

From: Patel, Swati  
To: Godfrey, Rob <RobGodfrey@gov.sc.gov>  
Stirling, Bryan <BryanStirling@gov.sc.gov>  
Haley, Nikki <govhaley@gov.sc.gov>  
Soura, Christian <ChristianSoura@gov.sc.gov>  
Baker, Josh <JoshBaker@gov.sc.gov>  
CC: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>  
Date: 6/25/2013 11:11:47 AM  
Subject: Voting Rights Act decision

---

SCOTUS held in a 5 to 4 decision that Section 4 of the Voting Rights Act is unconstitutional. Section 4 sets forth the formula for determining which jurisdictions should be covered under the VRA for purposes of preclearance requirements. This decision effectively ends the 48-year preclearance requirement for all 9 states, including South Carolina, and the other counties within 6 other states – until Congress changes the formula. Other parts of the VRA are upheld. Parties can still bring VRA challenges but the burden effectively shifts the other way now. Significant quotes from the Court:

“The Voting Rights Act imposes current burdens and must be justified by current needs and concluded that a departure from the fundamental principle of equal sovereignty requires a showing that a statute’s disparate geographic coverage is sufficiently related to the problem that it targets.”

“The Voting Rights Act sharply departs from these basic principles. It requires States to beseech the Federal Government for permission to implement laws that they would otherwise have the right to enact and execute on their own. And despite the tradition of equal sovereignty, the Act applies to only nine States (and additional counties).”

“Nearly 50 years later, things have changed dramatically. Largely because of the Voting Rights Act, “[v]oter turnout and registration rates” in covered jurisdictions “now approach parity. Blatantly discriminatory evasions of federal decrees are rare. And minority candidates hold office at unprecedented levels.”

“But a more fundamental problem remains: Congress did not use that record to fashion a coverage formula grounded in current conditions. It instead re-enacted a formula based on 40-year-old facts having no logical relation to the present day.”

Swati S. Patel  
Chief Legal Counsel  
Office of the Governor.South Carolina  
1205 Pendleton Street  
Columbia, SC 29201  
DD 803.734.5095