



**Testimony of Jayla Allen
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**Before the United States House of Representatives
Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties**

**Hearing on
The Enforcement of the Voting Rights Act in the State of Texas**

**Mickey Leland Federal Building
1919 Smith Street
Houston, Texas, 77002**

May 3, 2019

I. Introduction

Good morning, Chairman Cohen, Chairman Nadler and Members of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties.

My name is Jayla Allen and I am a proud undergraduate student of Prairie View A&M University (PVAMU), a Historically Black University in Prairie View, Texas, not far from where we speak today. I also was born and raised in Dallas, Texas. Thank you for the opportunity to testify before the Committee on the importance of the Voting Rights Act in my home state of Texas.

I am here today as a young person, student, voter, and passionate advocate for voting rights. I am Chair of Rock the Vote and a member of IGNITE, an organization that seeks to increase women's involvement in politics at PVAMU. I also am one of five plaintiffs who are currently suing the county where Prairie View is located, Waller County, for its antidemocratic attempts to restrict the voting rights of PVAMU students.

As an undergraduate student, an aspiring civil rights lawyer, and a Black woman, the right to vote is of profound personal importance to me. Along with many of my classmates, I strive to encourage other students to become engaged on campus and in local and state affairs, to participate in candidate forums, and, most important of all, to exercise their fundamental right to vote, a right that our ancestors—and even many of our grandparents—were long denied. I believe in voting, and, as a student leader, assist and encourage other students to vote because I know that voting is an expression of our power and our ability to elect representatives who will make policies that can transform our lives and the communities that we care about for the better. Indeed, as a young person, I know that elected leaders make many important decisions that people like me care about such as: access to high quality, affordable and safe educational environments; a strong economy that produces employment opportunities; affordable and comprehensive health care for ourselves and our loved ones; and an environment that is healthy and safe for us as we grow older and for those who come after us.

Members of the Committee, if you have yet to visit Prairie View A&M University, I sincerely encourage you to do so. My classmates and I are engaged in democracy, excellent in academics, and aware of our history and what we expect from our country and what it has promised us. We will inspire you and challenge you. And we understand the value of our votes. Yet while I urge other young people to register to vote and become engaged with the democratic process, there are pervasive systems in place that make it difficult, if not impossible, for far too many of us to do so. The particular history of PVAMU, located in the predominately-Black City of Prairie View, and its relationship with Waller County is largely one of ever-evolving, but still insidious attempts to suppress the vote of a predominantly young, Black

community—in a county where the overall population, and most of our elected leaders, are older and white. Most recently, just before the early voting period began in October of 2018, it became clear to my classmates and I that our university had not been provided nearly enough early voting hours. We are a student body of more than 8,000 people. Many of us have incredibly busy schedules and do not own cars. Campus is the center of our lives. Because of this, my predecessors at PVAMU fought hard for an on-campus early voting location—and finally obtained one in 2013. That on-campus early voting location is a lifeline for students who seek to participate in our democracy. Last fall, when county officials refused to provide even one day of early voting at that location during the first week of two weeks of early voting, it became clear that this was an intentional, orchestrated attempt to prevent Black students from voting.

With the support of the NAACP Legal Defense and Educational Fund, Inc. (LDF) and the law firm Norton Fulbright Rose, my classmates and I are seeking a remedy to this injustice. As you may know, LDF was founded in 1940 by Thurgood Marshall, who would later become the first Black U.S. Supreme Court justice. In the nearly 80 years since then, LDF has been a leader in the struggle to secure, protect, and advance voting rights for Black voters and other people of color. Beginning with *Smith v. Allwright*,¹ Thurgood Marshall’s successful Supreme Court case challenging the use of whites-only primary elections in Texas back in 1944, LDF has been fighting to overcome discriminatory barriers to the full, equal, and active participation of Black voters.

For years, the Voting Rights Act (VRA) protected us from state-sanctioned voter suppression. It guaranteed that we would not be denied the most fundamental right of citizenship—the right to vote. It was reauthorized by Congress on four occasions, each time on a bipartisan basis. Section 5 of the VRA was designed not just to address and prevent known discriminatory practices, but also to protect against new and evolving methods meant to suppress the voting rights of Black Americans and other racial minority people.

However, in the 2013 case of *Shelby County, Alabama v. Holder*,² the Supreme Court gutted the preclearance provisions of Section 5 of the VRA. Since then, Black and Latinx voters in places like Waller County have seen discriminatory policies reemerge. The decision in *Shelby* ignored the historical and ongoing record of discrimination, which clearly demonstrated that preclearance was necessary to ensure equal protection for voters of color. If fully restored, the preclearance provisions of Section 5 could have prevented some of the voter suppression schemes that Texas voters have been subjected to in recent years. For example, until the

¹ *Smith v Allwright*, 321 U.S. 629 (1944).

² *Shelby County, Ala. v. Holder*, 570 U.S. 529 (2013).

Shelby County, decision, Section 5 blocked Texas from implementing one of the strictest photo ID laws in the country. PVAMU students served as plaintiffs, represented by LDF as well, in a subsequent case, *Veasey v. Perry*, that challenged that law as racially discriminatory; Texas implemented its law within hours of the *Shelby County* decision.³ Similar to me, other PVAMU students stood up to Texas’s attempt to enact a strict photo ID law that would allow voters to use a handgun license to vote in person but prevent students from using their student IDs. As you can see, the VRA has been an important protector of the voting rights of PVAMU students.

II. History of Voting Rights Discrimination at Prairie View A&M University in Waller County, Texas

The history of Waller County, Texas is rife with judicially-recognized voter suppression. In the 1970s, Waller County was the only county in Texas that had a majority Black population, even without including the students of PVAMU.⁴ When the Twenty-Sixth Amendment was ratified and PVAMU students between the ages of 18 and 21 became eligible to vote, county officials changed the rules so that student voters were required to fill out a “residency questionnaire” documenting that they or their family owned property in the county. One PVAMU student, Charles Ballas, sued the county and successfully proved that the questionnaire’s use against him was a violation of the Fourteenth Amendment to the U.S. Constitution.⁵ However, that victory was narrow, and it wasn’t until 1979, when the Supreme Court stepped in,⁶ that students in Waller County—and in fact students across our country—could finally vote without the constraints of discriminatory residency questionnaires.⁷

Decades later, officials in Waller County were still using false claims of residency fraud to prevent PVAMU students from voting. In 2004, the county District Attorney claimed that students were not “automatically eligible to vote in county elections because of state-mandated residency standards.”⁸ Students again filed suit

³ *Veasey v. Perry*, 71 F. Supp. 3d 627, 693 (S.D. Tex. 2014), (*aff’d in part and vacated in part on other grounds sub nom. Veasey v. Abbott*, 830 F.3d 216 (5th Cir. 2016) (en banc); See also Ed Pilkington, *Texas rushes ahead with voter ID law after supreme court decision* The Guardian (June 25, 2013), <https://www.theguardian.com/world/2013/jun/25/texas-voter-id-supreme-court-decision>.

⁴ <https://www.pvamu.edu/1876/2017/03/31/the-walk-of-political-engagement-at-pvamu/>

⁵ *Ballas v. Symm*, 351 F. Supp. 876, 888 (S.D. Tex. 1972), *aff’d*, 494 F.2d 1167 (5th Cir. 1974).

⁶ *Symm v. United States*, 439 U.S. 1105 (1979) (*summarily affirming United States v. Texas*, 445 F. Supp. 1245, 1257 (S.D. Tex. 1978) (three-judge court).

⁷ See Prairie View A&M Univ., *The Walk of Political Engagement* (Mar. 31, 2017), <https://www.pvamu.edu/1876/2017/03/31/the-walk-of-political-engagement-at-pvamu/>.

⁸ Juan A. Lozano, *Prairie View students file another voting rights suit*, Plainview Daily Herald (Feb. 16, 2004), <https://www.myplainview.com/news/article/Prairie-View-students-file-another-voting-rights-8814873.php>.

challenging these voting changes—which were not precleared by the Department of Justice as mandated by Section 5 of the VRA. In protesting these egregious voting restrictions, two thousand PVAMU students were joined by the former Mayor of the City of Prairie View, Frank D. Jackson, State Representative Al Edwards, and U.S. Congresswoman Sheila Jackson Lee as they marched from campus to the city courthouse.⁹

In 2008, roughly 3,000 of the approximately 8,000 students at PVAMU had registered to vote. But for many, the nearest polling place was 30 miles away—an effectively insurmountable distance for students juggling classes, working, and in many cases lacking cars or access to transportation, similar to the reality for many students today. To call attention to the issue, student-led groups and local civil rights organizations organized a 50-mile march of more than 1,000 students from PVAMU campus to the heart of Houston—where we are assembled today. Before the march took place, the Department of Justice launched an investigation that ultimately pressured the Commissioners Court to provide three temporary polling places.¹⁰ But in a demonstration of the county’s ongoing resistance to letting Black students vote, the closest of those polling places was still a mile from campus.

The long history of voter suppression in Waller County and on PVAMU’s campus suggests that those polling places would never have been made available if the Department of Justice had not intervened. Indeed, while additional polling places were ultimately provided by County officials, the damage had already been done as many students were unable to participate in the state’s 2008 presidential primary.

III. Post-*Shelby* Voting Rights Landscape

In recent years, Waller County has continued to pursue and implement discriminatory voting practices. Unfortunately, these documented attempts to limit voting on PVAMU’s campus form part of a larger, state-wide and local narrative about elected leaders choosing to restrict rather than expand access to the polls for Black and other voters of color. As I mentioned above, this campaign includes the states’ implementation of its photo ID law in 2013 after the *Shelby County* decision.

Moreover, as the November 2018 midterm elections revealed, Texas counties like Waller have not abandoned the startling practices that have made voting extremely difficult historically for PVAMU students. During this historic election, Waller County officials failed to provide Black PVAMU students with anything close to the same, similar, or adequate early voting opportunities that were provided to

⁹ Prairie View A&M Univ., *The Walk of Political Engagement* (Mar. 31, 2017), <https://www.pvamu.edu/1876/2017/03/31/the-walk-of-political-engagement-at-pvamu/>.

¹⁰ *Id.*

white, older residents in other areas of the county.¹¹ During the first week of early voting, *no* polling sites were provided on the PVAMU campus. During the second week of early voting, the entire City of Prairie View was allowed only five early polling days, and two of the polling sites were at an off-campus location, inaccessible to many PVAMU students who lack transportation. The County did not grant the PVAMU campus any weekend early voting hours either. By contrast, some majority-white cities in Waller County were given as many as 11 days of early voting over a two-week period, along with voting sites that were open for longer hours and on weekends.¹²

As of the Spring 2018 semester, there were 8,470 people enrolled at PVAMU. The majority of us are eligible voters between the ages of 18 and 21, and more than 80% of us are Black.¹³ According to recent Census estimates, Waller County has around 30,700 citizen residents of voting age. This suggests that PVAMU's politically active student body may constitute one fourth of all eligible voters in Waller County. Yet we are consistently denied access to voting opportunities as compared to what the County provides to other residents. Considering the well-documented history and reality of racism and discrimination in Waller County, this stark racial disparity cannot be ignored—and should help to demonstrate to this Committee that legislation to reinstate the full protections of the Voting Rights Act is urgently needed.

IV. Conclusion

Restoring the Voting Rights Act of 1965 to its intended strength is critical to fulfilling the foundational promise of our democracy and removing discriminatory and irrational barriers to our exercise of the right to vote. At the same time, we look to our existing officials, including locally in Waller County, to serve us and not impede us, as has been the case in Waller County's past and present treatment of PVAMU students. To be sure, we need federal legal protections of our voting rights, but we also demand that our representatives uplift our communities and work to improve and not hinder them.

I hope that the information that I have provided today about the state of voting rights for Black students in Waller County, Texas, assists this Committee in documenting the continued need for federal legislation to protect the right to vote. If the recent rise of discriminatory voting laws is not stopped, I fear that more and more people—and particularly young people of color—will become discouraged, disengaged

¹¹ NAACP Legal Defense and Educational Fund, Inc., *NAACP Legal Defense Fund Files Suit Against Waller County, Texas for Restricting Early Voting Rights of Black Students* (Oct. 23, 2018), <https://www.naacpldf.org/press-release/naacp-legal-defense-fund-files-suit-waller-county-texas-restricting-early-voting-rights-black-students/>.

¹² *Id.*

¹³ Prairie View A&M Univ., *Enrollment Statistics: Spring 2018*, http://www.pvamu.edu/ir/wp-content/uploads/sites/98/Enrollment-Statistics_SP18.pdf.

and shut out of the democratic process. The right to vote is perhaps the most fundamental component of citizenship. It must not only be restored but strengthened. Thus, I ask all Members of Congress, and the Members of this Committee in particular, to commit themselves to supporting legislation to advance and encourage the voting rights of Black and other minority voters like me.