

SECTION 5 OF THE VOTING RIGHTS ACT



President Bush signs the reauthorization of the Voting Rights Act in 2006.



President Johnson shakes hands with Martin Luther King, Jr. after signing the Voting Rights Act of 1965 into law.

WHAT'S SECTION 5?

The Voting Rights Act was passed in 1965 to ensure that state and local governments don't deny American citizens the right to vote based on race. Section 5 of the Act requires certain states and localities to gain federal approval for any voting change before it goes into effect to ensure it isn't discriminatory. This approval is called "preclearance." Section 5 is not a permanent law and needs to be reauthorized regularly by Congress. In 2006, an overwhelming bipartisan majority of Congress voted to reauthorize Section 5 for another 25 years after conducting an extensive and exhaustive review of the record of discrimination in voting.

DO WE STILL NEED SECTION 5?

YES! Section 5 continues to block discriminatory laws and practices. In 2012, Section 5: prevented Texas from enacting the most stringent voter ID law in the country; stopped Florida from cutting early voting days which would disproportionately impact African American voters; and blocked Texas from redrawing congressional and state legislative districts that diluted minority voting strength.

WHY AREN'T ALL STATES COVERED?

Section 5 applies to all or part of 15 states which are often called "covered jurisdictions." These covered jurisdictions have a long history of entrenched discrimination in voting. Jurisdictions that have complied with the Voting Rights Act for 10 years can "bail out" of coverage.

SHELBY COUNTY v. HOLDER

In April 2010, Shelby County, Alabama (a largely white suburb of Birmingham) filed suit in federal court in Washington, DC asking that Section 5 of the Voting Rights Act be declared unconstitutional. The county asserts that Congress exceeded its constitutional authority when, in 2006, it reauthorized Section 5 for another 25 years. Attorney General Holder is the named defendant in the case, and other Shelby County residents also have intervened as defendants (represented by the Lawyers' Committee for Civil Rights Under Law, American Civil Liberties Union and NAACP Legal Defense and Educational Fund).

Both the District Court and the Court of Appeals have upheld the constitutionality of Section 5 of the Voting Rights Act, rejecting Shelby County's challenge. Shelby County appealed, and the Supreme Court heard the case on February 27, 2013. A decision is forthcoming.



SECTION 5 COVERED JURISDICTIONS

