WASHINGTON – The Department of Justice announced today that it will file a new lawsuit against the State of Texas, the Texas Secretary of State, and the Director of the Texas Department of Public Safety over the State’s strict voter photo identification law (SB 14). The United States’ complaint seeks a declaration that SB 14 violates Section 2 of the Voting Rights Act, as well as the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution.

Separately, the Department is filing a motion to intervene as a party and a complaint in intervention against the State of Texas and the Texas Secretary of State in the ongoing case of Perez v. Perry (W.D. Tex.), which concerns the state’s redistricting laws. The United States had already filed a statement of interest in this case last month. Today’s action represents a new step by the Department in this case that will allow the United States to formally present evidence about the purpose and effect of the Texas redistricting plans.

“Today’s action marks another step forward in the Justice Department’s continuing effort to protect the voting rights of all eligible Americans,” said Attorney General Eric Holder. “We will not allow the Supreme Court’s recent decision to be interpreted as open season for states to pursue measures that suppress voting rights. The Department will take action against jurisdictions that attempt to hinder access to the ballot box, no matter where it occurs. We will keep fighting aggressively to prevent voter disenfranchisement. We are determined to use all available authorities, including remaining sections of the Voting Rights Act, to guard against discrimination and, where appropriate, to ask federal courts to require preclearance of new voting changes. This represents the Department’s latest action to protect voting rights, but it will not be our last.”

In the voter ID lawsuit, the United States’ complaint contends that SB 14 was adopted with the purpose, and will have the result, of denying or abridging the right to vote on account of race, color, or membership in a language minority group. The complaint asks the court to prohibit Texas from enforcing the requirements of its law, and also requests that the court order bail-in relief under Section 3 of the Voting Rights Act. If granted, this would subject Texas to a new preclearance requirement.

In the Department’s other filing announced today, the United States seeks a declaration that Texas’s 2011 redistricting plans for the U.S. Congress and the Texas State House of Representatives were adopted with the purpose of denying or abridging the right to vote on account of race, color, or membership in a language minority group in violation of Section 2, as
well as the voting guarantees of the Fourteenth and Fifteenth Amendments to the United States Constitution. The complaint also requests that the court order bail-in pursuant to Section 3(c) of the Voting Rights Act, to remedy persistent, intentional discrimination in voting within the State of Texas.

“The Department of Justice will use all the tools it has available to ensure that each citizen can cast a ballot free from impermissible discrimination,” said Jocelyn Samuels, Acting Assistant Attorney General for the Justice Department’s Civil Rights Division. “The right to the franchise is one of the most fundamental promises of American democracy.”

If the federal courts in either the redistricting or voter identification cases find that the State of Texas should be covered by Section 3(c), then the State would be required to submit voting changes to the U.S. Attorney General or to the federal court for review prior to implementation to ensure that the changes do not have a discriminatory effect or a discriminatory purpose. The Department has previously participated as amicus in the Perez case, and last month advised the federal court in Texas that the Department believed the imposition of a new preclearance requirement on Texas under Section 3(c) of the Voting Rights Act was appropriate. Today’s filing asks the Court to allow the Department to participate as a party in further proceedings on the question of whether Texas should be made subject to Section 3(c).

A federal court in the District of Columbia has previously held that Texas had failed to meet its burden of proving that its 2011 redistricting plans and its 2011 voter identification law were not discriminatory under Section 5 of the Voting Rights Act. These decisions were vacated after the Supreme Court’s June decision in Shelby County v. Holder. The Supreme Court’s decision left unaffected the non-discrimination requirements of Section 2 of the Voting Rights Act, as well as the bail-in provisions of Section 3 of the Voting Rights Act, and today’s filings seek to enforce those important protections.

The filings in the Texas redistricting and Texas voter identification matters will be available on the Civil Rights Division’s website later today. More information about the Voting Rights Act and other federal voting laws is available on the Department of Justice website at www.justice.gov/crt/about/vot/. Complaints about discriminatory voting practices may be reported to the Voting Section of the Justice Department’s Civil Rights Division at 1-800-253-3931.

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