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Judicial Findings of Intentional Discrimination Since *Shelby County*

In 2013, the Supreme Court severely weakened the Voting Rights Act of 1965 (VRA) when it decided *Shelby County, Ala. v. Holder*, and struck down the coverage formula used to determine which states fall under the VRA's preclearance requirement. Notwithstanding detailed congressional findings to the contrary, the Court reasoned that the coverage formula was out of date and, effectively, no longer necessary.

But since then there have been at least 10 federal court decisions finding or affirming that states or localities *intentionally* discriminated against African Americans and other voters of color:

Texas

- On August 24, 2017, a federal three-judge panel ruled that Texas' 2013 state House redistricting plan was unconstitutional in four counties. The court concluded that Texas intentionally diluted minority voting strength and racially gerrymandered districts in Bell, Tarrant, and Nueces counties, and that Texas intentionally diluted Latino voting strength in Dallas County.[1]

- On August 23, 2017, a district court in the Southern District of Texas held that Texas enacted its strict voter ID law with the purpose of discriminating against Black and Latino voters, and the court permanently enjoined the law.[2]

    - This was the third time that the district court found that Texas' voter ID law is intentionally discriminatory, with previous decisions first in October 2014,[3] and again after remand in April 2017.[4]

- On August 15, 2017, a three-judge federal court ruled that Texas' 2013 congressional redistricting maps were enacted with "racially discriminatory intent" against Latino and African American voters.[5]

- On January 6, 2017, a federal judge ruled that the City of Pasadena, Texas implemented a voting plan intended to dilute Latino voting power: "Their right to vote is simply not the same right to vote as that of those living in a favored part of the [jurisdiction]. In Pasadena, Texas, Latino voters under the

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[1] *Perez v. Abbott*, No. 11-cv-360, 2017 WL 3668115 (W.D. Tex. Aug. 24, 2017).
[2] *Veasey v. Abbott*, No. 2:13-CV-193, 2017 WL 3620639 (S.D. Tex. Aug. 23, 2017).
[3] *Veasey v. Perry*, 71 F. Supp. 3d 627 (S.D. Tex. 2014).
[4] *Veasey v. Abbott*, No. 2:13-CV-193, 2017 WL 1315593 (S.D. Tex. Apr. 10, 2017).
[5] *Perez v. Abbott*, No. 11-cv-360, 2017 WL 3495922 (W.D. Tex. Aug. 15, 2017).

current . . . plan . . . do not have the same right to vote as their Anglo neighbors."[6]

North Carolina

- On May 22, 2017, the Supreme Court held that race was the predominant factor that North Carolina used to draw two congressional districts, in violation of the Constitution's Equal Protection Clause.[7]

- On July 29, 2016, the Fourth Circuit Court of Appeals struck down North Carolina's package of voting restrictions, which included a strict a photo ID requirement, after finding that they "target African Americans with almost surgical precision" and "impose cures for problems that did not exist."[8]

Louisiana

- On August 17, 2017, a federal district court determined that Louisiana's use of at-large voting for electing five members to the 32nd Judicial District Court, the state court encompassing Terrebonne Parish, Louisiana, was imposed with a discriminatory purpose, in violation of the Voting Rights Act of 1965 and the Constitution.[9]

Wisconsin

- On July 29, 2016, a district judge in Wisconsin struck down various voting restrictions under the Voting Rights Act, and one, a limitation on hours for in-person absentee voting, based on intentional discrimination in violation of the Fifteenth Amendment.[10]

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[6] *Patino v. City of Pasadena*, 230 F. Supp. 3d 667, 730 (S.D. Tex. 2017) (internal quotation marks omitted).
[7] *Cooper v. Harris*, 137 S. Ct. 1455 (2017).
[8] *North Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204, 214 (4th Cir. 2016).
[9] *Terrebonne Par. Branch NAACP v. Jindal*, No. CV 14-0069, 2017 WL 3574878 (M.D. La. Aug. 17, 2017).
[10] *One Wisconsin Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896 (W.D. Wis. 2016).