
From: Sam Taylor
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Here's the full text of that Bloomberg Law piece below (attached)

<https://news.bloomberglaw.com/litigation/texas-voting-restriction-challenges-rejected-by-fifth-circuit>

Texas Voting Restriction Challenges Rejected by Fifth Circuit

By Jacklyn Wille 2022-03-17T15:23:24000-04:00

- Split opinions find Texas secretary of state immune from suit
- Secretary doesn't enforce challenged laws, court says

A trio of challenges to Texas election laws that restrict mail-in and straight-ticket voting fell flat when the Fifth Circuit held in split rulings that Texas's secretary of state doesn't enforce the laws and so is immune from suit.

The challenged laws are enforced by local election officials, making Texas Secretary of State John B. Scott an improper defendant, Judge Stuart Kyle Duncan said in three companion opinions issued Wednesday in the U.S. Court of Appeals for the Fifth Circuit. The cases' constitutional claims against Scott are therefore barred by sovereign immunity, Duncan said.

Plaintiff voters argued the secretary was a proper defendant with enforcement authority, because his office had issued various advisories to local officials about ballot verification. Duncan disagreed, saying that enforcement means "compulsion or constraint" and doesn't include offering guidance, advice, or interpretive assistance that doesn't bind local officials.

The lawsuits challenge a number of Texas voting restrictions, including a state rule requiring signature verification for mail-in ballots and a law eliminating "straight-ticket" voting, which allows voters to cast ballots for all the nominees of a political party with a single mark.

Judge Don R. Willett joined each of Duncan's opinions.

Judge Patrick E. Higginbotham filed three dissents. He said he was “troubled” by the court’s narrowing of *Ex parte Young*, the 1908 U.S. Supreme Court opinion allowing suits against state officials charged with enforcing challenged laws. He added that “partisan views ought to prevail by persuading voters, not by denying their right to vote.”

The plaintiffs are variously represented by Elias Law Group LLP, Perkins Coie LLP, Texas Civil Rights Project, and Willkie Farr & Gallagher LLP. The Texas attorney general’s office defended the

The cases are *Tex. Alliance for Retired Ams. v. Scott*, 5th Cir., No. 20-40643, 3/16/22 ; *Lewis v. Scott*, 5th Cir., No. 20-50654, 3/16/22 ; and *Richardson v. Scott*, 5th Cir., No. 20-50774, 3/16/22 .

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From: Sam Taylor <SMTaylor@sos.texas.gov>

Date: Friday, March 18, 2022 at 9:44 AM

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Subject: SOS Morning News Clips 3/18/22



Texas Secretary of State Morning News Clips March 18, 2022

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[Analysis shows mail-ballot rejections soared under Texas' tougher new voting law](#), *Texas Standard*, March 17, 2022

[Central Texas counties report 'higher than ever' rejection rates for primary mail ballots](#), *Austin American-Statesman*, March 17, 2022

[Texas leaders testify in front of U.S. House subcommittee on state elections law](#), *KVUE-TV*, March 17, 2022

[Here's your guide to casting a ballot in the Texas primary runoff elections](#), *Corpus Christi Caller-Times*, March 17, 2022

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[American families, personnel leave Mexico consulate after violence sparked by arrest of drug cartel leader](#), *CBS News*, March 17, 2022

[Shakeup of Texas border mission leadership continues as pair of two-star generals departs](#), *Texas Tribune*, March 17, 2022

[Editorial: 'Big Lie' lives; Texas voters pay the price](#), *San Antonio Express-News*, March 17, 2022

[Editorial: In Texas, voter suppression is working as designed](#), *Houston Chronicle*, March 17, 2022

[Texas' new voting laws are working as intended \(unfortunately\)](#), *MSNBC*, March 17, 2022

[Opinion: Texas's voter suppression law got its first test. It worked like a charm](#), *Washington Post*, March 17, 2022

[Analysis: When 1 in 8 Texas mail ballots gets trashed, that's vote suppression](#), *Texas Tribune*, March 18, 2022

How will Texas address mail-in voting issues?

Jala Washington

KXAN-TV

March 17, 2022

<https://www.kxan.com/news/texas-politics/how-will-texas-address-mail-in-voting-issues/>

AUSTIN (Nexstar) — We've been digging deeper into why 13% of mail-in ballots were rejected in the March Texas primary.

The Texas Secretary of State's Office told us most happened because voters didn't provide any identification on their carrier envelopes. Thirteen percent statewide amounts to more than 23,000 votes that were never counted.

For perspective: in a smaller, more conservative county, Potter, home to Amarillo, more than 16% — roughly one out of every six voters — had their ballots rejected.

In Austin, it was a little better at 8%. But if you think about it, that's still roughly one out of every 12 people who voted by mail who had their ballots rejected.

At first, Pam Robers, of Travis County, experienced issues first hand.

"It's notice of carrier defect," Robers said, showing Capitol Correspondent Jala Washington her alert her ballot was rejected.

She got an email from an address she didn't recognize.

"Then you scroll down, and it says your carrier envelope did not contain your driver's license number," Robers said.

She voted early, so she still had time to fix it.

"There were lots of hurdles to try and to make this happen," Robers said. "Instructions that weren't clear, telling you to do one thing in the tracking system, then if you did, it wouldn't work. It's no wonder a lot of people's votes were rejected or weren't counted."

Robers knows others weren't as fortunate as her in being able to correct mistakes. Sam Taylor with the Texas Secretary of State's Office said they plan to make the process more clear.

"It's a very easy mistake to fix," Taylor said. "We're looking at ways that we can highlight that section [where personal identification information is required], draw more attention to it for mailing voters and also engage in a more robust voter education campaign statewide, including TV advertisements. We've already run radio advertisements, digital advertisements, billboards. We're looking to get feedback from a lot of the major counties, with small, medium and large-sized counties, to share best practices."

Grace Chimene, president of The League of Women Voters of Texas, feels more awareness should've been spread upfront. She's also now working to educate voters, but she wonders if that'll be enough.

"Really what needs to happen is this legislation that created this problem needs to be fixed," Chimene said. "This is not necessary."

The Texas voting website does detail the new mail-in process, though Robers questions how useful that'll be for elderly people like her.

"It would have been nice to have more time to get the public educated," Robers said.

The law isn't going anywhere, at least for now. On Wednesday, a federal appeals court ruled in favor of Texas in three separate legal challenges.

The U.S. 5th Circuit said the civil rights and political groups challenging the mail-in ballot provisions and elimination of straight-ticket voting sued the wrong entity.

The judges ruled they can't sue the Texas Secretary of State's Office, because it is not responsible for enforcing the challenged laws.

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Texas Voting Restriction Challenges Rejected by Fifth Circuit

Jacklyn Willie

Bloomberg Law

March 17, 2022

<https://news.bloomberglaw.com/litigation/texas-voting-restriction-challenges-rejected-by-fifth-circuit>

A trio of challenges to Texas election laws that restrict mail-in and straight-ticket voting fell flat when the Fifth Circuit held in split rulings that Texas's secretary of state doesn't enforce the laws and so is immune from suit.

The challenged laws are enforced by local election officials, making Texas Secretary of State John B. Scott an improper defendant, Judge Stuart Kyle Duncan said in three companion opinions issued Wednesday in the U.S. Court of Appeals for the Fifth Circuit. The cases' constitutional claims against Scott are therefore barred by sovereign immunity, Duncan said.

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Advocates Denounce Texas' Rejected Ballots Before Congress

Acacia Coronado

Associated Press

March 17, 2022

<https://www.usnews.com/news/politics/articles/2022-03-17/advocates-denounce-texas-rejected-ballots-before-congress>

AUSTIN, Texas (AP) — Voting rights groups went before Congress on Wednesday and lashed out at Texas' tougher new voting laws during a Thursday congressional hearing following tens of thousands of rejected mail ballots – an unusually high number – earlier this month in the nation's first primary of 2022.

Democrats and civil rights advocates seized on an Associated Press report that found roughly 23,000 mail ballots went uncounted during Texas' March 2022 primary due to the state's new voting requirements as they embarked on a narrower push for new federal voting protections. Their attempts to dramatically rewrite U.S. election law collapsed in January and with the first primary of America's midterm campaign season already now over, time is running out and getting any bipartisan consensus to President Joe Biden's desk is likely to be difficult.

“What occurred in this primary election is just the beginning manifestation of what we are likely to see,” said Gary Bledsoe, president of the Texas NAACP State Conference.

Meanwhile, GOP lawmakers and party representatives largely ignored the thrown out ballots, instead turning their focus to Harris County, where state and county officials previously reported issues with 10,000 ballots misplaced but eventually counted. According to Cindy Siegel, chair of the Harris County Republican Party, voters also experienced polls opening late, issues with damaged equipment, voters being given the wrong form and untrained staff.

“There was true voter suppression on March first and the blame for it lies at the feet of the Democrat controlled Harris County,” Siegel said.

In Texas, county political parties can choose to work together in a joint primary or host a split primary and hold simultaneous elections which each party is responsible for staffing respectively.

The AP’s county-by-county analysis Wednesday found nearly 13% of absentee ballots were not counted, mostly due to new GOP voting restrictions similar to those enacted across the U.S. following the 2020 election. Most of the Texas ballot rejections happened because voters failed to comply with new ID requirements that took effect this year. While comparable historical data from primary elections is not available, experts say anything above 2% is usually cause for attention in a general election.

Texas Republicans advanced new voting restrictions – known as Senate Bill 1 – including a ban on drive-thru voting, new liberties for poll watchers and additional ID requirements in August following months of protests by voting rights activists and Democratic state lawmakers. The election law overhaul eventually passed following two walkouts by Texas Democrats, who are a minority in both legislative chambers and used the last resort effort to block the bill by denying their GOP colleagues the attendance necessary to cast a vote.

“The situation looks dire for November and for the runoff election before that,” said Hani Mirza, legal director of the Texas Civil Rights Project Voting Rights Program, who are listed as co-counsel in a lawsuit challenging Senate Bill 1. Mirza added that the number of rejections in November could be higher than the margins of victory in “local, state and even federal elections.”

“If these egregious provisions of SB1 are not struck down I think we are going to continue to see high rejection rates in the November election, which will have a way higher turnout,” Mirza said.

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Texas rejected at least 16,800 mail ballots in primary elections

Adam Brewster

CBS News

March 17, 2022

<https://www.cbsnews.com/news/texas-rejected-at-least-16800-mail-ballots-in-primary-elections/>

Thousands of Texans who tried to vote by mail during this month's primary elections had their ballots tossed out, many of which were rejected because of issues that voters had in trying to comply with the state's new voting law.

A CBS News analysis of election data has found that at least 16,800 mail ballots were rejected across 14 of the 25 counties with the most registered voters. That's about 15% of all mail ballots returned in those counties.

The rejections came in the first major election since Texas Republicans passed a sweeping new election law, known as SB1, after months of objections from Democrats and voting rights advocates. Republican Governor Greg Abbott signed the bill last September.

County election officials told CBS News that the provision in the law that gave voters the most trouble was a requirement that they provide a driver's license number, personal ID number or the last four

digits of their Social Security number when applying for and returning a mail ballot. The number that voters provide must match the registration that's on file.

County election officials have told the Texas secretary of state's office that the "vast majority" of mail-in ballot rejections stemmed from the failure to provide proper identification information, according to Sam Taylor, assistant secretary of state for communications at the Texas secretary of state's office.

Harris County, the country's third most populous county and home to Houston, had 6,888 mail-in ballots rejected of the 36,878 returned due to issues complying with the new voting law, according to the Harris County elections department. That's nearly 19% of all returned mail ballots. Just 31 ballots were rejected for reasons not related to the new voting law.

The number of mail ballots rejected this year far exceeded the rejection rate from the last midterm election primaries. In the 2018 primaries, officials said that just 135 mail ballots were rejected of the 48,473 mail ballots cast, a rejection rate of 0.3%.

Harris County's elections department says it doubled the staff dedicated to voter outreach and contacting voters if there were issues. But ultimately, only 849 people corrected their ballots — out of the 7,750 flagged for rejection.

Harris County Elections Administrator Isabel Longoria announced earlier this week that she would resign from her position on July 1 after county leaders criticized her handling of the March primary.

But the problems weren't limited to Harris County. In Bexar County, which is home to San Antonio, nearly 22% of the 18,000 mail ballots returned were rejected.

In the Dallas-Fort Worth metroplex, Collin County rejected about 14% of all mail-in ballots returned. Bruce Sherbert, the Collin County elections administrator, told CBS News that "virtually all rejections were due to the new ID requirements under SB1."

Also in suburban Dallas-Fort Worth, Denton County rejected nearly 17% of all mail ballots. Of those that were rejected, 84% were due to ID issues, according to the county elections department.

In Austin's Travis County, a majority of the 896 mail ballots that were rejected — about 8% of the total cast — had issues complying with the new ID requirements, according to a Travis County clerk's office spokesperson. In Williamson County, just north of Austin, 73% of the 521 rejected mail ballots couldn't be counted because of ID issues. The next most common reason for rejection was returning a ballot past the deadline.

Not all of the largest counties saw such high rejection rates. Brazoria County, near Houston, rejected 3.6% of returned mail ballots.

Texas already has strict requirements governing which voters can cast mail ballots. In order to be eligible to cast a mail ballot, a voter must be at least 65 years or older, sick or disabled, expecting to give birth within three weeks of Election Day, out of the county during early voting and on Election Day or confined in jail but otherwise eligible to vote.

There were signs of trouble for election officials in the weeks leading up to the primary when high numbers of mail ballot applications were rejected for failure to comply with SB1. Once ballots went out to voters, some counties flagged more than 30% of returned ballots for rejection, but were able to bring those numbers down through aggressive efforts contacting voters to fix their ballots.

In Webb County, located along the Texas-Mexico border, officials ultimately rejected 31 of 734 returned mail ballots, about 4%. Webb County Elections Administrator Jose Luis Castillo told CBS News that 112 ballots were initially flagged for rejection, mostly because the ballots were incomplete; not all of the new requirements were initially met.

"(Voters) struggled, but it's more of an educational thing," Castillo told CBS News. "They're used to the old system, not the new requirements or the new law."

The Texas secretary of state's office encouraged voters to update their registration information online to ensure that they have all forms of identification associated with their registration. State and local officials also encouraged voters to fill out both ID numbers before returning a ballot.

Taylor, who is with the Texas secretary of state's office, said state and local officials will focus a large amount of voter education on the new requirements for mail voters moving forward.

"While in years past we have focused our voter education efforts on in-person ID requirements, this year we are also devoting a significant portion of our voter education campaign to enhancing awareness of the new mail-in ballot ID requirements," Taylor said in a statement. "We are confident we have the data and research we need to apply any lessons learned during the primary to an even more robust voter education campaign heading into the November General Election."

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Analysis shows mail-ballot rejections soared under Texas' tougher new voting law

Jill Amend and Caroline Covington

Texas Standard

March 17, 2022

<https://www.texasstandard.org/stories/analysis-shows-mail-ballot-rejections-soared-under-texas-tougher-new-voting-law/>

Approximately 23,000 mail ballots were rejected during Texas' recent primary elections, according to an analysis by the Associated Press. That's roughly 13% of all mail ballots from the 187 Texas counties that responded to the AP's survey.

County election officials and the Texas secretary of state's office say most of the rejected mail ballots didn't follow voter identification requirements that came from the state's new voting rules, which include requiring mail-ballot voters to use the Social Security or driver's license number that correlates with what they used to register to vote. The most rejections were in the Houston area. Harris County election officials say they rejected nearly 7,000 – or 19% – of mail ballots.

Acacia Coronado, a Report for America reporter for the Associated Press, tells Texas Standard that some voters whose mail ballots were rejected also faced challenges trying to correct their ballots by Election Day.

Listen to the interview with Coronado in the audio player above or read the highlights below.

– The AP sent surveys to all of Texas' 254 counties, but only heard back from officials in 187, who indicated how many mail ballots had been submitted and how many had been rejected.

– The rejection rate during the Texas primary was especially high – at about 13%, compared to Texas’ usual rate of about 1%.

– The AP didn’t find any meaningful difference in ballot rejections between Republicans and Democrats. Coronado says both parties were affected.

– Most counties told the AP that the reason for a majority of the rejections was voters not following the ID requirement, which was a part of the new law passed in 2021. The law now requires voters to put their driver’s license or Social Security number on the ballot that matches the number a voter used to register to vote.

“People had to put whatever they originally registered to vote with, and so some people may not have realized what that was,” Coronado said.

– Mail-in voters had the opportunity to fix incorrect ballots. But Coronado says some voters struggled with that process, including one voter who wasn’t able to travel to the county offices to correct her ballot because she was elderly and ill.

“Those are very representative of some of the things we heard from voters in Texas when we reached out about their ballots,” she said.

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Central Texas counties report 'higher than ever' rejection rates for primary mail ballots

Niki Griswold and Nusaiba Mizan

Austin American-Statesman

March 17, 2022

<https://www.statesman.com/story/news/politics/2022/03/17/texas-election-mail-ballots-rejected-primary/6977976001/>

Central Texas counties threw out more than 1,000 mail-in ballots in the March primary, the first election since the implementation of a new GOP voting law known as Senate Bill 1.

The rejected ballots were among almost 23,000 mail-in votes that were uncounted in the 187 largest Texas counties under voting rules that were part of a broad campaign by Republicans to reshape American elections, according to an analysis published Wednesday by The Associated Press.

Roughly 13% of mail ballots in the March 1 primary were discarded and uncounted, with counties big and small, red and blue reporting trouble navigating SB 1's new rules — although the rejection rate was higher in counties that lean Democratic (15.1%) than Republican (9.1%), the AP reported.

The AP counted 22,898 rejected ballots across Texas by contacting all 254 counties and obtaining final vote reconciliation reports. Some smaller counties did not provide data or respond to requests, but the 187 counties that provided full numbers to AP accounted for 85% of the 3 million people who voted in the primary.

In the Austin-area counties, the overwhelming majority of the rejections were due to the law’s stricter ID requirement, which has caused confusion for voters since counties opened applications for absentee ballots earlier this year.

"It's typical to see ballots rejected because they're received after a statutory deadline — and we still had many ballots that were rejected for that reason — but the more prevalent cause in this case was ballots rejected for lack of the proper ID number, or ID issues," said Chris Davis, elections administrator for Williamson County.

"It led to much higher numbers than we've ever seen, in terms of rejected ballots," he said.

Mail-in ballot rejection rates in the primary election ranged from 7% to 11% in Austin-area counties, with more than 1,500 votes tossed out across Travis, Williamson, Bastrop and Caldwell counties.

Those rates far exceed previous elections. In the 2018 primary, the rejection rate for mail-in ballots in Travis County was about 2%.

Dan and Joyce Wilson, 86-year-old residents of a senior living home in Austin, say they will never try to vote by mail again after a confusing and frustrating experience in the March 1 primary.

The Wilsons were informed Feb. 24 that their absentee ballots were rejected because they had not listed their driver's license numbers or last four digits of their Social Security numbers on their ballot envelopes as required by SB 1.

Confusion mounted when the Wilsons tried to fix the problem online. They tried to follow the instructions to "cure" their ballots, but it took the help of a friend and volunteer to navigate the process. On election day, they called the Travis County elections office to make sure their ballots were fixed but were advised to vote in person to be certain.

The Wilsons cast provisional ballots that were later rejected because officials said they had already voted. They believe that means their mail-in ballots were counted, but they're not sure.

The couple said the 2020 election process felt more efficient, and Joyce Wilson said it felt like someone was trying to discourage them from voting this time.

Next time, Dan Wilson said, they will go to the polls even if voting in-person isn't easy for them.

"We're both 86 years old. This is not a big deal for a younger person, but it gets to be an effort for us," he said.

Last year, the GOP-controlled Legislature passed SB 1, making sweeping changes to the state's voting system, including banning drive-thru and overnight voting and empowering partisan poll watchers. The legislation requires voting assistants, who help Texans with language or physical need cast their ballots, to fill out a document listing their name, address and relationship to the voter. Assistants also have to sign an oath, under penalty of perjury, confirming that the voter is eligible for help due to a physical disability or being unable to read the ballot language.

Under the new law, Texans who vote by mail have to include their driver's license number or the last four digits of their Social Security number on the flap of the envelope containing their ballot. That number has to match the number they previously provided on their application to vote by mail.

The trouble is that voters are not required to provide both a driver's license and Social Security number when they register to vote, so the state does not have both ID numbers on file for every voter in the state. If an individual registers to vote using one form of ID and then applies for a mail-in ballot using the other number, their application would be rejected.

Republicans touted the law as essential to ensuring the integrity of elections, despite the lack of widespread evidence of voter fraud. But voting rights groups had decried the legislation as tantamount to voter suppression, warning that it would make it more difficult to cast a ballot, especially for disabled or elderly voters.

Sam Taylor, spokesman for the Texas secretary of state, said county officials told the agency that the "vast majority" of mail-in ballot rejections were the result of voters failing to include any ID number on their ballot envelope.

In Travis, Williamson, Bastrop and Caldwell counties, rejection rates ranged from 7% to 11% in the most recent election. The elections administrator in Hays County, Jennifer Doinoff, did not return multiple requests for information.

Official tallies for Travis County showed 948 absentee ballots were rejected out of 11,602 turned in to the county. Victoria Hinojosa, spokeswoman for the Travis County election administrator, said 72% of the rejected ballots were cast in the Democratic primary and 28% in the Republican primary.

Hinojosa said a majority of the rejected ballots were denied due to ID issues. Originally, at least 16% of absentee ballots received by the county were rejected, but Hinojosa said that number was cut in half as voters corrected ID errors after being notified by the county of the mistake.

The new election law requires counties to contact voters who made mistakes on their ballot to let them rectify problems before election day.

By comparison, Hinojosa said, in the 2018 primary 9,000 ballots were returned and about 2% were ultimately rejected.

In Williamson County, 11.6% of mail ballot voters had their ballots rejected. That rate was slightly higher among Republican voters (260 ballots out of 1,883 at a 13% rate) than Democratic voters (261 ballots out of 2,627 ballots at a 10% rate.)

El Paso County also saw higher numbers of rejected ballots. Lisa Wise, the El Paso County elections administrator, said 725 ballots were rejected in the March primary — a steep increase from the 39 rejections in the March 2020 elections.

About 94% of the rejected absentee ballots, and 42% of the rejected applications to vote by mail, were due to the new law's ID requirements.

'A catastrophe'

Election and voting advocates who had fought against SB 1 say the rejection rates for mail-in ballots in the primary election are evidence that the new voting law's effects are as bad or worse than they feared.

"I think we were all worried about vote-by-mail requirements, but I don't think anyone expected for it to be quite this much of a catastrophe," said Anthony Gutierrez, executive director of the nonpartisan elections and democracy organization Common Cause Texas, which is suing state officials over SB 1.

Part of the problem, Gutierrez said, is that he is not seeing an earnest effort from the secretary of state to alert voters of the new changes.

"The secretary of state seemed to be doing little to nothing to educate Texans about the new requirements until the very last minute," Gutierrez said. "Counties were just given the statute and left to figure it out by themselves."

Williamson and Harris counties reported abnormally high call volumes in the weeks leading up to the primary election as staff tried to assist voters who were confused by the new law's requirements and changes to the vote-by-mail process.

The flood of calls from voters also came as county election offices were scrambling to alert voters about the issues with their mail-in ballots, as well as learn about and implement all of the other changes included in SB 1, which took effect Dec. 2.

Davis said staff working at the elections office in Williamson County fielded numerous calls from frustrated voters.

"We never really know if the bad actors or folks that wanted to fraudulently apply for or submit ballots by mail have been successfully dissuaded by this, but the things that are measurable to us, and are knowable, are just the increased workload," Davis said, adding that training materials from the secretary of state's office were made available to counties after the application period for mail-in ballots had begun and after early voting was underway.

"We're used to having all of our plans and preparations and logistics already laid out, mapped out weeks if not months before an election, and it was not at all that case for this election," he said. "It was not unlike working on an engine of a plane that's in midflight."

Taylor said the secretary of state's office devoted significant resources toward educating voters on the law's new mail-in ballot ID requirements.

"We are confident we will have all the information we need to apply any lessons learned during the primary to an even more robust voter education campaign heading into the November general election," he said in a statement.

Voter disenfranchisement

Debbi Voss, vice president of the Austin chapter of the League of Women Voters, said the new law's changes to mail-in ballots disproportionately affected elderly voters and people with disabilities, who are some of the only people who qualify to vote by mail under the state's eligibility requirements.

Voss says the number of calls to the Austin chapter for voting help escalated in January and rose to as many as six to eight calls per day in February. She found many voters were confused by the new requirement to put either a driver's license number or Social Security digits on the flap of the envelope, with some complaining that there were multiple envelopes with their ballot.

Voss recommended that voters who don't remember which ID number they used on their vote-by-mail application to put both on their mail-in ballot to ensure it is not rejected.

"We shouldn't need an advanced degree to be able to apply to get a ballot by mail," she said. "It's ridiculous."

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Texas leaders testify in front of U.S. House subcommittee on state elections law

Conner Board

KVUE-TV

March 17, 2022

<https://www.kvue.com/article/news/politics/elections/texas-elections-law-senate-bill-1-house-hearing/269-b9872b7c-a426-430f-94a1-bb382eba373b>

WASHINGTON — On Thursday, lawmakers in Washington, D.C., heard testimony about the Texas elections law that passed last year, known as Senate Bill 1.

Many state and local leaders have concerns about how the law has been impacting Texas elections since it went into effect in September. On Thursday, some of those leaders shared their concerns in front of the U.S. House of Representatives' Subcommittee on Elections of the Committee on House Administration.

Thursday's hearing was titled "Voting in America: Ensuring Free and Fair Access to the Ballot in Texas." It provided an opportunity for Texas leaders and voting rights experts to offer firsthand accounts of the challenges they say are caused by Senate Bill 1.

Travis County Judge Andy Brown was one of those who testified. He said his focus would be on how Senate Bill 1 has made it more challenging for local leaders to uphold the voting rights of Texans.

"We've got registered voters, people who have the right to vote and are eligible in every other way to vote, trying to vote, and they're being told by SB1, by requirements of SB1, that their vote is going to be rejected," he said, referring to a change in the law that requires voters to put their ID numbers on the return envelope for mail-in ballots.

The law bans 24-hour voting and drive-thru voting and makes it illegal for local election officials to proactively give out mail-in ballot applications. The law also extended early voting hours in some counties.

There was so much controversy over the law that during the second special legislative session last year, Texas Democratic lawmakers left the state to go to D.C. so that the House could not meet quorum, delaying the passage of the bill. Eventually, the bill did pass and was signed into law by Gov. Greg Abbott in September.

Thursday's hearing comes amid a big push to pass federal voting rights legislation. Aside from Brown, other leaders expected to testify include Gary Bledsoe, president of the Texas NAACP State Conference; Hani Mirza, legal director for the voting rights program of the Texas Civil Rights Project; Nina Perales, vice president of litigation for the Mexican American Legal Defense and Educational Fund; and Cindy Siegel, chair of the Harris County Republican Party.

The hearing began at 2 p.m. and was streamed [here](#).

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Here's your guide to casting a ballot in the Texas primary runoff elections

John C. Moritz

Corpus Christi Caller-Times

March 17, 2022

<https://www.caller.com/story/news/local/texas/state-bureau/2022/03/17/texas-primary-runoff-election-dates-voting-mail-in-ballot-questions/7049418001/>

AUSTIN — The runoffs are May 24 to finally select the Democratic and Republican slates of statewide candidates for statewide and down-ballot races for November. Here's what you need to know.

Who can vote in Texas primary runoff election?

Any registered voter may cast a ballot in the runoffs. However, voters who voted in either the Democratic or Republican primary may only vote in the same party's runoff.

But voters who sat out the March 1 primaries may vote in either one of the parties' runoffs.

Also, third parties, such as the Libertarian Party and the Green Party, do not choose their candidates in primaries, so therefore there are no runoffs.

Which races are being contested in the May 24 runoffs?

Lieutenant Governor: Two Democrats, 2018 nominee Mike Collier and state Rep. Michelle Beckley of Denton County are competing. The Republican nominee, incumbent Dan Patrick, won his primary outright.

Attorney General: On the Republican side, two-term incumbent Ken Paxton faces Land Commissioner George P. Bush. The Democrats will choose between Brownsville lawyer Rochelle Mercedes Garza and former Galveston Mayor Joe Jaworski.

Comptroller: Democrats Janet Dudding, an accountant, faces business strategist and community organizer Angel Luis Vega. Republican incumbent Glenn Hegar easily won renomination.

Land Commissioner: State Sen. Dawn Buckingham of Lakeway and educator and minister Westley are competing for the Republican nomination. The Democratic race features Sandrgrace Martinez, a professional counselor, and conservationist Jay Kleberg.

Railroad Commissioner: Incumbent Republican Wayne Christian faces oil and gas attorney Sarah Stogner. Democratic activist Luke Warford won his primary unopposed.

Texas primary runoff dates to remember

- April 25 — Last day to register to vote for the May 25 primary runoffs.
- May 13 — Last day to apply for a ballot by mail for the runoffs. Again, application must be received by this date, not postmarked by this date.
- May 16 — First day of early voting for the runoffs.
- May 20 — Last day of early voting.
- May 24 — Primary runoff election day. Also, mailed ballots must be postmarked by 7 p.m.

Texas voter ID requirements

Texas Driver License issued by the Texas Department of Public Safety

Texas Election Identification Certificate issued by DPS
Texas Personal Identification Card issued by DPS
Texas Handgun License issued by DPS
U.S. military identification card containing your photograph
U.S. Citizenship Certificate containing your photograph
U.S. passport, either a book or a card

If you do not possess and cannot reasonably obtain one of these IDs you may fill out a:

Declaration at the polls describing a reasonable impediment to obtaining it. Here's what you'll need:

A government document that shows your name and an address, including your voter registration certificate
Current utility bill
Bank statement
Government check
A paycheck

Either a certified domestic birth certificate or a document confirming birth admissible in a court of law which establishes your identity. This may include a foreign birth document.

New rules for Texas mail-in ballots

Under a sweeping elections overhaul bill passed last year, applicants for mail-in ballots must complete a form and list a state-approved ID number such as a driver's license or the last four Social Security numbers, depending on how they originally registered to vote.

This has caused some confusion in many counties, which has led to rejected applications because some voters do not remember which number they originally used. The application forms can be found on the secretary of state's website.

The site also includes an application and mail-in ballot tracking form, similar to one used by parcel-delivery services, so that voters can monitor the progress.

Here's how the Secretary of State's Office explains who's eligible to vote by mail:

- Be 65 years or older;
- Be sick or disabled;
- Be out of the county on election day and during the period for early voting by personal appearance; or
- Be expected to give birth within three weeks before or after Election Day; or
- Be confined in jail, but otherwise eligible.

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Texas High-Speed Rail Project May Be Eligible for Biden's 'Buy American' Funds Despite Foreign Contracts

Kim Roberts

The Texan

March 17, 2022

<https://thetexan.news/texas-high-speed-rail-project-may-be-eligible-for-bidens-buy-american-funds-despite-foreign-contracts/>

In his State of the Union address on March 1, President Joe Biden praised the passage of the bipartisan Infrastructure Investment and Jobs Act in November, saying, “It is going to transform America and put us on a path to win the economic competition of the 21st century.”

One of the provisions in the bill that Biden pointed to in supporting American jobs is the “Buy American” requirements for infrastructure projects to “make sure American taxpayers’ dollars support American jobs and businesses.”

Texas Central Railroad, the high-speed rail project proposed between Dallas and Houston, is looking for federal infrastructure money to help fund its project, according to CEO Carlos Aguilar.

However, Texas Central’s train will be based on Central Japan Railway’s Tokaido Shinkansen train system, it has signed a design-build contract with an Italian firm, Salini Impregilo — now known as WeBuild. It named Renfe Operadora, a state-owned Spanish company, as the rail operator.

While the president touted the infrastructure law as supporting American jobs and businesses, the language of the “Buy American” section of the bill doesn’t appear to prohibit Texas Central’s use of these foreign companies for their services, including the Japanese technology being used.

Vance Ginn, chief economist at the Texas Public Policy Foundation, agrees. He believes the language of the law allows for foreign providers as long as the iron, steel, and other supplies are manufactured in the United States.

Ginn also pointed out that whenever the government has a “Buy American” requirement, there is always a trade-off. Companies aren’t then allowed to consider whether they are using the highest quality goods available and if their “American” choice is best for the consumer.

Furthermore, as Ginn noted, the Office of Management and Budget has a year to promulgate regulations for complying with the Buy American Act.

William Scofield, president of Bud Adams Ranches, Inc, which lies along the proposed route and will be impacted if it is built, expressed concerns about the Texas Central project’s compliance with the Buy American requirements in a letter to the editor he submitted to the Washington Times.

In the letter, he proposed that projects be ranked by scores on a number of criteria “such as the number of citizens served, the feasibility of financing construction, compliance with federal social justice and climate policy priorities, and full compliance with the National Environmental Protection Act and the Endangered Species Act.”

Scofield doesn’t believe that Texas Central’s high-speed rail project sufficiently meets these criteria.

The infrastructure law contains provisions that allow for the “Buy American” requirement to be waived if (1) “domestic procurement” would be inconsistent with the public interest; (2) if the types of iron, steel, or other manufactured products are not sufficiently available domestically; or (3) if use of the domestically produced products would increase the cost by more than 25 percent.

Over the past month, the Federal Railroad Administration (FRA) was seeking public comment about “how the Program should be implemented to best facilitate the development of intercity passenger rail

corridors.” The infrastructure bill makes funding available for the planning and development of projects.

The City of Dallas filed public comments urging FRA to provide support for the implementation of the Dallas-to-Houston high-speed rail project as the city considers it “critical to mobility, economic development, and sustainability, with recent growth in Texas cities and metropolitan areas.”

Texas Central did not reply to a request for comment before the time of publication.

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Canada says no test results needed for vaccinated travelers

Jim Morris

Associated Press

March 17, 2022

<https://www.expressnews.com/business/article/Canada-says-no-test-results-needed-for-vaccinated-17010222.php>

VANCOUVER, British Columbia (AP) — The Canadian government’s announcement it is dropping the requirement for vaccinated travelers to show a negative COVID-19 test result to enter the country was greeted with relief by tourism and business groups on both sides of the border Thursday.

Health Minister Jean-Yves Duclos said tests will no longer be needed beginning April 1.

Currently, fully vaccinated travelers entering Canada must present proof of a negative result from a professionally administered antigen test. The antigen test replaced the more costly and time-consuming molecular test in February.

Guy Occhiogrosso, president and chief executive officer of the Bellingham Regional Chamber of Commerce in Washington state near the border with British Columbia, said the tests discouraged Canadians crossing into the U.S. for holidays and day shopping trips.

He estimates some local retail businesses saw a 30 per cent drop in business due to a lack of Canadian travelers.

“There have been some border business that have seen catastrophic losses,” he said.

Garry Douglas, president and CEO of the North Country Chamber of Commerce in Plattsburgh, N.Y., said the local region has over 100 Quebec-based businesses that employ 15 per cent of the workforce.

“That has been interrupted over the last two years,” said Douglas. “The U.S.-Canadian economic relationship is one of deep and growing economic integration.

“It’s not about boxes going back and forth. It’s about making things together.”

Beth Potter, president and CEO of the Tourism Industry Association of Canada, said tourism generated CDN\$105 billion (US\$83.13 billion) and employed nearly two million people in 2019. That revenue has been cut in half over the last two years and over 400,000 jobs were lost.

The current testing requirements were a deterrent for both business and leisure travelers, said Potter.

“It basically delivers the message that Canada was closed and we weren’t open and ready to welcome travelers back to our country,” she said.

“The U.S. traveler is our No. 1 international traveler by sheer volume. Anything we can do to encourage Americans to come back across the border and vacation or do business is a huge part of our industry.”

David Blandford, executive director of State of Washington Tourism, said Canada is the top international tourism market for the state.

“Ease is important in travel,” he said. “These announcements certainly will help that.”

Mark Agnew, senior vice-president of policy and government relations at the Canadian Chamber of Commerce, believes removing the tests will encourage more conferences and conventions being held in Canada.

“Because we’ve reduced another barrier for fully vaccinated travelers it will encourage more business travel from foreign nationals into Canada, which of course is good for the local economy,” he said.

Duclos said the tests are being dropped because of Canada’s high vaccination rates and fewer cases of the virus being detected at the border.

Incoming tourists will still need to be vaccinated to visit Canada, and all inbound travelers must also upload their details to the ArriveCan app.

Vaccinated people could also still be subject to random molecular tests when they arrive at Canadian airports.

Unvaccinated Canadians and other travelers who are exempt from the vaccine mandate will still need to provide a negative rapid antigen or molecular test, or an accepted form of proof of recent infection to enter the country.

Unvaccinated travelers will also be tested on arrival, again eight days later, and will be required to quarantine for 14 days.

Douglas said the pandemic border restrictions were harming the special business and cultural relationship between the two countries.

“This isn’t just about somebody not buying gas on the other side of the border,” he said. “This is actually undermining the very foundation of all aspects of the U.S.-Canada relationship.”

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American families, personnel leave Mexico consulate after violence sparked by arrest of drug cartel leader

CBS News

March 17, 2022

<https://www.cbsnews.com/news/mexico-us-personnel-leave-consulate-nuevo-laredo-arrest-juan-gerardo-trevino/>

The United States authorized the departure of families and some personnel Wednesday at the U.S. consulate in the Mexican border city of Nuevo Laredo. The move came after drug cartel gunmen fired at the U.S. consulate building in Nuevo Laredo, across the border from Laredo, Texas, during Sunday night.

"The Department of State authorized the departure of non-emergency U.S. government personnel and eligible family members from the U.S. Consulate General in Nuevo Laredo due to security conditions," a department statement said.

"As of March 15, the Department of State is not able to offer routine consular services from the U.S. Consulate General in Nuevo Laredo," it continued. "U.S. citizens wishing to depart Nuevo Laredo should monitor local news and announcements and only do so when considered safe during daylight hours."

The department also advised U.S. citizens not to travel to Tamaulipas, the state where Nuevo Laredo is located, citing crime and safety concerns.

The gunfire late Sunday and early Monday came in retaliation for the arrest of drug gang leader Juan Gerardo Treviño, also known as "El Huevo." U.S. authorities describe him as a founder and leader of the Northeast Cartel, the successor to the old Zetas cartel.

The Justice Department said Wednesday an indictment unsealed against Treviño charges him with 11 counts of drug trafficking conspiracy and other charges that could send him to prison for life. The department called Treviño the "drug trafficker, enforcer, weapons procurer, and plaza leader" of the cartel.

Ricardo Mejia, Mexico's assistant secretary of public safety, said Treviño was a U.S. citizen and not a Mexican and he was deported Tuesday.

If Treviño had Mexican citizenship, he would have been subject to a lengthy extradition process, but Mejia said Treviño had no Mexican identity documents nor any record of them.

Copies of Mexican birth and baptism certificates and the equivalent of a social security card in Treviño's name circulated on social media sites Wednesday, suggesting he had Mexican citizenship. But the authenticity of those documents could not be verified. Searches in government websites using the data on the documents returned an "information not correct" response.

After his arrest Sunday, members of Treviño's gang shot up the border city of Nuevo Laredo, and hit the U.S. consulate with gunfire. The consulate was closed until further notice and two U.S. border bridges leading to Laredo, Texas, were briefly closed because of the incident.

U.S. Ambassador Ken Salazar said in a statement Monday that "I have raised our grave concerns about these incidents and the safety and security of our employees directly with the government of Mexico."

Treviño was handed over to U.S. at a border bridge in Tijuana, far to the west of Nuevo Laredo, presumably to avoid attempts to free him.

Treviño is reportedly the nephew of Miguel Angel Treviño, the imprisoned former leader of the Zetas. The U.S. State Department had offered a \$5 million reward for Trevino Morales before he was captured in 2013.

The cartel has participated in some of the bloodiest, most tenacious turf battles in Mexico, attacking both Mexican law enforcement personnel and the rival Gulf cartel.

Treviño, who reportedly had two illegal guns when he was detained, also faces charges of extortion, homicide and terrorism in Mexico.

According to the Tamaulipas state forensic service, over the years, officials have found more than a dozen cartel "extermination sites" — where the remains of some of Mexico's nearly 100,000 missing were obliterated. The largest such site was yet another border setting near the mouth of the Rio Grande called "the dungeon," in territory controlled by the Gulf cartel.

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Shakeup of Texas border mission leadership continues as pair of two-star generals departs

James Barragan and Davis Winkie

Texas Tribune/Military Times

March 17, 2022

<https://www.texastribune.org/2022/03/17/texas-border-mission-leadership/>

Less than 72 hours after Gov. Greg Abbott replaced the Texas National Guard's top general, two more top officials from the agency have suddenly stepped down, signaling a wide-ranging shakeup amid heavy criticism of the governor's controversial border mission.

Maj. Gen. Charles Aris, the commander of the 36th Infantry Division, was replaced effective Thursday, according to a Texas Military Department announcement. Aris will retire after 34 years in the military and Brig. Gen. Win Burkett is the storied unit's new commanding general.

Aris commanded the division for only five months.

"I thank General Aris for his more than three decades of service to our country, and for his leadership both overseas and at the Texas Military Department," said Maj. Gen. Tom Suelzer, an Air Guard pilot who earlier this week was named leader of the Texas National Guard.

Over the past year, Texas officials have deployed thousands of troops and dedicated billions of dollars to stem an increase in migrants crossing the Texas-Mexico border. But the operation has been mired in controversy as National Guard troops have called it a disaster. Several service members tied to the mission have also died by suicide, leading to calls for an investigation from congressional Democrats.

Abbott announced earlier this week that Suelzer was replacing Maj. Gen. Tracy Norris as the head of the Texas Military Department, saying her term expired in February. One day later, retired Maj. Gen. James "Red" Brown, Norris' civilian chief of staff, submitted his resignation.

"We thank [Brown] for his service and wish him well in his future endeavors," Col. Rita Holton, a spokesperson for the department, said in an email on Tuesday.

The departure of three top officials in a week is the clearest sign yet that Abbott and Suelzer are looking to make changes to the heavily criticized mission — and one of the soldiers leading a unionization effort welcomed the moves.

“This is a great sign that MG Suelzer is committed to real change in the leadership,” said Spc. Hunter Schuler of the Texas State Employees Union’s Military Council. “We hope that these changes will percolate down the chain of command to the benefit of all soldiers.”

State Rep. Alex Dominguez, D-Brownsville, who has been critical of the mission, also said he was “encouraged by the leadership changes across the board at TMD.”

“These changes reflect a recognition of the failures of previous leadership and a newfound sense of responsibility for the well-being of our soldiers on the border,” Dominguez said in a written statement. “I hope that our new leaders in these positions are better stewards of the public trust. Our service members, and our state, rely on them for safety and success.”

Operation Lone Star began last March with 500 National Guard service members who volunteered for the mission. Abbott ramped up its scale in September, eventually deploying about 10,000 service members. But that increase required the Texas Military Department to hastily mobilize troops involuntarily with little notice to service members who serve part-time and have civilian lives, jobs and families.

Service members have said they experienced deplorable living conditions, a lack of appropriate gear and problems receiving their pay on time. Many have also complained that they do not have a clear mission on the Texas-Mexico border and are being used as “political pawns” for Abbott’s reelection campaign. The Republican is seeking a third term in November and is facing his biggest challenge yet from Democrat Beto O’Rourke, who along with other politicians has been critical of the operation.

Although the 36th Infantry Division did not have any operational responsibility with Operation Lone Star until a February reorganization placed the mission’s task force under the unit, Aris became publicly associated with many of its issues when he discussed the mission at length in a January town hall meeting that was recorded and leaked to news outlets.

When Military Times and The Texas Tribune asked if the mission’s command structure would change after Aris’ departure, Texas Military Department spokesperson Holton said Suelzer “is assessing all military operations under his purview and is committed to making any, and all, changes and recommendations necessary to support the women and men of the Texas Military Forces.”

Aris also drew criticism in January for his response to a question from Military.com about troops’ financial hardships.

“Is there someone that lost money? Probably. But it’s not different from any other deployment I’ve been on,” the retiring division commander said.

Abbott has mostly ignored the criticism in public, saying his critics are “playing politics” over the suicides tied to the mission. In announcing Norris’ departure, he thanked her for “her exceptional service to the State of Texas” and did not mention the scathing criticism the department had received in recent months. A leaked survey in February of members of one of the six Operation Lone Star units found widespread skepticism and frustration with the mission.

“We are disposable in the eyes of top leaders, from the governor on down,” one survey respondent said. “The leadership failures of this mission will be a case study for military leaders for years to come.”

Abbott’s office did not immediately respond to a request for comment Thursday.

The Texas Military Department has worked to address the pay issues, living conditions and morale problems on the mission since news outlets began reporting on them at the end of last year. But it has downplayed the suicides tied to the mission. Holton, the department’s spokesperson, told a news outlet that suicides increased in the general population.

“We’ve had suicides in our organization; there are suicides in every organization,” she told Military.com in January. “Unless the individual left a note and said, ‘I’m going to kill myself because I’m serving on this mission,’ there’s no way anyone can say it’s due to their service on the mission.”

Burkett, the 36th Infantry Division’s new commanding general, previously served as deputy commanding general for the division. An aviation officer, his career also includes extensive experience at the National Guard Bureau and various assignments at U.S. Northern Command and U.S. European Command.

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‘Big Lie’ lives; Texas voters pay the price

Editorial Board

San Antonio Express-News

March 17, 2022

<https://www.expressnews.com/opinion/editorial/article/Editorial-Big-Lie-lives-Texas-voters-pay-17009446.php>

First, a reminder: In 2020, in Texas and across the nation, we had “fair and honest elections” that officials have said were the most secure in history. Voting fraud in America is virtually nonexistent. Don’t believe the “Big Lie.”

But the Big Lie of widespread voter fraud has produced a very real response in voting restrictions. While Republicans say Senate Bill 1, which Gov. Greg Abbott signed into law in September, makes it “easier to vote and harder to cheat,” the facts point to making it harder for many Texans to vote. That’s suppression.

Consider the recent joint primary election — the first test of the legislation — in which we witnessed unprecedented rejection rates of mail ballots.

Senate Bill 1 is an infuriating disservice to Texans, especially those 65 and older, or sick or disabled, because it severely penalizes mistakes such as not including an ID number or writing a different ID number from the one originally used. Invalidating mail-in ballot applications quashed the votes of nearly 23,000 Texans, roughly 13 percent of mail ballots in 187 counties, according to a Tuesday Associated Press analysis.

In Bexar County, more than 4,000 mail ballots were rejected.

In the primary, about 40 percent fewer mail ballots were cast in Texas during early voting than in 2018, but the gap is much more because the state added 2 million people to its voter rolls since then,

according to Hearst Austin bureau reporter Cayla Harris. Nearly 1.4 million of these voters live in Texas' most populous counties.

Yes, we want safe and secure elections. But at what point do the rules undermine election integrity? Our state's election system is eroded each time an eligible voter is disenfranchised.

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In Texas, voter suppression is working as designed

Editorial Board

Houston Chronicle

March 17, 2022

<https://www.houstonchronicle.com/opinion/editorials/article/Editorial-In-Texas-voter-suppression-is-working-17009439.php>

“Easier to vote and harder to cheat.”

How often we heard that refrain in 2021, as Texas Republicans executed their relentless pursuit of the phantom problem of voter fraud. Over and over again we were all told that election ‘integrity’ legislation would secure the voting process and make it simpler.

It didn't matter that Texas already had the most stringent voting restrictions in the country, or that Attorney General Ken Paxton's quest to hunt down voter fraud unearthed three cases last year. It didn't matter that civil rights experts and the U.S. Department of Justice warned the bill would disenfranchise people of color, older voters and others. Republicans passed it anyway.

And now? Tens of thousands of Texans who voted by mail in the March 1 primary had their ballots thrown out.

Though the Secretary of State's office has yet to complete an official count, an Associated Press analysis published Wednesday found Texas counties rejected nearly 23,000 mail ballots, largely due to technicalities newly required by Senate Bill 1. The AP found that nearly 13 percent of mail ballots were thrown out across the 187 counties that provided data.

Here in the state's largest county, nearly 1 in 5 mail-in ballots were tossed. Harris County received 36,878 mail ballots for the 2022 primary, and 6,888 mail ballots, or 18.7 percent, were ultimately rejected. In the 2018 primary, just 135 of the 48,473 mail ballots received were rejected, or .27 percent.

Did the new rules weed out fraudulent voters? Hardly. Voters were apparently confused by a new rule that requires would-be voters to provide either a partial Social Security number or a Texas driver's license number. Fair enough, except that if you provided a perfectly valid Social Security number, but used your license number when you registered to vote — something you might have done years ago — then your ballot was rejected. Some whose ballots were rejected had time to try again, or could just show up in person, but we'll never know how many of those 23,000 voters were simply shut out of the process for the most persnickety of reasons.

That GOP mantra — to make it easier to vote and harder to cheat — is a good start, or would be if they only meant it. Or if their efforts to make elections more secure were more than just a costly, pernicious snipe hunt, looking for widespread voter fraud that simply doesn't exist. Texans deserve a system in which they can register to vote and cast their ballot without fuss. Heck, dozens of states

make registration possible using the Internet. Voters should also be able to trust that ballots are being competently counted. Across the country, citizens do just that. And then there's Texas.

In this month's primary, thousands of voters tried to have their voices heard and were rebuffed. Our state's leaders should be stopping in their tracks and vowing to make sure this never happens again. But that's not happening.

Has Gov. Greg Abbott decried the sharp increase in rejected ballots? Has Paxton vowed to make sure no one who is eligible to vote is kicked out of the system just because they misremembered which ID number they registered with? No. The Secretary of State's office said they plan to devote "a significant portion of our voter education campaign" to enhancing awareness of the new requirements. That's something, but we need a lot more.

These new rules are frustrating to everyone, as all voters can make simple mistakes like the ones that kicked all those votes out of the system this time around. But those with more resources and more experience dealing with bureaucracy will tend to more easily navigate the roadblocks Republican lawmakers put in the way.

In the past, requiring voters to jump through unnecessary hoops has disproportionately affected Black voters, and we weren't surprised to learn this week that in this way at least, history is repeating itself. The Harris County elections office told us Wednesday that of the 138 county zip codes that had rejected ballots, the rate of rejection in zip codes with a Black plurality was roughly double that of zip codes with a white plurality.

In countless ways, 2022 is not 1965. But it is troubling, and infuriating, that nearly six decades after we eradicated racist literacy tests, we yet again have leaders instituting rules that obfuscate the electoral process and cause voters to throw up their hands as their ballots are thrown in the trash.

Sam Taylor from the Secretary of State's office told us we'll get an official count of rejected ballots soon after March 31, which is the deadline for counties to report voting history data. He also pointed out that new county reporting requirements set out in SB 1 helped his office catch 10,181 overlooked votes in Harris County days after the election. There are useful mechanisms in the bill. But county officials being forced to throw out nearly 1 in 5 mail ballots because of this legislation? Simply not acceptable.

The near-miss with the Harris County ballots was just one part of an Election Day fiasco that has the Democrats who run Harris County on the hot seat — and Elections administrator Isabel Longoria in the process of resigning. That anger was appropriate, as we argued at the time, but who will

take responsibility for the new state rules that have led to mounds of tossed ballots? Who will come forward to make it right?

We won't hold our breath waiting. Silence from Abbott, Lt. Gov. Dan Patrick and Republicans in the Texas Legislature only lend credence to the view that this disenfranchisement was by design. Though the rejection rates were higher in Democratic-leaning counties than in Republican ones - 15.1 percent to 9.1 percent - people of all races, parties and ages were impacted, and all Texans should be outraged by the knowledge that their neighbors' votes were cast aside in huge numbers.

Texas should be better than this - better than throwing out votes, and better than setting up confusing roadblocks. Instead we're stuck with a process that's made it harder to vote, and easier to cheat people out of their fundamental right to have a say in how they are governed.

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Texas' new voting laws are working as intended (unfortunately)

Steve Benen

MSNBC

March 17, 2022

<https://www.msnbc.com/rachel-maddow-show/maddowblog/texas-new-voting-laws-are-working-intended-unfortunately-rcna20421>

Texas' new voting system was put to the test during recent statewide primaries, and it's tough to be satisfied with the results. An analysis by The Associated Press found that the Lone Star State, thanks to Republican-imposed restrictions, threw out mail-in votes "at an abnormally high rate."

Republicans promised new layers of voting rules would make it "easier to vote and harder to cheat." But the final numbers recorded by AP lay bare the glaring gulf between that objective and the obstacles, frustration and tens of thousands of uncounted votes resulting from tighter restrictions and rushed implementation.

Election experts told the AP it's unusual for 2 percent of ballots to be rejected in any given election. During Texas' recent primaries, however, roughly 13 percent of mail ballots "were discarded and uncounted across 187 counties."

Charles Stewart III, director of the Election Data and Science Lab at the Massachusetts Institute of Technology, added, "My first reaction is 'yikes.'"

For those who might need a refresher, let's review how we arrived at this unfortunate and avoidable point.

As we've discussed, there were no meaningful problems with Texas' system of elections in 2020. Turnout was strong, despite the pandemic, and there were no questions about the integrity of the state's results.

But Big Lie advocates nevertheless got to work on an ambitious voter-suppression package that banned drive-through voting, prohibited voting in overnight hours, empowered partisan poll watchers, and made it a felony in Texas for election officials to send unsolicited mail-in ballot applications to voters.

What's more, the same anti-voting package created a new ID requirement for those who want to cast absentee ballots through the mail.

To be sure, the preliminary hurdle imposed by the system is flawed and unnecessary: Only Texans who are 65 or older automatically qualify for a mail-in ballot. But Republican policymakers in the state added an additional hurdle by forcing seniors to add a new identification number — typically a driver's license number, or the last four digits of their Social Security number — which was never before considered necessary.

The result was a predictable mess: Eligible Texans tried to cast their ballots the same way they had before, only to have their ballots rejected because of restrictions that were imposed for no good reason.

The Washington Post recently spoke to a 76-year-old retired educator from Katy, Tex., who said, “It feels like people were just sitting up late at night thinking up ways to discourage people from voting.”

Looking ahead, there’s no reason to expect a fix anytime soon. On the contrary, the point of the GOP’s anti-voting law was to produce outcomes like these. The Associated Press’ report added that the rate of rejection for mail-in ballots was higher in counties that lean Democratic (15.1 percent) than Republican (9.1 percent), which is in keeping with the motivation behind the larger endeavor.

It’s not as if GOP policymakers in the state will see the Associated Press report and say, “What have we done? Quick, let’s put things right to protect voting rights.”

It’s far more likely that Texas Republicans will pat themselves on the back.

Postscript: In case this isn’t obvious, had Republican-appointed justices on the U.S. Supreme Court left the Voting Rights Act intact, Texas’ voting restrictions wouldn’t exist right now. What’s more, if senators were able to vote up or down on the John Lewis Voting Rights Advancement Act, federal officials would be able to intervene in Texas, but a GOP filibuster is blocking action on the issue.

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Texas’s voter suppression law got its first test. It worked like a charm

Paul Waldman

Washington Post

March 17, 2022

<https://www.washingtonpost.com/opinions/2022/03/17/texas-republicans-voter-suppression-law/>

The latest phase of the Republican war on voting just got an early test in the primary election in Texas. If you believe in democracy, it was a horror show. If you’re a Republican, it was a smashing success.

Before we get to the shocking numbers, some context. The 1965 Voting Rights Act made Jim Crow-style voter suppression illegal everywhere in the country, so those who wanted to keep the “wrong” people from voting had to resort to piecemeal and limited tactics. They’d erect hurdles to voting that would fall more heavily on the other side’s supporters, but most of the time it would move the vote by a half-percentage point — enough to swing a close race but not sweeping disenfranchisement.

But today, two things have opened the door to much more ambitious voter suppression: an extended attack on voting rights by the conservative majority on the Supreme Court, and a new GOP consensus that rejects the idea of universal participation, sees only Republican electoral wins as legitimate, and justifies almost any tactic to defeat liberalism.

In Texas, we see how it’s playing out. The Associated Press has released a new analysis covering 85 percent of the votes cast in the March 1 primary, the first held after Texas passed a bill imposing new rules and restrictions on voting, especially absentee voting. The results are stunning.

A small number of absentee ballots always get rejected by election authorities if a voter didn’t follow instructions, such as failing to sign their ballot. Typical rejection rates are around 1 or 2 percent; in the 2020 general election, the national rejection rate was 0.8 percent, while in the 2018 midterm election, it was 1.4 percent.

The rejection rate for absentee ballots in this year’s Texas primary was 13 percent.

Most of the problem lay in the new verification method, which replaced signature-matching with the requirement to provide an ID number. Many voters apparently didn't even realize they had to do so. (The spot to write your ID number was hidden under the envelope flap.) Even more disturbing, while you could provide a number of different IDs, the one you put on your ballot had to match the one you put on your ballot application.

So for instance, say you applied for an absentee ballot and supplied the last four digits of your Social Security number. But then months later, you fill out your ballot. You ask yourself: What number did I use? I can't remember, so I'll just put in my driver's license number — the state knows who I am that way, right?

Wrong: Because you used two different numbers, your ballot was rejected.

Because so many ballots were rejected, thousands of Republicans' votes didn't count in this election. But it appears substantially more votes from Democrats were trashed. The largest number came from heavily Democratic Harris County, where Houston is located: About 19 percent of mail ballots there were rejected.

By comparison, says the AP, "In the five counties won by Trump that had the most mail-in primary voters, a combined 2,006 mailed ballots were rejected, a rate of 10% of the total."

You might expect Gov. Greg Abbott (R) and the Republicans who wrote and passed this law to come out and say, "This was obviously a disaster. We have to do something to make sure all Texans get their votes counted." But the most we've heard is assurances that people are getting used to the new requirements and things will be better next time. The governor's office blamed local election officials for "erroneously interpreting the law."

But the high rates of rejection are a feature, not a bug. The law is working just as it was supposed to. As Lina Hidalgo, the chief executive of Harris County, put it, "It's a game designed to trick you at every turn."

Yet it's possible voters will in fact learn to navigate the requirements, or that because of extraordinary efforts by Democratic activists and the party, their partisans' ballots will eventually be rejected at no higher rates than those of Republican voters. That has often been the case in the past: Republican voter suppression efforts are followed by a redoubling of Democratic organizing to overcome the suppression measures.

Should that happen, Republicans in the legislature will almost certainly get right to work on a new set of rules and requirements, designed once again to make voting harder for the groups that usually vote more for Democrats, such as Black people, young people, or city dwellers.

That's a key feature of the current wave of GOP voter suppression laws: It's an ongoing process of experimentation. Some measures will work as Republicans hope and will be kept in place, while others won't and will be discarded.

Republicans will continually come up with new suppression methods, each one offered with the line that they want to make it "easy to vote and hard to cheat," as they said about the Texas law.

The results from the primary show what a lie that was. But don't expect to hear it any less in the future. The Republican war on voting will never end, as long as there are Democrats with the temerity to believe they have an equal right to participate in their democracy.

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Analysis: When 1 in 8 Texas mail ballots gets trashed, that's vote suppression

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Texas Tribune

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<https://www.texastribune.org/2022/03/18/texas-rejected-election-ballots/>

If you say — or write — that it's harder to vote in Texas today than it was a year ago, or four years ago, someone will tell you how easy it is and how full of beans you are.

But what are we supposed to make of the thousands of rejected mail-in ballots during the Republican and Democratic primaries this month? The Texas Tribune's Alexa Ura and Mandi Cai reported that 18,742 ballots were tossed in 16 of the 20 Texas counties with the most voters. And the Associated Press reported, after a survey of 187 of the state's 254 counties, that 22,898 mail ballots — 13% of the total — were rejected this year.

The normal rate of rejection is 2%. In the 2020 presidential election, the rejection rate was under 1%.

Republicans in the state Legislature (and above) wanted to tighten the screws on elections in Texas last year, their answer to unsubstantiated claims of widespread irregularities and cheating in the 2020 election. That complaint started with President Donald Trump's anguish over his reelection loss to Joe Biden and his efforts to upend voting results in enough states to flip the results.

Trump won in Texas in a 2020 election that, all carping aside, marked a pretty good day for Republicans in the state. It was also an election that put a big dent in the popular Democratic idea that "Texas is not a Republican state — it's a low-turnout state." In that high (for Texas) turnout election, Republicans won all of the statewide elections and held or improved their numbers in the congressional delegation and the Texas Legislature.

But whining winners and whining losers are nothing new in politics, in Texas or anywhere else. With the former president stewing loudly about his loss, the state's governor, lieutenant governor and top legislators came to Austin last year with reform on their minds.

Over noisy and temporarily effective opposition from elected Democrats, Gov. Greg Abbott signed a new Texas voting law that included, among other things, bans on around-the-clock voting, drive-thru voting, public officials sending vote-by-mail applications to voters who didn't request them and changes to mail voting — including new ID requirements — that complicated longstanding practices and evidently confused a lot of voters.

Changes in voting laws often go to courts, and if they're coming to the courts from Texas, the judges frequently find discrimination and disenfranchisement, whether the subject is voting, elections or redistricting. This new Texas law, being challenged on some of that same familiar ground, is no exception, but the rules have changed. Texas and other states with histories of discrimination used to be required to get federal permission before making changes. That's no longer the case, so it's easier for the state to make changes that might not have won approval in the past. While the judges are

looking at the latest challenges, there's an election underway, and in this first test of the new law, about one of every eight mail ballots was thrown out.

Every eighth person who voted by mail didn't get their vote counted. Depending on where those voters live and how they voted, that's a big enough number to change the results of some races. In Harris County, the AP reported, 19% of the mail ballots were tossed out, or nearly 7,000. By comparison, the state's largest county rejected only 135 ballots in the last midterm election in 2018.

It's not like Texas has a lot of votes to throw away. The turnout was dismal in these primaries: 82.5% of the state's registered voters were no-shows. About 3 million voters took part: a little under 2 million in the Republican primary and just over 1 million in the Democratic primary. About 14.2 million of registered voters in Texas blew off the primaries.

Every voter in a low-turnout election has more clout; their choices are diluted by fewer other voters than in a high-turnout election. Trashing 23,000 votes in the wake of new legislative restrictions on voting almost sounds like a crime. The election-doubters who tightened Texas voting laws in the name of secure elections would have gone to town if they had found that many people disenfranchised by scammers.

They'd have found their long-sought but never-proved evidence of widespread election tampering. At least they know who did it this time — and so do the rest of us.

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