The Leadership Conference Education Fund

VRA for Today
Moving Voting Rights Forward

BACKGROUNDER: The Voting Rights Act

We need an effective, modern, flexible, and forward-looking Voting Rights Act (VRA). Recent bills introduced in Congress, the Voting Rights Amendment Act (H.R. 885) and the Voting Rights Advancement Act (H.R. 2867/S.1659), include many elements of an effective approach.

This document provides key background information about the VRA and the Supreme Court case, *Shelby County v. Holder*, which struck down part of the VRA.

The Voting Rights Act

The Voting Rights Act (VRA), first enacted in 1965 with large bipartisan support, is a landmark law that prohibits discriminatory voting practices that have been responsible for the denial and abridgement of the voting rights of racial, ethnic, and language minorities in the U.S. This law has been responsible for much of the progress made to outlaw discriminatory voting practices in America over the last 50 years.

Congress has very strong constitutional authority under the 14th and 15th Amendments to protect voting rights. The VRA has been a shining example of bipartisan unity and has been supported with an extensive legislative record since it was first enacted. Congress has reauthorized the VRA in a bipartisan manner four times, most recently in 2006, when President George W. Bush signed the bill into law after both the House of Representatives (390-33) and the Senate (98-0) approved the measure following an exhaustive review of evidence and testimony. During the 2006 reauthorization of the VRA, Congress conducted more than 20 hearings, heard from over 90 expert witnesses, and collected more than 15,000 pages of testimony documenting the continued need for, and constitutionality of, the statute.

The heart of the VRA is Section 5, which requires covered jurisdictions to submit any proposed changes in voting procedures to the U.S. Department of Justice or a federal district court in D.C. for a determination of whether that change is discriminatory before the change goes into effect. This process is known as "preclearance."

Shelby County v. Holder

In April 2010, Shelby County, a largely White suburb of Birmingham, Alabama, filed suit in federal court in Washington, D.C., seeking to have Section 5 declared unconstitutional. Shelby County claimed that Congress did not have the required constitutional authority when it reauthorized Section 5 of the VRA in 2006.

On June 25, 2013, the Supreme Court of the United States ruled in *Shelby County v. Holder* that the coverage formula in Section 4(b) of the VRA, which was used to determine the states and political subdivisions subject to Section 5 preclearance, was unconstitutional. Thus, while the Court did not invalidate the preclearance mechanism in the VRA, it effectively halted its use by invalidating the part of the law that determined which places were subject to the preclearance obligation.

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Responding to *Shelby*

On January 16, 2014, Congress introduced a bill, the Voting Rights Amendment Act (VRAA – H.R. 3899/S. 1945), to amend the VRA to ensure a modern, flexible, and forward-looking set of protections that work together to provide an effective response to racial discrimination in voting in every part of the country. However, Congress failed to act on the bill – save for one hearing in the Senate on June 25, 2014 – before the end of the session. It was reintroduced in the House of Representatives on February 11, 2015.

On June 24, 2015 – one day before the second anniversary of the *Shelby* decision – the Voting Rights Advancement Act (H.R. 2867/S.1659) was introduced in both the House and the Senate. The Advancement Act responds to the unique, modern-day challenges of voting discrimination that has evolved in the 50 years since the Voting Rights Act first passed. It recognizes that changing demographics require tools that protect voters nationwide—especially voters of color, voters who rely on languages other than English, and voters with disabilities. It also requires that jurisdictions make voting changes public and transparent.