



# TEXAS LEGISLATIVE STUDY GROUP

*An Official Caucus of the Texas House of Representatives*

## **ITEMS ELIGIBLE FOR CONSIDERATION FOR HB 2911**

It is the recommendation of the LSG to **vote NO if there is a motion to concur with Senate amendments for HB 2911.**

The original HB 2911 was a non-controversial bill that simply updated and made technical changes to the Election Code as it applies to the voter registration process. It codified current practices of the Secretary of State (SOS) office and election administrators into statute. The bill was non-controversial and sent to the Local and Consent Calendar where it passed unanimously out of the House.

The Senate has amended HB 2911 to include vote suppression provisions from two controversial Senate bills, SB 9 and SB 903, as well as other troubling provisions that drastically change the original scope of the bill. These provisions could deny thousands of Texans the right to vote.

- Require the SOS and the Department of Public Safety (DPS) to compare data to determine the citizenship of registered voters by trying to match data from different agencies, including name, date of birth, address, driver's license/identification number, signature, social security number and citizenship status. **This provision would essentially codify the flawed SOS voter purge conducted earlier in 2019 that blatantly discriminated against naturalized citizens** by accusing them of voting illegally based on outdated information from DPS that did not reflect current citizenship.
- Allow the SOS and DPS to compare electronic signatures collected on signature pads for driver's licenses/state identification at DPS with the handwritten signatures on voter registration forms. In theory, this comparison would indicate the validity of the individual based on their signature. **However, in practice, this assumes an individual's signature will stay the same over a 6 year time span and also assume that a signature done on paper would look like one done on a pad.** This could also impact individuals with a disability that causes their handwriting to be inconsistent.
- Require notification by a voter registrar to the Attorney General's Office for investigation if any information indicates that an individual may be ineligible to vote. **This provision could trigger an investigation that turns a simple mistake made while filling out a voter registration form into a criminal act** that exposes a voter to potential criminal prosecution for trying to exercise their right to vote without any intention or awareness of acting illegally.
- If election officials violate election procedures such as not delivering the list of suspense voters to the SOS or not cancelling voter registration of those on the suspense list, there will be a \$100 civil penalty issued by the Attorney General per each violation. However, under the current legal settlement with the SOS, the citizenship list maintenance shall be done at the discretion of the local election officials. **This provision could be read to create a penalty for election officials who follow the recent court-ordered settlement instead of participating in the flawed list maintenance that led the state into litigation.**
- Makes clear that voters cannot use the address of a commercial post office box or similar location as their residence for voter registration purposes, although the definition of residential address in statute is the address where mail is received if the residence has no address. **This address provision could deny voter registration to eligible voters who are in transitional living situations, unconventional residences in rural areas or homeless voters** when they attempt to register to vote.

These Senate amendments create civil penalties, add barriers for eligible voters without a stable address, give state officials more access to private information, and may increase criminal investigations of voters for simple mistakes during voter registration or for forgetting to update their registration.

HB 2911 has morphed into a bill that could inject fear and barriers into a process that should encourage voter participation registration. Participating in the democratic process is not a privilege, it is a right. HB 2911 as amended is a shameful attempt to discourage and suppress voter participation.

Should you have any questions concerning this recommendation please contact our Executive Director, Raul Lopez, at [Raul@Texaslsg.org](mailto:Raul@Texaslsg.org) or 512-787-7199.

OK for Distribution -  Rep Garnet Coleman