

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SHANNON PEREZ HAROLD, et al.)	
)	
Plaintiffs)	CIVIL ACTION NO:
)	SA-11-CA-360-OLG-JES-XR
-and-)	
THE HONORABLE HENRY CUELLAR)	
Member of Congress, CD 28)	
)	
Plaintiff-Intervenor)	
)	
v.)	
)	
STATE OF TEXAS; RICK PERRY,)	
In his official capacity as Governor of the)	
State of Texas; DAVID DEWHURST,)	
In his official capacity as Lieutenant)	
Governor of the State of Texas; JOE)	
STRAUS, in his official capacity as)	
Speaker of the Texas House of)	
Representatives)	
Defendants)	

**Plaintiff Intervenor Cuellar’s Advisory in Support the Motion for Sec. 3(c)
Coverage and Pending Implementation of an Objected-to Voting Procedure**

Voting Violations at the Local Government Level:

As noted by the United States in their Statement of Interest and Motion to Intervene, for purposes of Section 3(c), the relevant evidence of discrimination is not limited to the precise practices that were challenged in the lawsuit. *See Jeffers v Clinton*, 740 F. Supp. 585, 599 (holding that constitutional violations with respect to voting practices that were not “the principal focus of the complaint” satisfied Section 3(c)). Both State and local violations of the voting

guarantees of the Fourteenth and Fifteenth Amendments must be taken into account. The statute does not say that the State or its officials must be guilty of the violations, but only that the violations must have occurred *within the territory* of the State. (Emphasis added) The Court noted that officials of local governments are State officials for present purposes; local governments are arms of the State and exist only at its sufferance *Jeffers* at 599. The Court pointed that more than one violation must be shown. The statute uses the plural (“violations”), and it would be strange if a single infringement could subject a State to such strong medicine. *Id* at 599.

In addition to the glorious picture of discrimination sculptured by the State of Texas and reported by the United States and to supplement the record, attached is a list of over 200 voting rights cases filed under Sections 2 and 5 of the Federal Voting Rights Act^{1/}. They were filed on behalf of Hispanics and other minorities in Texas since 1970, **Exhibit A**. They cover a substantial portion of the 254 counties that make up Texas (see map at **Exhibit A**). Over 95% of these cases were resolved in favor of the minority community and resulted in changes in the voting procedures to allow the minority community to elect candidates of their choice. Most of these cases eliminated at large elections and created single member districts.

Local Implementation of the Objected-to Voter ID Bill will be Implemented Tomorrow:

The Court should be aware that tomorrow the local officials of City of Edinburg ^{2/} will start early voting in a special election and, by law, will start implementing the voter ID law (SB14) that was objected to by the District of Columbia three judge federal court in *Texas v Holder*, CA1:12-cv-00128 RMC-DST-RLW, opinion at Doc#340. Various plaintiffs’ counsel in

¹ Many of these cases were litigated by attorneys Rios, Garza and Korbel; all of who are in this litigation.

² City of Edinburg is in an area that Congressman Cuellar represents.

this case have been contacted by the local Edinburg elections offices concerned about how to implement this statute given the racial impact it will have. If this court grants relief under 3(c) the known discriminatory impact could be avoided.

CONCLUSION

This advisory is filed in support of the various motions for Section 3(c) coverage and to assist this Court in properly weighing the magnitude of the problem that Texas has imposed on the United States Constitution and the voting rights guaranteed therein.

DATED: August 27, 2013

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on this a true and correct copy of this **Advisory in Support of the Motion for Section 3(c) Coverage and Pending implementation of an Objected-to Voting Procedure** has been served upon the Defendants using the electronic filing system.

Rolando L. Rios /s/
Rolando L. Rios

