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## **REPORT ON VOTING RIGHTS ACT UNCOVERS NEW DATA FOR NATIONAL DEBATE ON REAUTHORIZATION**

*Report to be presented to Congress to inform House hearings in March*

**WASHINGTON, DC**— One of the most comprehensive reports available on the needs and challenges facing minority voters will be released this month, providing a rich data resource to Congress as it considers reauthorization of the Voting Rights Act. The issue promises to be one of the seminal policy debates of the year.

The new report, *Protecting Minority Voters: The Voting Rights Act, 1982-2005*, finds unlawful practices continue to disfranchise racial, ethnic and language minorities across the United States. The National Commission on the Voting Rights Act, launched last year by the Lawyers' Committee for Civil Rights Under Law, has been asked to submit the report to the congressional record to inform the debate on temporary provisions of the Voting Rights Act (VRA) set to expire in 2007. The House Judiciary Subcommittee on the Constitution, which held 10 hearings late last fall, is expected to begin a new round of hearings on the VRA in March.

Comprised of a diverse, bipartisan body of former elected and appointed officials, legal scholars and civil rights advocates, the Commission set out to collect data probing the impact and persisting needs of the temporary enforcement provision since the last VRA reauthorization in 1982.

Commissioners held 10 hearings across the nation from March to October 2005, receiving 100 witnesses and thousands of pages of testimony. The 125-page report also reflects the Commission's examination of information obtained from governmental, legal, media and scholarly sources.

The Commission uncovered substantial findings of discrimination across the country. The report sets forth how the VRA has served as a deterrent and safeguard against voter disfranchisement. All the evidence suggests that the VRA is the most powerful tool available to foster participatory democracy.

"The hard data backed by scores of witnesses who testified during our 10 hearings demonstrate that discrimination is not confined to the Deep South.," says Bill Lann Lee, Commission chair and former Assistant U.S. Attorney General for Civil Rights. "Unfortunately, discrimination in voting is persistent, current, and affects minority voters in every region of the country."

### **The Voting Rights Act: What's at Stake?**

Amended and reauthorized with wide bipartisan support four times since 1965, the VRA consists of both permanent and nonpermanent features. While the original focus of the Act responded to African Americans residing predominantly in the South, the amendments addressed other jurisdictions and language minorities—namely, Latinos, American Indians, Alaska Natives and Asian Americans.

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Temporary provisions up for renewal are consequential to the preservation of minority voting rights:

- **Section 5** requires covered states and political subdivisions in part or all of sixteen states to submit all proposed electoral changes for approval or *preclearance* either to the Attorney General or the U.S. District Court for the District of Columbia. Unless approved in advance, the alterations cannot be implemented. Section 5 covers all or part of 16 states.
- **Section 203 and Section 4(f)(4)** (the “minority language provisions”) mandate that certain jurisdictions in thirty-one states must provide language assistance to speakers of Native American, Native Alaskan, and Asian languages and Spanish.
- **Sections 6 – 9 and Section 13** authorize the federal government to send election examiners to jurisdictions covered by Section 5 where there is evidence of potential voter intimidation at the polls. Every year for the past 40 years (except 1973), federal monitors have observed polling places and vote counting procedures to document and deter inappropriate or discriminatory conduct.

The Commission report indicates that the Voting Rights Act has significantly improved minority access to political participation in several ways, including the following:

**The number of elected officials of color in local, state, and federal positions increased.** In 2000, there were over 9,000 black elected officials, compared with 1,469 in 1970. The ranks of Latino elected officials grew to over 5,200 since passage of the VRA. The number of Asian American elected officials grew from 120 in 1970 to 346 in 2004.

**Voter turnout gap narrowed among blacks.** The gap in reported voter turnout between African American and non-Hispanic whites declined from 12.2 percent in 1964 to 6.9 percent in 2000.

**The minority language provisions have increased the ability of limited-English proficient voting-age citizens to fully participate in the electoral process.** The Commission heard testimony from several witnesses, including election administrators, about the difference that providing language assistance has made in their communities.

“The VRA put teeth in the 15<sup>th</sup> Amendment,” says Barbara Arnwine, executive director of the Lawyers’ Committee. “The Act cannot be dismissed as a relic of our past. Its protections are very needed today, according to the extensive testimony and research. The VRA temporary provisions are indispensable in extending equal access to the ballot to minority citizens.”

## **The Remaining Challenges in Protecting the Right to Vote**

While evidence of the VRA’s impact is clear, the Commission report reveals that racial and language minorities are still vulnerable to historic tactics and new devices designed to dissuade and disfranchise. *Protecting Minority Voters* documents that minorities face unequal access to the ballot ranging from voting barriers to challenges electing representatives of their choice.

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The report chronicles a landscape of active objections and violations:

- **Of the 1,116 Section 5 objections filed**, the majority (626) have been recorded after the last congressional reauthorization between 1982 and 2004. Many of the recent objections prevented racially discriminatory redistricting plans from being implemented.
- **The overwhelming majority of objections** occurred in southern states with a sizable non-white voting-age population. The largest number was filed in Mississippi, followed by Texas, Louisiana, Georgia, South Carolina, and Alabama.
- **At least 105 successful Section 5 enforcement** actions have been filed by private citizens or the Department of Justice since 1982.
- **At least 206 withdrawals of proposed voting changes** have occurred after the DOJ requested additional information before granting preclearance. In many instances, such action suggests that local officials concluded that the change would be ruled as violating the Act.
- **More than 622 observer teams**, composed of several thousand election-day monitors, have been dispatched by the Attorney General to covered jurisdictions. This proactive measure responds to racial tensions and suspicions of discrimination. Five of the Deep South states originally covered by Section 5 accounted for 66 percent of all post-1982 dispatches.

Other key findings:

**Disfranchisement of minority voters remains a significant problem.** The Commission received testimony and written reports about the barriers that racial and ethnic minorities face in voting. Impediments referenced include discriminatory behavior by pollworkers, such as requiring only minority voters to show identification or take a citizenship oath before voting; efforts to challenge groups of minority voters *en masse*; inadequate provision of minority language assistance; and last-minute polling place changes in minority communities. One byproduct of this disfranchisement is the continued gap between white and minority turnout: only 45 percent of Latinos and 43 percent of Asian Americans within the voting-age population reported voting in November 2000, as compared to 62 percent of non-Hispanic whites.

**The dilution of minority voting strength persists as a significant problem.** Racially polarized voting – where whites vote as a bloc to defeat candidates preferred by minority voters – continues to exist in much of the country. In combination with polarized voting, the use of various devices such as at-large elections in majority-white jurisdictions and “packing” and “cracking” of minority communities in redistricting schemes, have hampered full political participation of minority voters.

“I began this process as a skeptic on the value and need for reauthorization of the temporary provisions,” acknowledges Commissioner Chandler Davidson, a voting rights scholar who spearheaded the work on the report. “A record enriched by 10 hearings, scores of witnesses and voluminous data has convinced me that the temporary provisions have made, and continue to make, a huge impact in empowering communities that have been historically denied equal access to the ballot.”

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