

PUBLIC INTEREST

— LEGAL FOUNDATION —

LITIGATION MEMO: HARRIS COUNTY, TEXAS

The Public Interest Legal Foundation (“PILF”) filed a lawsuit against the Office of Harris County Tax Assessor-Collector for failure to comply with federal voter record inspection rights under the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20507. Specifically at issue are denials of inspection regarding records belonging to ineligible noncitizen registrants and voters in the county. Harris has refused to comply with federal law mandating inspection.

Factual Background

In April 2015, the PILF [submitted](#) an *amicus curiae* brief to the U.S. Supreme Court on behalf of a client detailing a very small sample of 13 cases where individuals admitted to noncitizenship or refused to declare a status at all when apply for voting, yet were registered anyway. The brief further noted testimony from the Harris County voter registrar’s office in 2006 that noncitizen voting “has and will continue to occur.” PILF wanted to probe deeper into the problem that Harris itself admitted was happening.

In May 2015, the Harris County Voter Registrar [testified](#) before the Texas House Elections Committee that “thousands” of noncitizens were discovered in the voter registration system annually and were regularly handed over to the District Attorney for prosecution.

PILF Efforts to Obtain Noncitizen Records in Harris County

In December 2017, the PILF submitted an *NVRA inspection request* for all records related to noncitizen list maintenance in Harris County. This included records where aliens were detected as well as broader information about the presence of noncitizens on the rolls. The request was designed to account for any scenario where a noncitizen could become registered and information about this was discovered afterwards. These types of requests in other states revealed serious defects in election integrity procedures.

The December 1, 2017 request had a deadline to arrange an inspection by December 18, 2017. The Harris County request was part of a select project across Texas with Bexar, Cameron, Dallas, El Paso, Tarrant, Travis, Maverick, Val Verde, and Webb Counties were also probed, among others.

Inspection Denial Timeline

On December 14, Harris County Attorney **Vince Ryan’s** office responded on behalf of the Voter Registrar, seeking clarifications to documents sought but under the framework of the Texas Public Information Act. This was the *first refusal to comply with our request* pursuant to federal inspection rights under the NVRA.

On December 18, the PILF responded by reinforcing that inspection rights were *being executed under federal law*—not Texas—where the local government has some ability to restrict access to

information. On January 4, 2018, Harris County responded and doubled down on its effort to process the matter under the more restrictive state statute by forwarding the request on to the Texas Attorney General for a ruling. **Again, Harris County ignored the fact that the request was made according to federal law.** Vince Ryan’s presentation of PILF’s request to General Ken Paxton made no mention of the fact that PILF was expressing federal inspection rights.

Harris County’s refusal to grant inspection constituted a violation of the NVRA. Notice was served on January 18, 2018.

Goals & Educational Opportunities

The question is not if, but how many aliens are getting onto Texas rolls, and voting? In 2015, then-Voter Registrar Mike Sullivan testified before the Texas House of Representatives that his office forwarded noncitizen voting cases in the “low hundreds” on a monthly basis to law enforcement, confirming that it totaled to “low thousands” on an annual basis.

Contained in the records requested by PILF will be individual stories of how the system is failing, and how it allows aliens to vote. We also will learn how long they existed in the registry before they were removed—and how. The NVRA inspection right gives a requestor unfettered access to documents where Texas law sets up barriers in contrast.

The records will also help quantify how many noncitizen voters were given amnesty for their multiple apparent felonies under U.S. and Texas law—and which law enforcement offices gave it to them. It is very common for noncitizens to self-report their illegal voter registrations to preempt the risk of their naturalization applications from being rejected.

[Public Interest Legal Foundation](#) (PILF) is a 501(c)(3) public interest law firm dedicated to election integrity. The Foundation exists to assist states and others to aid the cause of election integrity and fight against lawlessness in American elections. Drawing on numerous experts in the field, PILF seeks to protect the right to vote and preserve the Constitutional framework of American elections.