

WilmerHale Secures Civil Rights Victory, Defending Texas Voters of Color

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WilmerHale and its co-counsel, the National Association for the Advancement of Colored People Legal Defense and Education Fund (LDF), secured a significant civil rights victory for African-American and Hispanic voters in Texas when the Fifth Circuit, sitting *en banc*, affirmed a decision by the US District Court for the Southern District of Texas that Texas's highly restrictive voter photo identification law violated Section 2 of the Voting Rights Act because of its discriminatory effect on African-American and Hispanic voters.

The Court of Appeals, in its opinion, recognized the "sad truth that racism continues to exist in our modern American society despite years of laws designed to eradicate it." The Fifth Circuit ordered the district court to provide a solution "as soon as possible" in light of the "impending election."

WilmerHale and LDF represented the Texas League of Young Voters Education Fund, a nonprofit voter advocacy organization, and Imani Clark, an undergraduate at Prairie View A&M University, in their challenge to the state's voter photo identification law, which requires Texans to present one of six specific forms of ID to vote—one of the strictest in the nation. WilmerHale and LDF joined their case with the US Department of Justice's (DOJ) suit against the Texas law. WilmerHale attorneys litigated alongside DOJ lawyers and other private plaintiffs during a two-week bench trial and throughout the appellate process.

"In this historic decision, the Fifth Circuit reaffirmed that, under the Voting Rights Act, states cannot impose needless and discriminatory burdens on the right to vote," said WilmerHale Partner [Kelly Dunbar](#). "The court recognized that preventing in-person voter fraud is a legitimate interest. But the court appropriately held that states do not have an unfettered license to burden the right to vote to address that concern, especially absent evidence of such fraud."

"It is truly remarkable that in 2016 a federal court needs to once again reaffirm that elections in the United States cannot be won by disenfranchising hundreds of thousands of Black and Latino voters," says WilmerHale Partner [Jonathan Paikin](#). "This case is an important reminder of the crucial role courts still need to play to protect the integrity of our democracy."