

THE PRECEDENT OF *SHELBY v. HOLDER*

VOTING RIGHTS ACT OF 1965

The Voting Rights Act of 1965 (VRA) represented the culmination of years of work, marches, and advocacy by activists of the Civil Rights Movement to end widespread voter suppression in segregated areas of the U.S. The VRA prohibited racial discrimination in voting policies, banning things such as grandfather clauses and literacy tests. Additionally, Section 4(b) required jurisdictions--with a particularly sordid history of race-based voter suppression--obtain "pre-clearance" from the U.S. Department of Justice before changing voting regulations. Politicians who upheld white male supremacy deplored the VRA, including the man who now leads the Justice Department, Attorney General Jefferson B. Sessions. In January 2017, Sessions called the VRA an "intrusion" on states' rights. Despite protests from individuals like Sessions, the VRA was a momentous turn that granted access to the ballot to millions of citizens.

THE PASSAGE OF *SHELBY v. HOLDER*

However, things took a turn in 2013--almost 50 years later. In 2013, the SCOTUS ruled in the case *Shelby County, Alabama v. Eric H. Holder Jr., et al.* The court ruled in favor of Shelby County, Alabama which wanted to amend its election practices without obtaining pre-clearance from the Department of Justice. The Shelby County majority concluded that the restrictions outlined in Section 4(b) of the Voting Rights Act of 1965 were no longer relevant and infringed upon the rights of the state. By a 5-4 majority vote, the U.S. Supreme Court gutted the VRA. In her dissenting opinion, Justice Ginsburg wrote that striking down section 4(b) of the VRA was like "throwing away your umbrella in a rainstorm because you are not getting wet." The ruling in *Shelby* has opened the floodgates for discriminatory voting laws across the country. Most of these laws target progressive voters or counties and jurisdictions deemed "blue" in voting habits.

Shelby County v. Holder unravels anti-discriminatory provisions put in place after years of voter suppression in the Jim Crow era. Now, due to the new precedent set by *Shelby*, states have the latitude to craft laws that disproportionately disenfranchise certain voters. The SCOTUS decision leaves activists concerned about future legislation that could revive systemic discrimination in the voting process. These policies include voter ID laws and the removal of absentee ballots which are economically discriminatory; gerrymandering which usually hurts voters of color; and an unequal allocation of resources, making it difficult for people in densely populated areas to vote quickly and efficiently.



SHELBY'S IMPACT

Voters have already felt the impact of *Shelby County v. Holder* ruling. Here are a few examples:

- In Monroe County, Florida, ballots were reverted back to English-only despite the large Spanish-speaking population.
- In Maricopa County, Arizona, only 60 polling sites were available in 2016 compared to more than 200 in 2012.
- In Hancock County, Georgia the Board of Elections purged 53 eligible voters, most of whom were African American.
- The day after the *Shelby* ruling, the Speaker of the North Carolina introduced House H.B. 589, a "monster bill" that include voter ID restrictions, early voting closure, the elimination of same day registration, and the elimination of early registration for 16 and 17-year olds.

These case studies illustrate a larger systemic problem of voter suppression, underscoring the impact of *Shelby v. Holder*. *Shelby* has effected a number of political institutions and spaces. For the first time in a generation, the SCOTUS has agreed to take on a case of partisan gerrymandering. This is after ruling in two other Supreme Court voting rights cases. In all, the precedent of *Shelby v. Holder* has irrevocably changed our democratic process for the worse, making it harder for citizens to enact their right to vote.

Sources

1. "Shelby County v. Holder." Oyez. Accessed 24 Feb. 2017.
2. Miles, Chris, "Justice Ginsburg Dissent In Shelby v. Holder Is a Big Middle Finger to the Conservative Majority," Mic.com, 25 Jun. 2013 Web. 24 Feb. 2017,
3. Harvard, Sarah, "How Did the 'Shelby County v. Holder' Supreme Court Decision Change Voting Rights Laws?"