

THE PRECEDENT OF *SHELBY v. HOLDER*

OVERVIEW

The Voting Rights Act of 1965 (VRA) represented the culmination of years of work, marches, demonstrations and advocacy by the Civil Rights Movement to end widespread voter suppression in the segregated South and other states. The law prohibited racial discrimination in voting policies. In addition, Section 4(b) required certain jurisdictions--those with a particularly sordid history of race-based voter suppression--to obtain “pre-clearance” from the U.S. Department of Justice before changing their voting rules. Politicians with a white male supremacist agenda deplored this law, including the man who now leads the Justice Department, Attorney General Jefferson B. Sessions. Sessions called the VRA an “intrusion” on states’ rights.

In the 2013 case of *Shelby County v. Holder*, by a 5-4 majority vote, the U.S. Supreme Court gutted the VRA. 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. 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 communities of color, which are significantly less likely than white communities to support white supremacist candidates.

THE PROBLEM

Shelby County v. Holder unravels anti-discriminatory provisions put in place after years of voter suppression in the Jim Crow era. Due to the precedent set by *Shelby*, states have the latitude to craft laws that disproportionately disenfranchise low income voters and racial minorities. The SCOTUS decision leaves activists concerned about future legislation that could revive systemic discrimination in the voting process. Voter ID laws, lack of polling places, the misallocation of resources in marginalized communities, and attempts to limit early voting are just a few of the ‘unintended’ outcomes of the ruling.



SHELBY'S IMPACT

Since the *Shelby County v. Holder* ruling, voters have felt the impact. 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. These case studies illustrate a larger systemic problem of voter suppression, underscoring the impact of *Shelby County v. Holder*.

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?" Mic.com, 29 Jul. 2016 Web. 24 Feb. 2017.