



## TEXAS STATE CONFERENCE OF NAACP UNITS

7901 Cameron Road Building 3-380

Austin, Texas 78754

(512) 985-9151 (512) 322-9992

[www.txstatenaacp.org](http://www.txstatenaacp.org)

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**Contact**

**Gary Bledsoe**

[gbledsoe@thebledsoelawfirm.com](mailto:gbledsoe@thebledsoelawfirm.com)

**Lonzo Kerr**

[lkerrnaacp@gmail.com](mailto:lkerrnaacp@gmail.com)

**Robert Notzon**

[robert@notzonlaw.com](mailto:robert@notzonlaw.com)

### **Texas NAACP files lawsuit in Texas seeking to Protect Voters from Exposure to Covid-19 in exercising their Right to Vote** *Lawsuit Challenges State's Absentee Voting Restrictions*

Austin, Texas — Today, the Texas NAACP joined with the National Redistricting Foundation in filing a lawsuit in Texas challenging several Texas election laws, including the state's absentee voting restrictions. There are five individual plaintiffs, including one of our members from Waco, Linda Lewis, as well as key organizations-- Voto Latino and the Texas Alliance for Retired Americans.

NAACP President Gary Bledsoe said "This is part of a national strategy of our President and CEO Derrick Johnson to fight voter suppression efforts nationwide, but also do everything we can legally to save lives. Sadly, our state has not taken sufficient steps to make voting safe for those who cast ballots in person. We believe that we can avoid the Wisconsin problem by being proactive. To be sure, African Americans and Latinos have disproportionately suffered the brunt of the impact from the Covid-19 crisis nationally. But we believe we have common ground with other vulnerable communities, including seniors, persons with disabilities and the many Texans who have underlying conditions. All are entitled to vote. All are entitled to vote safely, without risking their health. In taking these steps, it is our hope to save lives while protecting Texans' right to vote."

Texas NAACP Legal Redress Chair Robert Notzon notes that this lawsuit challenges four restrictions on ballots submitted by mail: (1) the requirement that voters pay for postage to return ballots by mail ("Postage Tax"); (2) the requirement that returned ballots be postmarked by 7:00 p.m. on election day and received by 5:00 p.m. the following day ("Ballot Receipt Deadline"); (3) the requirement that voters submit handwriting samples that "match" ("Signature Match Requirement"); and (4) the criminalization of third party assistance in returning marked ballots ("Voter Assistance Ban"). The case was filed in federal court, in the Western District of Texas, San Antonio division.

"Given the life and death consequences of the pandemic with which the nation is still grappling, Texas' current absentee voting restrictions must be eliminated because they will severely burden those who wish to exercise their fundamental right to vote," said Eric H. Holder, Jr., the 82nd Attorney General of

**Gary L. Bledsoe, President**   **Bob Lydia, 1<sup>st</sup> Vice President**   **Alisa Simmons 2<sup>nd</sup> Vice President**  
**Ericka Cain, Secretary**   **Lawrence Myers, Asst. Sec.**   **TaNeika Driver-Moultrie, Treasurer**  
**Terry Mustapher, Asst. Treasurer**

the United States. “These restrictions force voters into an untenable choice: personal safety or community participation. Under no circumstances should Texas be allowed to force citizens to choose between casting a ballot and staying healthy. The state must act — and act now — in order to ensure that voters are able to cast a ballot from the safety of their own homes — and to have those ballots counted.”

“In Texas this year, the situation that we find ourselves in is totally inadequate and dangerous to our health if we go strictly by the laws that are now in place,” said Linda Jann Lewis, a plaintiff in the case. “In states like Wisconsin, we’ve seen people risking their lives to physically go to a polling place. We are months away from November — now is the time for our state government to pay attention to the pandemic and the lives that are at risk.”

According to Texas NAACP Legal Redress Co-Chair Jesse Gaines, the lawsuit seeks a preliminary injunction from this Court enjoining:

- the Postage Tax, to ensure that lawful, eligible voters are not disenfranchised as a result of their inability to procure postage to return their mail-in ballots;
- the Ballot Receipt Deadline, to ensure that lawful, eligible voters are not disenfranchised provided that their ballots are put in the mail on or before election day and received before the canvass of the election;
- the Signature Match Requirement, to ensure that lawful, eligible voters are not disenfranchised as a result of inaccurate signature “matching” by persons unqualified to accurately evaluate the authenticity of signatures and with no opportunity to cure a misflagged mismatch to save their ballot from being rejected; and
- the Voter Assistance Ban, to ensure that voters in need of assistance in delivering their marked vote-by-mail ballots receive that assistance.

Bledsoe said that many voters due to age and sight restrictions and their isolation will be in need of assistance in voting and the Texas restrictions in large part are intended and designed to prevent minority voters from receiving the necessary assistance to exercise their constitutional right to vote.

He further noted that the signature match requirement cannot be successfully handled by untrained personnel. While experts are trained to match handwriting

Texas system empowers the individual with their own history, limitations and biases to make decisions that may have the effect of disenfranchising people. Bledsoe further noted media reports that at least 31 voters were infected with the virus following the Wisconsin primary, illustrating and the enormous risk in having long lines at the polls this November. Because Texas infection rates and deaths from Covid-19 continue to rise, even as Texas reopens for business, we fully expect that we will see that trend continue, if not spike, in our state as we lead up to the election.

You can download a filed copy of the complaint [here](#).