

The Voting Rights Act of 1965

Summary of major provisions, by section

Section 2: No voting qualification or prerequisite shall be applied by any state to abridge voting due to race or color.

Section 3: Attorney General may appoint federal examiners to oversee any court orders resulting from a 15th Amendment lawsuit against a state or any political subdivision. “Bail-in provision:” Court may suspend any voting qualifications or “devices” it finds to have been used for racial discrimination, and retain jurisdiction over the rules and practices of such a subdivision, through such examiners, for as long as it deems necessary.

Section 4: States and subdivisions meeting certain qualifications based on previous use of literacy tests, very low turnout rates, and other objective indicators as of November 1964 are immediately and automatically to fall under Section 5.

Section (a) “bail-out” provision: a subdivision may petition to exit coverage of Section 5 if it has complied with all requirements for at least 5 years.

Section (e) guarantees vote to literate Puerto Ricans, regardless of language, who meet other local requirements.

Section 5: Subdivisions falling under the criteria of Section 4 or the bail-in provisions of Section 3 must get “pre-clearance” from the Justice Department before making any changes in its laws on electoral systems, representational arrangements, or voter qualifications.

Section 6, 7, 8: AG to provide federal examiners to govern voter registration process in any jurisdiction covered under Section 5 if 20 or more residents file written complaints; and to provide election observers in those jurisdictions.

Section 9: Federal officials appointed to hear all registration and participation complaints.

Section 10: “Congress finds” that the poll tax appears unfair; authorizes AG to file suit against poll tax applied to all federal and state elections; gives original jurisdiction to a 3-judge Appeals Court panel, to be appealed directly to the Supreme Court. If the courts ever do rule in favor of such a challenge, then poll tax qualifications are hereby outlawed.

Sections 11-14: details of prosecution, administration, and criminal penalties for violations or fraud.

Sections 15-19: legal details providing for codification in U.S. Code, study of effects on Armed Forces, preservation of voting rights already guaranteed by states, authorization of funds, and severability of sections in case of adverse court rulings.