



## TESTIMONY

### LEAGUE OF WOMEN VOTERS OF TEXAS

THURSDAY, APRIL 13, 2023

### HOUSE ELECTIONS COMMITTEE

I am testifying as a member and on behalf of the League of Women Voters of Texas **IN OPPOSITION** to House Bill 5180. We appreciate the opportunity to appear before you today. Thank you for allowing us to share the League of Women Voters of Texas position on this bill.

HB 5180 would allow public access to "anonymous voted ballots, cast vote records, ballot images, authentication files, ballot reports and related records," 61 days after an election. However, Title III of the Civil Rights Act of 1960, codified at 52 U.S.C.S. § 20701 requires that every voted ballot in a federal election shall be retained and preserved in its original format for 22 months following such an election. Any person "who willfully steals, destroys, conceals, mutilates, or alters" any such record is in violation of federal law.<sup>1</sup> These provisions of federal law serve an obvious and important purpose: ensuring that the results of any federal election are verified and verifiable, and that the records necessary to confirm election results remain intact and unaltered.

It would be difficult for an election administrator to comply with the provisions of this bill and comply with federal ballot custody requirements. It is not clear whether this bill requires election officials to permit direct access to the records described and what security precautions must be taken to preserve the chain of custody required by federal law. Without clarity, the bill could create irreparable breaches of the ballot chain of custody.

HB 5180 could also result in a flood of public records requests. We already saw an uptick in the number of public records requests in the time leading up to the 2022 General Election. Those requests focused on large, diverse metro areas of Texas and corresponded with other methods of voter intimidation, like canvassing neighborhoods to verify voters' registration information.<sup>2</sup>

The Department of Justice has issued clear guidance that 52 U.S.C.S. § 20701 applies to election audit activity.<sup>3</sup>

[W]here election records are no longer under the control of elections officials, this can lead to a significant risk of the records being lost, stolen, altered, compromised, or destroyed. This risk is exacerbated if the election records are given to private actors who have neither experience nor expertise in handling such records and who are unfamiliar with the obligations imposed by federal law.<sup>4</sup>

Therefore, we urge the committee to oppose HB 5180. Thank you for your time and consideration.

**For additional information, please contact: Stephanie Swanson, House Elections Committee Issue Chair,**  
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<sup>1</sup> 52 U.S.C.S. § 20702.

<sup>2</sup> See Jen Rice, Harris County Looking Into GOP-connected Group Asking Residents to Confirm Voter Addresses, HOUSTON CHRONICLE, July 1, 2022 (<https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-looking-into-GOP-connected-group-17277971.php>)

<sup>3</sup> Department of Justice, Federal Law Constraints on Post-Election "Audits" (July 28, 2021), at 2–4, <https://www.justice.gov/opa/press-release/file/1417796/download>.

<sup>4</sup> Id. at 4.

The League of Women Voters is one of America's oldest and most trusted civic nonprofit organizations. Formed in 1919, the League of Women Voters of Texas represents over 13,000 grassroots advocates and 34 local Leagues across the State of Texas. The League of Women Voters never supports or opposes candidates for office or political parties. We encourage the informed and active participation of citizens in government and seek to influence public policy through education and advocacy. Membership in the League is open to people 16 and older of all gender identities.