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December 9, 2025

The Honorable Jane Nelson
Texas Secretary of State
Office of the Secretary of State
P.O. Box 12060
Austin, TX 78711-2060

Via email – elections@sos.texas.gov
and Regular U.S. Mail

Re: Request for Advisory Opinion on Potential Conflict of Interest Under Texas Election Code for Hill County Republican Party Chair Overseeing March 2026 Primary Election Due to Spouse's Candidacy for Re-Election to Texas House District 13

Dear Secretary Nelson:

I am writing on behalf of my clients, Kathaleen Wall, Republican candidate for Texas House District 13, and Carol Milder, Chairwoman of the Leon County Republican Party, pursuant to Section 31.004(a) of the Texas Election Code, which authorizes the Secretary of State to "assist and advise all election authorities with regard to the application, operation, and interpretation of this code and of the election laws outside of this code." This request seeks a formal advisory opinion on whether a conflict of interest exists under applicable provisions of the Texas Election Code and related ethics laws for the Republican Party Chairman of Hill County, Will Orr, to oversee the March 2026 Republican Primary Election, given that his spouse, Angelia Orr, the current incumbent State Representative for House District 13, has filed for re-election to that office.

Factual Background

The Republican Party Chairman of Hill County (hereinafter "the Chairman") holds statutory responsibilities for the administration and oversight of the party's primary election, including but not limited to candidate filings, ballot order determinations, canvassing of returns, and certification of nominees. See Tex. Elec. Code §§ 172.021 (filing authority for county offices), 172.082 (drawing for ballot order), 172.116 (local canvass), 172.117 (certification of candidates), and 172.124 (certification of nominees). These duties require the exercise of impartial discretion in ensuring the fair conduct of the election, free from any personal or familial bias that could undermine public confidence in the process.

Ms. Angelia Orr, the spouse of the Chairman and the current incumbent State Representative for Texas House District 13, has filed as a candidate for re-election to that partisan office in the March 2026 Republican Primary Election which includes Hill County. As the spouse of a candidate—and an incumbent state legislator—the Chairman has a direct personal interest in

the outcome of the election, including potential financial, reputational, and emotional stakes in his wife's success. This familial relationship raises concerns about the Chairman's ability to perform his statutory duties impartially, as his decisions could directly impact his spouse's candidacy.

Legal Analysis and Relevant Statutory Provisions

The Texas Election Code does not explicitly address conflicts of interest arising from familial relationships for county party chairs in the context of primary elections. However, several provisions underscore the legislature's intent to promote impartiality and uniformity in election administration, which could be compromised in this scenario:

1. **General Legislative Intent for Uniform and Impartial Elections:** Section 1.001 of the Texas Election Code declares that "it is the intent of the legislature that the application of this code and the conduct of elections be uniform and consistent throughout this state to reduce the likelihood of fraud in the conduct of elections, protect the secrecy of the ballot, promote voter access, and ensure that all legally cast ballots are counted." The Chairman's oversight role, particularly in canvassing and certification (Tex. Elec. Code §§ 172.116, 172.117), implicates this intent, as any perceived bias could erode public trust and invite challenges to the election's integrity.
2. **Duties Requiring Impartiality:** The county chair serves as the presiding officer of the county executive committee and chairs the primary committee, with explicit responsibilities to conduct drawings for ballot placement (Tex. Elec. Code § 172.082), canvass returns (Tex. Elec. Code § 172.116), and certify results (Tex. Elec. Code § 172.124). These functions demand neutrality, and the code implicitly prohibits actions that could favor, or disadvantage candidates based on personal relationships. See also Tex. Elec. Code § 171.021 (composition and election of county executive committee, emphasizing party governance free from undue influence).
3. **Ethics and Conflict of Interest Laws Applicable by Analogy:** Although county party chairs are not state officers or employees subject to Chapter 572 of the Texas Government Code (Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest), the principles therein provide interpretive guidance. Section 572.051 prohibits a state officer from participating in matters where a "substantial conflict of interest" exists, defined as a "real or apparent conflict between the public duty of a state officer... and the officer's private or personal interest." A familial relationship, such as a spouse's candidacy for re-election to state office, creates such a conflict by intertwining personal interests with official duties. See Tex. Gov't Code § 572.051(3) (defining "substantial conflict of interest" to include situations where private interests "place the state officer... under an obligation that interferes with the proper performance of the state officer's... duty").

By analogy, the Texas Ethics Commission has issued advisory opinions emphasizing that public officials must avoid even the appearance of conflicts arising from family members' interests. For example, in Ethics Advisory Opinion No. 374 (1998), the Commission

advised that legislators should not engage in business activities creating a “conflict or the appearance of a conflict” between public duties and private obligations involving family. Similarly, Ethics Advisory Opinion No. 192 (1993) reinforces that state employees must avoid outside activities “in substantial conflict with the proper discharge of the officer’s or employee’s public duties,” a principle applicable to election oversight roles. While these opinions address state officers, they align with the Election Code’s impartiality mandate.

4. **Related Attorney General Opinions:** The Texas Attorney General has opined that familial relationships do not automatically trigger nepotism prohibitions for certain county officials (e.g., a county judge’s sibling running for sheriff), but such scenarios still require scrutiny for conflicts under Chapter 171 of the Local Government Code or common-law principles of impartiality. See Tex. Att’y Gen. Op. KP-0043 (2019). In the election context, where statutory duties explicitly involve candidate oversight, a spouse’s candidacy for re-election to state office heightens the risk of perceived or actual bias.
5. **Precedent from Secretary of State Advisories:** Prior advisories from your office emphasize the county chair’s role in maintaining election integrity, without delegation of core duties that could mitigate conflicts. See Election Advisory No. 2019-28 (updated procedures for primary elections, affirming chair’s canvass and certification responsibilities); Election Advisory No. 2021-21 (restrictions on election officials, excluding party chairs from certain conviction bars but implying heightened ethical standards). No prior advisory directly addresses spousal conflicts, underscoring the need for this opinion.

Request for Advisory Opinion

Based on the foregoing, my clients and I respectfully request a formal advisory opinion addressing the following questions:

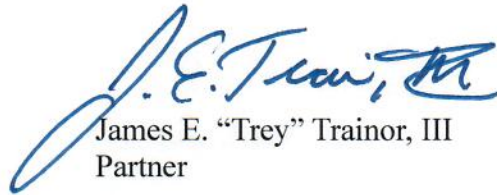
1. Does the Chairman’s spousal relationship to Angelia Orr, the incumbent State Representative for House District 13 seeking re-election, create a substantial conflict of interest under Sections 1.001, 171.021, and/or Chapter 172 of the Texas Election Code, prohibiting or limiting his oversight of the March 2026 Republican Primary?
2. If a conflict exists, what remedial measures are required or permitted, such as delegation of duties to another committee member (see Tex. Elec. Code § 172.081 (primary committee delegation)) or recusal from canvass and certification processes?
3. Does the appearance of impartiality, even absent direct action favoring the spouse, violate the legislative intent of uniform election conduct under Section 1.001?

This matter is of significant public importance, as it affects voter confidence in the Hill County Republican Primary, Texas House District 13, and the broader integrity of Texas elections. A timely opinion would allow for appropriate adjustments prior to the March 2026 Primary Election. Pursuant to your office’s procedures, I am available to provide additional information or clarification. Please contact me at JTrainor@DhillonLaw.com.

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• Thank you for your attention to this request. I look forward to your guidance.

Respectfully,



James E. "Trey" Trainor, III
Partner

Cc: The Honorable Abraham George, Chairman, Republican Party of Texas