



Testimony on SJR 51,

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

Texas Senate State Affairs Committee, April 19, 2021

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

I am testifying in opposition to SJR 51. Texas is already the hardest place to vote in the entire country¹⁰, in part because it has among the most restrictive vote by mail laws in the United States. At the start of 2020, Texas was one of only 16 states that denied voters the right to cast a mail in ballot unless they had one of a narrow set of government-approved “reasons” specified in the Election Code.¹¹ When the coronavirus struck Texas, it remained “one of just six states refusing to expand mail-in voting during the coronavirus pandemic.”¹²

It is unbelievable, then, that SJR 51 seeks to make voting by mail in Texas even harder than it already is by writing into the Texas Constitution a prohibition on government employees “distribut[ing] an official application form for an absentee ballot to a person unless the person has requested the distribution.” This prohibition is so sweeping that it would prohibit counties from even passively distributing application forms, such as leaving them out on a table for voters to pick up or posting them on a county website. That makes this proposal even more restrictive than the notorious law recently passed in Georgia, which contained an explicit exception allowing counties to post application forms online.¹³

Even if a voter comes down to a county election office to pick up a vote by mail application, election officials could not hand over an application form until the voter happened to say the “magic words” requesting an application that this amendment requires. The Committee should therefore reject this amendment for imposing yet another unnecessary and irrational burden on Texas voters.

¹⁰ “Texas takes over the 50th spot, representing the state with the most restrictive electoral climate. In particular, Texas has an in-person voter registration deadline 30 days prior to Election Day, has reduced the number of polling stations in some parts of the state by more than 50 percent, and has the most restrictive pre-registration law in the country.” See Scot Schraufnagel et al., *Cost of Voting in the American States: 2020* 19 Election Law Journal 503, 508 (2020), <https://www.liebertpub.com/doi/pdf/10.1089/elj.2020.0666>; see also Ross Ramsey, *Analysis: It's harder to vote in Texas than in any other state*, Texas Tribune (Oct. 19, 2020), <https://www.texastribune.org/2020/10/19/texas-voting-elections/>.

¹¹ Mark Dent, *As states expand vote by mail amid COVID, Texas leaders continue their fight against it*, Fort Worth Star-Telegram (June 28, 2020), <https://www.star-telegram.com/news/politics-government/article243781757.html>.

¹² Press Release, *Select Subcommittee Investigation Reveals Serious Problems In States' Election Preparedness* (last visited Sept. 18, 2020), <https://coronavirus.house.gov/news/press-releases/select-subcommittee-investigation-reveals-serious-problems-states-election>.

¹³ Nick Corasaniti and Reid J. Epstein, *What Georgia's Voting Law Really Does*, N.Y. Times (Apr. 2, 2021), <https://www.nytimes.com/2021/04/02/us/politics/georgia-voting-law-annotated.html>.