001 article in the Wall Street Journal summed it up: "a hand-held, cat-shaped scanner that attached to a PC. Hold it up to the bar code in an ad or catalog or a can of soup, and your computer whisks you to a web page connected to the product."
-

Radio Shack reportedly invested $30 million; *The Dallas Morning News* invested even more than that. People didn't take to it, and the legacy of CueCat is that of a humorous, expensive waste.

- **Georgia's 2020 election.** In their efforts to support Trump's effort to overturn the 2020 election, conservative legislators in Georgia called Pulitzer as an expert witness. In December 2020, Pulitzer spoke before the Georgia state Senate, according to The Verge.

But the Georgia Secretary of State's office discredited his claim he had hacked into a poll pad, noting Pulitzer provided no evidence. Secretary of State Brad Raffensperger, a Republican, excoriated the state lawmakers who invited Pulitzer to speak and described him as a "failed treasure hunter."

"Fake news is hard enough to combat when mainstream media outlets push it out, but when a small cadre of Georgia legislators do it, it's a whole different story," Raffensperger said.

- **Maricopa County's election "audit."** Maricopa County is home to Phoenix and is the second-largest voting jurisdiction in the United States. The Arizona state Senate hired a firm with no prior election experience to conduct a much criticized "audit" of the county's 2020 ballots. The Arizona Mirror reported auditors used Pulitzer's technology to examine the ballots, but Pulitzer said he was unable to discuss his past experience reviewing ballots because of a nondisclosure agreement. County officials said the audit's final report included falsehoods about elections there.

Trump also called on Texas to conduct an audit of the 2020 election, and Gov. Greg Abbott complied.

Experts say claims about election fraud that are not backed up with facts and evidence undermine faith in elections and the voting process.

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Nevada county where Trump won to replace voting machines
Sam Metz
Associated Press
December 16, 2021
https://www.fox5vegas.com/election_hq/nevada-county-where-trump-won-to-replace-voting-machines/article_610271e7-4b6a-5afa-a97b-55852bffbcac.html

CARSON CITY, Nev. (AP) — Local officials in rural Nevada decided on Thursday to replace equipment manufactured by Dominion Voting Systems — a sign that unsubstantiated concerns about election machine tampering are still prevalent more than a year after the 2020 election.

In Lander County, population 5,734, commissioners approved $223,000 in spending for new ES&S voting machines and $69,000 for maintenance, installation and training. ES&S equipment is federally certified and used throughout the country, including in Carson

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City.

The equipment will replace Dominion's suite of voting equipment, which was the subject of conspiracy theories in the aftermath of the 2020 election, with Trump campaign attorneys suggesting without evidence that the company's equipment had ties to Venezuela, George Soros and Antifa.

Those claims have been largely debunked. News networks that promulgated them have faced defamation lawsuits. But Lander County residents continued to claim that Dominion's equipment swayed the election results in comments to the commission over the past several months.

The commissioners decided to replace Dominion equipment after outgoing County Clerk Sadie Sullivan, who oversees local elections, told them in October that the company had been a reliable partner. They said their scrutiny of Dominion machines wasn't because they thought Lander's elections was victim to foul play, but because they weren't sure about the machines elsewhere.

Though Trump won nearly 80% of the vote in Lander County, commissioners have considered an Arizona-style voting machine audit and earlier this year floated a proposal to hand-count ballots in future elections.

Sullivan told commissioners that it would be difficult under state law and their contract with Dominion to seize the machines and said hand-counting can lead to inaccuracies and human error.

Commissioners in Elko County are also considering new voting machines. Republicans there also say they're confident in local results, but worry about election tampering in other places where Dominion equipment is used and believe replacing them may rebuild public trust.

Republican Secretary of State Barbara Cegavske has said the results in Nevada — where President Joe Biden won by 33,596 votes — were accurate and reliable.

In Nevada, electronic voting machines are certified by the federal government and required to run on closed systems to prevent hacking and cyberattacks. Touch screen voting machines are required to print a paper audit, which is then scanned and counted by another machine.

Lander County commissioners scuttled their hand-count proposal. Officials also chose Molly Gonzalez, a county employee, to succeed Sullivan, who is among a growing list of local election officials who have announced plans to leave their posts.

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Yes, many noncitizens can now vote in New York City, but only in municipal elections
Mauricio Chamberlin and Kelly Jones
KCEN-TV
December 16, 2021
https://www.kcentv.com/article/news/verify/elections-verify/yes-many-noncitizens-can-now-vote-in-new-york-city-but-only-in-municipal-elections/536-cc003481-0648-48e0-8a7f-a2c769d4f998

On Dec. 9, the New York City council voted to allow DACA recipients, green card holders and people with work permits to vote in the city's municipal elections. The bill passed 33-14 with two abstentions, according to council records.

After the bill passed, the hashtag #OurCityOurVote trended on Twitter, but not everyone was pleased with the approval. New York Senate GOP leader Rob Ortt issued a joint statement with fellow Republican Sen. Andrew Lanza, calling it a "blatant disregard for our Constitution."

After news of the change to New York City voting laws broke, VERIFY audience member Betty emailed: "Is this true? In New York City, the bill — passed 33-14 — will allow almost 900,000 immigrants to vote, including DACA recipients, green card holders, and anyone with a work permit."

THE QUESTION
Can DACA recipients, green card holders and people with work permits now vote in New York City?

THE SOURCES
- New York City council records
- Joint statement from New York senators Rob Ortt and Andrew Lanza
- Ralina Cardona, League of United Latin American Citizens

THE ANSWER

Yes, it is true that DACA recipients, green card holders and people with work permits can now vote in New York City municipal elections. This law does not allow these groups to vote in statewide or federal elections, and does not apply to undocumented individuals and people who don't live in New York City.

WHAT WE FOUND
According to records from the New York City council, the bill that passed on Dec. 9 "would provide a process for individuals in New York City who are lawful permanent residents or are authorized to work in the United States to vote in municipal elections." Sources estimate this applies to between 800,000 and 900,000 residents of New York City who are DACA recipients, green card holders or

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people with work permits.

This bill does not apply to statewide or national elections, such as the presidential election.

The joint statement released after the Dec. 9 vote from New York Republican senators Rob Ortt and Andrew Lanza said the move was a “slap in the face to every law-abiding American citizen who values the sacred right to participate in our democracy, and is the latest attempt by New York Democrats to destroy the sanctity of our elections for their own political purposes.”

It also said they are confident a legal challenge to the bill will be successful.

Ralina Cardona, Northeast regional vice president for the League of United Latin American Citizens, said she would not be surprised if opponents of the bill try to take it to court, but added that right now is an exciting time in history for New York City voters.

“We know many Latinos, many immigrants are essential workers. They kept this city alive, they kept the city fed, they kept the city safe and healthy. So, for me, it is exciting, because that's what this country began on taxation without representation. And they said, ‘Well, wait a minute, we should be able to pick and choose who will be representing us.’ And they pay their Social Security taxes. They go to the supermarket, they're paying taxes on their gas, they're paying taxes on their food, they're paying taxes on everything. So once again, it is exciting,” she said.

New York City isn’t the first major city to allow noncitizens to vote. In 2018, San Francisco became the largest U.S. city at the time to pass a measure allowing noncitizens to vote in local elections, but it also doesn’t apply to statewide or federal elections.

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Biden met virtually with U.S. senators to discuss voting rights bill
Reuters
December 16, 2021
https://www.reuters.com/world/us/biden-met-virtually-with-us-senators-discuss-voting-rights-bill-2021-12-16/

WASHINGTON, Dec 16 (Reuters) - President Joe Biden and Vice President Kamala Harris met virtually with lawmakers in the U.S. Senate to discuss the voting rights bill on Thursday, White House spokesperson Karine Jean-Pierre told reporters.

On Wednesday, Biden said no domestic priority is "more important than voting rights," even as the Senate is scrambling to pass his signature social spending bill, raising the stakes for a last-minute push to pass voting rights bills before the U.S. Congress returns home for Christmas.

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Voting rights advocates hold hunger strike near White House
Ellie Silverman
Washington Post
December 17, 2021
https://www.washingtonpost.com/dc-md-va/2021/12/17/dc-protest-hunger-strike-voting-rights/

They tried to do this any other way.

For months, they listened to Democrats talk about passing voting rights legislation over Republican objections. They wrote emails, canvassed and called lawmakers, urging them to protect the country’s democracy. They saw other liberal protesters marching in the nation’s capital all summer, getting arrested to bring attention to their fight.

None of it, they said, seemed to be enough.

So last week in Phoenix, a group of 20 college students and recent graduates stopped eating.

In starving themselves, they hoped politicians at the U.S. Capitol and White House would finally act with the urgency they say this crisis of democracy demands.

“We’d rather suffer through this hunger strike than to suffer the consequences of this bill not being passed,” said Brandon Ortega, a third-year student at Arizona State University who has not eaten since the hunger strike began Dec. 6. “We’re really committed to hold out as long as we can.”

The group planned to stay outside the state Capitol in Phoenix, and focus their pressure on Sen. Kyrsten Sinema (D-Ariz.) to support passing the Freedom to Vote Act, a federal voting rights bill. But to their surprise, Sinema spoke with them on Day Four. They left that meeting thinking their message needed to be elevated.

On Day Five — Friday — they flew to Washington, where new hunger strikers who heard about their protest joined them outside the White House. The group is demanding that Democrats pass federal voting rights legislation before next year, amid concern over the 2022 midterm elections.

But by Day Nine — Tuesday — their bodies seemed to be shutting down.

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Too weak to walk long distances, they used wheelchairs to get to their protest spot at Lafayette Square. One hunger striker said it felt like knives were poking at her stomach. Another said she had lost more than 10 pounds. Others had to stop fasting on the advice of a doctor who checks their vital signs twice a day.

But those who were able to continue kept showing up, encouraging each other to drink water, rest and finish college assignments.

“I think my body’s just kind of like giving up on me a little bit,” said Emma Shockley, an 18-year-old freshman at the University of Pennsylvania. “It’s kind of sad that we have to do what we’re doing, but … we’re willing to do whatever it takes.”

The students are part of un-PAC, which describes itself as a nonpartisan advocacy group launched in March that employs student organizers and whose first campaign has been to pressure legislators to pass federal democracy reform legislation.

As they struggled through Day Nine, the activists received a boost from some Texas state legislators they admire: Reps. Trey Martinez Fischer (D-San Antonio), Gina Hinojosa (D-Austin) and Jasmine Crockett (D-Dallas), who is running for Congress.

“Don’t think people are not paying attention because they are. Don’t think for a minute that you’re not making an impact because you are,” Martinez Fischer told the demonstrators.

He was among the Texas Democrats who broke quorum in May to block the passage of a restrictive voting bill. That group flew to Washington to turn up pressure on President Biden and Congress to pass federal voting rights protections to override the restrictions that Republicans in Texas and other states were trying to pass.

“When the history book is written on Freedom to Vote, and on the John Lewis Advancement Act, President Biden is signing those proposals into law, we’re all going to have a chapter in that story,” he said, “and yours is happening right now.”

Kyla Frank, 23, nodded as she listened, her hands clasped atop a pink journal detailing the hunger strike. As she flipped through the pages, she pointed out notes of solidarity from speakers who encouraged the group throughout the hunger strike.

Frank has participated in the hunger strike since Day One and has been drinking about 5 liters of regular water and three bottles of electrolyte-enhanced water per day. By Day Three, she felt like she was “hit by a train.” She has lost 13 pounds.

She said she is motivated to stand up for voting rights after watching her mother work so hard to care for her and her siblings.

“A lot of the struggles that she faced are a direct result of corruption in our politics that prevents our government from protecting people who are most vulnerable,” said Frank, a graduate of the Duke Ellington School of the Arts in the District and Virginia State University.

In the last presidential election, she voted for Biden, hoping that he would fix a system she viewed as broken.

“He promised a lot of things,” Frank said. “If any of those promises are going to be seen this year, next year, we need to prioritize voting rights so people can have a pathway to getting those issues across the finish line.”

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Fox’s worst week? Dominion ruling adds to drumbeat of bad news for the network
Brian Stelter
CNN Business
December 16, 2021
https://kvia.com/news/2021/12/16/dominion-voting-wins-key-decision-in-lawsuit-against-fox-news-2/

On Sunday the Fox News Channel’s news facade was chipped away when Chris Wallace decamped to CNN. On Monday the hypocrisy of Fox’s biggest stars was highlighted by a bipartisan House committee. On Tuesday the network belatedly and weakly defended itself. And the week wasn’t even half over yet.

On Wednesday Fox’s social media team was forced to delete an antisemitic cartoon after advocacy groups shamed the network. And today, Thursday, Fox was set back in court in a big way. As Katelyn Polantz reports here, “a judge in Delaware has found that Fox News’ coverage of election fraud after the 2020 election may have been inaccurate, and is allowing a major defamation case against the right-wing TV network to move forward.”

“The ruling will now allow Dominion to attempt to unearth extensive communications within Fox News as they gather evidence for the case, and the company may be able to interview the network’s top names under oath,” Polantz explains.

For that reason, some media writers are speculating that the network will now try to settle, lest it be subjected to the embarrassment of the discovery process. “Fox loses the key motion; cases often settle at this point,” Ben Smith tweeted, “and a settlement here would likely be a big number. It’s a very strong case.”

On the other hand, Dominion wants to have its name cleared, and a confidential settlement might not seem sufficient.

“At this stage, the court must assume Dominion’s claims about Fox News are true,” Polantz writes. Still, the judge’s 52-page opinion noted that Fox “may have slanted its coverage to push election fraud, knowing the accusations were wrong.”

“Sold their souls”

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“Wrong” has been a throughline in the outside coverage about Fox this week. As the network’s ranks of reporters shrank and conspiratorial ranters grew, Wallace decided not to re-up his contract. Fox’s court jester ridiculed him on the way out.

“There’s a good chance Wallace had enough of being on the wrong end of conservative wrath,” the former Fox analyst Bernard Goldberg wrote for The Hill on Thursday.

Goldberg, who was a regular on Bill O’Reilly’s show back in the day, quoted an email from a “wise, conservative friend” of his. The launch of Fox was “great for journalism and great for the country,” this person said, but then Fox “sold their souls to … Trump and they’re too damn stupid to realize the damage they’ve done to the conservative cause they claim to espouse.”

That damage includes the Big Lie, hyped by some of Fox’s biggest stars, and now the subject of Dominion’s lawsuit…

A counterpoint about Fox’s loyal audience
The Dominion lawsuit is a legitimate and potentially very costly problem for Fox. But all the rest of the noise surrounding the network may be negligible. Fox viewers aren’t hearing analysis of Wallace’s exit or why it’s such a blow to the Fox brand. They aren’t hearing criticism of Sean Hannity and Laura Ingraham’s urgent texts to Mark Meadows on 1/6. They are hearing that Liz Cheney and her Democrat friends are illegitimate. They are hearing that “cancel culture” forces are trying to hurt Fox. Think about it, what will Fox viewers remember about mid-December 2021? That a criminal tried to burn down Fox’s artificial Christmas tree. And that Fox proudly lit up a new tree the very next day.

Fox’s ratings tell the story: The biggest shows on Wednesday were “Tucker Carlson Tonight,” with 3.46 million viewers, and “The Five,” with 3.26 million. Both shows have more than ten times as many viewers as Newsmax at the same hour. If I know anything about Fox insiders, based on my reporting work for “Hoax,” they would say they are not having a bad week at all, they are having a very successful week…

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Opening of Texas-Mexico border boosts holiday retail in San Antonio
Brian Kilpatrick
Texas Public Radio
December 16, 2021
https://www.tpr.org/business/2021-12-16/opening-of-texas-mexico-border-boosts-holiday-retail-in-san-antonio

Many San Antonians are flush with savings from spending all that time at home and/or receiving some federal COVID relief dollars. But Crawford said more than that, many are fully vaccinated and boostered and ready to get out of the house for their first real holiday shopping excursion since the pandemic began.

She said it's not just locals turning out; there are plenty of out-of-town shoppers flocking back to one of the city's best-known malls.

"The border is open from Mexico and so we are seeing those Mexican National tourists coming in and shopping," Crawford said. "And then also we are seeing the local U.S. tourists that are people getting out and doing a little a bit of traveling as well. People always like to purchase something special when their on vacation."

Crawford said this year, malls are a more appealing option for many shoppers due to a couple of problems associated with online shopping.

"Customers are able to come in and pick up their purchase and leave with it, there are absolutely no shipping delays because their able to take it with them," she said.

Crawford said the mall's merchants, more than 200 according to North Star's website, have not reported any major supply chain issues.

She said the mall's sister shopping center, The Shops at La Cantera near Loop 1604 and La Cantera Parkway on the far Northwest Side, is also reporting brisk business.

Both are managed by Brookfield Properties.

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EXCLUSIVE-Royal Dutch Shell confirms new delay in sale of Texas refinery to Mexico's Pemex
Stefanie Esenbacher and Erwin Seba
Reuters
December 16, 2021
https://www.nasdaq.com/articles/exclusive-royal-dutch-shell-confirms-new-delay-in-sale-of-texas-refinery-to-mexicos-pemex

MEXICO CITY/HOUSTON, Dec 16 (Reuters) - Royal Dutch Shell RDSa.Lon Thursday confirmed a Reuters report that the sale of its controlling interest in a Texas refinery to Mexican state oil company Petroleos Mexicanos has been delayed until next year.

A review of the deal by theCommittee on Foreign Investment in the United States, an national security group chaired by the U.S. Treasury, had been expected to wrap up this month but has been extended into next year, Shell spokesperson Curtis

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Smith said.

Shell in May disclosed an agreement to sell its 50% interest in the 302,800-barrel-per-day (bpd) Deer Park, Texas, refinery outside Houston to partner Pemex for about $596 million. The closing was expected this month, officials have said.

"We were hopeful we could conclude the sale before the end of the month, however, it now looks like the full amount of time will be needed," Smith said. "We will continue to cooperate with CFIUS as they review the transaction."

Pemex was not immediately available to comment.

The delay signals CFIUS has moved past its initial 45-day review and into a second, investigative period. The committee is charged with reviewing sales of critical U.S. infrastructure to foreign buyers for national security implications.

The second phase does not signal a potential rejection by the security group. Questions raised during the inital review can be resolved with a letter of agreement or a mitigation agreement, according to a former CFIUS official not involved in the Pemex review.

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Texas has built 6 miles of wire border fencing along Rio Grande under Operation Lone Star
Sandra Sanchez
Border Report
December 16, 2021
https://www.borderreport.com/politics/texas-has-built-6-miles-of-wire-border-fencing-along-rio-grande-under-operation-lone-star/

WESLACO, Texas (Border Report) — Since Texas Gov. Greg Abbott in June announced the state would “step up” and erect its own border barrier along the Rio Grande, only 6 miles of wire fencing so far has been completed, some of it just temporary razor fence coils laid on the ground, officials with the Texas Military Department said Thursday.

Lt. Col. Dan Garrison of the Texas Military Department, who is an engineer in charge of the fence-building that is part of Operation Lone Star, said they have secured commitments from private landholders to allow fencing to be built on a total of 62.75 miles in five counties along the Texas-Mexico border. The counties include Val Verde, Maverick, Starr, Zapata and Webb.

Currently, the Texas Military Department is building on six private properties along the border, Garrison told media during a news conference Thursday at the Texas Department of Public Safety regional office in Weslaco, Texas.

He said the barrier is being put up for the safety of migrants, as well as landowners.

“There’s a big safety aspect in building this barrier. The intent is to stop that crossing in places where people could potentially get hurt,” Garrison said.

Civil rights groups allege Operation Lone Star violates Title VI and unfairly targets Black and brown migrants. On Wednesday, 10 organizations filed a complaint with the Department of Justice requesting an investigation and asking that federal funding associated with the operation be revoked.

Two miles of the fencing has been put up in the past two weeks in rural Starr County east of Rio Grande City.

Texas Gov. Greg Abbott plans to visit the site in Rio Grande City on Saturday morning along with Texas General Land Office Commissioner George P. Bush; DPS Director Steve McCraw; Texas Military Department Adjutant Gen. Tracy Norris; and a few state lawmakers, the governor’s office announced Thursday.

The Texas General Land Office gave the Department of Public Safety access to 3,100 acres of farmland to put up temporary border fencing.

But Garrison told Border Report that the wire fencing placed in Starr County is concertina wire, and the coils stand no taller than 4-feet off the ground. It is a temporary barricade that can be moved easily “in case of a caravan.”

He said the razor wire deters and entangles and stops migrants from crossing the Rio Grande and into the United States.

“If there is a need to stop movement quickly, we can surge to any area and literally place (down) miles within hours,” he said.

Abbott has repeatedly supported the operation and criticized the Biden administration for not doing enough to secure the border, in his opinion.

“President Biden’s reckless open border policies have created a humanitarian crisis that is enriching the cartels, smugglers, and human traffickers,” Abbott said in March.

Since Operation Lone Star began on March 4, there have been over 9,000 criminal arrests, and 2,347 criminal trespass arrests and over 167,000 migrant apprehensions, DPS Lt. Chris Olivarez said Thursday.

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The operation has involved the placement of giant shipping containers alongside the riverbank near Eagle Pass, as well as a current boat blockade of the Rio Grande near La Joya, Texas, in Hidalgo County. Troopers work alongside National Guard troops and other agencies, and Olivarez said the border barrier is a very visual and effective way of deterring migrants from illegally crossing.

National Guard troops also have arrived in Texas from several other states to support the operation.

Currently, the Texas Military Department is negotiating to build temporary wire fencing on nearly 200 additional riverfront miles, Garrison said. Negotiations with half of those miles are with landowners in Zapata County and Webb County, which is home to Laredo.

None of those negotiations currently include land in Starr County, where Abbott plans to visit on Saturday.

The bulk of the fencing — 4.4 miles — has been built in Val Verde County, where a surge of 15,000 mostly Haitian migrants closed down the Del Rio international bridge in September as they crossed from Acuña, Mexico.

Garrison said construction is slow going, bogged down by areas of bedrock and extremely soft soil. They build at a rate of only a half-mile per day.

He says they are only signing agreements that they know they can complete within six months.

“So the faster we’re able to build, the more agreements we’re able to put on the books and the farther we can go,” Garrison said. “We’re trying to build as fast as we possibly can right now.”

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Monday, December 20, 2021 9:54 AM EST
Subject: SOS Morning News Clips 12/20/21

Texas Secretary of State
Morning News Clips
December 20, 2021

Election audit looms as Dallas, Tarrant and Collin Counties prepare for primaries, *Dallas Morning News*, December 20, 2021

TDCJ already struggling with recruitment see $4 million of its funding moved to election audit, *CNHI News*, December 17, 2021

Texas This Week: A conversation with Texas Secretary of State John Scott, *KVUE-TV*, December 19, 2021

Garcia: 'An unusual situation' — Secretary of State's office nixes primary election to pick DeBerry's successor, *San Antonio Express-News*, December 18, 2021

Potter County Republican Party will hold own primary using paper, hand counted ballots, *KVII-TV*, December 17, 2021

Texas Primary Draws Contenders in More Partisan House Districts, *Bloomberg Government*, December 20, 2021

Webb County Dems hold drawing for spots on primary ballot, *Laredo Morning Times*, December 19, 2021

Commissioners approve contracts with Democratic, Republican parties, *Greenville Herald-Banner*, December 20, 2021

Making an immediate impact: New Bell County elections administrator brings changes to department, *Temple Daily Telegram*, December 18, 2021

Election Integrity Law at Risk After Court of Criminal Appeals Rules Only County, District Attorneys Can Prosecute Fraud, *The Texan*, December 17, 2021

Texas lawmaker calls on US Senate to stay in session through holiday to pass voting rights legislation, *WFAA-TV*, December 18, 2021

Trump road show comes to Dallas after weak ticket sales in Florida, *Spectrum News*, December 17, 2021

Republicans resist saying 3 simple words: 'Joe Biden won,' *Associated Press*, December 18, 2021

Texas officially starts construction on border wall, Gov. Greg Abbott says, *Houston Chronicle*, December 18, 2021

Border merchants finally seeing business picking up since travel restrictions were lifted, *Border Report*, December 17, 2021

Massacre in the desert? 13 migrants feared dead in cartel feud along Texas-Mexico border, *Dallas Morning News*, December 20, 2021

'We're working very hard': US Ambassador to Mexico Ken Salazar visits El Paso, Juarez, addresses border visa backlog, *El Paso Times*, December 17, 2021

'The vote suppressors won 2021': Federal inaction leaves Texas advocates dismayed, *Houston Chronicle*, December 18, 2021

The time for Wolff to appoint an interim county commissioner is now, not later, *San Antonio Report*, December 19, 2021

Former U.S. Attorney General: Republican redistricting maps disenfranchise voters of color, *Philadelphia Inquirer*, December 17, 2021

Election audit looms as Dallas, Tarrant and Collin Counties prepare for primaries
Philip Jankowski
Dallas Morning News
December 20, 2021
https://www.dallasnews.com/news/politics/2021/12/20/election-audit-looms-as-dallas-tarrant-and-collin-counties-prepare-for-primaries/

AUSTIN — Secretary of State John Scott wants answers soon.

On Monday, his office, which is in charge of state elections, wants to start hearing from the three North Texas counties that

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are part of a four-county election audit that came amid political pressure from former President Donald Trump.

But some election administrators are still trying to figure out Scott's recent "exhaustive" request for information. They're in talks with county and district attorneys and are gauging how many resources they can dedicate to the effort as March's primaries loom.

On Dec. 10, the secretary of state's office sent a lengthy request to the election administrators in Dallas, Tarrant, Collin and Harris Counties — the four counties Scott is auditing as part of an investigation into 2020′s presidential election.

The 12-page letter, which included more than 180 bulleted items the secretary of state is seeking, marked the first formal communications with the election offices subject to the inquiry since it was announced, according to election administrators. The request marked the beginning of "phase two" of the audit, with a report on the findings of phase one expected to be released to the public by the end of the year.

Dallas County election administrator Mike Scarpello said his office is still evaluating the request and that the Dallas County district attorney's office is reviewing the request to see what information it can turn over to state officials.

Scarpello said the civil division of the district attorney's office is treating the secretary of state's request similarly to a request made under the Public Information Act of Texas. However, with the watchful eye of Gov. Greg Abbott behind this latest inquiry into election integrity, Scott's request is a little different than one made by your average Texan.

Scarpello said the request, which seeks information on mail-in ballots, provisional ballots, election workers and election security, "obviously carries a little more weight" than a typical information request from the public.

"We value this audit," Scarpello said. "So we're not dismissing it by any means. We're being as cooperative as we can be, we just want to make sure we — like every other request — run it through the process of reviewing it with the DA's office."

Information requests submitted under the Texas Public Information Act are what make the secretary of state's request relatively easy, according to Tarrant County election administrator Heider Garcia.

"Some of it we've already scanned and have available," Garcia said. "But again, I think the spirit between the state and us has been of cooperation and just working out a timeline that works best for everyone."

Dallas and Tarrant Counties' election administrators both said that the Dec. 10 letter was the first time since initial notification that they had been contacted by the secretary of state's office about the audit. Harris County election administrator Isabel Longoria said her office has been contacted twice about the audit. Collin County's election administrator did not return messages seeking comment about the audit.

The secretary of state's office plans to have on-site inspections of voting facilities in January. Exact dates are expected to be firmed up next week after election administrators respond to the initial inquiry, according to Scott spokesman Sam Taylor.

The office is also nearing completion of its initial findings. Taylor said the office is waiting for information from an interstate cross-check system to confirm if some flagged ballots were cast by people who voted in multiple states.

"That's the last piece of the puzzle before we're ready to publish the results," Taylor said in a text message.

The secretary of state's office announced the four-county audit in September just hours after Trump released an open letter calling for a full-scale audit of the 2020 presidential election in Texas despite winning the state by nearly 6 points. Trump later criticized the audit as "weak" and pushed for Abbott to add a comprehensive audit to the ongoing special session. Abbott did not acquiesce.

The audit is also part of a recent evolution that has seen the secretary of state's office shift from an informational resource for county election departments to something more akin to an enforcement arm of politically motivated inquiries — less of a teacher and more of a hall monitor.

The office thrust itself into politics with an abortive attempt to purge noncitizens from voting rolls in 2019 that ended after numerous naturalized citizens were found to be targeted, eventually leading to the resignation of David Whitley after he failed to be confirmed.

That came as Trump has repeatedly pushed unfounded claims of widespread voter fraud since he was elected in 2016. In March, the head of the office's elections division, Keith Ingram, called the 2020 election "smooth and secure" — a talking point seized by Democrats hoping to stop new election laws. Their efforts to thwart new laws failed even after House Democrats broke quorum twice and fled the state.

Longoria, the Harris County election administrator, referenced Ingram's comments in a written statement to The Dallas Morning News regarding the audit.

"While the new Secretary of State is focused on revisiting an election from over a year ago, one his office deemed 'smooth and secure' and for which the results have already been accepted, my office is looking ahead," Longoria said, noting that her office is preparing for an upcoming special election in January as well as March's primaries.

And in October, Abbott appointed Scott secretary of state. His selection immediately drew attention to his brief involvement in a lawsuit unsuccessfully challenging 2020′s election results in Pennsylvania.

With the controversial election law in effect since Dec. 2, the secretary of state's office has been placed in charge of implementing a host of new election law provisions, including creating guidelines and a curriculum for certified poll watchers, new mail-vote restrictions and changes to voting hours.

Legislators also approved regular audits of the returns in four counties following presidential and midterm elections. Those audits will resemble the ongoing audit, except that the law requires the state to audit two counties with populations greater than 300,000 and two counties each with fewer than 300,000 people.

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It means Texas' densest 18 counties, many of which tend to be more favorable to Democrats, will be audited at a much higher rate than the 236 counties that make up their rural counterparts.

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TDCJ already struggling with recruitment see $4 million of its funding moved to election audit
Ali Linan
CNHI News
December 17, 2021
https://www.cnhinews.com/cnhi/article_4de4cb62-5f61-11ec-aba2-2f8d781ec589.html

AUSTIN — Gov. Greg Abbott's decision to reallocate $4 million in Texas Department of Criminal Justice funding to combat election fraud left a budget hole in a department already struggling to fill positions.

On Nov. 19, Abbott announced he approved a legislative budget proposal that would provide funding needed for the Texas Secretary of State's office to establish a new Election Audit Division — a division conducting comprehensive forensic audits of the state's election. This is addition to the $250 million Abbott took from the TDCJ in June to fund the border wall.

The money for the audit was taken from the General Revenue appropriated for Correctional Security Operations in fiscal year 2023 "for the purpose of ensuring election integrity," documents state.

"Ensuring the integrity of our elections is critical to our democracy, and the Texas Secretary of State's office deserves the resources and support needed to thoroughly complete this ongoing task," Abbott said in a news release. "The people of Texas must have trust and confidence in the election process, as well as the outcomes of our elections."

Based in Huntsville, the TDCJ manages and operates all state prisons, state jails and contracted private correctional facilities, according to its website.

As of Dec. 17, the TDCJ had 375 job openings. Of those, at least 60 were for correctional officer positions with an average pay of about $49,000 per year. In total, the TDCJ has about 29,300 employees.

"Recruiting and retaining correctional officers remains the agency's biggest challenge and our highest priority," said Robert Hurst, TDCJ communications officer. "Before COVID-19, staffing was frequently impacted by economic surges and competing employment opportunities. The pandemic has exacerbated these issues."

The jobs themselves are inherently difficult and often underappreciated as reflected in their low pay, said Charley Wilkison, executive director of Combined Law Enforcement Associations of Texas, or CLEAT. The starting salary for a TDCJ correctional officer is $36,200 per year.

CLEAT primarily works with jailers at the county level, but Wilkison said issues with staffing are seen across all state and local detention and jail systems.

Wilkison said the issues with understaffing create greater burdens on corrections officers as they are expected to watch over more inmates with fewer resources. Low staffing could also put their safety, and the safety of people incarcerated, at risk should an incident occur and help is not readily available.

"These people are the bravest, most honorable folk that you find," Wilkison said. "[Correctional officers] take dangerous individuals who can harm the whole community and keep them off the streets and away from society."

He added: "We don't place a value on these people, their sacrifice or honors. They are no less than any of the rest of the folks that do things to protect the community."

Hurst said the agency is working to improve salaries and work conditions in order to increase recruiting.

This includes a recent restructuring of its correctional officer career ladder where officers can now receive pay increases earlier in their rise and more frequently as they progress, Hurst said. But to fund the changes, the agency discontinued the recruitment bonus for correctional officers, he added.

The 87th Legislature also approved a 3% pay increase for correctional officers, food service and laundry managers, and ranking correction officers at 23 maximum-security facilities. This is where the TDCJ sees the highest turnover, Hurst said.

The agency has also closed or idled six facilities within the past year in order to ease staffing burdens, Hurst said.

"We understand that there is no one solution to staffing but we will continue to find new and creative ways to fill critical positions," he said.

Hurst said the TDCJ is likely to recoup the redirected funding through supplemental appropriation before it is needed, but when that will happen is unclear.

THE AUDIT

On Dec. 10, the Texas Secretary of State office launched phase two of its election audit targeting Tarrant, Collin, Dallas and Harris counties in which all except Collin County voted in favor of President Joe Biden.

Republican leaders continue to insist that widespread voter fraud occurs the state even though the number of voter fraud cases is less than 0.001%, according to reports.

In the 2020 election, 11 million Texans voted. The Texas Attorney General's Office received 24 complaints where only a handful were prosecuted.

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Nonetheless, Texas Secretary of State John Scott said the audit will “restore faith in Texas elections.”

"For the past several election cycles, voters have faced a crisis of confidence in the very system that underpins our representative form of government," Scott said previously.

The state has already conducted partial manual recounts, election security assessments and voter eligibility verification, but Scott insisted there is a need to go further.

The office issued an exhaustive document request of publicly available election materials which it said will cover about 35% of all votes cast in the November 2020 General Election in Texas.

"Texas is leading in election integrity. As we embark on Phase 2 of our agency's Full Forensic Audit of the 2020 Election, we want to ensure every single eligible Texas voter knows that ballots in Texas are being properly processed, tabulated, and reported by county election officials in accordance with state and federal law," Scott said in a news release.

Texas is not the only state to have funded election integrity initiatives. Wisconsin taxpayers have funded $700,000 worth of initiatives and Arizona taxpayers are funding a continued investigation into the 2020 election.

Even so, Kevin Boyle ,a professor of American History at Northwestern University, said an audit — even if it proves the previously established results to be accurate and Biden is the rightful president — will not strengthen beliefs in a system GOP elected officials are determined to tear down.

Boyle said he believes unless Republican leaders stand up to what is the fundamental truth, that the election was not stolen and there is no widespread voter fraud, Texans will continue to see a push by GOP leaders for more election restrictions.

“They understand this election wasn't stolen, but they're not saying that they are not standing up to that fundamental lie. That's what needs to happen in the United States,” Boyle said. “Republican leadership sees a political advantage in pushing this lie, and by doing that, they are threatening the democratic system.”

He added: “We need people and there are people in the [Republican] party … to say the nation matters more than your political advantage.”

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Texas This Week: A conversation with Texas Secretary of State John Scott
Ashley Goudeau
KVUE-TV
December 19, 2021
https://www.kvue.com/article/news/politics/texas-this-week/texas-this-week-secretary-of-state-john-scott/269-0a749cdc-32a6-4a40-9b3c-0f69d5b30149

AUSTIN, Texas — In this week's edition of Texas This Week, newly appointed Secretary of State John Scott discuss his new role as the state's chief elections officer.

Texas Secretary of State John Scott discusses his new role
The state's chief elections officer has been on the job for just about two months now. In that time, John Scott has been busy. He's charged with auditing 2020 election results for the state's four largest counties. He's visited election officers across Texas and now is preparing for the 2022 primary election. He sat down with KVUE in one of his first television interviews to discuss his new role and vision for elections in Texas.

Ashley Goudeau: I first want to talk to you about your appointment. You're obviously not new to Texas and not new to Texas government, but to get that call from Gov. Greg Abbott to say, 'I want you to be the Secretary of State,' what was your reaction?

John Scott: "Well, honored in just a simple word. I think it's a lot from a guy that, you know, Granddad was a pipe fitter and his parents, neither one of them went to college. And I mean, it brought some pride to the family. And, I think, so honor is the best word I can use to describe it."

Goudeau: This is an appointment that I think a lot of people, particularly Democrats, were a little nervous to see who would be named to this position. But you've gotten praise from from both sides of the aisle. Is that reassuring for you?

Scott: "I think it raises the expectations that I be fair and impartial. And I think when we talk about the audit, for instance, that is the thing that concerns most people most of the time and I think most of the legislators. And I think that at the end of the day, the work product has to speak for itself and it has to be fair, impartial and evidence-based. And so that's what I can assure everybody on all sides that we're going to produce."

Goudeau: There was a little bit of push-back. Obviously, people pointed to some concern about your appointment because the fact that you, for a business day, represented former President Donald Trump in one of his lawsuits challenging the election in Pennsylvania. Talk to us about that.

Scott: "It was another one of those opportunities. They had an interesting case, set of facts. Went up there and the law changed a little bit because of the Third Court of Appeals, United States Court of Appeals, on an electors clause decision. And so, a lot of the ideas that might have been relevant were no longer that, so I thought it was kind of a change of, I guess, goals and I no longer really need to be involved in the case."

Goudeau: Did you trust the results of the 2020 election?

Scott: "I think I was like everybody else. I went and voted. I went and cast my ballot. I went in there and thought that it was going to be a fair election. And in my personal experience, I never saw anything that was anything different than any election I'd ever cast a ballot in. I think my experience up in Pennsylvania, for as brief time as it was, where the Commonwealth of Pennsylvania has 67 counties, there were seven counties that used machines to weigh mail-in ballots. And I think that's the

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part that gave me any concern, not that it altered the overall results of a presidential election, but it was one of those things the election should be done the same way everywhere throughout the state to ensure that it's fair. We don't want the richest enclaves in our state to have one set of rules and the rest of the state, we all have to operate under a different ones. It'd be like Westlake, in a county election, because they've got a lot of money, somehow being able to keep their voting operations 24/7. And the rest of us get, you know, six hours a day because there's not enough money to fund the other voting establishments. So I think you want to make sure that everything stays fair and impartial. And I didn't see any evidence of that in my personal experience up in Fort Worth. When I voted in Tarrant County it seemed great. But at the end of the day, that's what the audit is supposed to evaluate."

Goudeau: While we want it to be fair across the board, it should be fair across the board, we should have a base set of rules. I don't think anyone would disagree with that. Do we not see, though, that different communities in Texas have different needs? And so maybe they should be able to allow some extended voting hours or things of that nature?

Scott: "I think that's where it becomes very difficult to do oversight, and that's one of the jobs that that S.O.S. is tasked with. And if you have one set of standards, we can use Harris County because it was literally one of the, we'll use them as the canary that has identified some issues potentially that brought a lot of the legislation up, I think, which is they did 24-hour, drive-thru voting. And is that something that was available to everybody in every location around the state? No. And it gets back to a little bit about what I was talking about – the places that have enough money to do their elections one way should not have an advantage over another voter who works and lives in another community. And that's, I think, why you need one set of rules of the road for everybody to operate under."

Goudeau: Let's talk a bit about the audits. You were appointed to this position and then sort of this big project kind of fell on you. And it did, I think, have some political undertones, obviously, that we were going to do some audits of the 2020 election. I want you to first talk to us about the fairness of that election. Your predecessor said that in Texas, things ran smoothly. She did not see evidence of widespread voter fraud. Has that been your experience thus far?

Scott: "And I really don't want to speak for former Secretary Hughes, but, I have known her for a while. She's an honest person. I have no reason to doubt what she says. I don't think from our perspective, we're trying to do anything other than evaluate what went on during the election in the four largest counties, something that is about 35% of the voters or votes that were cast in that election will be under an analysis. And we're going to let that decide really what we find and really comment at that point in time. I say comment – we're going to address all of the issues that we find. And we're also going to show if there's been security that everybody should have faith in– here's the evidence of it, that it did work right or here's the evidence where it didn't work right. So we want to make sure that we get to the best practices almost on all security and bring confidence back into our elections. That's the goal."

Goudeau: But you did say address the concerns that we find. Do you feel like you are going to find some things that are concerning?

Scott: "Well, we've got a first; so we have two phases on this process. And the first phase is looking for people that may have voted in more than one jurisdiction, Texas and another state. Another is, are the counties doing their voter roll maintenance? And so, did all the counties institute the security analysis before the election? So we're trying to make sure, and again give a snapshot of that. And I think there's going to be some findings on those or at least on one of those areas that I think was kind of surprising. Not something that, and again, people need to understand we're not trying to go back. There's no way to go back and change any election, any election results. This is really looking at, are the systems in place that are supposed to be in place, did they work right? It's no different than going to sitting down for a test when we were back in school. We got tested on their knowledge. They're going to be tested, to a certain extent, on did the system work in the way it was supposed to and if there were lapses, what were the net results of those lapses?"

Goudeau: Are you surprised at all, when we look at some of the polling, right, even though it's the same election that people are asked about, they do question the validity of the election. There are Texans who don't necessarily think that it's fair or I know I go out and talk to people when we try to encourage them to come out and vote and they say, 'Well, I don't think it matters.' How are you going to tackle that?

Scott: "I think that's one of the really great points that anyone could make, which is we don't want anyone to have the unintended consequences of dissuading someone to vote because they don't think it's going to matter or their vote's being canceled. And I think that's one of the things that I fear most about when someone says that an election was stolen or somehow fraud took place – what is the net effect on other voters out there? Will it dissuade them from even taking the time to go vote? And so that's why this audit is so important, is to reassure people that we have integrity in our elections process. It's safe. And I think that's the real end goal of this – to bring back confidence in the elections and let the politicians go battle all they want about policy. And hopefully that gets all the people to go out there and vote, and with it takes away at least a new excuse on why they don't vote."

Goudeau: But now Secretary Scott, let me ask you, some of that rhetoric, regardless of what your audit finds, some of this rhetoric is going to continue because while voting should not be political, it is going to be political. How are you going to combat that if those voices about, you know, widespread fraud or widespread issues are coming from within your own party?

Scott: "So I I think the goal is not to address every issue people have. I think there is to, there is, the goal to make sure that federal and state laws relating to elections are fair. And after that, if someone wants to find something, that's going to be a different issue for a different day and somebody besides me. But that cannot be the role of the State or the Secretary of State's Office because we are never going to sway, we're never going to convince everyone that every one of their concerns have been addressed. What we're going to be is someone who tries to make sure that all the federal and state laws in this state are followed and can assure them on that."

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'An unusual situation' — Secretary of State's office nixes primary election to pick DeBerry's successor
Gilbert Garcia
San Antonio Express-News
December 18, 2021
https://www.expressnews.com/news/news_columnists/gilbert_garcia/article/Garcia-Secretary-of-State-s-office-nixes-16712082.php

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The race to succeed Trish DeBerry apparently wasn't chaotic, confusing or messy enough.

So, on Friday, the Texas Secretary of State's office scrambled the script just a bit more.

For those of you who've been preoccupied with Christmas shopping, here's the basic chronology for this wild week in Bexar County Commissioners Court politics:

On Monday afternoon, moments before the filing deadline for the March 2022 primary, Republican County Commissioner Trish DeBerry filed to run for county judge.

DeBerry's move required her to resign her Precinct 3 seat and triggered a 2022 election to fill the post.

On Wednesday morning, Keith Ingram, the director of the Elections Division for the Texas Secretary of State's office, informed the Bexar County Elections Department that the Democratic and Republican nominees for Precinct 3 would be elected by voters in the March primary.

Ingram added that prospective candidates had until Monday afternoon to file for the primary.

Friday morning, Ingram reversed his opinion on how the Precinct 3 nominees should be chosen.

"I was wrong on the possibility of ambiguity" in the Texas Election Code, Ingram said in an email to Bexar County Elections Administrator Jacque Callanen.

"The commissioners court vacancy happened too late to be on the primary ballot. The party executive committees will have to make a nomination later this year."

This makes the race to succeed DeBerry a brand new ballgame.

With only a few days to decide on filing for an expected primary election, several potential candidates — including business executives Grant Moody, Preston Woolfolk and Jeff Webster — were unsure about running and none too thrilled about being rushed into a decision.

Under those circumstances, former Councilman and two-time mayoral candidate Greg Brockhouse already was looking like a solid favorite to take the GOP primary in the reliably Republican Precinct 3 on the North Side.

Now, the party nomination rests in the hands of a few dozen precinct chairs. Who knows how many candidates will seek the nomination? Who knows how the precinct chairs will vote?

On Friday afternoon, Brockhouse seemed to have mixed feelings about the latest determination from the Secretary of State's office.

"Hopefully, this is the final call," Brockhouse said. "I was taking a hard look at it myself, and I think I would have done exceptionally well in a Republican primary."

Ingram's reversal came after county and state Republican Party officials made the case that under the Election Code, the Precinct 3 vacancy had occurred too late to allow for a primary election.

Sect. 202.006 states that a party's county executive committee should select a nominee if "the vacancy occurs after the fifth day before the regular deadline" to file for the primary election.

John Austin, the chairman of the Bexar County Republican Party, sounded relieved about Ingram's decision to hand the selection process to the party precinct chairs.

Austin said a Precinct 3 primary election would have encountered legal challenges and faced the threat of having its results thrown out in court.

There is some precedent in Bexar County for having precinct chairs pick party nominees for elective office.

In 2010, Larry Click, a retired Bexar County deputy sheriff, won an uncontested Republican primary for the Precinct 4 county commissioner seat. Five months after winning the primary, Click passed away.

GOP precinct chairs selected a retired Air Force major general named Susan Pamerleau to replace Click on the ballot. Although Pamerleau came up short in that November's general election, losing to Tommy Adkisson, she parlayed her strong performance into a winning campaign for county sheriff two years later.

Last year, both major parties had to select nominees for the 144th District Court bench, after Judge Ray Olivarri's death in January 2020. Democratic precinct chairs picked Michael Mery and Republicans chose Melisa Skinner. Mery won the election.

Those precedents speak to what an unusual situation DeBerry created with her late decision to run for county judge. When local precinct chairs have been called on to appoint nominees for general-election races, it has generally been the result of vacancies created by the death of an office holder or a party nominee.

In this case, however, the vacancy was the product of DeBerry's final-day decision to seek higher office. Election officials don't have a lot of practice dealing with that kind of scenario.

"It's an unusual situation," Callanen said. "It doesn't come up that often and it probably rarely comes up when it's so close to the primary filing deadline.

"No one's ever told us that the Election Code is easy to read."

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Potter County Republican Party will hold own primary using paper, hand counted ballots
Morgan Duerden
KVII-TV
December 17, 2021
https://abc7amarillo.com/news/local/potter-county-republican-party-will-hold-own-primary-using-paper-hand-counted-ballots

Amarillo, TX (KVII) — Voters in Potter County will see changes at the polls during the March 1st primary. The Potter County Republican Party will administer their own election using all paper, hand-marked, hand-counted ballots.

The decision was made by the party's executive committee, which state kaw says they are welcome to do.

However, there are regulations and laws that every election in Texas must follow.

This will be the first time since the early 2000s that Republican voters will be using strictly paper ballots on election day. A choice Dan Rogers the Potter County GOP Chairman said will lead to a more secure count.

"There is a lot of concerns that voters have whether or not their votes being properly counted with the electronic machines that are being used," Rogers said.

Rogers encouraged the other 253 Republican party chairs throughout Texas to join the movement.

So far though, all have passed on the idea.

Elections are stricly regulated, and the Secretary of State's Office, Rogers and Potter Country Election Administrator Melynn Huntley - who will still be running the Democratic primary - discussed those rules together on Tuesday.

"Usually in Potter County there are about 24 different precinct locations. Our understanding is that the Potter County GOP on Election Day is trying to consolidate that down to four or five precincts," Sam Taylor the Assistant Secretary of State for Communications said.

Decreasing the number of polling locations could result in longer wait times. Depending where a Republican voter lives in Potter County, like near the town of Fritch, their drive to get to the polls could be a long one.

Rogers does plan to hire at least 200 election workers to help run the polling locations and count the ballots after the polls close. This process could take 20 hours but Rogers doesn't believe there is room for human error.

"People keep telling me people can't count," Rogers said. "I trust the voters more than I trust the electronic voting systems."

"By law those paper ballots cannot leave that site," Huntley said. "The judge, the alternate judge, the workers that have been working at the site have to stay and hand count those ballots at that location that night."

The Secretary of State's Office notified Rogers that even during an-all paper election, the Americans with Disabilities Act requires a polling location to have an electronic voting system accessible.

"We will have to secure our own, but it's my understanding, from what I was told is that we only have one person in Potter County that uses that device, and it just so happens that it is my employee's daughter," Rogers said.

"You don't know who is going to vote on Election Day. I don't know how you can say one person is going to vote. Regardless, it's federal and state law," responded Taylor.

It has been recommended to Rogers by the Secretary of State that they use E-poll books during the election.

Voters sign in on these devices, which communicate to each other, to ensure no one is voting twice or in both the Democratic and Republican primary. Rogers would like to use a paper check-in book but is open to the idea of using both.

"If you don't follow those laws the candidate or voters or other people involved in election stake holders can actually file a lawsuit and have a court order a new election," Taylor said.

On Election Day, remember voters in Potter County will not be able to vote at any location like years previous, as the polling locations for each precinct become established, we will let you know where you can vote.

As for early voting which begins on February 14th, the election administration office is going to facilitate the election using electronic voting and the typical voting centers for Potter County.

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Texas Primary Draws Contenders in More Partisan House Districts
Greg Giroux
Bloomberg Government
December 20, 2021
https://about.bgov.com/news/texas-primary-draws-contenders-in-more-partisan-house-districts/

The 2022 House elections in Texas will feature more competition in the March primaries than in November, after Republican redistricting crafted almost all of the 38 districts as one-party bastions.

It's possible there will be only one highly competitive race next fall in the nation's second most-populous state. That's according to a Bloomberg Government analysis of the 2020 election results in the new districts, as well as the slate of candidates who met this week's filing deadline to compete in the first-in-the-nation congressional primary.

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Democrats, who fielded candidates in every Texas district in 2020, will have none running in six districts next year, according to a list compiled by the Texas Secretary of State's office. Republican Reps. Jake Ellzey, Roger Williams, and John Carter didn't draw Democratic opposition after being significantly strengthened by redistricting.

Democrats will also be hard-pressed to run competitive campaigns against other Republican incumbents including Michael McCaul, Beth Van Duyne, Chip Roy, and Troy Nehls, who also were bolstered by new district lines after winning by single-digit percentage-point margins in 2020.

The GOP-led redistricting shored up House Republicans after they won 23 of 36 Texas districts in the 2020 election, including 11 with less than 56% of the vote. Donald Trump would have carried 25 of the 38 reconfigured districts in 2020, all but two of them by more than 12 points. President Joe Biden would have carried 13 districts, all but one of them by at least 12 points.

"Unlike 2020 or 2018, there's not much in the way of competitive races to run in," said Mark Jones, a political scientist at Rice University in Houston. "Most of the districts have been redrawn in such a way that they are a lock for Republicans or a lock for Democrats."

"In 2022 in Texas, I wouldn't expect much movement. I would look to later cycles," said Cal Jillson, a political scientist at Southern Methodist University in Dallas.

The fast-growing Lone Star state added two districts in reapportionment. The U.S. Justice Department this month filed suit against the new Texas map, alleging that the changes unlawfully dilute the voting power of Latino and Black residents.

Kelly Burton, the president of the National Democratic Redistricting Committee, said the map increased the number of white-majority districts after 95% of the state's net population growth during the 2010s came from people of color.

"What you should see in the map in Texas is an increase in districts where communities of color have an ability to elect candidates of their choice and have the ability to influence the outcome of the election," Burton said on Bloomberg Government's "Downballot Counts" podcast.

Republican state Sen. Joan Huffman, the chair of the Texas Senate redistricting committee, said during the legislature's consideration of the map that districts were drawn "blind to race" and complied with the Voting Rights Act.

Here's a look at some Texas districts to watch in the March 1 primary. Runoffs, if needed, would be held on May 24. Each district number is followed parenthetically by the vote percentages that Biden and Trump would have received there in 2020.

1st District (Trump 72%-26%): Rep. Louie Gohmert (R) is running for Texas attorney general, and the GOP primary or runoff will determine Gohmert's successor in one of the nation's most strongly conservative districts. Republican candidates include Nathaniel Moran, the elected judge in Smith County (Tyler), the most populous jurisdiction in the district.

3rd District (Trump 56%-42%): Rep. Van Taylor's (R) district, anchored in fast-growing Collin County north of Dallas, became more Republican after redistricting. Taylor drew several primary opponents including Keith Self, Collin County's former elected judge and an Army veteran, and Suzanne Harp, an investment bank executive whose son is chief of staff to Rep. Madison Cawthorn (R-N.C.). Taylor was one of the 35 House Republicans who voted for a bill that would have created a bipartisan commission to investigate the Jan. 6 attack on the Capitol.

8th District (Trump 63%-36%): The 11-candidate Republican primary is the race to watch in a district enveloping parts of Harris and Montgomery counties in metropolitan Houston. Rep. Kevin Brady, the top Republican and former chair of the Ways and Means Committee, isn't seeking re-election. Would-be successors include Morgan Luttrell, a retired Navy SEAL backed by former Gov. Rick Perry; Christian Collins, Brady's former campaign manager and a former aide to Sen. Ted Cruz (R), who endorsed Collins; and Jonathan Hullihan, a lawyer and Navy veteran.

15th District (Trump 51%-48%): On the Biden-Trump numbers, the reconfigured 15th is the most competitive district in Texas—an unusual claim to fame for a border district that's 81% Hispanic and was reliably Democratic before Republican gains in 2020, when Biden carried it by 2 percentage points and Rep. Vicente Gonzalez (D) was re-elected by 3 points. Redistricting prodded Gonzalez to run for re-election in the more Democratic 34th District next door.

Businessman Monica De La Cruz, who was Gonzalez's opponent in 2020, is among the Republicans seeking the nomination. She was one of the first candidates endorsed by House Republican Conference Chair Elise Stefanik (N.Y.), who's working to elect more Republican women to Congress. The Democratic candidates include Ruben Ramirez, a lawyer and Army veteran, and Michelle Vallejo, a businesswoman.

23rd District (Trump 53%-46%): Redistricting bolstered first-term Rep. Tony Gonzales (R) in a district that stretches hundreds of miles from San Antonio west to El Paso. John Lira, a Marine Corps veteran, probably is the leading Democratic candidate. Democrats protested the reduction of the district's Latino population percentage to 63% from 68% in redistricting.

28th District (Biden 53%-46%): Rep. Henry Cuellar, a centrist Blue Dog Democrat and the only House Democrat opposed to abortion rights, faces progressive immigration lawyer Jessica Cisneros in a rematch of their close 2020 primary. Tannya Benavides, a former teacher, also is seeking the Democratic nomination.

Redistricting made the 28th marginally more Democratic-leaning, though Republicans could seriously compete here if they build upon their improved 2020 showing with Latino voters—and particularly if Cisneros unseats Cuellar, who has bipartisan appeal and ran well ahead of Biden's performance in the 2020 general election. Cassy Garcia, a former Cruz aide, has the senator's support in the Republican primary.

If Cisneros beats Cuellar, "then that district becomes much more vulnerable, especially if Cassy Garcia ends up being the Republican candidate," Jones said.

30th District (Biden 78%-21%): House Science, Space and Technology Committee Chair Eddie Bernice Johnson (D) is retiring after three decades from a Black-plurality district in the Dallas area, and the crowded Democratic primary is the

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contest to watch. State Rep. Jasmine Crockett has Johnson's endorsement.

34th District (Biden 57%-42%): Gonzalez eschewed a re-election bid in the competitive 15th District to run instead to succeed Rep. Filemon Vela (D), who's retiring from a border district that's more friendly to Democrats. Gonzalez faces several challengers in the primary. The best-funded Republican is Mayra Flores, a respiratory therapist practitioner who came to the U.S. from Mexico as a child.

35th District (Biden 72%-26%): The open-seat Democratic primary is the key race in a Hispanic-majority district that connects parts of Travis County (Austin) and Bexar County (San Antonio) via Interstate 35. The candidates include Austin councilman Greg Casar, state Rep. Eddie Rodriguez, and former San Antonio councilwoman Rebecca Viagran.

Rep. Lloyd Doggett (D) lives in the district, but he's running for re-election in the newly created 37th District, a Democratic bastion dominated by Travis County.

38th District (Trump 58%-40%): Republican mapmakers carved out a new GOP-leaning district in west-central Harris County that 10 Republicans are seeking. They include Wesley Hunt, an Army veteran who ran competitively against Rep. Lizzie Fletcher (D) in the 7th District in 2020. Redistricting shifted more Democrats into Fletcher's district to accommodate the creation of the GOP-leaning 38th.

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Webb County Dems hold drawing for spots on primary ballot
Christian Alejandro Ocampo
Laredo Morning Times
December 19, 2021
https://www.lmtonline.com/news/article/Webb-County-Dems-hold-drawing-for-spots-on-16714426.php

The Webb County Democratic Party held its drawing for a place on the 2022 Democratic Primary Ballot on Wednesday at the Laredo Firefighters Local 872 Fireman's Union Hall.

According to Sylvia Bruni, Webb County Democratic Party Chair, the drawing is part of the process set out by the Texas Secretary of State in preparation for the upcoming primary election and the printing of the ballot.

This is the second part of the usual process, and it follows the acceptance of the applications from candidates throughout all counties. According to Bruni, there are 24 Democratic candidate applications in Webb County, all of which are certified by the county party before being sent to the Secretary of State.

There are 27 Democratic counties if one counts multicounty positions such as State Sen. Judith Zaffirini, who represents Webb among other counties.

The drawing then sees local candidates gather to have their positions on the election ballots designated. This is done through a lottery system, in which the candidates for a particular position each have an assigned number picked out of the system for their place on the ballot. Simply put, if three candidates numbered Nos. 1, 2 and 3 are chosen in the lottery as 3, 1 and 2; that is how the ballot will end up looking in the upcoming election.

Currently, Bruni said the process is waiting for all counties in the state to certify their findings. Once finished, Bruni will be reporting the candidates who have opposition on the ballot to the secretary.

"It's very much part of a process that is intended to be very clear cut and very carefully managed so that there isn't any doubt that what they are doing is legal and within very strict timelines," Bruni said.

Like every year beforehand, getting the masses to vote will be a priority, and Bruni said it is important to understand who is on the ballot and for what position they are running for. As an example, in the upcoming governor race, there will be eight Democratic candidates vying for the position.

"It's going to be a pretty busy ballot when it comes down to it. Of course, the challenge is going to be to get people out there and vote. I am hoping there is enough concern and interest, and we'll get a strong showing," Bruni said. "We are going to work on getting the vote out next.

"It's not just going to be Webb County. When Webb County voters go out to vote in March, there are going to be very strong state offices up for grabs, so it's going to be an important primary."

As for research on candidates, campaigns, candidate info and their platforms, those can be found through social media and personal web pages.

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Commissioners approve contracts with Democratic, Republican parties
Brad Kellar
Greenville Herald-Banner
December 20, 2021
https://www.heraldbanner.com/news/local_news/commissioners-approve-contracts-with-democratic-republican-parties/article_fb993296-602b-11ec-99cd-5b8bafa92e86.html

The Hunt County Commissioners Court has begun the county's 2022 election cycle.

The commissioners met during Tuesday's regular session with County Civil Attorney Daniel Ray and Elections Administrator Jeannie Ash to review and approve interlocal agreements between local governments and the Hunt County Elections Office for providing next year's elections.

The commissioners also voted to approve a joint resolution authorizing the contracts between the county and the Hunt

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County Democratic and Republican parties for the March 1, 2022, primary elections.

Although the March 1 primaries will only have GOP contests for candidates on the Hunt County level, there will be multiple choices to be made in both the Democratic Party and Republican Party elections for the statewide and national races.

Early voting for the March 1 primaries begins on Feb. 14. In the event any primary runoff elections are needed, they would be held on May 24.

A complete list of all candidates seeking nominations in their respective parties in next year's primary elections is available online through the office of Texas Secretary of State John B. Scott at https://candidate.texas-election.com/Elections/getQualifiedCandidatesInfo.do

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Making an immediate impact: New Bell County elections administrator brings changes to department
Shane Monaco
Temple Daily Telegram
December 18, 2021
https://www.tdtnews.com/news/central_texas_news/article_e990b96e-6078-11ec-a6d6-c3ff0322c64c.html

Voters can expect to see some changes to local elections next year as the Bell County elections department looks to implement a variety of changes.

During Monday's Commissioners Court workshop, interim elections administrator Shay Luedeke briefed officials on changes he has started to make since taking over the department in November. Many of the changes have focused around modernizing and improving what the department currently does.

Luedeke, who also serves as the county's Tax Assessor-Collector, took over the interim position following the departure of Matthew Dutton, the previous elections administrator.

In improving the department, Luedeke has focused on getting the department better prepared to deal with the county's increasing population in recent years.

"With 217,000 registered voters, we are only getting more and more people wanting to vote," Luedeke said.

One big change for voters in the county, Luedeke said, are plans to add a seventh and possibly an eighth early voting location.

Currently the county has six early voting locations: two in Killeen, one in Temple, one in Salado, one in Belton and one in Harker Heights. The new location Luedeke hopes to open would be at the Killeen Senior Center at Lions Club Park, 1700 E. Stan Schlueter Loop in Killeen.

Luedeke said he hopes this new location will help cut down on lines across the county, but also hopes to add an additional site in Temple if he can find a space to host it.

Early voting sites in the county need to meet several requirements, including being Americans with Disabilities Act accessible, have enough space and be accessible during early voting. Early voting locations are normally open for the two weeks prior to an election, from 8 a.m. to 5 p.m. the first week and from 7 a.m. to 7 p.m. the second week.

This time requirement has previously been one of the main blockages to the department adding more locations, with few facilities able to accommodate them while being in a good location.

Despite the need, officials admitted adding new voting centers would mean increased cost to the county for hiring the needed staff and securing the space.

Bell County Judge David Blackburn said the county will need to look at how expensive it would be to add one or multiple additional voting centers.

"I don't disagree that we need an additional voting center, it's pretty bad," Blackburn said. "And I don't disagree to targeting where the lines are the longest and where the population centers are."

Luedeke also has started to work with the county's technology department to modernize its election map.

The department plans on using existing mapping software used by others in the county to create a precinct map of the county. The software would allow the county to add new roads more easily than they can currently.

"We are currently using a map book from 2009 with hand-drawn precinct line," Luedeke said. "And every time they have new roads, they hand draw the new road in this map book. So that is why we want mapping software."

Another piece of software the county plans on using for upcoming elections is one developed during the 2020 election.

The software aims at allowing voters to see where waits at polling places are the shortest during early voting and Election Day. Adam Ward, technology services director, said the software had been finished last year but it was too close to the general election to put out something that was still in the beta testing phase.

Training for election judges, who would have to manually input wait times, was one of the reasons for the county not using the software.

Luedeke said he hopes to put the software into use now so the county can prepare for more intense elections.

"We are going to use it this primary, at lease put it to some practical use," Luedeke said. "I think (the election) will be low

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enough volume that we can do that … and use it several times before the next general election."

Some smaller changes being worked on by Luedeke include starting a Facebook page for the department to help with transparency and creating an official employee handbook specific to the department.

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Election Integrity Law at Risk After Court of Criminal Appeals Rules Only County, District Attorneys Can Prosecute Fraud
Hayden Sparks
The Texan
December 17, 2021
https://thetexan.news/election-integrity-law-at-risk-after-court-of-criminal-appeals-rules-only-county-district-attorneys-can-prosecute-fraud/

On Wednesday, the Texas Court of Criminal Appeals, which is composed entirely of Republican judges, ruled in an 8 to 1 decision that a state statute granting the Texas attorney general the authority to prosecute violations of election law is unconstitutional primarily on separation of powers grounds. Judge Kevin Yeary was the only dissenting jurist.
The court, which serves as the final arbiter of adult criminal matters in Texas, handed down its decision two days after the deadline to file for a place on the primary ballot. The only way the ruling could be reversed is in the unlikely event the court grants a rehearing.

Texas Attorney General Ken Paxton, who is facing several opponents from both political parties, lashed out at the court and suggested the decision calls into question whether misconduct in elections will be prosecuted.

"Now, thanks to the Texas Criminal Court of Appeals, Soros-funded district attorneys will have sole power to decide whether election fraud has occurred in Texas. This ruling could be devastating for future elections in Texas," Paxton tweeted.

The ruling jeopardizes the effectiveness of the Election Integrity Protection Act of 2021, the GOP's signature legislative achievement this year partially intended to respond to concerns of fraudulent activity in the 2020 presidential election.

The law relies heavily on the attorney general's involvement in pursuing potential fraud cases. Enlisting the cooperation of Democratic district and county attorneys for more aggressive election fraud prosecutions will be challenging for Paxton or a Republican successor.

Democrat Christian Menefee, the county attorney of Harris County, tweeted that the ruling was a "big win for local government and Texans who are tired of state officials exaggerating voter fraud claims to undermine elections."

Though there are provisions in the act that call for civil penalties against entities that violate the law, the onus would be on local prosecutors to file charges against individuals suspected of fraud, illegal voting, or other violations.

At the center of the case is the Democratic sheriff of Jefferson County, Zena Stephens. Paxton charged Stephens in 2018 with one count of tampering with a government record and two counts of making or accepting a contribution in violation of the Texas Election Code.

She allegedly incorrectly filled out campaign finance documents and improperly accepted cash donations.

During an investigation in a different case, the Federal Bureau of Investigation had contacted the Texas Rangers after discovering Stephens may have committed a crime. The Jefferson County district attorney decided against prosecuting Stephens, instead kicking the case to Paxton's office, according to the Court of Criminal Appeals' ruling.

The statute in question is Texas Election Code 273.021, which delegates to the attorney general the authority to charge individuals with violations of election law.

The whole statute reads as follows: "(a) The attorney general may prosecute a criminal offense prescribed by the election laws of this state.

(b) The attorney general may appear before a grand jury in connection with an offense the attorney general is authorized to prosecute under Subsection (a).

(c) The authority to prosecute prescribed by this subchapter does not affect the authority derived from other law to prosecute the same offenses."

Agreeing with Stephens' argument that the law is unconstitutional, Judge Randy McDonald, the state district judge in Chambers County who is presiding over the case, dismissed the tampering with a government record charge. The First Court of Appeals reversed that decision last year, but the Court of Criminal Appeals ruling on Wednesday reinstated McDonald's decision to throw out the charge.

Justice Peter Kelly, a Democrat, joined Chief Justice Sherry Radack, a Republican, in the First Court of Appeals ruling in 2020 that would have allowed the first charge against Stephens to go to trial. Democratic Justice Gordon Goodman dissented.

The Court of Criminal Appeals based much of Wednesday's ruling on the rationale that each branch of government — legislative, executive, and judicial — should stay strictly in its own lane. The court reasoned that the attorney general is an executive officer, while district and county attorneys are part of the judicial branch.

Unlike the U.S. Constitution, the Texas Constitution contains a provision that explicitly requires each branch of government to avoid encroaching on the duties of another branch.

However, Yeary contended in his dissent, among other arguments, that the Texas Constitution contains language explicitly allowing the legislature to delegate responsibilities to the attorney general in addition to his constitutional role.

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Texas lawmaker calls on US Senate to stay in session through holiday to pass voting rights legislation
Michael McCardel
WFAA-TV
December 18, 2021
https://www.wfaa.com/article/news/politics/inside-politics/texas-lawmaker-calls-on-us-senate-to-stay-in-session-to-pass-voting-rights-legislation/287-a2f76f59-d951-4f7e-975c-9a1e2a6683e8

DALLAS — State Rep. Trey Martinez Fischer thinks members of the U.S. Senate should work as long as it takes to pass two pieces of legislation, even if it means working through the holiday.

The Democrat from San Antonio recently sent a letter to Senate leadership asking them to stay in session until the John R. Lewis Voting Rights Advancement Act and the Freedom to Vote Act are signed into law.

More than 200 other state lawmakers from 41 different states and Guam also signed the letter.

“This is a very fluid conversation. And very recent, last couple of days, we’ve all realized that Build Back Better is now sort of moving to the sideline as Senator Manchin and the White House negotiate the finer points. And so you now see an opportunity to maybe put voting rights back in front,” Martinez Fischer said on Inside Texas Politics.

The John R. Lewis Voting Rights Advancement Act and the Freedom to Vote Act would strengthen voting rights and overhaul the nation’s elections systems. The U.S. House has already passed both measures.

Democrats argue they’re necessary to protect voters after Republicans have change election laws in many states, which they say make it harder for some people to vote, particularly minorities. In his letter, Martinez Fischer says 19 states passed 33 laws this year alone that restrict access to the ballot.

After releasing the letter, Martinez Fischer says he and a few colleagues traveled to Washington, D.C. to once again lobby national lawmakers in person, visiting with some Senators and other voting rights advocacy groups.

“What I’m beginning to realize is things move very, very slow in Washington,” said Martinez Fischer. “I know the inside game in Austin. I legislate behind the scenes. And I know sometimes it takes a while. But in Washington, they have this manana mentality where everything’s going to get done tomorrow.”

Martinez Fischer says many of the folks he meets with express concern with what’s happening in Texas after he explains how high the hurdles are to vote.

And the Democrat says when his group recently visited West Virginia Sen. Joe Manchin, a fellow Democrat, they drove home the point that voting in Texas is much different than voting in West Virginia.

“In West Virginia, if you’re a shift worker, if you’re a nurse or a firefighter, you get to vote by mail. We don’t get to do that in Texas. In West Virginia, if you’re afraid to go stand in line at the polls because of COVID, you get to vote by mail. You can’t do that in Texas. In West Virginia, if you have a DWI and you’re sitting in the county jail, you get to vote by mail. You can’t do that in Texas,” said Martinez Fischer.

Martinez Fischer also filed one of the first lawsuits challenging the state’s new redistricting maps. His lawsuit specifically targets the lines drawn for Congressional District 35, which stretches from Austin to San Antonio, and argues the maps violate the Voting Rights Act and discriminate against Latino voters.

For Martinez Fischer, it’s all part of an overall battle to protect voting rights. And he says he’s not alone.

“Texas Democrats have been very bold on this issue. We find ourselves in the center of the conversation across the country.”

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Trump road show comes to Dallas after weak ticket sales in Florida
Sabra Ayres
Spectrum News
December 17, 2021
https://spectrumlocalnews.com/tx/austin/news/2021/12/17/trump-road-show-comes-to-dallas-after-weak-ticket-sales-in-florida

DALLAS — After failing to get the audience numbers in Florida he had hoped for, former President Donald Trump is bringing his “History Tour” roadshow to North Texas this weekend to rally supporters.

Trump will headline two events in Dallas Sunday. The first will be at the downtown First Baptist Dallas Church, where he will take the stage with one of his most ardent supporters on the Christian Right, Dr. Robert Jeffress.

Later in the afternoon, Trump will be at the American Airlines Center with Bill O’Reilly, a former Fox News host, where they will put on their fourth stop in what he’s calling the “History Tour.”

The show appears to be a mix of Trump talking about his administration during his term as president, with a bit of campaigning for a possible second run at the White House in 2024.

“I will be focusing on greatness for our Country, something seldom discussed in political dialogue,” Trump said in a statement promoting the tour. “If we don’t make our Country great again, we will soon no longer have a Country!”

The event comes a few days after a similar Trump event in Orlando, Fla., which only sold about 62% of the 8,700 seats

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reserved for the event in the city's Amway Center, according to the Orlando Sentinal.

The paper reported that audience members who purchased less expensive seats were moved down to empty, more expensive seats to make the stadium appear full. The night before, Trump's roadshow was in Sunshine, Fla., where there was also a smaller-than-expected crowd, the Sentinal reported.

Trump and O'Reilly will be in Houston Saturday, where his tour is scheduled at the 19,000-seat Toyota Center. There appeared to be plenty of tickets left for that show on the Ticketmaster website.

In July, Politico reported that pre-sale tickets were slow to pick up ahead of the tour's schedule, despite the fact that Trump promised "fun, fun, fun for everyone who attends."

Tickets for the Dallas show on Ticketmaster showed some seats still available with prices ranging from $106 to $206. The American Airlines Center did not immediately return calls asking about the number of seats allotted for Sunday's event in Dallas and how many have sold. The stadium, the home court and ice rink of the Dallas Mavericks and Dallas Stars, respectively, can seat 20,000.

Jeffress, the senior pastor at the First Baptist Dallas megachurch, has called Trump the "greatest president of my lifetime" and has frequently defended the former president on Fox News.

Last year, just days after an attack on the Capitol, led by Trump supporters who claimed the 2020 election was stolen, Jeffress hosted a Christmas sermon entitled "How Should Christians Respond to President Joe Biden?"

Jeffress has condemned the Jan. 6 Capitol riots but remains a strong Trump supporter.

His sermon for this Sunday's Christmas event is themed "What If There Were No Christmas?" Trump is scheduled to speak after in the church's large auditorium on its sprawling, downtown campus.

"President Trump is known for his love for Christmas and what it represents. We are thrilled to have him join us this Sunday morning," the church's website said about the event.

Former Vice President Mike Pence has spoken at the Frist Baptist Dallas Church at least twice.

While Trump won Texas in the 2020 presidential election, Joe Biden carried Dallas County and the other large, metropolitan centers in the state. Still, a large number of North Texans have been arrested and charged in the Jan. 6 attack on the Capitol. At least 19 people from the suburbs of Dallas have been charged in connection with the Jan. 6 attack, one of the largest groups involved in the event from any state.

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Republicans resist saying 3 simple words: 'Joe Biden won'
Associated Press
December 18, 2021
https://www.kxxv.com/news/republicans-resist-saying-3-simple-words-joe-biden-won

(AP) — They are just three little words, but they have become nearly impossible for many Republicans to say: "Joe Biden won."

Eleven months after the Democrat's inauguration, Republican lawmakers and candidates across the country are squirming and stumbling rather than acknowledging the fact of Biden's victory in the 2020 presidential election. In debates and interviews, they offer circular statements or vague answers when asked whether they believe Biden won.

Yes or no?

In Minnesota this week, five GOP candidates for governor came up with 1,400 other words when asked by conservative radio host Hugh Hewitt for an answer.

On NBC's "Meet the Press" on Sunday, GOP Sen. Roger Marshall of Kansas would only concede: "Joe Biden was sworn into office."

The hazy statements are one measure of election denialism within the Republican Party. Former President Donald Trump's lies about a stolen election have so taken hold among GOP voters that many of the party's candidates either believe them or fear the political repercussions of refuting Trump. That sets up a surreal dynamic for next year's elections, where the toughest question posed to GOP candidates — particularly in primaries — may be one with a one-word answer that they're reluctant to give.

Biden received more than 81 million votes to Trump's 74 million, according to the tally of the Federal Election Commission. The tightest margin was in Arizona, where Biden won by 10,457 votes. More important, he won 306 votes in the Electoral College, more than the 270 required to become president. Trump got 232.

Even a GOP-led "audit" of votes in Arizona's largest county came up with a Biden win. Dozens of state and federal courts, as well as the Trump administration's Justice Department, have dismissed claims of widespread voter fraud.

When The Associated Press set out to count every fraud claim in the states disputed by Trump, it found fewer than 475 potential cases — 15 hundredths of 1% of Biden's winning margin in those states.

And yet, many Republican candidates may be eying another number: A July Associated Press-NORC Poll found 66% of Republicans said Biden was not legitimately elected president. More than two-thirds of Americans overall said Biden was legitimately elected.

The doubt has been fueled by Trump, who has argued without evidence that the election was "rigged" and has urged his

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supporters to reject the outcome. He's set out to oust fellow Republicans who voted to certify the results.

Kansas' Marshall was among five senators who voted against certifying the electoral votes for Arizona and Pennsylvania in January, the day a mob of Trump supporters stormed the U.S. Capitol in a violent effort to prevent the final step that sealed Biden's win.

While Marshall hangs his answer on process, other Republicans go further. Arizona Republican Rep. Andy Biggs, who was part of a group of GOP congressmen who pushed false claims, recently answered a question from a colleague about who won by saying flatly, "We don't know."

"There's the problem," Rep. Jamie Raskin, a Maryland Democrat, replied at a hearing of the House Oversight Committee. "Donald Trump refused to accept the results, and unfortunately we have one of the world's great political parties which has followed him off of the ledge of this electoral lunacy, and it's dangerous for democracy."

There are some Republicans who clearly, without squirming, acknowledge Biden's win. Senate Majority Leader Mitch McConnell is among them, along with Utah Sen. Mitt Romney, who was the GOP's 2012 presidential nominee, and Nebraska Sen. Ben Sasse, for instance. Republican National Committee chairwoman Ronna McDaniel uttered the words last month.

"Painfully, Joe Biden won the election, and it's very painful to watch. He's the president. We know that," McDaniel told Washington reporters at a breakfast hosted by The Christian Science Monitor.

But it's clear not all Republicans know. In October, the second-ranking House Republican, Steve Scalise of Louisiana, repeatedly stopped short of disavowing Trump's claims of fraud, asserting without evidence that "a number" of states "didn't follow" their election laws.

On Friday, Josh Mandel, a GOP candidate for Senate in Ohio, called for more investigations into the vote in battleground states. "I think Trump won," he said in an interview on Hewitt's radio show.

"It is an important question and needs to be framed, I think, as I did. I expect it will be often asked and answered (or not) of many candidates in the year ahead," Hewitt tweeted after the Minnesota debate.

The answers demonstrate the pressure for Republican primary candidates to appeal to, or at least not offend, the vocal Trump wing of the party, strategists say.

"In today's grim Republican Party, the was-the-election-legit question has become a litmus test for whether you are truly loyal to the Republican Trumpist tribe or not," said Mike Murphy, a veteran Republican strategist and Trump critic.

It took a while — that is, winning the Republican nomination for Virginia governor — for Glenn Youngkin to get there. In May, he said in an interview, "I mean, the reality is, and I have said this before, Joe Biden was legitimately elected our president."

But in February, though he stopped short of saying Biden "stole" the election, he was equally hesitant to declare Biden had been "legitimately elected," according to the nonpartisan political watchdog group Politifact.

Other candidates have moved in the other direction — away from the facts. In Ohio, where Republicans are vying for the nomination for an open Senate seat, candidate Bernie Moreno began airing an ad this week where he is quoted as saying, "President Trump says the election was stolen, and he's right."

Yet, just days after the election last year, Moreno urged conservatives on Twitter to "accept the results of the 140+ million votes cast," and tweeted a congratulatory note to Biden for a "hard fought victory."

On Wednesday, the discomfort for Republicans played out in full view from the debate stage in suburban Minneapolis.

One-by-one, five Minnesota Republicans running for governor talked around Hewitt's question: "Did President Biden win a constitutional majority in the Electoral College."

State Sen. Michelle Benson spilled 240 words recruiting Republican poll-watchers and blasting Minnesota's Democratic secretary of state before Hewitt bluntly asked again: "Did President Biden win?"

Her answer: "He was certified by Congress as having won the Electoral College."

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Texas officially starts construction on border wall, Gov. Greg Abbott says
Ariana Garcia
Houston Chronicle
December 18, 2021
https://www.chron.com/politics/article/Texas-starts-construction-on-its-own-border-wall-16710994.php

Gov. Greg Abbott announced Friday that Texas has officially commenced construction on a partial wall to finish work along the state's southern border with Mexico started by former President Donald Trump's administration. The wall's panels, which went up this week on the edge of Starr County in the Rio Grande Valley, are designed to help fill empty sections remaining along the federal border wall.

Photos shared on Twitter by Fox News reporter Bill Melugin show progress being made on the wall, which Melugin explained uses "state land, state money" instead of federal funding. Texas is also using the same contractor deployed by Trump before plans to finish the wall were eventually canceled by President Joe Biden, Melugin says.

"These are the first panels in what will be a 1.7-mile stretch designed to help fill gaps where there is no federal wall," Melugin tweeted. "More projects planned." Abbott quote tweeted Melugin Friday, opining that "Biden allows open border policies and refuses to enforce laws passed by Congress to secure the border and enforce immigration laws. Texas is stepping up to do

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the federal government's job."

The wall project is part of Abbott's "Operation Lone Star" which launched in March to combat the alleged "smuggling of people and drugs into Texas." The effort has been heavily criticized by immigrant and civil rights organizations, including the ACLU of Texas, Civil Rights Project and Texas Defense Project, which on Wednesday, along with seven other groups, filed a complaint with the Department of Justice over the border arrest program's discriminatory nature.

"The true intent of this program is to punish migrants, expand Texas' massive correctional system and deter future migration," Liz Castillo, organizer with the Detention Watch Network, told the Houston Chronicle.

In September, Abbott passed a $1.88 billion spending bill for border security funding to supplement another $1.05 billion the state approved in the spring, according to the Texas Tribune. About $750 million of the bill will go toward the construction of a "border barrier" in addition to $250 million the state approved over the summer as a down payment for the wall. In the meantime, Abbott has used shipping containers, razor wire and, most recently, boats to craft makeshift barriers that deter migrants from entering the state.

In an appearance on Fox Business Network Friday, Abbott said $3 billion of tax payer money has been contributed to border security efforts. He said the wall will cost less than it did for the Trump administration because "unlike the Trump administration, we're not having to devote money to acquire the land…The state of Texas owns [land] on the border itself," he explained. "Secondly, there are property owners of massive acreage on the border who are fed up with Biden's open border policies, and they are donating their land to Texas for us to be able to use that land for free to build a wall on their property."

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Border merchants finally seeing business picking up since travel restrictions were lifted
Salvador Rivera
Border Report
December 17, 2021
https://www.borderreport.com/hot-topics/trade/border-merchants-finally-seeing-business-picking-up-since-travel-restrictions-were-lifted/

SAN YSIDRO, Calif. (Border Report) — During recent visits to Carolin Shoes along San Ysidro Boulevard, manager Olivia Campos always had plenty of time to sit down and discuss the pandemic-related financial woes at her store and others in the area.

But as Border Report checked in Friday morning, Campos found herself running back and forth in the store helping customers.

Gladly, our interview would have to wait, and it would have to be quick.

… Finally, she stopped and turned her attention to this reporter.

"We better do it now because I won't have time to stop and talk later," she said.

Since Nov. 8, when essential travel restrictions were lifted to those who are vaccinated for COVID-19, merchants just north of the San Ysidro Port of Entry had been eagerly anticipating the return of shoppers from Mexico.

As it turned out, the wait was longer than anyone could've thought.

"I was expecting a lot more people," Campos said.

She admitted that after a few dismal weeks, there is room now for optimism.

"Slowly, slowly I see it getting a little bit better. Last Saturday everything started to pick up," she said.

According to Campos, her store saw a surge in customers two Saturdays ago and it's been steady ever since.

"Hopefully, it keeps going the same way," she said.

And with one more full weekend of shopping before Christmas, she is hoping to finish the holiday season and start the new year on a strong note.

"I hope we can see more, to be honest with you, I really hope so."

Campos told Border Report it looks like things are getting back to normal; she said most of her neighboring businesses were also doing better.

"It's good, I just hope they don't close the border again," she said.

On the west side of the San Ysidro Port of Entry, where there is a large outlet mall, two workers at a shoe store and one at a suitcase discounter said they were seeing a lot more people from Mexico and that their sales were "way up."

Since the coronavirus pandemic began, and essential travel restrictions were put in place, more than 200 businesses in San Ysidro closed their doors permanently due to the lack of customers from Mexico.

The area, according to its chamber of commerce, also sustained more than $1.3 billion in losses.

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Massacre in the desert? 13 migrants feared dead in cartel feud along Texas-Mexico border

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Alfredo Corchado and Annie Rosenthal
Dallas Morning News
December 20, 2021
https://www.dallasnews.com/news/immigration/2021/12/20/massacre-in-the-desert-13-migrants-feared-dead-in-cartel-feud-along-texas-mexico-border/

OJINAGA, Mexico — Thirteen migrants kidnapped in Chihuahua may have been killed during a turf war between drug cartels — part of an increasingly violent feud between rival gangs over smuggling routes in this northern state bordering Texas, according to Mexican and U.S. sources.

Some of the migrants were headed for the Midland-Odessa and Dallas areas, according to family members and a human rights advocate. They hope the group, all men mostly from the state of Chihuahua, is still alive or at worst, being held for ransom or forced into labor for cartels.

But a Mexican security official close to the investigation told The Dallas Morning News and Marfa Public Radio that investigators are "looking for bodies, or pieces of them, of what's been left behind" out in the desert. The official spoke on the condition of anonymity for fear of reprisal, and added, "I can tell you, they're not alive."

The mass kidnapping, which happened in late September, is part of a growing pattern of disappearances of migrants in the area between Ciudad Juárez, across from El Paso, and the town of Ojinaga, across from the small Big Bend community of Presidio. That corridor had until recently been relatively quiet, but has a long history of cartel-related violence.

"It's like no man's land," said Gabino Gómez Escárcega, a veteran human rights activist who works with an organization called Centro de Derechos Humanos de las Mujeres.

Last week, Gómez stood with family members of the missing migrants outside the state capitol's office in Chihuahua to demand answers, holding posters emblazoned with their loved ones faces and signs with messages like: "It's not just 13; they're many more disappeared."

Among those gathered was Sheila Arias, whose nephew, Omar Reyes Lopez, a 20-year-old from Hidalgo who has vision problems, went missing at the beginning of November near the area where the 13 disappeared a month earlier.

"Something is happening in Chihuahua, something is happening on the border, and we can't close our eyes," she said.

Veteran security and immigration experts are concerned that the violence is, in part, spurred on by restrictive U.S. immigration policies that have left tens of thousands of migrants in limbo along the border, lingering in dangerous Mexican towns where they can easily fall prey to criminal groups.

The Migrant Protection Protocols, commonly known as Remain in Mexico, require that asylum seekers who arrive in the U.S. turn around and wait in Mexico, often for months, for their U.S. immigration court dates. The Biden administration initially suspended the policy, which began in 2019 under former President Donald Trump, but reinstated it in early December following a court order.

And under the Title 42 policy implemented during the COVID-19 pandemic emergency, hundreds of thousands more who arrive in the U.S. are quickly and routinely expelled back to Mexico. Many remain at the border seeking other opportunities to cross back into the U.S.

Critics say such policies have created a booming industry for smugglers. David Shirk, director of the Justice in Mexico program at the University of San Diego, said the policies "add to the number of people who are sufficiently desperate that they're going to put their lives in the hands of a migrant smuggler."

Smuggling is no longer a "mom and pop" operation, he said, but an increasingly lucrative industry in which cartels have become more intimately involved.

Andrew Selee, president of the Migration Policy Institute, sounded a similar alarm, saying, "Drug cartels used to look down on human smuggling because they saw it as a secondary business and a much less lucrative business. And obviously, the numbers are changing. And when the numbers change, it becomes much more attractive to try and control it."

Jorge Contreras Fornelli, head of FICOSEC Juárez, a nonprofit clearinghouse of business and community leaders that promotes safety, estimates that in Chihuahua alone, human smuggling brings in nearly $30 million per month.

The takeover of human smuggling in Chihuahua by the cartels means "the consequence, as in the example of the 13 disappeared, is that we think they are no longer alive," said Contreras, who is also a member of the national security council. "I hope we are wrong, but it has been a long time."

Across the country, more than 95,000 people have been declared missing by Mexico's National Search Commission. In late November, following a tour of Mexico to meet with officials and families of victims — including relatives of the 13 missing outside Ojinaga — members of the United Nations Committee on Enforced Disappearances noted that migrants in Mexico are particularly vulnerable to disappearance.

Human Rights First has documented more than 7,000 violent attacks against people returned to Mexico or forced to wait there during the Trump and Biden presidencies under the Remain in Mexico policy. Many more are thought to go undocumented.

While families remain desperate for answers about what happened to relatives who went missing on the journey north, others have evidence of the brutality their loved ones encountered. In February, several Mexican police officers were charged in the massacre of 19 migrants, mostly Guatemalans, in the state of Tamaulipas. The grisly event brought echoes of other brutal killings of migrants — including the murder of 72 migrants by the then Zetas cartel in the same state in 2010.

Along the Chihuahuan desert between Ojinaga and Juarez, Gómez estimates the number of disappeared Mexican migrants at 30 in more than a year, 15 of whom have gone missing within the span of just 40 days this fall — including the group of

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Violence isn't new to the region where the migrants went missing. A splinter group of the Juárez Cartel, known as La Linea, and their rivals, the Sinaloa Cartel, once terrorized this remote region in the state of Chihuahua that extends between Coyame de Sotol and Ojinaga, and up the Rio Grande in what is known as the Valle de Guadalupe, outside Ciudad Juárez.

During the 2008-2010 period, nearly 10,000 people were killed just in Juárez, a result of a turf war over coveted drug smuggling routes. A death squad made up of soldiers operated out of Ojinaga, targeting rival cartel members, said Howard Campbell, a border anthropologist at the University of Texas at El Paso, who documented the violence in his book, Drug War Zone.

The general who led the military garrison in Ojinaga during those years, Manuel Moreno Aviña, was later sentenced to 52 years in prison for the torture, murder and incineration of a civilian in Ojinaga.

Historically, Campbell said, the region around Ojinaga has been under the control of La Linea, "which has been the dominant group in the state with some exceptions." And for the last decade the area has been relatively quiet — a sign that La Linea was in control.

The Mexican security official described this "quiet period" as a "simulated peace, a purchased peace" adding that the cartel has a stranglehold over the city of an estimated 25,000.

Ojinaga Mayor Andres Ramos denies organized crime exists in his city, which he calls "a calm town."

The city has not taken kindly to the recent increase in migration through the area. Ramos said migrants "bring problems, big and small," adding that the city receives "not one peso" from the federal government to care for them, and that local resources should be spent on locals.

But most of the men who disappeared in September were from communities surrounding Chihuahua City, almost three hours south of Ojinaga. The group of 13 men left behind wives, parents and children in Chihuahua. Some had decided to make the trip to reunite with family members in the U.S., while others sought jobs that would help them better support those back in Mexico.

Benigno Alvarez, 36, had worked as a delivery person in Chihuahua City. He quit his job over the summer when he heard from a cousin in Arlington who promised him a job in construction, installing sheetrock.

His wife, Rocío Martinez de Alvarez, 33, was reluctant to let him go, insisting they could somehow make ends meet in Mexico. He responded that Mexican wages wouldn't help them provide for his eldest daughter's schooling, or pay for his other daughter's quinceañera. He promised he'd return for Christmas and stay for the birthday party, planned for February, before leaving again. And he vowed in three years he'd return for good with enough money saved to even buy their own home.

"He had dreams," said Martinez. "He was determined."

Her husband had faith he'd make it to North Texas, she said. He knew a local guide, a person who would navigate the complicated interactions with a smuggler and eventually members of organized crime.

Alvarez used a severance package to pay the 20,000 peso fee, a down payment charged by organized crime. He waited through months of delays, some because of summer's monsoon season, before finally leaving Chihuahua City with the rest of the 13, a group organized by the guide, on September 24. He would still owe more than $6,000 for the journey, to be paid after he started work in the U.S., his wife said.

On the evening of September 25, Alvarez called Martinez from a safe house in the town of Coyame, just south of Ojinaga. He said that all was going as planned and that they would lose phone service for the next stretch of the trip.

"He called me and told me, 'We're in Coyame, I'm going to turn off my phone and I won't be able to talk to you until I get there,'" said Martinez.

The men were headed for Interstate 10, where a smuggler awaited them for transportation to the Permian Basin and Dallas. But first they had to go through Lomas de Arena, a tiny Mexican village right up against the Rio Grande, neighboring Hudspeth and Culberson counties in far West Texas.

The U.S. side of the river has seen a stark rise in both apprehensions of large groups and deaths in the desert of migrants from Central America, Ecuador and Mexico, said Culberson County Sheriff Oscar Carrillo. This year, his office has recovered 28 bodies from the desert, compared to what he said "had been the average for years: One."

By Wednesday, a day after the group was supposed to arrive in North Texas, Martinez still hadn't heard from Alvarez. Then she got a call from another person with a family member in the group who said that a teenager who'd been traveling with the group had returned to Chihuahua. According to the state prosecutor's office, the teen testified to local authorities that the group had been stopped by armed men who told him "vete" – go – before taking the men away in vehicles. He said he ran toward the U.S., where he was detained by Border Patrol and soon deported back to Juárez.

In early October, Martinez and relatives of other members of the group filed formal missing persons reports with the state attorney general's office. Martinez said officials collected DNA samples from each of them and promised to begin searching.

The state attorney general's office is now offering a 200,000 peso reward for "useful and true information" about the whereabouts of several of the missing men.

But Martinez said they have not allowed family members to accompany them, citing the danger of the area.

Unwilling to watch from the sidelines, Martinez quit her job as a factory worker to commit herself fully to the search. She and a group of other wives, mothers, aunts and sisters of the missing men have taken to social media, posting photos of the

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missing men with messages asking people to send tips anonymously to their page, “13 desaparecidos Coyame-Chihuahua.”

“We beg you who has seen or knows something to help us find them, give us a clue about where they are so we can go search for them,” reads a typical post. “You can be those eyes, those ears, so that they can return home, where a child, a wife, parents are waiting for them.”

The families also requested assistance in the investigation from María Eugenia Campos Galván, known as Maru, the governor of Chihuahua, and Mexico’s President Andrés Manuel López Obrador. The president drew their outrage when, during an early October news conference, he said he had not heard about the disappearance of the 13 migrants. But during López Obrador’s recent visit to Chihuahua, the administration promised the group the use of a helicopter to assist with their search.

A spokesperson for the state attorney general’s office says it has carried out “permanent and uninterrupted” searches for them in recent months. Working with several other agencies — including the army and National Guard — the office says it has conducted land and air searches of the municipalities surrounding the area where the migrants disappeared. During those searches, they encountered 60 other migrants, but still have no answers about the missing 13 or Omar Reyes Lopez.

But officials on both sides of the border have privately spoken of a likely version of events: A confrontation between members of the Sinaloa and La Linea cartels the week that the 13 disappeared. According to the Mexican security official close to the investigation, the group had been taken hostage by members of the Sinaloa cartel, who planned to hold them for ransom.

When members of La Linea realized that Sinaloa was encroaching on their territory and interfering with their human cargo, the official said, they brought dozens of trucks to Bosque Bonito, near Lomas de Arena, to “rescue” the migrants. The Sinaloa cartel had fewer people but more weapons, and La Linea retreated. At some point during or after the confrontation, the official believes the migrants were taken elsewhere and killed.

The official said houses around the small community of Bosque Bonito were abandoned, as though the few residents had left in a hurry. In one known stash house, the official said, investigators found bloody fingerprints and other evidence of torture.

The state attorney general’s office confirmed this week that investigators found traces of the conflict, including bullet casings and burned vehicles. Still, they said in a statement, “it cannot be established that [the group of thirteen migrants] was involved in any way, since there is no evidence to determine it.”

The state attorney general’s office also would not confirm whether investigators have used DNA testing on any of the evidence from the site of the confrontation, nor whether cartels were involved in the confrontation.

The Mexican official, however, was firm in the assertion that the migrants are no longer alive, and has a message for the families: “There are no words I can say to fill the void you feel for your sons, for your husbands, for your fathers. But there’s a divine law that can give you comfort.”

Contreras of FICOSEC agreed. “I think the important thing is that what we’re looking for here is not to have another San Fernando,” he said, referring to the 2010 and 2011 massacres of migrants in San Fernando, Tamaulipas. Many say a lack of consequences for those killings has resulted in continued violence. “And to prevent us from having another San Fernando, we need to fight impunity.”

Martinez is not ready to conclude that her husband and his companions were killed. “My heart tells me he’s still alive, but I can’t blind myself to that possibility,” she said. “But if that’s the case, then where are they?”

Christmas Day will mark three months since the families last heard from their loved ones, and Martinez said each day is more difficult.

“Why shatter the dreams of so many families?” Martinez asked. “Because that’s what they were going for, a dream, and they destroy it in an instant.”

She said the search will not stop until the men are home. “We’re not looking for guilty parties,” she said. “We just want to know what happened, where they are. Where the person is that we’re waiting for at home.”

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'We're working very hard': US Ambassador to Mexico Ken Salazar visits El Paso, Juarez, addresses border visa backlog
Lauren Villagran
El Paso Times
December 17, 2021
https://news.yahoo.com/were-working-very-hard-us-215034696.html

Working through a backlog of border crossing card applications is a "priority" for the White House, according to U.S. Ambassador to Mexico Ken Salazar.

The U.S. Consulate in Juárez, one of the State Department's nine consulates in Mexico, currently lists a wait time of 701 days for non-immigrant visas, which include the B1/B2 tourist visa available to Mexican nationals that is known as a "border crossing card."

The coveted cards allow tens of thousands of Mexico residents in the Borderland to crisscross to El Paso and southern New Mexico to shop at stores, visit family and friends or travel for tourism. For those unable to renew their border-crossing visas — a staple of life for those able to qualify and afford one — half of the binational community is cut off to them.

"The pandemic really created huge issues for everybody, including our consulate's ability to process visas," Salazar said in a Friday news conference at the Ysleta-Zaragoza International Bridge. "We have a huge backlog, and that's what's creating

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the wait time. We're working very hard on it. It's a priority of Secretary of State (Anthony) Blinken and the White House and we will do as much as we can to catch up."

Salazar met with border security, business and education leaders in El Paso and Juárez on Friday as part of a tour of border communities for U.S. government's top diplomat in Mexico.

Salazar was sworn in as U.S. ambassador to Mexico in August 2021.

In Juárez, a visa application or renewal process that used to take a few weeks pre-pandemic has stretched to nearly two years. U.S. consulates in Mexico reduced staffing hours during the COVID-19 pandemic, while many border crossing card applicants put off renewing or applying for visas while restrictions on non-essential travel remained in place for 20 months.

U.S. consulates were hit with thousands of applications after the U.S. lifted the border restrictions for vaccinated foreign nationals in El Paso on Nov. 7.

"We're aware of the problem and we're doing our very best to bring the wait time down, not only for temporary visas — that includes people who want to travel for tourism, people who want to travel for temporary work, people who want to travel as students," said U.S. Consul General in Juárez Eric Cohan.

"We've had some good success in immigrant visas," Cohan said. "Here in Juárez is the only place to get an immigrant visa, and we're working very hard to do both, to bring down the wait time for temporary visas and for permanent resident visas."

In his visit to El Paso, Salazar toured border installations including the Ysleta port of entry and met with U.S. Customs and Border Protection officials to discuss border security, according to a spokeswoman for the U.S. Consulate in Juárez .

He met with University of Texas at El Paso President Heather Wilson to discuss student exchanges with Mexico, as well as technology and innovation, and he visited with U.S. business leaders on facilitating cross-border trade.

"We're here because our goal for the United States is to create a modern, efficient, secure border," Salazar said. "That means that we now, coming out of the pandemic, need to make sure that this and other ports of entry are working well for the United States and our partners in Mexico."

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'The vote suppressors won 2021': Federal inaction leaves Texas advocates dismayed
Erica Grieder
Houston Chronicle
December 18, 2021
https://www.houstonchronicle.com/news/columnists/grieder/article/The-vote-suppressors-won-2021-Federal-16711366.php

This year's fight for voting rights has ended with a whimper, rather than a bang.

The U.S. Senate recessed Friday for the winter holidays without having passed the John R. Lewis Voting Rights Advancement Act or any other major legislation related to voting rights.

The bill would have, among other things, restored a version of the "preclearance" protections established by the Voting Rights Act of 1965, under which states with a history of discrimination had to get federal approval before making changes to voting procedures. That section of the act was gutted by the Supreme Court in 2013's Shelby County v. Holder ruling.

The (supposedly hardworking) men and women of the upper chamber also whiffed on the chance to pass the Build Back Better bill, among other things. And, in fairness, they've had a long year, which began with a deadly insurrection at their workplace Jan. 6.

But according to advocates, the U.S. Capitol insurrection — perpetrated by Americans whipped into a frenzy by defeated President Donald Trump and others peddling the "Big Lie" that the election was stolen from Trump — is precisely the kind of horror that illustrates the need for federal voting protections. A fair point.

"There is a spirit of fair play that Democratic leadership is relying on that our opponents are not," said Lee Merritt, a civil rights attorney who is one of several Democrats vying to challenge embattled Texas Attorney Gen. Ken Paxton, a Republican, next year. "I know they take it seriously, I know they believe it's urgent, but they're not willing to do whatever it takes, the way our opponents are."

"It's really enraging, and disappointing, and frightening, all at once," James Slattery, a senior staff attorney at the Texas Civil Rights Project, said Friday. "Voting rights advocates here in Texas and in other states have been working night and day, literally, and sacrificing so much, to just hold the line — and at the end of this year, Congress can't even manage to pass preclearance or any other federal voting rights legislation?"

In Texas, for example, Democratic members of the Legislature broke quorum twice, decamping to Washington, D.C., for over a month in the second case, in a bid to stall passage of a GOP-led "election integrity" package — and to pressure President Joe Biden and the Democrat-led Congress, to act. The Legislature ultimately passed a package of "reforms" that targeted innovations such as drive-thru and 24-hour voting, placed limits on early voting hours and enacted new requirements for voting by mail.

Some responsibility for the ensuing disappointment is borne by U.S. Sens. Joe Manchin of West Virginia and Kyrsten Sinema of Arizona. Both are moderate Democrats who support the Senate's current 60-vote threshold for most measures and apparently don't see a need to make an exception for voting rights legislation, as some of their colleagues have urged. The Senate is split 50-50 between Democrats and Republicans, with Democrats holding a narrow majority only because of Vice President Kamala Harris' tie-breaking vote.

But there's plenty of blame to go around. Biden, for example, declared voting rights a priority while campaigning in 2020; just this week, he called it "the single biggest issue" facing the country, at least on the domestic policy front. And yet he hasn't

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thrown the weight of his presidency behind the cause so far.

Blue-state Democrats, with their access to online voter registration, may not fully appreciate what's at stake in states such as Texas, Georgia and Arizona, among others. In October, the nonprofit Brennan Center for Justice called 2021 an "unprecedented" year for voting legislation, noting that 19 states had enacted 33 laws "that will make it harder for Americans to vote."

Meanwhile, Republicans in states such as Texas are continuing to press false claims about the 2020 election, which Trump lost badly, as well as hyperbolic claims about voter fraud, which is quite rare.

Between October 2020 and September 2021, my colleague Taylor Goldenstein reports, the election integrity unit of Paxton's office devoted more than 20,000 hours and $2.2 million of taxpayer money to investigating reports of voter fraud. It closed a whopping three cases. That's three cases, in a state with more than 17 million registered voters.

Paxton has also thrown the power of his office behind efforts to prosecute Texans such as Crystal Mason, a Black mother and grandmother from Tarrant County who cast a provisional ballot in 2016 without realizing she was ineligible to vote.

"It's clear now that in order to provide support for the baseless lie that Trump won the election, Ken Paxton is using the power of his office to target, primarily, Black and brown voters," Merritt said. "That is going to have a chilling effect."

With that said, he continued, it's worth noting that Paxton has also drawn several Republican primary opponents, including Land Commissioner George P. Bush and longtime Texas Supreme Court Justice Eva Guzmán. And this week, Paxton was dealt a blow by his fellow conservatives: the all-Republican Court of Criminal Appeals on Wednesday issued an 8-1 opinion striking down a state law that gives the attorney general the power to unilaterally prosecute voter fraud and other election-related offenses.

"Now, thanks to the Texas Criminal Court of Appeals, Soros-funded district attorneys will have sole power to decide whether election fraud has occurred in Texas," Paxton tweeted, somehow managing to blame 91-year-old billionaire investor and philanthropist George Soros, a favorite target of conservatives.

Merritt, however, said he was cheered by the news.

"I think that is a sign of the times — that even within his own party, this is embarrassing," the Dallas-based Democrat said.

The Texas Civil Rights Project's Slattery, for his part, reckons that this year's attacks on voting rights are particularly ominous because they may be intended to lay the groundwork for efforts to undermine, or overthrow, future elections. The entirely unnecessary "audits" underway in states such as Texas, for example, are nominally focused on the 2020 election but also serve to normalize such audits, in the eyes of the electorate.

"The vote suppressors won 2021," Slattery concluded gloomily.

That will make it easier for them to win, fairly or not, in 2022 and beyond.

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The time for Wolff to appoint an interim county commissioner is now, not later
Robert Rivard
San Antonio Report
December 19, 2021
https://sanantonioreport.org/nelson-wolff-trish-deberry-bexar-county-precinct-3/

Bexar County Judge Nelson Wolff has built a 50-year record of public service thanks in no small part to his keen political instincts and singular ability to shepherd big projects from vision to completion.

No one, however, is infallible. Wolff and the Bexar County citizens he represents would be better served if he would reconsider his decision to "hold over" Precinct 3 Commissioner Trish BeBerry, now a Republican candidate for county judge, in office through February.

State law requires DeBerry to resign from commissioners court to run for another county office. Wolff has 60 days to name a replacement, but the time to replace DeBerry's interim successor is now, while voters decide in November who should serve out the remainder of her four-year term. There is no overriding reason to justify keeping an actively campaigning candidate in office.

Leaving DeBerry in office, despite the law, creates the perception, if not the reality, that Wolff is putting his thumb on the scales and giving DeBerry greater weight in what promises to be a competitive and hard-fought race as voters prepare to select a new county judge on Nov. 6.

The individual Wolff appoints will serve as an interim county commissioner until the winner of the Nov. 6 race for the Precinct 3 seat is sworn into office in January 2023. In the latest twist to this political drama, the Texas secretary of state's office issued a new ruling Friday clearing the way for the county chairs of the Republican and Democratic parties to hand-pick candidates for the November ballot. A Wednesday announcement inviting candidates to file by Monday for the March 1 primary is now off the table.

The primary campaigns for the county judge seat Wolff will vacate at the end of his fifth term are already underway. DeBerry is likely to have an easy time leading up to the Republican primary on March 1. Why not enjoy two more months in office while worrying little about her underfunded, largely unknown opponent, Nate Buchanan, who ran unsuccessfully for Precinct 3 Constable in 2016 and 2020?

There are three credible candidates in the Democratic primary. Those candidates deserve to be on an equal footing with DeBerry. That's why state law forces county-level officeholders seeking higher office to resign. A 2010 opinion issued by then-Attorney General Greg Abbott clearly states that an official candidate announcement by a county commissioner triggers

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an immediate resignation.

DeBerry has been in office for a scant 11 months, which makes her bid for the county judge seat now seem premature and even grasping. The immediate political cost to her should be losing the right to represent the voters who put her in office.

The “resign to run” law does not apply to state officeholders, so Democratic state Rep. Ina Minjarez is allowed to continue to serve in the Texas House, which is not in session. Prior to his candidacy, Judge Peter Sakai ended his long and distinguished career as a state district court judge and pioneer in the realm of protecting vulnerable children and families. Ivalis Meza Gonzalez, who is seeking elected office for the first time, stepped down as Mayor Ron Nirenberg’s chief of staff after making her announcement to run.

DeBerry should make the moment easier for Wolff by announcing she has reconsidered and will vacate her office immediately.

Wolff’s argument that keeping DeBerry on the court for an extended period is necessary to see through key initiatives rings hollow. The vetting process to appoint a caretaker for the vacant Precinct 3 seat can be handled in a way that assures the chosen individual understands his or her obligation to respect projects already underway or nearing completion.

The interim commissioner does not have to rubber-stamp every agenda item, but sound judgment should be a prerequisite for the appointment. Wolff would be wise to assemble a distinguished panel to vet the qualified candidates and not exercise his unilateral power to hand-pick DeBerry’s successor.

For voters to make an informed decision, there is one other important step DeBerry can take. She should provide the media and the public with a full list of her public relations and marketing agency’s clients, and disclose any contracts they have with Bexar County. She should document her assertion that she no longer has a controlling interest in the agency or its management.

One effective way for candidates to demonstrate complete transparency with voters is to release recent income tax returns. There might not be a precedent for such a measure locally, but Wolff leaves this important administrative and leadership position after 20 years. Bexar County has grown enormously in that time, and with that growth has come a significant increase in tax collections and the power of county judge.

The best start to the campaign to replace Wolff would be a Deberry resignation now and the appointment of a credible interim commissioner, preferably a Republican, to represent the people and interests of Precinct 3 until the November special election leads to the seating of a new county commissioner on the first day of 2023.

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Republican redistricting maps disenfranchise voters of color
Eric Holder
Philadelphia Inquirer
December 17, 2021
https://www.inquirer.com/opinion/commentary/redistricting-pennsylvania-state-maps-voters-republican-20211217.html&outputType=app-web-view

Our country is getting more diverse and less rural. This is a fact confirmed by the 2020 Census data which serves as a roadmap for redistricting in every state. If congressional and state legislative maps follow the data we see in the Census, we should see more districts that reflect both the expanding urban population and the growing population of people of color across the country.

But so far in states where Republicans are in charge of redistricting, they are drawing maps that ignore the data altogether.

Republicans have gone out of their way to draw maps that empower rural, predominantly white regions. They do so at the cost of disenfranchising voters in the diverse urban and suburban areas that have seen an increase in population. Republicans have deployed several tactics, but the most egregious are those that purposefully diminish the voting power of the communities of color: “packing” and “cracking.”

Both tactics are anti-democratic, and diminish the voting power of communities of color either by reducing the number of representatives they’re able to elect or diluting their influence altogether. For example, in Ohio, Republicans packed Black and Latino communities in Cuyahoga County, which includes Cleveland, into just one district, purposefully reducing representation of these communities in Congress. Meanwhile, in the same county, Republicans also split apart Asian American and Pacific Islander communities into separate districts, diminishing their voting power. In Texas, despite the fact that 95% of the population growth over the last decade has come from communities of color, Gov. Greg Abbott and the Republican legislature put in place maps that will actually increase the number of majority-white districts and reduce the number of competitive districts in Texas to just one. They purposefully drew these maps to ensure that rural, white areas electorally overpower the vote of more diverse communities.

There is no legitimate justification for these actions. It’s evident that Republicans have no qualms about bending or breaking the rules for their own gain and these maps show that. Their actions speak loudly to their unwillingness to implement fair redistricting processes and create fair maps that accurately represent voters, and they must be stopped — in the courts and in the states. Given what we have seen elsewhere in the country, it is essential for Pennsylvanians to pay attention as the map-drawing process reaches the critical juncture of considering draft maps.

Similar to the rest of the country, Pennsylvania is an increasingly diverse state. According to Census data, communities of color have driven the state’s population growth over the past decade. While the number of Pennsylvanians who identify as white dropped by more than 541,000, the number of Pennsylvanians who identify as Black, Asian, Hispanic, or Latino increased by more than 532,000. That growth did not just occur in and around urban centers like Philadelphia and Pittsburgh — it also occurred in places like Lancaster County, where minority population growth accounted for more than 71 percent of the county’s overall population growth.

Pennsylvania is losing a seat in Congress because of slow population growth, particularly in the central, northern, and

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western regions. To achieve fairness, the congressional map should eliminate the 15th congressional district in western Pennsylvania, reflecting the movement of voters and statewide population changes. While the total number of state legislative districts will not change, the Census data indicates that three state House districts should move from western to eastern Pennsylvania to reflect the population shift.

An increasingly diverse state should have maps that accurately reflect that trend with congressional and state legislative districts drawn in a manner to empower growing and diverse populations. Yet, Republicans in the state House introduced a draft congressional map that would do the opposite by “cracking” and “packing” communities of color to make Republican seats safer and put as many Democrats as possible into as few seats as possible. That is inconsistent with the Census data and is dangerously anti-democracy.

Pennsylvania’s Legislative Reapportionment Commission has a chance to show Pennsylvanians that redistricting can provide appropriate representation to urban neighborhoods and communities of color at the legislative level. Commission Chair Mark Nordenberg has shown a commitment to fairness and has created a direct line of communication between citizens and the commissioners, which is continuing with the 30-day public comment period. If he and the commission listen to all of the public input and allow for a fair process, the final legislative maps they produce will provide appropriate representation to urban and increasingly diverse communities in places like Lancaster, Reading, and Allentown, without “cracking” or unnecessarily “packing” communities of color. No matter who draws the maps, following the best available data and considering public input are each required to lead to a fair outcome. Citizens can and should play a role in a process that reflects the best of Pennsylvania democracy and not the political desires of a party afraid of a changing electorate.

Eric H. Holder, Jr., is the 82nd Attorney General of the United States and chairman of the National Democratic Redistricting Committee.

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From: Sam Taylor <SMTaylor@sos.texas.gov>
Sent: Thursday, December 23, 2021 8:46 AM EST
Subject: SOS Morning News Clips 12/23/21

Texas Secretary of State
Morning News Clips
December 23, 2021

Harris County prevails in court challenge over Democratic 'gerrymandering,' *Houston Public Media*, December 22, 2021

Additional details released on purchase of 100 new voting machines, *Brownwood Bulletin*, December 22, 2021

Brown County Commissioners to replace existing voting machines with new hybrid versions, *KTXS-TV*, December 22, 2021

Biden says he supports filibuster carve-out for voting rights, *CNN*, December 23, 2021

US delays intelligence center targeting foreign influence, *Associated Press*, December 23, 2021

Mexico says U.S. approves Deer Park refinery deal, sees completion early 2022, *Reuters*, December 22, 2021

Juarez mayor explains why 1,000 National Guard troops left the city in the middle of a drug war, *Border Report*, December 22, 2021

Column: Getting Ahead, *Rio Grande Guardian*, December 22, 2021

A By the Numbers Look at Voter Suppression in 2021, *Texas Signal*, December 22, 2021

Harris County prevails in court challenge over Democratic 'gerrymandering'
Andrew Schneider
Houston Public Media
December 22, 2021
https://www.houstonpublicmedia.org/articles/news/politics/2021/12/22/416146/harris-county-prevails-in-court-challenge-to-redistricting-plan/

A Harris County Judge on Wednesday tossed a lawsuit from Republican commissioners and voters over new county maps that favor Democrats.

Judge Dedra Davis ruled in favor of Harris County, finding that Republican commissioners Jack Cagle and Tom Ramsey and three voters did not have jurisdiction to sue.

The Republicans' attorney, Andy Taylor, indicated that he planned to appeal the ruling.

Cagle, Ramsey and the three voters filed the lawsuit against Democratic County Judge Lina Hidalgo and against Harris County last month. The suit alleged that the redistricting map proposed by Democratic Commissioner Rodney Ellis, known as the Ellis 3 plan, amounts to an unconstitutional gerrymander that would deprive more than 1.1 million voters of their right to vote.

Texas election law staggers county precinct elections every two years. All county commissioners serve four-year terms, but commissioners in even-numbered precincts and those in odd-numbered precincts take place at two-year intervals.

The next election for even-numbered precincts is in 2022. The lawsuit alleges that the Ellis 3 plan shifts more than 1.1 million voters from even-numbered precincts to odd-numbered precincts, depriving them of their right to vote until 2024.

"Plaintiffs submit that there is a very simple explanation for why this occurred," the lawsuit reads. "Commissioner Ellis wanted to do whatever it would take to draw a new map that would create three...Democratic seats. Thus, the Ellis 3 Plan does just that."

Specifically, the suit charges, it strengthens Ellis' position in Precinct 1 and Democratic Commissioner Adrian Garcia's position in Precinct 2, and it renders Ramsey's Precinct 3 a more solidly Republican district at the expense of Cagle's Precinct 4.

Ellis himself has argued that the previous precinct maps ratified in 2010 were gerrymandered by Republicans, and his map seeks to correct that by reuniting communities of interest.

The Ellis 3 plan trades much of the territory now represented by Cagle in northern Harris County with territory now represented by Ramsey in the west. The new Precinct 4 is also majority-minority, with a combined non-Anglo population of more than 70%.

The likelihood is that Cagle's seat would flip to a Democrat in 2022, shifting the current 3-2 Democratic majority on the court

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to a 4-1 Democratic supermajority. That would enable Democrats, among other measures, to push through tax increases that Republicans can currently block by breaking quorum, as Cagle and then-Commissioner Steve Radack did in 2019, and which Cagle and Ramsey again threatened to do in 2021.

During the commissioners' debate over the Ellis 3 plan, Cagle said he viewed the map as Democrats' revenge for the 2019 quorum break.

"You're inclined to vote for the Ellis 3 because you view that vote as a referendum to the public, in essence on taxes," Cagle told Hidalgo. "You feel because of our disagreement on taxes that you need to move me into a precinct that I have not served, to let me face the public on that referendum of the tax issue."

Hidalgo acknowledged that the tax issue had influenced her decision, particularly because Cagle and Ramsey had recently threatened to break quorum again to block a Democrat-proposed tax cut, forcing a deeper tax cut as well as cuts to county services.

That threat was ultimately averted, when commissioners negotiated a slightly larger tax cut than Democrats initially wanted.

"I am concerned that your party's on a race to the bottom, to literally not be able to pay for life-saving services, when you're rejecting a tax cut so that you can defund the hospital district by $17 million in the middle of a pandemic," Hidalgo said. "I haven't forgotten that."

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Additional details released on purchase of 100 new voting machines
Brownwood Bulletin
December 22, 2021
https://www.brownwoodtx.com/story/news/2021/12/22/additional-details-released-purchase-100-new-voting-machines/8997883002/

Brown County Judge Paul Lilly's office issued the following press release about the county's purchase of new voting machines:

On December 20, 2021 Brown County Commissioners voted unanimously to replace the existing voting machines with new hybrid voting machines that combine use of electronic voting stations and paper ballots to further ensure the integrity of the voting process for Brown County voters and provide additional voting machines to reduce the voters waiting time.

With an expenditure of $647,611.00 voters will see 100 new voting machines along with the variety of companion equipment required. Funds for this project are coming from the 2020 Elect SEC grants, 2020 Elect Fund Matching State funds along with $14,597.70 Brown County matching funds.

Lilly said the new system will provide more security for voters over the previous equipment used in Brown County in that they feature a digital touch screen as well as a paper copy of the voter's selections that the voter can verify before submitting the ballot into a secure on-site ballot box. Lilly stated that the collection of paper ballots and triple data backup allows for easier election audit tracking. The machines will also offer more accessibility for voters, Lilly said, as they feature Americans with Disabilities Act-accessible controls and screen toggling features that make for an easier, faster voting experience. According to Larry Franks, Brown County Elections Administrator, Hart InterCivic Inc. is one of two voting equipment companies certified by the Texas Secretary of State's Office. The county chose Hart InterCivic Inc. due to Brown County's familiarity with the company and their approval by the "Texas State Buy Board". Hart InterCivic Inc. is an Austin-based company that designs and manufactures its voting machines in Texas.

"My commitment to Brown County voters is to provide an open, transparent and accountable voting process - moving to the new paper based, Hart InterCivic Verity Voting System, does just that by giving Brown County voters a more accessible, secure and verifiable ballot to improve the voting experience for all Brown County voters," Lilly said.

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Brown County Commissioners to replace existing voting machines with new hybrid versions
Sarah Burns
KTXS-TV
December 22, 2021
https://ktxs.com/news/local/brown-county-commissioners-to-replace-existing-voting-machines-with-new-hybrid-versions

ABILENE, Texas — Brown County Commissioners voted this past week to replace the existing voting machines with new hybrid ones that combine electronic voting stations with paper ballots to better ensure voting integrity, and reduce voter waiting times.

According to a press release, a total of 100 new voting machines will be added by an expenditure of $647,611.00 coming from the 2020 Elect SEC grants, 2020 Elect Fund Matching State funds along with $14,597.70 Brown County matching funds.

The new machines will provide higher security and feature a digital touch screen along with a paper copy of the voter's selections that the voter can verify before submitting their ballot, according to Judge Lilly. The collection of paper ballots and triple data backup will allow for audit tracking. In addition to this, the machines will feature Americans with Disabilities Act-accessible controls and screen toggling features to enhance the voting process.

"My commitment to Brown County voters is to provide an open, transparent and accountable voting process - moving to the new paper based, Hart InterCivic Verity Voting System, does just that by giving Brown County voters a more accessible, secure and verifiable ballot to improve the voting experience for all Brown County voters," Judge Lilly said in a statement.

Brown county chose Hart InterCivic Inc. due to its familiarity with the company and their approval by the "Texas State Buy Board". Hart InterCivic Inc., which is an Austin-based company that designs and manufactures its voting machines in Texas.

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Biden says he supports filibuster carve-out for voting rights
Kyle Blaine
CNN
December 23, 2021
https://kvia.com/news/2021/12/23/biden-says-he-supports-filibuster-carve-out-for-voting-rights/

President Joe Biden says he supports making an exception to the Senate filibuster rules in order to pass voting rights legislation.

“If the only thing standing between getting voting rights legislation passed and not getting passed is the filibuster, I support making the exception of voting rights for the filibuster,” Biden told ABC News’ David Muir in an interview that aired Thursday morning.

It’s the most direct answer Biden has given on his position on the filibuster and voting rights.

CNN’s Anderson Cooper asked Biden at a CNN town hall in October, “When it comes to voting rights, just so I’m clear though, you would entertain the notion of doing away with the filibuster on that one issue, is that correct?”

“And maybe more,” Biden responded.

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US delays intelligence center targeting foreign influence
Associated Press
December 23, 2021
https://spectrumlocalnews.com/tx/south-texas-el-paso/ap-top-news/2021/12/23/us-delays-intelligence-center-targeting-foreign-influence

WASHINGTON (AP) — As Russia was working to subvert U.S. elections and sow discord among Americans, Congress directed the creation of an intelligence center to lead efforts to stop interference by foreign adversaries. But two years later, that center still is not close to opening.

Experts and intelligence officials broadly agree the proposed Foreign Malign Influence Center is a good idea. The U.S. has lacked a cohesive strategy to fight influence operations, they say, with not enough coordination among national security agencies. Adversaries that tried to interfere in the last two presidential elections continue to bombard Americans with disinformation and conspiracy theories at a time of peril for democracy in the U.S. and around the world.

But the intelligence community and Congress remain divided over the center's mission, budget and size, according to current and former officials. While separate efforts to counter interference continue, a person identified this year as a potential director has since been assigned elsewhere and the center likely will not open anytime soon.

“It really is just giving a gift to Russia and China and others who clearly have their sights set not only on the midterm elections but on ongoing campaigns to destabilize American society,” said David Salvo, deputy director of the Alliance for Securing Democracy and a senior fellow at the German Marshall Fund.

The nation's top intelligence official had advocated for the center before taking office. Director of National Intelligence Avril Haines last year co-chaired a German Marshall Fund task force supporting it. In a statement, spokeswoman Nicole de Haay said the director's office "is focused on creating a center to facilitate and integrate the Intelligence Community’s efforts to address foreign malign influence.”

But some lawmakers are concerned about further expanding the mission of the Office of the Director of National Intelligence. ODNI was originally envisioned as a small coordinating body to address the intelligence-sharing failures preceding the Sept. 11 attacks. It has several centers that critics say are well-meaning attempts to solve problems but end up causing unnecessary duplication.

Senate Intelligence Committee Chairman Mark Warner said that while he supports the center, there were “legitimate questions about how large such an organization should be and even about where it would fit" with existing government efforts to fight foreign interference.

“We want to be sure that this center enhances those efforts rather than duplicating them or miring them in unnecessary bureaucracy,” the Virginia Democrat said in a statement. “I don’t have any real doubt that we will ultimately stand the center up in the relatively near future, but we need to be sure we get it right.”

It's unclear who would lead the center. Separately, there is also a vacancy for a new election threats executive after the previous executive, Shelby Pierson, ended her term and returned to another intelligence post. Pierson had been in the spotlight last year after giving lawmakers a closed-door briefing on Russia's efforts to intervene in the 2020 election in favor of former President Donald Trump. That angered Trump, who berated the then-director of national intelligence and later replaced him. Trump has promoted falsehoods about elections and pushed Republicans to follow his lead.

Experts on democracy have long warned that what the government refers to as “malign influence” is a national security threat. Social media has helped make disinformation a cheap and powerful tactic for adversaries who can push false or altered stories, videos and images, and amplify falsehoods already circulating among Americans to promote their own interests and create chaos.

U.S. and other Western authorities have accused Russia of spreading disinformation about the coronavirus and vaccines, stealing data from local and state election servers, and pushing false stories intended to exploit divisions over race and civil rights. Intelligence agencies have found that Russia used influence operations to interfere with the 2016 presidential election in favor of Trump's campaign and conducted operations in Trump's favor in 2020.

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The U.S. assessed China ultimately did not interfere in the 2020 election, but Beijing has been accused of promoting false theories about the COVID-19 pandemic and trying to sway businesses and all levels of government. Iran was accused of sponsoring emails intended to intimidate Democratic-leaning voters into supporting Trump.

Experts say the new center can warn Americans about interference and produce better information for policymakers. While the FBI, the National Security Agency and several other government agencies have long worked on foreign interference, “we are not organized in a way where we are building a coherent threat picture,” said Jessica Brandt, an expert on foreign interference and disinformation at the Brookings Institution.

But there are risks in the intelligence community ramping up its monitoring of what Americans see and read. The FBI and NSA have been accused of unlawfully spying on Americans. That history contributes to many Americans' distrust of the intelligence community, as do Trump's attacks on intelligence professionals and what he has derided as the “deep state.”

Opponents note the U.S. also has a history of covert interference in other countries and has helped overthrow governments seen as anti-American. A column published by the Kremlin-backed RT.com alleged the proposed center “is just official cover for American intelligence interference in domestic politics.”

The intelligence community also risks being seen as political or infringing on First Amendment rights if it takes the same untruths spread by Americans and labels them as foreign interference when they're spread by an adversary.

The center “is going to have to figure out this enormous challenge to convey threats to American elections, American democracy, at a time when there seem to be two completely different realities,” said Salvo of the German Marshall Fund.

Congress authorized the center in late 2019 and directed ODNI to create it. Several people who worked in intelligence matters at that time, speaking on condition of anonymity to describe confidential discussions, say they didn't know of any effort by the Trump White House to stop the center. Instead, leaders within ODNI disagreed on how to structure the new center or whether it should be a “virtual center" without an office.

According to one of the people, William Evanina, the former chief of ODNI's counterintelligence center, offered to take the malign influence center under his authority, but the office ultimately did not choose that option. Evanina declined to comment.

After President Joe Biden took office, ODNI presented a plan for a small center with a few dozen staff members to the intelligence and appropriations committees in the House and Senate. But even as Congress required the center's creation, key lawmakers from both parties have expressed concerns about the plan.

A proposal to fund the center this summer failed and it is unlikely to be completed while the government is operating with temporary funding. The center may now be included if a full spending plan is approved in early 2022.

Suzanne Spaulding, an election security expert at the Center for Strategic and International Studies, called for the U.S. government to act quickly.

“Time is not on our side,” Spaulding said. “Disinformation is a national security threat and should be treated with the urgency that a national security threat engenders.”

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Mexico says U.S. approves Deer Park refinery deal, sees completion early 2022
Reuters
December 22, 2021
https://www.reuters.com/business/energy/mexico-says-us-government-approves-deer-park-refinery-deal-2021-12-22/

MEXICO CITY, Dec 22 (Reuters) - The U.S. government has authorized the purchase by Petroleos Mexicanos (Pemex) of Royal Dutch Shell's (RDSa.L) controlling interest in a Texas oil refinery in a transaction that should conclude early next year, Mexico's government said Wednesday.

Mexican President Andres Manuel Lopez Obrador told a regular news conference that the U.S. government had on Tuesday approved the purchase of the Deer Park refinery stake by state-run Pemex, calling it "very good news."

"The idea is to finalize the purchase during the first weeks of 2022," Pemex Chief Executive Officer Octavio Romero said, speaking alongside Lopez Obrador.

At the same conference, Mexican Foreign Minister Marcelo Ebrard displayed a letter showing that the Committee on Foreign Investment in the United States (CFIUS) had concluded there were no unresolved national security concerns regarding the deal.

Last week, Shell said the sale of its Deer Park stake to Pemex was pending CFIUS approval.

Lopez Obrador, who backed the purchase as part of a plan to make Mexico self-sufficient in gasoline, thanked U.S. President Joe Biden for his support during the authorization process.

Shell in May disclosed an agreement to sell its 50% interest in the 302,800 barrels-per-day (bpd) Deer Park refinery outside Houston to its partner Pemex for some $596 million.

CEO Romero told the news conference that the terms of the deal had not changed since May, and that Mexico would pay off the existing debt of both Shell and Pemex in the refinery, which he said amounted to around $1.2 billion in total.

Shell confirmed the CFIUS approval in a message to Deer Park refinery employees.

"In the coming days, we will work on finalizing the closing date for the deal," the oil refinery's general manager, Guy

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Hackwell, told workers.

A Shell spokesperson was not immediately available to comment.

Once CFIUS completes its investigation, the White House has up to 15 days to approve or reject the recommendation.

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Juarez mayor explains why 1,000 National Guard troops left the city in the middle of a drug war
Julian Resendiz
Border Report
December 22, 2021
https://www.borderreport.com/hot-topics/border-crime/juarez-mayor-explains-why-1000-national-guard-troops-left-the-city-in-the-middle-of-a-drug-war/

EL PASO, Texas (Border Report) – Mexico City has recalled nearly 1,000 National Guardsmen from Juarez, but the mayor of that border city says replacements will be sent.

“We are told more will come. I imagine (the recall) has to do with the holidays, but we will be paying attention because (Juarez) needs the support of the (federal and state) governments,” Mayor Cruz Perez Cuellar said.

Mexican news reports set off alarms earlier this week in reporting the departure of most National Guard troops from Juarez, a city where drug-related murders remain rampant. The nonprofit Citizens Observatory reported 1,377 homicides for Juarez so far in 2021. Local authorities say 90 percent of the murders are drug-related.

President Andres Manuel Lopez Obrador shored up National Guard presence in Juarez at the request of former Chihuahua Gov. Javier Corral. The president in August inaugurated new National Guard barracks and said more than 2,000 troops would remain in the city to help local authorities quell crime.

As of last Sunday, only 300 soldiers were still in the city, El Diario reported.

Perez Cuellar characterized the move as “staff rotation,” meaning the Army periodically reassigns troops to different regions of Mexico.

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Getting Ahead
M. Ray Perryman
Rio Grande Guardian
December 22, 2021
https://riograndeguardian.com/perryman-getting-ahead/

The latest jobs report for Texas is replete with good news. November data shows strength across the economy and a new record for total state employment. In less than two years, Texas has completely overcome the devastating loss of about 1.5 million jobs that occurred in early 2020.

For November, Texas added 75,100 jobs, the eighteenth gain in the last 19 months, and the unemployment rate has dropped to 5.2%. There are now almost 13.0 million nonagricultural jobs in the state. Topping pre-pandemic employment levels this quickly is quite impressive.

One noteworthy aspect of the increase is that it represents nearly 36% of the national gain for the month (210,000 net new jobs). Other significant increases occurred in Florida (up 51,100) and California (45,700).

It is also notable that every major industry group expanded during the month. In the past, we’ve seen periods where gains in some segments of the economy were offset by drops in others. The COVID-19 uncertainty and measures required to slow the spread caused extreme volatility in sectors such as travel, retail, and energy. There were times when the state added jobs in retail, while core groups such as manufacturing or construction retrenched. In November, expansion emerged across the board.

Additionally, this very positive report comes just as the energy sector is beginning to ramp up. Employment in mining and logging (which is virtually all oil- and gas-related in Texas) was up 3,700 for the month. When you consider all of the linkages across the state, energy accounts for 13-14% of business activity in normal times. As recovery continues with additional rigs added every week (275 as of December 17), the positive patterns in the industry should lead to additional gains across a broad spectrum of businesses and communities.

There are still risks to reckon with, both short-term and long-term. A major surge in serious COVID-19 cases could certainly slow progress (a particular vulnerability as the spread of the omicron variant accelerates), and the lingering supply chain issues will dampen growth in specific industries at times. Long-term Texas challenges include ensuring an adequate workforce for the future through enhancing educational quality and access, providing adequate infrastructure, and assuring inclusiveness.

On balance, however, the state is well positioned to be among the stellar performers. The Texas economy is diverse, with a strong and varied base of production categories as well as ongoing emergence in advanced manufacturing and other technology sectors. The Lone Star State also has a favorable cost structure and premier economic development programs.

There’s indeed a lot to like in the most recent jobs report. As we enter the final weeks of the year, the Texas economy is hitting on all cylinders. Stay safe!

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A By the Numbers Look at Voter Suppression in 2021

AMERICAN OVERSIGHT

Fernando Ramirez
Texas Signal
December 22, 2021
https://texassignal.com/a-by-the-numbers-look-at-voter-suppression-in-2021/

Voting rights experts at the nonprofit The Brennan Center for Justice recently released their roundup of restrictive voting laws passed in 2021.

At least 19 states passed 34 bills into law restricting voting access, including Texas' Senate Bill 1, which banned drive-thru and 24-hour voting, made it more difficult for disabeled Texans to vote, and prohibited election officials from sending out unsolicited mail ballot applications.

At least 49 states saw legislatures introduce some sort of legislation to restrict voting access.

More than a third of all restrictive voting laws enacted since 2011 were passed this year, and they were the most restrictive laws in a decade according to The Brennan Center for Justice.

Texas was also among six states in 2021 to enact politically motivated reviews or audits of the 2020 presidential election.

The Lone Star State continues to conduct an audit of the results, and earlier this year, the Republican-controlled state legislature attempted to pass a provision in their sweeping voter suppression bill that would have made it easier for judges to overturn elections.

Texas also continues to face two federal lawsuits for violating the Voting Rights Act with SB 1 and the state's new district lines. Other civil rights groups and organizations have also filed litigation, bringing the total amount of lawsuits faced by the state to at least 20.

"The department's career voting law experts have accessed Texas' new redistricting rights plans, and determined that they include districts that violate the Voting Rights Act," U.S. Attorney General Merrick B. Garland said in December when announcing the department's second lawsuit against Texas.

On Monday, Senate Majority Leader Chuck Schumer told Democratic colleagues the Senate would consider federal voting rights legislation in early January.

The legislation, the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act, has been stalled in the upper chamber by Republicans who have blocked their advancement with the 60-vote filibuster rule, which at least two Democratic Senators, Joe Manchin and Kyrsten Sinema, support keeping in place.

"If Senate Republicans continue to abuse the filibuster and prevent the body from considering this bill, the Senate will then consider changes to any rules which prevent us from debating and reaching final conclusion on important legislation," Schumer said.

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