



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

PROTECT YOUR VOTE

INFORMATION FOR THE TEXAS VOTER

Attorney General Ken Paxton issues the following guidance regarding election law in the State of Texas. This advisory is part of Attorney General Paxton's Election Integrity Initiative which leverages OAG law enforcement authority and resources to protect the integrity of every legal vote.

Significant growth of the noncitizen population in Texas and a pattern of partisan efforts to illegally weaponize voter registration and the voting process to manipulate electoral outcomes have created urgent risks to local, state, and federal elections. The following guidance clarifies and emphasizes several key aspects of election law.

(1) You must be a United States citizen and a Texas resident to vote.¹

- **It is a crime to vote in Texas if you are not a United States citizen and a Texas resident or to help someone vote who is not.² You can be sentenced to up to 20 years in prison and pay up to a \$10,000 fine.³**
- **It is a crime in Texas to lie about your citizenship when you register to vote or to help someone else do so. You can be sentenced to up to two years in a state jail and pay up to a \$10,000 fine.⁴**

You are a United States citizen if: you were born in the United States; you were born abroad to United States citizens; or you are a naturalized United States citizen, meaning you were an eligible legal immigrant who applied for citizenship and you were granted it.⁵

You are NOT a United States citizen just because you are or have been any of the following:

- residing in the United States;
- lawfully present in the United States;
- legally permitted to work in the United States;
- granted asylum or are seeking asylum from the United States;
- issued a social security number;
- issued a driver's license or other state-issued identification card.

(2) Vote harvesting is a felony.

- **Beware of individuals who offer to help you apply for a mail-in ballot, offer to help you fill out your ballot, or offer to mail your ballot for you. To ensure no one attempts to vote criminally in your name, Texas law limits who can help you with casting your ballot.**
- **Participating in or assisting others in voting illegally or in vote harvesting is a felony punishable by prison time.⁶**

Vote harvesting, or ballot harvesting, refers to attempts made to secure votes for a specific candidate under the pretext of helping you submit a ballot. Vote harvesting operations may prey on the trust of voters who can legally vote by mail and who may need assistance to vote.⁷ Vote harvesters may target these voters with deceptive offers to assist the voter in applying for a mail-in ballot. The vote harvesters may then return under the pretext of helping the voter, but with the intention of influencing the voter to vote for a specific candidate. Areas with a high density of voters, including senior living facilities and group housing such as apartment buildings, can be potential targets by vote harvesting operations.⁸

You have the right to:

- *Vote independently.* No one should ever tell you who to vote for while you are voting.
- *Decide how to vote.* No one should pressure you to vote by mail if you prefer to vote in person.
- *Vote your ballot in private.* No one should help or watch how you vote without your permission.
- *Seal and mail your ballot yourself.* If you qualify for and choose to vote using a mail-in ballot, you should not allow another person to seal or mail your ballot unless you are physically unable to do so. You may, however, seek assistance in sealing or mailing your ballot if you are physically incapacitated.⁹

(3) It is illegal to misrepresent your residence on election records or to establish a residence for the purpose of influencing the outcome of an election.¹⁰

- **You must provide the address where you reside when registering to vote.¹¹**

You must register to vote using the address where you reside.¹² It is illegal to submit a false statement of residence on an election record such as an application for voter registration, application for ballot by mail, or poll check-in forms.¹³

(4) Influencing a disabled voter's vote is illegal.

- **Beware of individuals who approach your home and offer to help you with your ballot.**
- **Texas law makes it illegal to suggest how a disabled voter should vote while providing assistance.¹⁴**

Texas law prohibits anyone who assists you with a mail-in ballot from influencing how you vote.¹⁵ Generally, you are allowed to choose who assists you in voting, but there are some people who may not assist you. People who may not assist you in voting include: your employer, your employer's agent, or the agent of a union to which you belong.¹⁶ Any person assisting you must complete an oath attesting that they have not tried to influence your vote. An elections official will never approach you at your home or outside of your polling place to offer assistance or take your ballot.

(5) Government officials cannot engage in prohibited electioneering.

- **Public officials and employees, including school district officials, may not use public resources to advocate, support, or oppose a candidate or measure.¹⁷**

It is a crime for public employees and officers to use public personnel, equipment, internet, email, or facilities to distribute political advertising.¹⁸ "Political advertising" is a written communication that supports or opposes: a candidate for nomination or election to public office; a candidate for nomination or election to an office of a political party; a political party; a public officer; or a measure.¹⁹

(6) You have the right to vote in secret and not show your ballot to anyone else.

State law requires election administrators to protect your right to a secret ballot.²⁰ Vote at a polling location in your assigned precinct to ensure the best protection of ballot privacy.²¹

(7) Election violations should be reported.

If you suspect an election violation you may file a complaint with:

- the Texas Attorney General's Office at illegalvoting@oag.texas.gov;
- the Texas Secretary of State www.VoteTexas.gov;²²
- your local district attorney;²³ or
- your local law enforcement agency.

For more information on reporting a complaint, please see this Office's website at <https://texasattorneygeneral.gov/initiatives/election-integrity>.



KEN PAXTON
Texas Attorney General

¹ Tex. Const. art. VI, § 2.

² Tex. Elec. Code § 64.012(a); Tex. Pen. Code § 37.10. For more information, please see the Secretary of State's *Election Advisory No. 2024-19* located at <https://www.sos.state.tx.us/elections/laws/advisory2024-19.shtml>.

³ Tex. Elec. Code § 64.012(a)(1); Tex. Pen. Code § 12.33.

⁴ Tex. Pen. Code §§ 37.10(a)(2), 12.35.

⁵ U.S. Const. Amend. XIV, Section 1, Clause 1.

⁶ Tex. Elec. Code §§ 276.012, 276.015.

⁷ *Id.* §§ 82.002, 82.003.

⁸ These locations contain a greater population density and allow harvesters to more easily identify and target voters who are over the age of 65 or disabled.

⁹ *Id.* §§ 64.032(c), 86.0051(b), 86.006(f), & 86.010.

¹⁰ *Id.* § 1.015.

¹¹ *Id.* § 64.012.

¹² *Id.* §§ 11.001(b), 1.015.

¹³ Tex. Pen. Code § 37.10.

¹⁴ Tex. Elec. Code §§ 82.002, 82.003.

¹⁵ *Id.* § 86.010.

¹⁶ *Id.* § 64.032.

¹⁷ For more information, please see the Secretary of State's *Election Advisory No. 2024-06* located at <https://www.sos.texas.gov/elections/laws/advisory2024-06.shtml>.

¹⁸ Tex. Elec. Code §§ 255.003, 255.0031; [Tex. Ethics Comm. Op. No. 45 \(1992\)](#); [Tex. Ethics Comm. Op. No. 443 \(2002\)](#); [Tex. Att'y. Gen. Op. No. KP-0177 \(2018\)](#).

¹⁹ Tex. Elec. Code § 251.001(16).

²⁰ *Wood v. State ex rel. Lee*, 126 S.W.2d 4, 8–9 (Tex. 1939) (interpreting Tex. Const. art. VI, § 4 as providing a right to a secret vote or ballot); *but see Oliphint v. Christy*, 299 S.W.2d 933, 938–39 (Tex. 1957) (stating certain public interests may outweigh an individual's right to a secret ballot); Tex. Elec. Code § 1.012(h).

²¹ For more information, please see the Secretary of State's *Election Advisory No. 2024-20* located at <https://www.sos.state.tx.us/elections/laws/advisory2024-20.shtml>.

²² Tex. Elec. Code § 31.006.

²³ *Id.* § 273.001.