



January 10, 2012

Mr. T. Christian Herren, Jr.
Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

RE: 2011-2775 Texas Submission under Section 5, Voting Rights Act, of Senate Bill 14

Dear Mr. Herren:

LWV-TX has written previously (August 18, November 3) expressing concerns that implementation of Senate Bill 14 (SB 14) as scheduled may perpetuate existing disparities in voter participation between Anglos and minorities in Texas and that it would be essential to review final implementation rules to be able to assess the impact of the law. LWV-TX again writes to express concerns about the negative and disproportionate impact implementation of photo ID would have on minority voter participation and to encourage DOJ to deny preclearance. If DOJ decides to preclear the Texas photo ID law, implementation prior to the 2012 primary elections will provide insufficient time to minimize the negative and disproportionate impact that the law will have on minorities.

The Texas Department of Public Safety and the Secretary of State (SOS) have now published final rules for the "no cost" Election Identification Certificate (EIC) and for substantially similar names. Final rules do address some issues that LWV-TX noted in written comments to these agencies on proposed rules, but the final rules contain a number of impediments to equality of voting rights. While the EIC may be available at no cost, the burdens, both time and money, for understanding and meeting complex documentation requirements pose barriers for low-income voters who are disproportionately ethnic minorities. Substantially similar name rules are also likely to disadvantage ethnic minorities because poll workers are unlikely to be equally familiar with common variations of names from all ethnic groups.

We have been concerned all along that there will be inadequate time to educate all voters on the photo ID requirements in time for the primary elections originally scheduled for March 6. SB 14 specified that voters were to be provided with information on photo ID requirements at the polls in November 2011. Voters who provided an ID that would not be accepted under photo ID were supposed to be provided information on photo IDs that would be needed as of 2012. Based on SOS data (<http://elections.sos.state.tx.us/elchist.exe>) only 690,052 voted in this election, a turnout of less than 5% of the voter eligible population. LWV-TX asked members about experiences at the polls. Of the 78% who voted showing a voter registration certificate, an ID that would not be accepted under SB 14, 73% report being given information on new requirements, but 27% of those who should have received such information report that they did not. Of the 22% showing a photo ID that would continue to be accepted under SB 14, 52% received information on new requirements and 48% did not. The small sample (97 respondents) should be considered in interpreting these results. However, it is clear from voter turnout

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and LWV member responses that the vast majority of the voter eligible population did not receive information about photo ID requirements at the polls in November 2011.

The LWV survey indicates that even our members, who are committed to voting and generally well informed, don't all understand the photo ID requirements of SB 14. Texas media coverage is often inaccurate or incomplete and potentially misleading to some voters without a photo ID acceptable under SB 14.

Additional complications accompany the US Supreme Court review of interim redistricting maps requested by the State of Texas. Allowing for Supreme Court review necessitated a delay in the primary elections until at least April 3 with potential for further delay depending on timing of the Supreme Court ruling and how quickly election processes can be adapted to meet requirements of that ruling. All sides are on record with concerns about the negative impact of the uncertainty on voter turnout for the primary elections. Primaries are particularly important for the many Texas races that will be contested only in the primaries and not the November general election. The Texas Association of Counties said it most succinctly: "Voter confusion leads to voter disenfranchisement" (<http://www.texastribune.org/texas-politics/2012-elections/texas-counties-object-april-3-primaries/>).

Texas is consistently among the states with the lowest voter turnout, the lowest of any state in 2010, and voter participation rates for minorities are significantly lower than for Anglos. Under the compressed schedule for an April 3 primary, it will be a struggle for voters to learn new districts, figure out which races and candidates are on their ballots, and get to the polls. Adding new photo ID requirements to a crammed and uncertain primary election schedule would only increase the unfortunate turmoil, and we fear voter participation of minorities would suffer disproportionately.

I appreciate the opportunity to share the perspective of LWV-TX. If additional information is needed, please contact Linda Krefting, LWV-Texas Vice President, at 806-793-6136 or lkrefting@att.net.

Sincerely,



Karen Nicholson
President, LWV-Texas