

# SHELBY V. HOLDER (2013)



Credit  
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- Section 4 coverage formula unconstitutional
- Leaves section 5 preclearance intact but unenforceable
- Section 2 intact - challenges still possible and still slow and expensive
- Will congress write a new coverage formula?

“the Act imposes current burdens and must be justified by current needs.”

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WHAT DOES A VRA CHALLENGE REQUIRE? AMONG OTHER GUIDANCE....

## SENATE FACTORS (1982)

1. The history of official discrimination in the jurisdiction that affects the right to vote;
2. **The degree to which voting in the jurisdiction is racially polarized;**
3. The extent of the jurisdiction's use of majority vote requirements, unusually large electoral districts, prohibitions on bullet voting, and other devices that tend to enhance the opportunity for voting discrimination;
4. Whether minority candidates are denied access to the jurisdiction's candidate slating processes, if any;
5. The extent to which the jurisdiction's minorities are discriminated against in socioeconomic areas, such as education, employment, and health;
6. Whether overt or subtle racial appeals in campaigns exist;
7. The extent to which minority candidates have won elections;
8. The degree that elected officials are unresponsive to the concerns of the minority group; and
9. Whether the policy justification for the challenged law is tenuous.

## THORNBURG V. GINGLES (1986)

1. compactness - racial/language minority group is “sufficiently numerous and compact to form a majority in a single-member district”
  2. **the minority group is “politically cohesive”**
  3. **“majority votes sufficiently as a block to enable it...usually to defeat the minority’s preferred candidate”**
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