

Veasey v. Abbott:

A Challenge to Texas' Harsh Voter ID Law

TEXAS SB 14: THE NATION'S STRICTEST VOTER PHOTO ID LAW

In 2011, the Texas legislature enacted Senate Bill 14, the nation's strictest voter photo ID law that leaves more than half a million eligible voters who do not have the requisite types of ID from fully participating in the democratic process. SB 14 requires voters to provide limited types of voter ID in order to cast an in-person ballot, including:

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate (EIC) issued by DPS
- Texas personal identification card issued by DPS
- Texas concealed handgun license issued by DPS
- United States military identification card containing the person's photograph
- United States citizenship certificate containing the person's photograph
- United States passport

The types of ID required, however, purposefully leave out large swaths of the population. For instance, a state license to carry a handgun, which may be legally obtained by some non-U.S. citizens, is a permissible form of identification, while a federal or state government ID, nor a student ID, are not permitted.

The professed aim of the law is to prevent voter fraud, even though evidence of in-person voter fraud is virtually non-existent. In fact, it is more likely for someone to get struck by lightning than for in-person voter fraud to occur.

THE LAW'S DEVASTATING IMPACT

Obtaining voter photo IDs is expensive, and in many cases, requires distant travel to government offices issuing the IDs. Despite Texas offering free photo IDs to its voters, as of March 2016, a paltry 653 had been issued since the law passed. In addition, EIC's can't be issued without supporting documents that also cost money (for Texans born out of state) and can require significant travel to another county as nearly a fourth of Texas counties do not have a driver's license office. In some cases, eligible voters do not have these supporting documents. Because of SB 14's requirements, the law disproportionately disenfranchises minority voters, particularly African Americans and Latinos.

Disenfranchised Voter: Anthony Settles

Due to the state of Texas misplacing his name change certificate, Texas voter Anthony Settles is not able to vote because the state cannot verify his identity. His only recourse is to move to another state or to pay to have his name changed back to his birth name, which he has not used since 1964. In response, Settles says that he feels like he is “living in a country that doesn’t want [him] and that is an awful feeling. It goes beyond a simple 2014 election...it’s a deep-seeded thing. It’s feeling like you’re in a place physically, but they don’t want you to be a part of it.”

Disenfranchised Voter: Margarito Lara

Margarito Lara is 80 years old, and like millions of other Americans born in his era, was born at home rather than a hospital and did not receive a birth certificate. For that reason, he can no longer vote under SB 14. Upon the realization that he may never be able to vote again under SB14, Lara said that he “feels sorry that [he] can’t vote [because] it’s very important when you vote.” Sadly, Mr. Lara passed away last year without being able to vote in person.

LEGAL CHALLENGES TO TEXAS SB 14

The Texas law has faced continued legal challenges since its enactment in 2011 and the Campaign Legal Center is proud to represent a group of plaintiffs who have challenged this law as burdening the fundamental right to vote and as discriminatory against minority voters.

The law was initially blocked under Section 5 of the Voting Rights Act after its passage, but when Section 5 was nullified by the U.S. Supreme Court in its *Shelby County v. Holder* decision, Texas immediately implemented the law. CLC immediately filed suit and prevailed in its claims that SB 14 was unconstitutional and violated Section 2 of the Act. Over the course of several years of litigation, three federal courts have found the law to be discriminatory — one federal trial court judge and two different three-judge federal panels. That means seven of seven federal judges have found the law discriminates against minority voters, yet it continues to be in effect due to the 5th Circuit’s stay of the district court’s decision in 2014. To date, the stay has prevented voters from participating in the 2014 midterm elections, 2016 primary, and numerous state and local races.

Recognizing the law could keep as many as 600,000 Texas voters from participating in the 2016 presidential election, the U.S. Supreme Court recently ordered that if the 5th Circuit’s full panel fails to decide the case by July 20, 2016, the high court will consider taking action on a request from Texas voters.

For more information about the case, contact the Campaign Legal Center at info@campaignlegalcenter.org.