



## *League of United Latin American Citizens*

**LUIS ROBERTO VERA, JR.**  
National General Counsel

January 25, 2008

To: The Honorable State Legislators of Texas  
Re: Committee Considering Voter Identification Bill

### **LULAC's OBJECTION AND ARGUMENT AGAINST VOTER IDENTIFICATION BILL**

LULAC through it's National and State of Texas board of directors unanimously call on you, the State Legislators of Texas to stand with us in protecting the Voting Rights of all the citizens of Texas In addition LULAC ask you to protect the voting rights of the Latino voters as mandated by sec. 5 and sec. 2 of the Voting Rights Act. Specifically, LULAC argues against the passage of any voter identification bill until such time as Texas can guarantee zero tolerance of voter discrimination and implement all protection in the Voting Rights Act and as ordered by the US Supreme Court. Given the history of Texas, this will be a long time in coming.

#### Recent History:

In the preceding 3 years, 2005, 2006, 2007, the Voting Rights section of the Department of Justice filed 10 separate lawsuits against Texas. All 10 suits were for discrimination against Mexican Americans and 1 of the suits involved discrimination against Mexican Americans and African Americans combined. There was also a separate lawsuit in Harris County for discrimination against Vietnamese Americans. All suits were successful against Texas and Texas entered into consent agreements to correct the discrimination. During this same time period several suits were brought by LULAC and MALDEF against Texas and separate individual government entities for discrimination against Mexican Americas. In, ***LULAC v. Perry*** the US Supreme Court found that Texas purposely discriminated against Mexican Americans in congressional district 23 for nothing more than political purposes. The US Supreme court ordered a remedy. In ***Farmers Branch, Texas***, the federal courts have enjoined the City from implementing discriminatory ordinances, which has the effect of targeting people of Mexican descent. Texas has spent millions of taxpayer dollars to defend and remedy these suits.

Below are some excerpts from the ***US v. Hale County TX*** complaint brought by the Voting Rights section for purposeful discrimination against Mexican Americans. Hale County entered into a consent agreement to correct the problem.

12. Section 208 of the Voting Rights Act provides that “[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.” **42 U.S.C. § 1973aa-6.**

13. In violation of Section 208, the Defendants, their employees, and agents have failed to allow voters the assistors of their choice through the following practices:

- a) Prohibiting family members and poll watchers from providing assistance to limited English proficient Spanish-speaking citizens.
- b) Requiring Spanish-speaking voters to be assisted by poll workers who either did not speak Spanish or did not speak Spanish fluently.
- c) Failing to accurately and adequately instruct poll workers on their duty to permit voter’s assistance from any person of their choice, other than their employers or union officials.

14. Defendants’ failure to allow voters to receive necessary assistance from any person of their choice, other than their employers or union officials, as described herein, is a violation of Section 208 of the Voting Rights Act. **42 U.S.C. § 1973aa-6.**

15. Unless enjoined by this Court, Defendants will continue to violate Section 208 by failing to provide Hale County’s voters with the opportunity to receive assistance from persons of the voters’ choice and by limiting the scope of the assistance voters can receive from their chosen assistors.

## **SECOND CAUSE OF ACTION**

16. The Plaintiff hereby alleges and incorporates by reference paragraphs one through sixteen above.

17. Under Section 203 of the Voting Rights Act, “any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots” that Defendants provide in English must also be furnished in Spanish to Spanish-speaking voters. **42 U.S.C. § 1973aa-1a(c).**

18. In violation of Section 203, the Defendants, their employees, and agents have not effectively provided election-related materials and information in Spanish to limited English proficient Hispanic citizens as required by Section 203 of the Voting Rights Act, including, but not limited to, the following:

- a) Failing to recruit, appoint, train, and maintain an adequate pool of bilingual poll officials capable of providing effective language election information and assistance to limited English proficient Spanish-speaking citizens that it provides in English; and
- b) Failing to provide certain election-related information that it provides in English, including, but not limited to, information publicizing elections, in a manner that assures Spanish-speaking voters an effective opportunity to be informed about election-related activities.

19. Defendants' failure to provide effective Spanish language materials and information, as described herein, constitutes a violation of Section 203 of the Voting Rights Act, **42 U.S.C. §1973aa-1a(c)**.

#### NVRA (National Voter Registration Act)

Section 7 of the Act requires states to offer voter registration opportunities at all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities. Each applicant for any of these services, renewal of services, or address changes must be provided with a voter registration form or a declination form as well as assistance in completing the form and forwarding the completed application to the appropriate state or local election official.

#### Before Consideration of Voter ID Bill

Texas must put a premium on election judges that are bi-lingual and that represent a cross section of the community, Hispanic, African American, Asian.... etc.

Under Sec. 5 of the VRA, Texas has the burden to prove that any voter id plan is not discriminatory. With this in mind, Texas needs to have solid numbers of who does and who does not have "valid" ID's.

In *Georgia v. Ashcroft* the ID requirement was found to be unconstitutional until Georgia made ID's available for free, including secondary documents (birth certificates ...etc) and implemented a strong voter education program, including how to get ID's was in place. The court also ordered a sufficient time period for voters to be educated and able to get their ID's.

It is clear from the Georgia decision that voter id in Texas could not be done this year or at any time, until the legislature first allocates the resources and design a plan to provide free id's together with all secondary documents, and Texas must fund and implement a strong voter education program for the voter id process together with the other protections ordered by the court.

#### Options:

- Give everyone a free ID and supporting documents, ie. Birth certificates
- If the presumption is that having valid ID (drivers license) is citizenship, then provide automatic voter registration when a driver's license or other "valid" id is issued.

- Pursuant to the national voter registration act, Texas must make photo ID's available for free wherever voter registration is available.

To abandon a system that has fairly allowed Latino's to gain political strength in Texas and substitute in its place a system that has the potential of greatly increasing the voting strength of the Anglo population and dilutes Latino votes is likely to "lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." **Miller v. Johnson, 515 U.S. 900, 926 (1995) (quoting Beer v. United States, 425 U.S. 130, 141 (1976)).**

In light of the fact that the proposed change brought forward by the Texas legislative committee is likely to violate both section's 5 and 2 of the federal Voting Rights Act, LULAC urges you to NOT ADOPT the proposed voter id bill.

LULAC has participated in over 400 court ordered elections in Texas since adoption of the Voting Rights Act and will vigorously challenge any voter id bill. LULAC is ready to pursue an objection before the voting rights section of the department of justice and if necessary the federal district courts to stop any voter id bill until such time as Texas adheres to LULAC's objections, recommendations and options.

Respectfully submitted on behalf of the National and Texas State Board of the League of United Latin American Citizens.

/S/ Luis Roberto Vera, Jr.  
Luis Roberto Vera, Jr.

cc: Rosa Rosales, LULAC National President  
Roger Rocha, LULAC Texas Director