



Testimony on SB 1508,

By: James Slattery, Senior Staff Attorney, Texas Civil Rights Project

Texas Senate State Affairs Committee, April 19, 2021

Chair Hughes, Vice Chair Birdwell, and Members of the Senate State Affairs Committee,

I am testifying in opposition to SB 1508, which would create a new “election integrity division” within the Office of the Attorney General to “investigate reports of election fraud or that a person has committed an offense under the Election Code.” The costs to the State of Texas of establishing a new division with the Attorney General’s Office would be enormous compared with the apparent scale of the problem. A recent investigation by the Houston Chronicle revealed that the 17 law enforcement sergeants and the four prosecutors assigned to the current “election integrity unit” resolved only 16 prosecutions in 2020, half as many as in 2018 despite devoting more staff and staff time to looking for “voter fraud.”⁶

2020 was no anomaly: other reviews of the election integrity unit’s record have shown that despite aggressive efforts to find “voter fraud,” the unit has largely found what even it considers are merely minor offenses, as evidenced by the fact that an overwhelming share of defendants are placed in a diversion program.⁷ And these efforts have not targeted all suspects equally: a recent analysis by the ACLU found that since Ken Paxton took office, at least 72% of the Election Integrity Unit’s prosecutions appear to have been against Black and Latinx individuals.⁸

Seen in that context, there are much better ways that Texas could use this money and resources to make our elections both more accessible and more secure. For instance, Texas could implement online voter registration as 40 other states have now done, which would make our voter rolls more accurate by allowing voters to quickly update their information in real time. Texas could also provide substantial new funding for our chronically underfunded county election offices, which they could use to upgrade voting machines and bolster the recruitment and training of poll workers.

Until such vital needs are met, passing SB 1508 would be a waste of time and resources.

⁶ Taylor Goldenstein, *Ken Paxton's beefed-up 2020 voter fraud unit closed 16 minor cases, all in Harris County*, Houston Chronicle (Dec. 27, 2020), <https://www.houstonchronicle.com/politics/texas/article/Ken-Paxton-s-beefed-up-2020-voter-fraud-unit-15820210.php>.

⁷ Sam Levine and Dana Liebelson, *The Texas AG Says Voter Fraud Is A Big Problem. His Cases Suggest Otherwise.*, Huff Post (Apr. 16, 2019), https://www.huffpost.com/entry/texas-attorney-general-ken-paxton-voter-fraud_n_5cb105cfe4b098b9a2d3d766.

⁸ ACLU of Texas, *Racial Disparities in Paxton’s Election Integrity Unit Prosecutions*, available at https://www.aclutx.org/sites/default/files/oag_election_integrity_unit_analysis.pdf.