

Power Point accompaniment for Carolina K-12's

African American Voting Rights

and the

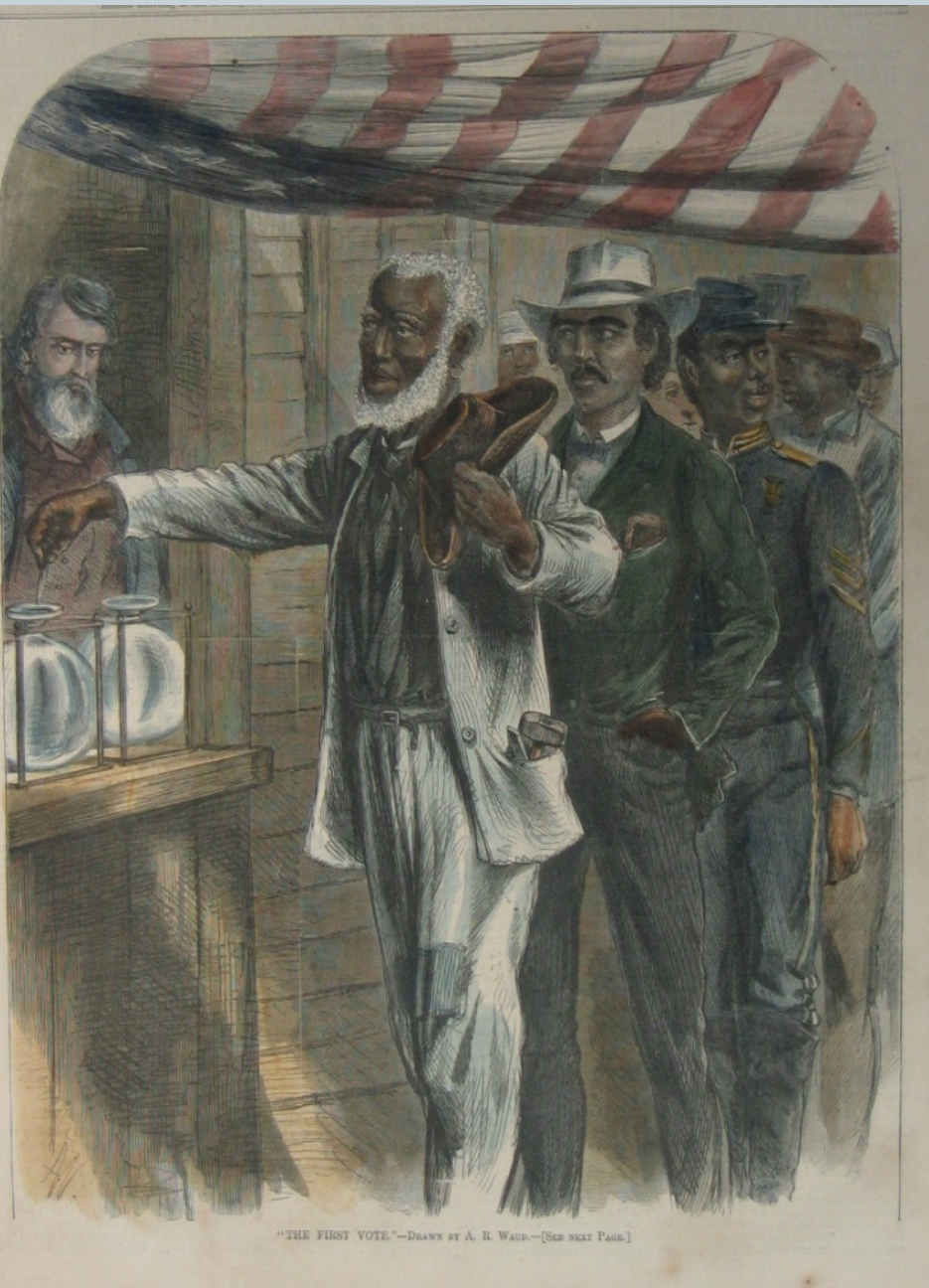
NC State Constitution

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Warm-Up

Take a few moments to examine this image & consider:

- What do you imagine is taking place?
- Who are the people you see & what are they doing? How are they feeling?
- During what year is this action occurring and why is it occurring?

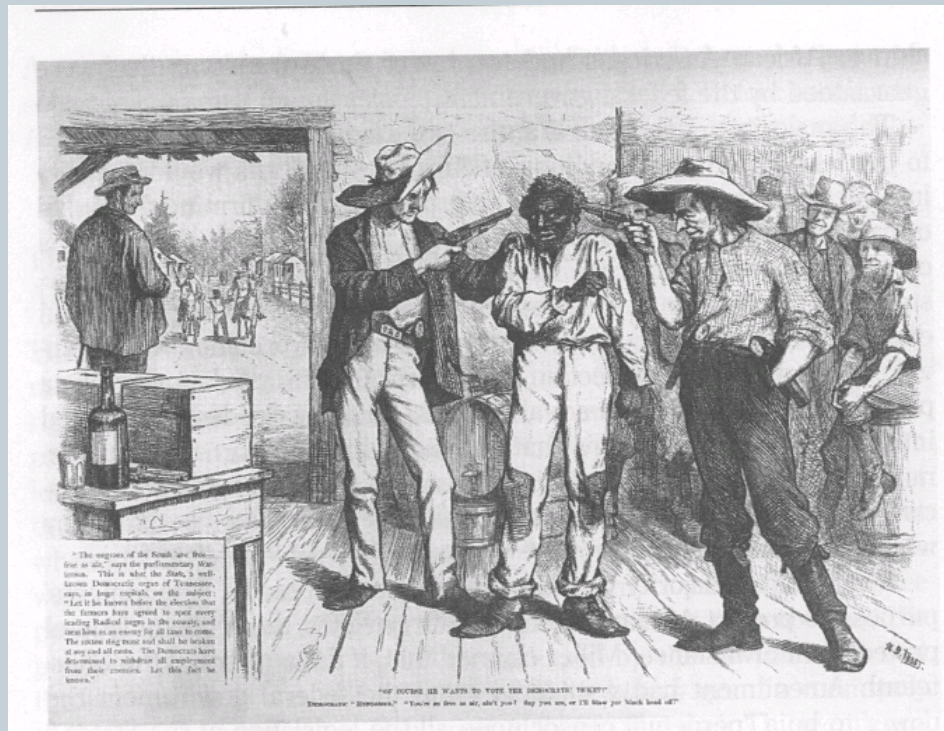
Suffrage

- The right to vote



Disenfranchise

- To deprive someone of their right to vote



Grandfather Clause

- a clause creating an exemption based on circumstances previously existing ;
- *especially*: a provision in several southern state constitutions designed to enfranchise poor whites and disenfranchise blacks by waiving high voting requirements for descendants of men voting before 1867



Poll Tax

- A special tax, demanded by states, as a condition of voting.

This receipt is furnished in pursuance of Section 910, Compiled General Laws of Florida, 1927 :—
ERNEST AMOS, Comptroller

POLL TAX RECEIPT

STATE OF FLORIDA } 1932 No. 6177
DUVAL COUNTY }

Received of Florida Hewitt the sum of ONE DOLLAR in
payment of his or her Capitation or Poll Tax for the year A. D. Nineteen Hundred and Thirty-Two (1932)

Color C Sex F Age 32 No. Election District 6

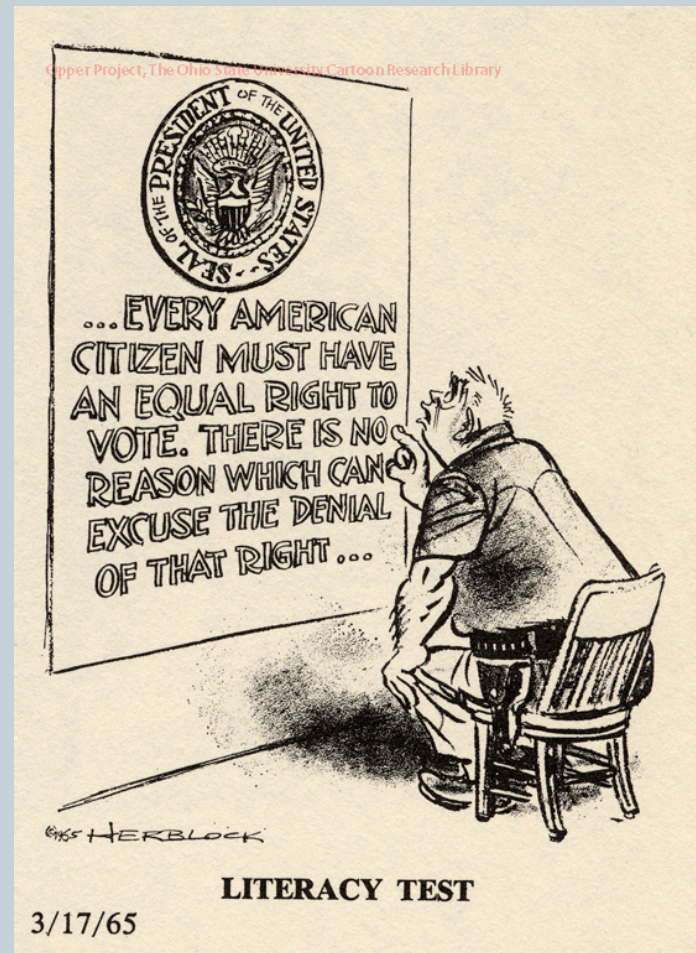
Residence Address:
1226 W. 8th

Rose Ptg. Co.—Tallahassee, 733

R. H. Hamrell
Tax Collector for Duval County.

Literacy Test

- A reading and writing test given to potential voters to determine if they are eligible to vote.
- African Americans were often disenfranchised by literacy tests because they were given near impossible tasks to complete.



Section 4 of the Voting Rights Act & *Shelby v. Holder*

- Section 4 is — or *was*, before the *Shelby County v. Holder* decision — a key part of the Voting Rights Act, because it provided a formula for the federal government to use in identifying jurisdictions with problematic histories of racial discrimination.
- As of 2013, this formula classified Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia, as well as parts of California, Florida, Michigan, New York, North Carolina, and South Dakota, as qualifying.
- However, that formula was struck down by the Supreme Court's decision in *Shelby County v. Holder* and is no longer law. That's why a lot of the contemporary discussion you'll hear about the fight over voting rights has to do with how election laws with potentially discriminatory impacts can be kept in check now that this section is disabled. The *Shelby* decision left room for Congress to update and rewrite the formula that determines covered jurisdictions, but Congress hasn't done so yet.

- Here's how Section 4 interacts with the other key sections of the Voting Rights Act: 2, 3 and 5:
 - **Section 5** of the VRA provides that any changes to voting laws in the jurisdictions covered by Section 4's formula can't be enforced until they are approved by either a three-judge court in the District of Columbia or by the attorney general of the United States — a process known as “preclearance” — to ensure they do not have a harmful impact on minority voters.
 - It also gives the attorney general the power to send federal officials into covered jurisdictions to check for violations of the act.
 - ***However, when the coverage formula in Section 4 was struck down by Shelby, Section 5 was effectively disabled as well, because it can't work without a list of jurisdictions that are covered.***
 - **Section 2** sets out the law's basic purpose and prohibits any voting practice or procedure that discriminates on the basis of race, color, or, in certain cases, language. It also allows the federal government or other actors to challenge discriminatory laws in court. However, it can only be used to challenge laws that already exist. This section wasn't affected by *Shelby* because it doesn't rely on the Section 4 coverage formula, so it can still be used.
 - **Section 3** — sometimes known as the “bail-in” provision — allows lawsuits from citizens asking a judge to require a state or other jurisdiction to get preclearance from the federal government, as described in Section 5. The *Shelby* court didn't strike down Section 3, so it's still an available tool for lawyers who want to use the VRA to challenge election laws.