

Twenty percent of a city's residents are members of minority racial groups. These residents are evenly distributed among the many different residential areas of the city. The five city council members of the city are elected from five single-member electoral districts that are nearly equally populated. No member of a minority racial group has ever been elected to the city council.

A group of citizens who are members of minority racial groups files suit in federal district court seeking a declaratory judgment that the single-member districts in the city are unconstitutional. The group claims that the single-member districting system in that city diminishes the ability of voters who are members of minority racial groups to affect the outcome of city elections. The group seeks an order from the court forcing the city to adopt an at-large election system in which the five candidates with the greatest vote totals would be elected to the city council. No state or federal statutes are applicable to the resolution of this suit.

Which of the following constitutional provisions provides the most obvious basis for the group's claim in this suit?

- A. The due process clause of the Fourteenth Amendment.
- B. The Fifteenth Amendment.
- C. The privileges or immunities clause of the Fourteenth Amendment.
- D. The Thirteenth Amendment.

Explanation:

Voting protections

14th Amendment	Prohibits substantial impairment of voting rights
15th Amendment	Prohibits denial or abridgment of voting rights based on race, color, previous servitude
19th Amendment	Prohibits denial or abridgment of voting rights based on sex
24th Amendment	Abolishes poll taxes
26th Amendment	Establishes right to vote at 18 years old

The **Fifteenth Amendment prohibits** state and federal governments from **abridging the right to vote**—which includes the right to have that vote meaningfully counted—on the basis of **race, color, or previous condition of servitude**. As a result, the Fifteenth Amendment provides a basis to challenge both:

- **direct limitations** on the ability to register to vote or cast a ballot (eg, only whites are allowed to vote) *and*
- **dilutions of voting power** (eg, districting system purposely limits minority voters' ability to affect election outcomes).

Here, the group of citizens is challenging the city's districting system on the ground that it diminishes the ability of racial minority voters to affect the outcome of city elections. Since this alleges dilution of voting power based on race, the Fifteenth Amendment provides the *most* obvious basis for the group's claim.

(Choice A) The group could base its claim on the Fourteenth Amendment due process clause, which prohibits states from infringing upon a life, liberty, or property **interest** (eg, the right to vote) without adequate justification. But since the Fifteenth Amendment specifically prohibits a denial of voting rights based on race (as alleged here), it provides a *more* obvious basis for the group's claim.

(Choice C) The Fourteenth Amendment privileges or immunities clause prohibits states from interfering with the very limited **rights of national citizenship**—eg, the right to vote for *national* offices. But since the group's claim concerns *city council* elections, no right of national citizenship is at stake.

(Choice D) The Thirteenth Amendment prohibits both government and private actors from engaging in slavery or involuntary servitude—neither of which is at issue here.

Educational objective:

The Fifteenth Amendment prohibits state and federal governments from abridging the right to vote—by direct limitation or diluting voting power—on the basis of race, color, or previous condition of servitude.

References

- Allen v. State Bd. of Elections, 393 U.S. 544, 569 (1969) (explaining that the "right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot").

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