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A SUMMARY OF "THE VOTING RIGHTS ACT:
TEN YEARS AFTER"

A Report Of The United States
Commission on Civil Rights

January 1975

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INTRODUCTION TO THE SUMMARY

The text and appendices of "The Voting Rights Act: Ten Years After" cover 480 pages. The following summary attempts, primarily through the use of excerpts, to condense the major findings, conclusions, and recommendations of the full report. Readers are cautioned that this summary should be used only as a general guide to the full report, which may be consulted for a more detailed and comprehensive discussion of the findings, conclusions, and recommendations in this summary.

In order to facilitate cross-reference to the full report, each heading and subheading in this summary will note the pages in the full report which are being summarized or from which passages have been excerpted.

Time constraints imposed by the beginning of consideration of the Voting Rights Act by the 94th Congress did not allow the submission of this summary to the Civil Rights Commission for comment; in any event, readers are further cautioned not to confuse this summary with official Commission documents.

A SUMMARY OF
"THE VOTING RIGHTS ACT: TEN YEARS AFTER," A REPORT OF
THE UNITED STATES COMMISSION ON CIVIL RIGHTS, JANUARY 1975

Preface (v-vii):

This study of the 1965 Voting Rights Act was undertaken for two reasons: (1) to determine whether the conditions which led to the act's original passage have been eradicated; and (2) to determine whether the promise of full participation has been fulfilled for blacks, Puerto Ricans, Mexican Americans, and Native Americans in jurisdictions covered by the act's special provisions.

This report deals primarily with events that have occurred since 1971 and treats examples of problems that continue to affect the enfranchisement of minority voters.

1. Introduction (1-9):

In spite of very real gains since 1965, racial discrimination persists in the electoral process. In assessing the need to extend the Voting Rights Act, this report will focus primarily on the temporary provisions of the act, sections 4 through 9, as opposed to those provisions which are permanent legislation of general application. The temporary provisions of the act expire in August 1975. Among these provisions, in section 4, is a nondiscretionary, automatic formula, or "trigger," by which States or their political subdivisions are covered. That section prohibits the use of "tests or devices" as a prerequisite to registering or voting in any jurisdiction that maintained such tests or devices on November 1, 1964, and whose voter registration or turnout in the 1964 presidential election was less than 50 percent of the 1964 voting age population; it also prohibits the use of such tests or devices in jurisdictions that maintained such tests or devices in 1968 and whose registration or turnout in the 1968 presidential election was less than 50 percent of the 1968 voting age population. Section 5 of the act forbids changes

in electoral laws or procedures of such jurisdictions unless the Attorney General or the district court for the District of Columbia certifies that the changes are not discriminatory in purpose or effect. Sections 6 through 9 make possible the assignment of Federal examiners to list eligible persons for registration by State officials and the assignment of observers to report on the conduct of elections in such jurisdictions.

This report will examine the recent experience of minority citizens as they have begun to participate in the political process in the jurisdictions covered by the Voting Rights Act.

2. Implementation of the Voting Rights Act (10-38):

The Voting Rights Act establishes a complex of interacting means for combating different kinds of discriminatory techniques, including permanent, temporary, automatic, and discretionary features, and was designed to provide new procedures and remedies that would allow a flexible response to changing circumstances instead of focusing on strengthening judicial remedies as previous civil rights acts had done. The success and impact of the act results from the interaction of its provisions rather than the implementation of any single provision.

Litigation (11-12). The Justice Department has initiated 45 suits under the act and has participated in private suits, some of which have been brought to clarify Department policies, to require it to enforce the act, or to force covered jurisdictions to comply with the act.

Covered jurisdictions (13-16). A covered jurisdiction is a State or other jurisdiction which used a test or device and had less than 50 percent registration or turnout in the 1964 or 1968 presidential elections. While all or part of seven

Southern States have been most affected, towns, counties, or election districts in New England, New York, Alaska, Idaho, Arizona, and California have also met the definition for coverage under the act.

Suspension of literacy tests (16-25). Literacy is still a problem in the United States, particularly for minorities and older people. A 1970 amendment to the Voting Rights Act suspended all literacy tests, regardless of turnout, until August 1975. If the general suspension expires, noncovered jurisdictions will be free to reimpose the literacy test as a qualification for registering to vote. The suspension of the literacy test has led to voluntary or court-ordered assistance to voters not literate in English, a development which will have no impetus in the Voting Rights Act after August 1975 if the temporary provisions expire.

Section 5 preclearance (25-31). Section 5, which requires that covered jurisdictions submit changes in election laws, rules, or procedures to the Attorney General or the United States District Court for the District of Columbia for a determination that the change is not discriminatory in purpose or effect, has become the focus of the Voting Rights Act in recent years, although regulations to implement section 5 were not developed until 1971. Without more exact monitoring of the legislative activity of all governing bodies in covered jurisdictions, it is impossible to state the extent of compliance with the submission requirement, and noncompliance with the Voting Rights Act through failure to submit changes remains a problem in enforcement of the act. Only once has a declaratory judgment without Attorney General review been sought. The effect of section 5 preclearance in deterring the passage or enforcement of discriminatory legislation is noted.

Federal examiners and observers (31-37). Federal examiners, to list and declare eligible and entitled to vote those who satisfy State qualifications consistent with Federal law, have been used sparingly over the ten-year life of the Voting

Rights Act, and only 60 counties and parishes have ever had examiners. Only 155,000 of the more than one million new minority registrants in the covered States were registered through Federal listing. The deterrent effect of the examiner program is noted.

Federal observers, whose responsibility it is to act as poll watchers to observe whether all eligible persons are allowed to vote and whether all ballots are accurately counted, have been sent to cover elections in five Southern States. Almost half of the 6500 observers appointed have been in Mississippi. Although the presence of observers is generally seen as helpful by black political leaders interviewed, complaints that most observers were white Southerners were heard.

As minority citizens have begun to exercise their political rights, the Justice Department's enforcement emphasis has shifted from using examiners for registration to using section 5 preclearance to block efforts to minimize the influence of new minority voters, candidates, and officeholders.

3. Impact of the Voting Rights Act (39-68):

The progress of the past ten years in minority citizens' registering, voting, and seeking and holding public office is striking.

Progress in the covered Southern States (40-52). More than one million new black voters were registered in the seven covered Southern States between 1964 and 1972, increasing the percentage of eligible blacks registered from about 29 percent to over 56 percent. In the same seven States, the gap between white and black registration has been narrowed from 44 percent (pre-Voting Rights Act) to 11 percent (1971-72 estimate). Surveys show clearly that the pattern of participation in presidential elections by Southern blacks is toward increased participation since the passage of the Voting Rights Act.

There has also been a substantial increase in the number of blacks running for and winning election to public office. In the seven covered Southern States, black elected officials before passage of the Voting Rights Act were estimated to number no more than 100. By April 1974, this figure had risen to 963. Black membership in the State legislatures of the seven States increased from 14 to 68 between February 1968 and November 1974.

Analysis of the current statistics (52-67). Analysis of current statistics shows that, though the gaps between white and black participation rates have diminished, there remain significant disparities. Furthermore, though the number of black elected officials has increased rapidly, blacks have gained only a meager hold on the most significant offices. Although only three of the seven covered Southern States collect registration data by race, data from those three indicate that the gap between black and white registration varies from State to State, and dramatically within each State. There is no reason to believe that this is not also true in the States for which racial data are not available.

Data on registration of Mexican Americans, Puerto Ricans, and Native Americans in the covered jurisdictions are even more scarce than data on black registration, but it is estimated that only 46 percent of Mexican Americans and 53 percent of Puerto Ricans were registered in 1972. Furthermore, minority turnout apparently continues to lag behind that of whites. According to a 1972 postelection survey, minority turnout nationally was significantly lower than white turnout. Voters in different groups reported the following turnout percentages: white, 64.5; black, 52.1; Puerto Rican, 44.6; and Mexican American, 37.4. No figure was reported for Native American voting.

Just as examination of current statistics on registration and voting reveal persistent disparities between minority and white political participation, analysis of the types of offices to which blacks have been elected in covered jurisdictions reveals that the overall picture is not as bright as sheer numbers suggest. Most offices held by blacks are relatively minor and located in small municipalities or counties with overwhelming black populations. For example, there are only five black elected judges in the seven covered Southern States and only four black sheriffs. And, although blacks make up 25.8 percent of the population in the seven States, they hold only 2.5 percent of State Senate seats.

The lack of data on election of other minorities precludes drawing strong conclusions about their political success. However, there is no reason to assume that Mexican Americans, Puerto Ricans, and Native Americans in the covered jurisdictions are more successful than blacks in winning public office.

4. Barriers to Registration (69-96):

The use or threat of Federal examiners and the suspension of literacy tests are undoubtedly important factors leading to the increase in minority registration. Perhaps equally important was the work of private organizations in voter registration drives. These drives depended chiefly on foundations for financial support. Congress in 1969 enacted legislation, however, which prevents an organization from receiving more than 25 percent of its support from one foundation and which prohibits the use of foundation grants to finance voter registration programs in more than one State or in more than one "election season." The voter registration drives curtailed by this restriction represent in many cases the only affirmative attempt to register voters and become even more important in the face of

hindrances to participation by local registrars -- hindrances such as restrictive times and locations for registering, inadequate numbers of minority registration personnel, purging of registration rolls, and reregistration.

Time and place of registration (71-78). Black leaders allege that in many areas the hours and locations of registration offices are so restrictive that large numbers of blacks are unable to register. And, if the courthouse is the only place to register, even if it has regular hours, there may still be the problem of having to travel long distances to register. When there is decentralized registration, there is often no notification of the times and places.

In an effort to alleviate the problems related to having a small registration staff and limited hours, many minority persons have expressed a need for deputy registrars who would be able to register voters at any time. Problems with registration are multiplied if dual registration is required in order to participate in municipal elections.

Registration personnel (78-83). When minorities go to the registration office, they are frequently greeted by whites unsympathetic with their desire to register. Many white registrars reportedly treat blacks discourteously.

Purging and reregistration (83-95). Purging, although admittedly having many salutary effects on the electoral process, removes from the registration rolls large numbers of minority voters, particularly when it is done for nonvoting at short time intervals. In addition, minority voters often are not adequately notified that they are to be purged.

Purging of individuals convicted of a felony or other disqualifying crime is usually an automatic process. It particularly affects minorities in that a disproportionate share of their numbers are convicted of crimes that disqualify them

them from voting. Moreover, in addition to being purged, minorities often find difficulty in having their rights restored since they may face discrimination in obtaining a pardon.

Closely related to purging, both in its function and in its effect on minority voters, is reregistration. The process places a substantial burden on the minority voter, who has often succeeded in registering only after overcoming many obstacles.

5. Barriers to Voting (97-130):

Many obstacles placed by local election officials frighten, discourage, frustrate, or otherwise inhibit minority persons from voting.

Denying minorities the ballot (98-104). Frequently, election officials are not able to find a person's name on the roster for that precinct. There may be a legitimate explanation for some of the omissions, but, even so, verification presents a special hardship for minority voters.

Poll workers who speak only English sometimes have difficulty in finding names of persons with Spanish or other non-English surnames.

Polling places: location and adequacy (104-111). The location and adequacy of polling facilities are of special importance to minority voters. Many polls are located in all-white clubs or lodges, where minority persons are otherwise not allowed to go, or in white homes or stores that present a hostile atmosphere for minorities. The courts and the Department of Justice have been concerned about the location of polling places and have objected when a proposed change would put the polling place in a more inconvenient location or in a more hostile environment. Inadequate facilities at the polls may lead to crowded situations that deter voters from returning to the polls in future elections.

Election officials (111-117). One of the major obstacles to minority voting is the inadequate number of minority election workers. Even when minorities are employed as poll workers they are generally not in supervisory positions. The need for minority poll workers is accentuated in areas where large portions of the population do not speak English.

Inadequate bilingual information and materials (117-121). Realization that bilingual materials are needed if a non-English-speaking voter is to cast an effective ballot is a recent phenomenon. California, New York, and Arizona contain covered jurisdictions with large numbers of such voters. Only California has a law requiring translation of proposals and voting instructions into a language other than English.

The problems of illiterate voters (121-124). The Voting Rights Act Amendments of 1970 temporarily banned the use of literacy tests. Nevertheless, to make their votes effective, illiterate voters must receive some type of aid at the polls in casting their ballots. Both the people permitted to assist illiterate voters and the kind and quality of the assistance they provide constitute serious problems for illiterate voters.

Absentee voting (24-130). Problems with absentee voting were reported in many of the States visited by Commission staff. Because the process is very complex, there is ample opportunity for abuse. Blacks report that they have more difficulty obtaining absentee ballots than whites. Blacks look suspiciously at the large number of white absentee voters compared to black, as well as at the vote totals giving white candidates substantial majorities in the absentee vote count. In some close elections this has meant defeat for black candidates.

6. Barriers to Candidacy (131-172):

Since the passage of the Voting Rights Act of 1965, minority citizens have begun to seek elective office in ever-increasing numbers. To a great extent whether they are elected or not depends on the same factors that determine whether any candidate is elected. But minority candidates also face problems which other candidates typically do not have.

The problems which minority candidates encounter range from structural problems, like expensive filing fees or legal restrictions on third party or independent candidates, to problems of the abuse of discretion, such as the dishonest counting of votes.

Filing fees (132-137). Typically a candidate for office must pay a fee as part of the qualifying process. Because minorities are more likely to be poor than whites, a substantial filing fee is a more significant barrier to them. Even when a minority candidate is able to pay the fee, that much money is taken away from the campaign effort. Under section 5 the Attorney General has objected to fees and to other qualification requirements that might be burdensome for minorities.

Fees have been reduced through section 5 objections or litigation in some cases. Yet the barrier to minority candidates or substantial fees has not been removed in many jurisdictions.

Obstacles to qualifying (137-142). The informal qualifying requirements can be as great a barrier to potential minority candidates as the formal. At the outset they may find it difficult to obtain the required information on the legal requirements of candidacy. In some instances they may encounter a lack of cooperation or resistance from officials to their candidacy. A variety of other difficulties -- rarely twice the same -- can prevent minorities from becoming viable candidates. Alleged examples of such barriers reported to the Civil Rights Commission include

hastily called elections, misinformation regarding filing fees, overt hostility from party or election officials, the raising of legal technicalities, and attempts to frame candidates for crimes not committed.

Campaigning (142-144). Once the qualifying obstacles have been hurdled, the minority candidate still faces the campaign necessary to get elected. A particularly bothersome problem for minority candidates, who are often new to politics, is how to get the information necessary for a serious campaign from officials who are uncooperative. Perhaps the major informational problem encountered by minority candidates is lack of easy access to lists of registered voters.

Access to voters at the polling place (145-148). Limitations on campaign activity in the vicinity of polling places, if carried to extremes, can infringe upon the candidate's right to communicate with the voter by effectively denying his campaign worker contact with the person going to vote. Even more serious are the instances in which the statutory prohibitions against campaigning within a certain distance of polling places are enforced in a way that discriminates against minority candidates.

Poll watchers (149-153). If the candidate is a black in the South who has no reason to trust the honesty of election personnel, the need to be represented when the votes are cast and counted becomes urgent. Despite this clear need--and in some cases because of it--black candidates have in some elections been unable to have poll watchers present for either the voting or the counting. In some instances watchers were present but not as many were allowed as were needed, they were not allowed to be effective, or they received less cooperation than did poll watchers for white candidates.

Even when poll watchers for black candidates are not physically excluded from the polling place, they frequently encounter isolation from the activities that they are to watch. In effect, they serve at the pleasure of the manager of the poll to which they are assigned.

Equally as important as representation during voting is representation after the polls have closed and the votes are being counted. Black candidates whose poll watchers have been excluded from this phase of the election day process often suspect that the votes have not been counted honestly.

Counting the votes (153-155). If voters and candidates cannot rely on the honesty of the persons counting the votes or on the system for counting votes they will have very little faith in the electoral system as a whole and will see little reason to participate in it. Commission staff interviews in Alabama, Georgia, Louisiana, and South Carolina revealed widespread distrust of the activities of this crucial phase of the electoral process.

Obstacles to multiracial and multiethnic politics (155-160). In many areas the great increase of minority registration and voting since the passage of the Voting Rights Act in 1965 has meant that politicians can no longer afford to ignore minority voters. This has brought about a significant decline in racial appeals by candidates and has made incumbents and candidates more responsive to minority needs. Nevertheless, in many areas the political process remains segregated.

In many situations minority candidates must receive a substantial number of votes from the white community in order to win. Even if white votes are not essential to victory, minority candidates have the right to take their campaign to the white community, and white voters have the right to hear from minority candidates. In some instances these rights have been denied.

Problems of independent and third party candidates (161-165). Because they have traditionally been excluded from the dominant Democratic Party in the South, blacks have often found it necessary or advantageous to form a separate party or to run as independents. While blacks now have a role in the Democratic Party in several Southern States, independent and third party efforts continue. However, those seeking to hobble independent and third party candidacies have resorted to a variety of crippling devices.

Minimizing the impact of minority success (165-172). Not all the problems which a minority candidate faces are those of qualifying as a candidate, running an effective campaign, and receiving fair treatment on election day. In some instances legal obstacles have been placed in the path of candidates successful in the primary or general election. Some minorities who have been elected have found that lack of cooperation from other officials limits their effectiveness. And in some places prospect of minority success has led communities or States to abolish the office that the minority candidate had a chance to win.

7. Physical and Economic Subordination (173-203):

Blacks, Mexican Americans, Puerto Ricans, and Native Americans, throughout their history in the United States, have been subordinated socially, economically, and physically by the white majority. While recent decades have witnessed an improvement in the treatment and status of all these groups, their subordinate position, its causes, and its effects persist.

Examination of the political participation of these minorities reveals the effects of this history. Although physical violence appears no longer to be commonly used to prevent blacks in the South from registering and voting, such episodes still occur. More common are economic reprisals against minority political activity.

Fear of both violence and economic reprisals remains, especially in the rural South and among the older members of the black population. The events of 5, 10, or even 20 years ago and the experience of generations are not easily forgotten or discounted. An isolated recurrence of violence or economic reprisal can nullify years of progress. People whose jobs, credits, or housing depend on someone who wishes to keep them politically powerless are not likely to risk retaliation for asserting or acting on their views.

8. Fair Representation in State Legislatures and Congress (204-249):

Introduction (204). There are two kinds of decisions which affect the fairness of representation--the formation of boundaries for voting units and the selection of voting rules.

Boundary formation (204-206). Even within the standards of one person, one vote, the number of ways that any jurisdiction can be divided (or not divided, if multi-member districts are used) for the purpose of electing representatives is practically infinite. Any division which unfairly reduces the number of districts controlled by minority voters is called racial gerrymandering.

Voting rules (206-208). Certain voting rules can work to the disadvantage of minority candidates, for example, a ban on single-shot voting, or a requirement for a runoff if no candidate receives a majority. Or, members of a governing body may be required to live in separate districts, but voting is at-large, or at-large voting may replace single member districts.

The abuse within covered jurisdictions of the power to establish State legislative boundaries, congressional district boundaries, and voting rules is indicated by the fact that nine States--Mississippi, South Carolina, New York, Georgia, Louisiana, Alabama, Virginia, Arizona, and North Carolina--have had their State

legislative apportionments found discriminatory either by a court or by the Attorney General. In addition, the Attorney General objected to congressional district boundaries in New York and Georgia.

These court holdings and section 5 objections have covered the use of multi-member districts, the way that boundaries between districts are drawn, and the voting rules that are used. The full Commission report devotes 39 pages to a survey of action by courts or the Attorney General to prevent alteration of the method of electing State legislatures or United States Representatives which would minimize minority representation.

9. Fair Representation in Local Government (250-327):

The boundary formation and voting rule problems described and discussed in Chapter 8 are as relevant for local governments as they are for State legislatures and congressional districts. However, there are other boundary problems that can arise in local government, especially the annexation of surrounding territory to dilute a growing minority population.

The full Commission report devotes 75 pages to efforts by courts or the Attorney General to prevent alteration of local governmental units' method of election to minimize minority political strength at the local level.

Minority political strength, despite progress under the Voting Rights Act, is not yet able to prevent structural changes that limit the effectiveness of that strength. Unfortunately, the years since the passage of the Voting Rights Act do not seem to have led to a diminution of objectionable changes in methods of election at the local level. There were more section 5 objections to changes of this type in 1974 than in any previous year. Moreover, the 1980 census will open a new round of changes that can affect the fairness of representation in local governmental bodies.

Conclusion (328-335):

The years under the Voting Rights Act have been years of catching up, a process well under way but far from complete.

The data presented in chapters 2 and 3 and the experiences described in chapters 4 through 7 document the persistence of discrimination in the electoral process. And though minority citizens usually are no longer excluded from political participation, the widespread use of racial gerrymandering and manipulation of voting rules detailed in chapters 8 and 9 dilute the effect of their participation and minimize hardwon success at the polls.

The problems facing minority voters, detailed in the report, lead to the conclusion that there is still hostility and resistance to the free and effective political participation of blacks, Native Americans, Puerto Ricans, and Mexican Americans. Where the Voting Rights Act has opened the door to political participation, minorities have stepped across the threshold with both determination and wariness. They experience the electoral process as an obstacle course, still controlled by the people (and in many instances the same individuals) who have long sought to exclude them from effective political participation. They bear the burden of mastering the intricacies of the political process in the face of persistent hostility and the often openly-expressed fear of whites that minorities in political control will treat whites as minorities themselves have been treated.

For the minority citizen, the right to vote is still a precarious right. In conjunction with the persistence of discrimination, the persistence of vulnerability to economic and physical pressure shapes the minority citizen's response to the opportunity to participate. For many minority voters, entering a polling place is crossing into dangerous territory, where personal experience and the shared heritage of centuries tell them they do not belong.

Progress toward full political participation is limited by the fact that some of the barriers that continue to deter minority political activity result from abuse of discretion by local officials whose behavior cannot be monitored completely. By fostering the opportunity for minorities to participate in the political process, however, the act lays the foundation for minority participation in the selection of local procedures and personnel. Participation at that level offers some hope of protection against abuse of discretion.

The Voting Rights Act has been an effective law, but the potential of its remedies has not been fully realized. The effectiveness of the act itself in the covered jurisdictions has been limited by the fact that section 5 does not reach discriminatory practices which existed before its coverage took effect. Litigation by the Department of Justice to eradicate such practices has been limited. Also, Federal examiners have not been used in many jurisdictions where minority registration lags substantially behind white registration.

The Voting Rights Act has opened the political process to minority citizens in the covered jurisdictions. Persistent discriminatory barriers, however, undermine both the success of the act and the political system itself. A democratic system depends on the full participation of its citizens, and until the right of minority citizens to participate freely is realized the rights of all Americans are not yet secured.

Findings (336-343):

Thirty-one "findings" are listed in the Commission report:

PROGRESS UNDER THE VOTING RIGHTS ACT

1. Minority political participation in jurisdictions covered by the Voting Rights Act has increased substantially since passage of the act:
 - a. The suspension of literacy tests has facilitated the participation of many minority citizens including those whose facility in English is limited.
 - b. Registration and voting by minorities has increased to the point that their influence is being felt through their ability to elect minority public officials and to determine the outcome of elections between white candidates.
2. Progress toward full enfranchisement of minorities in the jurisdictions covered by the Voting Rights Act is uneven.
 - a. In many areas minority registration lags far behind that of whites and apparently minority turnout is usually lower than white turnout.
 - b. Analysis of the types of offices to which minorities, particularly blacks, have been elected indicates that minorities have not yet gained a foothold on positions of real influence.
 - c. There is little evidence of progress in some covered jurisdictions. For example, some counties with substantial black populations have no black elected officials at any level of government.
3. The failure of most State governments in covered jurisdictions to maintain registration and turnout data by race hampers statistical evaluation of progress made by those jurisdictions in enabling minority citizens to register and vote. The failure of the Bureau of the Census to implement Title VIII of the Civil Rights Act of 1964 to obtain reliable estimates of registration by race compounds the problem of inadequate data.

ENFORCEMENT OF THE VOTING RIGHTS ACT

4. Enforcement of the Voting Rights Act has contributed substantially to the progress toward full minority political participation, but its potential has not been fully realized.
 - a. Section 5 preclearance has helped to eliminate new practices which are discriminatory in purpose or effect; however, the effectiveness of section 5 depends on the willingness of the covered jurisdictions to submit changes in electoral laws, practices, and procedures as required by the act.

- b. Compliance with the submission requirement has been uneven, and the Department of Justice does not have an effective monitoring system to bring to its attention unsubmitted changes.
- c. The use of Federal examiners has stimulated minority registration in the 60 counties to which they have been assigned, but examiners have rarely been used in recent years despite persistent disparities in minority and white registration rates in many counties of covered States.
- d. The presence of Federal observers in five of the covered States has helped to promote fair elections. The effectiveness of the observer program, however, has been limited by the failure to ensure that a substantial number of minorities serve as observers and to adequately inform the public of the presence and purpose of observers.
- e. Litigation by the Justice Department under the Voting Rights Act has helped to eliminate discriminatory practices in some of the covered jurisdictions. Private litigants, however, still bear much of the burden of enforcing the act and challenging discriminatory practices that antedate its coverage.

REGISTRATION

- 5. Few jurisdictions make any affirmative nonpartisan effort to register eligible persons. The burden of registration is borne by individual or by private nonprofit organizations. Such organizations are hampered by provisions of the Tax Reform Act of 1969 which severely limit foundation financing of nonpartisan voter registration drives.
- 6. Registration, including the registration of minorities, is hampered in jurisdictions covered by the Voting Rights Act by the fact that registration hours and places are limited, inconvenient, and poorly publicized. The absence or ineffective use of deputy registrars, mobile registration, and weekend and evening hours further limits opportunities to register.
- 7. Dual registration as practiced in many jurisdictions covered by the act is particularly burdensome to minority voters, who often are not informed of the need to register twice.
- 8. Few minority persons serve as registrars and a disproportionately small number of registration staff members are minorities.
- 9. Uncooperative and sometimes hostile behavior on the part of registrars and the failure of registrars to maintain scheduled hours limit the number of minorities who can register.
- 10. In some jurisdictions, minority registration has been discriminatorily reduced by unequal application of purge requirements to minorities and whites and by inadequate notice to minorities of both the purging and the procedures for reinstatement.

11. Reregistrations have removed substantial numbers of registrants including disproportionate numbers of minorities from the registration rolls. This has had the effect of undermining the objectives of the Voting Rights Act.

VOTING

12. The frequent inability of election officials to locate the names of minority voters on voting lists and numerous failures of these officials to inform minorities of their right to cast challenge ballots curtail the participation of these voters in many jurisdictions covered by the Voting Rights Act.
13. The location of polling places and the inadequacy of voting facilities deter minority voting in many areas.
14. County officials in some States often fail to inform minority voters of polling place changes. Furthermore, notification is rarely made in any language other than English, despite the presence of a substantial non-English-speaking population.
15. Minority and bilingual persons are severely underrepresented among election officials and rarely serve in supervisory positions.
16. Despite the requirement of a bilingual electoral process in certain jurisdictions, materials and assistance including translations of ballots and voting instructions into languages other than English, have been inadequate to ensure the voting rights of Native Americans and Spanish speaking persons in those jurisdictions.
17. Illiterate persons in many jurisdictions are denied their right to cast an effective ballot because of a failure to provide for acceptable and adequate assistance.
18. Abuses of absentee ballot procedures such as permitting ineligible whites to vote absentee and applying unequally requirements for voting absentee have deprived minorities of their voting rights in some of the jurisdictions covered by the Voting Rights Act. Absentee ballots cast in some of these instances have provided the margin of victory for white candidates running against minorities.

RUNNING FOR OFFICE

19. Excessive qualifying fees deter many persons from running for office and have a disproportionate impact on the poor and minorities.
20. Lack of cooperation from some local officials have prevented minorities from running for office and has impeded the candidacies of others.
21. Poll watchers for minority candidates are sometimes excluded from polling places and frequently encounter restrictions on their observing the casting and counting of votes.

22. Minority candidates in some areas have been prevented from campaigning on an equal basis in white communities.
23. Many blacks, excluded from the traditional party structure, have encountered discriminatory restrictions in their efforts to run as independents or third party candidates.
24. Minority political success in some instances has been hampered by abolishing offices, preventing winning candidates from taking office or exercising the full powers of office, and substituting appointments for election in filling certain offices.

PHYSICAL AND ECONOMIC SUBORDINATION

25. Although physical violence against minorities who attempt to register and vote is no longer common, violent episodes have occurred in recent years in Alabama, Louisiana and Mississippi.
26. Acts or threats of economic retaliation continue to deter minorities from registering and voting. Moreover, many minorities are deterred from participating in the political process by fear of economic harm which results from their economically dependent status.
27. The history of physical violence and economic reprisal against minority communities has left widespread fear of retaliation for political participation, particularly among rural Southern blacks.

FAIR REPRESENTATION

28. The use of multi-member districts, instead of single-member districts, especially in conjunction with one or more of the following requirements: majority vote, numbered post, candidate resident and full-slate voting, has discriminatorily limited the impact of minority voters in the selection of State legislators in the covered States.
29. Racial gerrymandering of State legislative and Congressional district lines has limited the effectiveness of minority votes in elections for those offices in the covered jurisdictions.
30. The use of at-large elections, in conjunction with numbered posts, candidate residence, majority, and full-slate requirements, has resulted in discriminatory dilution of minority influence in the election of local officials in the covered jurisdictions.
31. Practices which appear to be neutral, such as annexation, consolidation, and incorporation, have diluted the voting strength of minorities in the selection of local officials in some of the covered jurisdictions.

Recommendations (344-355a):

The report makes 19 recommendations, all of which are elaborated upon within the full report and are summarized below:

(1) Prior to August 6, 1975, Congress should extend the Voting Rights Act for an additional 10 years.

(2) Congress should extend the national suspension of literacy tests for an additional 10 years.

(3) Congress should amend the Voting Rights Act to provide for civil penalties or damages against State and local officials who violate section 5 of the act by enforcing or implementing changes in their electoral laws and procedures without having first obtained preclearance from the Attorney General of the United States or the District Court for the District of Columbia.

(4) The Department of Justice should strengthen its enforcement of section 5 of the Voting Rights Act, the preclearance provision.

(5) The Department of Justice should bring law suits to end discriminatory practices which are not prevented by section 5.

(6) The Department of Justice should direct the Civil Service Commission to send Federal examiners to counties where the minority registration rate is significantly lower than the white rate, registration for minorities is inordinately inconvenient, or purges are burdensome or discriminatory in purpose or effect.

(7) The Department of Justice, in situations where time permits, should give advance notice of the use of Federal observers. Federal observers must be identifiable as such to minority voters and include among their number a higher proportion of minorities.

(8) The Department of Justice should take action to ensure that minority citizens whose usual language is not English receive adequate election materials and necessary assistance in their usual language.

(9) The Department of Justice should determine whether there are other jurisdictions which satisfy the criteria of section 4(b) of the Voting Rights Act of coverage under the Act.

(10) If the staff of the Voting Section of the Civil Rights Division of the Department of Justice is inadequate for the implementation of the preceding recommendations and for full enforcement of the Voting Rights Act, the President should request and Congress should appropriate additional funds for the Department of Justice and the Department should increase its allocation of resources to that section.

(11) Congress should enact a program to enhance the economic independence of all citizens.

(12) Congress should enact legislation enabling an illiterate voter to receive assistance from whomever the voter wishes.

(13) The Equal Employment Opportunity Commission should take action to end discrimination in the employment of registration and election workers, which is prohibited by Title VII of the 1964 Civil Rights Act.

(14) Congress should provide for the awarding of attorney's fees where appropriate in private litigation to enforce the Voting Rights Act or rights guaranteed by the 15th amendment.

(15) Congress should enact legislation establishing a Federal program to assist State and local governments wishing to improve and modernize their registration programs.

(16) Congress should amend the Tax Reform Act of 1969 to end the restriction on foundation financing of nonpartisan voter registration drives.

(17) The Bureau of the Census should conduct surveys in specified States and counties to determine the level of voter registration and voter turnout by race and ethnicity.

(18) Congress should enact a program for the collection of information on voter registration, all primary and general elections, and requirements of running for office. Such information should be distributed at United States Post Offices.

(19) Immediate steps should be taken to conduct a study of voting rights in jurisdictions that are not covered by the Voting Rights Act. Although the Civil Rights Commission is undertaking such a survey, the Commission recommends that Congress not await the Commission's forthcoming report before giving serious consideration to including an amendment to the extension of the Voting Rights Act to cover those language minorities as well as other minorities who, according to preliminary information, require the protection of this law.