

Testimony Submitted *by*
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Texas Civil Rights Project *to the*



U.S. House of Representatives,
Committee on House Administration,
Subcommittee on Elections *on*

**The Potential for Polling Place Quality and
Restrictions on Opportunities to Vote to Interfere
with Free and Fair Access to the Ballot**

June 11, 2021

I. Introduction

It is a great honor to testify before this body, the Committee on House Administration's Subcommittee on Elections, in the U.S. House of Representatives. For my testimony, I draw heavily from my work as President of the Texas Civil Rights Project (TCRP), and appear on behalf of that organization.¹ I also bring my experience as Chairwoman of the Texas State Advisory Committee to the U.S. Commission on Civil Rights,² as an adjunct professor of "Election Law and Policy" at the University of Texas School of Law since 2015, and from roughly a dozen years working to advance voting rights and election reform as a civil rights attorney.³

In May 2019, I testified before a separate U.S. House committee concerning a range of voting law changes in Texas that have harmed voters of color and voters who speak a language other than English since the U.S. Supreme Court's 2013 decision in *Shelby County v. Holder* rendered Section 5 of the Voting Rights Act inoperable.⁴ This testimony builds upon my prior remarks, but is more narrowly focused on post-*Shelby* voting law changes that have reduced voting locations or cut back upon voting hours in Texas—and highlights recently proposed legislation in the Texas legislature that threatens to double-down on such devices in 2022.

Before 2013, states with a history of racial discrimination in voting, like Texas, had to seek preclearance from the federal government before changing any voting law or policy. Importantly, Section 5 placed the burden of proof on the *state* to demonstrate that the proposed change would not negatively impact electoral participation of people of color or persons for whom English is a second language.⁵ Moreover, it created a *de facto* notice

¹ We are Texas lawyers for Texas communities, serving the rising movement for equality and justice in our state. Our Voting Rights Program tackles the systemic issues that suppress democratic participation in Texas—from voter registration to the moment when an individual casts their ballot. Learn more at <https://www.texascivilrightsproject.org>. I am deeply grateful for our entire team's tireless, passionate work, particularly given the heightened importance of our voting rights efforts in last year's presidential election and during the 2021 legislative session. Special thanks to two TCRP summer law clerks, Alina Tulloch (a rising 3L at NYU School of Law) and Ryan Brown (a rising 2L at UT School of Law), for their mighty contributions to this written testimony.

² Our committee conducted a study of voting rights in Texas in 2018, including an all-day public hearing in Houston in March 2018. I concluded my term as chairwoman in March 2021.

³ My curriculum vitae is attached as Appendix A.

⁴ My May 2019 testimony is attached as Appendix B.

⁵ See, e.g., *Texas v. Holder*, 888 F. Supp. 2d 113, 143–44 (D.D.C. 2012), *vacated and remanded*, 570 U.S. 928 (2013) ("To sum everything up: section 5 prohibits covered states from implementing voting laws that will have a retrogressive effect on racial minorities...Texas, seeking to implement its voter ID law, bears the burden of proof and must therefore show that SB 14 lacks retrogressive effect...But as we have found, everything Texas has submitted as affirmative evidence is unpersuasive, invalid, or both. Moreover, uncontested record

requirement for election law changes, preventing (for instance) last-minute shifts in polling place locations or eleventh hour polling place closures.

As described below, governmental entities in Texas at both the state and local levels have reduced access to polling places in recent years, particularly through reducing the quantity of locations. Now, inexplicably following an election with the largest turnout in a generation,⁶ the Texas legislature is targeting some of the innovations that bolstered participation—and that were particularly popular with voters of colors—by threatening both to dramatically decrease both the number of polling places and to hamstring the ability of local election officials to match polling place operations and hours to local needs.

Without preclearance, questions remain about the full impact of the changes to polling place quantities, locations and hours that are described herein. We do know that reducing access, whether through limiting locations or hours, has real-world implications for voters. All of us make a cost-benefit analysis before we vote, and the heavier the burden, the less likely we are to cast a ballot.⁷

Moreover, fewer polling places is one driver of long lines, a symptom of polling place inefficiencies that is compounded by other devices that make voting more onerous and time-consuming, such as Texas' strict photo identification law (the same one originally struck down under Section 5) and our 2019 elimination of straight-ticket voting.⁸ In the 2020 March Primary, TCRP's election protection program found that "at least 122 voters in eleven counties reported long lines at polling locations ranging from twenty minutes to five

evidence conclusively shows that the implicit costs of obtaining SB 14—qualifying ID will fall most heavily on the poor and that a disproportionately high percentage of African Americans and Hispanics in Texas live in poverty. We therefore conclude that SB 14 is likely to lead to "retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise"...

⁶ See William H. Frey, *Turnout in 2020 Election Spiked Among Both Democratic and Republican Voting Groups, New Census Data Shows*, Brookings (2021) (finding that voter turnout in the 2020 election was the highest in a presidential election since 1992), available at <https://www.brookings.edu/research/turnout-in-2020-spiked-among-both-democratic-and-republican-voting-groups-new-census-data-shows/>.

⁷ See Adam Bonica & Michael McFaul, *Want Americans to Vote? Give Them the Day Off*, Washington Post (Oct. 10, 2018, 3:42 pm), https://www.washingtonpost.com/opinions/want-americans-to-vote-give-them-the-day-off/2018/10/10/5bde4b1a-ccae-11e8-920f-dd52e1ae4570_story.html (reporting, "Voter turnout in the United States is among the lowest in the world ... Finding time to vote during a workday imposes a significant burden that falls disproportionately on workers and students[.]").

⁸ As described in my May 2019 testimony, this time-saving option was favored by Black and Latinx voters, who were significantly more likely to use this mechanism than white voters to quickly fill out their ballots. Straight ticket voting impacts how quickly voters can move through their ballot, especially in places like Harris County, home to Houston, where ballots are famously long.

hours.”⁹ Press reports indicated wait times as high as seven hours, “particularly in communities of color and on college campuses.”¹⁰ And, the individual stories we hear are heart-breaking. In March 2020 alone, we heard from a woman with disabilities in Travis County who physically could not wait in line and was disenfranchised; elderly voters in Harris County nearly fainting in the hot sun; a mother and son waiting for over five hours to cast their ballots.¹¹ Nationally, communities of color regularly wait nearly twice as long to vote as white voters,¹² and in Texas, too, long lines disparately impact Black and Latinx Texans.¹³

In short, history and current data confirm that voters of Texas are not evenly affected by the State’s detrimental changes to polling place locations, operations and hours. Instead, Black and Latinx Texans will suffer a heavier burden, as they have time and again.

II. Overview of Polling Place Shortages, Reductions and Closures, 2014-2020

Numerous sources have confirmed significant reductions in the number of polling locations in Texas in recent years—far more than any other state. The sheer number of poll closures warrants a fulsome governmental investigation into its impacts—and, indeed, prior to *Shelby County* every one of these closures would have been subject to federal preclearance and, thus, government evaluation and justification. Now, there’s a massive void, as state law does not require counties to assess or explain the impact of poll closures before or after they have gone into effect.

Without preclearance forcing the State and counties to evaluate and justify the community effects of these closures, it can be hard to ascertain a full picture of their impact. But, after conducting its own investigation, *The Guardian* concluded in March 2020 that “the places where the [B]lack and Latinx population is growing by the largest numbers have experienced

⁹ Louis Bedford & Faith Castillo, TEX. CIV. RTS. PROJECT, A TEXAS-SIZED DISASTER: LESSONS FROM THE PRIMARY ELECTION TO CARRY INTO NOVEMBER, at 6 (2020), *available at* <https://txcivilrights.org/wp-content/uploads/2020/09/EP-Report-2020.pdf>.

¹⁰ *Id.*

¹¹ *Id.*

¹² See Hannah Klain et al., BRENNAN CTR. FOR JUST., WAITING TO VOTE: RACIAL DISPARITIES IN ELECTION DAY EXPERIENCES 8 (2020), *available at* https://www.brennancenter.org/sites/default/files/2020-06/6_02_WaitingtoVote_FINAL.pdf (finding that Black and Latinx voters waited, on average, about 45% longer white voters to vote).

¹³ See Todd J. Gillman et al., ‘No One Should Wait Six Hours to Vote,’ But in Texas, Thousands Did on Super Tuesday, DALLAS MORNING NEWS (Mar. 4, 2020, 6:42 PM), <https://www.dallasnews.com/news/politics/2020/03/05/no-one-should-wait-six-hours-to-vote-but-in-texas-thousands-did-on-super-tuesday/>.

the vast majority of the state’s poll site closures.”¹⁴ And that conclusion matches the best available evidence, summarized below, which strongly suggests that many of these polling place closures have disparately and negatively impacted communities of color.

To start, testimony before the Texas State Advisory Committee to the U.S. Commission on Civil Rights in 2018, corroborated by policy experts, confirmed that hundreds of polling places were closed before the 2016 presidential election, significantly more in both raw number and percentage than any other state.¹⁵ One particularly egregious example: Galveston closed 16% of its polling locations in 2016, according to a plan that had been initially rejected by the Department of Justice because it discriminated against Black and brown voters.¹⁶

Then, in a 2019 report, the Leadership Conference Education Fund found that, between 2014 and 2018, Texas closed 750 polling locations—more than any other state in the country and more than twice the number of closures in Arizona, the state with the second highest number of closed polls. During that same period, fourteen Texas counties closed 50% or more of their polls. Six of the counties with the greatest number of poll closures in the nation between 2014 and 2018 were in Texas. Three Texas counties closed between 75% and 80% of their total polling sites, ranking among the ten counties with the highest percentage of poll closures in the country.¹⁷

To be sure, a meaningful portion of these poll closures seem to be the result of efforts to centralize voting. Texas has a Countywide Polling Place Program¹⁸ that allows counties to convert to a vote center model where voters can cast their ballot at any location in the county on Election Day, rather than simply at a location in their precinct. According to the Leadership Conference, two-thirds of the poll closures in Texas between 2014 and 2018 are attributable to shifts toward the vote center model.¹⁹

¹⁴ Richard Salame, *Texas Closes Hundreds of Polling Sites, Making It Harder for Minorities to Vote*, THE GUARDIAN, (Mar. 2, 2020), <https://www.theguardian.com/us-news/2020/mar/02/texas-polling-sites-closures-voting>.

¹⁵ MEMORANDUM FROM THE TEX. ADVISORY COMM. TO THE U.S. COMMC’N. ON CIV. RTS. 9 (May 30, 2018), *available at* <https://www.usccr.gov/pubs/2018/07-23-TX-Voting-Rights.pdf>.

¹⁶ Scott Simpson, *THE GREAT POLL CLOSURE*, LEADERSHIP CONF. EDUC. FUND 11 (2016), *available at* <http://civilrightsdocs.info/pdf/reports/2016/poll-closure-report-web.pdf>.

¹⁷ Leadership Conf. Educ. Fund, *DEMOCRACY DIVERTED: POLLING PLACE CLOSURES AND THE RIGHT TO VOTE* (2019), *available at* <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>.

¹⁸ Tex. Elec. Code § 43.007.

¹⁹ Leadership Conf. Educ. Fund, *supra*, at 24.

Done correctly, vote centers increase efficiency in election administration, ensure that no voters are disenfranchised for voting outside of their precinct on Election Day, and can be more convenient for voters. TCRP is thus in favor of the vote center model as a general matter, provided that the shift does not include significant closures and incorporates community input on any changed locations. And, some counties have shifted to vote centers and worked hard to ensure equality of access, including large counties like Travis and Harris. But again, without preclearance or any other standards of review, it is nearly impossible to ascertain the efficiency of these measures or to identify any adverse racial impacts closures might have on a statewide scale.

Plus, from the Leadership Conference’s research, we also know that conversion to vote centers alone does not fully explain the massive reduction in polling places in Texas following *Shelby*. Somervell, Loving, Stonewall and Fisher counties, for example, all closed between 60% and 80% of their polling places without converting to a vote center model. Each of these counties has a large Latinx population. Moreover, the Leadership Conference found that Texas counties that maintained precinct-style voting cut their polling locations by 250 sites in 2014 and 2018. That is a massive reduction that exceeds the total number of poll closures in the entire state of Georgia, the state with the third highest number of poll closures during those years.

Finally, the Leadership Conference’s research on polling place closures dovetails with alarming research from TCRP on the lack of compliance with election law in maintaining sufficient numbers of polling places. Following the November 2018 General Election, TCRP conducted a comprehensive review of county compliance with select provisions of the state Election Code and the Voting Rights Act. We found that many counties—regardless of size or polling place model—were out of compliance with election laws.²⁰ In 2018, Texas was unlawfully short of as many as 270 polling places in a total of thirty-three counties that contained 4 million registered voters collectively.²¹

Particularly egregious offenders included Caldwell and Cooke counties, which at the time of our report, were required by law to provide 33% and 60% more polling places, respectively, and Denton County, which needed to add 60 polling sites.²² Though they quickly pledged to address violations, McClennan and Tyler counties were found to lack sufficient voting

²⁰ Paul Flahive, *Texas Counties ‘Disenfranchised Voters’ by Closing Too Many Polling Places, Say Advocates*, TEX. PUB. RADIO (May 13, 2020, 10:26 AM), <https://www.tpr.org/government-public-policy/2020-05-13/texas-counties-disenfranchised-voters-by-closing-too-many-polling-places-say-advocates>.

²¹ *Id.*

²² Letter to Texas Secretary of State Ruth Hughs, at 9 (May 13, 2020), attached as Appendix C.

locations in communities with large populations of people of color (Waco and Tyler, respectively).²³

Disturbingly, some counties—and the Office of the Secretary of State—utterly ignored our calls for compliance, despite the racial disparities we identified. At least nine counties failed to respond sufficiently or at all to our notifications that they were violating important election standards.²⁴ And their inaction mirrors that of the Secretary of State, who is, by Texas law, appointed by the Governor to serve as the state’s chief election official. Until last month, the Honorable Ruth Hughs served in this position (it is currently empty). We provided Secretary Hughs with extensive findings in May 2020 that have yet to be addressed by her office or by any other statewide elected official.

This inaction is particularly egregious given the realities of the world during the 2020 election. Despite recommendations from the Centers for Disease Control that the number of polling places in a state should be increased or maintained, to better allow for social distancing,²⁵ despite Texas’ dubious track record, and despite the stark racial disparities in COVID-19 infections in Texas, the State took an “it is what it is” approach, allowing each county to police itself. For instance, in a June 18, 2020 Election Advisory (No. 2020-19), the Secretary included a section about polling place siting, but gave no directions whatsoever as to the quantity of polling places.²⁶ As of today’s date, TCRP is not aware of any meaningful oversight provided by the State as counties set polling places last year for the general election, not even to ensure that counties complied with the bare minimum required by current law, and let alone to ensure that polling place decisions did not harm communities of color.

III. Imminent Threat of Additional, Harmful Polling Place Changes in 2021

In the 87th legislative session in Texas, which officially ended just weeks ago on May 31, 2021, a complex, omnibus elections bill—Senate Bill 7—threatened to disenfranchise millions of voters across the state, with evidence showing that voters of color would be disparately impacted. Various versions of the bill that advanced in the legislation process would have: restricted early voting hours, including on Sunday mornings; prohibited polling places from offering popular “drive-thru” voting; and reallocated polling places using a

²³ *Id.* at 5.

²⁴ *See id.* at 6-12.

²⁵ Considerations for Election Polling Locations and Voters, Centers for Disease Control, <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.

²⁶ Election Advisory No. 2020-19 to County Clerks/Elections Administrators and County Chairs, (June 18, 2020), *available at* <https://www.sos.state.tx.us/elections/laws/advisory2020-19.shtml>.

racially discriminatory formula. And these new restrictions would be layered on top of the multitude of laws that already make Texas the hardest place to vote in the country.²⁷

If not for brave pro-voting rights legislators breaking quorum to prevent a vote on this legislation before the regular legislative session expired, S.B. 7 would likely be the law of the land today.²⁸ But, while S.B. 7 has been defeated for the moment, Texas Governor Greg Abbott has promised to call a special session to resurrect S.B. 7, at which many expect it to pass in some form.

The provisions of S.B. 7 described below are facially neutral. Just this week, however, Texas Lieutenant Governor Dan Patrick said explicitly that S.B. 7 was about “reining in one county—Harris County, in particular.”²⁹ Targeting Harris County, the largest and most diverse county in Texas where voters of color make up a high share of the electorate, raises significant questions about whether lawmakers had an unlawful intent. Preliminary analysis, done with publicly available data by our team at TCRP, indicates the disparate impact these provisions would have on communities of color. Accordingly and unfortunately, S.B. 7 is a prime example of the urgent need for renewed preclearance in Texas, to prevent this sort of retrogression of voting rights.

A. Attacks on Voting Hours

The final version of S.B. 7, as advanced by a joint conference committee and passed by the Texas Senate, mandated that voting must take place no earlier than 6am or later than 9pm.³⁰ This appears to be a direct response to extended-hour initiatives implemented during the 2020 election, particularly in Harris County where eight 24-hour early voting locations were set up to reach shift workers who otherwise would be unavailable to cast their ballots during regular hours.³¹

²⁷ *How hard is it to vote in your state?*, NIU NEWSROOM, <https://newsroom.niu.edu/2020/10/13/how-hard-is-it-to-vote-in-your-state/>.

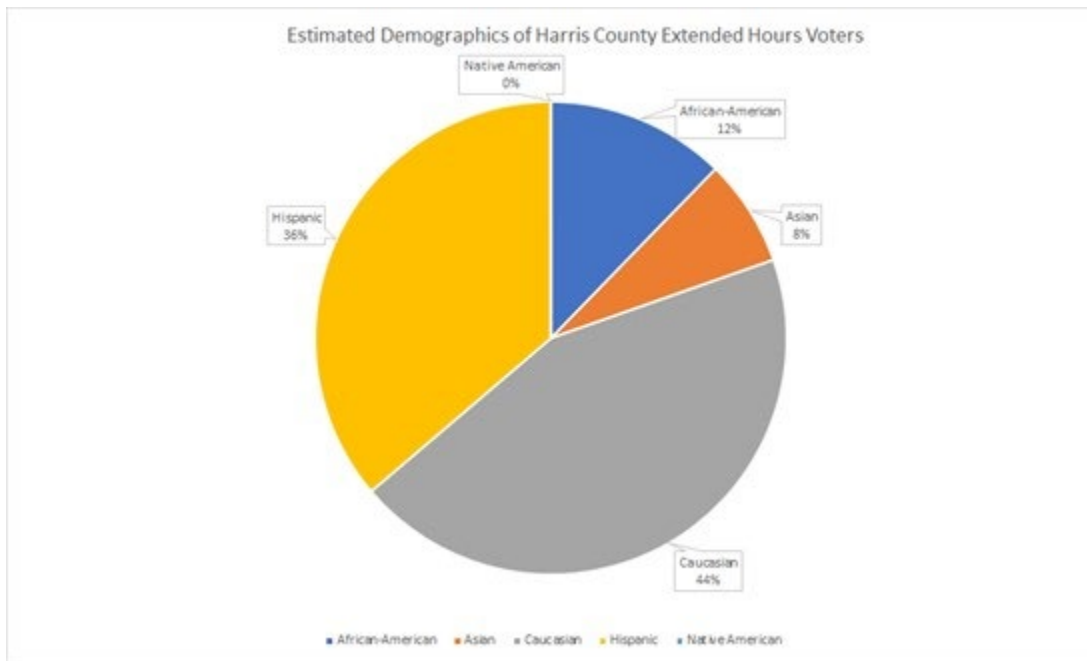
²⁸ Alexa Ura, Texas Democrats Abandon House Floor, Blocking Passage Of Voting Bill Before Final Deadline, THE TEXAS TRIBUNE (May 30, 2021), <https://www.texastribune.org/2021/05/30/texas-voting-restrictions-house/>.

²⁹ Christian Flores, *Lt. Gov. Patrick Talks Phelan, Dead Election Bill, and Paxton*, KEYE (June 8, 2021), <https://cbsaustin.com/news/local/lt-gov-patrick-talks-phelan-dead-election-bill-and-paxton>. Lt. Gov. Patrick specifically cited Harris County’s 24-hour voting and drive-thru voting sites, baselessly claiming that these policies were illegal. This should be viewed as a possible indication of the priorities for S.B. 7’s proponents as we approach a likely inevitable special session on the bill.

³⁰ Tex. S.B. 7, 87th Leg., R.S. (2021) Conference Committee Report, Section 3.09, <https://lrl.texas.gov/scanned/87ccrs/sb0007.pdf#navpanes=0>.

³¹ Juan A. Lozano, *Houston looks to boost turnout by offering 24-hour voting*, AP NEWS (2020), <https://apnews.com/article/election-2020-politics-houston-voting-texas->

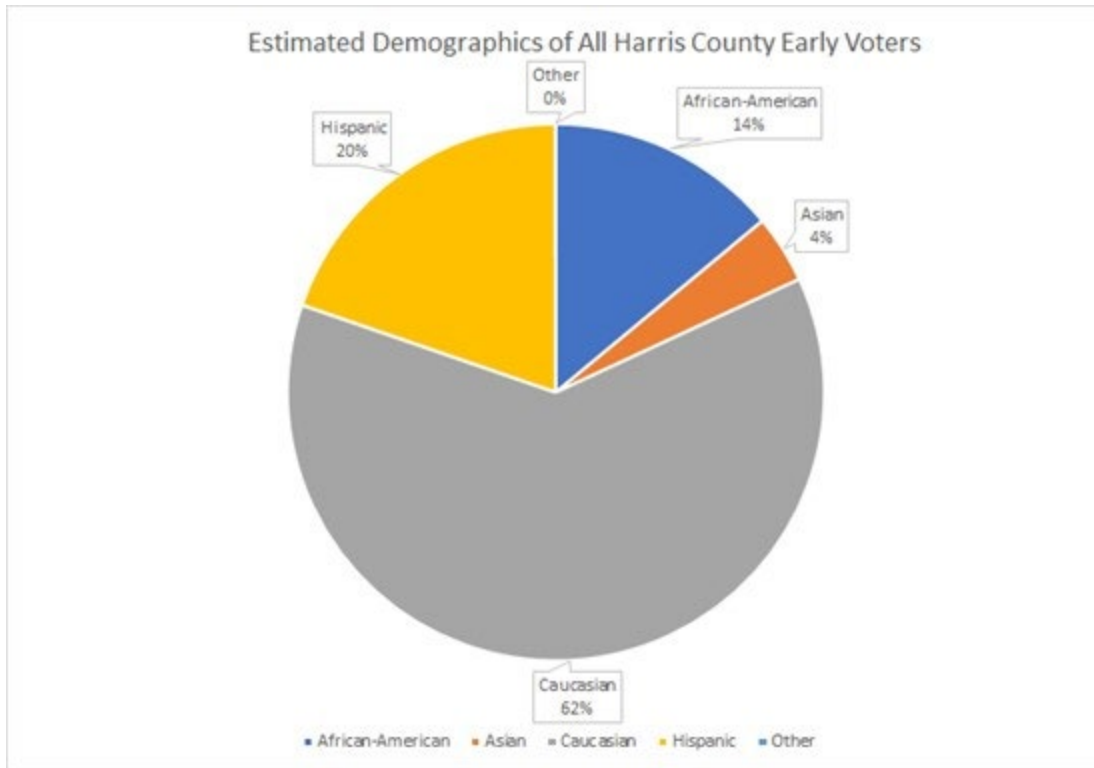
Moreover, with data from Harris County and using Targetsmart to model race and ethnicity, TCRP estimated the demographics of Harris County extended-hour voters in 2020, finding that they were disproportionately people of color even though most early-voting voters overall were white.³² This preliminary analysis was distributed to lawmakers, included in testimony and heavily reported upon in the press, underscoring that lawmakers were, at the very least, aware of and nonetheless willing to pass legislation that would make voting more difficult for communities of color.



For comparison, here is a breakdown of *all* Harris County early voters.

351f6e1c4820d8f2b2eb7468a725cce0; Lina Hidalgo, *We Need Everyone If We're Going To Beat The Attack On Voting In Texas*, The Washington Post (April 8, 2021), https://www.washingtonpost.com/opinions/we-need-everyone-if-were-going-to-beat-the-attack-on-voting-in-texas/2021/04/08/e3f20946-989f-11eb-a6d0-13d207aadb78_story.html.

³² Originally published at <https://twitter.com/txcivilrights/status/1375869409919700997?s=21>



The racial disparities are stark but not surprising. Permitting voting outside of regular work hours is essential for certain groups of voters who are disproportionately people of color, including working class people, people juggling multiple jobs, people with extensive caregiving responsibilities and those with unconventional work hours.³³

On top of that, S.B. 7 prohibited voting from taking place before 1pm on Sundays, which would severely hamstring—if not eliminate—“souls to the polls,” a longstanding tradition in which Black church leaders encourage their congregants to cast their ballots immediately after services. It’s unclear what purpose this provision could possibly serve other than limiting Black voters’ participation in our democracy. (Long-time Texas Senator Royce West underscored the absurdity by noting that, due to a separate new law passed allowing an earlier sale of beer and wine on Sundays, “We’re going to be able to buy beer at 10 o’clock in the morning, but we can’t vote until one o’clock.”³⁴)

³³ See, e.g., Liz Kennedy, *Millions To The Polls: Early Voting*, DEMOS (Feb. 18, 2014), <https://www.demos.org/policy-briefs/millions-polls-early-voting#fn8>.

³⁴ Nick Corasaniti, *Texas Senate Passes One of the Nation’s Strictest Voting Bills*, THE NEW YORK TIMES (May 29, 2021), <https://www.nytimes.com/2021/05/29/us/politics/texas-voting-bill.html>.

Finally, as discussed above, even if individual voters are able to navigate shorter hours and get to the polls, limiting voting hours as proposed by S.B. 7 has a foreseeable effect of further lengthening voting lines, which will further disparately impact communities of color.

B. Attacks on Drive-Thru Voting

In 2020, health concerns about COVID-19 and a steadfast refusal by Texas to expand opportunities to vote by mail pushed innovation by local officials to make in-person voting safe.³⁵ Perhaps the most popular was drive-thru voting in Harris County, which allowed “any registered voter to cast their ballot without leaving the comfort of their vehicle,”³⁶ and was ultimately used by approximately 127,000 voters.³⁷ Despite drive-thru voting’s immense popularity, especially among voters of color (as shown below), prominent Texas Republicans attacked drive-thru voting in 2020. Attacks included an aggressive lawsuit that sought not just to shut down drive-thru voting but, incredibly, to void all ballots cast in that manner after the fact.³⁸

S.B. 7 seeks to permanently end this innovation by disallowing polling places from being located “in a tent or similar temporary moveable structure or in a facility primarily designed for motor vehicles” and prohibiting voters from casting a vote “from inside a motor vehicle” unless the voter faces particular health challenges specified under the Texas Election Code.³⁹ Again, this provision targets the most racially diverse county in Texas, raising serious questions about lawmakers’ intent. Moreover, TCRP’s analysis found that about 53% of the votes cast at the 10 drive-thru sites in Harris County during the early voting period were by Hispanic, Black, or Asian voters, while only 38% of all early votes cast during the election were by people in those three demographic groups.⁴⁰

³⁵ For further background, see testimony I gave to the Select Subcommittee on the Coronavirus Crisis in September 2020, attached as Appendix D.

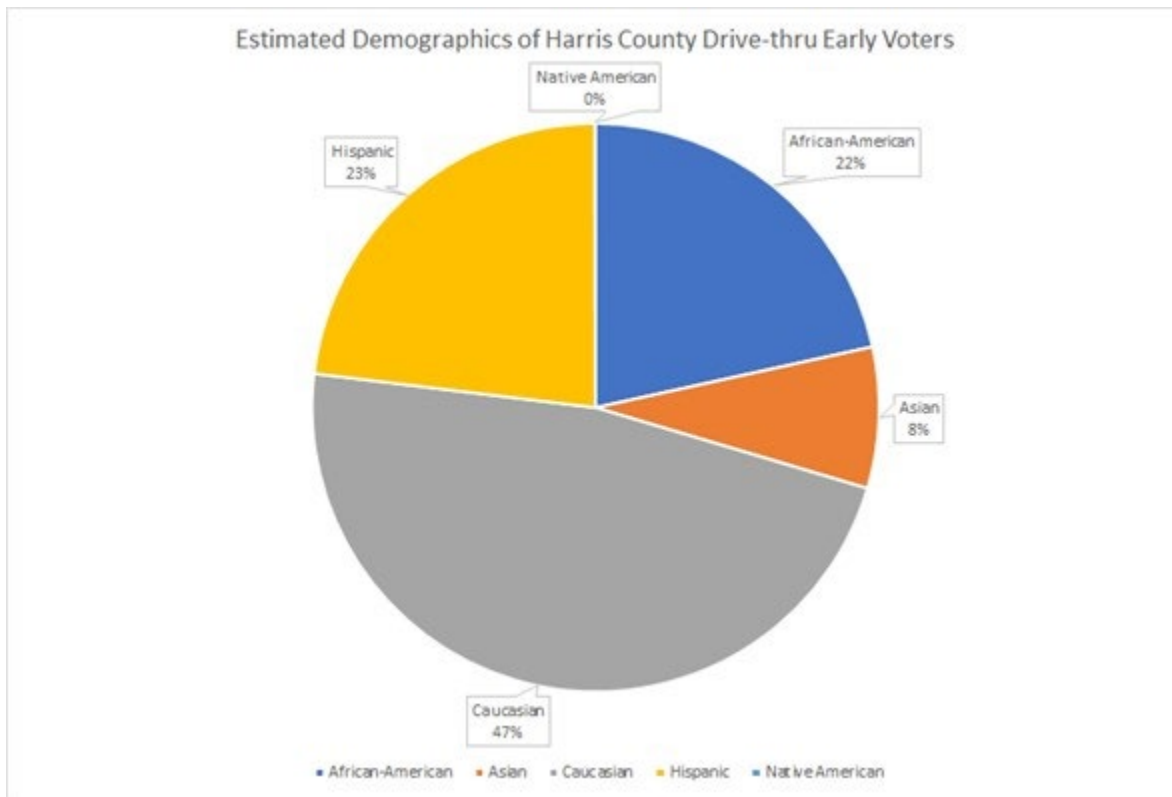
³⁶ Brandon Mulder, *In Voting Debate, No Evidence That More People Of Color Don’t Own Cars Than Do*, Politifact, <https://www.politifact.com/factchecks/2021/apr/23/dan-patrick/voting-debate-no-evidence-more-people-color-dont-o/>. Drive-thru is distinct from curbside voting, which is allowed under the Texas Election Code for any Texas voters with qualifying health challenges Tex. Elec. Code Ann. § 64.009

³⁷ Ashley Lopez, *Texas Republicans Look To Curb Local Efforts To Expand Voting Access*, NPR (2021), <https://www.npr.org/2021/03/26/981308277/texas-republicans-look-to-curb-local-efforts-to-expand-voting-access>.

³⁸ Jolie McCullough, *Nearly 127,000 Harris County Drive-Thru Votes Appear Safe After Federal Judge Rejects GOP-Led Texas Lawsuit*, THE TEXAS TRIBUNE (Nov. 2, 2020), <https://www.texastribune.org/2020/11/02/texas-drive-thru-votes-harris-county/>.

³⁹ Tex. S.B. 7, 87th Leg., R.S. (2021) Conference Committee Report, Section 3.03; Section 3.12; Section 3.13, <https://lrl.texas.gov/scanned/87ccrs/sb0007.pdf#navpanes=0>.

⁴⁰ Originally published at <https://twitter.com/TXCivilRights/status/137586941797271552>; see also Brandon Mulder, *In Voting Debate, No Evidence That More People Of Color Don’t Own Cars Than Do*, POLITIFACT,



That means voters of color utilized the drive-thru voting sites at significantly higher rates than white voters and that, in turn, disallowing drive-thru voting would have a disproportionate impact on voters of color. Again, lawmakers were given this data on disparate impact; TCRP’s analysis was also included in testimony and featured in multiple media reports, but lawmakers continued to support these provisions notwithstanding their discriminatory effect.

C. Attempts to Redistribute Polling Places

Finally, an earlier version of S.B. 7, as originally passed by the Texas Senate, included a provision that would have reallocated polling places in large counties away from communities of color for the benefit of whiter, richer communities.

Specifically, under Section 3.06 of the Senate’s version of S.B. 7, Texas counties with one million or more people would be required to distribute polling places based on the share of

<https://www.politifact.com/factchecks/2021/apr/23/dan-patrick/voting-debate-no-evidence-more-people-color-dont-o/>.

registered voters in each state House district within the county.⁴¹ Similar to the provisions discussed above, this specifically targets counties that are extremely racially diverse: Harris, Dallas, Tarrant, Bexar, Travis, and Collin counties. The effect would be to redistribute polling locations away from areas with higher shares of voters of color because those same communities have disparately lower registration rates—which is due to historical racism. An analysis by the *Texas Tribune*, copied below, demonstrates that 13 of the 24 districts within Harris County would lose polling locations under this provision. All 13 of those districts are currently held by Democrats, and all but one of those 13 districts has a majority non-white voting-age population.⁴²

District	Party	Change in polling places	Registered voter population	White voting-age population
141	D	-11	84,010	10.6%
146	D	-8	93,243	23.6%
148	D	-8	93,517	41.6%
142	D	-7	95,301	18.1%
147	D	-7	117,099	29.7%
140	D	-6	66,250	12.0%
143	D	-6	71,313	17.6%
144	D	-6	63,477	26.0%
137	D	-5	57,295	28.2%
145	D	-4	76,258	22.1%
134	D	-3	143,792	70.5%
131	D	-1	91,910	11.7%
139	D	-1	102,879	17.8%
128	R	0	110,286	58.2%
129	R	0	122,179	56.4%
138	R	+2	96,134	45.7%
126	R	+3	109,996	47.6%
149	D	+4	89,561	20.9%
133	R	+6	120,436	65.4%
135	D	+9	110,471	41.7%
127	R	+10	129,383	59.0%
150	R	+10	140,662	56.9%
130	R	+11	143,274	64.1%
132	R	+18	146,732	45.9%

⁴¹ Tex. S.B. 7, 87th Leg., R.S. (2021) Engrossed version, Section 3.06, <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00007E.pdf#navpanes=0>.

⁴² Madison Dong, Chris Essig & Alexa Ura, *Polling Places For Urban Voters of Color Would Be Cut Under Texas Senate's Version of Voting Bill Being Negotiated With House*, THE TEXAS TRIBUNE (May 23, 2021), <https://www.texastribune.org/2021/05/23/texas-voting-polling-restrictions/>.

Redistributing polling locations like this would dramatically undercut access for communities of color while bolstering access for white communities. This is exactly the kind of device the Voting Rights Act was originally implemented to protect against. There is little doubt that, prior to *Shelby*, preclearance would have prevented voters of color from being deliberately disenfranchised in this manner.

Again, Governor Abbott and prominent Republican leaders have vowed to pass a version of S.B. 7 in a special legislative session later this year. Unfortunately, without federal oversight, Texas lawmakers seem poised to enact voting law changes that will reduce access for people of color. Texas, sadly, is a prime and urgent example of why Congress must act now to update and reinstate preclearance under the Voting Rights Act.

I am happy to answer any questions the Subcommittee might have or to provide additional information upon request. Once more, thank you for the honor of testifying today.

Respectfully submitted by:



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