

Shelby County v. Holder (2013): a crash course

Source: Oyez. 2013. "Shelby County v. Holder." Oyez. 2013.
<https://www.oyez.org/cases/2012/12-96>.



Background: The Voting Rights Act of 1965 was enacted to address systematic voting discrimination. Section 5 prohibited *covered jurisdictions* from altering their election procedures without prior approval, or *preclearance*. Section 4 provided the formula that defined these jurisdictions, which had a history of discriminatory electoral practices. These sections made the law very effective.



Case History: A covered jurisdiction – Shelby County, Alabama – sued the Department of Justice on the grounds that Sections 4 and 5 are unconstitutional, by overstepping the authority granted to Congress in the 14th and 15th Amendments. Both the district and appellate court upheld the law in full, noting the success of the law in fighting voter discrimination.



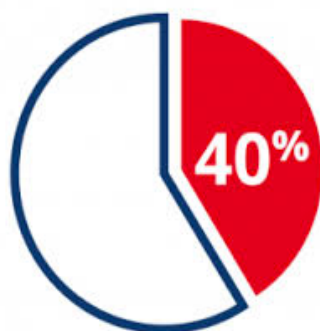
Supreme Court: In a 5-4 decision, ruled that the Section 4 coverage formula is void because it relied on outdated standards no longer relevant to contemporary elections (e.g. literacy tests). The law improperly placed an additional burden on states and localities, which have the constitutional right to regulate their own elections.



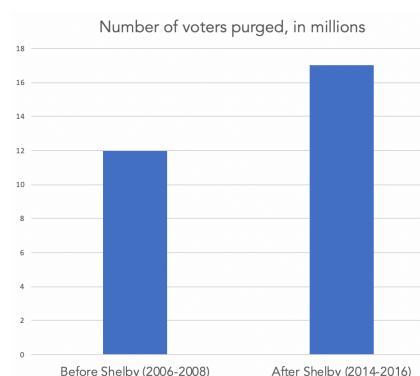
Today: The rest of the Voting Rights Act – including preclearance – is still constitutional, but Congress must legislate a new coverage formula, responsive to current conditions, for preclearance to resume. This has not happened, so electoral practices with discriminatory effects have proliferated since the decision was issued.

"Any racial discrimination in voting is too much"^[1]
 – Chief Justice John G. Roberts Jr., in a decision that let racial discrimination in voting run rampant.

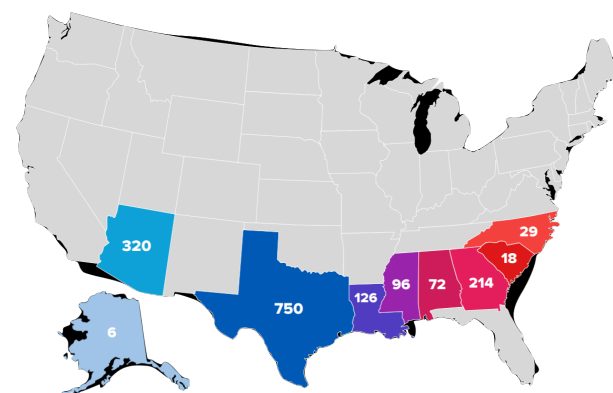
Ever since *Shelby v. Holder* and the loss of preclearance...



At least 20 states have implemented restrictive voting laws disproportionately affecting minorities^[2]



Over 2 million additional Americans have been purged from voter rolls^[3]



Over 1600 polling places have been closed, usually in states and communities with large minority populations^[4]

The Supreme Court's majority can't be trusted to do the right thing. Call your members of Congress and demand they protect every American's fundamental right to vote.

Find your Representative and Senators at usa.gov/elected-officials

Sources:

[1] Supreme Court of the United States. 2013. "12-96 Shelby County v. Holder." https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf

[2] U.S. Commission on Civil Rights. 2018. "An Assessment of Minority Voting Rights Access in the United States." Statutory Report. Washington, D.C.: U.S. Commission on Civil Rights. https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf

[3] Morris, Kevin. 2019. "Voter Purge Rates Remain High, Analysis Finds." Brennan Center for Justice. August 1, 2019. <https://www.brennancenter.org/our-work/analysis-opinion/voter-purge-rates-remain-high-analysis-finds>

[4] Leadership Conference Education Fund. 2019. "Democracy Diverted: Polling Place Closures and the Right to Vote." The Leadership Conference on Civil and Human Rights. http://civilrightsdocs.info/pdf/reports/Democracy_Diverted.pdf