



# The High School Vote:

How Texas fails to engage the  
next generation of voters

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## **About Texas Civil Rights Project**

In its twenty-six year history, the Texas Civil Rights Project has brought thousands of strategic lawsuits and spearheaded advocacy to protect and expand voting rights, challenge injustices in our broken criminal justice system, and advance racial and economic justice for historically marginalized communities.

TCRP's Voting Rights Program tackles the systemic issues that suppress democratic participation in Texas — from voter registration to the moment when an individual casts their ballot. Through litigation and advocacy, TCRP fights to turn the tide on the state's abysmal voting rights record by removing barriers to voter registration, supporting grassroots voter mobilization efforts, and opposing new attempts to suppress voting.

## **About Lawyers' Committee for Civil Rights Under Law**

The principal mission of the Lawyers' Committee for Civil Rights Under Law for Civil Rights Under Law is to secure equal justice for all through the rule of law, targeting in particular the inequities confronting African Americans and other racial and ethnic minorities. The Lawyers' Committee for Civil Rights Under Law is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and the resulting inequality of opportunity – work that continues to be vital today.

Since 1965, the Lawyers' Committee for Civil Rights Under Law has been at the forefront of the legal struggle to advance and protect the right to vote and to ensure that the right is afforded equally to all. Through coordinated and integrated programs of litigation, voter protection, advocacy, and education, the Voting Rights Project has had a tremendous positive impact on communities of color, low-income communities, youth, people with disabilities, and other traditionally disenfranchised populations.

[www.texascivilrightsproject.org](http://www.texascivilrightsproject.org)

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# Executive Summary

Texas law requires every public and private high school in the state to distribute voter registration applications to eligible students at least twice a school year.<sup>1</sup> That law, enacted in 1985, could make Texas a leader in youth registration and turnout. Instead, it is the third worst in the country.<sup>2</sup>

What explains the gap between the law's promise and that alarming reality? Compliance is abysmal. So abysmal that in 2016 a mere 198 out of 1,428 public high schools in Texas requested voter registration applications from the Secretary of State (SOS). Worse, none of the nearly 1,800 private high schools in Texas requested applications despite being fully subject to the law.

For four years, the Texas Civil Rights Project (TCRP) and the Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee for Civil Rights Under Law) have repeatedly brought this pressing issue to the attention of the Secretary of State. Though the Texas government has never attempted to assess whether high schools comply with the law, TCRP and the Lawyers' Committee for Civil Rights Under Law have conducted multiple surveys, requested records, and compiled data analyses, all of which amount to overwhelming and indisputable evidence that substantive reforms are urgently required.

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After analyzing and sharing the dismal 2016 data with the SOS, we highlighted a critical flaw and urged a specific and simple reform. Under current SOS procedure, high schools must request voter registration forms from the SOS in order to receive them. Because the evidence could not be more clear that the overwhelming majority of high school principals, consumed with the education of young Texans, simply never request forms, we suggested that the SOS scrap that request process and affirmatively mail forms to high schools instead. Such a change would guarantee that 100% of Texas high schools would get the forms they need. While we fully commend the Secretary's recent declaration of high school voter registration as a top priority,<sup>3</sup> the pledge to maintain a request process will add yet another chapter to this law's troubling history.

This report reviews how Texas's high school registration law works and details our 2016 assessment of compliance with the law. The report then outlines the rationale for scrapping the request process and, because that step alone would be insufficient in bringing about full compliance, suggests other concrete and common sense reforms.



# Four years of advocacy and little change

TCRP began investigating high school registration practices in 2013 by surveying a total of 225 schools or school districts in the state through three separate samples. The random samples included 75 individual public high schools, 75 school districts, and finally, 75 public schools whose population of students of color outnumbered the white population by a ratio greater than 2:1. The samples revealed that about two-thirds of respondents were not meeting the requirement of the Texas Election Code to distribute voter applications at least twice per year. TCRP published those results in its Human Rights Report, “Democracy in Texas? Texas’ Faulty Voter Registration Procedures.”<sup>8</sup> Representatives from TCRP met with the Director for the Texas Elections Division to share the results of the study. Despite the startling results, the State made it clear that it did not intend to take concrete steps to increase compliance.

In 2015, TCRP began collecting information from schools through public information requests asking what documentation, if any, they received from the Secretary of State regarding this provision of the Election Code and their internal policies for implementation. Of the 290 respondents to TCRP’s requests, only 14% had any documentation on the topic at all. Next, TCRP began corresponding with the SOS Elections Division expressing their concerns that the Division was not doing enough to ensure high school students were regularly offered an opportunity to register to vote.<sup>9</sup> The correspondence detailed the efforts of TCRP over the previous two years and asked that the SOS work with the groups to develop a comprehensive plan to achieve compliance. The correspondence revealed that the SOS had never conducted an analysis of compliance with the law and that the SOS did not track, in any way, voter registration forms received from high schools. Toward the end of 2015, the SOS had stopped responding to TCRP’s requests for meetings and demands for reform.

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The Lawyers’ Committee for Civil Rights Under Law joined the efforts in 2016, and together with TCRP, wrote letters,<sup>10</sup> made phone calls to, and participated in a meeting with the previous SOS, Carlos Cascos, to discuss ways to better implement and promote the statute. Meanwhile, grassroots groups such as the Texas Organizing Project began mobilizing on the local level to educate school administrators and the public about the requirements and benefits of the law.

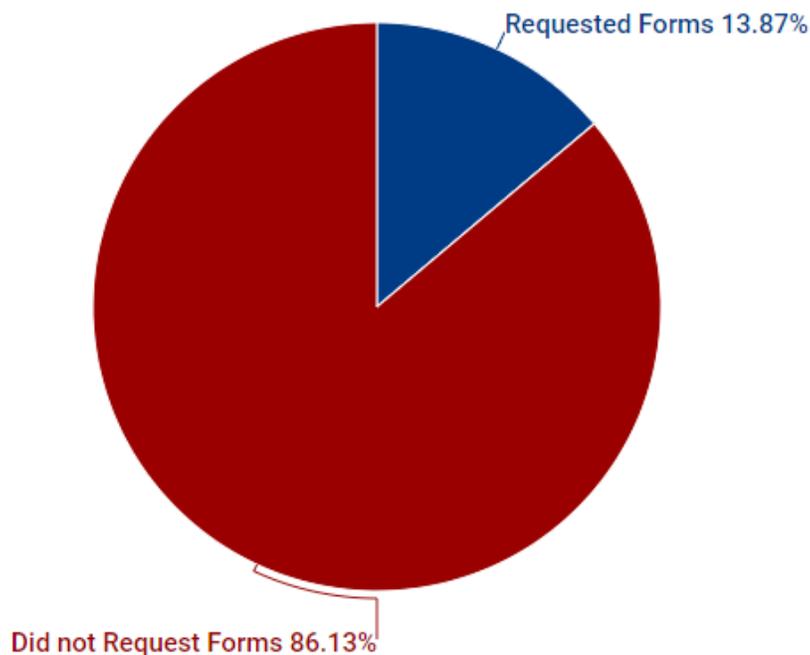
As a result of those efforts, the SOS sent more detailed and more regular reminder letters to high school principals, explaining their duties under the law encouraging them to request voter registration forms from their office prior to the 2016 voter registration deadline. In spite of these efforts and as outlined in detail below, a miniscule percentage of high schools requested voter registration applications.

# Results of 2016 Compliance Assessment

After the 2016 election, TCRP and the Lawyers' Committee for Civil Rights Under Law requested copies of all voter registration request forms submitted by high school principals to the SOS in order to assess compliance with the law. Again, as with all the years before it, a tiny fraction of high schools requested applications.

Based on the documents received in response to our request, a mere 198 out of 1,428 public high schools requested forms in 2016. Zero out of approximately 1,800 private high schools requested forms. In total, the evidence demonstrates that just 6% of high schools in Texas participated in the request process. Countless young Texans went unregistered and did not cast a ballot.

Figure 2. Percent of public high schools in Texas that requested voter registration forms in 2016



We shared all of our results with the Secretary of State in May 2017 and again urged reforms. We disseminated the statistics above, as well as other troubling findings:

- ▶ 159 out of the 234 counties in Texas with public high schools, or 68%, did not request a single voter registration form.
- ▶ Of the five largest counties in Texas, none had more than 12% of their high schools request a voter registration form.
- ▶ Though Texas law requires that a voter registration form be distributed to “each student who is or will be 18 years of age or older,” even the schools that requested forms did not request nearly enough to cover all eligible students. Of the five largest counties, schools requested enough forms for just 3% of eligible students.

We also included three maps presenting the findings in visual form. The first map depicted a geographic breakdown of all public schools in Texas, showing that only 198 requested forms.<sup>11</sup> The second map presented the percentage of high schools, by county, that requested forms and showed that the majority of counties had zero high schools who requested voter registration materials, and of those that did, very few counties have more than 60% of high schools requesting forms.<sup>12</sup> The third map showed that the majority of counties requested no voter registration forms for seniors and that just two counties requested voter registration materials for more than 60% of seniors.

Figure 3. Geographic breakdown of all public schools in Texas that requested and did not voter registration forms in 2016

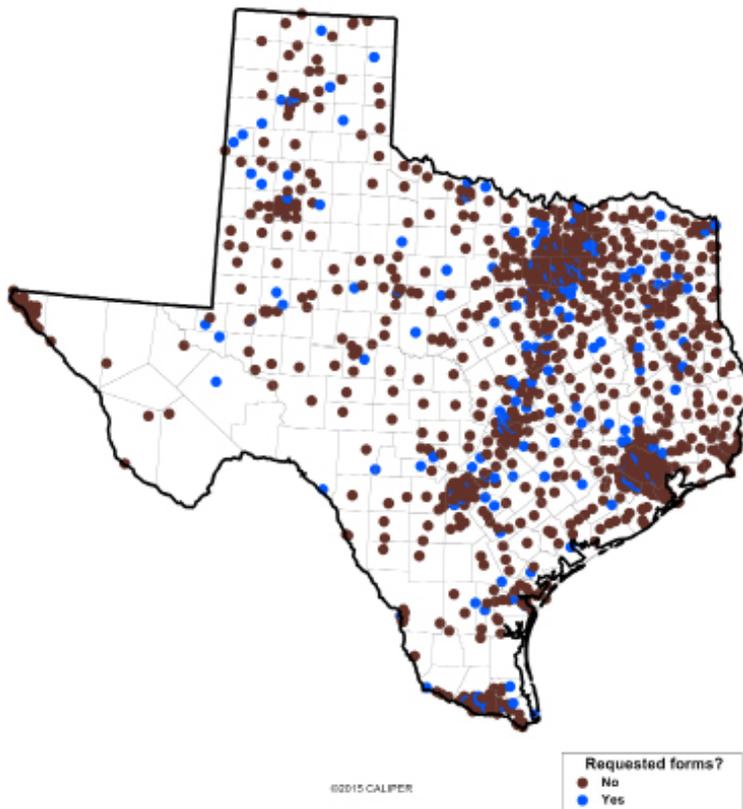


Figure 3. Percentage of high schools, by county, that requested voter registration forms in 2016

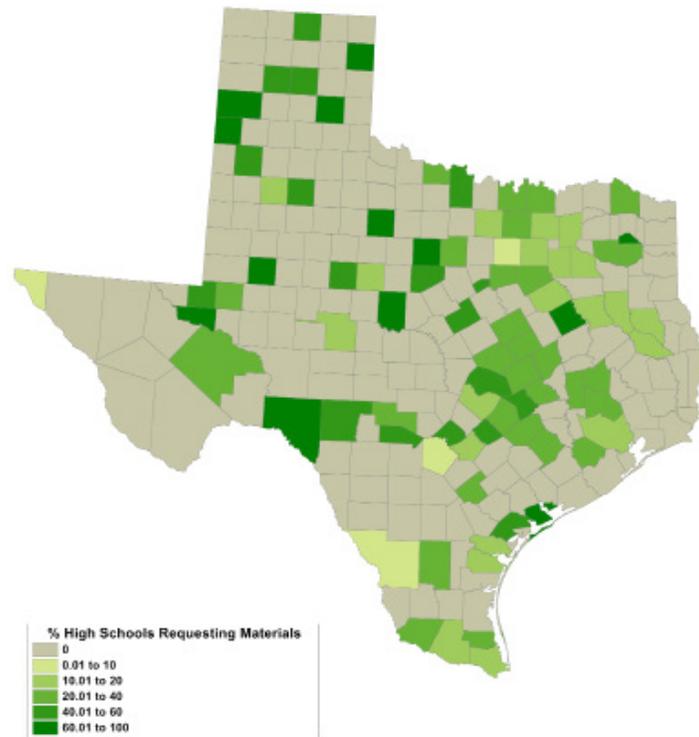
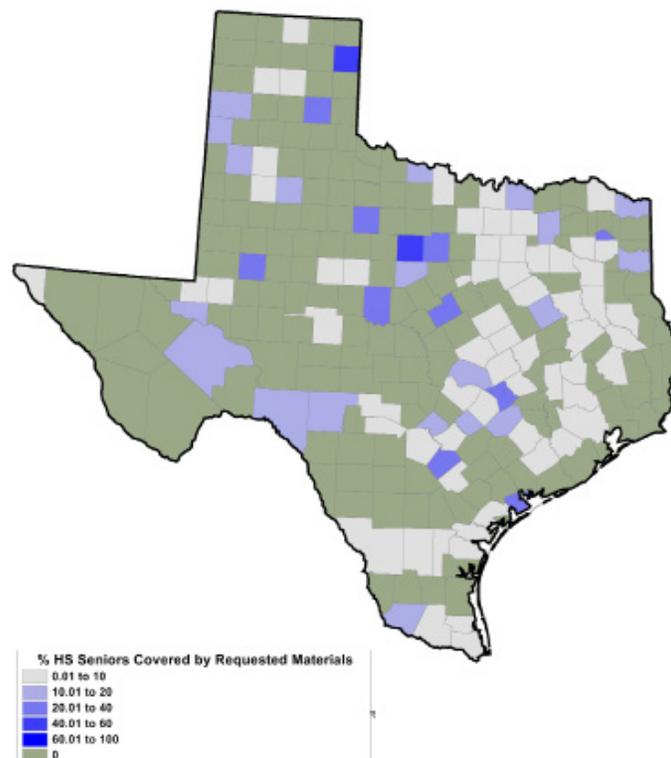


Figure 4. Percentage of high schools seniors covered requested voter registration forms in 2016



# Current Situation

The Secretary of State has been unresponsive to multiple letters and emails sent by TCRP and the Lawyers' Committee for Civil Rights Under Law in May, June, and July calling for substantive reforms in response to these findings.<sup>13</sup> Those communications detailed a straightforward and simple remedy for addressing much of the non-compliance with the high school registration law – the SOS should eliminate the request process and, instead, affirmatively mail voter registration applications to each high school in Texas.

That remedy was urged for at least five reasons:

- ▶ Compliance with the law has long been dismal and needs to be made easier for high school principals who are busy educating young Texans.
- ▶ The Secretary has an express statutory obligation to implement the law and should take substantive steps to do so, especially in light of the continued non-compliance.
- ▶ The Texas Education Agency makes the number of eligible seniors per school readily available on its website, providing the Secretary's office with the statistics it needs to conduct an annual mailing<sup>14</sup>
- ▶ The Secretary's office would have a full year to prepare to send out the applications on an annual basis, alleviating any strain on resources.
- ▶ The law already requires the distribution of an application to "each" eligible student – thus, if high schools fully complied with the law and requested the needed number of registration forms from the SOS, the Secretary would be obligated to mail out exactly the same number of applications that it would be required to mail if it adopted the suggested reform.

While failing to respond to our findings, the Secretary published op-eds in the Austin American-Statesman and the San Antonio Express News in August declaring high school voter registration a "top priority" and calling for residents to encourage high school principals to abide by the law and cultivate teen voters.<sup>15</sup> He correctly highlighted the many demands on principals and offered to provide an "effective and efficient digital means of requesting voter registration applications." We commend the general commitment to high school registration without reservation.

The critical flaw, however, is that the Secretary pledged to maintain the ineffective and wholly unnecessary request process. The evidence is unequivocal that a request process does not work and it is a major reason that the law is failing. Instead of placing the onus on over 3,200 unique institutions to request applications, the Secretary can fulfill his duty to “prescribe any additional procedures necessary to implement” this law by eliminating red tape and mailing applications directly to high schools.

In addition to an affirmative mailing, we suggest that the SOS adopt the following straightforward, common sense reforms:

- ▶ Institute a tracking process that would gauge the success of schools’ implementation of the law;
- ▶ Enhance its notification to schools of the need to comply with the law;
- ▶ Send out reminders to school principals about their obligations throughout the semester;
- ▶ Create a standard training for schools to ensure duties are clear.

Unfortunately, as of the date of this report’s publication, the SOS has refused to meet with us to discuss these suggested reforms—indeed, he published his recent opinion articles without a word to advocates who have been pushing his Office to pay attention to this issue for more than four years.

Although our proposals for reform are not a panacea—principals need to work independently to meet their duty and the SOS needs to support them—implementing them will go a long way toward making this law effective and ensuring that young people have a meaningful opportunity to participate in our democracy.

# Endnotes

1 Tex. Elec. Code § 13.046

2 THOM FILE, U.S. CENSUS BUREAU, YOUNG-ADULT VOTING: AN ANALYSIS OF PRESIDENTIAL ELECTIONS, 1964-2012, 10 (April 2014), <https://www.census.gov/prod/2014pubs/p20-573.pdf>.

3 <http://www.mystatesman.com/news/opinion/commentary-how-texas-high-school-principals-can-cultivate-teen-voters/tGqYlojEMcsRI9dI5eaHBK/>

4 Id.

5 Id.

6 For more information about how high schools can best comply with the law, please see TCRP's Community Resource "Texas High School Voter Registration: A How to Guide," <https://www.texascivilrightsproject.org/en/wp-content/uploads/2016/09/HSVR-Guide-CLEAN.pdf>

7 Texas Administrative Code § 81.7

8 <https://www.texascivilrightsproject.org/en/wp-content/uploads/2016/06/TexasVotingRightsReport.pdf>

9 <https://www.texascivilrightsproject.org/en/wp-content/uploads/2017/08/Letter-to-SOS-re-HS-Voter-Reg-9-23-15.pdf>; <https://www.texascivilrightsproject.org/en/wp-content/uploads/2017/08/Letter-to-SOS-9-23-15-Appendix.pdf>

10 [https://www.texascivilrightsproject.org/en/wp-content/uploads/2017/08/TX-SOS-Follow-Up-Letter\\_08.11.16.pdf](https://www.texascivilrightsproject.org/en/wp-content/uploads/2017/08/TX-SOS-Follow-Up-Letter_08.11.16.pdf)

13 [https://www.texascivilrightsproject.org/en/wp-content/uploads/2017/08/TCRP\\_LCCR-Letter-to-Sec.-Pablos\\_Analysis-Results\\_05.03.2017.pdf](https://www.texascivilrightsproject.org/en/wp-content/uploads/2017/08/TCRP_LCCR-Letter-to-Sec.-Pablos_Analysis-Results_05.03.2017.pdf)

14 See Texas Education Agency Report - <https://rptsvr1.tea.texas.gov/adhocrpt/adste.html>. After clicking on the link, one can select the desired school year and then "Statewide Campus Totals" from the dropdown menu. Scrolling down, select "Grade" from the dropdown menu and select "Comma-delimited File", which generates the report.

15 <http://www.mystatesman.com/news/opinion/commentary-how-texas-high-school-principals-can-cultivate-teen-voters/tGqYlojEMcsRI9dI5eaHBK/>



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