



March 9, 2009

Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear General Holder,

The ACLU of Texas supports the request by Sen. Rodney Ellis of Houston that the U.S. Justice Department give advice on proposed legislation to require photo identification for Texas voters.

If passed, SB362 will no doubt increase the number of provisional ballots that are cast and also increase the number of votes that are rejected due to new identification requirements. In the last election, more than three-fourths of the provisional ballots cast were thrown out. This may suggest serious errors in our elections procedures. Voter ID will only add to the problem and cost more Texans their right to vote.

The ACLU of Texas requests that a representative from the Department of Justice testify during State Senate hearings the week of March 9, 2009.

We believe this legislation is a politically motivated solution in search of a problem as there is virtually no evidence of voter fraud in Texas. Passage of this legislation would place an unnecessary and, for some voters, a costly burden that could infringe on their right to vote.

We feel the provisions would violate the Voting Rights Act of 1965 and place an undue burden on minority voters. Further, we believe that Section 5 of the Voting Rights Act of 1965 would require Texas to get federal approval, i. e. "pre-clearance," before changing election procedures that affect minority voters.

Sincerely,

Terri Burke,
Executive Director
ACLU of Texas

