



For Immediate Release
February 23, 2017

Contact:
Phoebe Plagens, [212-965-2235](tel:212-965-2235)/pplagens@naacpldf.org

NAACP Legal Defense and Educational Fund Statement on Voting Rights in Texas
Texans Denied Access to Ballot Deserve Justice

Today, the NAACP Legal Defense and Educational Fund (LDF) and co-counsel WilmerHale, along with other co-counsel groups, have filed an [objection to a motion](#) to once again delay a hearing in federal court on whether Texas' restrictive Voter ID law was enacted with the intent to discriminate against minority voters. The objection responds to a joint motion by the State of Texas and the United States requesting that the court hold further proceedings until after the state legislative session concludes on June 18, citing the introduction of a new voting bill, SB 5.

"Texas's attempt to stall a hearing on whether it originally enacted its voter ID law with the intent to discriminate against Black and Latino voters by pointing to SB 5 is sleight of hand. It wants to shift the focus away from the overwhelming evidence of its intentional efforts to limit voting by its burgeoning minority population by flashing a new attempt by the legislature to amend the law. One has nothing to do with the other. The stain of intentional discrimination cannot be swept under the rug unjudged," said Janai Nelson, Associate Director-Counsel of LDF. "While this latest proposed iteration of Texas's photo ID law includes some of the improvements identified by the Fifth Circuit, it would nevertheless continue to impose unnecessary restrictions that are likely to have a disproportionate impact on minority voters. The new legislation cannot be used as an end-run around ongoing federal litigation and justice for hundreds of thousands of Texans who have had their voting rights abridged for nearly four years," continued Nelson.

Most disturbing is the legislature's effort to criminalize as a third degree felony voting by eligible, registered voters who fill out a declaration that the state later determines is false. Voting by declaration is a specific remedy for Texas' racially-discriminatory voter suppression law. Now Texas is saying voters could be faced with investigation and criminal charges for using that remedy. "This is tantamount to state-sponsored voter intimidation and there will be a profound chilling effect on lawful voters, especially among minorities who are trying to exercise their rights in the face of a racially-discriminatory law," said LDF Senior Counsel Leah Aden. "Imposing these sorts of severe criminal penalties is a step backwards for Texas and for our democracy as a whole. Texas should be putting the emphasis on providing education to voters so they know how to use the declaration rather than criminalizing the exercise of a fundamental right," noted Aden.

In addition, while the federal court permitted voters to use IDs that had not expired in more than four years, based on interim relief negotiated by the parties, the new bill would limit voters under 70 to IDs that have not expired within 60 days of the election. Further, the proposed legislation provides no funding for extensive voter education or poll station training, despite the fact that federal courts not

only determined that Texas failed to adequately educate voters and poll workers, but even rebuked Texas for not fully complying with a court order regarding education and training.

“This legislation does not erase the issues raised in the suit against Texas. If the Texas legislature enacted its current voter ID law with the intent to discriminate against Black and Latino Texans, the people of Texas are entitled to that finding. No new law can erase that abhorrent exercise of power,” concluded Sherrilyn Ifill, President and Director-Counsel of LDF.

###

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.