



TESTIMONY OF

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BEFORE THE

U.S COMMISSION ON CIVIL RIGHTS

Field Hearing

An Assessment of Minority Voting Rights Obstacles in the United States

Feb. 2, 2018

U.S. Commission on Civil Rights
Raleigh Marriott Crabtree Valley Hotel
Raleigh, North Carolina

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Testimony of Hans A. von Spakovsky

Thank you for the invitation to testify before the U.S. Commission on Civil Rights on the U.S. Department of Justice's federal voting rights enforcement efforts after the 2006 reauthorization of the temporary provisions of the Voting Rights Act (Section 5) and the impact of the *Shelby County v. Holder*² decision on the Department's enforcement strategies and priorities.

I am Hans A. von Spakovsky, a Senior Legal Fellow and Manager of the Election Law Reform Initiative in the Edwin Meese III Center for Legal and Judicial Studies at The Heritage Foundation (www.heritage.org). I was a Commissioner on the Federal Election Commission for two years and am a former career Counsel to the Assistant Attorney General for Civil Rights at the U.S. Department of Justice, where I coordinated enforcement of federal voting rights laws including the Voting Rights Act of 1965 (VRA).

I am also a former member of the Presidential Advisory Commission on Election Integrity; the Board of Advisors of the U.S. Election Assistance Commission; the Registration and Election Board of Fulton County, Georgia; the Electoral Board of Fairfax County, Virginia; and the Virginia Advisory Board to the U.S. Commission on Civil Rights. I have published extensively and have testified before both congressional and state legislative committees on voting and election issues.

All of the views and opinions I express in my testimony are my own and should not be construed as representing any official position of The Heritage Foundation or any other organization.

The Jan. 17 letter inviting me to testify before the Commission asked for my opinion on a series of questions. Here are my responses:

Has the Shelby County decision affected the DOJ's voting rights enforcement and priorities? Has the decision impacted the volume and nature of Section 2 cases brought? How has DOJ enforced Sections 203 and 208 of the VRA since the 2006 reauthorization?

No, it does not seem to have affected enforcement priorities. A review of the litigation record of the Voting Section during the administrations of George W. Bush and Barack Obama shows a sharp, overall downward trend in the number of enforcement

² *Shelby County v. Holder*, 133 S.Ct. 2612 (2013).