



Testimony on HB 1026,

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

Texas House Elections Committee, April 8, 2021

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

HB 1026 would violate federal law, make it more difficult to vote, and discriminate against communities of color and immigrants.

Section 4 would require most Texans registering to vote to have their citizenship verified by the Secretary of State through DPS. DPS only accounts for 47% of new registrations in Texas, so this provision would apply to a majority of registrations. If DPS cannot match an applicant or doesn't have citizenship data on them, that applicant would have to affirmatively prove their citizenship with a limited list of viable documents. We've already seen how flawed DPS data is. In 2019, after several officials publicly gloated about identifying non-citizens on the rolls, it was quickly discovered that a faulty methodology in fact meant they had merely identified naturalized citizens who had registered to vote after naturalization. Ultimately this led to a public fiasco including a successful lawsuit against the state, hundreds of thousands of dollars in attorney's fees, and the failed confirmation of a Secretary of State.

This provision also violates federal law. As the Supreme Court has held, the National Voter Registration Act preempts any attempt by states to force voters to affirmatively prove citizenship before registering. This provision would also violate the federal mandate that voters must be able to register up to 30 days before an election because it puts registrations on hold until citizenship is verified, which, as the Bill acknowledges, may take several months.

The piece of this bill changing the effective date of registration would also disenfranchise many properly registered voters. By moving a voter registration's effective date from 30 days after an application is submitted to 30 days after an application is approved, voters lose a crucial piece of control over their own registration. An application's approval can be delayed by any number of internal factors at the county, including the burden of processing thousands of paper applications at the registration deadline.

Along with other bills being considered this session, HB 1026 demonstrates an irrational obsession with the universally debunked idea that there are large numbers of non-citizen voters. Given that every attempt to prove widespread non-citizen voting has ended in disaster, the only conclusion to draw is that these repeated attempts to introduce new obstacles are an intentional means to harass and discourage participation by communities with large immigrant populations. On top of alienage itself being constitutionally protected, immigrant communities are also overwhelmingly composed of persons of color.



I would also like to call attention to the fact that HB 1026 would eliminate the High School Voter Registration program. This is a 1985 Texas law which requires every public and private high school in the state to distribute voter registration applications to eligible students at least twice each school year. Over the past several years, the Texas Civil Rights Project has worked with students and community groups to dramatically increase compliance with this law, more than doubling the number of compliant districts in targeted counties. Texas youth are poised to lead the country into the future, and an essential part of their leadership comes from the recognition that this law has the potential to not just make Texas a leader in youth registration and voter turnout, but to ensure the next generation of Texas leaders are cultivating a culture of civic engagement. It would be a grave disservice to Texas youth to eliminate this program, and there is no rationale for doing so.

For these reasons and many others, I urge the Committee to not adopt HB 1026.