

## 'Motor-Voter' Act Enforcement & Photo ID (updated 05/13/16)

On March 14, 2016, the Texas Civil Rights Project filed a lawsuit in the San Antonio US District Court on behalf of four citizens who went to the polls and found they were not on the list of registered voters.

That is a common complaint that each of our Local Leagues have likely heard time and again.

These complaints come because citizens have gone to the Texas Department of Public Safety website to renew a driver license. While using the site, they are given the option to renew voter registration information -- as required by the 1993 National Voter Registration Act (NVRA). The kicker, people click that link thinking that they are finished and it will be automatic (as it is supposed to be) -- but, alas, not the case.

The way the system is now configured, it is supposed to lead to another website, where the individual is supposed to print out and complete a new registration form and put it in the mail to the local county voter registrar. That was not the intent of the Act. This legal complaint against DPS Executive Director Steve McCraw and Secretary of State Carlos Coscos, seeks to enforce the federal law.

Problems also have occurred when individuals get new or renewed driver licenses in person at DPS. The information is supposed to be electronically transmitted to SOS and the Counties, but there has been spotty compliance. For example, we have heard of couples going to DPS together and one of the couple's registration is updated and the other's is not. Speaking with TCRP's new Executive Director Mimi Marziani, we found the group has discussed this with DPS and SOS as well, and improved systems are supposed to correct that situation by March 2016.

Local Leagues can positively support the efforts seeking full compliance with NVRA by documenting complaints received by individuals who believed they were registered at DPS or who believed they had registered online when transacting DPS business about their driver licenses. To facilitate that reporting, we're providing you with a form to use by clicking [HERE](#). Please complete it to the best of your ability so that we can get these real-life stories to TCRP to assist their telling of these real-life experiences as part of the legal action. To do that, they need detailed credible specifics.

We are excited to have connected with TCRP and work with them on several other areas of enforcement of existing voting laws in the near future.

### Photo ID Lawsuit

On March 22, 2016, the 5th Circuit of Appeals announced it will consider the case of **Veasey v. Perry** on May 24th. The full court will be hearing the case, as requested by Texas Attorney General Paxton. To refresh your memory, a three-judge panel of the 5th Circuit Court of Appeals unanimously affirmed a federal trial court's earlier finding that Texas's strict photo ID law has a racially discriminatory effect and violates Section 2 of the Voting Rights Act. The panel ruled in August 2015 that the district court should hear more evidence on the intentional discrimination claim.

If intentional discrimination is found by the 5th Circuit, this could place Texas back under the preclearance requirement of the Voting Rights Act. In the meantime, the Photo Voter ID requirement remains in place.

In an April 29, 2016 one-page order, the US Supreme Court replied to a new request to put a hold on the Photo ID requirement for the 2016 elections. The justices made clear they recognize the "time constraints" that exist because of the upcoming election and advised the parties that if the appeals court has not ruled by the end of July 2016, the civil rights groups who brought the challenge could return to the Supreme Court to again seek relief. There were no noted dissents to the order, and some say it suggests the justices were looking for a way to reach consensus on the subject. Both Texas Attorney General Paxton and the attorney for the Campaign Legal Center who filed the request issued statements indicating their encouragement for what that means to their case.

In the meantime, LWV members must continue to publicize the number of acceptable Photo IDs and pay close attention to possible actions prior to the November election.