

August 8, 2010

Roanoke seeks 'bailout' from Voting Rights Act

The Roanoke Electoral Board wants to move some of its precincts, but the Voting Rights Act makes that costly.

By [Mason Adams](#)

The Roanoke Electoral Board is working to allow the city to opt out from some provisions of a landmark civil rights law.

The Voting Rights Act of 1965 -- signed into law 45 years ago Friday -- was put in place to outlaw discriminatory electoral practices such as poll taxes and literacy tests that prevented blacks and other minorities from voting.

It established federal oversight of elections, particularly in Southern states with a history of discrimination. Over the past 15 years, though, many city and county governments -- seeking ways to cut costs and save time by streamlining a lengthy federal process -- have applied to receive a "bailout" from certain sections.

Those parts require localities to receive approval from the Justice Department before taking any actions that affect voting, including moving precincts.

Seventeen counties and cities in Virginia have already received that bailout, including Salem, Botetourt County and Roanoke County. Bedford and Bedford County also are in the process of seeking a bailout from the Voting Rights Act.

Now, the Roanoke Electoral Board would like to pursue a bailout as well, saying it would streamline a number of processes that now require an extensive 60-day review by the Department of Justice.

The bailout process requires approval from the Roanoke City Council, however, which may prove to be complicated. The electoral board had this same conversation a few years back, but the process stalled when the Roanoke branch of the National Association for the Advancement of Colored People opposed the bailout.

This time there seems to be more buy-in. Carl Tinsley, an electoral board member and the lone black representative, said receiving a bailout would be "much easier on the voters -- and less costly too."

But Councilman Sherman Lea greeted the news with wariness, saying he'd probably vote against a bailout from the Voting Rights Act.

"Initially, because of what that act means -- especially for African-Americans -- I think it's important that it stay," Lea said.

"Given where we are in our community, with the apathy that exists in local elections, I would not want to do anything that would impact or take away people's ability to vote," he said.

Talk of a bailout has been spurred largely by the city's recent closure of a number of fire stations, schools and other buildings that once served as polling places. Those closures mean Registrar Lavern Grigsby has had to scramble to find a number of new precincts.

Each move requires not just getting a sign-off from the city council, but also going through the 60-day Justice Department process because of the voting act requirements.

This fall, Grigsby has to move three different precincts -- one from a fire station that's being sold (Melrose), one from a school maintenance building set for demolition (Jefferson No. 2), and one that was found to be out of compliance with guidelines set by the Americans with Disabilities Act (Williamson Road No. 3).

Members of the Roanoke board said that seeking federal approval for every precinct move has cost money and time.

"It's quite onerous," said Melvin Williams, one of the city's three electoral board members. "It requires a lot of work on the part of the registrar to comply with all the reporting requirements. ... It just takes up time and wastes a lot of money."

Grigsby said she respects the symbolism and historic importance of the Voting Rights Act but thinks a bailout would help her perform her job more efficiently.

It's still unclear how Roanoke's civil rights advocacy organizations will respond to the proposal.

Brenda Hale, president of the NAACP's Roanoke branch, said she sees both pros and cons of the proposal but wants to make sure the public gets a chance to weigh in.

"One of the things I'm very concerned about is that the Roanoke City Council will give the community an opportunity to go through the process and listen to all sides and concerns regarding this issue," Hale said.

Bishop Edward Mitchell, president of the Roanoke chapter of the Southern Christian Leadership Conference, deferred questions to community activist Jeff Artis, who could not be reached for comment.

Congress renewed the Voting Rights Act for another 25 years in 2006, and last year the Supreme Court broadened the bailout provision to apply not just to cities and counties, but to other government jurisdictions as well. Those decisions, along with the pending need to redraw precincts for redistricting, has prompted an increasing number of bailout applications in recent years.

Alexandria lawyer Gerald Hebert has represented all of the Virginia localities seeking bailouts, starting with Fairfax in 1997.

"There's a list of things in the law that you have to prove, and they're fairly straightforward," Hebert said. "A jurisdiction that's not discriminating in its voting procedures normally has very little difficulty meeting them."

Hebert said the cost of a bailout -- about \$5,000, mostly in lawyers' fees -- is quickly recouped when considering the expense to get preliminary clearance from the Justice Department to move a precinct.

"Even without lawyers, just in staff time, preclearance runs about \$500," Hebert said. "If lawyers are involved, and it's a controversial or complicated one, then it can run into the thousands of dollars."

Obtaining a bailout would first require the council to take a vote in favor of pursuing the action. The city must then present data to the Justice Department demonstrating that it's eliminated any actions or devices that would discriminate against certain voters.

A three-judge panel ultimately makes a final decision on whether a locality has reached that point and is therefore entitled to be bailed out from the Voting Rights Act.

<http://www.roanoke.com/news/roanoke/wb/256275>