



To: Bryan Hughes, Chair
Brian Birdwell, Vice-Chair
Members, **Senate Committee on State Affairs**

From: Cyrus Reed, Interim Director, Lone Star Chapter, Sierra Club
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My name is Cyrus Reed, and as the Interim Director and Conservation Director of the Lone Star Chapter I write today to oppose SB 1, by Senator Hughes. This bill is very similar to SB 1 from the first special session and SB 7 from the regular session. We believe this bill has more to do with politics than policy and would have the impact of making it harder to vote and easier to politicians to pick their voters, rather than voters picking politicians. Indeed, it is primarily this bill that has caused more than 50 representatives in the House to flee the state to prevent a quorum. It has become a national issue.

Let me first state as the state chapter of the Sierra Club, we organizationally support legislation that increases the opportunity to vote and increases participation in our democratic processes. Our political action committee here in Texas has endorsed both Democrats and Republicans, and we have members that belong to both political parties. We are encouraged that when more people do participate in democracy, good ideas float to the surface, and we know that younger voters in particular care deeply about the environment and climate change, whether they are more conservative or liberal. Nationally, Sierra Club has been supporting the People First Act and the Voting Rights Act because we know that more participation is better for our country and will lead to better outcomes in our policies.

In Texas, we have been very disappointed to see the attempt through bills like SB 7, and now SB 1 in special session to take actions that on the whole will discourage voting, or worse, could lead to direct intimidation of potential voters. As a state we have historically had one of the lowest levels of participation in voting, and we should be taking actions to make registration and voting easier, not harder. We also have a history of racism that has actively attempted to silence Black and Brown voices, and we should in particular encourage participation among all peoples and ethnicities.

It is particularly troubling that in the wake of our former President continuing to spread a false narrative that the last presidential election was illegitimate that the majority party in this great State has chosen to bolster that narrative, despite an incredible successful

election in Texas, where we had more participation and provided more options for voters that ever before, including drive-through, early voting, drop-off and mail-in ballots. Rather than celebrate the recent election where both major political parties can point to positive gains, we seem to be going down a road that would have people question our democratic process, and encourage intimidation of voters.

While the Sierra Club is not opposed to every part of SB 1, we wanted to point out some of what we believe are the most troubling aspects of the bill and would urge the committee to reject the bill.

In particular we are very concerned by the following provisions:

- Prohibits election officials from distributing or soliciting absentee ballot applications
- Bans drive-through voting (except for voters eligible for curbside voting due to disability)
- Bans early voting sites not located inside buildings except in the event of storms or fires or exceptional events
- Bans 24 hour early voting, and sets permissible uniform early voting hours that may impact some local government's ability to encourage more voter participation
- Requires voters to supply their driver license number or SSN4 on mail ballot applications and mail ballot envelopes, which must match the corresponding identification number on file
- Gives partisan "watchers" special rights to intimidate voters and disrupt polling places
- Creates a vague criminal penalty against "vote harvesting" that could encompass ordinary interactions between campaigns and voters
- Requires voter assistants to complete additional forms and oaths under penalty of perjury
- **Usurps** local election officials' role in maintaining the voter lists. Gives the SOS unilateral power to coerce local election officials through the threat of civil penalties if SOS thinks that local election officials are not substantially complying with the bills' provisions;
- **Costly, Retributive Post Election Lawsuits:** Provides for expanded post-election litigation regarding ballot harvesting or election contests, with provisions for money damages and attorney's fees

To expand a bit, we are extremely concerned that the bill would restrict local options to increase voting through early voting and curbside voting, while also discouraging voting by mail. In fact, **the bill makes it more likely that voters' vote by mail ballot applications and ballots will be rejected, and also makes it more likely that those**

requesting assistance will have their vote rejected. All of these provisions have the impact of making it more difficult for working people from voting. Thus, if you are a traditional voter who is likely to participate by voting in person on election day, you are not likely impacted by the bill, but if you would benefit from early voting, drive-by voting or mail ballots the bill makes it more likely your vote will not count.

We are also extremely concerned by the “poll watcher” provisions, which in essence could give partisan “watchers” special rights to intimidate voters and disrupt polling places, so long as the watchers aren’t committing election fraud. (Sections 4.01 through 4.16). We have already seen a disturbing trend in the US where those with certain political beliefs feel comfortable using intimidation and violence. Encouraging such behavior is not in Texas’ interests.

We would urge the Committee to reject SB 1, and instead concentrate on bills that would make it easier to register and increase opportunities for voting. Both political parties would benefit from allowing more access to voting, and then competing for those votes based upon their ideas.

Let’s make Texas a place where we increase participation in democracy, not one where we attempt to suppress the vote. Please reject SB 1.