

# VOTING RIGHTS IN THE POST-SHELBY LANDSCAPE

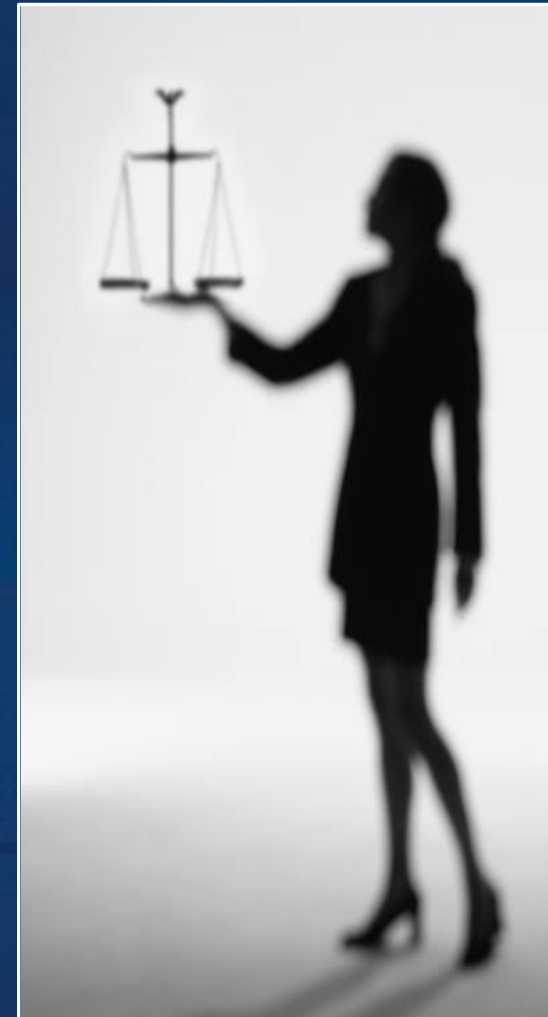
**Marcia Johnson-Blanco**  
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Lawyers' Committee for Civil Rights Under Law



MOVING AMERICA  
TOWARD  
JUSTICE

## SECTION 5 OF THE VOTING RIGHTS ACT

- Section 5 required jurisdictions with a history of discrimination to demonstrate that ANY proposed voting change does not have a racially discriminatory purpose or effect
- There were 9 fully Covered states included: Texas, Virginia, Alabama, Mississippi, North Carolina, South Carolina
- It has been extraordinarily effective in blocking discriminatory voting changes before they could harm minority voters



## **SHELBY COUNTY v. HOLDER**

- On June 25th the Supreme Court nullified Section 5
- The court held that Section 4, which establishes who is covered by Section 5 was unconstitutional
- The ruling destroyed the heart of the Voting Rights Act



## **SHELBY COUNTY v. HOLDER**

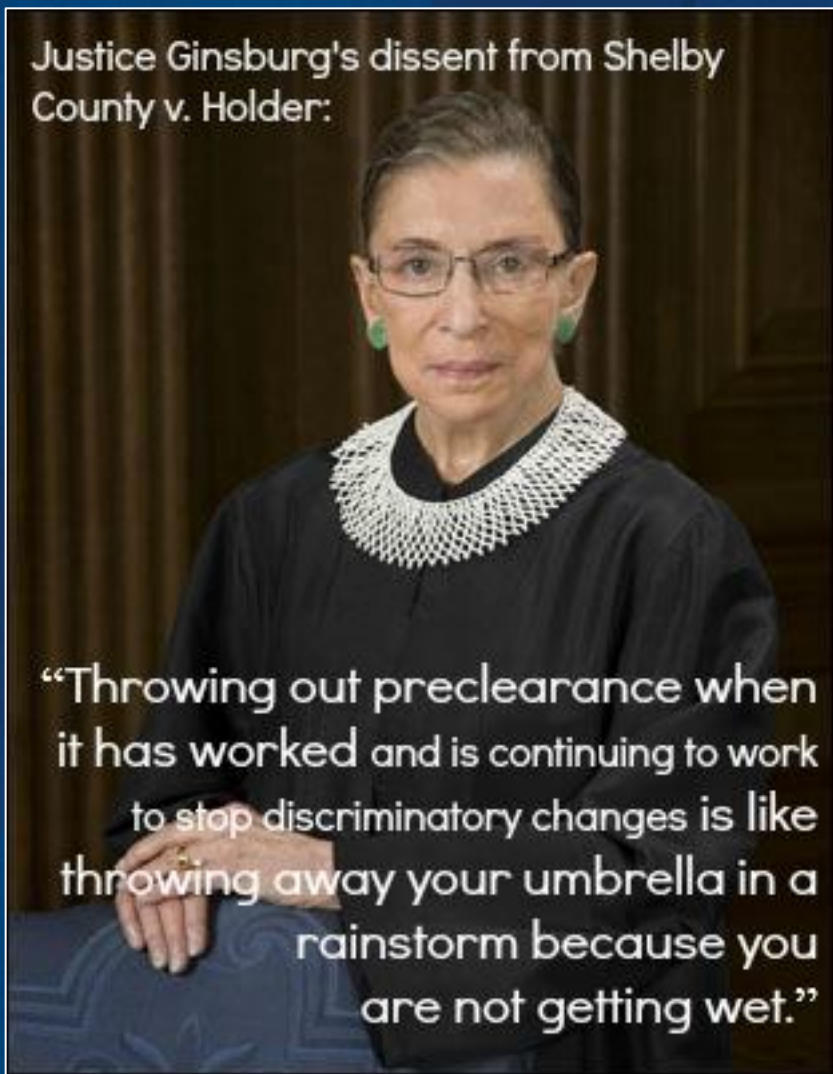


A statute's "current burdens" must be justified by "current needs" . . . The coverage formula met that test in 1965, but no longer does so.



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U N D E R L A W

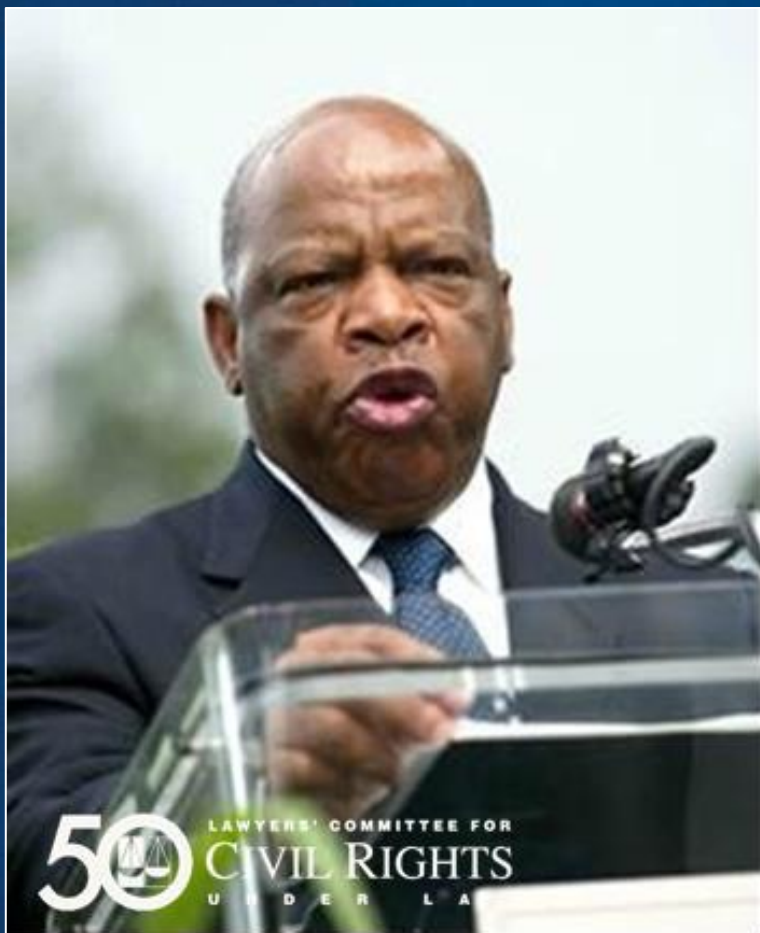
Justice Ginsburg's dissent from *Shelby County v. Holder*:



“Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”



LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS  
UNDER LAW



“I didn’t think that on that day when President Johnson signed the Voting Rights Act, that I would live to see five members of the United States Supreme Court undoing what President Johnson did with those pens. We must not forget our past. We must not forget our history. If we forget it, we will repeat it.”  
--Representative John Lewis

## THE FALL-OUT

- Texas, Mississippi and Alabama moved forward with restrictive ID Laws
- Local county boards changed representation from single member districts to at-large
- And in North Carolina....



## NORTH CAROLINA

North Carolina passed a strict voter ID law, shortened early voting, eliminated same day registration, and increased the number of people who could challenge voters.







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## **SECTION 2 OF THE VRA**

Focus on nationwide discrimination  
provision of the Voting Rights Act.



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# ARIZONA PROOF OF CITIZENSHIP LAW

Documentary evidence of  
citizenship when registering to vote

## Arizona v. ITCA



Arizona is prohibited by the National Voter Registration Act from applying its documentary proof of citizenship requirement when registering to vote to the Federal Form.



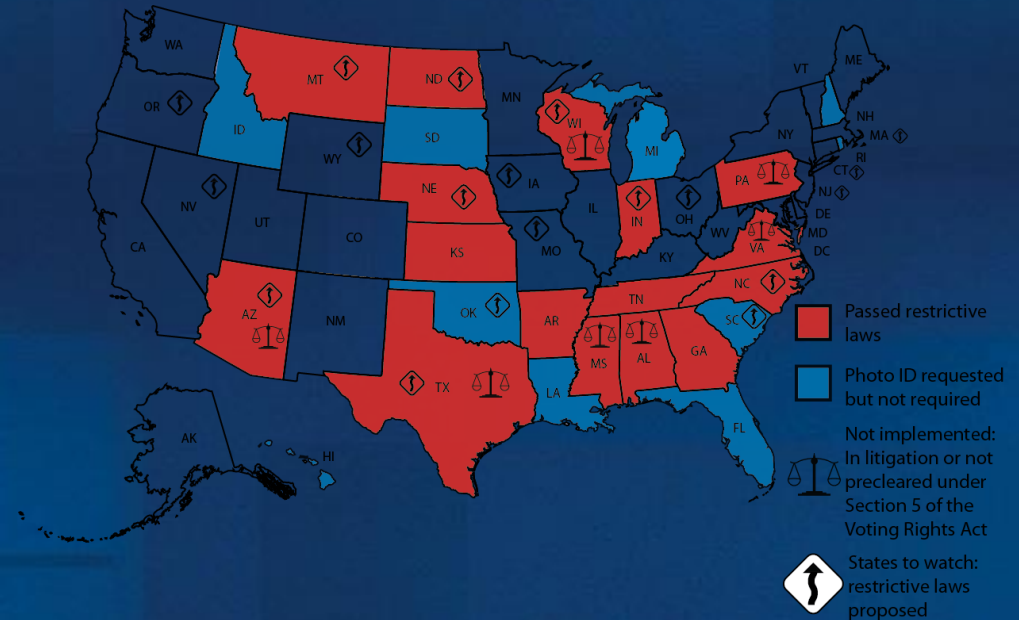
## **KANSAS/ARIZONA CHALLENGE TO EAC'S AUTHORITY**

- Allege that EAC acted contrary to APA in not granting request to modify the Federal Form.
- If in compliance with APA, claims that NVRA is unconstitutional as applied to AZ and KS laws.

# VOTING CHALLENGES/THREATS

- Photo ID
- Proof of citizenship
- Blocking voter registration drives
- Eliminating Same Day Registration
- Limiting rights for those with previous criminal convictions
- Restrictions in early voting
- Voter purging
- Restricted access to the ballot

**MAP OF SHAME 2013**

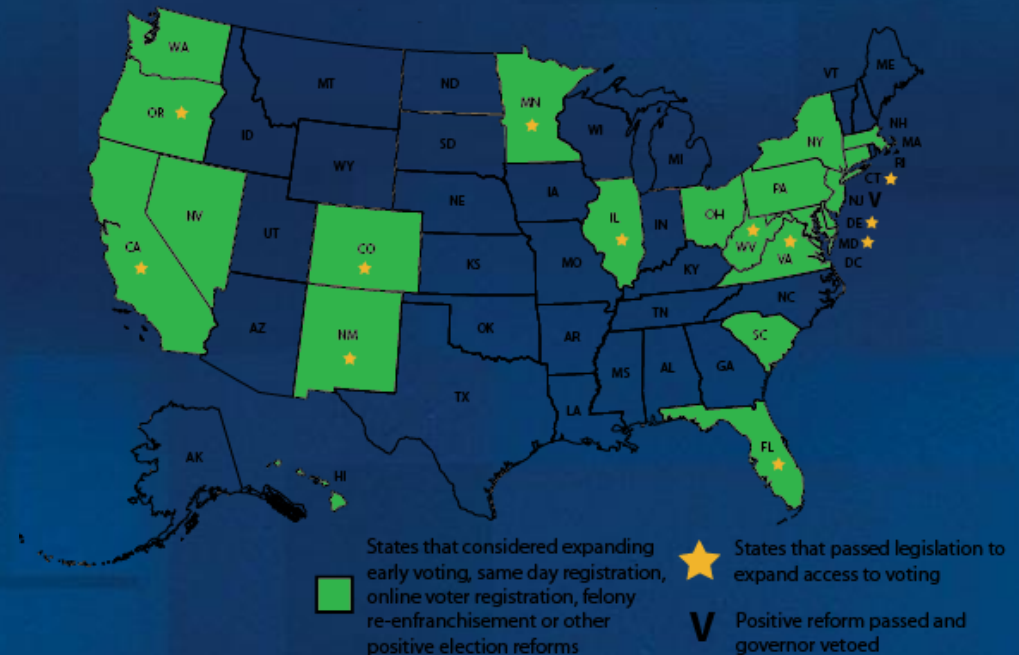




# OPPORTUNITIES FOR REFORM

- Modernizing voter registration
- Expanding access
- Minimum Standards and early voting
- Rights restoration opportunities
- Reduce long lines on election day
- Engage young voters

## MAP OF HOPE 2013





LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS  
U N D E R L A W

## PRESIDENT'S COMMISSION on ELECTION ADMINISTRATION



President's response to  
unacceptably long lines  
during general election in  
2012:  
“We have to fix that.”



# DEFENDING AND EXPANDING VOTING RIGHTS

- Litigation
- Detecting and blocking discriminatory voting changes
- National Commission on Voting Rights
- Election Protection
- Advocating for Reform



## WHAT YOU CAN DO

- Demand that Congress restore the full protections of the Voting Rights Act through bipartisan legislation
- Participate in National Commission on Voting Rights hearings
- Spread the word about the impact of the *Shelby decision*