



Testimony on HB 3281,

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,

I am testifying in opposition to HB 3281. Among a number of changes, HB 3281 would require voters to submit an application to vote by mail no later than 15 days before election day (instead of the current 11 days) and require all mail ballots returned from within the United States to arrive no later than 5 p.m. on the fourth day before election day (instead of the current day after election day provided in Texas law).

TCRP participates in the nonpartisan Texas Election Protection Coalition, which operates a hotline for Texas voters. Last fall, the Coalition fielded 1,461 calls from voters about vote by mail in Texas. Of those, 382 calls (over one in four calls) were from voters who had requested a mail ballot but had not yet received one, which was the biggest category of calls we received about vote by mail other than general questions about the vote by mail process. This often reflected delays by the county elections office and the Post Office in transmitting a ballot to the voter--delays which are completely outside the voter's control. By eliminating five days from the timeframe for counties to receive a marked ballot back, HB 3281 would make voters even more vulnerable to the effect of such delays.

HB 3281 would also violate federal law, specifically 52 U.S. Code § 10502(d), which requires states to allow voters, when they will be away from home, to apply to vote absentee in presidential elections "not later than seven days immediately prior to such election" and to allow voters to return "such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election." HB 3281 violates both of these provisions by requiring voters to apply to vote by mail in presidential elections no later than 15 days before the election (rather than the seven days mandated by federal law) and by requiring that their ballots be received no later than four days before the election (rather than the day of the election as mandated by federal law).

We therefore ask the Committee not to report HB 3281 favorably.