

TALKING POINTS

- **Voting Rights Act is the most important and transformative civil rights act in history and provides the infrastructure to actualize every American's right to vote.**
- **Voting Rights Act is one of Congress's greatest legacies was re-authorized in 2006 by overwhelming majority.**
- **Section 5 of the VRA blocks and deters discriminatory voting changes.**
 - **Requires states, counties and towns that have a history of voter discrimination to get pre-clearance from Dept. of Justice.**
- **Ironically, without the expansion of democracy to those historically disenfranchised, we would not have achieved the landmark election of our first African American president. On the very day marking his 100th day in office, the Act that opened those locked doors is being assailed (April 29).**
 - **Obama did poorly with white Dems. in states covered by Section 5.**
 - **Obama received 47% of the white vote in states not covered under Section 5 ,won only 26% of the white vote in covered states.**
 - **Obama did worse among whites than John Kerry in several of the covered jurisdictions, despite nationwide Democratic swing. Race seems best explanation for this difference**
- **Northwest Austin Municipal Utility District's (Travis) county filed a brief opposing their own district, as did attorney generals in Arizona, Calif., North Carolina, Louisiana, Mississippi, NY.**
- **Pre-clearance - key mechanism that prevents hundreds of acts of voter discrimination. As recent as last year, counties affected by Section 5 still report voter discrimination.**
 1. **Sept. case in Collier County, FL. State GOP-organized mailings have "Do Not Forward" on the envelope. If envelopes are returned to the State GOP HQ, they can be compiled into "challenge lists" of unverifiable addresses and can be used to challenge voters' eligibility during early voting or on Election Day. (Sept. 2008)**
 2. **According to Boynton, FL. volunteers, people went through African-American neighborhoods in downtown Boynton Beach stating that anyone who has outstanding warrants, owes child support, or even has an outstanding traffic ticket would be arrested if they attempted to vote. Additionally, regular police presence was maintained outside of the polling places (Oct. 2008)**

Background

Section 5 applies in

- Alabama, Alaska, Arizona, GA, Louisiana, Mississippi, South Carolina, Texas, Virginia.
- Counties in California, Florida, New York, North Carolina, South Dakota
- Towns in Michigan and New Hampshire.

Northwest Austin Municipal Utility district, claims Section 5 is unconstitutional

- MUD Asked to be let out of because of good behavior and it's unconstitutional.
- Can't be let out for good behavior because Section 5 doesn't apply to anything smaller than a county (in order to avoid a Swiss cheese result).
- Case filed 8 days after Bush signed the renewal of key sections of the Voting Rights Act by attorney, Greg Coleman who clerked for Clarence Thomas, member of Federalist society and part of a network of ideologically conservative attorneys seeking a test case
- Coleman approached the MUD, knew their board members from work he had done on some water rights...all white, conservative board. He asked if they could be a test as a way to overturn Section 5. Did not inform or consult residents, some of the defendants are residents who are offended that this is being done on their behalf in an undemocratic way.

Recent Cases of Voter Intimidation

Via VoterSuppression.net (compilation of cases from various legal organizations)

[Florida: Voter suppression rampant in Palm Beach County](#) - Oct. 30, 2008

- Affects minorities, esp. African-Americans in Florida: Palm Beach County, Boynton Beach area
- According to Boynton volunteer, people have been going through African-American neighborhoods in downtown Boynton Beach stating that anyone who has outstanding warrants, owes child support, or even has an outstanding traffic ticket would be arrested if they attempted to vote
- Additionally, regular police presence was maintained outside of the polling places
- Potentially violate voter intimidation, freedom of speech laws

[Vote caging in Florida: 5 counties affected](#) – Sep. 16, 2008

- Affects urban voters, likely Democratic voters and older voters in Florida: Hillsborough, Collier, Miami-Dade, Escambia and Duval
- GOP-organized mailings have "Do Not Forward" on the envelope. Envelopes returned to the GOP can be compiled into "challenge lists" of unverifiable addresses and can be used to challenge voters' eligibility during early voting or on Election Day
- Known as "vote caging"
- Violates voter suppression laws

[North Carolina "straight ticket" votes don't count for Presidential candidates](#) – Nov. 6, 2008

- Affects North Carolina (recently amended in Texas, Alabama)
- Voters of any party voting a "straight party line" vote; newer voters, unfamiliar with this provision, are more likely to be affected.

- Historically this has caused a 1% "undervote" for President -- an estimated 35,800 votes in 2004. With many new voters in 2008, it could be higher.

Absentee Ballots Rejected for Alleged Signature Mismatches – Oct. 31, 2008

- Election officials reject more than 500 absentee ballots due to alleged signature mismatches
- Florida does not inform voters with rejected ballots – without following up, voter has no way of knowing
- In other states, the home county will contact the voter and allow him/her the opportunity to show identification in person

Over the past few years Section 5 specifically has been used to protect the rights of Native Americans, Vietnamese, African American and Spanish speaking voters.

- Last year, a federal court determined that South Dakota discriminated against Native-American voters by packing them into a single district to remove their ability to elect a representative of their choice to the state legislature.
- 2004, City of Ville Platte, Louisiana, city officials attempted to perform a radical redistricting that would have reduced the number of districts in which the Black community had an opportunity to elect candidates of choice from 4 to 3, by packing Black voters into an overwhelmingly Black district and reducing Black population in a neighboring district to 38%. DOJ concluded that the plan was discriminatory, it could not be implemented.
- Texas 2003, Bexar county officials sought to undermine Latino voting strength by failing to place polling places near those communities during a special election where a Constitutional amendment was on the ballot. Using the special provisions of the VRA, Latino advocates were able to obtain expedited relief from the local district court that prevented the Latino voters from being silenced in the election.
- 2003, Harris County , TX elections officials failed to provide bilingual voting materials required under the VRA in Vietnamese until local advocates and DOJ compelled them do so. A Vietnamese candidate later won a legislative seat there.