

Jurisdictional Barriers to Voting Litigation

Mahogane D. Reed, John Payton Appellate and Supreme Court Advocacy Fellow, NAACP Legal Defense & Educational Fund, Inc.

Georgina Yeomans, Assistant Counsel, NAACP Legal Defense & Educational Fund, Inc.

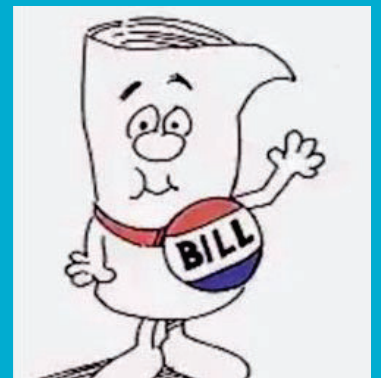
1

Texas Senate Bill

1 *Houston Justice v. Abbott*, 5:21-cv-848-XR

Florida Senate Bill 90

Florida NAACP v. Lee, 4:21-cv-187-MW-MAF



2

Texas SB 1



- Reduces early voting hours
- Eliminates 24-hour voting
- Eliminates drive-thru voting
- Prohibits mail-in ballot drop-boxes
- Grants new power to poll watchers
- Restricts distribution of mail-in ballots and applications

3

Challenges to SB1

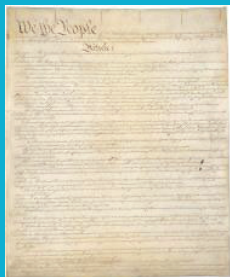
- *Houston Justice v. Abbott*, 5:21-cv-848-XR
- *LULAC Texas v. Esparza*, 1:21-cv-786-XR
- *La Union del Pueblo Entero v. Abbott*, 5:21-cv-844-XR
- *OCA-Greater Houston v. Esparza*, 1:21-cv-780-XR
- *Mi Familia Vota v. Abbott*, 5:21-cv-920-XR
- *United States v. Texas*, 5:21-cv-1085-XR



4

Constitutional Claims

- Race discrimination: 14th and 15th Amendments
- Undue burden on right to vote: 14th and 1st Amendments (*Anderson-Burdick*)
- Vagueness of criminal provisions: 14th Amendment due process clause



Statutory Claims

- Section 2 of Voting Rights Act
- Section 208 of Voting Rights Act
- ADA Title II
- Rehabilitation Act section 504
- Materiality under section 101 of 1964 Civil Rights Act

5

Florida SB 90

- Limits hours and locations of absentee ballot dropboxes
- Requires voters to apply for absentee ballots every year
- Criminalized volunteers' provision of food, water, and other support to voters waiting in line
- Prohibits third-party organizations from returning voters' absentee ballots*

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Voting Litigation and Pending Decisions/Legislation

Also available as part of the eCourse

[Voting Law 101: What Voters and Advocates Need to Know](#)

First appeared as part of the conference materials for the
2021 Voting Law 101: What Voters and Advocates Need to Know session
"Voting Litigation and Pending Decisions/Legislation"