

Congress of the United States
Washington, DC 20515

July 1, 2021

The Honorable Merrick Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Attorney General Garland,

Last month, the Senate failed to advance national voting rights legislation that would apply consistent standards across all federal elections. States continue to play a critical role in the administration of elections and the protection of voting rights for all Americans. Today's Supreme Court decision upholding two Arizona voting restrictions continues to show how states are failing to live up to this sacred responsibility. And, our home state of Texas is no exception.

We are encouraged to see that you are building up the Department of Justice's Civil Rights Division to meet the challenges of this moment and the sweeping attempts to suppress the votes of Latino and Black Americans at the state level. As you expand your staff and define the scope of the Division's renewed mandate, we are writing to request that your team focus special attention on unconstitutional voter suppression in Texas.

Texas is already the most difficult state in the country to vote. Northern Illinois University ranks Texas dead last in its "[Cost of Voting](#)" index because of the many ways the state limits access to the ballot. Texas remains one of the only states in the country without [online voter registration](#), requiring voters to complete their application by hand and deliver it to the local election office in person or by mail. Volunteers who want to register voters must undergo a training and appointment process in every single county in which they seek to register voters. This makes registration drives logistically burdensome and limits opportunities for voters to register. Further, all registration applications in Texas must be returned in person or postmarked 30 days before Election Day, the earliest deadline allowed under federal law. On top of this, Texas enforces one of the most restrictive voter ID laws in the nation that routinely disenfranchises younger voters and voters of color.

Now Governor Abbott and state lawmakers in Texas are trying to make it even harder to vote and easier to overturn an election. While an omnibus voter suppression bill (SB7) did not pass in the legislative session that ended on May 31, Governor Abbott has been clear that a similar bill will soon come up in a special session this summer, as soon as July 8. The Department of Justice must protect voting rights for all Texans. I am requesting that the DOJ Civil Rights Division focus its investigative powers in key areas reported over the last several elections that present a pattern of racially discriminatory voting practices in Texas, including:

- **Closure of polling locations that contribute to long lines, especially in Black and Latino communities:** According to the [Leadership Conference Education Fund](#), Texas has been leading the country in polling place closures since 2013. Six of the top 7

counties in poll closures are in Texas. Fourteen counties in Texas have closed more than 50% of their polling sites, including Dallas, Harris, and Travis counties. Their analysis finds that the 50 counties that gained the most Black and Latino residents between 2012 and 2018 closed 542 polling sites, compared to just 34 closures in the 50 counties that have gained the fewest Black and Latino residents.

For example, McLennan County, home to Waco, [closed 44% of its polling places from 2012 to 2018](#), despite the fact that its population grew by more than 15,000 people during the same time period. More than two-thirds of that population growth came from an increase in Black and Latino residents.

- **State prosecutions for election-related issues that appear to disproportionately target Black and Latino Texans:** In March 2021, the ACLU of Texas conducted an [analysis of voter prosecutions](#) led by Attorney General Ken Paxton’s “election integrity” unit. In 2020, this unit spent [22,000 hours](#) working on alleged voter fraud cases.

The ACLU analysis found that at least 72% of prosecutions under Attorney General Ken Paxton appear to have targeted Black and Latino individuals. Latinas and Black women were especially targeted, representing 45% of the unit’s prosecutions. The vast majority of all prosecutions - 86% - took place in counties with majority non-white and Latino populations.

- **Intimidation at the polls that targets voters of color.** During the 2020 election, the non-partisan Election Protection coalition received [267 reports of voter intimidation](#) in Texas, as reported by the Texas Civil Rights Project. Notably, a large portion of these reports were about armed citizens or organized demonstrations close to polling locations. Dallas, Harris, and Tarrant Counties each saw more than 20 incidents of voter intimidation reported to this one hotline, with 40 in Harris County alone.

In April 2021, Common Cause Texas shared a leaked video showing a county precinct chair giving a presentation calling for an “[election protection brigade](#)” that would take 10,000 Republican poll watchers from Houston’s predominantly white suburbs to watch the polls in the racially diverse urban core.

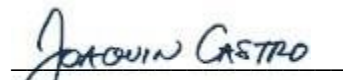
- **Texas counties’ failure to meet their obligations under the Voting Rights Act to provide information about voting and elections in English and Spanish.** Section 203 applies to counties where the voting age population has more than 10,000 Spanish speakers with limited English proficiency, or such individuals are more than 5 percent of the voting-age population. In 2018 and 2020, the ACLU of Texas [reviewed county election](#) websites for all counties that meet this threshold and sent letters to those whose websites had inadequate or inaccessible information in Spanish, poor or misleading translations, or did not offer voting information in Spanish at all.
- **The lack of a process to cure ballots that leads to thousands of ballots being rejected that should be counted.** Voters’ signatures often change over time. Using signature matching as the basis to reject ballots is unfair and leads to votes being tossed out. Data is

not yet available for 2020, but the Texas Tribune reports that [1,873 mail-in ballots were rejected](#) in the 2018 general election due to mismatched signatures, and at least 1,567 were rejected in 2016. Prior to the 2020 election, a U.S. District judge ruled the lack of a process for curing ballots in Texas was [unconstitutional](#) and ordered the state to create a process immediately to allow voters to fix their ballots. Unfortunately, the 5th Circuit Court of Appeals [overturned that ruling](#) with less than a month before the 2020 general election.

The Texas legislature's attempt to restrict access to voting occurs against this backdrop of existing voter suppression. In addition to investigating the above-mentioned issues, we encourage the Department of Justice to monitor any voting-related legislation passed out of special session. If future legislation resembles SB7, it will target and suppress the vote of Black and Latino voters and voters with disabilities; be squarely aimed at large, diverse counties; encourage voter intimidation by increasing the power of poll watchers; make it more difficult for counties to provide truthful information about voting to their constituents; and exacerbate the problems with arbitrary rejection of vote by mail ballots.

The work of the Civil Rights Division is essential in protecting our most foundational institutions and individual rights. Thank you for your leadership in expanding the Department of Justice's focus on voting rights. I look forward to seeing the results of your work.

Sincerely,



Joaquin Castro
Member of Congress



Marc Veasey
Member of Congress

/s/ _____
Al Green

/s/ _____
Lloyd Doggett

/s/ _____
Colin Allred

/s/
Sylvia Garcia

/s/
Lizzie Fletcher

/s/
Filemon Vela, Jr.

/s/
Eddie Bernice Johnson

/s/
Veronica Escobar

/s/
Vicente Gonzalez

/s/
Sheila Jackson Lee