

**Hearing on “Reauthorizing the Voting Rights Act’s Temporary Provisions:
Policy Perspectives and Views from the Field”
Questions for Don Wright
Submitted by Senator Patrick Leahy
June 23, 2006**

Response of Don Wright, General Counsel of the North Carolina State Board of Elections.

All of my responses are subject to the same caveat as in my written testimony. The opinions I have expressed are my own in my individual capacity, and do not necessarily reflect those of the North Carolina Board of Elections.

1. You testified that there are several benefits for jurisdictions of being under Section 5 coverage, such as for the 40 covered counties in North Carolina.
 - A. What are some of the benefits of Section 5 coverage?
 - Section 5 can vindicate governmental units from allegations of discrimination or adverse racial effects. It provides a “seal of approval” that a voting change is not discriminatory because the USDOJ has precleared the change.
 - Section 5 prevents actions that would have a discriminatory impact from going into effect, ensuring that all voters have equal opportunities to participate free of discrimination. Section 5 is much more cost effective and efficient than litigation regarding voting changes, which is expensive to both the submitting jurisdiction and the plaintiffs. In the meantime, the plaintiffs – and, in fact, all voters – suffer the discriminatory impact of the voting change during the several years it can take to bring a successful court challenge. Preventing this sort of expense, delay, and discriminatory implementation was the main reason Section 5 was enacted to begin with.
 - Section 5 allows the opportunity to assure the public that minority rights are being protected and that someone is independently validating those decisions. A very important matter when dealing with racial issues with its strong emotional overlays.
 - Section 5 facilitates planning and administration of special elections. Preparation of special elections must be done well in advance. The longer an election is set prior to its running, the easier it is for the election administrator. Elections that need preclearance can be shielded from “last minute” adjustment, such as adding a bond issue that may burden the election administrator.

B. How does Section 5 coverage make your job as General Counsel to the State Board of Elections easier?

Section 5 precludes situations that adversely affect the voting rights of minorities from coming into existence, thus reducing the number of future issues I would have to deal with. The preclearance procedure gives me a prompt direct answer as to covered situations and allows me to rely upon them without fear from being sued by the USDOJ or to use that preclearance opinion as a legal shield to protect the action from challenge from others than the USDOJ. It also forces the local jurisdictions and I to focus early in the process of determining voting/election actions upon the possible effect of the action upon minorities.