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The Role of Voter List Maintenance and Voter Identification in Election Integrity

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Key Points

- The quintupling of mail-in ballots in Texas since 2012 to one million likely increases the threat to election integrity posed by poorly maintained voter lists and weak voter verification.
- Texas voter ID laws do not apply to by-mail voting, which instead relies on signature validation.
- Poorly maintained voter lists are estimated to include about 75,000 noncitizens, deceased voters, and people who have moved out of state.
- Texas should increase efforts to identify and remove noncitizens from the voter lists.
- Texas should enhance mail-in ballot security by improving voter verification of those ballots.

Executive Summary

Due to Texas's widespread use of voter identification for in-person voting, the problem of election fraud is mainly the domain of mail-in voting, where a lack of identification safeguards and inconsistent voter list maintenance can be exploited to produce illegal ballots. As a result, this is where legislative efforts to improve election integrity should be focused.

Texas restricts mail-in voting to those 65 and older and to voters who claim a disability, will be out of their home county during the election, or are in jail and otherwise eligible to vote. But the lack of a clear definition of a disability, combined with local partisan officials and campaigns and political get-out-the-vote organizations that encouraged the use of disability as a reason for an otherwise non-disabled voter to vote from home, contributed to a quintupling of mail-in ballot use over the last two general presidential election cycles, from 204,000 in 2012, to 434,000 in 2016, to about 1,000,000 in 2020. For instance, in Texas's largest county, Harris, local officials tried to send mail-in ballot applications to every registered voter in 2020, suggesting that fear of contracting COVID-19 qualified as a disability ([Platoff, 2020](#); [Childers, 2020](#)). They were stopped by the Supreme Court of Texas. As mail-in ballots become more important in Texas elections and because they lack the safeguards of in-person voting, steps should be taken to restrict their use to discourage an improper claim of a disability while increasing efforts to ensure that ballots voted by mail are from eligible voters and reflect the actual intent of the voter and not the intent of a vote trafficker.

The State of Voter Lists in Texas

According to a report by the Public Interest Legal Foundation ([Adams, 2020](#)), as of the end of 2019, Texas voter lists contained the second-highest number of deceased voters—36,054—after New York. The dead managed to cast 289 votes in 2016 and 2018, which, depending on the geographical concentration and the election, could have been determinative. The same report indicated that Texas had the third-highest number of voters voting both in Texas and another state in the same election in 2018 (1,125), and the second-highest number of voters listing non-residential addresses as their home (1,952).

This is a significant improvement over a 2007 audit of Texas voter lists ([Keel, 2007](#)) which found that the state had 49,049 voters who may have been ineligible, or 0.4% of 12,374,114 registered voters, including 23,114 possible felons, 23,576

continued

likely deceased voters, and 2,359 duplicate records. The audit report made no mention of possible noncitizens on the voter lists.

As for the number of noncitizens on Texas's voter rolls, there has been a fair degree of controversy on the topic.

In January 2019, the attorney general announced ([Paxton, 2019](#)) that “about 95,000 individuals identified by the Department of Public Safety as non-U.S. citizens have a matching voter registration record in Texas, and roughly 58,000 of them have voted in one or more Texas elections” ([para. 1](#)) based on information from the Texas Secretary of State and the Department of Public Safety.

This claim was challenged in court when the League of United Latin American Citizens (LULAC) filed suit on January 29, 2019 ([Silva, 2019](#); [Cranley, 2019](#)). Rather than 95,000 noncitizens on the voter lists, the actual number was something less than this but more than zero. The inflated estimate was attributed to the fact that the Department of Public Safety had issued driver's licenses to green card holders who subsequently became naturalized citizens of the U.S. ([Cranley, 2019](#)). By 2019, Texas had an estimated 990,000 lawful permanent residents ([Baker, 2019](#)), of whom most of the adults would have been issued some form of ID by the Texas Department of Public Safety, which, when combined with the voter registration linkage to state ID issuance created by 1993's National Voter Registration Act, commonly referred to as Motor Voter, has resulted in some erroneous voter registrations.

In the aftermath of the legal action ([Ura, 2019](#)) against Texas over the number of noncitizens being registered to vote and voting in Texas elections, the Texas Secretary of State will likely be allowed to pursue the removal of a portion of the voters identified as potential noncitizens if they are not confirmed to be naturalized citizens over time as they apply for upgraded identification that complies with the REAL ID Act. This act is a federal law that requires states to collect certain documentation before issuing a driver's license or state identification card, including legal status and Social Security number ([Department of Homeland Security, 2021](#)).

In addition, the Texas Secretary of State has an ongoing program to initiate the process of removing ineligible voters through the use of jury duty information sent to the office from counties. This occurs when a person declares that they are not a citizen in response to a jury duty summons letter from a county. These reports are rolled into the number of investigations reported by the Texas Secretary of State every month in their “Cancellation Summary Reports” ([Texas Secretary of State, 2021b](#)), representing about 30% of

the total. The January 2021 Cancellation Summary Report shows 3,404 investigations opened that month with almost 20,000 investigations opened in 2020. Approximately 500 such notices are sent to the Texas Secretary of State each month, totaling about 6,000 annually. Texas uses voter registration lists and driver's license records to compile its jury summons roster ([Center for Jury Studie, n.d.](#)). Nationally, some 32 million people receive a jury summons of whom 1.5 million end up being selected with about 4% of those serving on a federal trial. Extrapolating from 32 million nationally, and with Texas having about 8% of the nation's population, approximately 2.56 million Texas adults should receive a jury summons every year ([Chalabi, 2015](#)). Assuming full compliance with the requirement to report non-compliance with reporting to jury duty by all Texas counties, this would imply about 0.23% or about 36,000 of 16 million registered Texas voters are noncitizens, given 6,000 (the annual reported total of voter-registered noncitizens) is 0.23% of 2.56 million. When this number is added to the number of deceased, people voting in two states, and people voting from a non-residential address, the total number of ineligible people registered to vote is estimated to be 75,000, or about 0.89% of the 2018 general election turnout of 8.4 million in Texas, enough to potentially flip four federal and state races that year if those improperly registered cast ballots.

Voter Identification and Mail-In Ballots

With mail-in ballots increasingly used in Texas prior to the COVID-19 pandemic, rising from 1.8% of all ballots in the 2010 general election to 6.2% in the 2018 general election ([DeVore, 2020](#)), for a total of 517,000 ballots in 2018, signature verification becomes critically important as a proxy for voter identification. Without it, or some other method of validating that the eligible voter's ballot is in a particular envelope, there is little proof that the ballot was legally cast.

The 2020 general election saw the use of mail-in ballots double from the two prior federal elections and quintuple since 2012 (204,000 in 2012, 434,000 in 2016, and 517,000 in 2018) to reach one million ([DeVore, 2020](#); [Harper, 2021](#)). Proportionally, mail-in voting by Texans aged 65 and older increased 137% as a share of overall votes from the 2012 presidential primary to the 2020 presidential primary while those under 65 increased their use of mail-in ballots by 156% as a share of total votes made by that age cohort over the same period ([DeVore, 2020](#)). Comparing recent off-year election cycles, the share of mail-in ballots of the total vote by voters 65 and older increased 234% from 2010 to 2018 while the use of postal ballots increased even more by those under 65—338%. Despite Texas's restrictions on voting by mail—65 and older, claim of a disability, or voting from out of the home county—the average age of those under

65 using a mail-in ballot plummeted from 42 in 2016—the mid-point between 18 and 65—to 36 in 2018. When combined with evidence that most of those additional ballots were mailed to home addresses, it suggests that tens of thousands of voters were suddenly claiming disability status to vote from home—before the COVID-19 pandemic ([DeVore, 2020](#)).

Following a significant nationwide push to encourage voting by mail ([Ball, 2021](#)), lawsuits were filed across the nation to reduce the likelihood that a ballot might be rejected due to a poor signature match or no signature at all. In Texas, a federal judge ruled on September 8, 2020, that mail-in ballots could no longer be rejected due to signatures unless the state contacted voters and allowed them to cure the ballot ([Harper, 2020](#)). The injunction was stayed by the Fifth U.S. Circuit Court of Appeals 3 days later and eventually overturned on October 19, with the federal judge noting in the decision that due to the “dramatic increase of mail-in voting, driven by a global pandemic,” the curing process would compromise the integrity of the mail-in ballot system ([Richardson v. Hughs, 2020, p. 1](#)).

In a typical year, only a small percentage of mail-in ballots are rejected in Texas. It was reported that 1,567 ballots were rejected due to signature mismatches in 2016, and 1,873 in 2018 ([Harper, 2020](#)). Thus, only 0.36% of all mail-in ballots were turned away in both 2016 and 2018.

An ABC News analysis of national election data from 2016 and 2018 found that 750,000 mail-in ballots were rejected, or about 1.2%, 57% of them due to a bad signature when the reasons for rejection were listed ([Nichols, 2020](#)). This amounts to a rejection rate of about 0.68% for signature mismatch, about double Texas’s rate over the same period. ABC’s analysis also claimed that rates of rejection were higher in areas with lower income or minority voters, the implication being that signature verification regimes could be discriminatory and a form of vote suppression.

The Texas Election Code, [Chapter 87](#), states that election officials can reject a mail-in ballot with a majority vote of the early voting ballot board, a body made up of representatives offered by each party whose presidential candidate appeared on the ballot in that county. Legally, these boards should have equal representation between the two major

BALLOT HARVESTING VS. BALLOT TRAFFICKING

In a [legal brief](#) filed by the Democratic National Committee in 2020, regarding *Brnovich v. Democratic National Committee* ([2020](#)) heard before the U.S. Supreme Court, the respondents claimed that restrictions on ballot harvesting amounted to a “disparate burden” on minority voters in Arizona. Their brief argued that because some 80% of Arizona voters voted by mail in 2016, and that “many Arizonans lack access to outgoing mail service, but must still rely on mail voting because . . . in-person voting is difficult or impossible . . . [these voters] came to rely upon friends, neighbors, activists, and campaigns to collect and deliver their voted mail ballots.” Thus, the law that outlawed non-relatives and paid ballot harvesters from collecting ballots “. . . criminalized this longstanding practice, making non-fraudulent collection of absentee ballots by most third parties a felony.”

The law in question, [HB 2023](#), which passed in 2016 in Arizona, has a direct analog to Texas where [SB 5](#) passed in special session in 2017. The Arizona bill outlawed what the majority there saw as abuses of the mail-in ballot system that resulted in voters not casting votes that reflected their choices. The law ([HB 2023, 2016](#)) established felonies for:

- Marking a voted or unvoted ballot with the intent to fix an election.
- Offering compensation for ballots.
- Receiving compensation for gathering ballots.
- Selling ballots.
- Misrepresenting oneself as an election official to gather ballots or operating a ballot drop repository and representing it as official.
- Collecting and not turning in ballots to an election official.
- Engaging in a “pattern of ballot fraud” by hiring three or more people to collect ballots.

Thus, two very different pictures of collecting mail ballots from voters emerge. One is a picture of benign collection of ballots from people who, it is said, can neither vote in person nor easily use the mail. The other is a picture of organized trafficking of mail-in ballots resulting in bought and paid-for votes. For this reason, a more accurate description of the process we are concerned about here would be *ballot trafficking*.

parties. It takes a majority to reject a ballot or, if a tie, the tie is broken by the presiding judge—typically of the majority party of that county. If a signature verification committee has been constituted, that committee may accept or reject ballots. If a signature verification committee accepts a ballot, its decision is final; if it rejects a ballot, the early voting ballot board may, by majority vote, agree to accept the ballot. Thus, the bias is toward accepting mail-in ballots.

This raises a concern. For instance, a coordinated effort to traffic ballots in a county could generate a large number of mail-in ballots that are not connected to eligible voters or to voters who voluntarily cast their ballots by mail, thus resulting in mismatched signatures. An early voting ballot board could be deadlocked on the suspect ballots; yet the presiding judge could decide not to reject any in an effort to gain political advantage. Further, if a signature verification committee has been constituted, ballots it decided to reject for signature mismatch could be overridden by the early voting ballot board.

Section 87.0431 of the Texas Election Code requires the presiding judge of the early voting ballot board to deliver written notice of the reason for the rejection of a ballot to the voter not later than 10 days after the election. Then, not later than the 30th day after Election Day, the early voting clerk must notify the attorney general of any ballot rejected because of disqualifying issues, citing them specifically. Given election certification timelines, it is likely that any effort by law enforcement to follow up on abuse of the system that might have affected election results will occur after the election has been settled.

Returning to the ABC News analysis and the issue it raised about higher rates of mail-in ballot rejections in minority and low-income communities, there may be other explanations for that, aside from systemic discrimination through vote suppression.

For example, Starr County, Texas, situated on the Rio Grande, is 96.4% Hispanic ([U.S. Census Bureau, 2021a](#)) with an average household income of \$30,387—below the \$35,000 level that ABC’s research would predict a higher ballot rejection rate. Its local elected offices are dominated by one party: the Democratic Party. That means that the presiding judge who will break any deadlock the early voting ballot board may have over whether to reject a signature is a Democrat. Yet in 2016, 7.1% of early ballots were rejected and in 2018, 6.7% ([Nichols, 2020](#)).

In nearby Webb County, 2.9% of mail-in ballots were rejected in 2016, with 0%—none—in 2018. Webb County is 95.4% Hispanic ([U.S. Census Bureau, 2021b](#)) with a household income level of \$46,475.

The combined 2016 mail-in ballot rejection rate in Starr and Webb counties was more than 13 times that of Texas’s other 252 counties that year.

In my personal communications with Texas election officials, they offered this observation on the high rejection rates in Starr County and Webb County in 2018: It could be a manifestation of machine politics—factions using their control of the election process as the last component in a systemic ballot trafficking effort. In the case of the high signature rejection rate, the dominant faction could be thwarting the ballot trafficking effort of the out-of-power faction.

When mail-in ballots are rejected in Texas, whether for political reasons, a poor signature match, or another problem with the ballot, it generates an official paper trail per Texas Election Code’s “§87.0431. Notice of Rejected Ballot.” But the converse is not true. If a mail-in ballot is submitted without a signature or with a scrawl that does not match any signature on file, no record will be generated, even if one or more members of the early voting ballot board object. This points to a weakness that could be exploited as the use of mail-in ballots in Texas continues to expand as voters, campaigns, and third-party get-out-the-vote groups misuse the “disability” designation on mail-in ballot requests ([DeVore, 2020](#)) or employ other methods of ballot trafficking, such as casting votes on behalf of noncitizens, deceased voters, or those who have moved out of state.

The state Election Code presupposes election officials are good-faith actors. However, mail-in ballot rejection data suggest that is not always the case in Texas. And, concurrent with the rapidly growing use of mail-in ballots in Texas, there is a growing risk of corrupted elections as mail-in ballots lack the same safeguards as Texas’s system of in-person voting with voter ID. Enhanced efforts are required to ensure that only eligible voters are casting the ballots they intend by maintaining the voter lists and adhering to strict compliance with mail-in ballot verification. Only robust law enforcement deterrence and enforcement through criminal and civil penalties can thwart a successful effort to substantively change election results at the local, county, or, potentially, the statewide level as has been the case in Texas 35 times from 2005 to 2019 with three elections in Texas overturned in 2018 due to mail-in ballot fraud per the Heritage Foundation’s ([n.d.](#)) database of election fraud

Unless signature-matching capabilities are scaled up to meet the rapidly increasing use of mail-in ballots and other mechanisms are added to reinforce the process that ensures a mail-in ballot is from the voter who intended to cast it, the entire mail-in voting process will be at risk of compromise. There are a few ways to address this weakness ([National Conference of State Legislatures, 2020a](#)). In Alabama, a copy

of an eligible ID is required to be sent in with the mail-in ballot. Kansas and Wisconsin require a form of identification to request a mail-in ballot, but they do not require ID for a returned ballot. In 11 other states, a returned mail-in ballot must be signed by a witness or notarized. Texas has neither requirement in place, relying only on a signature match. In Florida, if a signature is found not to match the one on file, as part of the ballot cure process, a photocopy of the voter’s identification is needed. Any of these additional safeguards would help the state of Texas maintain the integrity of its mail-in ballot system—especially if the “disability” option to request a mail-in ballot remains ill-defined and unvetted.

The Threat of Federal Action in Undermining Election Integrity

Voter identification and the maintenance of voter lists—ensuring that only citizens eligible to vote appear on the rolls—are two indispensable tools in ensuring election integrity.

The first bill introduced every session in the U.S. House of Representatives represents the majority party’s highest priority. With this in mind, it is notable that House Resolution 1 ([H.R. 1, 2021](#)), first introduced in 2019 in the U.S. House and reintroduced in 2021, would ban the use of voter identification nationwide while limiting the ability of state and local election officials to ensure that only eligible voters appeared on their voting lists.

In the introduced bill, Section 3, “Findings of General Constitutional Authority,” the contention is made that:

Congress finds that it has the authority pursuant to section 5 of the Fourteenth Amendment to protect the right to vote. Congress also finds that States and localities have eroded access to the right to vote through restrictions on the right to vote including excessively onerous voter identification requirements, burdensome voter registration procedures, voter purges, limited and unequal access to voting by mail, polling place closures,

unequal distribution of election resources, and other impediments.

When considering H.R. 1’s components and timing, it is relevant to note that existing federal law, the Real ID Act, is gradually upgrading the most common form of identification—the driver’s license—needed to board an aircraft. The upgrade will better guarantee the exactitude of the identity and citizenship status of the driver’s license’s owner. Sixteen states and the District of Columbia do not require any documentation to be presented when voting in person ([National Conference of State Legislatures, 2020b](#)). In 16 states, a photo ID is either required (six states) or is requested to vote but is not required, in some cases, resulting in a provisional ballot being cast.

California presents a useful case study. A prospective voter can register online with the California Secretary of State ([California Secretary of State, 2021a](#)). New voters are first asked if they are U.S. citizens, with the response accepted as truthful based on the honor system. In the identification section of the online registration form, new registrants are asked to provide a California driver’s license or California identification card number or, if they do not have one, the last four numbers of their Social Security card. If they provide neither, they are still registered to vote. They are reminded that the first time they vote, they will have to show a form of identification or proof of residency. (See **Figure 1.**)

In the 2020 general election, 87% of the votes in California were cast by mail ([California Secretary of State, 2021b](#)). Per California law, and H.R. 1, newly registered voters would never show their ID when voting by mail the first time or any subsequent times via mail. Further, even if they did show up to vote in person, California’s proof of residency includes several forms of “identification” that do not confirm eligibility to vote in that they do not prove citizenship per § 20107, Standards for Proof of Residency or Identity When Proof Is Required by Help America Vote Act in the Official California Code of Regulations.

Figure 1
California Identification Form

Identification *

New voters may have to show a form of identification or proof of residency the first time they vote, if a driver license or SSN was not provided when registering.

California driver license or California identification card number

I do not have a California driver license or California identification card.

Social security number (last 4 numbers)

I do not have a social security number.

California allows for 26 forms of identification, most without a photo, including ID cards from work or other commercial establishment, credit cards, utility bills, bank statements, government checks, a sample ballot sent to the voter's home, public housing ID, insurance cards, tuition statements, drug discount cards, public transit cards, drug prescriptions, and vehicle registrations. Most of these forms of "ID" do not prove citizenship. The bottom line is that California, with the nation's greatest number of registered voters (more than 22 million), operates on an honor system ([California Secretary of State, 2020](#)).*

H.R. 1 (2021) would impose California's lax voter identification standards on the entire nation by allowing for a sworn statement of a voter's eligibility in place of verified identification. Section 1903 of the bill amends Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) by inserting after Section 303 a new section that allows voters who vote in person or by mail to sign a statement that they are eligible voters.

This sworn statement (**Figure 2**) could take a form similar to the one on California's online voter registration site ([California Secretary of State, 2021a](#)):

Past the sworn statement, the voter list system in California will not follow up to determine citizenship eligibility. So, whether the registrant votes by mail or in person, and in the latter case, is asked to show proof of residency, there will be no proof of citizenship required. As California rolled out its automatic voter registration system through its Department of Motor Vehicles driver's license process in April 2018—automating its existing registration processes—105,000 errors were later discovered in the first year of operation, including the registration of at least one noncitizen with 1,500 ineligible people signed up, six of whom voted ([Vasilogambros, 2019](#)).

Figure 2

Sworn Statement Form on California Ballot

Affirmation

- I declare under penalty of perjury under the laws of the State of California that: *
- I am a U.S. citizen and a resident of California and at least 18 years old.
 - I am not currently serving a state or federal prison term for the conviction of a felony.
 - I am not currently found mentally incompetent to vote by a court.
 - I understand that it is a crime to intentionally provide incorrect information on this form.
 - The information on this form is true and correct.

In Virginia, the Public Interest Legal Foundation asked various county registrars to report on how many registrants were signed up to vote after having informed the county registrars that they were not citizens *on the registration form itself*. After a legal fight forcing the county officials to reveal the information, it came to light that some 5,556 Virginia voters had been registered after telling election officials that they were not citizens. Of these registrants, 1,852 people cast some 7,474 ballots before election officials canceled their registrations ([Public Interest Legal Foundation, 2017](#)).

Of note, Section 1015 of H.R.1 would prevent local election officials from releasing information about registered voters who admitted on their voter registrations to not being citizens.

Relatedly, in Harris County, Texas, the Public Interest Legal Foundation (2020) brought a case claiming that county officials routinely added people to the registration lists who nevertheless responded "no" to the question, "Are you a citizen of the United States?" The case *In re Juan Gerardo Perez Pichardo and Public Interest Legal Foundation* (2020) brought in September 2020 was denied hearing on October 22, 2020, by the Supreme Court of Texas with at least one judge wishing to hear the case.

While H.R.1 (2021) would make it difficult to prevent noncitizens from registering to vote and even voting, another portion of the bill would also make it more difficult to remove deceased voters and those who moved out of state from the voter lists. Subtitle C of the bill, entitled "Prohibiting Voter Caging," would outlaw a practice that Texas and many other states use to maintain their voter lists. Caging involves, per the bill,

a nonforwardable document that is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver such document to the address of a registered voter or applicant; or any document with instructions to an addressee that the document be returned to the sender or a third party but is not so returned, despite an attempt to deliver such document to the address of a registered voter or applicant, unless at least two Federal election cycles have passed since the date of the attempted delivery.

When a registered voter in Texas misses voting over two federal election cycles, the Texas Secretary of State can send a letter to the voter's address to determine if that voter is still active

* I saw this personally when walking my precinct in California during one of my reelection campaigns for the California State Assembly. I knocked on the door of a registered voter's home and asked for the voter. The person who answered the door indicated that he was the person. I asked for his vote, and I was met with a confused look. "I am not a citizen," the person responded. They were a citizen of the People's Republic of China. Yet, somehow, this individual was signed up to vote.

at that address. If the voter fails to respond—they may have died or moved away—they may be removed from the voter list. H.R. 1, as introduced in 2021, would outlaw this practice of voter list maintenance.

Recommendations

The quintupling of mail-in ballots in Texas from 204,000 in 2012 to 1,000,000 in 2020 bypasses the intent of Texas’s voter ID law, and, when combined with poorly maintained voter lists and inadequate voter verification, can increase the chance of election fraud changing election results. Texas voter lists could contain about 75,000 noncitizens, deceased voters, and people who have moved out of state.

To deal with these concerns and help protect the integrity of elections for the future of Texans:

- Ensure all voters for all offices to be United States citizens by requiring proof of citizenship at voter registration. Registration identification requirements should align with accepted identification for voting in person, with the provision a voter can submit a reasonable impediment declaration. Such standards should also apply to vote by mail or applications for ballot by mail.
- Remove all nonvoters from voter-registration lists after a set number of missed cycles, following a given notification period. This can be accomplished by address and status verification conducted by counties or the Texas Secretary of State in order to ensure accurate and up-to-date rolls.
- Enhance mail-in ballot security by improving voter verification of those ballots while working to reasonably restrict their use.
- Improve Texas’s vote-by-mail system by conducting all operations within the office of the Texas Secretary of State, including all counting and storage of ballots and applications for ballot by mail, and strengthening qualifications, such as implementing a defined disability-verification process.
- Strengthen coordination between the Texas Secretary of State’s elections division and Texas counties through measures such as standardized voter-registration information and communication. Specifically:
 - Require the Texas Secretary of State to establish and administer a standardized system for voter-registration information and communication.
 - Require all Texas counties to adhere to the minimum standards for voter-registration information and communication set by the Texas Secretary of State.
 - Require all Texas counties to exchange voter-registration information, and to modify their own voter-registration lists, on the demand of the Texas Secretary of State.
 - Require the Texas Secretary of State to perform a full audit of all county voter-registration lists every 5 years.
 - Require all Texas counties that fail to pass the 5-year audit, and/or fail to adhere to the minimum standards set for voter-registration information and communication—at the assessment and discretion of the Texas Secretary of State—to have their elections and voter-registration operations wholly run and supervised by the Texas Secretary of State for a 5-year period.
- Aggressively police ballot trafficking. Increase criminal penalties for persons committing voter-assistance fraud and prohibit certain persons from soliciting, intimidating, or coercing voters. ★

References

- Adams, J. (2020). *Critical condition: American voter rolls filled with errors, dead voters, and duplicate registrations*. Public Interest Legal Foundation. https://publicinterestlegal.org/files/Report-Critical_Condition-Web-FINAL-FINAL.pdf
- Baker, B. (2019) *Estimates of the lawful permanent resident population in the United States and the subpopulation eligible to naturalize: 2015-2019*. Office of Immigration Statistics, U.S. Department of Homeland Security. https://www.dhs.gov/sites/default/files/publications/immigration-statistics/Pop_Estimate/LPR/lpr_population_estimates_january_2015_-_2019_v2.pdf
- Ball, M. (2021, February 4). The secret history of the shadow campaign that saved the 2020 election. *Time*. <https://time.com/5936036/secret-2020-election-campaign/>
- Barclays Official California Code of Regulations (2006, February) § 20107. Standards for Proof of Residency or Identity When Proof Is Required by Help America Vote Act. *California Secretary of State*. https://elections.cdn.sos.ca.gov/regulations/hava_id_regs_from_barclays_3_3_06.pdf
- California Secretary of State. (2020, October 19). *15-day report of registration, October 19, 2020, for the November 3, 2020, general election*. <https://elections.cdn.sos.ca.gov/ror/15day-gen-2020/historical-reg-stats.pdf>
- California Secretary of State. (2021a, January). *Classification - Voter registration application*. <https://covr.sos.ca.gov/>
- California Secretary of State. (2021b, January). *Historical vote-by-mail (absentee) ballot use in California*. <https://www.sos.ca.gov/elections/historical-absentee>
- Center for Jury Studies. (n.d.). *State of the States, Comparative Data*. Retrieved March 3, 2021, from <https://www.ncsc-jurystudies.org/state-of-the-states/jury-data-viz>
- Chalabi, M (2015, June) *What are the chances of serving on a jury?* FiveThirtyEight. <https://fivethirtyeight.com/features/what-are-the-chances-of-serving-on-a-jury/>
- Childers, S. (2020, June 11). *Nearly 400K vote-by-mail applications sent to Harris Co. seniors ahead of election*. ABC13. <https://abc13.com/texas-mail-in-ballot-voting-coronavirus-during/6243587/>
- Cranley, E. (2019, February 16). *Texas secretary of state apologized for inaccurate claim of 95,000 non-citizen voters that Trump tweeted as evidence of voter fraud*. Business Insider. <https://www.businessinsider.com/texas-secretary-of-state-retracts-figures-on-illegal-voters-2019-2>
- DeVore, C. (2020). *Mail-in balloting in Texas: Weaknesses and recommendations*. Texas Public Policy Foundation. <https://www.texaspolicy.com/mail-in-balloting-in-texas-weaknesses-and-recommendations/>
- HB 2023. Chaptered. 52nd Arizona Legislature 2nd Regular. (2016). <https://www.azleg.gov/legtext/52leg/2r/laws/0005.pdf>
- H.R.1 - For the People Act of 2021. 117th U.S. Congress. (2021). <https://www.congress.gov/bill/117th-congress/house-bill/1/text?q=%7B%22search%22%3A%5B%22hr1%22%5D%7D&r=1&s=2>
- Harper, B. K. (2020, October 19). *Texas can reject mail-in ballots over mismatched signatures without giving voters a chance to appeal, court rules*. Texas Tribune. <https://www.texastribune.org/2020/10/19/texas-mail-in-ballots-signatures/>
- Harper, K. (2021, January 11). *Four years ago, Texas Republicans were the most likely to use mail-in voting. Here's how that flipped in the last election*. Texas Tribune. <https://www.texastribune.org/2021/01/11/texas-mail-in-ballot-absentee-democrats-republicans/>
- Heritage Foundation. (n.d.). *A sampling of recent election fraud cases from across the United States*. <https://www.heritage.org/voterfraud/#choose-a-state>
- In re Juan Gerardo Perez Pichardo and Public Interest Legal Foundation (Harris County)* (October 9, 2020). https://publicinterestlegal.org/files/In-re-Pichardo-and-PILF-Petition-and-Appendix-Tex.-Sup.-Ct._Redacted-1.pdf

- Keel, J. (2007, November). *An audit report on the voter registration system at the Texas Secretary of State's office* [Report No. 08-012]. Texas State Auditor's Office. <https://sao.texas.gov/Reports/Main/08-012.html>
- National Conference of State Legislatures. (2020a, April 17). *Voting outside the polling place: Table 14: How states verify voted absentee ballots*. <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-14-how-states-verify-voted-absentee.aspx>
- National Conference of State Legislatures. (2020b, August 25). *Voter identification requirements | Voter ID laws*. <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>
- Nichols, M. (2020, October 19). *750,000 mail-in ballots were rejected in 2016 and 2018. Here's why that matters*. ABC News. <https://abcnews.go.com/Politics/750000-mail-ballots-rejected-2016-2018-matters/story?id=73645323>
- Paxton, K. (2019, January) *AG Paxton: Texas Secretary of State's office discovers nearly 95,000 people identified by DPS as non-U.S. citizens are registered to vote in Texas* [News release]. Texas Attorney General. <https://www.texasattorneygeneral.gov/news/releases/ag-paxton-texas-secretary-states-office-discovers-nearly-95000-people-identified-dps-non-us-citizens>
- Platoff, E. (2020, October 7). *Harris County can't send mail-in ballot applications to all registered voters, Texas Supreme Court rules*. Texas Tribune. <https://www.texastribune.org/2020/10/07/harris-county-mail-in-ballot-applications/>
- Public Interest Legal Foundation. (2017). *Alien invasion II – The sequel to the discovery and cover-up of non-citizen registration and voting in Virginia*. <https://publicinterestlegal.org/files/Alien-Invasion-II-FINAL.pdf>
- Resp'ts Br. in Opp'n to Pets. for Writ of Cert., *Brnovich v. Democratic Nat'l Comm.*, cert. granted 141 S. Ct. 222 (Oct. 2, 2020)(No.19-1257).https://www.supremecourt.gov/DocketPDF/19/19-1257/146766/20200701155403252_19-1257%20-1258%20Brief%20in%20Opposition.pdf
- Richardson v. Hughs*, 978 F.3d 220 (5th Cir. 2020). <https://www.ca5.uscourts.gov/opinions/pub/20/20-50774-CV0.pdf>
- SB 5. Enrolled. 85th Texas Legislature. First Called Session. (2017). <https://capitol.texas.gov/tlodocs/851/billtext/pdf/SB00005F.pdf>
- Silva, D. (2019, January) *Latino group sues Texas over flagging potential noncitizens on voter rolls*. NBC News. <https://www.nbcnews.com/news/latino/texas-officials-sued-latino-group-over-suggestion-non-citizens-may-n964136>
- Texas Secretary of State. (2021a, January). *Turnout and voter registration figures (1970-current)*. <https://www.sos.state.tx.us/elections/historical/70-92.shtml>
- Texas Secretary of State. (2021b, January). *Cancellation trend report*. <https://www.sos.texas.gov/elections/team/cancellation-trend-reports/index.shtml>
- U.S. Census Bureau (2021a, January) QuickFacts – Starr County, Texas. <https://www.census.gov/quickfacts/starrcountytexas>
- U.S. Census Bureau (2021b, January) QuickFacts – Webb County, Texas. <https://www.census.gov/quickfacts/webbcountytexas>
- U.S. Department of Homeland Security. (n.d.). *Be your REAL ID self*. Retrieved January 2021, from <https://www.dhs.gov/real-id>
- Ura, A. (2019, April 26) *Texas will end its botched voter citizenship review and rescind its list of flagged voters*. Texas Tribune. <https://www.texastribune.org/2019/04/26/texas-voting-rights-groups-win-settlement-secretary-of-state/>
- Vasilogambros, M. (2019, October) *Glitches in California embolden automatic voter registration foes*. Pew Trusts. <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/10/17/glitches-in-california-embolden-automatic-voter-registration-foes>

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