

VRA



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Session Objectives

- Understand the history of minority voting in the United States
- Understand legislative acts and Supreme Court decisions that affect minority voting
- Understand the measures and techniques used in the analysis of proposed district plans

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Slavery in the United States

- Slavery was legal in the United States from colonial days (1619) until 1865 (13th Amendment)
- History of slavery is related to the VRA

	1789	1800	1821	1837	1846	1858	1861
Slave States	8	9	12	13	15	15	15
Free States	5	8	12	13	14	17	19

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Post Civil War Voting

- Post Civil War Constitutional amendments
 - 13th (1865) – prohibits slavery
 - 14th (1868) – grants citizenship to anyone “born or naturalized in the United States” and guarantees due process and equal protection
 - 15th (1870) – provides that “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”
- Enforcement Acts (1870s) – criminalized the obstruction of a citizen’s voting rights and provided Federal oversight of voting process
 - Parts declared unconstitutional in 1875
 - Limited enforcement of remaining provisions after 1877

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Jim Crow Era

- Jim Crow period (1877-1965) – characterized by
 - Racial segregation
 - Voter disenfranchisement
- Covered Confederate states, some border states, and some parts of northern states
- Laws
 - Segregated public facilities (water fountains, restrooms, transportation)
 - Vote denial (poll taxes, literacy tests, grandfather clauses)
 - 1896 – Plessy v. Ferguson – “separate but equal”
- Ended with SC desegregation ruling (1954), the Civil Rights Act (1964), and the Voting Rights Act (1965)

By 1910, registered voters among African Americans dropped to 15 percent in Virginia, and under 2 percent in both Alabama and Mississippi

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Voting Rights Act (1965)

- Mandates that no "standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."
- Mandates that electoral district lines cannot be drawn in such a manner as to "improperly dilute minorities' voting power.
- Opportunity districts are created to prevent the dilution of minority voting strength

Within a year of passage of the VRA, only four of the 13 southern states had fewer than 50 percent of African American registered voters

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VRA Provisions

VRA contains some provisions that are US-wide and others that are special (targeted regions)

- Section 2
 - prohibits any jurisdiction from implementing a "voting qualification or prerequisite to voting, or standard, practice, or procedure ... in a manner which results in a denial or abridgement of the right ... to vote on account of race", color, or language minority status
 - Prohibition of election practices that result in the denial or abridgement of the right to vote based on race or color
 - Amendment (1982) – does not guarantee protected minorities a right to proportional representation
 - SC decreed that proof of intent is not required for a challenge
- Section 5 – required “pre-clearance” localities to obtain federal approval before changing voting procedures

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VRA Amendments

- VRA amended in 1970, 1975, 1982, 1992, and 2006, concurrent with the expiration of some special provisions
- Section 5 preclearance extended for 25 years in 1982 and 2006
- Language coverage extended in states with language minorities to include multilingual ballots
- 1975 – VRA expanded to cover language minorities (“American Indian, Asian American, Alaskan Natives or of Spanish heritage”)
- 1992 – used an effect principle to determine discrimination (results test), but not proportional representation

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Important Supreme Court Decisions

- 1986 – *Thornburg v. Gingles* (9/0)
 - Multimember districts found to impair ability of black voters to elect a candidate if their choice
 - Gingles test – a) large minority group, b) politically cohesive minority group, and c) racially polarized voting
- 2013 – *Shelby County v. Holder* (5/4)
 - Section 4 ruled unconstitutional, which means Section 5 not enforceable until Congress enacts a new coverage formula
 - Effectively removes pre-clearance requirement
- 2024-2026 – *Louisiana v. Callais* (not yet decided) – focus on whether Section 2 of the VRA violates the 14th and 15th Amendment
 - Based on an apparent racial Gerrymander in Louisiana

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How to Measure Violations of the VRA

- Vote share / seat share curve
- Gingles test for racially polarized voting
- Ecological Inference
- MCMC Analysis – probabilistic comparison of enacted plan with a distribution of random plans

You will use some of these techniques to look for potential violations of the VRA in some states

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Vote Share / Seat Share Curve

- Not sufficient to indicate a racial Gerrymander, but let's look at the example of some preclearance states
- Alabama
- Georgia
- Louisiana
- South Carolina
- Texas
- Virginia

Look for 2022 Seats-Votes Curve in
<https://jeffreyshe19.github.io/Seats-Votes-Curves/>

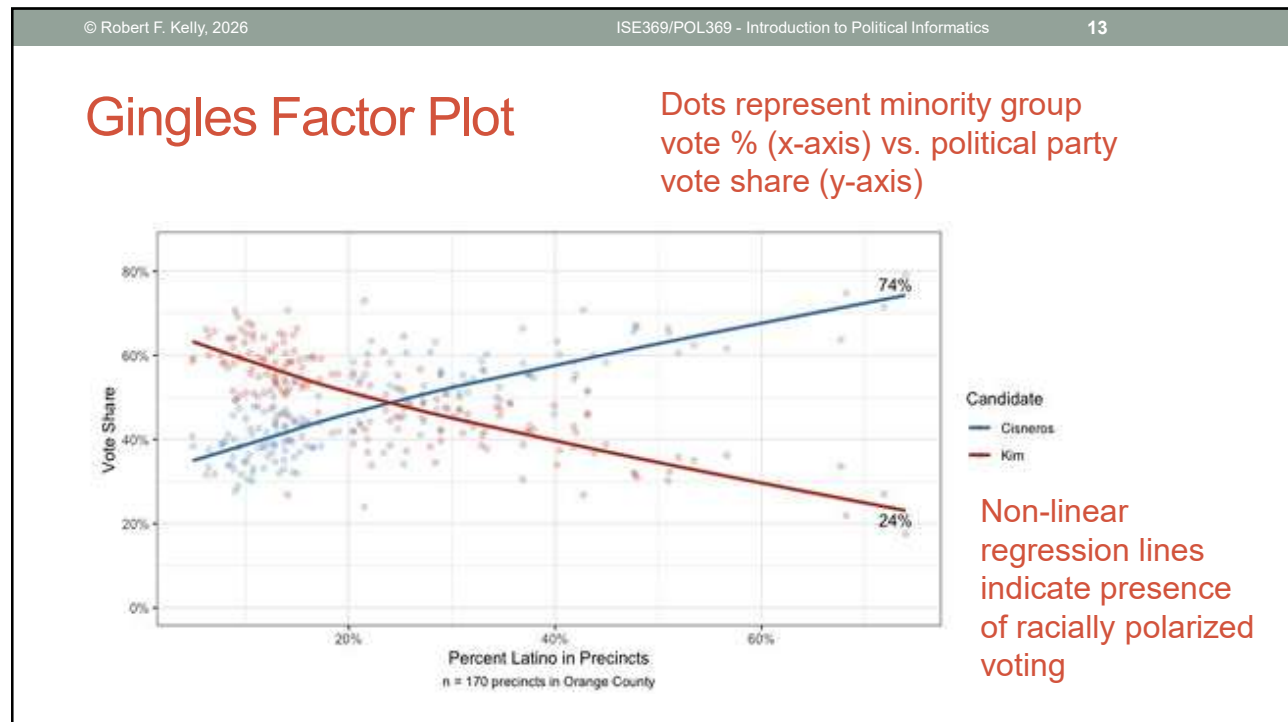
Do you see a bias for a political party?
 Do you see protection of incumbents?

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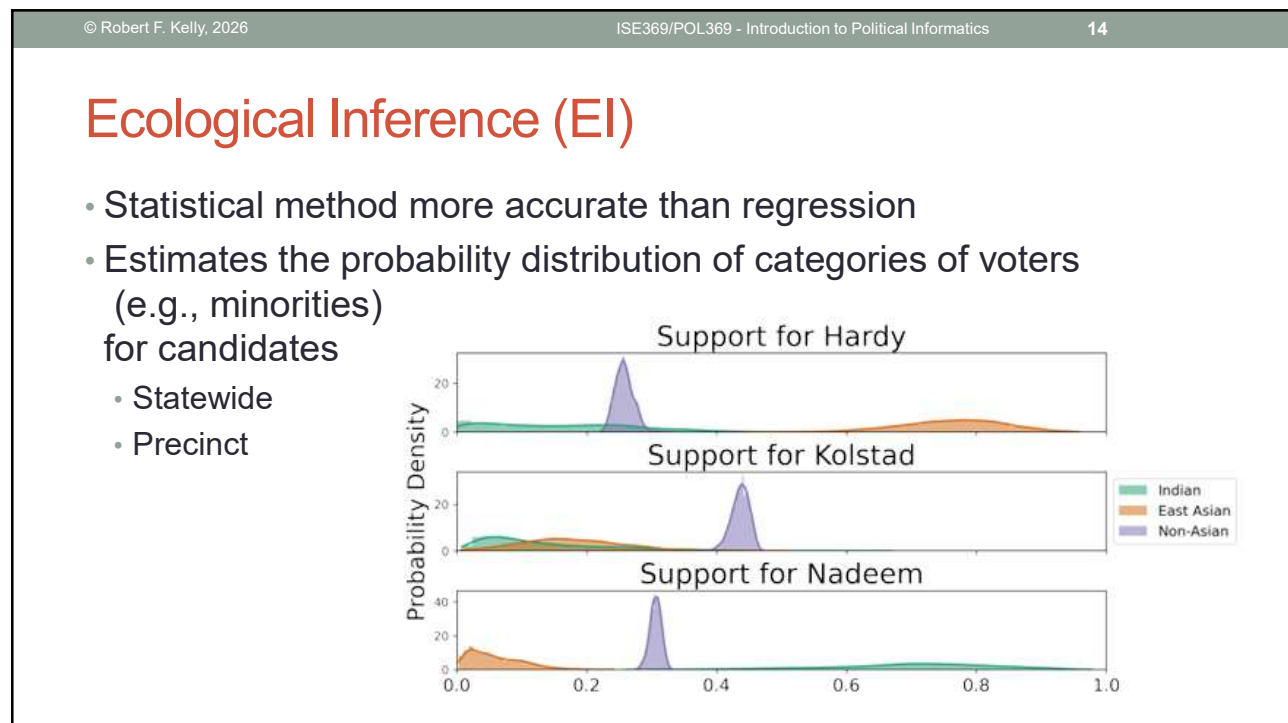
Gingles Test

- Establishing liability under Section 2 of the VRA requires the determination of racially polarized voting, including whether the
 - Minority group votes as a bloc and the
 - Majority group votes as a bloc
- We cannot directly measure how racial/language groups vote because that data is not captured during the voting process
- Estimates measured by
 - Scatter plot and
 - Ecological Inference

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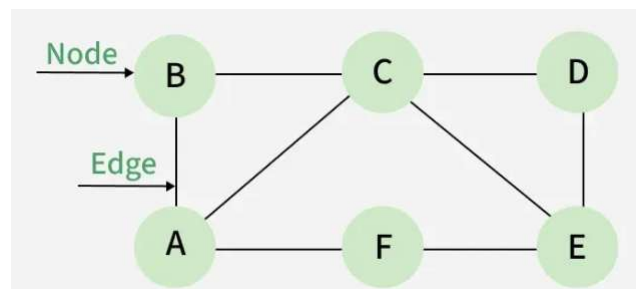
MCMC Analysis

- Markov Chain, Monte Carlo
- Used in recent court cases
- Generate random district plans for a state and use the plans to estimate the probability distribution of all possible plans
- A proposed plan can be compared against the probability distribution to see if the plan appears random
- The ensemble of random plans can be used to estimate the expected value of various measures (e.g., opportunity districts, Republican/Democratic splits)

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ReCom Algorithm

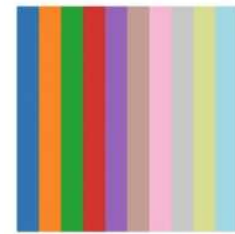
- Recent algorithm used to efficiently compute a large collection of random district plans for a state
- Based on the representation of a district plan as a connected graph
 - Each precinct is a node in the graph
 - Each district is a sub-graph
 - An edge exists between 2 nodes if the corresponding precincts are adjacent
- Each district corresponds to the subgraph containing the precinct nodes



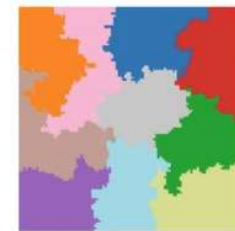
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ReCom Algorithm

- Start with a seed district plan (e.g., enacted plan) as a graph
- Combine 2 adjacent subgraphs to form a new subgraph
- Form the spanning tree of the subgraph
- Randomly cut an edge in the new subgraph to create 2 new subgraphs
- Test if the subgraphs satisfy constraints (e.g., equal population)
- If constraints not satisfied, repeat with a new edge
- If constraints satisfied select 2 new subgraphs to combine and test
- Repeat above steps to generate a new random plan
- Repeat the above steps until enough (usually more than 5,000) random district plans are generated
- Predict election results
- Compare enacted districting to generated probability distribution



Initial Partition



100 ReCom steps

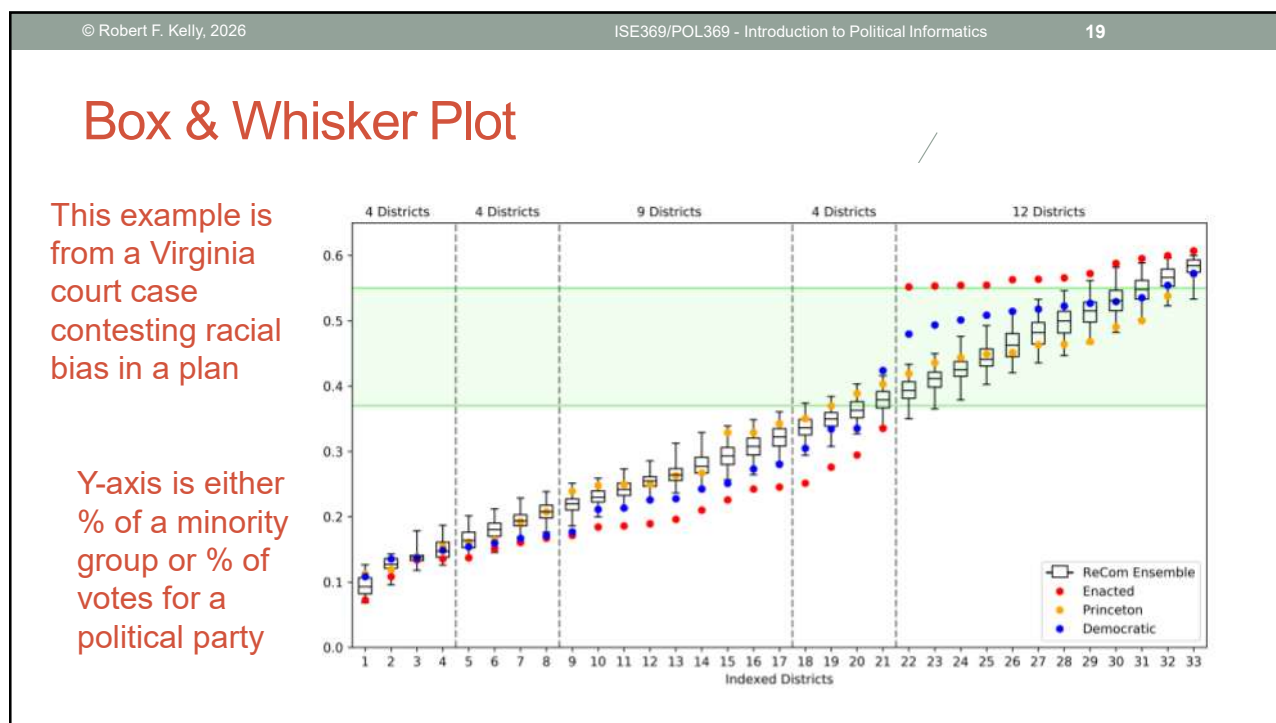
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Compare Enacted Plan With Random Plans

- Sort the districts of each random plan based on population percentage of a group to be analyzed (e.g., African American)
- Add the population percentage of each district to a virtual bin
- For each bin, calculate the
 - Average
 - Max
 - Min
 - First quartile
 - Third quartile

The values in each of the bins are displayed in a box & whisker plot and compared with the corresponding values for the enacted plan

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Have You Achieved the Session Objectives?

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