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Texas official apologizes for inaccuracy of voter purge list

By **Jeremy Wallace** Updated 10:07 pm CST, Thursday, February 14, 2019



Secretary of State David Whitley, center, attends his confirmation hearing, Thursday, Feb. 7, 2019, in Austin, Texas, where he addressed the backlash surrounding Texas' efforts to find noncitizen voters on voter rolls. (AP Photo/Eric Gay)

Nearly three weeks after he sent out a report suggesting 58,000 non-U.S. citizens may have voted illegally in past Texas elections — a report that was quickly proven to have significant flaws in it — embattled Secretary of State David Whitley is apologizing to the Legislature.

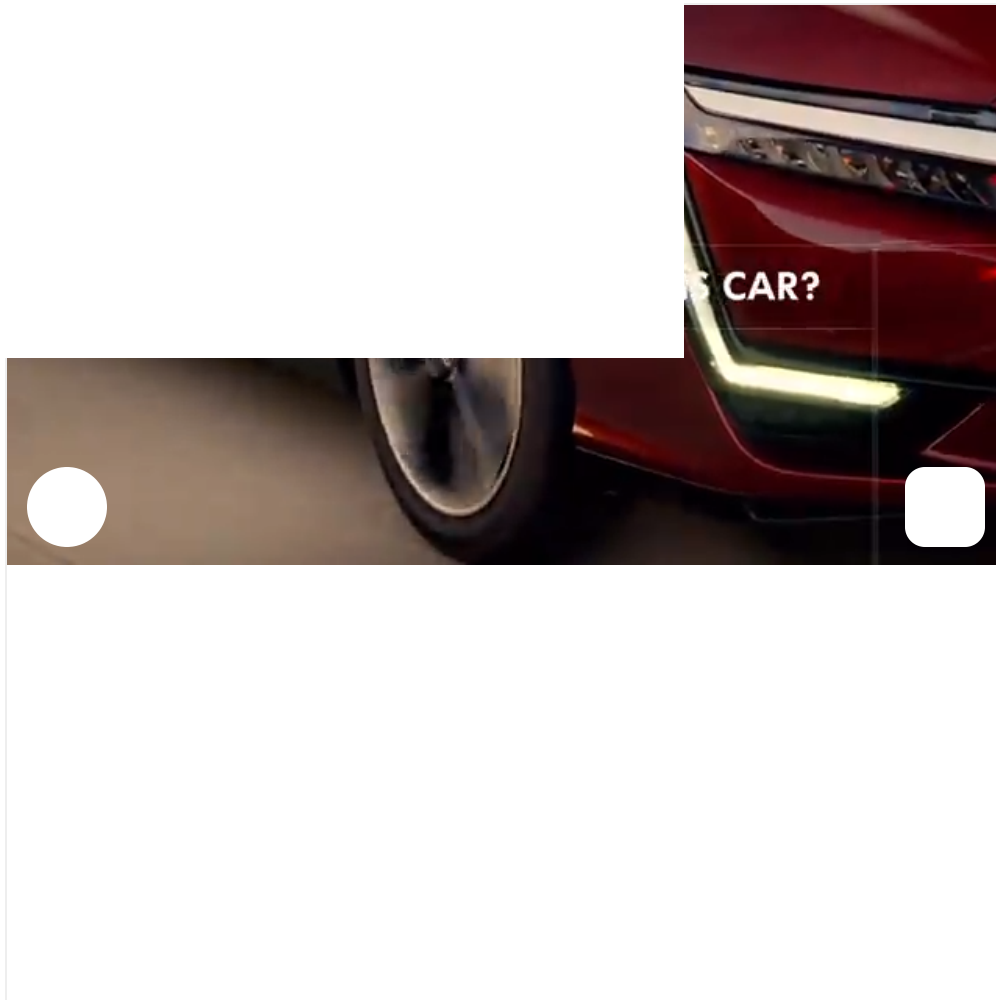
In a letter to all members of the House and Senate, Whitley said the list of potential noncitizen voters should have been reviewed more carefully before being sent to county elections officials across the state.

The list was based on an analysis of the voter rolls and driver license data from the Department of Public Safety.

Since the list went out in late January, it has been found to include tens of thousands of names of people who indeed are U.S. citizens. Additionally, the effort sparked intense criticism from county elections officials and lawsuits from civil rights advocacy

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groups who say the voter purge list was calculated to dissuade immigrants from voting.



"Before announcing the number of people who may not be eligible to vote, more time should have been devoted to additional communication with the counties and DPS to further eliminate anyone from our original list who is, in fact, eligible to vote," Whitley said in the letter sent Wednesday.

Whitley, the acting secretary of state selected for the job in December by Republican Gov. Greg Abbott, said he knows his efforts to notify counties and the public caused "some confusion."

"To the extent my actions missed that mark, I apologize," Whitley wrote in the letter, first reported by the Texas Tribune.

The apology, which comes as the Senate considers Whitley's confirmation, is a dramatic difference from a week ago.

During a confirmation hearing, Whitley **refused to say if his office made any mistakes or whether he had any regrets about the way the lists** were created and communicated to counties. Instead, Whitley defended his mission to assure the state's voter lists are accurate and don't include ineligible voters.

"I will readily level with you that we can always improve the process," Whitley said during that hearing, responding to questions from state Sen. Kirk Watson, D-Austin. "But the data is what the data is. And we were confident that that was the best data that we could get from DPS."

In his letter to the Legislature, Whitley characterizes the effort as part of his office's mission to keep accurate voter rolls. The list released last month was the first attempt – using some data more than 20 years old – at an analysis he plans to conduct on a monthly basis.

"The secretary of state is required by law to ensure that voter rolls are accurate and do not include persons who are ineligible to vote while ensuring that all eligible voters can participate in the electoral process," Whitley said in the letter. "The tasks are complementary: they promote integrity in elections and that, in turn, promotes voter turnout. Democracy in Texas will be strengthened and will endure by striving to achieve two goals: protecting the integrity of elections and combating voter suppression. I will never waver in my commitment to achieving those goals."

The lists Whitley's office sent to counties, which are in charge of voter rolls, included a total of more than 95,000 names of suspected noncitizens who had registered to vote.

State elections officials also had forwarded the names of 58,000 potential non-citizen voters to the Texas attorney general, saying those people had cast ballots in past elections. It's a felony for a noncitizen to vote in a Texas election.

Attorney General Ken Paxton said his office **will not begin investigating those names until county elections** officials sort through the entries to determine if there in fact are eligible voters on the lists.

Texas has 15.8 million voters. The list of 95,000 of potential noncitizen voters initially was hailed by Republicans, including President Donald Trump, as evidence of rampant voter fraud.

County officials say many of the names on the list are people who later were naturalized and became U.S. citizens. There's no requirement for people to update their documents with DPS, and few do. About 50,000 people are naturalized each year in Texas, voting rights advocates say.

One civil rights advocacy was quick to dismiss Whitley's letter.

"Let's be clear: our top election official isn't apologizing for actions that could have thrown thousands of eligible voters off the rolls, but rather for the way he bungled the release of his voter purge," the Texas Civil Rights Project said in a statement on social media.

A Senate committee had been scheduled to cast a preliminary vote on Whitley's nomination Thursday. However, nominations committee Chairwoman Dawn Buckingham, R-Lakeway, postponed that vote earlier this week.

Whitley eventually will need a two-thirds vote of the Senate to approve his appointment. There are 31 Senators, 19 Republicans and 12 Democrats.

Several Democrats last week made clear they were not pleased with Whitley or his testimony at the nominations committee meeting. State Sen. Carol Alvarado, D-Houston, said Whitley's answers during the hearing showed a lack of accountability.

"I'm not satisfied with the answers I got," she said at that time.

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