

## PROTECT THE VRA

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### FACT SHEET: Why the Voting Rights Act Remains Vital—Real Stories

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On February 27, the U.S. Supreme Court will hear argument in *Shelby County v. Holder*, a case challenging the constitutionality of Section 5 of the Voting Rights Act. This challenge to Section 5 of the Voting Rights Act has far ranging implications for the law's ability to protect real voters.

Section 5 of the Voting Rights Act plays a vital part in protecting voters from discriminatory voting practices and ongoing attempts at disenfranchisement. It is a proven tool to prevent voters from being deprived of their fundamental rights to vote.

Section 5 also continues to be needed as a remedy to voter disenfranchisement. It is flexible, provides incentives for jurisdictions to comply with the law, and often helps prevent discrimination from ever taking root.

#### **The Voting Rights Act and Section 5**

The Voting Rights Act, first passed in 1965, and reauthorized several times, is a landmark law that outlaws discriminatory voting practices that have been responsible for the widespread disenfranchisement of racial and ethnic minorities in the U.S.

Section 5 of the Voting Rights Act 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. It currently applies to all or part of 16 states that have both a demonstrated history and a contemporary record of implementing discriminatory restrictions on voting.

Jurisdictions that have complied with the Voting Rights Act for 10 years are eligible to become exempt from – or “bail out” of –Section 5. Not a single jurisdiction that has sought the opportunity to leave Section 5 coverage has been turned down, and, since 2009, 127 jurisdictions have bailed out from Section 5 requirements.

In 2006, an overwhelming bipartisan majority of Congress voted to reauthorize Section 5 for another 25 years, after an extensive review of evidence and testimony. Congress has very strong constitutional authority through the 14<sup>th</sup> and 15<sup>th</sup> Amendments to protect voting rights, and the Supreme Court has consistently upheld the Voting Rights Act.

#### **Supreme Court Case: *Shelby County v. Holder***

In April 2010, Shelby County, Alabama, a largely White suburb of Birmingham, filed suit in federal court in Washington, D.C., seeking to have Section 5 declared unconstitutional. Two courts have already held the constitutionality of Section 5 in this case. On September 21, 2011, the U.S. District Court for the District of Columbia upheld the constitutionality of Section 5, holding that Congress acted appropriately in 2006 when it reauthorized the statute. On May 18, 2012, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the district court ruling. The case will be heard by the U.S. Supreme Court on February 27, 2013.

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#### How Section 5 of the Voting Rights Act Has Recently Protected Real Voters

*Voter discrimination based on race is not just a thing of the past—it is a current reality that persists today.*

- **Blocking a Discriminatory Law in Texas:** The state of Texas passed a discriminatory voter ID law in 2011 – described as one of the most severe in the nation – which would have placed unforgiving burdens on minority voters. When this law was passed, Texas identified 795,000 voters on its rolls that it could not match to its database of individuals with a driver’s license or state-issued ID.
- The Justice Department blocked Texas’s proposed law because it intentionally discriminated against African-American and Latino voters (*see the [DoJ’s Objection Letter](#)*). Because of Section 5 of the Voting Rights Act, Latino and African-American voters in Texas were not disenfranchised in the 2012 election, including Victoria Rose Rodriguez, a college student in San Antonio. See more of Victoria’s story here <http://youtu.be/qmZq4-pfGR4>.
- **Forcing South Carolina to Change Their Bad Voting Law:** In response to previous Section 5 scrutiny and litigation in 2011 (*see the [DoJ’s Objection Letter](#)*), South Carolina revised a formerly strict voter ID law in 2012 with to create an exception for anyone with a “reasonable impediment” to obtaining a government-issued photo ID.

These changes to South Carolina’s law – made possible by Section 5 – ensured the vote for South Carolinians like 82-year old Hanna White, who has never had a birth certificate. See more on Ms. White’s story here <http://youtu.be/WrpLp4uWBU4>.

- **Rejecting a Redistricting Ploy in Mississippi:** In 2011, the city of Natchez, Mississippi, proposed a redistricting plan that reduced the percentage of African-American voters in one ward (Ward 5) from 53 percent to under 47 percent. During the redistricting process, the city argued the move of African-American voters out of Ward 5 was necessary to “shore up” African-American populations in the other wards—even though the other wards had significant African-American voting age populations, including one ward with 97.5 percent (*For background, see: [Natchez Democrat](#), 5/2/12*).

Because of the protections afforded by Section 5, the Justice Department was able to object that “the city has intentionally and unnecessarily reduced the Black [voting-age population] in Ward 5 under circumstances that suggest the Black population in Ward 5 would otherwise have been on the verge of exercising an ability to elect their candidates of choice,”(*see the [DoJ’s Objection Letter](#)*).

- **Stopping a Discriminatory Voter Swap in Texas:** In late 2011, the county commission in Nueces County, Texas, enacted a redistricting plan that diminished the voice of Latinos at the polls by swapping Latino and Anglo voters between election precincts. The redistricting process was not open to the public and Latino residents and groups that had

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traditionally participated in redistricting were shut out of the process (*see the [DoJ's Objection Letter](#)*).

After careful review of Nueces County's redistricting plan, the Justice Department concluded that the county's actions "appear to have been undertaken to have an adverse impact on Hispanic voters," (*see the [DoJ's Objection Letter](#)*). Because of Section 5, DOJ blocked the implementation of Nueces County's 2011 redistricting plan due to its discriminatory purpose and closed process.