Section 5 of the Voting Rights Act: Necessary then and necessary now.

Chanel A Walker, The Ohio State University

Available at: https://works.bepress.com/chanel_walker/2/
Section 5 of the Voting Rights Act: Necessary Then and Necessary Now

Chanel Walker

INTRODUCTION

WHAT IS THE BEST ARGUMENT FOR KEEPING THE VOTING RIGHTS ACT? BETTER YET, DOES DISCRIMINATION STILL EXIST AND IF SO DOES IT EXIST ENOUGH SO TO MAKE THE VOTING RIGHTS ACT NECESSARY? SHELBY COUNTY HAS DEEMED THIS PROVISION OF THE VOTING RIGHTS ACT (SECTION 5) AS UNNECESSARY AND UNCONSTITUTIONAL. THIS COUNTY THINKS THAT DISCRIMINATION IS NO LONGER APPARENT IN VOTING PRACTICES, BUT IN THE 2012 PRESIDENTIAL ELECTION IT WAS MORE INHERENT THAN EVER WHEN MULTIPLE COUNTIES ALL OVER THE COUNTRY WANTED TO REDUCE THE HOURS ON POLLING PLACES AND WANTED TO DO AWAY WITH EARLY VOTING. IF THERE IS STILL EVIDENCE OF DISCRIMINATORY PRACTICES WHEN IT COMES TO VOTING, THEN THIS PROVISION IS IN PLACE TO REDUCE THAT. NOT ONLY SHOULD SECTION 5 OF THE VOTING RIGHTS ACT NOT BE REPEALED, IT SHOULD BE APPLIED TO EVEN MORE STATES AND COUNTIES ALL OVER THE COUNTRY TRIED TO REDUCE THE PROVISION THEN LET THEM PROVE IT BY BECOMING A COVERED JURISDICTION THAT IS ABLE TO COMPLETE THE BAIL OUT PROCESS. SECTION 5 WAS NECESSARY THEN AND IS STILL NECESSARY NOW.

MAIN POINTS

• LEGAL CONTROVERSY SURROUNDING SECTION 5 OF THE VRA
• SHELBY COUNTY V. HOLDER
• SECTION 5 OF THE VRA SHOULD NOT BE REPEALED
• SECTION 5 OF THE VRA SHOULD BE APPLIED TO EVEN MORE STATES

METHODS

DESPITE THE CONTROVERSY THAT SURROUNDS SECTION 5 OF THE VOTING RIGHTS ACT, IT IS NECESSARY THAT IT BE APPLIED TO EVEN MORE STATES THAN JUST THE ORIGINAL COVERED JURISDICTIONS. WE CAN ALLOW THIS BY ADVOCATING FOR MORE STATES AND COUNTIES TO BE EXAMINED FOR THE BAIL IN POLICY. STATES/COUNTIES THAT ARE PROVEN TO TAKE PART IN DISCRIMINATORY PRACTICES SHOULD BECOME COVERED JURISDICTIONS WHETHER THEY ARE IN TRADITIONAL SECTION 5-TARGETED AREAS OR NOT.

THERE IS A SOLUTION FOR STATES THAT FEEL THEY DO NOT NEED TO BE COVERED JURISDICTIONS AND THAT IS THE BAIL IN AND BAIL OUT POLICY. IF STATES ARE ABLE TO MAINTAIN A CLEAN RECORD OF NO DISCRIMINATION IN THEIR VOTING PRACTICES FOR TEN YEARS, THEY SHOULD BE ABLE TO BE TAKEN OFF THE COVERED JURISDICTION LIST.

SO FOR THE COUNTIES LIKE SHELBY COUNTY, THEY SHOULD WORK TO BAIL OUT OF BEING A COVERED JURISDICTION BEFORE THEY DEMAND FOR THE REPEAL OF VRA.

RESULTS

TO FIGHT REGRESSION THAT COULD POSSIBLY OCCUR IN SOME OF THE COVERED JURISDICTIONS THAT AT ONE TIME HAD OBSERVED DISCRIMINATORY PRACTICES IN VOTING PRACTICES, BUT IN THE 2012 PRESIDENTIAL ELECTION IT WAS MORE INHERENT THAN EVER WHEN MULTIPLE COUNTIES ALL OVER THE COUNTRY WANTED TO REDUCE THE HOURS ON POLLING PLACES AND WANTED TO DO AWAY WITH EARLY VOTING. IF THERE IS STILL EVIDENCE OF DISCRIMINATORY PRACTICES WHEN IT COMES TO VOTING, THEN THIS PROVISION IS IN PLACE TO REDUCE THAT. NOT ONLY SHOULD SECTION 5 OF THE VOTING RIGHTS ACT NOT BE REPEALED, IT SHOULD BE APPLIED TO EVEN MORE STATES AND COUNTIES ALL OVER THE COUNTRY TRIED TO REDUCE THE PROVISION THEN LET THEM PROVE IT BY BECOMING A COVERED JURISDICTION THAT IS ABLE TO COMPLETE THE BAIL OUT PROCESS. SECTION 5 WAS NECESSARY THEN AND LAST YEAR’S ELECTION PROVED THAT IT IS STILL NECESSARY NOW UNTIL WE GET TO A PLACE OF VOTING PRACTICES THAT MAXIMIZE VOTING POTENTIAL FOR EVERY VOTER AND NOT MINIMIZE IT.

CONCLUSIONS

• SECTION 5 OF THE VOTING RIGHTS ACT IS A CONSTITUTIONAL PROVISION AND SHOULD REMAIN IN PLACE AS LONG AS THERE ARE COUNTIES/STATES THAT MIGHT BE SUSPECTED OF USING DISCRIMINATION TO DETER VOTER TURNOUT. THERE HAVE BEEN MANY EXAMPLES OVER THE PAST YEAR THAT PROVE THAT SECTION 5 IS STILL USEFUL. NOT ONLY SHOULD IT NOT BE REPEALED, IT NEEDS TO BE APPLIED TO EVEN MORE COUNTIES AND STATES THAN THOSE THAT CURRENTLY SERVE AS COVERED JURISDICTIONS. IF A STATE OR COUNTY SUCH AS SHELBY COUNTY FEELS THAT THEY ARE ABOVE THIS PROVISION THEN LET THEM PROVE IT BY BECOMING A COVERED JURISDICTION THAT IS ABLE TO COMPLETE THE BAIL OUT PROCESS. SECTION 5 WAS NECESSARY THEN AND LAST YEAR’S ELECTION PROVED THAT IT IS STILL NECESSARY NOW UNTIL WE GET TO A PLACE OF VOTING PRACTICES THAT MAXIMIZE VOTING POTENTIAL FOR EVERY VOTER AND NOT MINIMIZE IT.

SOURCES