

GREG KATSAS ON VOTING RIGHTS

Highlights:

- Greg Katsas opposed voting rights.
 - Katsas said he represented Florida in its attempts to remove alleged non-citizens from voting rolls.
 - The case was dismissed after the Supreme Court ruled in *Shelby County v. Holder*.
 - Katsas said the Supreme Court's 1980 decision to uphold the federal government's authority to enforce the Voting Rights Act was a "bad" decision.

Katsas Opposed Voting Rights

KATSAS SAID HE REPRESENTED FLORIDA IN ITS ATTEMPTS TO REMOVE ALLEGED NON-CITIZENS FROM VOTING ROLLS

Katsas Said He And His Former Jones Day Colleague Michael Carvin Were Involved With "Representing Florida In Its Attempts To Remove Fraudulently Registered Non-Citizens" From Voter Rolls. Katsas said in a 2012 interview, "Mike and I have had several big and interesting cases together. Of course, our most noteworthy one was the healthcare case in the Supreme Court. We are currently representing Florida in its attempts to remove fraudulently registered non-citizens from its voter rolls, to which the Justice Department has objected. We have another great case involving a constitutional challenge to the President's recent recess appointments to the NLRB." [Metropolitan Corporate Counsel, 9/14/12]

- **Carvin Was Listed As A Lead Attorney In The Case (Mi Familia Vota Education Fund v. Detzner) But Katsas Was Not.** Michael Carvin of Jones day was listed a lead attorney for the State of Florida but Katsas was not. [United States District Court for the Middle District of Florida, 9/18/12]

The ACLU Represented The Plaintiffs In The Case, Arguing That Florida Did Not Obtain Required Preclearance Under Section 5 Of The Voting Rights Act Before Purging The Voter Rolls. According to the Lawyers' Committee for Civil Rights Under Law, "Mi Familia Vota v. Ken Detzner (Florida) On June 8, 2012, the Lawyers' Committee along with the ACLU and the law firm of Weil, Gotshal & Manges LLP filed suit in federal court in Florida against the Florida Secretary of State, Ken Detzner, regarding Florida's implementation of new voter registration procedures without obtaining the required preclearance under Section 5 of the Voting Rights Act. The plaintiffs included Mi Familia Vota Education Fund, a non-profit organization dedicated to working with the Latino community to increase civic participation, and two individuals who are naturalized U.S. citizens and who registered to vote in Florida, Murat Limage and Pamela Gomez. In April 2012, Secretary Detzner instituted a new procedure for purging the voter registration rolls by distributing to county election officials a list of over 2,600 registered voters who he said are 'potential non-citizens' with instructions that election officials should institute proceedings to remove these individuals from the registration rolls." [Lawyers' Committee for Civil Rights Under Law, accessed [10/12/17](#)]

The Case Was Dismissed After The Supreme Court Ruled In Shelby County v. Holder

The Case Was Dismissed After The Supreme Court Ruled In Shelby County v. Holder. According to the Tampa Bay Times, "A federal court in Tampa dismissed the claim by civil rights activists Wednesday challenging the controversial 2012 voter purge enacted by Gov. Rick Scott and the state's Division of Elections to rid the rolls of what they believed were scores of fraudulent voter registrations. The action was challenged by the the American Civil Liberties Union of Florida and the Lawyers Committee for Civil Rights Under Law on behalf of Mi Familia Vota and two U.S. citizens and alleged it unconstitutionally targeted minority voters. The court on Wednesday cited the U.S. Supreme Court's decision on *Shelby County v. Holder*, which dismantled the part of the federal Voting Rights Act that required that state actions receive federal approval or preclearance." [Tampa Bay Times, [7/24/13](#)]

KATSAS SAID THE SUPREME COURT'S 1980 DECISION TO UPHOLD THE FEDERAL GOVERNMENT'S AUTHORITY TO ENFORCE THE VOTING RIGHTS ACT WAS A "BAD" DECISION

Katsas Said That The Supreme Court's 1980 Ruling In City Of Rome v. United States, That The Federal Government Had The Right To Enforce The Voting Rights Act, Was "Bad" Because It Permitted "Enormous Intrusions Into State Voting Structures." According to People for the American Way, "Greg Katsas, a prominent Society member who serves as an officer of the organization's litigation practice group, criticized the Supreme Court's 'bad' decision in City of Rome v. United States (1980) to uphold the federal government's authority to enforce the Voting Rights Act because, he said, it permitted 'enormous intrusions into state voting structures...'" [People for the American Way, [4/1/02](#)]

The Voting Rights Act Outlawed Discriminatory Voting Practices

The Voting Rights Act Outlawed Discriminatory Voting Practices. According to the National Archives, "Voting Rights Act (1965) **This act was signed into law on August 6, 1965, by President Lyndon Johnson. It outlawed the discriminatory voting practices adopted in many southern states after the Civil War, including literacy tests as a prerequisite to voting.** This 'act to enforce the fifteenth amendment to the Constitution' was signed into law 95 years after the amendment was ratified." -National Archives, accessed [6/25/24](#)

The General Assembly Of Georgia Changed The Electoral Process In The City Of Rome Without The Preclearance Of The Attorney General Of The United States

The General Assembly Of Georgia Changed The Electoral Process In The City Of Rome Without The Preclearance Of The Attorney General Of The United States. According to Justia, "U.S. Supreme Court City of Rome v. United States [...] In 1966, appellant city of Rome, Ga., made certain changes in its electoral system, including provisions for majority, rather than plurality, vote for each of the nine members of the City Commission; for three numbered posts within each of the three (reduced from nine) wards; and for staggered terms for the commissioners and for members of the Board of Education from each ward; and a requirement that members of the Board reside in the wards from which they were elected. In addition, the city made 60 annexations between November 1, 1964, and February 10, 1975. Section 5 of the Voting Rights Act of 1965 (Act) requires preclearance by the Attorney General of the United States or the United States District Court for the District of Columbia of any change in a 'standard, practice, or procedure with respect to voting' made after November 1, 1964, by jurisdictions that fall within the coverage formula set forth in § 4(b) of the Act. Section 5 further provides that the Attorney General may clear a voting practice only if it "does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color." Georgia was designated a covered jurisdiction in 1965, and the municipalities of that State accordingly must comply with the preclearance procedure. Eventually, after at first having failed to do so, Rome submitted the annexations and the 1966 electoral changes for preclearance, but the Attorney General declined to preclear the above-enumerated electoral changes, concluding that, in a city such as Rome, in which the population is predominately white and racial bloc voting has been common, such electoral changes would deprive Negro voters of the opportunity to elect a candidate of their choice. The Attorney General also refused to preclear 13 of the 60 annexations, finding that the city had not carried its burden of proving that the disapproved annexations would not dilute the Negro vote. Subsequently, however, in response to the city's motion for reconsideration, the Attorney General agreed to preclear the 13 annexations for Board of Education elections, but still refused to preclear them for City Commission elections. The city and two of its officials then filed a declaratory judgment action in the United States District Court for the District of Columbia, seeking relief from the Act based on a variety." [Justia, accessed [6/25/24](#)]

The Supreme Court Held In City Of Rome v. United States That Congress Had The Right To Impose And Extend The Voting Rights Act

City Of Rome v. United States Held That Congress Had The Right To Impose And Extend The Voting Rights Act. According to Case Briefs, "Issue. Whether the Fifteenth Amendment empowered Congress to impose the rigors of the Voting Rights Act upon the covered jurisdictions? Whether Congress has the authority to regulate state and local voting through the provisions of the Voting Rights Act? Whether Congress had the authority to extend the Voting Rights Act for a second seven-year term? Held. Yes to all three issues. Affirmed. The Act's ban on electoral changes that are discriminatory in effect is an

appropriate method of promoting the purposes of the Fifteenth Amendment, even if Section: 1 of the Amendment prohibits only purposeful discrimination, the prior decisions of the Court foreclose any argument that Congress may not, pursuant to Section: 2, outlaw voting practices that are discriminatory in effect. Furthermore, The Court finds that there is no reason to disturb Congress' considered judgment that banning electoral changes that have a discriminatory impact is an effective method of preventing states from undoing or defeating the rights recently won by African-Americans." [Case Briefs, accessed [6/25/24](#)]