

**NASSAU COUNTY COMMISSION ON  
REDISTRICTING**

**OCTOBER 13, 2022**

**BASIC INFORMATION ON FEDERAL AND  
STATE VOTING RIGHTS ACTS**

**PROVIDED BY**

***FREDERICK K. BREWINGTON, ESQ.***

○ **“The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.”** *Reynolds v. Sims*, 377 U.S. 533, 555 (1964).

## **Voting Rights Act of 1965**

Section Two of the VRA, as amended, establishes the following:

- (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 10303(f)(2) of this title, as provided in subsection (b).

(b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

A plaintiff is required to satisfy three “preconditions”: (1) the minority group must be sufficiently large and geographically compact to constitute a majority in a single-member district; (2) it must be politically cohesive; and (3) the white majority must vote sufficiently as a bloc to enable it, in the absence of special circumstances, to defeat the minority's preferred candidate. *Thornburg v. Gingles*, 478 U.S. 30, 106 S. Ct. 2752, 92 L. Ed. 2d 25 (1986)



JOHN R. LEWIS VOTING RIGHTS ACT OF NEW YORK

## **JOHN R. LEWIS VOTING RIGHTS ACT OF NEW YORK**

**Voter Dilution.** Prohibits methods of election that eliminate the voting strength of a protected class and establishes legal protections for violations.

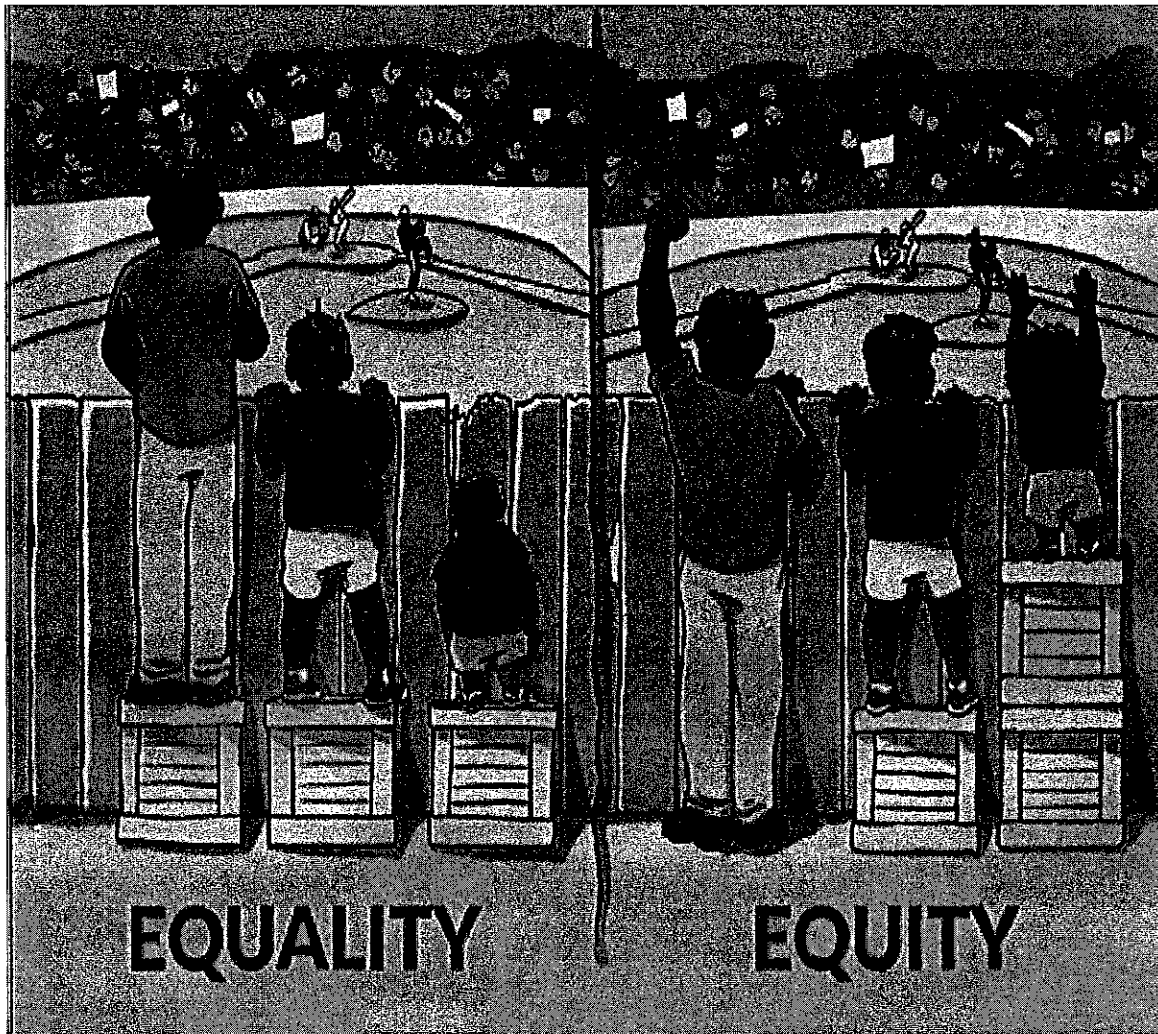
**Voter Suppression.** Prohibits election-related laws and practices from being implemented in ways that deny members of a protected class the right to vote and establishes legal protections for violations.

**Voter Intimidation, Deception or Obstruction.** Prohibits acts of intimidation, deception, or obstruction that impact the ability of New Yorkers to access their right to vote and establishes legal protections for violations.

**Expanded Language Assistance.** Requires election-related language assistance beyond what is required by the federal Voting Rights Act.

**Preclearance.** Establishes a state analogue to the now dormant "section 5 preclearance" of the federal Voting Rights Act, requiring covered jurisdictions to "preclear" any changes to certain important election-related laws and policies before they can implement them. Under the new law, covered jurisdictions seeking to make a change to a range of election measures will first need to have those changes reviewed to ensure they will not violate the voting rights of a protected class. Covered jurisdictions are those with a history of civil or voting rights violations.





In order to treat them equally, they would all be given the same size box to stand on to improve their lines of sight. However, doing so wouldn't necessarily help the shortest person see as well as the tallest person. In order to give equitable treatment, each person would need to be given a box to stand on that would enable a clear view over the fence.