



**Oral Testimony on SB 155,**

**Proposed Legislation relating to the use of information from the lists of noncitizens and nonresidents excused or disqualified from jury service.**

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

**Texas Senate State Affairs Committee, March 8, 2021**

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

Thank you for the opportunity to testify regarding SB 155. I wish to express great concern about several aspects of the current version of this bill.

Sections 2 and 3 would require county clerks to send a list of those who have been excused from jury service for lack of citizenship or lack of county residence to “the attorney general for an investigation” without **any** evidence at that point to suggest that these individuals have actually committed a crime. It is not a crime to be on the voter rolls with an out of date address: it is only a crime if the person lied about their address at the time they registered. Because voters sometimes forget to cancel their old voter registration until an imminent election prompts them to do so, the overwhelming likelihood is that most individuals referred for a criminal investigation will have simply just not yet updated their registration.

Further, there are important safeguards missing in the bill. For instance, the bill does not require the clerk or the Attorney General to check whether the individuals being referred for investigation registered to vote **after** being excused from jury service and **after** obtaining residence or citizenship, which would make them eligible voters despite the jury excusal. Further the information forwarded to the Attorney General (name and address) is less than what is necessary to establish even a so-called “weak” match to a specific voter registered in the county, which requires an additional piece of information unique to the voter (like date of birth or Social Security number).

Similar efforts to match voters on the rolls to lists developed by non-election agencies have often led to disaster in Texas. In 2012, an effort to match voters on the rolls with dead individuals in the Social Security system flagged many voters who were very much alive. In 2019, the State of Texas used flawed data from DPS to investigate people for potential election offenses if they had indicated at one moment in time that they were not citizens, without taking into account whether their citizenship status had changed thereafter. That effort collapsed after a judge ruled that the effort “exemplifies the power of government to strike fear and anxiety and to intimidate the least powerful among us,” and after the State of Texas incurred \$450,000 in costs and attorneys’ fees.<sup>24</sup> Both of these efforts also disproportionately affected voters of color. Without more stringent protections, this bill risks another costly debacle for the people and government of the State of Texas.

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<sup>24</sup> Lise Olsen, *Texas' voter purge made repeated errors*, Houston Chronicle (Nov. 2, 2012), <https://www.chron.com/news/politics/article/Texas-voter-purge-made-repeated-errors-4001767.php>; Alexa Ura, *Texas will end its botched voter citizenship review and rescind its list of flagged voters*, Texas Tribune (Apr. 26, 2019), <https://www.texastribune.org/2019/04/26/texas-voting-rights-groups-win-settlement-secretary-of-state/>.