



**Testimony on SB 1340,**

**Proposed Legislation relating to voter qualification and registration.**

**By: Emily Eby, Staff Attorney, Texas Civil Rights Project**

**Texas House Elections Committee, April 29, 2021**

Chair Cain, Vice Chair González, and Members of the House Elections Committee,

I am testifying against SB 1340, particularly the provisions that enshrine voter purges based on bad information. Section 2 of this bill requires the use of DPS data to throw suspected non-citizens off of voter rolls. But recent Texas history teaches us that requiring the Secretary of State to verify voter rolls with DPS citizenship data is a recipe for disaster. In 2019, acting SOS David Whitley's office used DPS data to question the citizenship of 95,000 registered Texas voters. Within days, 25,000 names were stricken from that list. A federal court soon invalidated the rest. Instead of more secure voter rolls, Texas ended up with three federal lawsuits, no SOS, and a bill for \$450,000 in attorneys' fees.

SB 1340 shares DNA with that purge. It would require the SOS to remove voters based on a "strong match," though we know that even a "strong match" can be wrong. It would require counties to take action against voters who are "weak matches," though those are *extremely* likely to be wrong. To my knowledge, there has been no significant improvement in DPS citizenship data in the last two years. Section 2 of this bill risks repeating our state's own recent, expensive, egregious mistakes.

Additionally, Section 44 of the bill seems to suggest that DPS would have to provide one driver's license application for citizens, and a different one for non-citizens. This change may seem innocuous, but it would impose an additional burden on DPS (as well as an additional expense). The change is also superfluous, since the current form already asks if the applicant is a US citizen before offering them voter registration.

SB 1340 also places a huge burden on already burdened county voter registrars, which would disenfranchise a number of voters. It also violates the NVRA at least twice. For these reasons, we ask you to oppose this bill. Thank you.