



STATE OF TEXAS  
HOUSE OF REPRESENTATIVES

**J.M. LOZANO**

*District 43*

URBAN AFFAIRS, CHAIR • REDISTRICTING • SELECT COMMITTEE ON YOUTH HEALTH AND SAFETY • TRANSPORTATION

10 December 2024

Attorney General Ken Paxton  
RE: Request for Opinion

Attorney General Paxton:

The purpose of this letter is to request your opinion on matters related to the election of the Speaker of the Texas House of Representatives. Specifically, I am seeking an opinion as to whether a candidate may refer to themselves as “Speaker Elect” without clearly demonstrating that through a public list of a majority of pledged votes in the House of Representatives. Following the December 7, 2024 GOP Caucus meeting, a candidate for speaker began a fundraising campaign calling themselves “Speaker Elect” despite not having a clear majority of publicly declared votes.

Our statutes provide a number of reasons to be concerned. Penal Code Section 37.11 “Impersonation of a Public Servant,” states that a violation occurs if a person has “intent to induce another to submit to the person’s pretended official authority.”

Soliciting political donations using a false title also runs afoul of the Election Code. Section 255.005 “Misrepresentation of Identity” says a violation occurs when a principal or their agent misrepresents the person’s identity...in political advertising or a campaign communication.” And Section 255.006 “Misuse of Office Title” states “A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office that the candidate does not hold.” These statutes beg serious questions because they provide penalties not just for the candidate misrepresenting themselves, but those helping them to do so.

As such, I am seeking an opinion to as whether a candidate for Speaker may refer to themselves in campaign and/or governmental material as “Speaker Elect” without a clear majority of pledged votes. Before the next legislature convenes, we must have confidence that those who seek the gavel possess personal integrity and respect for the laws of our state.

Ahead of the 89<sup>th</sup> Legislative Session, Texans expect their legislators to act quickly on the issues that matter most. We cannot respond to those needs until our House leadership is determined in a fair and lawful manner.

Best regards

A handwritten signature in black ink, appearing to read "J.M. Lozano".

J.M. Lozano

