



Texas Has A Long History of Voter Discrimination Based on the Pretext of Voter Fraud

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October 16, 2024

It's 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 an extensive 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 U.S., and demographic projections show that Latinos will constitute the majority of citizens in the state by 2040. Texas also has a Black population of more than 2 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 reinforces 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](#). 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. Additionally, Texas consistently ranks at the bottom in voting turnout – usually around 11th from the bottom of all states.¹ By suppressing the vote, the institution of democracy itself is diminished.

Checks and Balances Are Currently in Place to Ensure Only Eligible Citizens Vote

Every state has a rigorous set of checks and balances to ensure that only eligible citizens vote. The federal government and many states have strict laws, which have been in place for over 25 years, that only citizens may vote including the National Voter Registration Act and the Help America Vote Act. The immigration consequences are severe, including imprisonment and removability from the United States. There is no evidence of a substantial problem of noncitizen voting. There have been some instances, but those were the product of confusion, accidents, or ignorance, not of a plot to fraudulently sway an election. [This issue has been deeply researched](#), and even the most [vocal proponents](#) of the myth have [failed to turn up](#) any substantial evidence of a problem. Meanwhile, there is [significant evidence](#) documenting how the remedies for addressing the nonexistent problem can act as voter suppression for U.S. citizens. [Research](#) indicates the pool of potential citizens who could be impacted could be about 1-in-10 adult citizens. That's potentially 21.3 million eligible voters who could be prevented from voting.

Imposing Additional Burdens Would Hamper Eligible Voters from Exercising Their Right to Vote

Legislation requiring aspiring voters to secure a photocopy of their proof of citizenship and then spend the money and time to get the document to the voter registrar (along with the application) will impose an unlawful burden on eligible voters, reduce voter turnout, and add unnecessary costs for Texas voters.

If the registration applicant doesn't have one of the citizenship documents at hand, it will take time and costs to obtain it. It costs \$22 to get a birth certificate from [the Texas Bureau of Vital Statistics](#). If you were born out of state, a birth certificate can cost even more. The applicant will also have to take the time to appear in person at the vital statistics office or use mail, fax machine or the Internet to place the order with either a check or a credit card. A U.S. passport card costs \$65 for first-time applicants over the [age of 16](#). If you want expedited processing, that costs an additional \$60, bringing the total amount of \$125. If your passport is expired, you have to pay \$55 to renew it. If you have a lost or damaged naturalization certificate, it will cost \$210 and take up to 6 months for the Department of Homeland Security to get you a new one. Perhaps even more problematic, the naturalization certificate states on its face "IT IS PUNISHABLE BY U.S. LAW TO COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE WITHOUT LAWFUL AUTHORITY." This language will deter naturalized citizens who want to register to vote but are afraid that they are not the people authorized to make a photocopy of their certificate.

Finally, there are native born U.S. citizens whose original birth records have been permanently lost, damaged, or are difficult to obtain. Birth certificates were often not issued to U.S. citizens, such as Native Americans born on reservations, or to those born at home or delivered by midwives during the 1930s and 1940s. In addition, American women who often change names upon marriage are far less likely to possess a birth certificate or other documents accurately reflecting their names.

Burdens on State and County Election Officials

Documentary proof of citizenship proposals render impossible voter registration by a postage-paid application form and will push Texas into violation of the National Voter Registration Act (NVRA), which requires that states offer these methods of registration for all persons seeking to vote in federal elections. In the case, *Arizona v. The Inter Tribal Council of Arizona*, the U.S. Supreme Court reaffirmed the principle that states may not add burdens not required under the National Voter Registration Act, known as the Motor Voter Law. Congress enacted the NVRA in 1993 in order to streamline cumbersome state voter registration laws and make voter registration drives easier. The case stemmed from a 2006 lawsuit brought as a result of Proposition 200, a 2004 law that required Arizona election officials to reject NVRA-mandated federal voter registration forms unless they include certain documents proving citizenship. The only way Texas can implement documentary proof of citizenship is to create what is called a bifurcated voter registration system, in which it applies one set of rules to people who want to register to vote in state elections and another set of rules to people who want to register to vote in federal elections. The amount of grief that will be suffered by county registrars – who will not only have to inspect and verify all of these citizenship documents, but will also have to implement two different voter registration systems with two sets of voter rolls – is immense.

For these reasons, Every Texan respectfully asks the members of this committee to reject new restrictions on voter registration.