A civil rights group has asked a federal judge in Corpus Christi to block the statewide election of judges to Texas’ highest courts, saying the practice illegally discriminates against Hispanic voters.
The lawsuit argues that because candidates for nine seats on the Texas Supreme Court and nine seats on the Texas Court of Criminal Appeals are elected statewide, minority voters — and Hispanics in particular — are thwarted from selecting candidates of their choice in violation of the Voting Rights Act.

“The at-large method of electing judges to the two high courts submerges Latino voters so that they are rendered ineffective electoral minorities in most every election for both courts,” the lawsuit said.

Although 26.5 percent of the state’s voting-age population is Hispanic, only three Latino justices have served on the Texas Supreme Court since 2002, compared with 17 white justices, said the lawsuit, filed last week by the Lawyers’ Committee for Civil Rights Under Law, a national nonprofit that advocates for racial equality.

On the state Court of Criminal Appeals, one Latino judge and 12 white judges have served since 2002, the lawsuit said.

“No Latino candidate has ever won election to either court without first being appointed by the governor,” said the lawsuit, which was filed on behalf of six Corpus Christi residents and one El Paso resident.

The lawsuit asks the federal judge to declare that statewide court elections are racially discriminatory and issue an injunction banning the practice.

If that happens, then the judge would entertain ideas to correct the situation — and the lawsuit suggested dividing the state into districts, noting that at least two of nine
“fairly-drawn single-member districts” could be created with Hispanics as the majority of voters.

“This case is brought to ensure that once the votes of minorities are cast, those votes have meaning. When a racially polarized majority stops significant minority populations from electing candidates of their choice, the minority voters are not getting the fair shake the Constitution requires,” said Ezra Rosenberg with the lawyers’ committee.

Of the three states overseen by the 5th U.S. Circuit Court of Appeals, only Texas elects high court judges statewide, said Brendan Downes, a lawyer with the group. The seven members of the Louisiana Supreme Court are elected by district, and Mississippi is divided into three districts that each elect three justices, he said.

The Texas attorney general’s office, which will defend the practice in court, declined to comment on the lawsuit.

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