

## **FACT SHEET**

### *SHELBY COUNTY, ALABAMA V. HOLDER*

- Shelby County is a political subdivision of the State of Alabama, and is therefore subject to Section 5 of the Voting Rights Act.
- Section 5, the heart of the Voting Rights Act, requires covered jurisdictions (jurisdictions with a history of racial discrimination) to submit for federal review changes to voting laws, procedures or practices.
- Shelby County's challenge seeks to invalidate Section 5 not only in Alabama but in all of the 16 states that are covered in whole or in part.
- There is recent evidence of ongoing voting discrimination within Shelby County, Alabama. In 2006, Calera, a city in Shelby County, redrew its political boundaries without receiving preclearance from the federal government. The result was the ouster of the city's only African-American councilman, Ernest Montgomery, only the 2<sup>nd</sup> African-American to be elected in the city's history.
- Councilman Montgomery's district was comprised of 70.9% registered African-American voters before the redistricting and only 29.5% afterward; the city's actions eliminated a majority minority district and worsened the position of Black voters.
- There is a long Congressional record detailing similar tactics employed over the years in covered jurisdictions to dilute or deny African Americans' right to vote. Because of this record, Congress voted to reauthorize Section 5 in 2006 by wide margins in both the Senate and the House. Congress concluded that Section 5's protections remained necessary to deal with ongoing discrimination.
- Only recently, the United States Supreme Court observed: "[s]till, racial discrimination and racially polarized voting are not ancient history. Much remains to be done to ensure that citizens of all races have equal opportunity to share and participate in our democratic processes and traditions."
- In *Northwest Austin Municipal Utility District No. 1 v. Holder*, the last case challenging the constitutionality of Section 5 and a case argued by LDF, the Supreme Court issued an 8 to 1 ruling which left Section 5's protections intact.
- Since this decision four challenges have been filed questioning Section 5's constitutionality.
- LDF filed a motion to intervene in *Shelby County, Alabama v. Holder* in June 2010. The motion was granted in August 2010. The District Court argument is expected to take place in February 2011. LDF argues that the overwhelming record of ongoing discrimination throughout the covered jurisdictions supports Congress's decision to renew Section 5 and underscores the need for this important law.

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**ABOUT LDF**

The NAACP Legal Defense and Educational Fund, Inc. (LDF) is America's premier legal organization fighting for racial justice. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans. LDF also defends the gains and protections won over the past 70 years of civil rights struggle and works to improve the quality and diversity of judicial and executive appointments.

