



## TESTIMONY

### LEAGUE OF WOMEN VOTERS OF TEXAS

Federal Subcommittee on Elections, Committee on House Administration

March 17, 2022

This testimony is on behalf of the League of Women Voters of Texas about [Voting in America: “Ensuring Free and Fair Access to the Ballot in Texas”](#). We appreciate the opportunity to share our perspective.

During the 2020 General Election, Texans all over the state benefited from more voting opportunities, such as expansion of early voting, extended hours at the polling places, and more options to return vote-by-mail ballots.

But recently, Texas held the first 2022 primary election in the nation under the additional stress of a new, massive election bill, [Senate Bill 1](#), which created even more challenges for voters in Texas. The new election law caused heart-breaking confusion among voters throughout the primary election. Most notably, the new ID number requirements that needed to be added in Ballot by Mail applications and ballot carrier envelopes complicated voting. These new requirements hit older voters and voters with disabilities particularly hard. The final election reports show an extraordinary percentage of vote-by-mail ballots were rejected ([Texas Tribune article 3.11.22](#)). But election officials were not allowed to promote or even educate voters about the new Ballot by Mail processes under threats of criminal prosecution. Senate Bill 1 also targeted all the previously mentioned expansions to voting opportunities by outright prohibiting them.

Election officials were also overwhelmed with the major overhaul to the election laws. The Secretary of State’s office, which had the enormous task of carrying out the massive updates to the Election Code, was late in providing updates to its website, in training county election officials, and in sharing official guidance to county election officials on these major changes. Voter education and voting access were the casualties of the draconian changes in election law and severe delay in useful and vital education. It is a tragedy for our democracy when state leaders choose to support a partisan agenda

instead of voters when writing state election law resulting in a massive rejection of vote-by-mail ballots.

Texas voters were able to submit annual vote-by-mail applications beginning January 1, 2022. Yet, when volunteers with the League of Women Voters of Texas conducted a [Primary Election County Election Website review](#) in early February, they noted that the Texas Secretary of State updated the link to the Application for a Ballot by Mail PDF (ABBM), but eligibility and instructions for the new application were not updated. It was not until February 6th, **more than a month after voters 65 and over and voters with disabilities began to fill out their annual applications**, that the state website, VoteTexas.gov, was finally updated. We found that, of the 254 counties in Texas, only 120 (47%) provided up-to-date vote by mail information. Five counties still offered the outdated ABBM. The new Secretary of State's mail ballot tracker was offered by only 74 (29%) counties.

In addition to new voting requirements, the new election law also made election officials subject to new criminal penalties and provided more authority to partisan poll watchers. Voters reported unplanned closures of polling sites due to lack of election workers ([Texas Tribune article 3.1.22](#)).

Our primary election did not need to be difficult for voters. The League of Women Voters of Texas and our voting rights partners [warned the Texas Legislature](#) that SB1 would have negative consequences for voter access in our state. Because of this new election law, too many voters were silenced during our primary elections. It is critical that the Secretary of State show a real urgency in fixing many of the voting challenges before the November General Election. In particular, the League believes that the Secretary of State needs to work in collaboration with counties to address the obstacles voters faced in the primaries. The League of Women Voters of Texas will continue to support voter education and provide useful information to encourage voters to participate in our elections.

Texas is one of many states that is going backwards in ensuring the right to vote. What used to be a pride of bipartisan collaboration, is now relegated to political sound bites. The federal *Voting Rights Act* **must be restored** to ensure that every voter in Texas—regardless of where they live, what they look like, how old they are, if they have disabilities or what language they speak—has equal access to the ballot box and is protected from unfair laws and practices that make it harder for people to vote.

Below you will find information collected directly from Texas voters about the challenges they faced in the primary election because of the new law. We have omitted

identifying details, but we hope the stories represented will provide you with the personal connection to the issues that are created when lawmakers seek to limit access to voting.

For additional information, please contact: Grace Chimene, President, League of Women Voters of Texas [gchimene@lwvtexas.org](mailto:gchimene@lwvtexas.org)

The League of Women Voters is one of America's oldest and most trusted civic nonprofit organizations. Formed in 1919, the League of Women Voters of Texas represents over 13,000 grassroots advocates and 34 local Leagues across the State of Texas.

The League of Women Voters never supports or opposes candidates for office or political parties. We encourage the informed and active participation of citizens in government and seek to influence public policy through education and advocacy.

## Addendum: Stories from Texas Voters

After the March 1st primary election, The League of Women Voters of Texas conducted a *Share your voting story* survey. The form gathered stories from Texas voters about voting in that election and asked questions about the voting experience in the wake of the new law. LWVTX hopes the stories collected through this form will help to determine the impact that the new voting procedures had on Texas voters. Voters from 26 counties have replied to the survey so far and the survey is still active.

The following excerpts (with identifying information removed) illustrate the struggles that Texas voters faced when they sought to apply for a vote by mail ballot and then cast their vote by mail.

### Survey Responses

“When I checked about it, I found no evidence that I had applied!”

“We signed up several years ago. For the first time since signing up we did not get our mail in ballot.”

“I live in \*\*\*\*\* and had a special election at the end of January. I am disabled and vote by mail. I emailed the \*\*\*\*\* County elections division about the procedure. There was some confusion on their part; one person told me they could not receive applications until after January 1st, but then I got an official signed response from someone who said that the special election was an exception. I didn't realize that I had to use the same number to register that I had used when I first registered, but I entered my driver's license number, and that turned out to be correct.

“My mailed-in application for a BBM had not appeared in the online tracker showing it had been received late the following week, so I sent a pre-scanned copy in an email. I received an email confirming my application was received and a ballot being sent to me. Once I received the BBM and returned it, I checked online and couldn't tell if it had been received. So, I called and was told it had arrived and been counted before election day.”

“I was frustrated that the lookup of the progress of the acceptance of my ballot had changed, and my information seemed to confuse the new system and it was very difficult to find out if my ballots had been received and accepted.”

“Definitely harder to comprehend than in the past, don't remember having to add ID NO. or SSN. MUCH DIFFICULT FOR ELDERLY VOTERS.”

“After being denied twice, I got my ballot and mailed it back. \*\*\*\*\* County shows it was received 3x on 2 dates, but the SOS doesn't show me as registered. I called the County Board to see if my ballot was counted, but haven't heard back”

“I received a call on a Saturday 10 days before the election day that my ballot's outside envelope did not have ID information. I was asked if I would like my ballot returned to me to correct the error and I said, "Yes." I received the ballot and sure enough I had missed seeing the spot that required me to give ID information. It was in small print, and I had overlooked that area. I filled out a new envelope that was sent and returned my ballot. I'm assuming it was delivered and counted. The interesting thing is that my husband did not have an ID on his envelope either because we marked our ballots and envelopes the same. They overlooked the error on his or just didn't bother to contact him and threw his ballot out. I was never able to track our ballots because the website kept shutting down. I'm always careful to make sure everything is filled out correctly. The fact the ID information was way at the top and very small was probably why I missed that needed information. I find it difficult to believe I'd be the only person to overlook that area. I'm sure the letter that came with the ballot did not mention that information was needed or I'm certain I would have noticed and given the ID information.”

“I hand carried my mail-in ballot to the \*\*\*\*\* County Courthouse during early voting and they would not accept it. The man even told me that I did not have to put a stamp on it, just drop it in the mailbox outside the courthouse. I later Googled and found that Texas DOES require postage, but I had already dropped it in the mailbox.”

“When I voted in the January election, they used the old envelopes, and I didn't have to enter a number. When I voted in the March primary, I entered a number from my driver's license, which I assumed was correct, but I got an email saying that my ballot was rejected. That was quite upsetting. I tried to fix it myself online but was not able to, so I called \*\*\*\*\* County. A woman there walked me through the process. There are two numbers on the driver's license, and I had entered the wrong one. I didn't even see the other number for some reason. I checked the status of my ballot some days later, and it said that it was accepted.”

“I successfully completed my ballot by mail. My ballot was accepted. But it wasn't easy. First of all, the cumbersome ballot made it very difficult and the necessity to completely fill every box made me nervous. Also, the last minute ask for my email address phone number social security for digits and driver's license on that secret line underneath the envelope flap was really upsetting. I am a voter registrar, a

voter of many years, and an educated woman, so if it was difficult for me to figure out how to fill out that ballot, it must have been a nightmare for people who have fewer skills or experience. I'm very upset by the new laws."

"I voted by mail; vote has not been counted as of today March 7, 2022. I didn't sign the envelope b4 mailing. I made the correction Online. I have used tracking my ballot check Update on my ballot, no results yet. I have called five times to the election dept. No results, my vote remains Uncounted."

"I entered both SSN & TDL just to be sure I had the correct one & checked the box "for all elections." Received a letter asking me to reapply if I wanted a mail in ballot for the primaries, as there was a box, I missed next to "all elections" to specify which party for the primary. I received my ballot after early voting started. By that time there were already reports of how many mailed ballots were being rejected, so I voted in person & surrendered my mail-in ballot."

"I received the ballot promptly but when I voted it came back noting an error. I hadn't used the same ID as when I register evidently. I corrected over the phone but then received a ballot to correct what I had already corrected. Trying to verify that the corrected ballot had been received proved impossible."

"This experience really shook my confidence in my state government's handling of elections!"

"This was only my second time to vote by mail, and it was a lot harder this time! I don't know if my ballot got delivered or counted. I mailed it on the Friday before the election on Tuesday."

"It took 3 applications before I finally got the mail in ballot. After the second try the information said it was possible to correct my deficiency by email. But when I tried after great difficulty, I was informed that my application was never received."

"My experience was rocky. My first application for the mail-in ballot never arrived or was somehow misplaced at the \*\*\*\*\* County Early Voting Clerk's office. The office had no record of my application. I learned this through the Mail-in Ballot Application Tracker and a subsequent phone call to the office. The representative there was helpful and advised me to complete a new application, which I did. The second application was accepted, and I eventually received my ballot with a little over a week to spare before the deadline for return.

I mailed the completed ballot, and it was delivered and received on 2/27. On 3/4, I received a "Notice of Carrier Defect" letter from the Secretary of State. It

indicated a #4 error, meaning that some information was omitted from the Carrier Envelope. When I repeatedly attempted to correct the error online following the convoluted instructions in the very poorly constructed letter, I continually received a "No voter could be found for the details entered" message.

When the offices opened on Monday 3/7, I called the \*\*\*\*\* County Early Voting Clerk's office as directed in the letter. I explained the response to my online attempts to correct the error. The representative responded in a dismissive and patronizing way that she knew nothing about the website, that the "Corrective Action Form" was only available in person at the Early Voting Clerk's office in downtown \*\*\*\*\*. She told me to phone the Secretary of State's office. There I spoke with \*\*\*\*\*, who was exceptionally helpful. She explained that the problem was a lack of communication between the DPS and SoState databases that caused my DPS information to not be recognized by SoState and vice versa. She emailed very clear directions to "change", actually re-enter, my profile information into the DPS database. This action created the proper linkage and caused my ballot to be accepted. I've yet to see the result in the Ballot Tracker, but Ms. \*\*\*\*\* assured me that my vote was counted even though it might take several days to show acceptance in the Ballot Tracker. **All of this was apparently due to a software glitch that unknowingly affected untold numbers of voters!!!**

"I didn't get notice that it was approved until after I voted. Therefore, I had to work with the judge to cancel the mail in ballot request before I could vote in person."

"I returned the mail-in ballot by mid-February, far in advance of the March 1 Primary Election Date. Imagine my surprise when --two days after election day -- a ballot rejection letter arrived. Like an idiot (or perhaps more like an average voter), I had incorrectly entered i.d. information on the INSIDE FLAP of the carrier envelope! Getting online to [www.votetexas.gov](http://www.votetexas.gov) and figuring out how to find the "Ballot by Mail Tracker" was a real challenge...there is no such item listed on the [votetexas.gov](http://www.votetexas.gov) home page. I tried entering "Ballot by Mail Tracker" in the "search" option & got 1 hit: "zipmilitary-and-overseas-voters.ppsx." I tried another search: "track mail ballot" & got 4 hits, none of which included the words "Ballot by Mail Tracker." I threw reason to the wind and clicked the 1st hit "Military and Overseas Voters." And there it was on the sidebar: Track Your Ballot by Mail! I clicked, then found I had to click through to yet another page where I filled out the form -- which was a challenge in and of itself -- and I found my ballot had been received and rejected Feb 22. So why did it take 11 days for me to receive the NOTICE OF CARRIER DEFECT letter?? I DID (as required by law) "correct"

my ballot online within 6 days after Election Day. As of today, March 9, my ballot is still under review. No wonder so many ballots were rejected and ultimately will not count in this election. This system is a travesty which has and will prevent thousands of voting by mail in any election. So much for free and fair elections..."

"My mom is 81. She had been requesting mail ballots during Covid but decided not to in this primary due to SB1. She switched to voting early in person."

"My husband received an application to apply for the vote by mail ballot as usual. I never received an application."

"I am over 65. I applied for a Ballot by Mail. On the ID question, you could list EITHER YOUR DRIVERS LICENSE OR THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER. I thought it was an either/or question so I put down the last four digits. It was not indicated that whichever number you put down HAD TO BE THE SAME ONE YOUR USED IN YOUR INITIAL TEXAS VOTER REGISTRATION. In my case that would have been over 30 years ago, and I certainly didn't remember. I listed the last four digits of my social security number.

When I didn't receive my ballot, I called and was told that in \*\*\*\*\* County the (mostly Democratic) election officials were aware of this voter suppression tactic in the GOP voting law. Since these election officials had access to my driver's license number through other databases, they were able to complete my application and I received my Ballot by Mail in enough time to vote."

"Never received it."

"The application is too long; the print is too small for seniors to read. The language is misleading/erroneous relative to required and optional information, leading voters to have their applications rejected. For example, instructing voters to fill in "one" of the numbers, leading to rejection of the application because of voters filling in the "wrong" number."

"I sent in my Application for Ballot by Mail in mid-January. I never received the mail ballot. I call \*\*\*\*\* County Elections Dept one week before March 1. The staffer said that I would receive my ballot that day or the next day. Ha! It never came."

"I applied for a BBM for my husband who is 80 and disabled now. The ABBM worked just fine. Ballot came within 2 weeks of the election day, and I mailed at US P.O. But I had conflicting info on various websites about the status of his



returned ballot and his vote. Several ways to track and one did not even recognize him as a voter!!”

“Rejected, said date was too late.”

### **Letters shared with League of Women Voters of Texas**

“Good afternoon, \*\*\*\* – you and our staff certainly deserve our huge thanks and appreciation for going “above and beyond” to get rejected ballots cured and the required documentation timely into your office!

It is actually embarrassing to me that my mail-in ballot was rejected; I read the instructions and knew about the requirement to supply TDL # and/or SSN – but honestly, after putting the ballot envelope into the carrier envelope and sealing it, I could NOT find a space to put in that information. (Now I know why – the place is UNDER THE FLAP, and needs to be provided before sealing the carrier envelope\*). I assumed that the sticker that the elections office put on the envelope would be enough to identify me and that the ballot would be accepted – how wrong I was!

Of course, when I received your letter to say that my ballot had been rejected, I went on-line, as instructed, and tried to cure it that way, to save me a trip to your office in \*\*\*\* (since that is a 45-minute drive one-way). I followed instructions; gave my TDL and SSN, and upon review, it still said “rejected.” So, I thought I’d give it a couple of days, and it would most likely be updated. Thank goodness I checked on the status again today; it still said “rejected,” and that’s when I called your office and was told today was the last day to bring the information in. I was eventually told that someone could come by to pick up the Corrective Action form.... I can only imagine how many people will not – or would not have – gone thru the trouble to cure a defective ballot – I am so angry at what the Texas Legislature did to us voters!

Well, anyway, thank you so much again – you’re a rock star!”

“I was at an event on Saturday, March 5th and there was a LWV booth there.

I explained to them that I have voted since I turned 18 and now, I am 76 years old, I have never experienced as much trouble voting as I experienced this month.

I requested in a mail in ballot and that application was sent back to me and my husband as it was missing

party affiliation. I completed and sent back in. I did receive ballots for the both of us and completed and then sent in well before election.

Then we get a letter stating that we did not include the DL#/SS# on the envelope. I had not had to do this previously. We just returned from the election office and found that we now have to include the number on the envelope which is located under the flap. It was explained as a new edition to mail in ballots even though our numbers are included in our application. We did and hopefully now our vote counts.

I was told that you wanted to hear about these cases so you can document how this new voting law does indeed suppress the vote. I know that many people in this same situation would not go to the voting office to correct error. While we were there, there were two people who were trying to correct this same thing.”

“I have voted in every election since I became eligible (except for 1960 when I was in the hospital with my newborn). I always vote. I picked up an application for ballot-by-mail at my residence (name of assisted living center). I completed the application, mailed it, and got back a letter that the application was rejected. So, I drove to the county elections office to file an application in person. I filled out the form and asked the person at the elections office to review it - which she did. I then submitted my application person.”

### **Tell us about your experience assisting a voter with the Ballot by Mail process.**

“I shared information with my children who are Texas residents and in college to apply for a mail in ballot. The process was challenging, and my kids chose not to vote in the primaries.”

“I was a judge for early and election day. I served a lot of voters who had applied for VBM ballots and had not gotten them yet. SB1 molested the whole schedule - everything started late, people had to iterate because of missing information, and there were delays at the post office.”

“Even though my husband and I are eligible for ballot by mail due to our age, we advised each other NOT to do so because we don't trust it because of the new laws implemented under Republican legislature.”

“As a resident of \*\*\*\*\*, an independent living and health care community, I offered my assistance to numerous fellow residents. Some had the application for BBM rejected (some more than once). Some couldn't read it because of print size.”

“I worked as an alternate judge at a Hays County vote center. We had several voters bring in mail-in ballots that had been returned by the Post Office.”