

Abstract

In *Shelby County v. Holder*, the Supreme Court was faced with the following central question: Did Congress lack authority under the Constitution to reauthorize Section 5 of the Voting Rights Act in 2006 under the pre-existing Section 4(b)'s coverage formula? If so, is Section 4(b) of the Voting Rights Act unconstitutional? On June 25, 2013, the Supreme Court reversed the D.C. Circuit Court's decision by a 5 – 4 vote. Section 4(b) was held unconstitutional because it was “based on a formula that used 40-year-old facts that had no logical relation to the present day,” and thus, “the formula could not be used as a basis for subjecting jurisdictions to preclearance by federal authorities.” Although Section 5 was left untouched, in effect, the High Court struck down Section 5 as well because without the coverage formula, no state or county will be subject to the Section 5's preclearance requirement. This thesis will discuss in depth why the Majority has erred in ruling that Section 4(b) of the Voting Rights Act is unconstitutional.