

Equal Voting Access Resolution Fact Sheet

Summary:

This resolution calls on the [insert party name here] to promote equal access to the political process by encouraging Congress to restore the Voting Rights Act and to compel candidates of the party to do the same.

The Problem:

The VRA was designed to protect the voting rights of racial and language minorities. Specifically, the act prohibited voting practices and procedures that discriminated against minority voters.¹ The act requires something called preclearance, which applies to certain areas of the country with histories of using discriminatory voting policies and procedures.² Preclearance requires certain areas of the country to prove to the federal government that their proposed voting law changes will not be discriminatory before they take effect.³ Section 4 of the act sets forth the criteria that determine which areas of the country are subject to preclearance.⁴

In *Shelby County, Alabama v. Holder*, the Supreme Court held Section 4 of the VRA unconstitutional.⁵ The Court reasoned that the criteria in Section 4 were out of date and did not reflect “current conditions.”⁶ By finding Section 4 unconstitutional, preclearance areas can no longer be designated. This means preclearance itself as a safeguard against discriminatory voting practices, can no longer be enforced.⁷ As a result, areas of the country that have histories of passing discriminatory voting laws “can now implement discriminatory voting changes without the federal government providing oversight...”⁸

Some examples of how preclearance has protected the right to vote:

- Since January 1, 2012, Section 5 has blocked discriminatory voting changes in Florida, Georgia, Mississippi, North Carolina, and Texas and required South Carolina to adjust its voter ID law to make it substantially more flexible.⁹
- Since 1982, the Department of Justice has rejected more than 1,000 discriminatory changes from being implemented, including more than 30 since 2006.¹⁰
- Between 1982 and 2006, 656 voting changes were withdrawn and 198 were superseded by altered submissions after DOJ requested more information.¹¹

¹ *History of the VRA*, THE LEADERSHIP CONFERENCE, <http://www.civilrights.org/voting-rights/vra/history.html> (last visited October 9, 2015).

² *See id.*

³ *See id.*

⁴ *See generally, Voting Rights Act*, THE LEADERSHIP CONFERENCE, <http://www.civilrights.org/voting-rights/vra/> (last visited October 9, 2015).

⁵ *See id.*

⁶ *See generally*, Ryan J. Reilly, Mike Sacks, and Sabrina Siddiqui, *Voting Rights Act Section 4 Struck Down by Supreme Court*, HUFFINGTONPOST.COM, June 25, 2013, http://www.huffingtonpost.com/2013/06/25/voting-rights-act-supreme-court_n_3429810.html (citing *Shelby County, Alabama v. Holder*, 570 U.S. ____ (2013)).

⁷ *See id.*

⁸ THE LEADERSHIP CONFERENCE EDUCATION FUND, PROTECT THE VRA BACKGROUNDER: THE VOTING RIGHTS ACT AND *SHELBY COUNTY V. HOLDER* 1 (2013).

⁹ *Id.* citing Pérez, Myrna and Agraharkar, Vishal. “If Section 5 Falls: New Voting Implications.” Brennan Center for Justice. June 12, 2013. Can be found here: <http://www.brennancenter.org/publication/if-section-5-falls-new-voting-implications#scribd>.

¹⁰ *Id.*

¹¹ *Id.* citing Fraga, Luis Ricardo and Ocampo, Maria Lizet. “More Information Requests and the Deterrent Effect of Section 5 of the Voting Rights Act.” *Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation and Power*. Pgs 47-82. Berkeley Public Policy Press, University of California, Berkeley. 2007. Can be found here: http://www.law.berkeley.edu/files/ch_3_fraga_ocampo_3-9-07.pdf

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