“I have been part of those who have gone abroad extolling the American process […] I went to the Soviet Union […] I went to South Africa […] during Apartheid […] I was there to try to offer a little encouragement […] I cited the American experience. I cited the struggle we had in the South with voting rights, the lynchings of persons who attempted to exercise their right[s] […] We had the ‘64 Civil Rights Act. We had the ‘65 Voting Rights Act. […] Throughout the country, we had African Americans serving on our various bodies of jurisprudence. These things, I felt, were made possible because persons were able to vote. […] And, now, here in this country […] we are engaged in a degree of voter repression […] [and] it’s urgent that we turn this around.”

–Guest Commissioner and retired Judge for the U.S. Court of Appeals for the Sixth Circuit, Hon. Nathaniel Jones at the NCVR Columbus regional hearing
CONCLUSION

This report sets forth in substantial detail the breadth and depth of how election laws and practices adopted or implemented since 1995 have had a negative and disproportionate impact on the full and equal participation of African-American, Latino, Native American, and Asian voting age citizens.

Voting Rights Act violations, other than those related to language assistance, remain most concentrated in the jurisdictions that were formerly covered by Section 5. Although the full impact of the Shelby County decision and its effective nullification of Section 5 cannot be fully comprehended so soon after the decision, the immediate reaction of several formerly covered states has been to implement voting changes that a federal court or the Department of Justice had affirmatively blocked or that the jurisdiction had deferred while waiting for the Shelby County decision. These states’ instantaneous reaction to the Court’s decision does not portend well for the future.

As the minority language population continues to grow and move in larger numbers to more states and localities, violations of Section 203 and the other language-related protections—sometimes in combination with intimidation or harassment—are occurring in new areas of the country. Indigenous peoples also continue to suffer recent and severe discrimination in voting.

Perhaps the most disturbing emerging trend involves the spike in activities described in Chapter 6: laws and practices—like government-issued photo identification requirements for voters—which effectively disenfranchise racial minorities in greater number, and the laws that reduce the availability of methods of voting—like early voting—that minority voters use more than white voters. It is difficult not to view these voting changes with a jaundiced eye, given the practical impediments they create and the minimal, if any, measurable legitimate benefit they offer. The “omnibus” voting legislation passed in North Carolina is perhaps the best example of how this emerging trend and the Shelby County decision have coalesced: after Shelby County, the North Carolina legislature quickly enacted a law that, among other things, contains a restrictive voter identification requirement, reduces the duration of early voting, and eliminates same-day voter registration during the early voting period.

In 1964, the Supreme Court stated in Reynolds v. Sims that because “the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.” This principle of constitutional law should guide courts, policymakers, election administrators, and citizens every time they contemplate an election law or practice. All too often, however, this principle is ignored—to the detriment of minority voters. As long as this is the case, specific legal protections that deter and combat the broad range of methods of discriminating against minority voters, and the vigorous enforcement of these protections, remain vitally important to American democracy.