



EVERY TEXAN

Formerly Center for Public Policy Priorities

RE: Testimony in Opposition to HB 3: Related to Election Integrity and Security

Dear Chair Ashby and Members of the House Committee on Constitutional Rights and Remedies:

Every Texan (formerly Center for Public Policy Priorities) appreciates the opportunity to submit testimony related to HB 3: Election Integrity and Security.

Every Texas opposes House Bill 3 for the following reasons:

As the 87th Legislative Session begins its first special session on July 8 to address voting legislation that failed in the regular session, it is important for the public and the legislative members to consider the context of this proposal. Electoral reform proposals do not happen in a vacuum, there is history in Texas of using false allegations of voter fraud or election integrity as a proxy for voter suppression. So much so that for years, Texas had to get prior approval from the U.S. Department of Justice for any electoral change according to [Section 5](#) of the Voting Rights Act.

As the demographic makeup of the state has evolved, voter discrimination efforts have intensified. Texas is home to the second-largest Latino population in the United States, and demographic projections show that by 2040, Latinos will constitute the majority of citizens in the state. Texas also has a Black population of more than two million and a consistently growing Asian American population. This makes Texas an ethnic minority majority state in total population but not in voting strength. The increasing number of racial and ethnic groups in Texas highlights the need to vigilantly protect the voice and electoral rights of the state's Latino, Black, and Asian American electorate.

Section 5 of the Voting Rights Act, the preclearance requirement, [was enacted to prevent changes in election practices or procedures in covered jurisdictions until the new procedures were determined to have neither discriminatory purpose or effect](#). Changes such as removing polling locations, adding new identity documentation, or the procedures for mail in ballots would have to be approved to ensure Latinos, Blacks and Asian voting power was not retrogressed. It was considered to be the heart of the Voting Rights Act because it stopped voter discrimination before it happened and placed the burden on the state to prove that electoral changes on the state or local level would not put Latino, Black or Asian American voters in a worse position in terms of electoral power. It was extended to Texas in 1975 due to the state's history of excluding Mexican Americans from the political process. At the time, Texas led the nation in several categories of voting discrimination, including then-recent Section 5 violations and Section 2 challenges.

Since 1982, there have been at least 30 successful Section 5 enforcement actions in which the Department of Justice has participated prior to the *Shelby County v. Holder* 570 U.S. 529 (2013) U.S. Supreme Court decision that struck down the coverage formula for Section 5 of the Voting Rights Act. When the Supreme Court struck down the formula that Congress enacted on which states and jurisdictions section 5 could be applied to, it effectively gutted the enforcement of the act. Without Section 5 protection, Texas officials are free to discriminate and enact voting changes that will reduce



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the voting power of ethnic and racial minorities until these communities bring a lawsuit and prove the discrimination often after the impact.

With or without Section 5, local county election officials are on the front lines to make sure voting is secure and accessible to all. Traditionally, county election officials are given a fair amount of leeway to implement and conduct elections with guidance from the Secretary of State. Even with Section 5, Texas consistently ranks at the bottom in voting turnout – usually around 11th from the bottom of all states.¹ During the pandemic, counties like Harris County Bexar, and Travis County, attempted to make voting safer by instituting more mobile voting sites, drive-thru voting procedures, expanded hours for polling locations, and mail-in ballot access for eligible voters. These procedures did not alter any state law requirements. In fact, Secretary of State Ruth Hughs confirmed that Texas had a smooth and secure election in 2020.

Texas has a longstanding history of secure elections and efforts by Attorney General Paxton and Governor Abbott to ferret out voter fraud over the years has remarkably shown just the opposite. Despite Texas having a longstanding history of secure elections, conservative legislators ramrodded Senate Bill 7 was through the legislative process in the regular session. Committee hearings were cancelled unceremoniously with witnesses unable to give testimony, questions from legislators went unanswered, and large sections of the bill were redrafted and changed at the last minute with little to no transparency. Advocates expressed concerns that the effects of SB 7 will almost certainly make voting even harder for groups that Texas voting rules have long marginalized — voters of color, voters with disabilities, low-income voters, and voters with limited English proficiency — and who are the most likely to be shut out when voting procedures are tightened.

Passing legislation in this manner diminishes the faith of the electorate in the voting process and contributes to the false narrative that elections are rigged. In the end, the institution of Democracy itself is diminished.

This can have lasting impacts. Youth who reported having been either encouraged to vote or taught how to register to vote in high school are more likely to vote and participate in other civic activities, more knowledgeable about voting processes, and more invested in and attentive to the 2020 election than other youth, but two out of every three white students (67%) remember having being encouraged to vote in high school compared with one in two Black students (54%).² According to Barry Burden, a professor of political science and director of the [Elections Research Center](#) at UW-Madison, “research shows that the healthier you are, the more likely you are to cast a ballot.” Research also shows that voting can actually make people healthier. “When a person is involved with civic life, they are social, efficacious, and participating,” says Burden.³

The shared prosperity from having a strong electoral presence from every walk of life in Texas explains why the Perryman Group implemented an extensive modeling process to measure economic effects of restricting voter access stemming from several primary sources and found that hundreds of thousands of Texas jobs are at stake.⁴ The Perryman Research has shown that, controlling for other factors, increases (decreases) in voting access leads to higher (lower) earnings over time. Lower earnings also



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impact workforce participation and employment. In addition, reduced earnings negatively affect household budgets and therefore consumer spending. The Perryman Group estimates that measures restricting voter access would lead to a total decrease in business activity from lower earnings & employment losses and reduced household purchasing power in the state by 2025 of an estimated - \$14.7 billion in annual gross product and a loss of -73,249 jobs including multiplier effects.

For this reasons, Every Texan respectfully asks the members of this committee to oppose House Bill 3.