NEWS ADVISORY
Luther Strange
Alabama Attorney General

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For More Information, contact:
Joy Patterson (334) 242-7491
Claire Haynes (334) 242-7351

AG STRANGE PRAISES THE U.S. SUPREME COURT FOR DECLARING SECTION 4 OF THE VOTING RIGHTS ACT UNCONSTITUTIONAL

(MONTGOMERY)—Attorney General Luther Strange calls a ruling today by the U.S. Supreme Court, striking down Section 4 of the Voting Rights Act, "an important victory for the fundamental constitutional principle that all states enjoy equal sovereignty."

In a 5-4 decision in *Shelby County v. Holder*, No. 12-96, the U.S. Supreme Court ruled that Congress's 2006 reauthorization of Section 4 of the Voting Rights Act was unconstitutional. Section 4 set a formula for determining which jurisdictions would be "covered" and thus require preclearance from federal bureaucrats before making any changes to voting laws. The criteria for determining whether a county or state was a covered jurisdiction had remained unchanged for almost half a century.

The State of Alabama authored and filed an amicus brief to the U.S. Supreme Court in the case. The brief argued that "in 2013, there should not be the Uncovered States of America and the Covered States of America." Although Section 4 was constitutional when it was passed nearly fifty years ago, the brief noted, "Alabama has a new generation of leaders with no connection to the tragic events of 1965." The brief explained that the preclearance requirements "undermine good government" and make it "substantially more difficult for Alabama's leaders to achieve important, much-needed reforms."

Attorney General Strange praises the court for holding that the coverage formula no longer makes sense: "The Supreme Court today rightly recognized that Alabama and other covered jurisdictions could not be treated unequally based on things that happened decades ago. The important protections of Section 2 of the Voting Rights remain in place, preserving for all citizens the right to challenge discriminatory laws in court. At the same time, I am proud that the nation's highest court recognizes the important progress made over the last fifty years, and I commend the court for its decision."

Attorney General Strange continued: "My office will continue to review the opinion and its implications. At this time, our initial conclusion is that Alabama is no longer subject to the preclearance requirements under Section 5. We expect significant savings for Alabama taxpayers because neither the State nor local governments will

have to expend time, money and effort on submitting routine changes to voting laws to Washington, D.C., for approval."

"Alabama will only be subject to the preclearance process if Congress adopts a new coverage formula that includes Alabama," Attorney General Strange stated. "But let me be clear, I do not believe Alabama should be included under any new coverage formula that Congress might adopt. As the Court rightly points out, minority participation in voting is in fact higher in Alabama and many other covered jurisdictions than it is in many non-covered jurisdictions. "

The State of Alabama's amicus brief can be found here. Attorney General Strange's op-ed, appearing in USA TODAY on February 26, 2013, can be found here.

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