

# Issue Overview: Voting rights

By Bloomberg, adapted by Newsela staff on 10.04.16

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TOP: Voters head to the polls in Alabama's Republican Primary. Photo by Win McNamee. BOTTOM: Graphic by U.S. Department of Justice

Some court rulings end fights, while others stir them up. In 2013, the Supreme Court decided a case about voting laws that is still causing widespread disagreement. Courts and legislatures across the United States are still struggling to answer a big question: Has the country overcome its history of racial discrimination enough to get rid of some laws that prohibit it?

In 1965, Congress passed the Voting Rights Act. The law banned states from passing laws that made it difficult or impossible for African Americans to vote. In 2013, the Supreme Court ended an important part of the law, which said that the federal government could block proposed new voting laws in certain states with a history of discrimination.

Immediately, many states passed laws to make voting requirements stricter. All of these states had Republican governors. The states said the new laws were enacted to end voter fraud. Opponents said the real purpose of these laws was to make it harder for blacks and Hispanics to vote. As the 2016 presidential election approaches, a growing number of courts agreed.

## **The Situation**

In mid-2016, courts ended new voting requirement laws in six states. The courts found that the Texas, North Carolina, Wisconsin, Kansas, North Dakota and Ohio laws were discriminatory. A federal appeals court ruled that the Republican-controlled legislatures had aimed the North Carolina law at black voters "with almost surgical precision." Most African-Americans vote for Democratic candidates, not Republican ones.

Fifteen states will have new voting restrictions this year. Some of these laws require citizens to show photo identification before they vote. Others limit early voting. These laws were passed after the Supreme Court said the federal government does not have the right to block them. Hillary Clinton, the Democratic presidential nominee, has called for universal voter registration and early voting across the country. The Republican nominee, Donald Trump, has warned that without strict laws, people "are going to vote 10 times."

Texas agreed to allow voters to use more kinds of documents to prove their identity after a court found its law discriminatory. Even with the latest court rulings, 15 states will have new voting restrictions this year.

## **The Background**

The 1965 Voting Rights Act gave back the right to vote to millions of black people in the South. They had been prevented from voting by poll taxes, which required them to pay a tax to register to vote. Many state laws also required literacy tests.

One of the Voting Rights Act's key parts is Section 5. It required that the federal Justice Department must approve changes to voting laws even before they are passed in certain areas. These areas were determined by a formula that looked at voter registration rates, voter turnout and voting rules in the 1960s and early 1970s. Most Southern states were on the list, along with Alaska and Arizona. Parts of California, Michigan and New York also had to check with the government before they changed their laws.

Over the years, Congress used Section 5 to block thousands of proposed changes. In June 2013, the Supreme Court voted 5-4 to change the Voting Rights Act. Chief Justice John Roberts ruled that the list of states had not been changed for decades even though they had reduced racial discrimination.

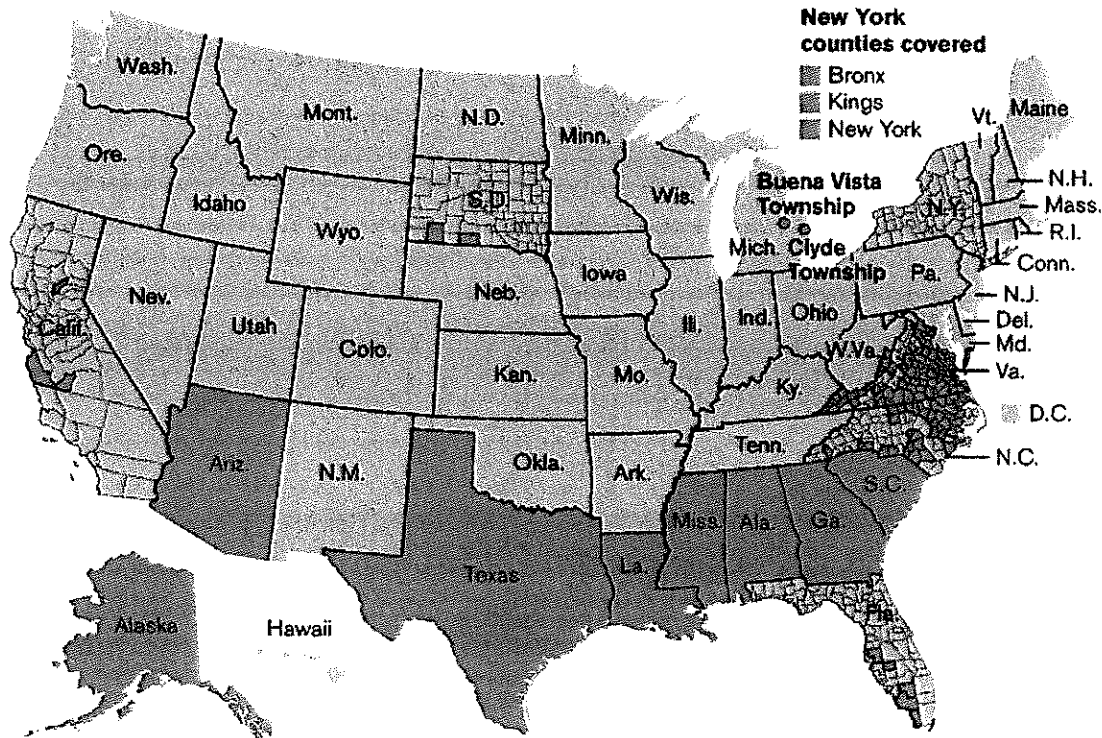
The law still allows the government to challenge voting rules under another part, Section 2. But it can only oppose a law after it has been passed, not before. Some lawmakers wanted to update the list of states, but did not have enough support in Congress.

# Now They Don't Have to Ask

States and counties that were required to seek federal permission for election law changes before the U.S. Supreme Court invalidated part of the Voting Rights Act

■ States or areas that had to comply

■ Not covered or excused



## The Argument

Supporters of the 2013 Supreme Court ruling say the Voting Rights Act is not needed any more. It succeeded in ending racial discrimination in voting. These supporters say that if the federal government pre-approves the election laws in any state, it should do it in all states.

Republicans say the new election laws simply make sure that elections are honest. They say the requirements are reasonable, like checking proof of identity before getting on an airplane. Democrats point to studies showing that voter fraud, such as voting with a fake ID, is extremely rare. In the Texas case, evidence showed that fraud had been found just twice in the 62 million votes cast on Election Day in the last 14 years. A judge in a Wisconsin case called it a "mostly phantom" problem.

Both Republicans and Democrats agree that there is more cheating in absent voting done through the mail. None of the new laws dealt with absent voting, however. The court decisions show that judges are stopping efforts to make voting requirements more strict.

