



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:

I write on behalf of my client, the Texas Alliance for Retired Americans (“TARA”), regarding your recent decision to limit the number of voter registration forms your office provides to TARA and other voter registration organizations—a decision that violates the National Voter Registration Act (“NVRA”).

TARA 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 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 does 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 the [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). TARA is a private non-profit entity that regularly engages in organized voter registration programs. As such, Section 6 requires the Secretary of State to provide TARA with voter registration forms on an as-needed basis, without limitation. *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

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price of paper to increase, Texas has a \$7.85 billion budget surplus,<sup>1</sup> and surely can apportion some of this surplus towards 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, TARA satisfies the notice requirements set forth in the NVRA. *See* 52 U.S.C. § 20510(b) (“written notice of the violation” is required before an aggrieved organization “may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.”).

I look forward to your prompt response on this matter. If you have any questions, I would appreciate your communicating with me by email or phone at the below-listed contact information, rather than by mail.

Sincerely,



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KJS:mcj

cc: Adam Bitter, General Counsel  
[generalcounsel@sos.texas.gov](mailto:generalcounsel@sos.texas.gov)

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<sup>1</sup> *See* <https://www.county.org/News/County-Issues/2021/July/Comptroller-Estimates-Billions-Surplus-2022-2023>.