

VRA

VOTING RIGHTS . . . Some background information for the March unit meeting . . .
on the Voting Rights Act and the VRA Monitoring Project

The Voting Rights Act was passed by the Congress in 1965, and amended in 1970 and 1975. The major purpose of the VRA of 1965 is to protect the right to vote. The law has provisions that apply to voting rights of all citizens generally. It also has special provisions that are designed to guarantee that states and localities do not discriminate against racial minorities in registration and voting. The special provisions of the Act were renewed in 1970 and again in 1975 and were expanded to include language minorities.

General provisions of the law that apply to all states include a requirement for all states to permit absentee registration and voting for president and vice president and a limitation on residence requirements to 30 days for voting in such elections. The act also forbids anyone denying an eligible citizen the right to vote or interfering with persons seeking to register or vote and prohibits literacy tests.

When the Act was being considered by Congress in 1965, the basic problem addressed was the fact that some states and localities administered registration and voting in a racially discriminatory way. Generally these jurisdictions used a variety of qualifying tests that were applied in such a way as to disenfranchise racial minorities. Therefore Congress provided for special coverage of the act which is triggered in any state or locality which in the 1964 or 1968 presidential elections had a registration rate or voter turnout rate of less than 50 percent of the voting age population, and maintained a test or device as a prerequisite for voting. The 1975 amendments added two more triggers to activate special coverage; these relate to language minorities defined in the Act as American Indians, Asian Americans, Alaskan Natives, and persons of Spanish heritage.

Any jurisdiction meeting any one of the triggers comes under special coverage. This means it must open its election processes to federal scrutiny. The federal remedies provide that the Attorney General may authorize federal examiners to list new voters who are qualified to be registered but who have been unable to register to send out federal observers to watch the conducting of elections.

In order to be removed from special coverage, a jurisdiction must seek a declaratory judgment from the U.S. District Court for the District of Columbia that it has not used a test or device as a prerequisite for voting for a period of years with the purpose or effect of denying the right to vote on account of race or color, or to deny language minorities their voting rights.

The provisions of the act alert election officials and others to the fact that the federal government will guarantee minority voting rights, and will not permit changes to be instituted that would adversely affect the ability of minorities to participate in political life.

Perhaps the most important aspect of special coverage is the requirement that covered jurisdictions submit to the Attorney General (or to the U.S. District Court for the District of Columbia) all proposed changes in voting qualifications, procedures or practices or any other change that may affect an individual's right and ability to vote.

As you undoubtedly know, Virginia is under the Voting Rights Act. To remind us why, a memo of June 3, 1981, from Dorothy Nieweg, Virginia League's election laws and voting rights chair, reminds us that on November 1, 1964, Virginia maintained a test or device as a prerequisite to registration or voting (the requirement that the voter " . . . make application to register in his own handwriting . . ." was considered a literacy test); and Virginia had a total voting age population of which less than 50 percent were registered or actually voted in the 1964 presidential election.

Certain provisions of the VRA are due to expire in 1982--the "pre-clearance requirements." Legislation which would extend the provisions of the Act, H.R. 3112, the Voting Rights Act Amendments of 1981, was passed in the U.S. House of Representatives on October 5, 1981, by a vote of 389-24. Nine of Virginia's ten Representatives voted against extension, including our Representative, William C. Wampler. The Senate Bill, S. 895, which would extend from August 6, 1982, to August 6, 1992, the time period during which changes in voting laws must be pre-cleared with the Federal Government and the time period during which jurisdictions covered by the triggering mechanism must not have used a test or device to deny the right to vote on account of race in order to be released from coverage is now pending in the U.S. Senate. Senator Harry F. Byrd wrote LWV-MC last July in response to our letter asking his support that he believes "the Voting Rights Act of 1965 has long since served its purpose, . . ." and that this "intrusion on states rights has gone on much too long," and he is opposed to further extension. Senator John W. Warner's reply was non-committal, but we understand he too opposes extension.

The VRA Monitoring Project is being directed by the League of Women Voters Education Fund (LWVEF), a nonpartisan research and education organization. The project is to monitor local registration and election practices in Georgia and Virginia, both of which are covered by Sections 4 and 5 of the Voting Rights Act.

The project's purpose is to identify the extent to which procedural barriers in the local administration of elections inhibit minority political participation. The Virginia Leagues chosen to participate in this project are Danville, Gloucester-Mathews, and Norfolk-Virginia Beach.

In preparation for the unit meeting, you may wish to look for newspaper or TV or radio news accounts of current activities affected by the Voting Rights Act. The Virginia General Assembly's efforts to redistrict itself have been and continue to be in the news because of protests lodged with the Justice Department that the various plans are not in compliance with the VRA as well as for other reasons.

-- Kaye Wright, Action Coordinator

REMEMBER--- UNIT MEETINGS ON TUESDAY MARCH 16
AND THURSDAY MARCH 18 HAVE BEEN
CANCELLED!

The Wednesday evening unit will
meet on March 17 at 7:30 p.m. as
usual.
