

# **THE 19TH AMENDMENT AT 100: LATINA PERSPECTIVES FROM THE BAR AND BENCH**

**State Bar of Texas Hispanic Issues Section**

**October 14, 2020**

**Nina Perales**

**MALDEF**

# FROM FORMAL ENFRANCHISEMENT TO VOTER PARTICIPATION

- In 1928, the Weslaco barrio election box was assaulted by the “Good Government League” which led the “Rebellion” cited in a U.S. Congressional investigation. According to the federal report, a crowd of 3,000 to 4,000 Anglos at the polling place shouted “Don’t let those Mexicans in to vote. Throw them out” while men with shotguns protected the crowd.
- An estimated 200 to 300 regular Mexican American voters “did not show up at all.”
- One former Texas Ranger, Hidalgo County Sheriff A.Y. Baker, became the political boss of the county, and was reputed to have committed election fraud and large-scale graft. When State Rep. J.T. Canales protested at the Legislature, Texas Ranger Frank Hamer threatened to kill him

# SCHOOL SEGREGATION



Lyndon Johnson with his class at the “Mexican” school in Cotulla, Texas, 1928. [LBJL]

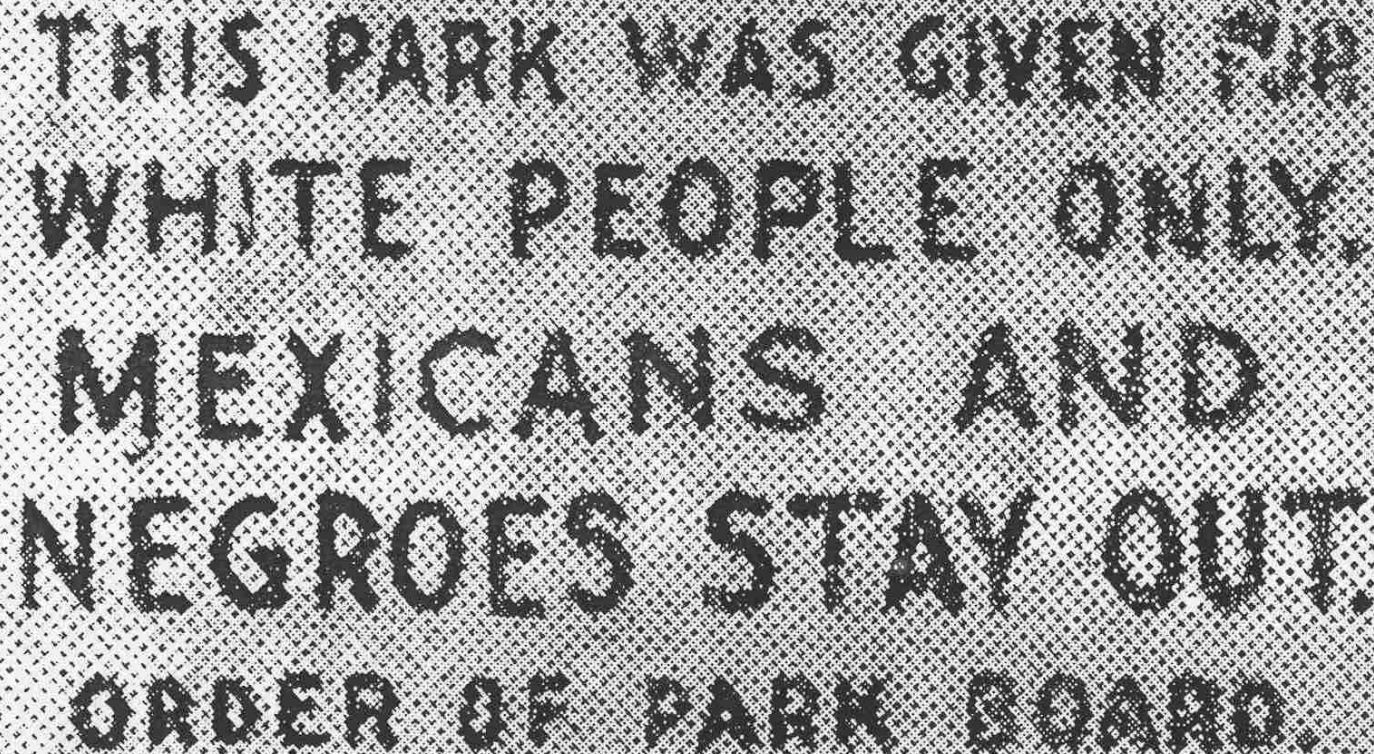
# HOUSING



# SEGREGATION IN PUBLIC ACCOMMODATIONS



# PARK IN BRADY TEXAS 1930



THIS PARK WAS GIVEN FOR  
WHITE PEOPLE ONLY.  
MEXICANS AND  
NEGROES STAY OUT.  
ORDER OF PARK BOARD.

Brady Texas 1930

# LEGAL BARRIERS TO VOTING

- **White Primary**
  - Texas Democratic Party banned Mexican and Black voters from voting in the Democratic primaries until 1944 (*Smith v. Allwright*)
  - You had to swear, “I am a white person and a Democrat.”
- **Poll tax**
  - Prevented many Mexican Americans from voting
  - Struck down in 1966
- Texas immediately enacted annual re-registration requirement
- **Decennial Redistricting**
  - Texas violated the Voting Rights Act or Constitution with respect to Latino voters in every redistricting cycle from 1970s to 2013
- **Restrictive Voter Registration Laws – VDR**

# POLITICAL ORGANIZING





CLOSE X

# The American GI Forum

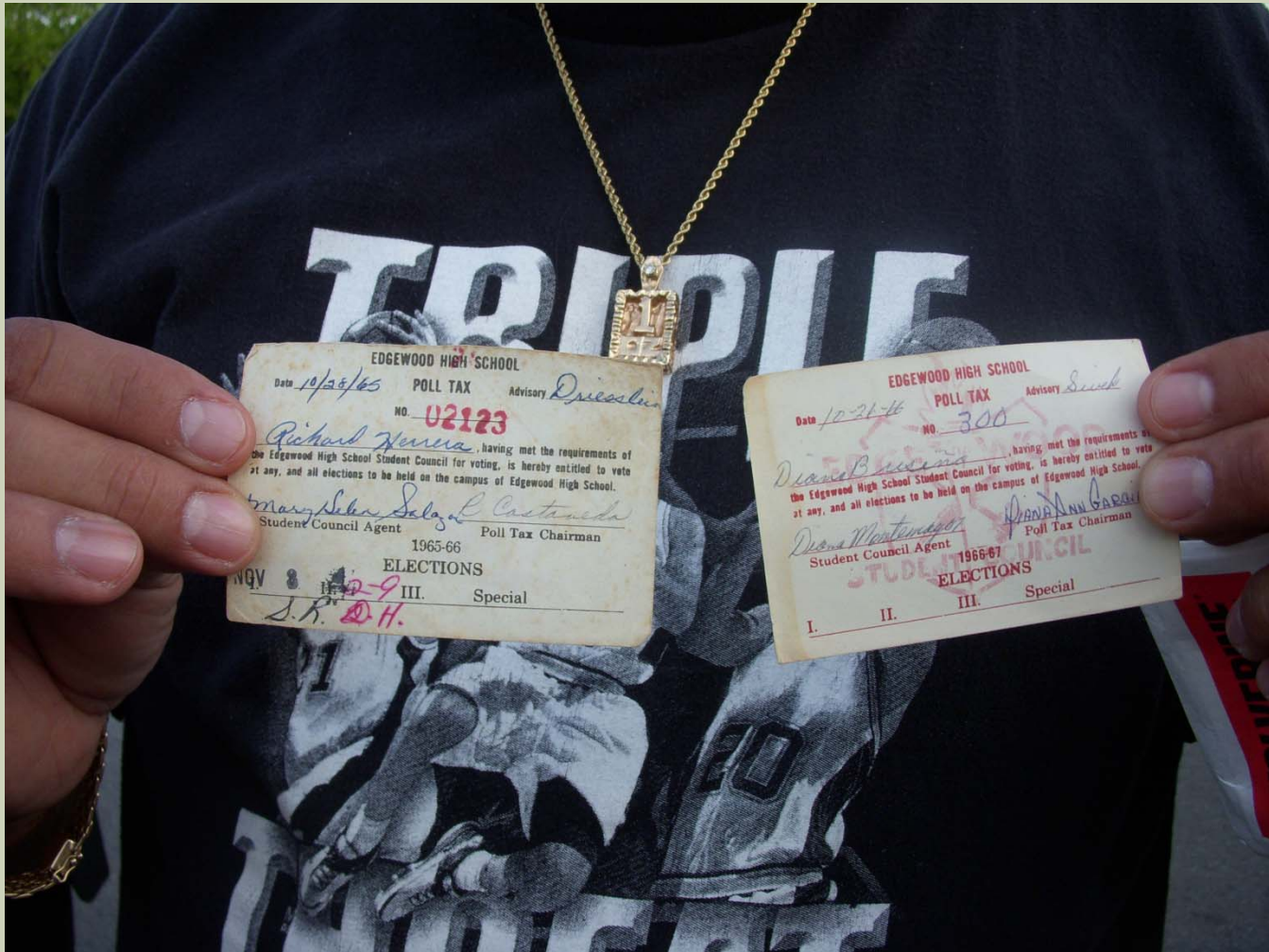
Says:



BUY  
YOUR

POLL TAX

Courtesy Dr. Hector P. Garcia Papers, Special Collections,  
Bell Library, Texas A&M University - Corpus Christi

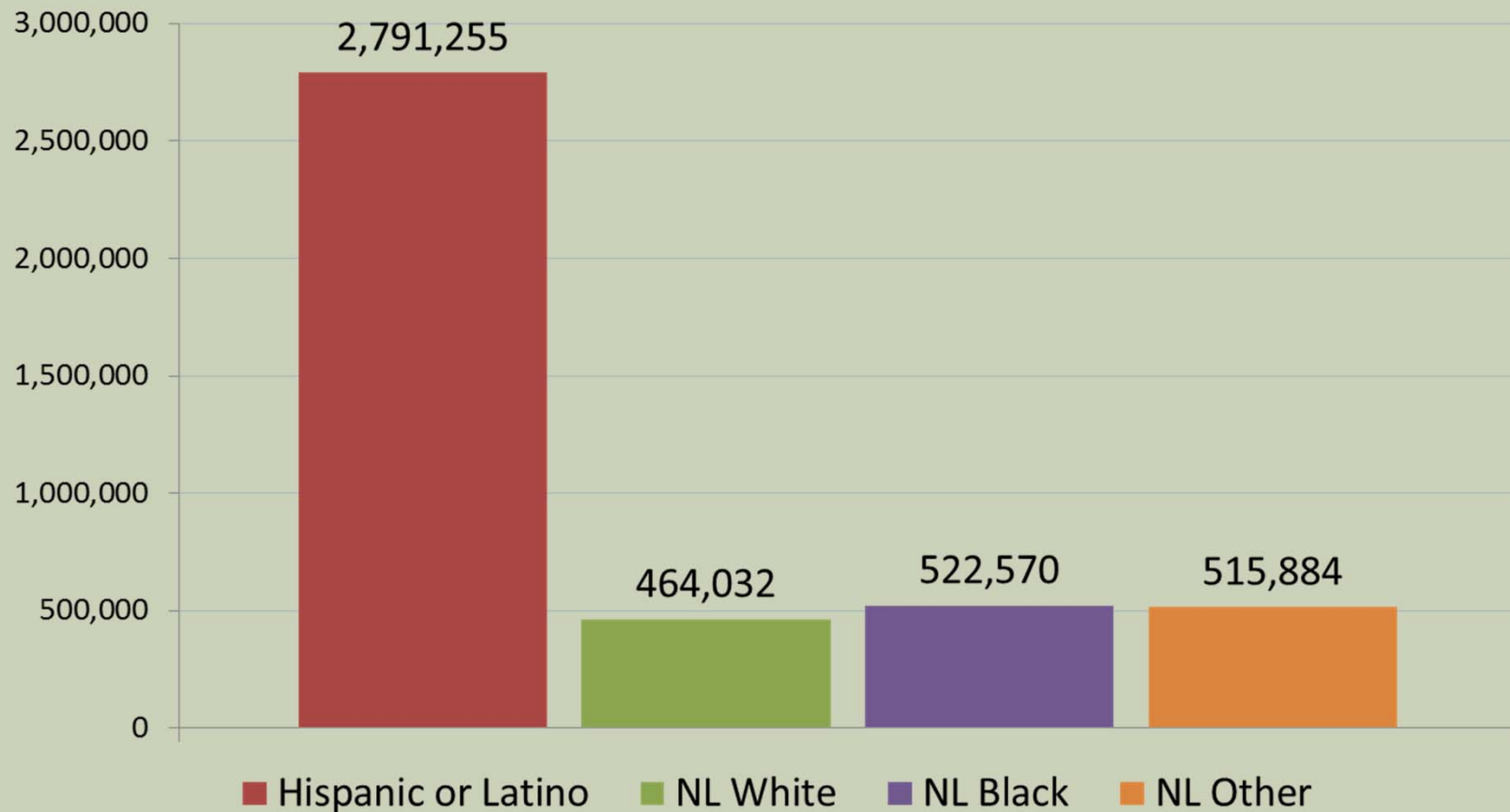


EDGEWOOD HIGH SCHOOL  
 Date 10/26/65 POLL TAX Advisory Dressler  
 NO. 02123  
Richard Herrera, having met the requirements of  
 the Edgewood High School Student Council for voting, is hereby entitled to vote  
 at any, and all elections to be held on the campus of Edgewood High School.  
Mary Selva Selva Student Council Agent L. Castaneda Poll Tax Chairman  
 1965-66  
 ELECTIONS  
 I. 2-9 III. Special  
S.K. D.H.

EDGEWOOD HIGH SCHOOL  
 Date 10-21-66 POLL TAX Advisory Sink  
 NO. 300  
Diana B. ..., having met the requirements of  
 the Edgewood High School Student Council for voting, is hereby entitled to vote  
 at any, and all elections to be held on the campus of Edgewood High School.  
Diana Montenegro Student Council Agent Diana Ann Garcia Poll Tax Chairman  
 1966-67  
 ELECTIONS  
 I. II. III. Special



# DEMOGRAPHIC GROWTH: TEXAS POPULATION CHANGE 2000-2010



# LATINO VOTE

**Median  
Age of the  
Latino  
Voter is  
22**

**■ Every Year  
800,000  
US Latinos  
turn 18**

Source: Southwest Voter Registration and Education Project

# LATINO VOTE IN TEXAS

- **Total Voter Registration in November 2018 Elections:  
15,789,044**
  - **Spanish-Surname Voter Registration:  
3,752,480 (23.8 % of Total)**
  - **Spanish-Surname Turnout:  
19.1% of Total Turnout**
- **Increased participation:**
  - **Compared to 2014, Texas Latinos increased their vote share in the 2018 midterm election by about five percentage points.**
  - **According to the Texas Legislative Council and Texas Secretary of State, in 2014, Latinos cast 14.4% of all votes cast. In 2018, Latinos cast 19.1% of all votes cast.**

# REACTION





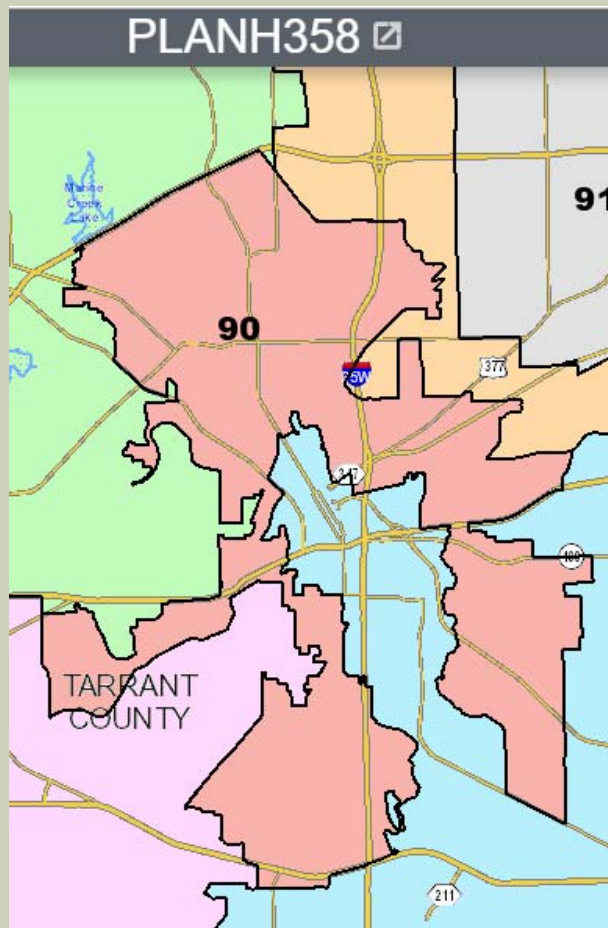


# TIGHTENING OF RESTRICTIONS ON REGISTRATION AND VOTING

- **2011:** Added restrictions to law on deputy voter registrars
  - Specific to each county
  - New training requirement
  - Must be renewed every 2 years
  - Strict penalties for making mistakes
- **2011:** Tightened voter ID requirements
  - Went into effect in 2013
  - Struck down by federal court as discriminatory in 2016
- **2017:** Under most circumstances, a person commits an offense if the person knowingly possesses an official ballot or official carrier envelope provided to another.
  - Exception for family members and persons requiring assistance voting



# DISCRIMINATORY REDISTRICTING



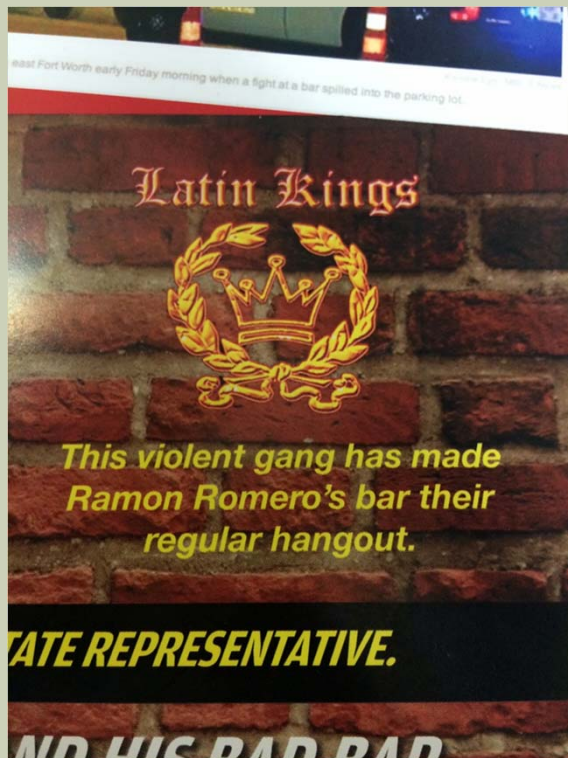
## 2013 Racial gerrymandering of Latinos in Ft. Worth

“Because the use of race in drawing HD90 was not narrowly tailored to achieve a compelling government interest, the Task Force succeeds on its Shaw claim in HD90.” *Perez v. Abbott*, 267 F. Supp. 3d 750, 794 (W.D. Tex. 2017).

“We hold that HD90 is an impermissible racial gerrymander.” *Abbott v. Perez*, 138 S. Ct. 2305 (2018)

# RACIAL APPEALS IN 2014 ELECTION

## Incumbent's Campaign Flyer



## Latino Challenger



# TEXAS VOTER PURGE



NEWS > POLITICS

## Texas will rescind its 'noncitizen voter' advisory, pay \$450K in fees to settle case

The advisory, released by interim Secretary of State David Whitley in January, said the state had identified 95,000 people on Texas voter rolls who had received driver's licenses while in the country legally but were not U.S. citizens.



Secretary of State David Whitley, left, arrives for his confirmation hearing, Thursday, Feb. 7, 2019, in Austin, Texas, where he addressed the backlash surrounding Texas' efforts to find noncitizen voters on voter rolls. (AP Photo/Eric Gay) (Eric Gay / AP)

[wkh](#)

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TODAY'S

# COVID19 PANDEMIC AND VOTING IN 2020

- Governor extended early voting by one week
- No expansion of mail voting to include non-disabled and persons under age 65
- Ban on counties providing drop box locations for mail ballots
  - Governor expanded time period to drop mail ballots with early voting clerk
  - Large counties opened multiple locations
  - Ban on multiple locations upheld by the Fifth Circuit

# LATINA LEADERS IN VOTING RIGHTS



**THANK YOU**

**Nina Perales**

**Vice President of Litigation**

**Mexican American Legal Defense**

**and Educational Fund, Inc. (MALDEF)**

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