

United States Senate

WASHINGTON, DC 20510

October 23, 2026

The Honorable Aaron Reitz
United States Attorney
U.S. Attorney's Office
Southern District of Texas
1000 Louisiana, Ste. 2300
Houston, TX 77002

Dear Mr. Reitz:

I write to seek more information about your October 19, 2026 statement outlining the Department of Justice's ("the Department" or "DOJ") planned election-related activities in the Southern District of Texas surrounding the 2026 general election.¹

The Department has an important responsibility to protect Americans' right to vote and uphold federal voting rights and election laws. Prior DOJ leadership across different administrations has long recognized that overt actions by federal prosecutors during election season carry the risk of intimidating eligible voters, chilling lawful civic participation, and undermining confidence in elections. This election non-interference policy has been memorialized in the Department's Justice Manual, which warns that DOJ officials "should generally avoid interfering or appearing to interfere with election administration, tabulation, validation, or certification" and that "[f]ederal prosecutors and agents may never select the timing of any action, including investigative steps, criminal charges, or statements, for the purpose of affecting any election, or for the purpose of affecting any election [...]."² These guardrails are especially important at a time when election workers already face threats and harassment while carrying out their responsibilities—an unfortunate reality that the Federal Bureau of Investigation warned about in its October 15, 2026 Public Service Announcement.³

Your October 19 statement by contrast, intentionally released on the first day of early voting in Texas, raises questions about potential federal election interference by your office, potential conflicts of interest between you and state officials, and the risk of a politicized DOJ intimidating voters, voting rights organizations, and local election officials in Texas. Without pointing to any credible evidence, you said, "I will hunt you down and prosecute you", while referencing unnamed "crooked local election administrators" and "foreign actors and their NGO allies."⁴ Election officials and lawmakers from across the political spectrum and the country, including in

¹ Press Release, U.S. Attorney's Office, Southern District of Texas (Oct. 19, 2026), <https://www.justice.gov/usao-sdtx/pr/us-attorney-aaron-reitz-statement-election-season-and-federal-election-law>

² U.S. Department of Justice, Justice Manual, §§ 9-85.300, 9-85.500, available at <https://www.justice.gov/jm/jm-9-85000-protection-government-integrity#9-85.300>

³ Press Release, Federal Bureau of Investigation, "FBI Cautions About Threats to Election Workers Ahead of the November 2026 Midterm Elections" (Oct. 15, 2026), <https://www.ic3.gov/PSA/2026/PSA261015>

⁴ Press Release, U.S. Attorney's Office, Southern District of Texas (Oct. 19, 2026), <https://www.justice.gov/usao-sdtx/pr/us-attorney-aaron-reitz-statement-election-season-and-federal-election-law>

Texas,⁵ have recently received letters with suspicious substances, a potential election interference attempt by an actor who remains at large. In this context, your unusual statement is not only potentially dangerous, but it also appears to conflict with Department guidelines for prosecutors' behavior during an active federal election and the FBI's Public Service Announcement.

In that same statement you also announced that you had established new "standard operating procedures" with Texas Attorney General Ken Paxton for investigating election-related matters. As you know, Attorney General Paxton is a candidate for office in the 2026 Texas general election, and you were previously employed by him as Texas Deputy Attorney General. During that time, you publicly explained your central role in his unsuccessful 2020 lawsuit seeking to overturn the 2020 presidential election results, saying, "Paxton and I were adamant that something needed to be done."⁶ Given your past employment, Attorney General Paxton's current candidacy, and your history of cooperation on litigation to set aside the lawful results of an election, there may be reason to be concerned about a conflict of interest involved in the coordination between your offices on election matters.

Your October 19 statement also confirmed that your office will deploy DOJ election monitors to polling locations in Texas. I want to ensure that you are aware that during Wyoming's 2026 primary election in August, Republican Governor Mark Gordon raised concerns about aggressive and improper conduct by DOJ monitors, including requests to examine voting equipment and question election workers. It is essential to ensure that any DOJ monitors directed by your office respect voters, election workers, and understand the limits of their authority and access.

To better understand the election-related activities outlined in your October 19 statement, please provide written responses to the following questions no later than October 30, 2026:

1. What are the "standard operating procedures" your office has established with Texas Attorney General Paxton and Texas Secretary of State Howden for investigating election-related referrals? Please provide copies of these procedures and explain what role Attorney General Paxton or his senior staff may have in coordination with your office, and retain any documents related to these communications.
2. During your Senate confirmation process in February 2025, you committed to consulting DOJ ethics officials in the event of any potential conflict of interest involving Attorney General Paxton.⁷ Have you consulted with DOJ ethics officials regarding your coordination with the Texas Attorney General's office on election-related matters while he is a candidate for the U.S. Senate? If so, what guidance did you receive?

⁵ See, e.g., @SenTedCruz, X (Oct. 16, 2026, at 7:53 PM), <https://x.com/SenTedCruz/status/2111244101798560061>

⁶ J. David Goodman and Alexandra Berzon, *Ken Paxton Has Contested Tight Elections. Would He Do That for His Own?*, New York Times (Oct. 19, 2026), <https://www.nytimes.com/2026/10/19/us/ken-paxton-election-results-fraud.html>

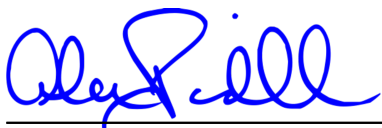
⁷ "In the event of any potential conflict of interest, I will consult with the appropriate Department of Justice ethics officials and act consistent with governing regulations." (Questions for the Record, Mr. Aaron Reitz, U.S. Senate Judiciary Committee (Feb. 26, 2025), https://www.judiciary.senate.gov/imo/media/doc/2025-02-26_qfr_responses_reitz.pdf (pg. 18))

- a. What safeguards, including any screening or recusal arrangements, are in place to ensure that federal investigative decisions in your office do not benefit any candidate or campaign, including your former employer?
 - b. Have you or your office had any communications with Attorney General Paxton or his campaign regarding any aspect of the 2026 election in Texas?
 - c. If you have not consulted with DOJ ethics officials, please explain why you did not view this collaboration as a potential conflict of interest.
3. What training have DOJ monitors in the Southern District of Texas received concerning their authority, interactions with voters and election workers, and access to voting equipment and election records? Please provide the dates on which these trainings occurred and any written materials provided to these monitors.
4. Do you have any evidence to support your public references to “crooked local election administrators” and “foreign actors and their NGO allies”?
5. What steps will your office take to ensure that lawful election administration, voter registration, voter assistance, and other nonpartisan civic activities are not improperly subjected to investigation or intimidation?
6. In light of the increased threats and harassment faced by election workers across the country, including the recent mailings of suspicious substances to state election offices, what steps has your office undertaken, if any, to address any safety concerns for local election officials in the Southern District of Texas? Did you consider how your October 16, 2026 statement could exacerbate this threat environment and unnecessarily expose election officials to further threats through unsubstantiated allegations?

Like all Americans, eligible Texans must be able to register to vote, cast their ballot, and have their vote counted without interference or intimidation. Election officials must also be able to carry out their duties under the law, without threats or harassment. In addition to promptly responding to the questions in this letter, I urge you to follow the Constitution, federal law, the Justice Department Manual, and any DOJ ethics advice before you take any further actions related to the 2026 federal election in Texas.

Thank you for your prompt attention to this letter.

Sincerely,



Alex Padilla
United States Senator

cc: U.S. Department of Justice, Office of Congressional Affairs