



Testimony on HB 6

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

Texas House Elections Committee, April 1, 2021

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

I am here to testify against HB 6.

This bill has a number of provisions that harm voters with little to no justification. Under Sections 3.01 and 3.02, poll watchers may only be removed from a polling place if they “engage in activity that would constitute an offense related to election fraud.” But there are many possible reasons to remove poll watchers from polling places beyond committing “election fraud,” such as harassing poll workers, looking over voters’ shoulders as they vote, or some more subtle forms of intimidating voters. Poll watchers have done all of those things in Texas in the last two years, and all of these invasions are allowed—in fact, they are protected—by HB6.

Article 3 also lists the people who are allowed to be in the polling place. Though this list includes the county election administrator, it doesn’t include the administrator’s staff unless they are “delivering election supplies” or are a voting system technician. Election officials have staff precisely so that they do not have to deal with every issue themselves. The Election Administrator cannot be everywhere at once, but this bill would make that necessary.

Article 4 imposes new restrictions on voters with disabilities, and on the assistants who help them vote. Among the problems in this new provision, requiring a description of “the reason . . . assistance is necessary” may mean, in the case of voters with a medical condition or disability, disclosure of confidential and private medical information.

The Bill’s ID requirements for assistants are problematic and likely illegal. As the 5th Circuit held in *OCA-Greater Houston v. Texas*, voters have an absolute right under the Voting Rights Act to have any assistant of their choice, with no restriction other than it can’t be their employer or somebody from their union. This bill would establish a de facto requirement that voters cannot have assistants who do not possess one of the limited number of IDs listed. I urge the committee not to approve this bill. Thank you.