

December 22, 2015

Honorable Trey Duhon
County Judge, Waller County
836 Austin Street
Hempstead, Texas 77445

Mr. Dan Teed
Waller County Elections Administrator
836 Austin St. Suite 103
Hempstead, TX 77445

Dear Judge Duhon and Mr. Teed:

We have been contacted by voters in Waller County concerned about the County's recent decision to reduce the number of early voting locations in Waller County from eight locations, positioned throughout the County, to two locations in Precincts 1 and 4 only. We understand that the County will reconsider this issue tomorrow morning and, for the reasons set out below, we strongly urge the County to restore its early voting locations, or at least restore one early voting location in Precinct 3.

Our understanding is that the County conducted its last elections using eight early voting sites. Two of those early voting sites (one on the campus of Prairie View A & M University, a Historically Black University, and one in the City of Prairie View) were located within Precinct 3, which is the only County Commissioner precinct where African-American voters comprise a substantial majority. As a result of the County's decision to reduce the number of early voting locations from eight to two, there will no longer be any early voting locations in Precinct 3.

The decision to eliminate early voting locations in Prairie View and on the campus of Prairie View A & M University will have an adverse impact on black voters in Precinct 3. The two remaining early voting locations (one near County courthouse in Hempstead and one in Brookshire) are far less convenient to voters in Precinct 3. Requiring Precinct 3 voters to travel to one of these locations in order to vote early will unduly burden their right to vote. Brookshire is located along I-10 on the south side of the County, approximately 25 miles from Prairie View. The County courthouse, in Hempstead, is over five miles from Prairie View. It is our understanding that it is not accessible via public transit. This location is especially inconvenient for students on the A & M campus, many of whom lack access to transportation.

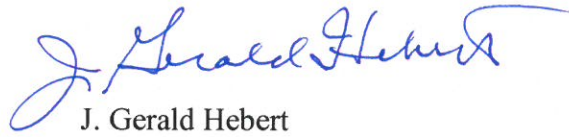
We understand that the County Commissioners' Court may have not fully considered the racial implications of this matter when it made the decision to eliminate early voting locations in Precinct 3. We write to urge you to do so before reconsidering this matter tomorrow morning. Section 2 of the Voting Rights Act enforces the Fifteenth Amendment's guarantee that no citizen's right to vote shall "be denied or abridged . . . on account of race, color, or previous condition of servitude." In order to ensure that guarantee, Section 2 prohibits any electoral practice or procedure (including the reduction or elimination of early voting sites) that "results in a denial or abridgement of the right of any citizen . . . to vote on account of race or color [or membership in a language minority group]." 52 U.S.C. § 10301(a). Section 2 specifies that the right to vote has been abridged or denied if the political processes leading to nomination or election are not equally open to participation by African-American voters. 52 U.S.C. § 10301(b). The closing of early voting locations in Precinct 3, a majority-minority precinct, appears to have precisely this prohibited effect because minority voters in the precinct will now have less opportunity than other members of the electorate to participate effectively in the political processes and elect representatives of their choice.

Early voting is an important tool for accessing the franchise for voters in Waller County. For example, it is our understanding that approximately 40% of the County's voters cast ballots at early voting locations in the November 2015 election. Members of the community inform us that this is typical in Waller County. In particular, members of the community have informed us that African-American voters in Precinct 3 also regularly take advantage of early voting opportunities. Therefore, the decision to eliminate early voting locations in Precinct 3 will have an acute harm on these minority voters. It will undoubtedly hamper minority turnout in that precinct.

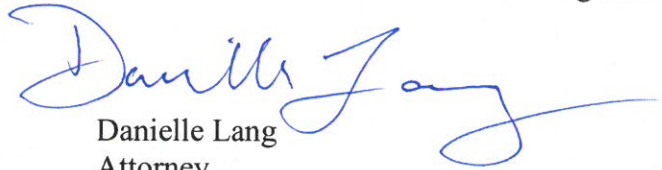
It is of no consequence whether the vote to eliminate early voting sites was supported by a majority or unanimous vote of the Commissioners. It is the results of the elimination of six early voting poll locations, including all of the early voting sites in a majority-minority precinct, that matters most under Section 2 of the Voting Rights Act. As discussed above, the predictable result will be a harmful impact on African-American voters and minority voter turnout in Precinct 3. Waller County's significant history of voter discrimination, including in the recent past, puts the adverse effects of the recent decision to eliminate the early voting locations in particularly sharp relief.

We respectfully urge the County Commissioners' Court to reconsider its decision tomorrow and, at a minimum, re-establish at least one early voting polling location at Prairie View A & M University. The right to vote is a fundamental right under our Constitution. Indeed, no right is more precious in our democracy than the right to vote. As an elected body, we hope that the Commissioners' Court will take into account the significant effects the recent decision will have on the right to vote for many of Waller County's citizens, and reverse course.

Sincerely,



J. Gerald Hebert
Executive Director & Director of Litigation



Danielle Lang
Attorney

cc Waller County Commissioners