

VOTING RIGHTS 2014

Sweet Home
Alabama


The 15th Amendment

- The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude...
 - **By 1965 – DEAD LETTER**

Voting Rights Act of 1965

- Most successful civil rights legislation ever
- Impetus: “Bloody Sunday” Edmond Pettus Bridge Selma, AL
- *Before*: 1/3 African American registration v. 2/3 white registration (Alabama: 18%/69%)
- Blacks excluded from office
- *Now*: Black/white reg parity + Hispanics close
- Substantial representation in office

How VRA Works

- Sec 2 -15th Am. Prohibits discriminatory voting practices based on race, minority language (1975)
-  Intent and Impact
- No literacy tests, good character, vouchers
- Other practices: Redistricting, at-large elections, poll workers - PERMANENT
- Sec 3 & 8 – Election observers
- Sec 203 & 4 – Bilingual voting assistance

What is Pre-clearance?

Avoid Case-by-Case Challenges

- Sec. 4(b) - Coverage criteria for Sec. 5:
- a) Did juris have voting test in 1960s?
- B) Did juris have low turnout/registration 1960s?
- Sec. 5: Pre-clearance—DOJ approval for change
- States covered: Alabama, Mississippi, Georgia, Louisiana, Virginia, SC, some NC (1968 NY NH, CA)
- Sec. 4 & 5 were TEMPORARY—5 years
- 2006 VRA re-authorized for 25 years – til 2031

That Was Then, This is Now

- 1965 –Voting Tests Outlawed
- 2013 - *Shelby County, AL v. Holder, Attorney General*: Sec 5 coverage based on “**decades-old data and eradicated practices.**”
- *Held*, Sec 4(b) is unconstitutional
- 5-4 opinion, Ginsberg, Breyer, Sotomayor and Kagan dissenting: “complete the gains, guard against backsliding”

The South Shall Rise Again

- *Shelby*: Sec 5 is “drastic departure from basic principles of federalism:”
- “Equal sovereignty”—Sec. 5 applies to 9 states
- More black officeholders in Sec. 5 states now than nationwide
- Focus of Civil Rights Enforcement no longer Deep South
- Eric Holder: “Discriminatory voting laws ***not confined to any particular region.***”

Sec. 2 – Back to “Case by Case”

- Sec 2 still prohibits barriers to voting that disadvantage minority groups
- DOJ challenges to:
 - Wisconsin Voter ID law, amicus brief
 - North Carolina Voter ID, curtails early voting
 - Ohio law curtailing early voting, same day regis
 - Texas Voter ID, 2011 redistricting plan - intent

Alabama Voter ID law

- 34 states now require Voter ID
- Alabama Voter ID in effect for last election
- ID allowed at polls:
 - Drivers License, Non Drivers License, US Passport, Fed, State, Local Govt ID
 - Student, Employee ID from school
 - Military/Tribal ID
 - AL Photo Voter ID Card
 - Affidavit of 2 election officials

How to Get Alabama Voter ID Card

- Where – County Board of Registrars or mobile van
- Photo IDs permitted:
 - A student ID – High school or college
 - An employee ID card Hospital/nursing home ID card.
 - Wholesale club or other membership card.

Non-Photo IDs permitted

- Birth Certificate (provided free)
- Marriage Record (provided free)
- Hospital or nursing home record
- State or Federal Census Record
- Military Record
- Medicare or Medicaid document
- Social Security document
- Certificate of Citizenship
- Official school record or transcript

Texas Voter ID Law v. Alabama

Texas

- Location: Voter ID cards provided at fixed locations, 100s of miles away
- Documents: short list of passports, birth certs
- Cost: Passports, govt records, cost \$\$

Alabama

- Location: Mobile vans provided better access to get voter ID cards
- Documents: great variety - Sam's card!
- Cost: State pays for cost of birth certs, etc.

NVRA – National Voter Registration Act 1993

- Voter registration must be available at:
 - DMV – Registration must be ***automatic*** and ***simultaneous*** and DMV forwards to registrar
 - Offices providing public assistance
 - Offices assisting persons w disabilities

\$64,000 Question

- **Have you applied for a Driver's License lately?**

800-253-3931

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