



HOUSE BILL 337: Const. Amendment/Repeal Literacy Test.

2021-2022 General Assembly

Committee:	House Judiciary 2. If favorable, re-refer to State Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	March 30, 2021
Introduced by:	Reps. Alexander, Brown, Riddell, Stevens	Prepared by:	Susan Sitze and Hillary Woodard
Analysis of:	First Edition		Staff Attorneys

OVERVIEW: *House Bill 337 would place a constitutional amendment on the November 2022 ballot to repeal the literacy test provision for voter registration.*

CURRENT LAW:

Section 4 of Article VI of the North Carolina Constitution provides "Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language."

BILL ANALYSIS:

House Bill 337 would place a constitutional amendment on the November 2022 ballot for voters to determine if the literacy test requirement for those registering to vote should remain part of the NC Constitution. If a majority of the votes approve the amendment, then the State Board of Elections must certify the amendment and the Secretary of State must enroll the amendment. If the majority of votes are against the amendment, then the amendment will have no effect.

EFFECTIVE DATE: Except as otherwise provided, this act becomes effective when it becomes law.

BACKGROUND:

In 1965, the Voting Rights Act (VRA), which in part prohibits imposing literacy tests as a prerequisite to voter registration, was enacted. Following this, in *Gaston County v. United States*, 395 U.S. 285 (1969), the United States Supreme Court specifically held that literacy tests could not be enforced in North Carolina. In response to this, the NC General Assembly proposed an amendment to the NC Constitution to remove the literacy test. This was placed on the ballot in 1970. However, voters rejected the amendment. Thereafter, similar bills to place the removal of the literacy test on the ballot again were introduced in 2013 and 2019, but were not enacted.

In addition, prior to making any changes to voting procedures or requirements, states were previously required by Section 5 of the VRA to seek federal preclearance before making any change. However, in *Shelby County v. Holder*, 570 U.S. 529 (2013), the United States Supreme Court struck down the test that was applied to determine if states were subject to the preclearance requirement in Section 5 of the VRA. While Section 5 of the VRA has not been repealed, it is essentially inoperable due to the Court's holding in *Shelby*. This means that states are no longer bound by the preclearance requirement.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578