



The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland:

We write to inform you that an alarmingly high number of vote-by-mail applications and ballots have been flagged for rejection during this year's primary election due to the new hurdles to voting created by Texas Senate Bill 1 (SB 1), which became effective December 2, 2021. As of February 15, 2022, of the 33,270 vote-by-mail applications that Harris County received, 4,598 vote-by-mail applications (14%) have been flagged for rejection due to SB 1's new voter identification requirements and 13,736 applications (41%) have been flagged for rejection for any reason, including voter identification requirements. In comparison, only 4,227 applications (6.6% of all received) were flagged for rejection during the same period last midterm primary election in March 2018.

Even more concerning is the number of ballots that have been flagged for rejection and returned to voters due to the new requirements of SB 1. As of February 15, 2022, of the 9,809 mail ballots our county has received, 3,491 (35.5%) have been flagged for rejection and returned to voters due to the new identification requirements of SB 1. SB 1 also has new voter identification requirements for the mail ballot itself and places the newly required ID fields in an inconspicuous place, under the flap of the vote-by-mail envelope. *See Attachment A.* Currently, it is unclear to the Harris County Elections Administrator how many of these ballots will be cured and returned in time to be tabulated for the primary election. What is apparent is that the number of rejected mail ballots will likely vastly exceed that of the March 2018 primary election, when only 135 total ballots (0.2%) were rejected.

SB 1 is therefore achieving exactly what its authors set out to do: erect more hurdles in front of the ballot box and systemically suppress the vote in Harris County.

The vote-by-mail process set forth by SB 1 asks for the same personal identification information from voters *twice*, forcing voters into a game of gotcha by hiding a section of required personal information under the flap of the required voting envelope. The Harris County Elections Administrator has found that voters who are able to find the new ID sections on the form and provide a correct social security number or driver's license number may still have their applications or ballots rejected if that number does not match what's in the voter registration database.

We believe every American has the right to vote.

Legitimate measures to protect the security of the electoral process are essential. But the days of literacy tests, poll taxes, and last-minute impediments to the ballot box should be put behind us for good. Texas already has some of the most stringent voting laws in the nation. Voter ID is required at the polls. Before SB 1, Texas mail ballots already required verification of voters' identification with a signature. SB 1's game of hide and seek voting is taking us back to the dark days we have all fought to put to rest.

Some have argued that this rate of rejection is a learning curve. However, courts have held that changes close to an election disenfranchises people. These hurdles are unnecessary because thorough voter ID requirements were already in place. But even if these changes were needed, the way in which they were implemented by the state of Texas, just months before an election with \$0 invested by the state in voter education, is negligent at best.

We appreciate the Department of Justice's efforts to protect voting rights in Texas, including the recent lawsuit filed against the restrictive voting procedures created by SB 1. We are also grateful to the Election Administrator's employees and the attorneys at the County Attorney's Office who have tirelessly fought against SB 1, recently winning a preliminary injunction in federal court against SB 1's anti-solicitation provision which prohibited county officials from encouraging people to vote-by-mail and fully informing them about SB 1's new procedures.

Our message today is simple: please exhaust every legal option available to ensure that each eligible voter in Harris County and the State of Texas has their vote counted. No action is too small to preserve our democracy.

When the sacred right to vote is threatened in America, courageous groups of advocates, attorneys, and lawmakers have rallied together to protect our democracy. We thank you for taking up the mantle to protect the vote and encourage you to redouble these efforts in service of our nation.

Sincerely,



Lina Hidalgo
Harris County Judge



Christian D. Menefee
Harris County Attorney



Isabel Longoria
Harris County Elections Administrator