



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 2, 2024

Peter Sakai
Bexar County Judge
CountyJudge@bexar.org

Rebeca Clay-Flores
Precinct 1 Commissioner
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Justin Rodriguez
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Grant Moody
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Tommy Calvert
Precinct 4 Commissioner
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Judge Sakai and Bexar County Commissioners:

I write today concerning the proposal slated for consideration at your commissioners court meeting this Tuesday to spend hundreds of thousands of taxpayer dollars to mail unsolicited voter registration applications to an untold number of Bexar County residents regardless of whether those residents have requested such an application or are even eligible to vote. At best, this proposal is ill-advised because it potentially confuses residents of Bexar County about whether they are eligible to vote. At worst, it may induce the commission of a crime by encouraging individuals who are ineligible to vote to provide false information on the form. Either way, it is illegal, and if you move forward with this proposal, I will use all available legal means to stop you.

According to the September 3, 2024, agenda for the Bexar County Commissioners Court, the Court is considering hiring a company to perform services for the County that the County is unauthorized to perform. Item 66 on the agenda reads:

66. Discussion and appropriate action regarding granting a discretionary exemption to the competitive bidding requirements set forth in the Texas County Purchasing Act for the

purpose of awarding a purchase order to Civic Government Solutions, LLC to print and mail State Voter Registration Forms, with postage paid return envelopes, to unregistered voters in location(s) based on targeting agreed to by the County, to include data and reporting in the amount of \$392,700, on a discretionary exemption basis, in accordance with Texas Local Government Code § 262.024(7)(a), as requested by Commissioners Court; and authorizing the Purchasing Agent to execute contract and file the appropriate award documents for record.

Because Bexar County has no authority to “print and mail State Voter Registration Forms, with postage paid return envelopes, to unregistered voters in location(s),” such a proposal is *ultra vires*.

Bexar County only has authority granted to it by law and can take no action without a grant of legal authority. Nothing in Texas law gives counties the power to “print and mail State Voter Registration Forms, with postage paid return envelopes, to unregistered voters” who have not requested such forms. Nor does Texas law authorize Bexar County to grant a discretionary exemption to the competitive bidding requirements set forth in the Texas County Purchasing Act section 262.024(7). That section only applies to an “item that can be obtained from only one source.” But registering voters is a service, not an “item”—a service which is provided by numerous entities and people from the Secretary of State to volunteer deputy registrars.¹

When Harris County similarly attempted in 2020 to send applications to vote by mail to every registered voter in the county—whether they asked for an application or not, and whether they were eligible to vote by mail or not—I sued Harris County and won. *State v. Hollins*, 620 S.W.3d 400 (Tex. 2020). Citing a century of precedent, the Court held that “[w]hile the [Election Code] does not prohibit mass mailings,” Harris County’s actions were nonetheless unlawful because “it expressly contemplates that ballot applications are requested by voters.” *Id.* at 408. And it emphasized that “[a]ny reasonable doubt must be resolved against an implied grant of authority” to the County. *Id.* at 409. Because the same can be said for mass mailings of voter registration applications, I am confident the courts will agree with me that your proposal exceeds your authority.

Your proposal is particularly troubling this election cycle. In any year, there are numerous individuals within Texas who are not eligible to register to vote—for example, because they have been finally convicted of a felony. This year that concern is magnified because as you are aware, the Biden-Harris administration’s open border policies have saddled Texas—and the entire country—with a wave of illegal immigration that has resulted in ballooning noncitizen populations across our State. It is more important than ever that we maintain the integrity of our voter rolls and ensure only eligible voters decide our elections. Your proposal does the opposite by indiscriminately inviting county residents to register to vote regardless of their eligibility. I urge you to abandon this proposal. If you do not, I will see you in court.

¹ To the extent Civic Government Solutions, LLC has promised a certain level of results in return for \$392,700 of Bexar County taxpayers’ money, the proposed illegal purchase order may also violate section 13.008 of the Election Code, which makes it a class A misdemeanor to pay for and accept compensation for voter registrations.

For Texas,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive style with a large, prominent initial "K".

KEN PAXTON
Attorney General