



B R E W E R
S T O R E F R O N T

March 6, 2024

VIA MAIL

Robert Scarfo
President
Humble Independent School District Board of Trustees
Humble Independent School District
10203 Birchridge Drive
Humble TX, 77338
robert.scarfo@humbleisd.net

Re: Complaint Regarding Humble Independent School District's Violation of the Voting Rights Act and the Use of Off-Cycle Elections

Dear Mr. Scarfo,

The Brewer Storefront ("Storefront") is the community-service affiliate of Brewer, Attorneys & Counselors. The Storefront is committed to ensuring that Texas school districts implement voting systems that comply with the Voting Rights Act of 1965 ("VRA").¹

A. The Problem

After an examination of Humble Independent School District ("Humble ISD"), we conclude that Humble ISD's use of an at-large election system and the "off cycle" timing of May school board elections violate Section 2 of the VRA. The VRA prohibits any standard practice or procedure that results in the denial or abridgement of the right of minorities to vote. Specifically, it forbids any electoral system that denies voters of color an equal opportunity to elect candidates of their choice. Voters of color include Hispanics, African Americans, Asians or other minority groups.

Humble ISD's Board of Trustees does not represent the community. The majority of Humble ISD's board of trustees is white (five out of seven board members are white), even though voters of color comprise about 47% of the school district's citizen voting age population ("CVAP"). There are no Hispanic trustees on the seven-member board, despite the fact that more than 38% of Humble ISD students are Hispanic. In addition, according to recent media reports, none of the current Humble ISD board members reside within the attendance boundaries for

¹ The Storefront has a winning track record pursuing Voting Rights Act cases and securing victories for Plaintiffs in Lewisville Independent School District (2023), Richardson Independent School District (2019), Carrollton-Farmers Branch Independent School District (2015), the City of Grand Prairie (2015), Irving Independent School District (2014), Grand Prairie Independent School District (2014), City of Farmers Branch (2012), and the City of Irving (2009). As a result of the Storefront's advocacy these school districts and city councils have implemented changes to their voting systems.

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Humble High School, where more than 96% of the students enrolled are students of color, or Summer Creek High School, where almost 86% of the students enrolled are students of color.

Given this lack of minority representation on the Board, it is not surprising that significant achievement gaps exist between White, Hispanic, and African American students. On the 2023 STAAR exams, about 66% of white students met grade level, compared to 43% of Hispanic students and 34% of African American students who met grade level.

Humble ISD's past elections provide evidence of the challenges Hispanic and African American candidates face when they run for the board. For example, in the May 6, 2023, election, Asdrubal "Dru" Gutierrez, a Hispanic candidate, and Reginald Spivey, an African American candidate, ran for Position 2 but lost to a white candidate. Similarly, Natalie Carter, an African American candidate who ran for Position 7, also lost to a white candidate. In addition, in the May 1, 2021, election, William Epperson, an African American candidate who ran for Position 1, lost to a white candidate. Additionally, the five minorities who ran for Position 3 that election (a Hispanic candidate, Liz Diaz, and four African American candidates: Clint Horn, Jesse Givens, Donte Washington and Wilbert Baker) all lost to a white candidate.

Moreover, recently the Humble ISD board rejected a proposal to adopt an election system consisting of five single member districts that would increase diversity on the board. Local voters express concerns that the more affluent Kingwood area of the school district exerts disproportionate influence over elections, disadvantaging voters in majority-minority Humble. With the school district divided by a river, numerous Latino and Black voters residing in the Humble portion find themselves marginalized. We urge you to revisit this proposal for more inclusive and equitable representation.

Furthermore, the minority community's right to vote is compromised by Humble ISD scheduling elections in May. Humble ISD's May elections effectively diminish voter turnout among minorities due to a lack of awareness, decreased voter engagement during the elections, and conflicting priorities. The effect of such practices is a violation of the VRA, and the fundamental constitutional right to vote protected under the Fourteenth and Fifteenth Amendments of the United States Constitution.

B. The Solution

The Storefront requests that Humble ISD's board take immediate corrective measures to rectify these violations of the VRA and the U.S. Constitutional Amendments by taking the following actions:

- (a) Adopt a single-member district election system that includes at least four opportunity districts for minority voters, including at least one majority Hispanic CVAP district.

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Opportunity districts are those in which more than 50 % of the CVAP are minorities based on the most recent Census American Community Survey (“ACS”) data;

- (b) Move school board elections to November to coincide with the November general election date on the first Tuesday after the first Monday in November; and
- (c) Immediately engage in outreach efforts to inform all voters, especially minority voters, about election dates, candidates, and voting procedures.

C. Conclusion

The Storefront requests a response within seven business days outlining your intended actions. The Storefront offers a cooperative effort to establish fair elections that uphold democratic principles and safeguard voting rights.

Sincerely,

/s/ William A. Brewer III
William A. Brewer III

Brewer Storefront PLLC