Testimony on SB 1111,

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 SB 1111. SB 1111 would require voters responding to a confirmation notice to supply "evidence of the voter's residence address" by providing a copy of one of the documents specified in Section 4 of the bill, such as a driver's license, license to carry a concealed handgun, utility bill, etc., unless they qualify under one of the narrow exceptions also listed there.

This evidence requirement clearly violates the federal National Voter Registration Act (the "NVRA"), which allows a voter to respond to a confirmation notice by simply stating in writing that they are registered at the correct address.[9] It would therefore ensnare Texas in needless and expensive litigation from the moment it is enacted, which Texas will lose.

Even if it is somehow implemented despite blatantly violating federal law, we know that in practice it will result in many Texans being wrongly removed from the rolls. Many tens or hundreds of thousands of confirmation notices are sent out each year. As it stands, many people fail to respond because they simply do not see the notice. Adding an additional requirement to photocopy proof of residence would only exacerbate the non-response rate by imposing a new and unnecessary burden on voters, disenfranchising more voters and ultimately making the rolls less accurate by excluding eligible and properly registered voters. We therefore recommend the Committee not report the bill out favorably to the full Senate.

[9] 52 USC 20507(d)(2)(A) (describing as a sufficient response to the confirmation notice a "pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address").