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Federal Court Strikes Down Texas' Election Law Provisions Restricting Assistance for Limited English-Speaking and Disabled Voters

Washington, D.C. – A [federal court has struck down](#) provisions of Texas' election law, S.B. 1, that illegally restrict necessary assistance to limited English-speaking voters and voters with disabilities. Last week, Texas officials declined to appeal this ruling. This means that these provisions of S.B. 1 are now permanently enjoined and cannot be enforced.

The order from Judge Robert Pitman prohibits Texas from limiting voting assistance to only reading and marking the ballot and from requiring individuals assisting voters to sign an oath requiring them to confine their assistance to reading the ballot to the voter, directing the voter to read the ballot, marking the voter's ballot, or directing the voter to mark the ballot. The court further ordered Texas to revise its training and instructional materials for state and county officials, and to distribute notice to all county elections departments clarifying the S.B. 1 provisions that they should not enforce. The provisions at issue directly violated a 2018 injunction holding that such limitations on assistance violated the Voting Rights Act.

In September 2021, The Arc, Legal Defense Fund (LDF), and Reed Smith [filed a separate federal lawsuit](#) on behalf of the Houston Area Urban League, Houston Justice, Delta Sigma Theta Sorority, Incorporated, and The Arc of Texas challenging S.B. 1, which includes a series of suppressive voting-related provisions that will make it much harder for Texas residents to vote and disenfranchise some altogether — particularly Black and Latino voters and voters with disabilities. The lawsuit alleges that several provisions of S.B. 1, including the provision recently struck down, violate the U.S. Constitution, the Voting Rights Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act. Among other violations, Plaintiffs claim that the law imposes barriers that discriminate against voters with disabilities and deny people with disabilities full and equal opportunities to participate in the state's election process. This complaint remains pending before Judge Xavier Rodriguez.

“Judge Pitman's order is an important victory for people with disabilities in Texas,” said Georgina Yeomans, Assistant Counsel at LDF. “But there is still work to be done to completely eradicate the discriminatory effects of S.B. 1. That these provisions directly conflicted with a federal injunction at the time they were drafted and passed only highlights the Legislature's disregard for the law when it enacted S.B. 1.”

“This is a significant victory for voters with disabilities in Texas,” said Shira Wakschlag, Senior Director, Legal Advocacy and General Counsel for The Arc. “Texas voters with disabilities who need assistance to vote will now be able to receive that assistance without illegal restrictions placed on their fundamental right to access democracy. At the same time, many discriminatory

aspects of S.B. 1 currently remain in place and we will continue fighting to ensure equal access to the polls for voters with disabilities.”

“While this order is an important early victory in our challenge to S.B. 1, many egregious and anti-democratic restrictions still remain in violation of the law by intentionally targeting and burdening methods and means of voting used by voters of color, limited English-speaking voters, and those with disabilities,” said Reed Smith partner Ken Broughton, who will argue the plaintiffs’ case in a trial set for next summer. “As we’ve said before, a true democracy seeks to increase voter turnout, not inhibit it, and these restrictions remain fundamentally anti-voter.”

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Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil rights law organization. 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 Legal Defense Fund or LDF. Please note that LDF 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.