

## From Justice Department website

### *Shelby County* decision

On June 25, 2013, the Supreme Court announced its decision in *Shelby County v. Holder*, 570U.S. \_\_\_\_, 2013 WL 3184629 (U.S. June 25, 2013) (No. 12-96). A link to the decision is available [here](#).

The Supreme Court's decision in *Shelby County v. Holder* held invalid a key provision of the Voting Rights Act. Specifically, the decision addressed the coverage formula in Section 4(b) of the Voting Rights Act that identified those covered jurisdictions that, due to indicators of a history of discrimination, were required by Section 5 of the Voting Rights Act to seek preclearance from the Attorney General or the D.C. District Court before implementing new voting changes. The effect of the *Shelby County* decision is that the jurisdictions identified by the coverage formula in Section 4(b) no longer need to seek preclearance for new voting changes, unless they are covered by a separate court order entered under Section 3(c) of the Voting Rights Act. However, federal law continues to protect citizens from discrimination in voting and from other voting rights violations. As the Supreme Court's decision described, Section 2 of the Voting Rights Act, which prohibits discrimination in voting based on race or language minority status, and which applies on a permanent nationwide basis, is unaffected by the decision. Likewise, other provisions of the Voting Rights Act that prohibit discrimination in voting remain in full force and effect, as do other federal laws that protect voting rights, including the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, and the Help America Vote Act.

### Section 5 submissions

With respect to administrative submissions under Section 5 of the Voting Rights Act, that were pending as of June 25, 2013, or received after that date, the Attorney General is providing a written response to jurisdictions that advises:

On June 25, 2013, the United States Supreme Court held that the coverage formula in Section 4(b) of the Voting Rights Act, 42 U.S.C. 1973b(b), as reauthorized by the Voting Rights Act Reauthorization and Amendments Act of 2006, is unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. *Shelby County v. Holder*, 570U.S. \_\_\_\_, 2013 WL 3184629 (U.S. June 25, 2013) (No. 12-96). Accordingly, no determination will be made under Section 5 by the Attorney General on the specified change. *Procedures for the Administration of Section 5 of the Voting Rights Act*, 28 C.F.R. 51.35. We further note that this is not a determination on the merits and, therefore, should not be construed as a finding regarding whether the specified change complies with any federal voting rights law.

### Section 3(c) preclearance

*Shelby County* does not affect Section 3(c) of the Voting Rights Act, 42 U.S.C. 1973a(c). Jurisdictions covered by a preclearance requirement pursuant to court orders under Section 3(c), remain subject to the terms of those court orders.

