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Kings Mountain, North Carolina First To Seek Voting Rights Act “Bailout” following Supreme Court’s Decision

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On August 4, 2009, the City of Kings Mountain, North Carolina became the first local government in the nation to seek a bailout from the “preclearance” provisions of the Voting Rights Act in the wake of a recent Supreme Court decision. As a result of the Supreme Court’s June 22 decision in *Northwest Austin Municipal Utility District v. Holder (NAMUDNO)*, political subunits like Kings Mountain may now pursue bailout. The city is seeking to avoid having to “preclear” with the United States Justice Department all changes that relate to voting or elections before implementing them. Kings Mountain is considered a “covered” jurisdiction because it straddles two counties required to comply with the preclearance provisions of Section 5 the Voting Rights Act.

Attorney J. Gerald Hebert, a solo practitioner in Alexandria, Virginia, will represent Kings Mountain in this matter, along with the City’s attorney, Mickey Corry. Mr. Hebert has represented all seventeen jurisdictions (all in Virginia) that bailed out *prior* to the NAMUDNO case.

Hebert observed that Kings Mountain’s decision to avail itself of the bailout opportunity should encourage other local governments to pursue bailout. “After all,” Hebert said, “obtaining a bailout is relatively easy if the local government can show it affords all persons an equal opportunity to participate effectively in the voting and electoral process.” Hebert also said “many local governments are unaware of the bailout option, or erroneously think bailout is either too cumbersome or costly; in fact it is an easy process that’s both affordable and cost-efficient.” Hebert continued: “Kings Mountain is rightfully proud of its record of equal opportunity in voting and the bailout process will give the city an opportunity to document this.”