

**Congress of the United States**  
**Washington, DC 20515**

October 6, 2020

The Honorable Greg Abbott  
Governor of Texas  
Office of the Governor  
Post Office Box 12428  
Austin, Texas 78711

Dear Governor Abbott:

We are investigating actions you have taken that may interfere with the administration of free, fair, and safe federal elections in Texas during the coronavirus pandemic. In particular, we are concerned that your last-minute proclamation forcing Texas counties to close multiple ballot drop-off locations will disenfranchise voters and may increase the risk of exposure to the coronavirus for voters and poll workers. We write today to urge you to reverse this order—which was issued after these locations had begun accepting ballots—and provide documents regarding your decision to restrict early voting by mail in Texas.<sup>1</sup>

On October 1, 2020, you issued a proclamation requiring early vote-by-mail ballots that are returned in person to be delivered to “a single early voting clerk’s office” location designated by a county’s early voting clerk.<sup>2</sup> In a statement accompanying your proclamation, you described the order as a step “to strengthen ballot security protocols” and “help stop attempts at illegal voting.”<sup>3</sup> Your statement did not describe how collecting mail ballots at multiple locations creates security threats or leads to illegal voting, and public information does not support these claims. Vote-by-mail ballot fraud is essentially non-existent,<sup>4</sup> and Texas already has stringent controls for the return of early vote-by-mail ballots, including requiring voters to show photo identification to early voting clerks when delivering marked early vote-by-mail ballots.<sup>5</sup>

In addition, evidence from Texas county officials shows that your claims have no basis in fact. Our Committees have been investigating election preparedness in Texas and have seen no

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<sup>1</sup> Office of the Texas Governor, *Governor Abbott Issues Proclamation Enhancing Ballot Security* (Oct. 1, 2020) (online at <https://gov.texas.gov/news/post/governor-abbott-issues-proclamation-enhancing-ballot-security>).

<sup>2</sup> Office of the Texas Governor, *Proclamation by the Governor of the State of Texas* (Oct. 1, 2020) (online at [https://gov.texas.gov/uploads/files/press/PROC\\_COVID-19\\_Nov\\_3\\_general\\_election\\_IMAGE\\_10-01-2020.pdf](https://gov.texas.gov/uploads/files/press/PROC_COVID-19_Nov_3_general_election_IMAGE_10-01-2020.pdf)).

<sup>3</sup> Office of the Texas Governor, *Governor Abbott Issues Proclamation Enhancing Ballot Security* (Oct. 1, 2020) (online at <https://gov.texas.gov/news/post/governor-abbott-issues-proclamation-enhancing-ballot-security>).

<sup>4</sup> *The False Narrative of Vote-by-Mail Fraud*, Brennan Center for Justice (Apr. 10, 2020) (online at [www.brennancenter.org/our-work/analysis-opinion/false-narrative-vote-mail-fraud](http://www.brennancenter.org/our-work/analysis-opinion/false-narrative-vote-mail-fraud)); Amber McReynolds and Charles Stewart III, *Let’s Put The Vote-By-Mail ‘Fraud’ Myth To Rest*, The Hill (Apr. 28, 2020) (online at <https://thehill.com/opinion/campaign/494189-lets-put-the-vote-by-mail-fraud-myth-to-rest>) (finding only 204 cases of absentee ballot voter fraud out of 250 million votes cast by mail); *Trump Is Pushing A False Argument On Vote-by-Mail Fraud. Here Are the Facts.*, New York Times (Sept. 28, 2020) (online at [www.nytimes.com/article/mail-in-voting-explained.html](http://www.nytimes.com/article/mail-in-voting-explained.html)).

<sup>5</sup> Texas Election Code 86.006(a-1).

evidence of the vague security threats or “attempts at illegal voting” alluded to in your proclamation. On August 14, 2020, we sent a letter to Texas Secretary of State Ruth Hughs requesting information about the state’s efforts to prepare for the election with safety measures to protect voters and election workers during the coronavirus pandemic.<sup>6</sup>

In response, the Secretary of State provided the results of a recent survey of all 254 Texas counties. The survey posed 59 questions to county election officials, including asking them to identify their primary concern for the 2020 elections and asking, “What specific topics would you like the SOS to assist with?” The survey also provided space for “additional comments.” In response to these questions and prompts, not a single one of Texas’s 254 county officials identified any concerns about the security of ballot drop-off locations.<sup>7</sup>

By contrast the most common concern, cited by one in five election officials, was recruiting enough poll workers to staff polling places for the election. The second-most common concern was ensuring counties have enough polling locations with sufficient space to allow social distancing and prevent long lines.<sup>8</sup> Reducing the ability of Texas voters to return mail-in ballots at multiple locations will almost certainly make these problems worse by forcing more Texans to vote in person on Election Day.

Although the evidence does not support the last-minute restrictions you imposed on the return of mail-in ballots, there is a pressing public health imperative to provide alternatives to in-person voting on Election Day. The Centers for Disease Control and Prevention (CDC) issued guidance to election officials to “offer alternative voting methods that minimize direct contact and reduce crowd size at polling locations.” CDC warned, “Unless there is no other option, do not increase the number of potential registered voters assigned to each polling place.”<sup>9</sup> This guidance echoes the concerns of county election officials in Texas about ensuring social distancing and preventing long lines at the polls.

Your last-minute restriction on casting early vote-by-mail ballots flies in the face of CDC guidance and the concerns of county election officials seeking to keep voters and election workers safe. By closing drop-off locations, you are forcing thousands of voters to congregate at a single county clerk’s office to deliver mail-in ballots. In Harris County, which includes the city of Houston and has more than 4.7 million residents, 12 locations will be consolidated into one.

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<sup>6</sup> Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, and Chairperson Zoe Lofgren, Committee on House Administration, to Texas Secretary of State Ruth Hughs (Aug. 14, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-08-13.Joint%20Cmte%20to%20Hughes%20re%20TX%20SOS.pdf>).

<sup>7</sup> Texas Secretary of State, *County Survey for 2020 Preparedness* (June 26, 2020) (online at [www.dropbox.com/s/7awnokstgay05bp/County%20Survey%20for%202020%20Preparedness%20%281%29.xlsx?dl=0](https://www.dropbox.com/s/7awnokstgay05bp/County%20Survey%20for%202020%20Preparedness%20%281%29.xlsx?dl=0)).

<sup>8</sup> Memorandum from Majority Staff to Members of the Select Subcommittee on the Coronavirus Crisis, *Examination of States’ Preparedness for the November Election* (Sept. 9, 2020) (online at [https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/20200909%20Select%20Subcmte%20Staff%20Memo\\_Examination%20of%20States%27%20Preparedness%20for%20the%20November%20Election.pdf](https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/20200909%20Select%20Subcmte%20Staff%20Memo_Examination%20of%20States%27%20Preparedness%20for%20the%20November%20Election.pdf)).

<sup>9</sup> Centers for Disease Control and Prevention, *Considerations for Election Polling Locations and Voters*, (June 22, 2020) (online at [www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html](https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html)).

Travis County, which has a population of 1.2 million, will be forced to consolidate four sites into one.<sup>10</sup>

Many of the voters who will be dropping off their completed ballots are at higher risk for severe illness. Texas has highly restrictive rules for early vote-by-mail eligibility, allowing only those over age 65 or those who are disabled to do so without an excuse, and it has litigated to keep those rules in place during the pandemic.<sup>11</sup> Your proclamation puts the elderly and disabled, already at high risk from the coronavirus, in harm's way as they contend with fewer locations and quite likely, longer lines.

Counties in Texas are as large as 6,000 square miles, so your proclamation could force voters to travel several hours to deliver their ballots.<sup>12</sup> Elderly and disabled Texans who want to drop off their mail-in ballots may find it difficult or even impossible to travel such long distances. Voters may be confused by this sudden change in policy, as some counties have advertised the locations of the ballot drop-off sites for weeks.<sup>13</sup>

The burden of your ill-advised proclamation falls most heavily on voters of color, who are over-represented in the largest counties where your proclamation has shuttered drop-off sites: Travis County is approximately 9% Black and 34% Latino, Harris County is 20% Black and 44% Latino,<sup>14</sup> and Fort Bend County is 21% Black and 25% Latino.<sup>15</sup> The Houston Chronicle editorial board argued your proclamation is “voter suppression—plain and simple.”<sup>16</sup>

At this late hour, the restrictions you have imposed are fundamentally unfair to voters, simultaneously restricting their ability to cast ballots and increasing the risk of voters and poll workers becoming infected with the coronavirus. Your action appears to be a last-ditch effort to suppress Texans' ability to vote.

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<sup>10</sup> *Texas Governor's Limit On Drop-Off Sites For Mail-In Ballots Criticized As Voter Suppression*, Washington Post (Oct. 1, 2020) (online at [www.washingtonpost.com/politics/2020/10/01/texas-voting-abbott/](http://www.washingtonpost.com/politics/2020/10/01/texas-voting-abbott/)).

<sup>11</sup> Memorandum from Majority Staff to Members of the Select Subcommittee on the Coronavirus Crisis, *Examination of States' Preparedness for the November Election* (Sept. 9, 2020) (online at [https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/20200909%20Select%20Subcmte%20Staff%20Memo\\_Examination%20of%20States%27%20Preparedness%20for%20the%20November%20Election.pdf](https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/20200909%20Select%20Subcmte%20Staff%20Memo_Examination%20of%20States%27%20Preparedness%20for%20the%20November%20Election.pdf)).

<sup>12</sup> *Voter Guide: Gov. Abbott Restricts Mail-In Ballot Drop-Off Locations; Where to Find Them*, NBC DFW (Oct. 1, 2020) (online at [www.nbcdfw.com/news/politics/voter-guide-texas-gov-abbott-restricts-mail-in-ballot-drop-off-locations/2453539/](http://www.nbcdfw.com/news/politics/voter-guide-texas-gov-abbott-restricts-mail-in-ballot-drop-off-locations/2453539/)).

<sup>13</sup> *Outrage as Texas Governor Orders Closure of Multiple Ballot Drop-Off Sites*, The Guardian (Oct. 1, 2020) (online at [www.theguardian.com/us-news/2020/oct/01/texas-governor-greg-abbott-ballot-votes-election](http://www.theguardian.com/us-news/2020/oct/01/texas-governor-greg-abbott-ballot-votes-election)).

<sup>14</sup> *Texas Governor's Closure of Mail-In Ballot Drop-Off Sites Will Impact States Most Diverse Cities*, Fox 40 (Oct. 3, 2020) (online at <https://fox40.com/news/texas-governors-closure-of-mail-in-ballot-drop-off-sites-will-impact-states-most-diverse-cities/>).

<sup>15</sup> Census, *Quick Facts: Fort Bend, Texas* (2019) (online at [www.census.gov/quickfacts/fortbendcountytexas](http://www.census.gov/quickfacts/fortbendcountytexas)).

<sup>16</sup> *Editorial: Abbott's Order Closing Ballot Drop-Off Sites is Voter Suppression—Plain and Simple*, Houston Chronicle (Oct. 2, 2020) (online at [www.houstonchronicle.com/opinion/editorials/article/Editorial-Call-Abbott-s-order-closing-mail-15617516.php](http://www.houstonchronicle.com/opinion/editorials/article/Editorial-Call-Abbott-s-order-closing-mail-15617516.php)); *State Republicans' Challenge to Early Voting Creates Turmoil, Uncertainty for Fort Bend County Election Officials*, Houston Chronicle (Oct. 2, 2020) (online at [www.chron.com/neighborhood/sugarland/news/article/State-Republicans-challenge-to-early-voting-15617525.php](http://www.chron.com/neighborhood/sugarland/news/article/State-Republicans-challenge-to-early-voting-15617525.php)).

For these reasons, please confirm by October 13, 2020, whether you will rescind your proclamation. In addition, our Committees request that you provide the following documents and information by October 13, 2020:

1. All documents and communications related to the proclamation issued on October 1, 2020; and
2. All documents and communications related to your decision to restrict drop-off locations for early vote-by-mail ballots.

Our Committees also request a staff briefing from your office on these issues by October 13, 2020.

The right to vote is guaranteed by the U.S. Constitution, and Congress has authority under the Constitution to investigate conduct at any level of government that may infringe on this fundamental right.<sup>17</sup> House Resolution 935 established the Select Subcommittee on the Coronavirus Crisis “to conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including “preparedness for and response to the coronavirus crisis.” Clause 1(k) of House Rule X provides the Committee on House Administration jurisdiction over “Federal elections generally.” The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

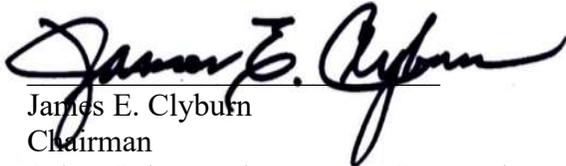
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<sup>17</sup> The Fifteenth Amendment enshrines the right to vote and grants Congress the authority to legislate to protect this right. U.S. Const., amend. XV (“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation.”). Moreover, Article I of the Constitution grants Congress the right to regulate the time, place, and manner of federal elections. U.S. Const., art. I, sec. 4 (“The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations.”). The Supreme Court has held that Congress’ oversight authority is as broad as its legislative reach. *See, e.g., Trump v. Mazars USA, LLP*, 591 U.S. \_\_ (2020) (holding that Congress’s “power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function,” and that the “congressional power to obtain information is ‘broad’ and ‘indispensable’”) (citations omitted); *Eastland v. United States Servicemen’s Fund*, 421 U.S. 491 (1975) (holding that Congress’ power to investigate “is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution”).

The Honorable Greg Abbott  
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An attachment to this letter provides additional instructions for responding to this request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,

  
James E. Clyburn  
Chairman  
Select Subcommittee on the Coronavirus  
Crisis

  
Zoe Lofgren  
Chairperson  
Committee on House Administration

  
Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform

Enclosure

cc: The Honorable Steve Scalise, Ranking Member  
Select Subcommittee on the Coronavirus Crisis

The Honorable Rodney Davis, Ranking Member  
Committee on House Administration

The Honorable James R. Comer, Ranking Member  
Committee on Oversight and Reform