



January 21, 2022

VIA U.S. MAIL AND EMAIL

John B. Scott
Texas Secretary of State
Elections Division
Secretary of State
P.O. Box 12060
Austin, TX 78711-2060
Email: secretary@sos.texas.gov

Re: Violation of the National Voter Registration Act

Dear Secretary Scott:

We write on behalf of the League of Women Voters of Texas (LWV-TX) regarding your recent decision to sharply limit the number of voter registration forms your office provides to LWV-TX and other voter registration organizations—a decision that violates the National Voter Registration Act (“NVRA”).

LWV-TX requests that the Secretary of State immediately reverse this practice and reinstate its former practice of providing voter registration forms to voter registration organizations based upon the organization’s needs, without any artificial cap on the number of forms provided. Voter registration organizations play a critical role in registering individuals to vote in Texas—particularly because Texas is one of only eleven states that do not provide their residents the ability to register to vote online. As such, any cap on the number of voter registration forms provided to voter registration organizations is concerning and impedes an organization’s ability to conduct its work.

Section 6 of the NVRA requires the Texas Secretary of State to “make [voter registration] forms . . . available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.” 52 U.S.C. § 20505(b). LWV-TX is a private nonprofit entity that regularly engages in

organized voter registration programs. Indeed, the Houston chapter of LWV-TX alone has registered approximately 30,000 new citizens at naturalization ceremonies per year in the past. Your office's newly imposed cap on access to voter registration forms is directly impeding this vital work. Section 6 of the NVRA requires the Secretary of State to provide LWV-TX with voter registration forms on an as-needed basis. *See id.*

The State does not have a legitimate interest in limiting the number of voter registration forms provided to voter registration organizations. To the extent supply chain issues have caused the price of paper to increase, Texas has a \$7.85 billion budget surplus,¹ and surely can apportion some of this surplus toward ensuring that every Texas citizen has an opportunity to engage in the fundamental right to vote. Safeguarding the right to vote is particularly crucial at this time, as the January 31, 2022 deadline to register to vote for the March 1 primary election is fast approaching.

By way of this letter, LWV-TX satisfies the notice requirements set forth in the NVRA. *See* 52 U.S.C. § 20510(b) (requiring “written notice of the violation” before an aggrieved organization “may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation”). Since the upcoming federal primary elections are less than 120 days away, LWV-TX will be entitled to file any appropriate legal action if this violation is not resolved within 20 days of this notice.

I look forward to your prompt response on this matter. Given the urgency of this matter, we request that you issue your response by email or phone at the below-listed contact information, rather than by mail.

Respectfully submitted,



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¹ *See Comptroller Estimates a \$7.85 Billion Surplus for the 2022-2023 Biennium*, Texas Ass'n of Counties (July 29, 2021), <https://www.county.org/News/County-Issues/2021/July/Comptroller-Estimates-Billions-Surplus-2022-2023>.