



THE TEXAS VOTE

**UNDERSTANDING THE
VALUE OF PUBLIC VOTER
EDUCATION IN TEXAS**

2022

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INTRODUCTION

In the five years that Our Vote Texas has been working to promote voter rights education in various communities across the state, we have consistently been met with the concerns of Texas voters that the gap in public information on voting, elections and voter rights is an ongoing problem that at times proves too vast for some voters to overcome.

The effort to provide up-to-date and accurate voting information has been undertaken by voting rights groups, civic engagement groups and community leaders for years but it is worth briefly examining the important role that the state of Texas plays (and where that role has fallen damagingly short) in promoting important information to the public about voting, elections, changes to any voting or election laws and the impact to Texas voters themselves.

In fact, where we see the importance and necessity of public voter education campaigns demonstrated so clearly is whenever the state of Texas has made major changes to voting laws that require proactive, early efforts to educate the public on a mass scale so Texas voters know how they may be impacted come Election Day.

Most recently, we have seen the fallout of voter confusion around recent changes to vote by mail through SB 1 which was signed into law and took effect in time for the 2022 primary elections. The March primaries saw abnormally high rejection rates for mail in ballots in various counties in Texas with many voters expressing confusion and frustration about the process and the new voter ID requirement for vote by mail. This reiterates the pressing need for Texas to provide ample investment in voter education efforts for a growing state that as of January 2022 has just over 17 million registered voters.

FINDING VOTING INFORMATION IN TEXAS IS AN OLD PROBLEM

For the purposes of our analysis here, we will take a look at the past decade, a time period where Texas has seen some significant changes to our voting processes as well as new restrictions on voting.

In 2011, Texas passed what was at the time one of the most restrictive voter ID laws in the nation. After a yearslong court battle, the law was ultimately found to be discriminatory and placed an undue burden on voters and in 2016, a federal appeals court ordered Texas to relax some of the restrictions. The Texas Secretary of State's office was also ordered to allocate \$2.5 million to educate Texas voters about the new requirements ahead of the 2016 presidential election. This ultimately proved disastrously unsuccessful however.

A 2017 University of Houston study found that Texas voters simply did not have a clear understanding of the voter ID rules going into the 2016 election and this may have unfortunately kept some voters away in various parts of Texas. A large percentage of voters surveyed were unaware of the court ordered relaxed restrictions that now allowed voters who could not reasonably obtain the approved photo ID to present alternative documents. Latino voters were also found to have substantially less clarity on what the new requirements were than other voters. That is significant when coupled with a ProPublica review of the 2016 vote in Texas showing that the Texas Department of Public Safety, the agency tasked with issuing free IDs for voting purposes, didn't initially have Spanish translators in all of its offices or provide applications or information about the free IDs in any language other than English. Texas DPS also initially required those who applied for the ID to be fingerprinted and this may have had a chilling effect on potential voters.

Most recently in the 2022 primary election, Texas voters were again scrambling to understand newly enacted changes impacting their ability to successfully cast ballots. In 2021 Texas passed and signed into law SB 1.

Some of what SB 1 has done:

- It made changes to vote by mail, a form of voting already very restricted in Texas.
- The law also made it a felony for local election officials to distribute mail in ballots to voters who are eligible but did not specifically request one.
- It now limits the voting initiatives local counties can undertake including some of the ones implemented during the 2020 election season in the height of the COVID pandemic when local officials were working to keep Texas voters safe.
- It broadens the range of partisan poll watchers, giving them more movement and access which may be intimidating for in-person voters.

Voting rights groups and advocates warned Texas lawmakers that some of these changes could be difficult to implement and effectively educate the public on and unfortunately, we saw that play out early on in this election year.

In April of 2022, Texas officials reported that nearly 25,000 mail-in ballots were rejected in the March primary. That's a rejection rate of around 12% and county officials reported that a majority of these rejections were due to a failure to meet the tightened ID requirements for vote by mail. That's not a failure on the part of Texas voters. That's a failure on the part of state officials to make sure Texas voters knew and understood what these new requirements now are. All told, between the March primaries, the May runoff elections and the May constitutional amendment election of 2022, approximately 40,000 mail-in ballots have been rejected under the new SB 1 requirements. While continued voter education and time for Texans to become familiar with the law have helped bring down the rejection rates from 12% in March to 4% in May, that is still unacceptably high when considering that the statewide rejection rate in the 2020 presidential election (an election with significantly higher turnout) was less than 1%. It remains to be seen if voter outreach will be sufficient enough to bridge the information divide as SB 1 gets tested under statewide general election turnout when Texans vote in the 2022 midterm elections.

Furthermore this brings into sharp focus the need for meaningful investment in strong voter education early on so as to better avoid these preventable instances that leave Texas voters out of the democratic process entirely.

There is also the never-ending issue of finding helpful voting information as it relates to what's on the ballot for Texas voters in their local communities and more general voting information including polling place information. We explore some of the factors in the next section.

MASSIVE STATE, MASSIVE CHALLENGE

Texans have grappled with the challenges of finding helpful voting information ahead of elections for years and there are a number of reasons for this.

Texas is of course the second biggest state in the country both geographically speaking and from a population standpoint. It covers 268,581 square miles with an estimated population of 29.18 million. And as previously stated, Texas has approximately 17 million registered voters out of a total Voting Age Population of approximately 21 million.

Texas is also home to 20 distinct Designated Market Areas (DMA) for radio and television, making it a potentially costly endeavor for print and broadcast ads to deliver helpful information for Texas voters.

Our elections are run at the county level in Texas and the 254 counties in the state present a new set of challenges because different counties have different levels of resources devoted, or available, for voter education purposes. Larger counties may be better equipped to find the volunteer power and necessary staff, along with potentially more monetary resources to devote to voter education information for their residents.

Smaller counties or counties with fewer resources may be less able to meet that same need. One example of this is that in looking at various county elections websites, it is clear some counties have devoted considerable time and energy into making websites that are user friendly with voting information that is easily accessible for the voting public, whereas other counties have not or are unable to undertake such efforts at this time.

Voting information access may also prove a problem for Texans without access to high speed internet in an increasingly digital age. 2.8 million Texas households and 7 million people lack broadband access. The lack of access has a disproportionate impact on rural communities, communities of color and low income households. It poses an obvious barrier not just for voters themselves but for Texans doing voter engagement work and voter registration. This is a critical issue that state lawmakers and officials have begun to seriously address in recent legislative sessions including the 87th Legislative Session in 2021 where lawmakers established the broadband development office within the office of the comptroller of public accounts and paved the way for the expansion of broadband internet service in Texas. It's important that that work continues because high speed internet is a necessity for all Texans now and a strong culture of civic engagement stands to benefit from it.

THE STATE EFFORT REGARDING THE TEXAS VOTE

AND WHERE WE SHOULD BE

Various restrictions to voting and past mismanaged education efforts aside, how do our state leaders measure up when it comes to properly budgeting for statewide voter education whenever there are major changes to voting and election laws or for general voting information?

Back in 2011 the fiscal note attached to the original voter ID bill said that voter education to reach Texans about the law changes would cost Texas around \$2 million whereas a similar bill out of Missouri allocated more even as Missouri is a much smaller state in population. We also now know that the state's court ordered \$2.5 million voter education campaign in 2016 was nowhere near enough to close the information gap ahead of the presidential election that year.

WHAT TAKEAWAYS HAVE WE GAINED IN THE YEARS SINCE?

Tracking down information about state funding for voter education is an obstacle in and of itself but we do know that the state legislature only set aside \$3.5 million for "educating the public, including students, regarding the required documents for voting and the general voting process." The Secretary of State's total biennial budget of \$125,420,240 for 2022-2023 means that this is around 2.8% of the office's total budget. With approximately 17 million registered voters, this amounts to only around 21 cents per registered voter.

This is a decrease from the office's previous biennium which allocated \$4 million for educational efforts. It represents a cut in investing in Texas voters at a crucial time when civic engagement is growing in the state and the makeup of Texas is changing.

The 2020 Census put Texas' official population at 29,145,505 - a 16% jump from 2010 and much of that growth occurred in the state's Black, AAPI and Latino communities with Hispanic Texans accounting for about half of that increase. Also in this decade of growth we added over 400,000 children and teens who will go on to be future voters and leaders in our state's communities. Now more than ever we need to be proactively investing in democracy and in the resources and information that Texas voters will need so they can be fully engaged in helping to shape our state's future through the power of their vote. Furthermore, we should be prepared to grow that investment to fit the needs of a growing and increasingly diverse state.

CONCLUSION

The State of Texas has consistently come up short when it comes to adequately educating its voters about voting and voter rights, adequately informing voters about changes in law and providing voters with helpful election information.

Notwithstanding these challenges and the ever present barriers of restrictive voting laws, Texans are clamoring to be heard at the ballot box and it is a level of civic engagement state leaders should only expect to continue to grow right along with our communities.

Regarding the disastrous implementation and subsequent consequences of restrictive voting laws such as SB 1, state leaders must grapple with these self-inflicted wounds born out of falsehoods about the 2020 election that have resulted in voter disenfranchisement for too many.

In the coming years, Texas leaders will need to rise up to meet the people of Texas and put forth serious voting education investment that has the capacity to reach all voters and that can act as a genuine boon to the level of helpful voting information available and easily accessible to the public. Texas voters deserve no less.



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CONTRIBUTORS

Carl Blair, Board Director - Our Vote Texas

Carl Blair has previously served as an election protection attorney for Texas Civil Rights Project and is based out of Houston with a bachelor's degree in political science from UT Arlington, a law degree from Loyola New Orleans, and an LL.M. degree from the University of Houston Law Center. He has served as a Board Director for Our Vote Texas since March 2022.

Valerie Street, President - Our Vote Texas

Valerie Street is a founder of Our Vote Texas and has served as president since August 2017. Our Vote Texas is a volunteer-powered nonprofit based in Austin committed to advancing voter education and good public policy in Texas through advocacy and outreach.

