Petition for Exemption from Preclearance Requirements under Section 5 of Voting Rights Act

SEPTEMBER 26, 2012

Voting Rights Act

- Adopted in 1965 and extended in 1970, 1975 and 1982
- Considered most successful piece of civil rights legislation
- Implements 15th Amendment guarantee that no person shall be denied the right to vote on account of race or color
- In 1965, only one-third of all African Americans of voting age were registered in six southern states
- Case by case litigation inadequate to eliminate persistent discrimination in voting
- Section 5 provided that no voting changes in these states could be implemented until approved by Attorney General or three-judge court in D.C.
- Currently, all or portions of 16 states are subject to preclearance requirements
- The 1982 amendment included provisions for how jurisdictions could terminate coverage of the preclearance requirement

Bailout Applicant Must Demonstrate that During Past 10 Years:

- No test or device used for the purpose or effect of voting discrimination
- All voting changes have been reviewed under Section 5
- No voting change has been objected to by the Attorney General or denied by D.C. District Court
- No adverse judgments and lawsuits alleging voter discrimination
- No consent decrees or agreements to abandon discriminatory voting practices
- No pending lawsuits alleging voter discrimination
- No federal examiners assigned by DOJ

Bailout Applicant Must Also Demonstrate:

- Constructive efforts to eliminate any intimidation and harassment of persons seeking to register and vote
- Expanded opportunities for voter registration and voting
- Appointment of minority officials through the jurisdiction and all levels of the electoral process
- Evidence of minority electoral participation

Categories of Information to Be Compiled

- Election returns for last 10 years identifying minority candidates
- Voter registration data at the time of each election for the last 10 years and percentage who actually voted
- Poll officials: name, race/ethnicity of each person who worked at the polls in each election
- Names and addresses of local minority leaders
- Methods of election used for all public offices
- Minutes of Board of Supervisors, Town Council and Electoral Board for past 10 years
- Description of voter registration process in Hanover and voter registration drives

Meetings Regarding Bailout Petition

- August 2 meeting with 14 minority community leaders
- Advertised community meeting on September 8
- Expressed concerns include:
  - BOS decided to initiate petition without community input
  - Questions about applicability of Voting Rights Act after bailout
  - Assurance provided by preclearance requirements outweighs burden
- Contact information for those at September meeting will be provided to DOJ and used to provide participants with status of petition

Purposes for Seeking Bailout

- Opportunity to demonstrate history of fair voting practices
- Cost savings from not making preclearance submissions
- Greater flexibility and efficiency in making typically routine voting changes

Projected Timetable

- Next 45 days consumed with activities related to federal election
- Collection of records and other data in November and December
- Preparation and submission of petition in January
- DOJ review of materials and local interviews; possible decision by DOJ by mid-summer