



**Testimony on SB 1114,**

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

**Texas House Elections Committee, May 4, 2021**

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

SB 1114 attempts to codify a discriminatory process which we know is flawed and which has already been prevented by a federal court. In 2019, after several officials publicly gloated about identifying non-citizens on the rolls using the same data from DPS that is the subject of this bill, 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.

As we now know, individuals only update driver's license citizenship information once every 6 years. But, over 50,000 Texans become naturalized each year. The language of this bill does not ensure that it only applies if an individual indicates they are not a citizen after they have registered to vote. Indeed it simply says "persons who have indicated a lack of citizenship." Just as it did in the failed debacle from 2019, this would capture tens of thousands of naturalized citizens.

At this point, enacting into law a program that has been proven to target naturalized citizens would necessarily imply an intent to discriminate against naturalized citizens. There are also racial implications. According to Census data, over 87% of Texas's naturalized citizens are Black or of Latino or Asian origin. Texas has a long, unfortunate history of intentional racial discrimination in the voting rights context, so knowingly adopting a program that has been proven to have an extreme disparate impact on naturalized citizens necessarily will also raise the inference of intentional racial discrimination.