



The struggle for Equal Citizenship and Voting Rights in Texas: One Nonprofit's Solution

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Abstract

The issue of voting rights in America has long been intertwined with racial discrimination, and this problem persists in many parts of the United States. In fact, some states are more plagued by this discrimination than others. The Southern states such as Texas, have a particularly deep history of racialized climate and discrimination compared to the Northern states. Despite the end of the Civil War in 1865, Texas was hesitant to acknowledge the formal emancipation of slavery and resisted federal enforcement. Although significant progress has been made in securing civil rights for minorities and other marginalized communities such as disabled Texans however in recent years, Texas has taken steps backward by attempting to undermine these rights. They have implemented policies that aim to prevent African-Americans, Hispanics, and other minority groups from participating fully in the democratic process through voting. These efforts have detrimental consequences for their future civil participation within our democracy. In our research on Texas' struggle for voting rights after 1965 we will delve into the historical context surrounding this issue. Through a comprehensive analysis of this history, we hope to shed light on these injustices and contribute towards creating a fairer electoral system for all citizens.

Keywords: Voting Rights, Texas, nonprofit, Harris County, Houston

Introduction

With the enactment of the Voting Rights Act in 1965, discriminatory practices like poll taxes were prohibited to ensure that Blacks and Hispanics could freely exercise their right to vote (Barajas, 2020). This legislation finally provided minorities with a platform where they could participate without fear or hindrance. As a result, minority communities were able to elect representatives who genuinely represented their interests. Once minority representatives assumed political office, they focused on integrating their communities by encouraging diversity in hiring practices. Their aim was to create an inclusive society that valued equal representation for all racial groups. The implementation of laws such as the Voting Rights Act was crucial not only for protecting civil liberties but also for empowering marginalized populations who had long been denied access to political participation (Price, 2021). Through active engagement in democratic processes like voting, African Americans, Hispanics, and other minorities gradually gained influence over policies that directly affected them. However, in the past few years there has

been a gradual and steady encroachment on voting rights in the state of Texas (Ura, 2021).

Voter Suppression: Purging Rolls & Voter ID Restrictions

In 2016, Republican legislators in Texas and other states initiated a campaign with claims of widespread voter fraud ahead of the upcoming elections (ACLU, 2021). However, this narrative was intentionally fabricated to provide a pretext for denying and suppressing potential voters, most of whom were known to support the Democratic party. The main argument put forth by Republicans was centered around enacting election reforms that led to the implementation or enhancement of voter suppression laws in state legislatures, which were then signed into law by Republican governors. The passage of these laws empowered Republican lawmakers and officials to explore additional ways to curb voting rights. In 2019, David Whitley, the Secretary of State for Texas, attempted to purge nearly 100,000 naturalized American citizens from the state's voter rolls. Whitley claimed that there had been numerous cases of widespread voter fraud committed by these

individuals (who were again presumed to be Democratic voters) and insisted on their removal. However, it later emerged that Whitley had relied on inaccurate voter data obtained from the Texas Department of Public Safety's DMV records. Due to intervention from organizations like ACLU and other advocates for voters' rights, these individuals were successfully protected from being purged (Barajas, 2020). Through these efforts aimed at restricting access to voting rights through false claims about fraudulence as well as inaccurate data usage by government officials like David Whitley in Texas underscores an ongoing battle over ensuring fair elections while safeguarding democratic principles within our political system (Brennan Center for Justice, 2022).

In 2020, John B. Scott, who took over from David Whitley, attempted to purge the rolls of 11,000 registered voters (Barajas, 2020). He argued that these voters needed to undergo immigration checks and threatened their removal unless they could provide proof of citizenship. However, after facing significant backlash and criticism, John B. Scott conceded that he had knowingly distributed a list of 11,000 voters falsely alleging widespread voter fraud. This resulted in wasted time and money for the state taxpayers as they pursued confirmation on these voters' immigration status. There was no evidence found to support the existence of widespread voter fraud (Cheng, 2019).

Senate Bill-1 (SB-1)

The introduction of the Voting Rights Bill in Texas, commonly referred to as SB1, has resulted in a flurry of lawsuits from both Democratic and Republican organizations (DeBonis & Gardner, 2021). One such lawsuit involves the County Elections Officer Hollins in Harris County, who is being accused by the state of violating election laws. The year 2020 was marked by unprecedented challenges due to the outbreak of Covid. Despite these obstacles, elections were held amidst a pandemic that disrupted daily life and posed various difficulties, including new forms of voter suppression.

In response to COVID-19 precautions, the Harris County Election Office implemented a strategic initiative to increase voter participation by distributing mail-in ballots to residents who were unable to visit polling locations in accordance with CDC guidelines. However, Attorney General Ken Paxton intervened and argued that this plan violated SB1. Hollins had already sent out 2.4 million mail-in ballots to registered voters in Harris County.

The Texas Supreme Court prohibited the County Election Office from sending out these ballots and denied Hollins' request for 24-hour polling locations or drive-thru voting at early voting sites (Hirczy de Mino, 2020). These actions taken by the Harris County Elections Officer were particularly well-received among members of the African-American and Hispanic-American communities who value having accessible voting options during times that accommodate their busy schedules. This is especially important considering that African-Americans and Hispanic-Americans as well as other minorities may be more likely to experience severe side effects from COVID-19 and have limited access to healthcare, transportation, and government-issued identification cards.

Texas Voting Restrictions in 2020-2023

Although poll taxes, literacy tests, and White-only primaries have been eliminated, Texas remains at the forefront of implementing other measures that restrict and disenfranchise African American, Hispanic and other traditionally marginalized voters. According to

the official website of the Texas Secretary of State, approximately 1.63 million Texans exercised their right to vote during the general elections held in 2020 (Texas Secretary of State, 2020). Notably, members of minority groups accounted for nearly 88% of all votes casted during the early voting period. The passage and implementation of SB1 may result in a significant decline in voter turnout as advocates fear (Ura, 2021). Statistics released by Harris County Elections Office regarding the 2022 Run-Off Elections illustrate an increase in Republican party identifiers alongside a decrease among Democratic party identifiers.

Republican voters in the July 2020 run-off elections cast significantly more ballots compared to Democrats, with a 76% higher turnout. The number of Democrat voters who participated in the primary runoff election was recorded at 72,809, while a total of 162,469 Democratic voters turned out for the primary runoff in July 2020 (Adams, 2022). This resulted in a substantial decrease of voter participation by about 55%. According to data released by *Houston Public Media*, the implementation of the new SB1 voting law in Texas led to approximately 6,888 (19%) mail-in ballots being rejected (*Houston Public Media*, 2022).

Most of these rejections occurred due to errors such as incorrectly written driver's license numbers and missing social security numbers (SSN). Additionally, some were denied because signatures on the envelopes were illegible or because voters failed to write their names on the outside of the envelope. Under SB1 regulations, Elections Administrators are prohibited from soliciting constituents directly or through third parties for completing applications for early voting by mail. As a result of this restriction imposed by SB1, Harris County Clerk was unable to contact residents and verify their identities. However, if a ballot is flagged or rejected based on SB1 guidelines, election officials are required to notify both impacted voters and provide them an opportunity until the eleventh day following elections' completion date when they can recast their ballots at Harris County Elections Office (Adams, 2022).

In the March 2022 primaries, Harris County dismissed approximately 20% of the ballots cast by voters, which is a significant increase compared to the mere 0.3 percent rejected in 2018. This represents a staggering surge of 6,233 percent specifically within Harris County. If this trend continues, voter suppression across Texas will continue to increase and harm voting rights.

Additional Voting Rights Concerns in Texas

The US Supreme Court decision in the case of *Shelby v. Holder* resulted in the removal of Section 4(b) from the 1965 Voting Rights Act, which required Southern states to obtain clearance from the federal government. During President Obama's administration, the Department of Justice had prevented attempts to remove eligible voters from voter lists and hindered conservative groups' plans to restrict voting locations and timeframes. The Texas Legislature, controlled by Republicans, has unfortunately made it a crime for registered voters and county election clerks to not comply with SB1.

Presently, election officials at Harris county are acutely conscious of the fact that the implementation of SB1 will exacerbate the issue of vote dilution by imposing penalties on election workers and administrators who fail to comply with its stringent regulations. Election officers are actively working on establishing and implementing administrative protocols aimed at streamlining their

duties. These protocols aim to incorporate safeguards that will minimize instances where ballots are discarded due to identification problems or rejection of mail-in ballots.

County authorities should allocate resources and collaborate with academic institutions, nonprofits and community organizations to gather data on the overall voting process and the challenges faced by election administrators in implementing SB1. Election administrators should continue to engage with the public by providing education about SB1 and allocating more resources for trained voter registration officials. Voter advocacy groups as well as individual voters have a responsibility to monitor SB1's suppressive consequences, particularly those that affect mail-in voting and historically marginalized communities.

In order to ensure a fair and equitable electoral process, it is crucial that individuals from all racial backgrounds are given the opportunity to vote in a secure and accessible manner with their votes being duly recognized. It is the responsibility of election officials to address any barriers or hindrances that may impede this democratic right. Although they are not tasked with investigating voter suppression directly, by eliminating obstacles and unnecessary challenges, they can enhance accessibility to democracy for everyone involved. The goal is to empower voters so that their voices truly count, when electing representatives who will advocate for the interests of all citizens.

With SB1 now in effect in Texas, election officials find themselves vulnerable to prosecution. These officials, who were elected by the people to serve as public servants, are now tasked with implementing election processes and procedures that have the potential to suppress certain voters. The Texas Legislature, controlled by Republicans, operates under partisan politics which inherently support long-standing racial discrimination and voter suppression practices. Election administrators like Chris Hollins from Harris County play a crucial role in making counties like Harris County stand out as examples of successful democracy despite facing challenges such as potentially encroaching authoritarianism. These efforts may in fact make other countries around the world envious of our ability to uphold democratic values while combating threats against them.

Policy Solutions: One Nonprofit's Outreach & Voter Registration in Harris County

Pure Justice is a nonprofit based in Houston, Texas, USA. Pure Justice regularly uses volunteers to increase voting participation rates in Harris County where Houston is based. Pure Justice regularly visits the Harris County detention facilities to enroll defendants who meet the criteria to participate in primary and general elections. The nonprofit actively encourages its staff members and volunteers to become Volunteer Deputy Voter Registrars (VDVR). These VDVR's receive training from the County Elections Officers, equipping them with the knowledge to properly register eligible citizens to vote. Texas has (possibly) the most stringent voter laws in the country. Presently, individuals who are already registered voters and are residents of Harris County jail can cast their votes at an on-site ballot box. With the cooperation of Harris County Commissioners Court and Sheriff's Office, Pure Justice has established a trustworthy presence inside the Harris County jail system to register voters.

In 2022, Pure Justice was able to successfully enroll 2,000 individuals as voters. Approximately 50% of these registrations have come from incarcerated individuals residing in the local

county jail. Pure Justice also increases voter participation through methods such as door-to-door canvassing in neighborhoods and utilizing phone banking and text message campaigns.

Community Center Outreach & Voter Registration

The VET volunteer program of Pure Justice regularly visits community centers in Houston, including those run by the City of Houston, Harris County, and privately funded facilities such as the Baker-Ripley Center and YMCA Hester House. By engaging with young people and senior citizens in these communities, Pure Justice has increased their voter registration efforts.

Church Outreach & Voter Registration

In the Greater Houston Area, there are around 5,720 churches that have been officially listed. Pure Justice is taking advantage of these places of worship and faith-based organizations to establish their presence and carry out various activities. These include registering voters, providing them with information about new laws, and actively listening to their opinions on government issues and voter apathy. As part of their VET initiative, the team visited Mt. Pleasant Baptist Church and 1st Missionary Baptist Church during their Sunday services and registered individuals who are eligible to vote.

Recognition of Candidates and Outreach to Voters

Pure Justice refrains from seeking out campaign information or endorsing specific positions or political races due to their nonprofit 501c(3) status. However, the nonprofit does extend invitations to local candidates running for public office to engage in discussions with its members, the public and address inquiries regarding various policies such as Public Safety, Administration of Justice, Gun Control, Fair Chance Housing, Misdemeanor Bail Reform, and more issues in the campaign. During each election cycle, Pure Justice facilitates "Meet the Candidates" events where political candidates in Harris County could present their campaign platforms and respond to questions posed by attendees. Regardless of party affiliation, these forums foster a bipartisan environment that encourages open and honest dialogue from the public. They also provide an intimate setting for gaining deeper insights into individuals vying for elected roles responsible for serving their communities.

City Hall & Voting Rights Watchdog

Pure Justice actively participates in City Hall Council Meetings to engage their First Amendment right with various issues that affect voting rights and access to democracy. These include gerrymandering, wasteful projects, environmental safety concerns, and the presence of an At-Large Council composition. They also voice their opposition to the "strong mayoral bully pulpit" form of government that often disregards the interests of African-American, Hispanic, Indigenous, and People of Color (BIPOC) communities. Co-founder Ro' Shawn Evans is a certified topographer and mapmaker. Evans has been involved in creating numerous City Council District Maps for evaluation and approval by the City of Houston.

Additionally, Pure Justice takes initiative at Harris County Commissioners Court meetings to advocate for fair elections. They emphasize the importance of maintaining integrity, transparency, and fairness throughout all precincts in the county. As part of their efforts to educate voters about new technology advancements before election day, they organized an event where a representative from the Elections Office demonstrated how to use voting machines. Rather than solely focusing on racial disparities or

criticizing politicians directly, Pure Justice concentrates on addressing specific challenges faced by communities they represent. Their aim is to amplify neighborhood needs that have been affected by generations-long issues instead.

Getting out the Vote (GOTV)

Collaborating with various community organizations is the key ingredient in Pure Justice's successful formula. The goal of eradicating oppression and racism requires working alongside like-minded individuals and groups who advocate for abolition. One such partnership was established between Pure Justice and Vote Riders, a non-profit organization. Through donations, grants, and personal efforts, Vote Riders enables registered voters to access transportation services like Lyft, Uber, or METRO on election day. They also assist residents in obtaining the necessary voter identification documents such as utility bills, state ID cards, passports, social security cards or birth certificates. Given Texas' unfortunate history of voter suppression in BIPOC communities, empowering citizens through education and removing barriers to voting is at the heart of Pure Justice's "Get Out The Vote" (GOTV) campaign.

To support their communities, Pure Justice actively combines humanitarian initiatives with voter education and encouragement. Instead of fostering apathy, the organization strives to create sympathy towards voting by organizing events such as back-to-school supply drives, distributing holiday turkeys, conducting COVID testing, and providing essential items like N95 masks, snacks, and water to voters who endure long lines while waiting to cast their ballots. Demonstrating support for democracy does not always entail engaging in political discord or endorsing a specific candidate. As a progressive grassroots nonprofit organization, Pure Justice sets an example for all cities and counties nationwide by showcasing how they can contribute towards the betterment of their neighborhoods, precincts parishes, and boroughs.

Conclusion

Voting suppression and the fight to overcome and enforce African Americans, Hispanics and other minorities voting rights is nothing new. There has been a very, very long history of voter suppression, discrimination and disenfranchisement in America and continues to this day. The right to vote is a fundamental liberty afforded to all individuals in this country that has been blocked to certain members of our society even after the Civil War ended.

In the state of Texas, the fight continues this November when the state and local elections commence. The Texas Legislature has passed SB-1 and while lawsuits and challenges have been introduced, it will be a lengthy and costly process to overcome. Among many legal scholars it is agreed-upon that over the past decade, the U.S. Supreme Court has chipped away and weakened important sections of the Voting Rights Act, especially Section 2 and Section 5 which has disproportionately, and crucially affected African-American and Hispanic-American voting rights and caused harm to communities of color, further impeding equitable and fair democracy.

Nevertheless, despite these many difficulties, grassroots organizations such as Pure Justice have found creative and innovative ways to get out the vote. The nonprofit has routinely visited Harris County jails to register voters. Voting drives at bars, schools, restaurants, and other public arenas have been extremely

successful leading to more than 2000 new voters registered for the midterm elections in 2022. Pure Justice is doing the community's work in creating avenues to give the community access to democracy.

Pure Justice's persistent determination to overcome historical and current voter suppression and fighting for disenfranchised communities of color has a foundational basis in the 1960's civil rights movement. Pure Justice participates in and are actively involved in nonviolent marches and peaceful protests throughout the nation and work with other advocacy groups to advance the cause of democratic access and voting rights for all. As people of color who have been historically disenfranchised and discriminated against, our will is stronger than ever, and our membership is growing exponentially. Even today in 2023, the fight for equal voting rights continues in Texas and elsewhere in the United States. Nonprofits such as Pure Justice are the real linchpin to combat voter suppression and continue to provide voting rights to all.

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