



March 6, 2024

VIA MAIL

Eric Bergquist
President
New Braunfels Independent School District Board of Trustees
New Braunfels Independent School District
1000 N. Walnut
New Braunfels, TX 78130

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

Dear Mr. Bergquist,

The Brewer Storefront (“Storefront”) is the community-service affiliate of Brewer, Attorneys & Counselors. The Storefront is engaged to ensure 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 New Braunfels Independent School District (NBISD), we conclude that NBISD’s election system and the “off cycle” timing of 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.

NBISD’s Board of Trustees does not represent the community. The Board of Trustees consists of all white members. Even though students of color make up the largest demographic group of students enrolled in the school district, there are no Hispanic trustees on the seven-member board. More than 48% of NBISD students are Hispanic and almost 32% of the school district’s citizen voting age population (“CVAP”) are voters of color.

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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Given the lack of Hispanic representation on the Board, it is not surprising that significant achievement gaps exist between white and Hispanic students. On the STAAR exams in 2023, 44% of Hispanic students met grade level, compared with 67% of white students who met grade level.

Furthermore, minorities' right to vote is compromised by NBISD scheduling elections in May. Holding elections in May effectively diminishes voter turnout among minorities due to a lack of awareness, decreased voter engagement during this time, 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 the NBISD board take immediate corrective measures to rectify these violations of the Voting Rights Act by taking the following actions:

- (a) Adopt a single-member district election system that includes at least one opportunity district for Hispanic voters. A Hispanic opportunity district is one in which more than 50 percent of the CVAP is Hispanic. CVAP is 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** 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