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24.1 History of Voting Rights Act

In the Civil Rights Acts of 1957, 1960, and 1964, Congress included provisions empowering the Attorney General of the United States to bring suits against racially discriminatory voting practices. These and the Fifteenth Amendment enforcement powers led to the passage of the [Voting Rights Act of 1965](#) (VRA). The VRA targeted states with a history of discrimination in the election process by including those states that used discriminatory practices based on race, color, or membership in a language minority group in the 1960 presidential election. The Act has been amended and renewed several times. The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 extended the following provisions of the Voting Rights Act for twenty-five years:

- requiring preclearance,
- bilingual elections, and
- authorizing appointment of federal observers.

24.2 2013 U.S. Supreme Court Decision

On June 25, 2013, the U.S. Supreme Court in a 5 to 4 decision held invalid the parts of the law defining what jurisdictions are subject to the requirement to preclear changes affecting voting (Section 4, codified at 42 USC 1973b).¹ The decision leaves in place the authority to appoint federal election observers (42 USC 1973f), bilingual election requirements now applicable in Fairfax County (42 USC 1973aa-1a). The decision also leaves in place the structure for preclearance review should Congress enact responsive legislation. Suspension of the requirement for preclearance pending possible Congressional action requires Virginia and each locality to be even more cautious and attentive to its responsibility to conduct voter registration and elections free of racial discrimination.

¹ Shelby County v. Holder, U.S. Sup. Ct. Docket No. 12-96, status available at <http://www.scotusblog.com/case-files/cases/shelby-county-v-holder/>

The court's decision did not strike down Section 5 Preclearance; rather it struck down Section 4, the provision of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance process. The Supreme Court left it to Congress to enact another formula for coverage that is consistent with the Constitution.

The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

Additional information about the VRA can be found on [DOJ's website](#) which provides the full text of current federal regulations.