



Testimony on HB 895,

Proposed Legislation relating to the recording of certain personal information of voters by election officials.

By: Emily Eby, Staff Attorney, Texas Civil Rights Project

Texas House Elections Committee, April 15, 2021

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

I am here to testify against HB 895.

The current photo ID explicitly allows a number of IDs that are not issued by DPS, including a U.S. passport and a military ID card. Section (b)(1) of this bill would impose a penalty on voters using IDs that explicitly fall within the law. Being pulled out of line to have a photo taken prolongs the voting process, holds up the line, and embarrasses the voter. It should not happen to anyone, especially when they're following the law to the letter.

Section (b)(2) allows an election officer to take a photo of a voter when they "question the authenticity" of their ID, but the bill provides no standard for that questioning. Should there be reasonable suspicion, or is it acceptable for election officials to impose this law arbitrarily? At best, election workers can waste valuable time being overinclusive. At worst, such an open-ended provision can be abused more easily than a clear-cut provision.

With so much discretion allowed in the bill, it is certain to be applied in a racially discriminatory manner. Every single poll worker will enter the polling place with biases, because every single poll worker will be human. This committee's job is to protect the workers *and* the voters by setting standards to help overcome these biases. Without more of those guardrails in place, we ask this committee not to report HB 895 favorably. Thank you.