

# CURRENT CONDITIONS OF VOTING DISCRIMINATION IN TEXAS

**Texas has a long and sordid history of discriminating against Black, Latino and Asian American voters that has continued in full force to the present day:**

- In 1944, the U.S. Supreme Court outlawed white primaries in Texas, *Smith v. Allwright*.
- In 1975, the State’s “history of excluding Mexican Americans from the political process” led Congress to require Texas to preclear all voting changes with the Department of Justice (DOJ).
- From 1982 to 2006, Texas had the second-highest number of DOJ objections — a total of 107.
- In 2006, the Supreme Court noted in *LULAC v. Perry* that “Texas has a long, well-documented history of discrimination that has touched upon the rights of African-Americans and Hispanics to register, to vote, or to participate otherwise in the electoral process.”
- A 2020 Election Law Journal study found Texas is the most difficult state in which to vote.

After the U.S. Supreme Court’s 2013 decision in *Shelby County* released Texas from preclearing voting changes with DOJ, Texas rushed to enact measures — at the state and local level — which denied or abridged the right to vote. As communities of color have grown in number — the latest Census estimates that Texans of color account for 95% of the population growth — **the State has responded with pervasive and persistent discrimination**, which warrants reinstatement of preclearance under the VRAA.

On the following page are a few of the most egregious acts of discrimination since *Shelby County*. A full accounting of Texas’s actions can be found in our [Texas report](#).

## **CHANGES IN METHODS OF ELECTION**

Local jurisdictions were quick to enact discriminatory voting changes after *Shelby County*. The City of Pasadena — once the Texas headquarters of the Ku Klux Klan — immediately changed its method of electing city council members in order to diminish the voting power of a growing Latino community. The city council had been elected from eight single-member districts, where voters in one district elect one council member. Just as it was on the cusp of securing a Latino majority on the council through this method, the city converted two single-member districts to at-large districts where council members are elected by voters throughout the city. The new 6-2 voting plan produced one less Latino-majority single-member district than under the previous 8-0 plan. A court found Pasadena’s plan intentionally diluted Latino voting strength, blocked the 6-2 plan, and ordered the city to preclear future changes to its election structure by DOJ until 2023, an extraordinary remedy.

## **CLOSED POLLING PLACES IN COMMUNITIES OF COLOR**

Since *Shelby County*, Texas has closed more polling places than any other state — 750 polling places or almost half of the state’s total — greatly harming access to the polls for Black and Latino voters. The 50 counties with the largest number of Black and Latino residents closed 542 polling places, in stark contrast to counties with the smallest number Black and Latino residents, which closed just 34 polling places. Five of the six largest counties closing polling places across the country were located in Texas, all counties where the majority of residents are Latino and Black. As a result, in Texas Black and Latino voters generally have to travel further to vote than do their White counterparts, which impairs their access to the ballot box.

## **INTENTIONALLY DISCRIMINATORY VOTER ID LAW**

Immediately after *Shelby County*, the Texas legislature moved to implement its restrictive photo ID law, which has previously been blocked by DOJ. The law notoriously accepted a license to carry a handgun as a permissible form of ID, but refused to accept a federal or state government IDs or student IDs. Both federal district and appellate courts held that the law intentionally discriminated against Black and Hispanic voters who were less likely to hold a photo ID that was deemed acceptable.

## **TEXAS IS STILL AT IT**

In September of this year, Texas Governor Greg Abbott signed into law even more voting restrictions designed to deny or dilute the votes of communities of color. The law banned drive-thru voting, required new ID for voting by mail, banned officials from sending out unsolicited mail-in ballot applications, and empowered poll watchers to conduct more activity at polling places.

