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NAACP Legal Defense Fund Files Amicus Brief in Key Texas Voting Rights Case
First “Bail-In” Challenge Since Shelby Decision

The NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an amicus brief in the Fifth Circuit Court of Appeals yesterday, arguing that a federal trial court was correct in ruling that the city of Pasadena, Texas must preclear any changes to its voting procedures with the Department of Justice under the “bail-in” provision of the Voting Rights Act of 1965 (VRA).

The case before the Fifth Circuit, *Patino v. Pasadena*, is a clear example of the VRA’s needed force in the wake of the Supreme Court’s decision in *Shelby County, Alabama v. Holder*. The 2013 ruling neutralized the most protective element of the VRA - Section 5, which required certain jurisdictions with the worst records of racial discrimination in voting to automatically preclear all voting changes with the Department of Justice before their implementation. However, the *Shelby County* decision left intact Section 3(c), which authorizes courts to place states and local jurisdictions under preclearance to remedy a constitutional finding of racial discrimination in voting, a process known as “bail-in.”

“The facts of this case could not be more compelling,” said LDF President and Director-Counsel Sherrilyn Ifill. “As soon as *Shelby County* was decided, Pasadena – a city with a history of racial discrimination in voting – wasted no time in drawing a new election map that deliberately and intentionally disadvantaged Latino voters. This was no coincidence; rather, it was yet another pointed act of discrimination in our country’s continuing history of denying minority citizens an equal voice in the political process, particularly as their voting power increases. Pasadena offers one more example of why Congress must act swiftly to restore the Voting Rights Act to its full power – and why bail-in is not only an appropriate remedy, but a necessary one.”

“The City of Pasadena has not challenged the district court’s ruling that it must preclear its voting changes,” said LDF Senior Counsel Leah Aden. “Rather, it is the State of Texas – a state notoriously hostile to equal voting rights – that is suggesting that the bail-in order be vacated, despite Pasadena’s textbook discrimination against its Latino citizens. The relief granted to these aggrieved voters under Section 3(c) of the Voting Rights Act must be affirmed. Our laws, our principles, and our ideals demand nothing less.”

Pasadena is the first jurisdiction ordered by a federal court to seek preclearance for its voting changes since the *Shelby County* decision. One other jurisdiction in Evergreen, Alabama, agreed to bail-in in 2014.

LDF was joined in filing its amicus brief by the Campaign Legal Center, as well as the: American Civil Liberties Union (ACLU); ACLU Texas; Asian Americans Advancing Justice | AAJC; League of United Latin American Citizens; Southern Coalition for Social Justice; Southern Poverty Law Center; Texas State Conference of the NAACP; and The Voting Rights Institute.
Read LDF’s amicus brief here.

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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.