For Immediate Release

Wednesday, November 8, 2017

NAACP Legal Defense Fund Defends Intentional Discrimination Ruling Against Texas Photo ID Law on Appeal and Fights for Full Relief for Black and Latino Voters

Yesterday, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and its co-counsel filed an appellate brief before a three-judge court of the Fifth Circuit Court of Appeals, urging that court to affirm the federal trial court’s finding of intentional racial discrimination in Veasey v. Abbott — a challenge to Texas’ voter ID law. Specifically, the brief urges the appellate court to hold that: (1) SB 14—Texas’s 2011 voter ID law and the strictest in the nation—intentionally discriminates against Black and Latino Texans; (2) SB 5, an updated voter ID law that the Texas legislature passed in May 2017, does not fully cure that intentional racial discrimination; and (3) Texas should be enjoined from using both SB 14 and SB 5.

“Texas’s voter ID laws—old and new—share the same rotten core of racial discrimination. Instead of continuing to spend vast amounts of public funds to defend a law that multiple federal courts have held to be racially discriminatory in purpose or effect, Texas should go back to the drawing board to create a voter qualification process that is free from racial discrimination.” said Janai Nelson, LDF Associate Director-Counsel. “Before the Voting Rights Act was gutted in 2013, Texas was under federal oversight, and was successfully blocked from the unscrupulous legislative action against voting rights that we are witnessing today. It is clear that Texas needs such oversight again.”

In April 2017, a federal district court found that Texas adopted SB 14 in 2011 with a purpose to discriminate, rejecting Texas’s unsupported claim that its strict photo ID law is necessary to prevent widespread voter impersonation fraud. Since LDF’s client and other plaintiffs began challenging SB 14 in 2012, four federal courts have found that law to have a discriminatory effect on Black and Latino Texan’s ability to participate equally in the voting process. Notably, no court has ever sided with the State of Texas in defending its discriminatory law.

In June 2017, after years of wasting approximately $5 million taxpayer dollars defending its racially discriminatory voter ID scheme, Texas enacted SB 5. Texas (and the U.S. Department of Justice) wrongly contend that SB 5, which codifies a stop-gap remedy implemented before the 2016 elections, fully cures SB 14’s discriminatory intent and effect. However, SB 5 is far from a full remedy to SB 14’s discrimination. Instead, SB 5 requires Texas voters, including those intentionally harmed by SB 14’s discrimination, to participate in a two-tiered process to vote by presenting either one of the same strict photo IDs as required under SB 14 or presenting an alternative form of ID and submitting a declaration under felony penalty of perjury.

“Black and Latino voters look to federal courts, like the trial court in our case, to be the bulwark against legislative bodies that intentionally discriminate against them and then seek to avoid
remedying that harm by tinkering around the edges of a racially discriminatory law,” said Leah Aden, Senior Counsel at LDF. “Our laws require that the harm that has befallen voters of color in Texas be eliminated root and branch.”

LDF is litigating this case with co-counsel Wilmer Cutler Pickering Hale and Dorr, as well as teams of attorneys at the Campaign Legal Center, the Lawyers’ Committee for Civil Rights, the Brennan Center, Texas RioGrande Legal Aid, and others.

Read the full brief here.

For more information about this case and about LDF’s work to eradicate Texas's discriminatory photo ID law, click here.

###

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.