



August 19, 2011

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: Texas Submission under Section 5, Voting Rights Act, of House Bill 2194

Dear Mr. Herren:

The League of Women Voters of Texas writes to express concerns about granting preclearance under Section 5 of the Voting Rights Act to HB 2194 which, among other provisions, prohibits performance-based compensation in voter registration efforts. Effectively this provision may contribute to continuing differentials in voting participation between Anglos and minorities in Texas.

In recent years Texas has lagged the nation in voter registration and has been among the states with the lowest turnout of the voter eligible population, 46th in 2008 and 50th in 2010. In Texas there are differential patterns of voter participation based on race/ethnicity. According to census data on the voter eligible population in Texas, Anglos and Blacks in 2008 had comparable rates of voter registration (72.4% and 73.7% respectively) and voter turnout (64.7% and 64.9% respectively). However, rates of voter registration and turnout were substantially lower for Asians and Latinos (45.7% and 67% for voter registration; 33.7% and 55.4% for voter turnout).

LWV-Texas and other civic organizations are committed to improving voter registration and turnout in Texas particularly among minorities and other underrepresented groups. Targeted voter registration drives with quantitative goals and evaluation based on accomplishments are appropriate and consistent with standard business practices. Yet HB 2194 criminalizes these common business practices and precludes an effective strategy for improving voter registration among underrepresented minority groups.

HB 2194 makes it a misdemeanor to offer compensation based on a quota or the number of successful voter registrations, to receive such compensation, or to make employment status dependent on the number of voter registrations. Officers, directors, and agents of an entity basing employment status or compensation on voter registration also commit an offense. These sweeping prohibitions leave much for interpretation in enforcement and increase the risk of outreach to minority communities even for organizations like ours that typically rely primarily on volunteers.

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The potential for abuse with performance based compensation is well understood. In other contexts the solution is to curb abuse not to prohibit and criminalize the process. By prohibiting and criminalizing the application of common business practice to voter registration drives, legitimate efforts to improve voter registration of potential minority voters will be curtailed and existing race/ethnicity differentials in voter registration are likely to continue.

Sincerely,



Karen Nicholson

LWV-Texas