

# **Temple Emanu-El Advocacy Statement on Voting Rights**

Approved by Temple Board of Trustees: March 10, 2021

## **Introduction**

The advocacy team sought approval from the Temple Board of Trustees to educate Texas elected officials and advocate: (1) against laws that would impair democracy and restrict voting rights, particularly those of minorities and the poor; and (2) for laws that protect and expand voting rights, make elections more secure, and modernize Texas voter registration and election systems and processes.

## **Overview**

Governor Abbot has declared that “election integrity” is an emergency issue that can be addressed by the legislature in the first 60 days of the 2021 session. On the heels of a false narrative of a “stolen” election, it is well-publicized that passing legislation making voting harder is a priority for many officials this legislative session. While “election integrity” is of course an admirable goal and one we support, there is in fact no evidence that elections in Texas suffer from a systemic or even widespread lack of integrity. Unfortunately, this language has been co-opted for the purpose of severely restricting democracy and the right to vote in Texas. Already dozens of voter suppressive bills have been introduced, the impact of which will disparately fall on minorities and the poor.

These bills have been proposed against the backdrop that the State of Texas is one of the most difficult states in which to register to vote and cast a ballot. For example, Texas has one of the most onerous and outdated voter registration systems in the country; has repeatedly been found to have violated laws that promote voter registration; has among the most racially gerrymandered districts in the country; has one of the most restrictive photo ID laws in the country, which disproportionately affects minority and poor voters; and has been found numerous times by courts to have enacted voting laws with racially discriminatory effect and intent. In fact, a racial bias, both explicit and implicit, underlies these bills, namely, that minorities are more likely to commit fraud.

While there are also dozens of bills introduced that would make voting easier, accessible, and more secure, the consensus among legislators and observers is that such bills have little chance of moving this year, as the focus will be on restricting voting rights.

## **Our Values**

The right to vote is a bedrock civil and constitutional right. But it also evokes core Jewish values. As stated on the website of the Religious Action Center (RAC):

Jewish tradition teaches us that the selection of leaders is not a privilege but a collective responsibility. Rabbi Yitzchak taught that ‘a ruler is not to be appointed unless the community is first consulted’ (Babylonian Talmud, *B’rachot* 55a). In keeping with the insight of this teaching, it is the duty of all who cherish democracy to ensure that all eligible citizens are afforded the opportunity to vote and have their votes counted.

Judaism emphasizes the importance of honoring freedom as a sacred gift; indeed, celebrating the blessing of freedom is omnipresent in Jewish life, from the morning blessing praising God for making “us to be free” to holidays like Passover, Hanukkah, and Israel Independence Day. Voting is a tangible way to honor and celebrate the sacred gift of freedom that we have in this country. Taking away or diluting people’s right to vote because of their ethnicity or because of fear about how they might vote literally casts them out of participation in a free society’s most essential act, making them in effect a stranger and turning on its head one of Judaism’s central teachings to welcome and protect the stranger.

The Reform Movement has long seen abridgement of that right as an affront to Jewish values and a core social justice concern, especially when those efforts target or impact minorities and the poor. Historically, the Reform Movement has responded vigorously with protest, advocacy, education, and community organizing. Notably, the Voting Rights Act of 1965 was partially drafted in a conference room in the offices of the RAC. The RAC’s website prominently features this history and calls attention to voting rights as an urgent social justice problem. More specifically, the RAC’s website highlights fighting against voter suppression: “Given our historical role in the civil rights struggle, *allegations of voter disenfranchisement and evidence of higher numbers of disqualified votes for citizens of color compel us to speak out. It is our duty to ensure that all citizens are afforded the opportunity to vote and have their votes counted.*” (Emphasis added.)

Temple Emanu-El also has a long history of supporting voting rights. Rabbi Olan frequently spoke out for civil rights and taught that the march in Selma for voting rights was “a march in freedom’s name.” (April 4, 1965). For several recent election cycles, Temple has been involved in voter registration drives, working with organizations like Faith in Texas. And in the mid-term elections last fall, Temple’s non-partisan Civic Engagement Campaign emphasized the connection between voting and the Jewish values of civic participation and celebration of freedom, inspiring over 1200 Temple members to sign a pledge to vote. Advocacy supporting voting rights, improving Texas elections, and broadening participation in them would build on the strong foundation of this tradition that belongs to both the Reform Movement and Temple.

### **Our Advocacy**

There have been 93 bills filed so far this session affecting voting, and we can expect more to be filed especially because of the Governor’s stance that “election integrity” is an emergency legislative item. The advocacy team proposes to engage elected officials with the overall objectives of: (1) ensuring that all U.S. citizens in Texas have a full and fair opportunity to register to vote and cast a meaningful ballot; (2) expanding participation in Texas elections by all U.S. citizens eligible to vote; (3) making elections more secure; and (4) modernizing Texas voter registration and election administration. All of this will require advocating against voting suppressive bills and advocating, when possible, for bills that would enhance voting rights.

### **Legislation that would make voting harder and have a suppressive effect**

There are already many proposed laws introduced under the pretense of fraud prevention. If passed, these bills would impose unnecessary impediments to voting. We certainly want to have integrity in our elections, but there is little credible evidence that our elections in fact lack integrity. Laws that

overreach, criminalize voting, and act to disenfranchise legitimate voters are wrong-minded, unreasonable, unfair and may be unconstitutional. Examples of the kinds of bills being pushed include:

- Prohibiting state and local officials and their employees from distributing vote by mail applications unless requested by a voter.
- Requiring automatic criminal investigation of any voter that uses a statutorily permissible “Declaration of Reasonable Impediment” as proof of their identity to vote in an election.
- Imposing or raising harsh criminal penalties for technical, inadvertent violations of voting rules.
- Requiring automatic purging off the voter rolls, without investigation, of properly registered voters by using a database matching methodology that is well-documented to be inaccurate. These bills also create harsh criminal and civil penalties for voting registrars who do not immediately purge a voter and instead choose to investigate if the voter is properly on the rolls.
- Requiring (in violation of federal law) documentary proof of citizenship to register to vote.
- Removing authority over voter registration from county officials and effectively eliminating in-person voter registration drives by abolishing volunteer deputy registrars.

We recommend that Temple advocate against these types of bills.

#### **Legislation that would expand voter participation:**

Many bills have also been introduced that would make voting more accessible, equitable, and secure. At this time, we don’t believe they will be successful. However, because achieving these reforms is a long-term project, it is still worth raising them, even if they do not even get committee hearings. Such reforms include:

- No excuse ballot by mail.
- On-line Voter Registration (Note that most states have transitioned to on-line voter registration. In fact, federal law mandates it for registration renewal in federal elections through each state’s vehicle registration system. Texas has been violating this law for years and is now under a court order to comply. Studies have demonstrated that an on-line registration system actually tightens up voter rolls and improves election integrity.)
- Disability accommodations at the polls--this is one area that may present opportunities for bi-partisan cooperation.
- Restoration of voting rights to felons who have completed their incarceration sentences.
- Opportunity to cure clerical errors on vote by mail applications.

We recommend that Temple advocate in favor of these types of bills.

#### **Redistricting:**

Following the decennial census, Texas is required to reapportion its Congressional House Districts as well as its State House & Senate Districts and its Board of Education Districts. The census estimates that Texas’ population has increased by four million since 2010 which means that Texas may gain 3-4 new Congressional House seats. In addition, Texas will re-draw its 150 State House and 31 Senate

Districts and its State Board of Education Districts to ostensibly account for population shifts over the past ten years. In reality though, the Legislature is likely to draw bizarre looking, gerrymandered districts to dilute the votes of urban areas and their minority citizens and to entrench one-party rule for another decade. The legislature is also likely to conduct this business with very little transparency. The census data is not likely to be available until after the summer, which will require a special session of the legislature.

We recommend that Temple advocate in favor of transparency, against partisan and racial gerrymandering, and in favor of drawing districts that reflect the local communities of interest and give equal voice to all citizens. The latter would include continuing to advocate for an independent citizens redistricting committee, which would remove partisan and incumbent self-interest from the process that currently allows politicians to pick their voters instead of the other way around.

The advocacy team submits that this recommendation fully reflects our Jewish values and is squarely in the tradition of the history of our movement and Temple.

### **Affinity Advocacy Organizations**

RAC-TX has chosen voting rights/democracy protection as its advocacy issue this legislative session. We believe that Temple should join with RAC-TX and other like-minded organizations on these issues, recognizing that our advocacy efforts will be more powerful when we add our voices to the efforts of other proper partners. Examples of other nonprofit organizations that are fully engaged in advocacy on such issues include Common Cause, the ACLU, the League of Women Voters, NCJW, Vote Texas, Fair Maps Texas, Disability Rights Texas, Texas Civil Rights Project and Texas Freedom Network. In addition, there is an overlap between voting rights issues (e.g., criminalizing voting mistakes and restoring felon voting rights) and criminal justice reform, so organizations advocating in that space could also be potential allies. Temple could leverage the efforts of these groups and offer to assist them in their work.

### **Conclusion**

We believe that our advocacy along with RAC-TX and other strategic partners in support of these goals will give Temple a genuine opportunity to influence public policy that is consistent with our Jewish values.