NAACP LITIGATION & LEGAL ADVOCACY UPDATE
May 13, 2022

Redistricting

• On May 11th, a U.S. District Court for the Northern District of Florida ruled that the Florida State Conference of the NAACP (NAACP Florida) could join as a plaintiff in a lawsuit challenging Florida’s newly enacted Congressional maps. These maps, dictated to the Legislature by Governor DeSantis, in stark contrast to normal procedure, “crack” Black voters across four districts in North Florida erasing Congressional District 5 as a Black-performing district and substantively limiting the voting power of Black Floridians. NAACP Florida joins FairDistricts Now and Common Cause as co-plaintiffs and is represented by the Southern Coalition for Social Justice.

Voting Rights

• In 2018, Appellant Crystal Mason was convicted of illegal voting, then a second-degree felony, and sentenced to five years’ confinement. The Second Court of Appeals affirmed her conviction. Appellant filed a petition for discretionary review with the Court of Appeals, arguing that the court of appeals erred in three ways: first, in holding that her unawareness about her ineligibility to vote “was irrelevant to her prosecution;” second, by interpreting the Illegal Voting statute to criminalize the good faith submission of provisional ballots where individuals turn out to be incorrect about their eligibility to vote (contrary to the Help America Vote Act); and third, by holding that Appellant “voted in an election” when she submitted a provisional ballot that was never counted. In a supplemental brief, Appellant argued that Senate Bill 1’s retroactive change to the Texas Election Code nullified her conviction. As to grounds two and three, on May 11th, the Court held that the Help America Vote Act does not preempt the Illegal Voting statute and that the court of appeals did not err by concluding that the Appellant “voted.” However, as to ground one, the court below erred by failing to require proof that the appellant had actual knowledge that it was a crime for her to vote while on supervised release. The Court of Criminal Appeals remanded the case to that court to evaluate the sufficiency of the evidence under the correct interpretation of the statute. Last Fall the Texas State Conference NAACP filed an amicus brief, along with the League of Women Voters of Texas, with the Texas Court of Criminal Appeals in support of Appellant. The law firm of Vinson & Elkins represented the co-amici.

Navigator Program

• On May 12th, Martina Tiku, Equal Justice Works Fellow with the Office of General Counsel, presented at the American Bar Association’s Equal Justice Conference. The presentation highlighted the NAACP’s Housing Navigator Program and the technology used to assist Navigator volunteers.

• On May 21st, the Atlanta Branch of the NAACP will host a Know-Your-Rights Housing Event. This event will provide individuals in the metro-Atlanta area with information about their housing rights as tenants and homeowners, and provide an opportunity to ask housing related questions to local attorneys. This event will be led by Martina Tiku of OGC. To learn more about the event, register here.
Training

- On May 10th, as part of the NAACP’s Medgar Evers Civil Rights Advocacy Training Institute (CRATI), Teddy Fenster, a legal fellow in the Office of General Counsel whose work focuses primarily on redistricting and election protection, presented on the current redistricting landscape, the increasing focus on local redistricting, and how NAACP members can get involved.

Resolutions

- From May 11th through May 13th, members of the Office of General Counsel attended and supported the Resolutions Committee Meeting held in Baltimore Maryland. Resolution with which the Resolutions Committee concurred will be presented at the 2022 NAACP Annual Convention.

Continuing Legal Education

- **Save the Date**: As part of the 2022 NAACP Annual Convention in Atlantic City, New Jersey, the Office of General counsel will be conducting a continuing legal education (CLE) program on July 17th and July 18th.