The Voting Rights Act at 50

IMLA's 80th ANNUAL CONFERENCE
Rio All-Suites Hotel, Las Vegas, Nevada
October 5, 2015
Afternoon Concurrent Panel Discussion
2:30 pm – 3:30 pm and
3:45 pm – 4:45 pm

Vince R. Fontana and Benjamin E. Griffith

©2015 International Municipal Lawyers Association. This is an informational and educational report distributed by the International Municipal Lawyers Association during its 2015 Annual Conference, held October 3-7, 2015 in Las Vegas, NV. IMLA assumes no responsibility for the policies or positions presented in the report or for the presentation of its contents.

Part II: Recent VRA & Redistricting Decisions

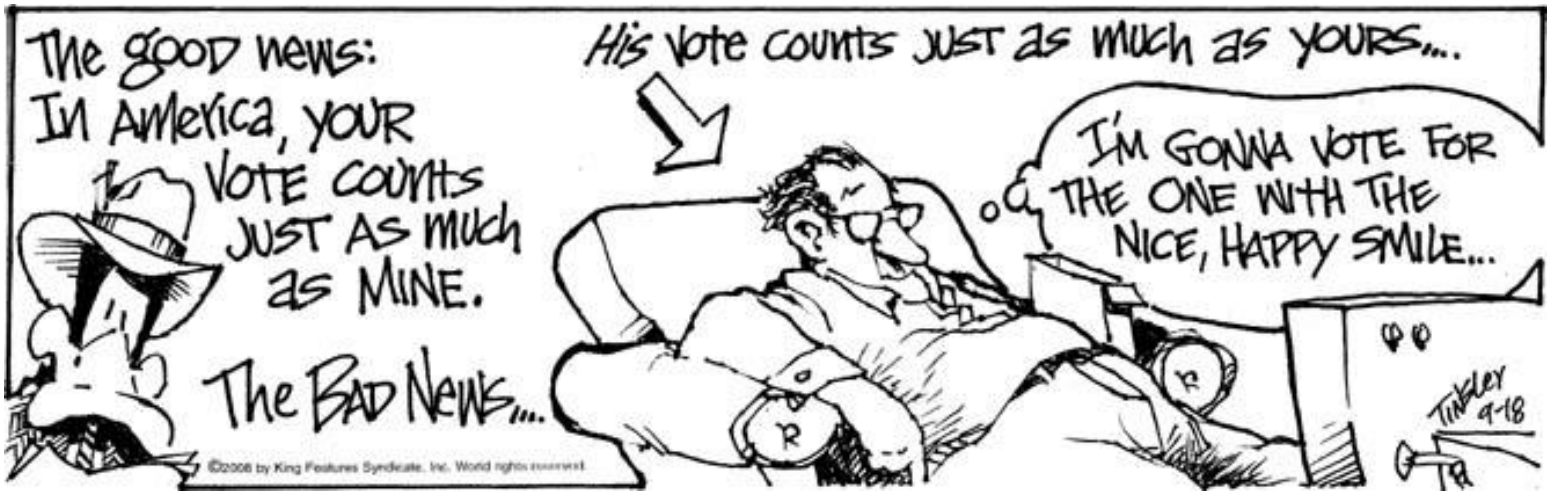
by Ben Griffith





1. ONE PERSON, ONE VOTE

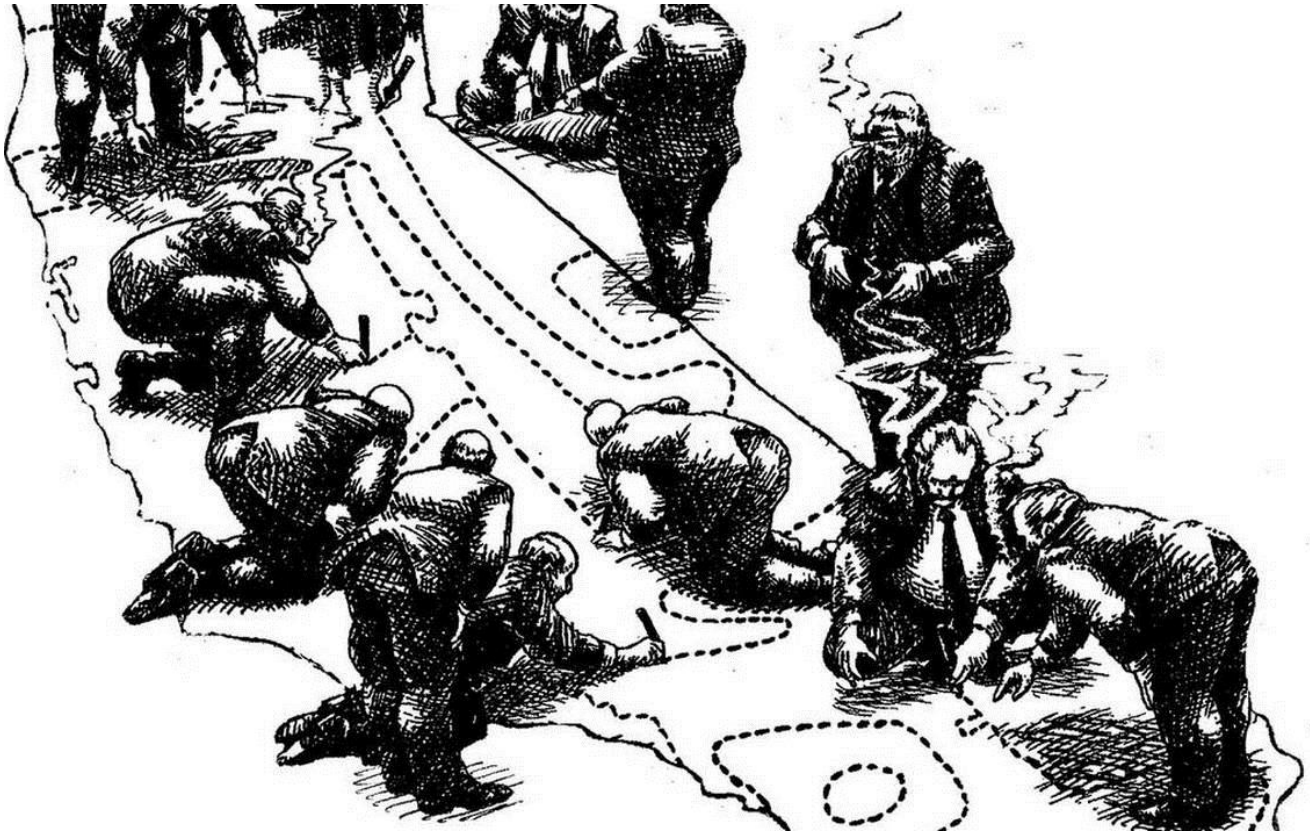
in light of Evenwel v. Abbott



Facts of the Case



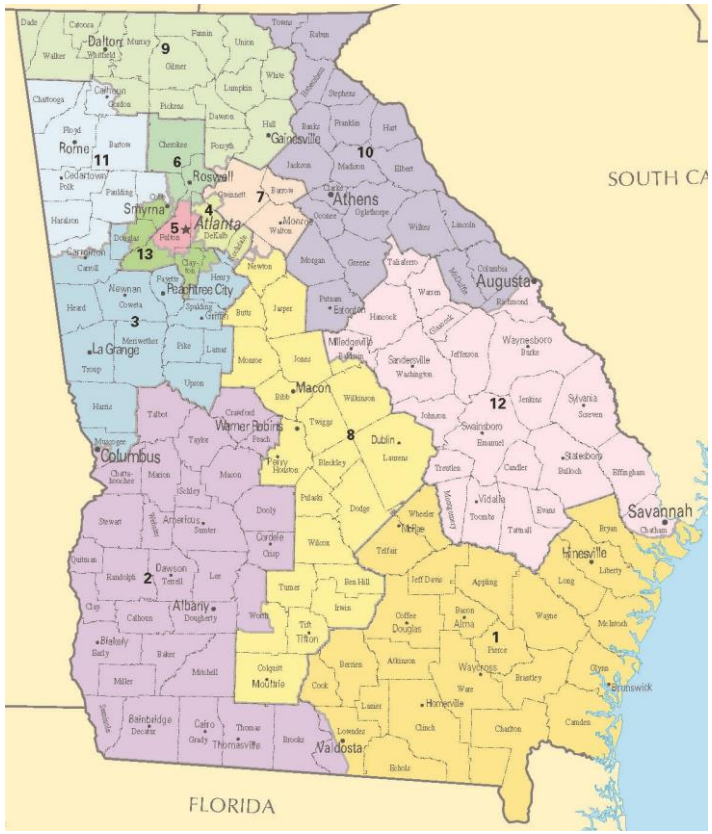
Core Argument



Evenwel's Impact on Section 2 litigation

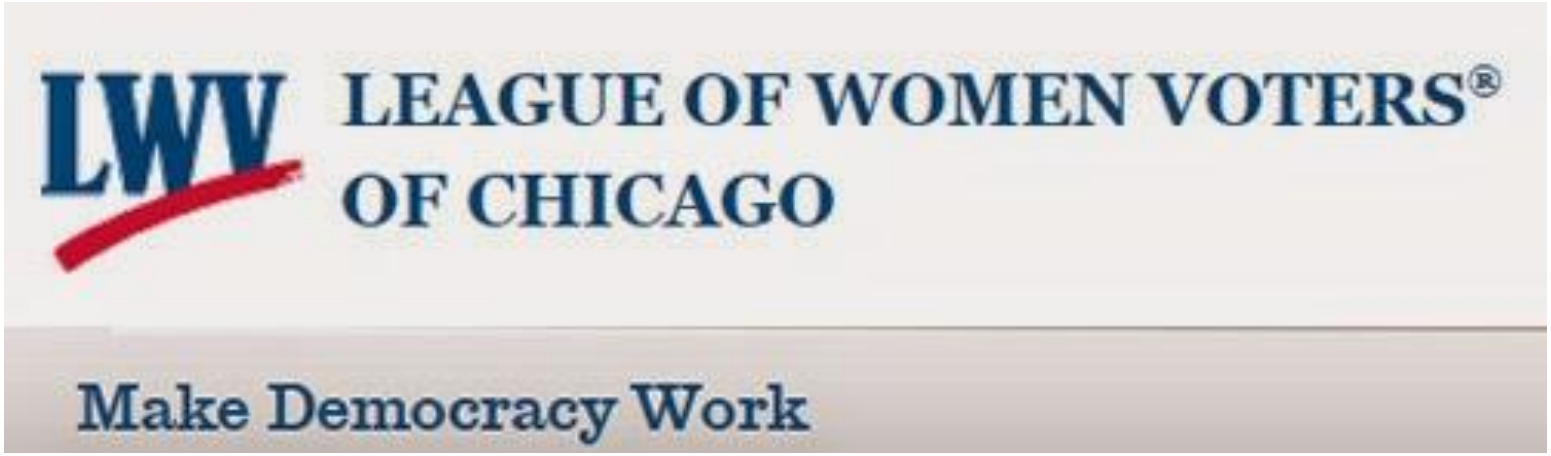


Larios v. Cox



SOUTH CA
FLORIDA
Dalton
Rome
Cedartown
Smyrna
Atlanta
Roswell
Gainesville
Athens
Augusta
Peachtree City
La Grange
Macon
Warner Robins
Columbus
Dublin
Savannah
Hinesville
Albany
Waycross
Brunswick
Moultrie
Valdosta
Bainbridge
Cairo
Thomasville
Tifton
Douglas
Homerville
Waynesboro
Sandersville
Milledgeville
Statesboro
Vidalia
Swainsboro
Cordele
Dawson
Americus
Blakely
Colquitt
Cedartown
1
2
3
4
5
6
7
8
9
10
11
12
13

LWV v. Chicago



Favors v. Cuomo

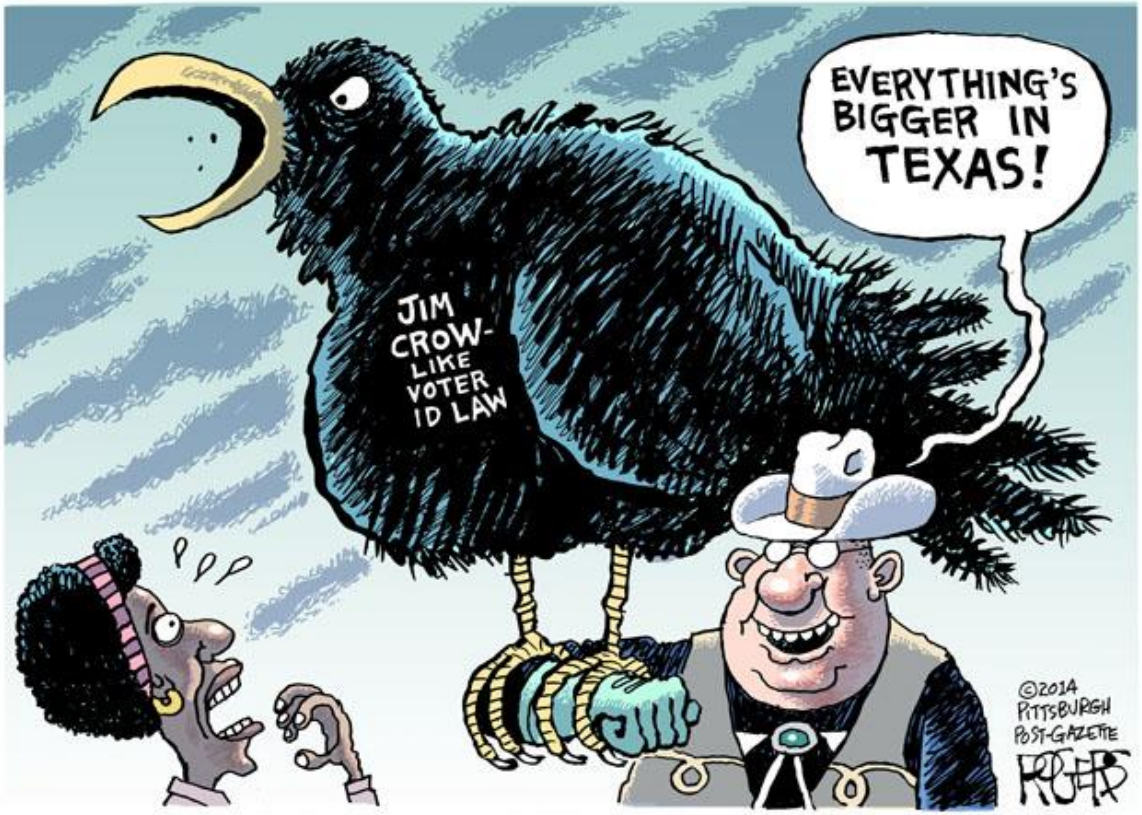


2. VOTE DILUTION, VOTER ID and VOTE DENIAL CASES UNDER SECTION 2



WASHINGTON BUREAU/GETTY IMAGES

Veasey v. Abbott



Alabama Legislative Black Caucus v. State of Alabama: Racial Predominance



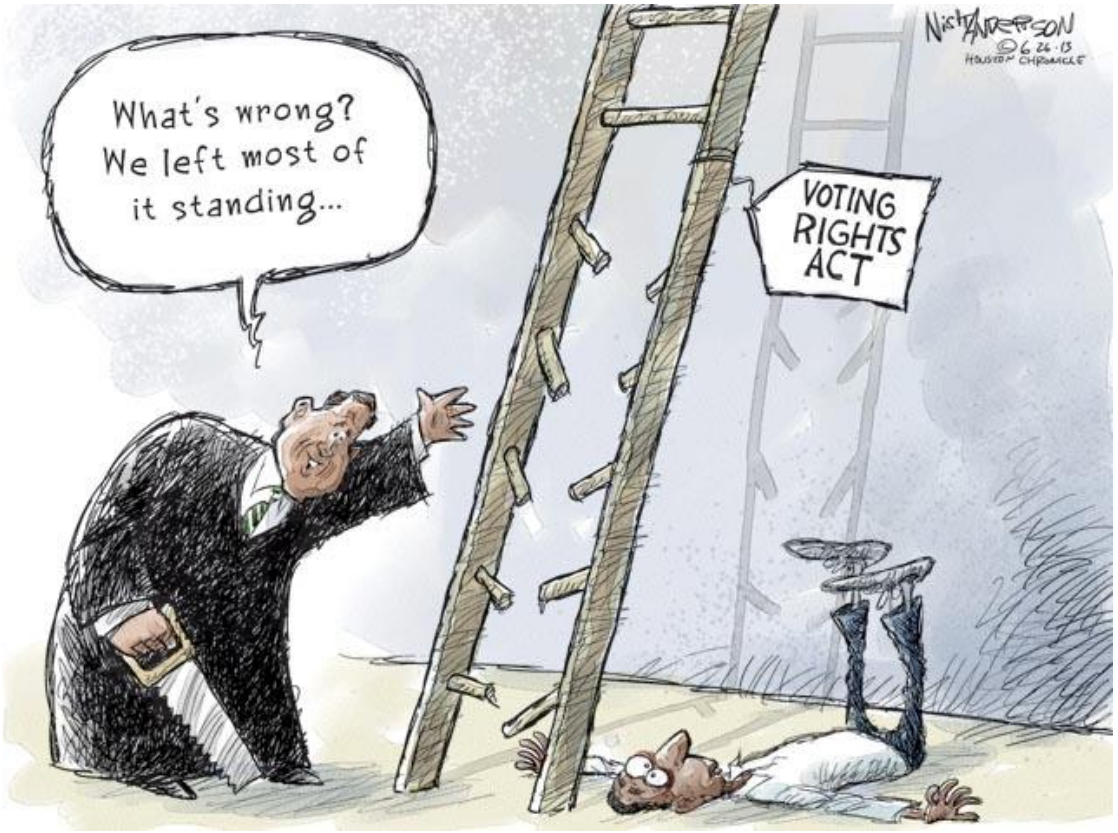
Fairley v. Hattiesburg



3. SECTION 3 (c) BAIL-IN



History of Section 3(c) Bail-In



Jeffers v. Clinton



Sanchez v. Anaya

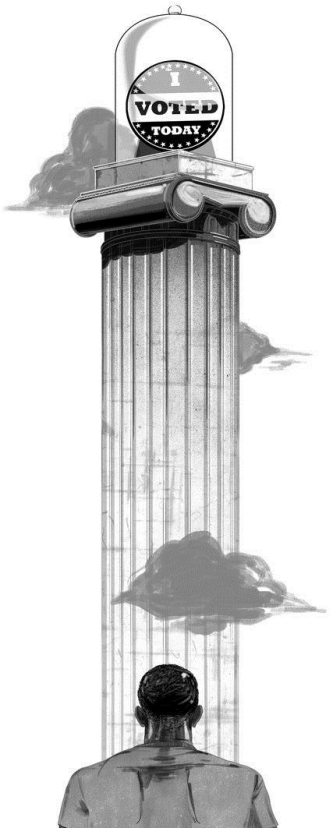


Standards for Imposing Bail-in Remedy

- The three-judge district court in *Jeffers v. Clinton* identified the following standards for imposing the bail-in remedy and subjecting an entire state or any part of it to preclearance



No Cause of Action Provided by Section 3(c)

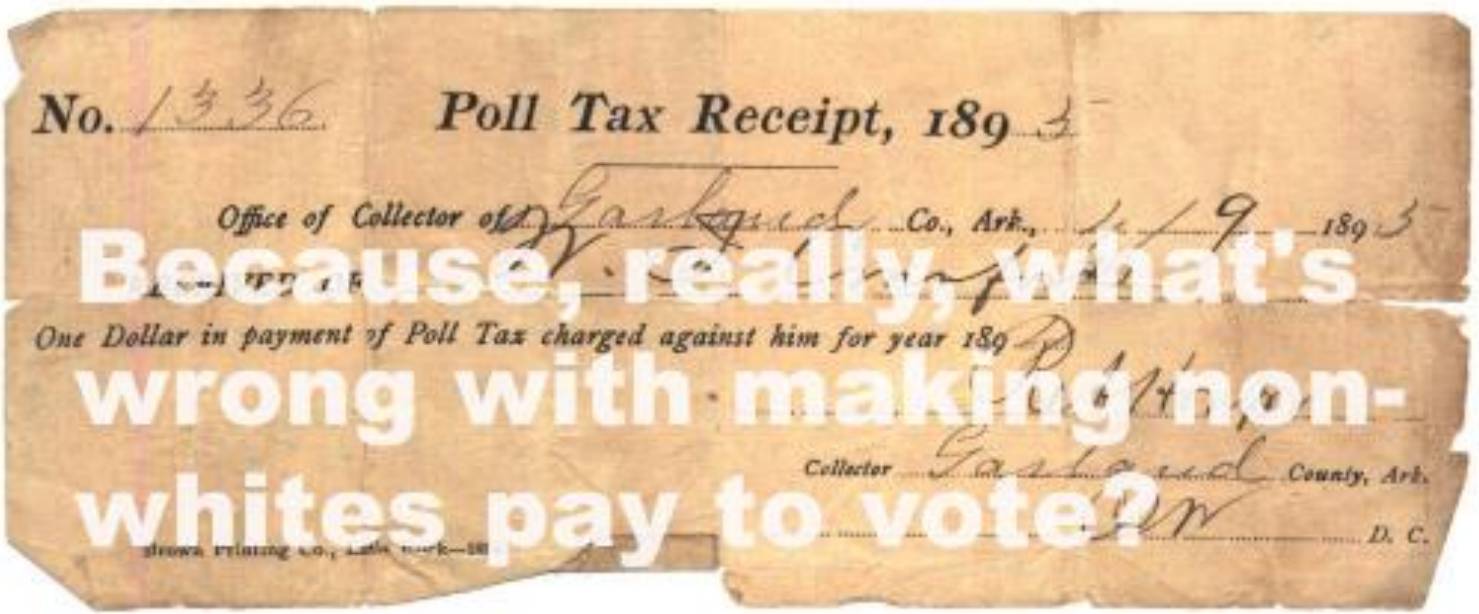


WASHINGTON BUREAU/GETTY IMAGES

Section 3 Bail-In Following Shelby County: Allen v. City of Evergreen



4. SUMMARY JUDGMENT PRACTICE IN SECTION 2 LITIGATION



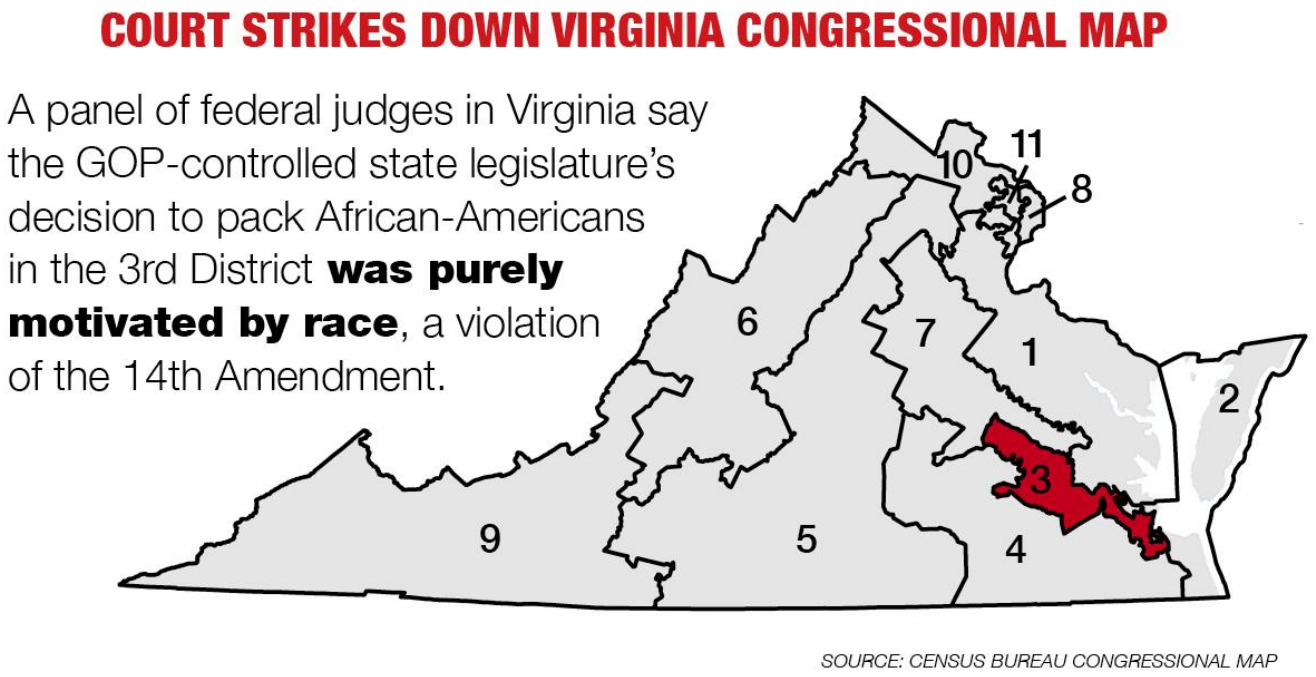
A. Lee v City of Los Angeles, 2015 WL 773915 (C.D. Cal. 2015)



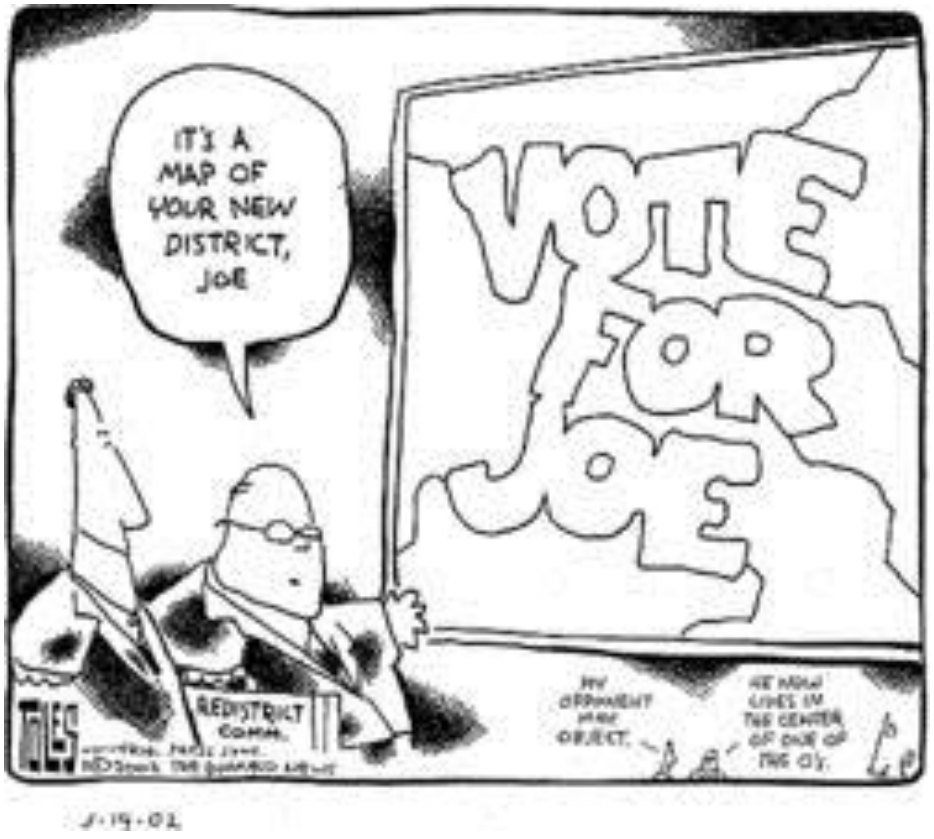
B. Gonzales v Harris County, Texas, 601 Fed.Appx. 255, 2015 WL 525464 (5th Cir 2015)



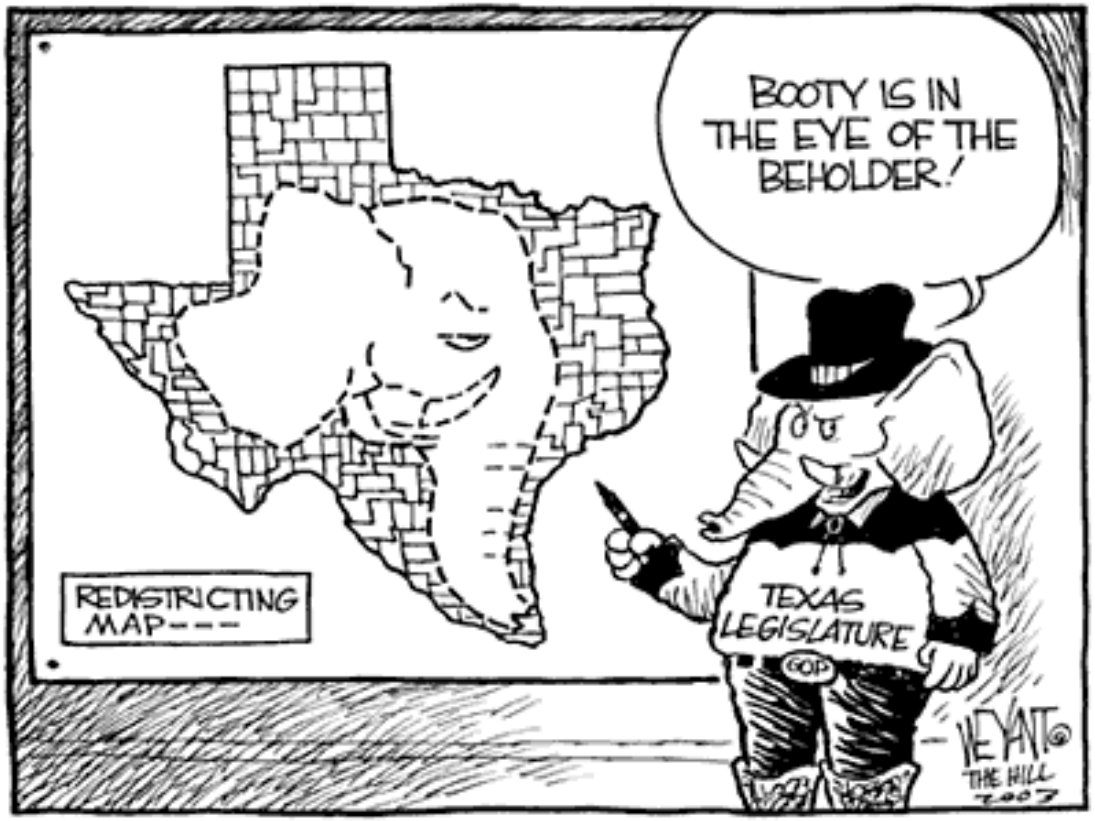
C. Bethune-Hill v VA State Bd of Elections, 2015 WL 3404869 (E.D. Va. 2015)



D. Page v VA State Bd of Elections, 2015 WL 3604029 (E.D. Va. 2015)



Race or partisan politics



E. Pope v County of Albany, 2015 WL 1311064 (N.D. N.Y. 2014)



5. REMEDIAL PLANS IN VRA LITIGATION



Cumulative Voting as Remedial Alternative Under Section 2

Official Ballot
Municipal Elections

DIRECTIONS TO VOTERS

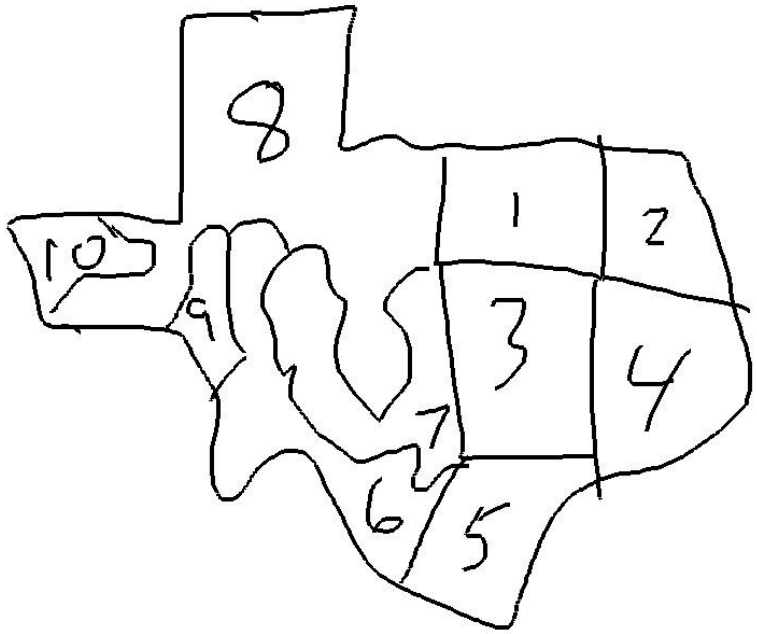
1. To Vote: Mark on "X" in the box next to the candidate's name.
2. Cast no more than **TWO** votes.
3. To vote for a person whose name is not printed on the ballot, write the candidate's name on one of the extra lines provided and put an "X" in the box next to the name.

City Council Candidates

Joan Cocks	(Democrat)	
Stephen Ellenburg	(Democrat)	
Vincent Ferraro	(Republican)	
Kavita Khory	(Republican)	
Christopher Pyle	(Republican)	
Preston Smith	(Democrat)	
Write In		
Write In		

WASHINGTON BUREAU/GETTY IMAGES

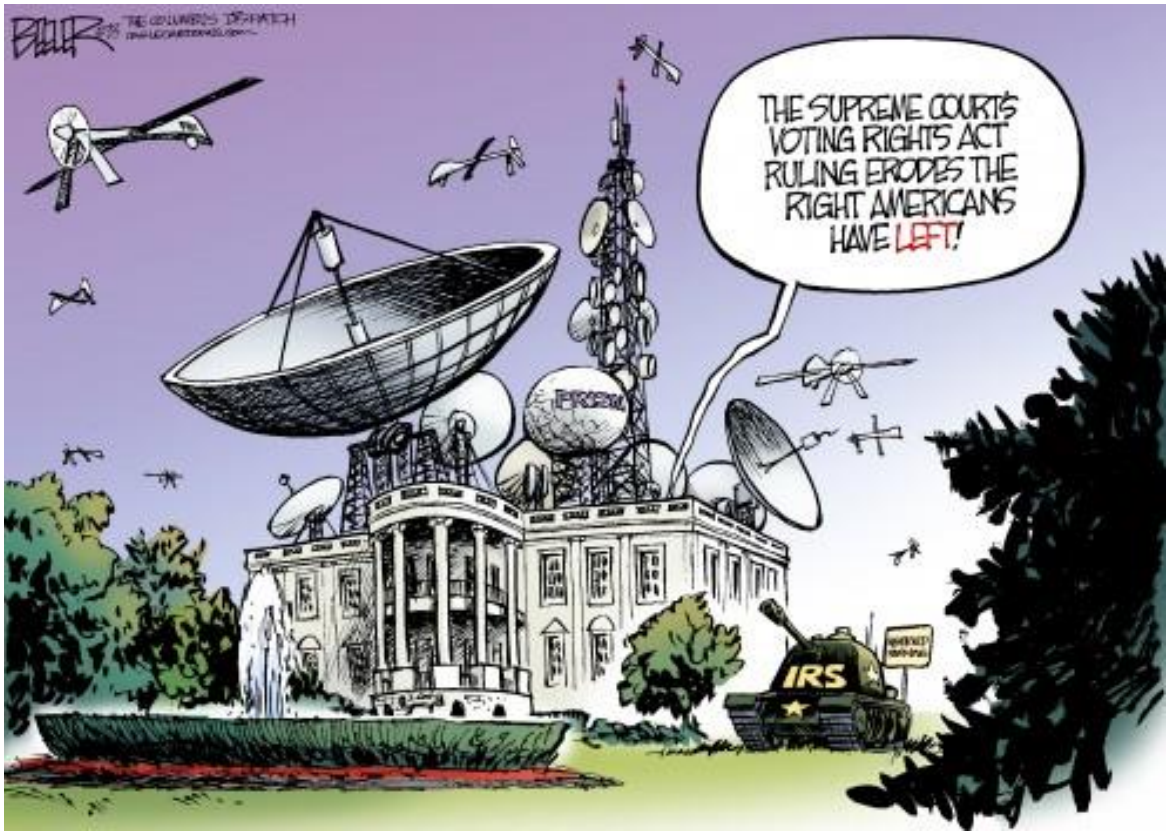
I. Standards for Court-Drawn Remedial Plans



Legislative Plan vs. Court-Ordered Plan as Proposed Remedial Plan



Large v. Fremont County



6. ATTORNEYS FEES in VRA LITIGATION



Prevailing Party status



Baca v. Berry



Conclusion

