



# TEXAS LEGISLATIVE STUDY GROUP

An Official Caucus of the Texas House of Representatives

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## LSG Policy Report: In 2022, Every Vote Must Count

October 13, 2022

### LSG Colleagues and Supporters,

Voter registration may be over but in the four weeks before the November 8<sup>th</sup> election, we still have work to do to make sure every registered voter in our districts can cast a vote and have it counted.

Long before Donald Trump and his MAGA insurrectionists tried to overturn an election that he lost by more than seven million votes, the Texas statewide Republican leadership worked session after session to make Texas one of the hardest places to vote in the United States, and the passage of SB1 in last summer’s second called session was another step toward achieving that end.

As outlined in the [SB1 CCR LSG floor report](#), we were able to amend some of the most egregious provisions of the bill, but the major provisions of SB1 still present an attack on democracy in Texas, as [summarized by the Texas Civil Rights Project](#).

Many of the changes made by SB1 are vague and confusing. As our constituents go the polls, election officials battle misinformation targeted at our state’s largest counties, where it has a disproportionate impact on people of color, the disabled and the elderly.

Again this year, we have already seen vote deniers challenge thousands of [voter registrations](#) (unsuccessfully) and mail ballots will surely be next. Such tactics can discourage turnout among those who need a change in Texas, and we must make sure their votes count!

Rep. Armando L. Walle  
Chair, Texas Legislative Study Group

## LSG Policy Report: In 2022, Every Vote Must Count

### Senate Bill 1: A Political “Solution” in search of a Problem

“No feature in this new law — not the bans on drive-thru voting, 24-hour voting and the distribution of mail-in applications; not the new ID requirements for voting by mail; not the enhanced partisan poll-watcher protections; not the new rules and possible criminal penalties for voter assistance — is in response to any problems during the 2020 primary and general election. [The state’s new voting law is doing exactly what Texas Republicans intended](#): making it more burdensome for Texans to vote, specifically those Texans who may not vote for them.” – San Antonio Express News Editorial Board

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## The Invisible Elephant in the Room, Voter Fraud

Since Texas Attorney General Ken Paxton took office in 2015, he has wasted millions of taxpayer dollars fighting a voter fraud epidemic that does not exist. Prior to the current 2022 election, Texans had cast tens of millions of votes in elections since 2015 when Paxton became attorney general, but his [“Election Integrity Unit” has initiated only 93 prosecutions](#), the vast majority of which concern unproven allegations.

At least 72% of his Election Integrity Unit’s prosecutions appear to have been against Black and Latino individuals and at least 45% of all “Election Integrity Unit” prosecutions appear to have been brought against Black women and Latina women. Those cases raise serious concerns about racial bias in Paxton’s office.

## “Smooth and Secure” 2020 Texas Election did not fit the Big Lie

At a legislative hearing in March of 2021, Keith Ingram, Director of Elections for the Texas Secretary of State, said: “In spite of all the circumstances, Texas had an election that was [smooth and secure](#). Texans can be justifiably proud of the hard work and creativity shown by local county elections officials.” By the end of the regular session, Texas Senate Republicans did not confirm the Texas Secretary of State Ruth Hughs and she announced her resignation. In October 2021, Governor Abbott appointed [John Scott](#) as the Secretary of State, who briefly represented President Trump in a lawsuit challenging the 2020 election.

## Act Now to Make Sure Your Vote Counts under new SB1 Provisions

The 2022 general election is the first high turnout election that will be conducted under the vote suppression provisions of SB1. During the March primary election, problems were caused by vague and misleading interpretations of the new election rules, but if voters do not wait until the last minute, there should be time to address and cure potential problems.

## Vote by Mail

SB1 was clearly intended to discourage voting by mail. New requirements for Vote by Mail (VBM) applications caused a dramatic increase in mail ballot rejections. A total of 24,636 mail-in ballots were rejected throughout Texas in the [March 1 primary election](#), a 12.38% rejection rate that is much higher than in previous contests. SB1 requires VBM applicants to include – on both the application and carrier envelopes – their signature and their driver’s license number or state ID number or, if they don’t have one, the last four digits of their Social Security number. Counties then must match those numbers against the information in the individual’s voter file to approve them for a mail-in ballot.

SB1 made it illegal for county election administrators to mail VBM applications to all eligible voters so **voters should submit their VBM application NOW** to make sure they will have time to use a new online [Ballot Tracker](#) to correct problems that may have caused their VBM application to be initially rejected.

## New Voting Hours for Early and Election Day Voting.

SB1 established [new minimum and maximum hours](#) for voting at a polling place. These hours will vary somewhat from county to county, but 24 hour voting was made illegal for all counties. Sunday hours were changed before SB1 was finally passed to make sure “Souls to the Polls” can be continued.

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## More authority and less accountability for Poll Watchers

A [new criminal offense and injunctive relief may be provided to poll watchers](#) who believe they have not been allowed to observe most activities in the polling place. This change is especially worrisome given the history of poll watchers intimidating voters, especially in communities of color. However, some basic voter protections still apply in the polling place, including:

- A poll watcher cannot talk to a voter in the polling place
- The presiding election judge can remove a poll watcher for illegal activities the judge has observed
- Voters in line outside the polling place can still be provided water

## There are numerous [additional provisions in SB1 that could suppress the vote](#), including:

- Drive through voting, where 127,000 Harris County voters cast ballots in 2020, is banned
- A new criminal offense called “vote harvesting” is created
- Drivers may bring 7 curbside voters to the poll but any more than that would require a driver to fill out a complicated new time consuming form
- Sanctions and legal causes of actions against local election officials are created.

There is some good news...

A federal judge ruled that provisions in SB1 restricting assistance for voters who speak limited English and voters with disabilities [violated their constitutional rights](#). Additionally, the court barred Texas from including the restrictions in the language of an oath an assistor must swear to.

## Stop the Threats Against Election Officials

[In Texas](#) and [across the nation](#), election deniers have threatened election officials with everything from [harassment to violence](#), leading to shortages of election officials and poll workers that provide the infrastructure for our sacred right to vote. Running a free and fair election requires nonpartisan cooperation, from the neighborhood polling place to our local, state and federal seats of government. Those who threaten election workers are not patriots, they are the enemies of democracy and should be subject to legal penalties that fit their actions.

## Helpful Resources for Constituents:

### Vote by Mail Resources

- [Vote by Mail Applications](#)
- [Ballot Tracker](#)
- [How to Apply and Vote by Mail](#)
- [Guide by the League of Women Voters](#)

### Election Protection Hotline

1-866-OUR- VOTE

### Election Guides

- [VOTE411.org – English, Chinese, Spanish, Vietnamese](#)
- [Election Guide – English](#)
- [Election Guide – Spanish](#)
- [Election Guide – Vietnamese](#)
- [Election Guide - Tagalog](#)

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## **Election Date Calendar**

First Day of Early Voting by Personal Appearance	Monday, October 24, 2022
Last Day to Apply for Ballot by Mail ( <b>Received, not</b> Postmarked)	Friday, October 28, 2022
Last Day of Early Voting by Personal Appearance	Friday, November 4, 2022
Last day to Receive Ballot by Mail	Tuesday, November 8, 2022 (Election Day) at 7:00 p.m. if carrier envelope is <b>not</b> postmarked, <b>OR</b> Wednesday, November 9, 2022 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (unless overseas or military voter deadlines apply)

## **Action Items**

- Work with local election officials, community leaders and precinct chairs to make sure we have enough election workers to run a free, fair election.
- Identify contact persons, including law enforcement, who can be reached quickly should there be problems at the polls.
- Keep constituents informed about times and locations of polling places.
- Develop legislation that provides appropriate penalties for those who threaten election workers.

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