



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

April 22, 2019

David Whitley
Secretary of State
State of Texas
James E. Rudder Building
1019 Brazos St.
Austin, TX 78701

Dear Mr. Whitley:

The U.S. Commission on Civil Rights is pleased to transmit to your offices our Texas Advisory Committee's [Advisory Memorandum](#), *Texas Voting Rights*.

The Commission maintains 51 Advisory Committees - one for each state and the District of Columbia. The role of the Committees is to study civil rights issues in their communities and report findings and recommendations to the Commission. The Commission appreciates the Texas Committee's focused attention to barriers to voting that may have a discriminatory impact on voters based on race, color, sex, disability status, and/or national origin.

The Commission requests that your office review the recommendations on pp. 12-15 in the Memorandum. They are also attached to this letter in a stand-alone "Recommendations" document. In response to these recommendations, we advise that you take the steps necessary to protect civil rights in your jurisdiction.

We have similarly asked Texas House and Senate leadership and the Office of County Elections Administrators to review the recommendations.

The Commission's 2018 [report](#), *An Assessment of Minority Voting Rights Access in the United States*, was informed in part by the work of our Committees, including Texas.

The Commission appreciates your consideration, in the hope of ensuring civil rights protections. We look forward to hearing from you on what actions you will take in response.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Lhamon".

Catherine E. Lhamon, Chair

cc: Mimi Marziani, Chair, Texas Advisory Committee

Encl.

--Texas Advisory Committee [Advisory Memorandum](#) (via email only)
--Recommendations



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April 22, 2019

Lt. Governor Dan Patrick
President
Texas State Senate
The Capitol, Room 2E.13
Austin, TX 78711

Senator Kirk Watson
President Pro Tempore
Texas State Senate
Capitol Extension, Room E1.804
Austin, TX 78711

Dear Lt. Governor Patrick and Senator Watson:

The U.S. Commission on Civil Rights is pleased to transmit to your offices our Texas Advisory Committee's [Advisory Memorandum](#), *Texas Voting Rights*.

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We have similarly asked the Secretary of State, House leadership, and the Office of County Elections Administrators to review the recommendations.

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Catherine E. Lhamon
Chair

cc: Mimi Marziani, Chair, Texas Advisory Committee

Encl.

--Texas Advisory Committee [Advisory Memorandum](#) (via email only)
--Recommendations



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April 22, 2019

Representative Dennis Bonnen
Speaker
Texas State House of Representatives
Room 2W.13
P.O. Box 2910
Austin, TX 78768

Representative Joseph Moody
Speaker Pro Tempore
Texas State House of Representatives
Room GN.8
P.O. Box 2910
Austin, TX 78768

Dear Representatives Bonnen and Moody:

The U.S. Commission on Civil Rights is pleased to transmit to your offices our Texas Advisory Committee's [Advisory Memorandum](#), *Texas Voting Rights*.

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Catherine E. Lhamon
Chair

cc: Mimi Marziani, Chair, Texas Advisory Committee

Encl.

--Texas Advisory Committee [Advisory Memorandum](#) (via email only)
--Recommendations



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April 22, 2019

Christopher Davis
President
Office of Texas County Elections Administrators
5675 Woodrow Bean, Suite 12
El Paso, TX 79924

Dear Mr. Davis:

The U.S. Commission on Civil Rights is pleased to transmit to your offices our Texas Advisory Committee's [Advisory Memorandum](#), *Texas Voting Rights*.

The Commission maintains 51 Advisory Committees - one for each state and the District of Columbia. The role of the Committees is to study civil rights issues in their communities and report findings and recommendations to the Commission. The Commission appreciates the Texas Committee's focused attention to barriers to voting that may have a discriminatory impact on voters based on race, color, sex, disability status, and/or national origin.

The Commission requests that your office review the recommendations on pp. 12-15 in the Memorandum. They are also attached to this letter in a stand-alone "Recommendations" document. In response to these recommendations, we advise that you take the steps necessary to protect civil rights in your jurisdiction.

We have similarly asked the Secretary of State and Senate and House leadership to review the recommendations.

The Commission's 2018 [report](#), *An Assessment of Minority Voting Rights Access in the United States*, was informed in part by the work of our state Committees, including our Texas Committee.

The Commission appreciates your consideration, in the hope of ensuring civil rights protections. We look forward to hearing from you on what actions you will take in response.

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Catherine E. Lhamon, Chair

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Encl.

--Texas Advisory Committee [Advisory Memorandum](#) (via email only)
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Advisory Memorandum of the Texas Advisory Committee to the U.S. Commission on Civil Rights:

Voting Rights in the State of Texas

Recommendations

Among their duties, advisory committees of the Commission are authorized to advise federal agencies (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws; and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.⁸⁰ In keeping with these responsibilities, and in consideration of the testimony heard on this topic, the Texas Advisory Committee respectfully submits the following recommendations to the Commission:

1. The U.S. Commission on Civil Rights should send this advisory memorandum and issue recommendations to the U.S. Department of Justice to:

a. Enforce and monitor the requirements of the Voting Rights Act, particularly Section 203.

b. Enforce the National Voter Registration Act. ⁷⁷ Vattamala, Transcript at 74. ⁷⁸ Ibid. at 74-76. ⁷⁹ OCA-Greater Houston v. Texas, 867 F.3d 604 (5th Cir. 2017); Asian American Legal Defense and Education Fund has recently litigated this issue in Texas. The court ruled that Texas Election Code requiring interpreters to be registered in that county is in violation of the Voting Rights Act. ⁸⁰ 45 C.F.R. § 703.2 (a). 13

c. Further investigate the findings within this memorandum over which it has jurisdiction and take appropriate action.

2. The U.S. Commission on Civil Rights should send this advisory memorandum and issue recommendations to the Texas Secretary of State and its Elections Division to:

a. Increase accountability for poll workers and polling place administration, including verifiable paper trails and a more accessible and responsive complaint system. Specifically, all complaints should be compiled by the Secretary of State annually and made easily available to the public through a database on its website.

b. Implement more accessible registration forms by including forms in all Section 203 covered languages spoken in each county, in Braille, and in large print.

c. Ease the certification requirements for Volunteer Deputy Registrars by clarifying existing interpretations of the law and allowing Volunteer Deputy Registrar certification in one county to be accepted in all counties; standardizing training opportunities statewide, including by establishing, at minimum, weekly Volunteer Deputy Registrar training sessions in all counties with a population over 250,000; and requiring the standardized use of statewide registration forms and receipt systems.

d. Establish best practices and minimum standards for counties' election administration. These should include standardized information to be included on county websites, encouragement of voting centers, better training for poll workers (including training on the use of provisional ballots), and improved implementation of curbside voting and other ADA accommodations.

e. Increase the public education campaign regarding voter ID requirements and further encourage efforts in raising public awareness by partnering with community groups. This includes information on what ID is required to vote, as well as the "reasonable impediment" exception to the ID law.

f. Improve procedures for voting by mail for the elderly and disabled by making request forms and ballots easier to understand and more accessible.

g. Establish more uniform and consistent standards for poll worker training, including better training on meeting ADA requirements, how to issue provisional ballots, and how to implement language assistance requirements.

h. Create a mechanism to track and enforce the high school voter registration law, including providing clearer information about its requirements and best practices.

i. Implement a mechanism to better track provisional ballot use across the State. Statistics on issuance of provisional ballots and whether they were accepted or rejected should be compiled by the Secretary of State annually and made easily available to the public through a database on its website.

j. Establish early voting and Election Day polling places on all college and university campuses with an enrollment of at least 5,000 students.

k. Take measures to guard against acts of discrimination and intimidation at the polling place, including by implementing diversity and inclusion training into the standard poll worker training.

3. The U.S. Commission on Civil Rights should send this advisory memorandum and issue recommendations to the Texas Legislature to:



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- a. Implement a secure online voter registration system to make voter registration easier and more accessible and to better comply with the National Voter Registration Act.
 - b. Create a bipartisan commission to study voter registration and election administration and make recommendations to the Texas Legislature as to how to make voter registration and voting secure, easy and equally accessible for all eligible Texas voters.
 - c. Lessen legal repercussions and penalties for Volunteer Deputy Registrars in a manner that encourages voter registration efforts.
 - d. Improve Volunteer Deputy Registrar procedures and better comply with the National Voter Registration Act by allowing more time to return completed forms and the ability to return completed forms by mail.
 - e. Require use of Election Day voting centers in all counties with a population over 250,000. Harris-Bennett, Transcript at 121; Duarte, Transcript at 103.15
 - f. Amend existing law to set an extended notice period for polling place changes of no less than 30 days.
4. The U.S. Commission on Civil Rights should send this advisory memorandum and issue recommendations to Texas County Elections Administrators to:
- a. Establish more uniform and consistent standards for poll worker training including better training on meeting ADA requirements, how to issue provisional ballots, and how to implement language assistance procedures.
 - b. Strengthen implementation and enforcement of Section 203 of the VRA in the 88 counties that require it.
 - c. Track compliance and progress of high school voter registration efforts by providing high school-specific Volunteer Deputy Registrar numbers and increasing outreach efforts to high schools. The Committee recognizes that enforcement is the responsibility of the Secretary of State, but county administrators can play an integral part by coordinating enforcement and facilitating partnerships with local school districts.

d. Provide improved and more convenient trainings for Volunteer Deputy Registrars including greater availability of trainings, trainings in more languages, online training, and reciprocity agreements with adjacent counties.

e. Ensure more awareness of voter ID requirements through public awareness campaigns, partnerships with local organizations and businesses, and displaying clearer signage at polling locations.

f. Take measures to guard against acts of discrimination and intimidation at the polling place, including implementing diversity and inclusion training into the standard poll worker training.