

February 14, 2022

The Honorable John B. Scott  
Secretary of State  
P.O. Box 12887  
Austin, TX 78711

Via email: [secretary@sos.texas.gov](mailto:secretary@sos.texas.gov)

Dear Secretary Scott,

Our democracy is built upon the freedom to vote. As voters, advocates, and Texans, we are alarmed at a series of recent high profile failures by the Secretary of State's Office under your leadership that have threatened Texans' access to the ballot box during the 2022 primaries. These problems come after many years of growing public mistrust in the impartiality and fairness of your Office, and have triggered a crisis of confidence specifically in your ability to serve as Texas' Chief Elections Officer. **It is your responsibility as Secretary of State to make sure that this year's primary runs smoothly, and if you do not take immediate action to restore trust in your Office and stop this pattern of repeated failures, you risk permanently losing the trust of Texans in your ability to faithfully and impartially administer elections.**

In recent years, a series of decisions by the Secretary's Office has created a dangerous impression that it is regularly being used to suppress voting for people of color, workers, and people with disabilities, instead of ensuring free and fair elections in Texas. In 2019, one of your predecessors used flawed data from the Department of Public Safety in an attempt to purge naturalized citizens from the voter rolls, which collapsed after a judge ruled that the effort exemplified "the power of government to strike fear and anxiety to intimidate the least powerful among us."<sup>1</sup> In 2020, another of your predecessors forced Harris County to abandon a plan to proactively send mail ballot applications to every registered voter, and worked with Governor Abbott to slash the number of mail ballot drop off sites on the eve of the 2020 election.

As if that were not bad enough, shortly before your appointment, the Secretary's Office ordered a highly partisan review of the 2020 election in four counties, without providing any basis to question those results. Coming only hours after former President Donald Trump demanded that Governor Abbott add a sham election review bill to the agenda of the third special legislative session, the review appeared to most observers as nothing more than an obvious political favor that Governor Abbott asked the Secretary's Office to provide. Furthermore, your own appointment as Secretary of State after serving as a "Stop the Steal" lawyer working to overturn the 2020 election—an effort you have yet to fully repudiate—naturally raised questions about whether elections would be administered fairly and impartially this year.

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<sup>1</sup> Alexa Ura, *Texas will end its botched voter citizenship review and rescind its list of flagged voters*, Texas Tribune (Apr. 26, 2019), <https://www.texastribune.org/2019/04/26/texas-voting-rights-groups-win-settlement-secretary-of-state/>.

All of these factors helped to create and fuel a crisis of confidence in the Secretary of State's Office as we entered the 2022 primary season. You could have chosen to make it your top priority to rebuild public faith and trust in your Office after years of missteps. Instead, you doubled down on the weaponization of your Office for partisan gain, such as by refusing to confirm your Office's prior announcement that the 2020 election was "smooth and secure." More alarmingly, you made clear that continuing the sham partisan election review would be your "first and foremost" priority, seemingly over and above administering the upcoming primary and serving Texas voters:

**It's the first thing I asked about today...It's gonna be the first thing we talk about in the morning. It is the first thing we talk about before we go to lunch. It is the first thing we talk about when we come back from lunch. It's gonna be the last thing we talk about at the end of the day.<sup>2</sup>**

Even in "normal" times, making a useless election review your top priority would have been a substantial waste of taxpayer money and resources. But it should have been your more urgent priority in that same period of time to ensure the successful implementation of Senate Bill 1 – a massive 76-page voter suppression bill passed in 2021 that rewrote large sections of the Election Code.

The effects of your apparent neglect in the last few months are now being felt by Texas voters across the state. Your Office failed to provide adequate and timely guidance to counties about how to handle a number of the new rules, such as the new requirement to provide an ID or Social Security number on mail ballot materials or the curing process when the numbers provided do not "identify" the voter. Your Office rolled out a new mail ballot tracker website only in mid-January, without any attempt to educate voters about the new system. To this day, many voters have no idea that they can now track their mail ballot applications and ballots online, significantly undermining the usefulness of the website.

Incredibly, your Office even initially failed to secure enough paper to print voter registration forms and announced that you would ration applications in the weeks before the registration deadline. This was a seismic blunder that threatened many thousands of eligible voters, and which you worked to fix only after a massive public outcry. And the recent revival of the citizenship review process has already wrongly flagged too many voters as "non-citizens," thereby threatening a repeat of the 2019 debacle.

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<sup>2</sup> Patrick Svitek, *Texas' new secretary of state doesn't deny Joe Biden's 2020 victory, but he's still prioritizing an election audit*, Texas Tribune (Oct. 28, 2021), <https://www.texastribune.org/2021/10/28/texas-secretary-of-state-john-scott-election-audit/>.

In the weeks ahead, you must ensure that county election officials have clear and practical guidance on how to implement all of the new election laws, especially Senate Bill 1. You must aggressively expand efforts to educate voters about all of the recent changes, including (as just one example) the new mail ballot tracker website. You must work with counties to protect voters who are facing a new wave of voter intimidation and political violence, including potentially from newly emboldened partisan poll watchers inside polling places. And there must not be anything like the six hour long lines that Texas saw during the March 2020 primaries.

**You have already squandered too much time in your first months in office chasing down conspiracy theories and doing political favors for politicians. If you once again fail to work to earn the trust of Texas voters during the primary, you risk permanently and irrevocably losing their trust in your administration of the state's elections.**

Sincerely,

American Council of the Blind of Texas (ACBT)

APAPA-TX

Austin Asian Community Civic Coalition

Avow

Battleground Texas

Common Cause Texas

Emgage Action

Far Northwest (Travis County) Progressives

Fayette County Democratic Party

Grassroots Leadership / Texas Advocates for Justice Houston

Houston in Action

Indivisible TX Lege

Justice Strategies LLC

Mi Familia Vota

MOVE Texas

National Council of Jewish Women

NEIGHBORHOODS FIRST ALLIANCE

Our Vote Texas

Progress Texas

REV UP Texas

Texas AFL-CIO

Texas Civil Rights Project

Texas Coalition of Black Democrats

Texas Freedom Network

Texas Rising  
The Good Deed Corps  
Waco NAACP  
West Street Recovery  
Young Black Lawyers' Organizing Coalition (YBLOC)  
Youth Rise Texas

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