

WHY NOW: READING BETWEEN THE LINES

Civil Action No. 4:21-cv-01997, *Virginia Elizondo v. Spring Branch Independent School District, et. al.*,
in the United States District Court for the Southern District of Texas, Houston Division

Summary

The at-large system allows anyone who lives within a **large geographical area** to run for a position on the SBISD Board of Trustees. Once elected, each member represents and advocates for the **entire district**. Single-member districts means that only those that live within a **small geographical area** could run for a position on the school board. Once elected, each member would represent a **small portion of the district** and work to advocate for their small segment of voters.

Voter turnout in the 2021 at-large election for SBISD Board of Trustees Position 4 was the highest in district history for a school board election. Elizondo won 3,467 votes, her opponent 5,291. Elizondo's tally of votes, 3,467, is enough to have beaten any sitting board member in previous years. Details of the lawsuit beg a couple of questions:

1. If Elizondo had won, would she still have felt the at-large election system is discriminatory?
2. If a candidate from north of I-10 had won, would she have still decided to sue?
3. Why wasn't this lawsuit filed last year, the year before, or even two years ago?

It is true that a person of color has never been elected to Spring Branch ISD's Board of Trustees. **That must and will change in May.** However, the mechanism for correction does not lie in the ousting of the at-large election system, it lies in the **ousting of long-standing board members who are up for re-election that want to maintain their positions via redistricting** while giving the appearance that they alone care about a diversity of representation on the Board of Trustees. Unfortunately for those Trustees, the facts are not on their side.

1. Why was the lawsuit filed?

- A group of local, activist lawyers are attempting to further politicize our school board after their union-backed candidate did not win the 2021 election.
- Elizondo in her lawsuit states that SBISD, "is a high functioning school district that represents the best of Texas and American public school education," which is in direct contradiction to her allegations of discrimination and illegality.
- The lawsuit claims that the at-large election system violates the Voting Rights Act of 1965, yet this is the first and only lawsuit of this type brought against the district since its inception in 1946.
- Latinos represent 48% of SBISD resident population, while Non-Latino residents represent 52% of the population according to a 2019 U.S. Census Bureau *American Community Survey 1-year estimate*.
- The lawsuit maintains that Latino votes are diluted by "Anglo-Texan" votes. However, the vote tally at Landrum Middle School where the student demographics are 90.5% Latino and 9.5% Non-Latino told a different story. Elizondo won 164 votes, while her opponent won 169 votes.

2. What is the legal basis of the lawsuit?

- Filing a lawsuit is legal in the United States. It does not mean it has merit.
- The at-large system has never been deemed illegal. In fact, it is the most common method of electing school board members in Texas. Only 147 school districts in Texas employ the single-member district system (HISD), while 848 school districts use the at-large system (SBISD).
- The lawsuit claims that Latinos vote in blocs, and Anglos only vote in blocs, however the facts do not support that. It is not illegal to vote for a candidate that is outside of your race and SBISD voters do.

3. What plan could the Court be asked to order SBISD to adopt?

- SBISD will not be ordered to adopt a plan because the lawsuit is without merit. However, the court does ask both parties to describe what they will do to bring about a prompt resolution.
- Those board members that are motivated to agree with the allegations made in the lawsuit will advocate for single-member or "hybrid" districts. Don't let the word hybrid fool you into thinking it's a compromise, it's not. It is yet another step on the way to full single-member districts, an election system which is not reversible.
- The simplest and least expensive option that will have the most impact is to place more, if not the majority, of early voting locations on the north side of I-10 to prove the lawsuit wrong.

4. **At-large election systems are legal, but why are they better than single-member districts?**

- At-large election systems prioritize the will of the majority of voters. Single-member districts, as detailed by the plaintiff in her lawsuit, elevate geography and race over will of the majority of voters.
- At-large election systems give each vote the same weight. Votes are not given the same weight with a single-member district system. For example, in the 2021 election, 331 votes were cast at Landrum Middle School, 221 votes cast at Northbrook Middle, 2831 cast at Memorial Middle, 3,145 cast Spring Branch Middle, 1,190 at Spring Forest Middle had 1190. That means if districts were drawn around middle schools, one candidate would occupy a seat to represent a district in which only 221 people voted, while districts with thousands of voters would only receive one seat on the board.
- Those who draw single-member district lines choose voters, rather than voters choosing school board members.
- The erroneous assumption that drawing district lines based on racial blocs will improve racial diversity on the school board magnifies race over another protected class: WOMEN.
- Existing scholarship on gender representation overwhelmingly suggests that single-member districts lead to fewer women being elected. (Darcy, Welch, and Clark 1985; Hogan 2001; Matland 1995; Matland and Brown 1992; Rule 1994; Schwindt-Bayer and Mishler 2005; Welch and Studlar 1990.)

5. **Hypothetically, if SBISD moved to single-member districts, would that negatively affect the district?**

- Yes. Voters would lose six of their seven votes, and some years they would not be allowed to vote at all. Unless voters are prepared to abandon *ALL* of their votes, they should not surrender a *SINGLE* vote.
- Voters would never be sure if district decisions are being made with all children in mind, or with board members' political priorities first. Cronyism and backroom deals would be the rule instead of the exception and unions with national agendas would have a seat at the table.
- In single-member districts, trustees are *LESS* accountable to the people of SBISD. Trustees will only be accountable to their segment of voters rather than the entire district, thereby reducing accountability of the board as a whole.
- Under single-member districts, Spring Branch will more closely mirror Houston Independent School District: which was at a standstill for **THREE YEARS** because of board members refusing to cooperate, communicate, and compromise on the appointment of a new Superintendent. HISD board members are on record for taking more than ten hours on a single vote.
- The inherent dysfunction of a divided district will deter homebuyers from moving here, instead pouring would-be tax dollars into private schools while purchasing homes in other areas of Houston.

6. **Have other Texas school districts been ordered to elect their trustees from single member districts and/or chosen to do so?**

- No. Texas districts who have moved from at-large to single-member have settled their lawsuits because they chose not to fight the lawsuit and settle for reasons related to cost and political pressure. Simply put, they did not have the massive pushback from parents that SBISD is experiencing.
- Districts that have experienced similar levels of parental outcry as SBISD about these lawsuits have ultimately kept their at-large election systems. Frisco ISD is just one example that won their right to maintain their election system.

7. **Who is paying for the lawsuit against SBISD?**

- The taxpayers of SBISD.
- Although the Elizondo's attorneys would have you believe they are working pro bono, Barry Abrams and Martin Golando demand attorney's fees and court costs in the lawsuit. Those fees will come from the SBISD budget, paid for by taxpayers.
- Thompson & Horton, the law firm that currently represents the district and Board of Trustees will also be paid for their work through tax dollar allocated to the district. Those fees will come from the SBISD budget, paid for by taxpayers.
- Tax dollars spent meant for the education of SBISD children means that the children ultimately pay in lost staffing, curriculum, programs and facilities.