



## General Principles

### Voting rights are protected by the U.S. Constitution and by federal statute

- The 15th Amendment prohibits the denial or abridgement of the right to vote “on account of race, color, or previous condition of servitude”
- The Voting Rights Act prohibits discriminatory voting practices and provides strong federal enforcement mechanisms.

### Under the U.S. Constitution, American elections are decentralized

- As a matter of constitutional design, our elections are **state-by-state** contests that are administered locally.
- This system provides important **checks** against corruption and fraud.

### Only in extreme circumstances can the federal government intrude on local control of elections

- The Voting Rights Act of 1965 was a unique exception to our decentralized voting system, made necessary by widespread, deliberate disfranchisement of blacks in the Jim Crow South.

## The Voting Rights Act (VRA)

### The Voting Rights Act of 1965

- was passed to give blacks access to the ballot, which had been unconstitutionally denied them in parts of the country;
- empowered the federal government to enforce voting rights nationwide;
- and gave the feds *temporary* power to oversee voting changes in jurisdictions with a history of racist election practices.

### Specific provisions

- **Section 2** permanently outlaws voting procedures that deny or abridge the vote on account of race or color;
- **Section 5** temporarily requires certain jurisdictions to get federal approval (“pre-clearance”) before making electoral changes;
- **Section 4** establishes criteria for determining which jurisdictions must seek Section 5 pre-clearance.

### The way forward

- The federal government has an important role to play in enforcing voting rights nationwide, but it should not micromanage local election procedures in jurisdictions with no recent history of voting discrimination.

# Addressing Misperceptions

MISPERCEPTIONS	FACTS
<p><b>Widespread disfranchisement of blacks remains common.</b></p>	<ul style="list-style-type: none"><li>■ The VRA worked: <b>In 1964 Mississippi, only 6.7 percent</b> of blacks were registered to vote; <b>today, 83.1 percent</b> are registered.</li><li>■ Blacks today vote in record <b>numbers</b>. In the South, blacks have <b>outvoted</b> whites in one-third of presidential elections since 1965. Nationwide, black turnout (<b>66.2%</b>) exceeded white turnout (64.1%) in 2012, and blacks have continued to vote in <b>record numbers</b> in recent elections.</li></ul>
<p><b>Pre-clearance is necessary to protect voting rights.</b></p>	<ul style="list-style-type: none"><li>■ The federal government can enforce voting rights without micromanaging local rules.</li><li>■ Pre-clearance only withstood constitutional scrutiny because it was an emergency measure targeted at the Jim Crow South.</li><li>■ After more than half a century, it is reasonable to ask whether federal oversight of local elections remains necessary and/or constitutional.</li></ul>