

Montana Constitution Secures Our Voting Rights

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For over fifty years, the 1965 Voting Rights Act has served to prohibit discriminatory election practices and ensure all Americans are treated equally in exercising their right to vote. Section 2 of the Voting Rights Act pertains directly to redistricting and makes it illegal for states to dilute the voting power of minority communities.

Several weeks ago, a federal court ordered that the state of Alabama redraw their congressional districts to comply with this principle after they adopted a plan that manipulates district boundaries to limit the voices of Black voters. The three-judge panel, including two Trump-appointed justices, applied precedent and unanimously found Alabama's plan violated the Voting Rights Act and must be redrawn. This week, the U.S. Supreme Court intervened, and in a 5-4 decision with far-reaching implications, will allow this discriminatory Alabama map to be used for the 2022 elections.

While the full merits of the case and the future of the Voting Rights Act as it applies to redistricting will be taken up by the U.S. Supreme Court this fall, Monday's decision may very well be the first step in overturning decades of precedent preventing states from diluting minority voting rights through the process of redistricting. Gutting Section 2 of the Voting Rights Act would be an enormous step backwards for our country. It would allow redistricters free reign to slice and dice minority communities or pack them into as few districts as possible to minimize their voices in Congress and state legislatures.

The future of the Voting Rights Act and minority representation is unclear across much of the country because of the ruling Monday. But because of the wise decisions our Constitutional Convention delegates made half a century ago, the future of minority representation in Montana is not an open question.

Article II, Section 4 of the Montana Constitution prohibits the state infringing on a citizen's political rights to representation "on account of race, color, sex, culture, social origin or condition, or political or religious ideas." Independent of any federal law, the Montana Constitution strictly forbids the dilution of minority voting rights. The disturbing decision by the U.S. Supreme Court to allow a blatantly discriminatory congressional map to be used for the upcoming election should weigh heavy on the minds of those who care about justice and fair representation across the country. But it changes nothing in Montana when it comes to redistricting.

Last June, Montana's Districting and Apportionment Commission adopted mandatory criteria for the drawing of state legislative districts. All five commissioners affirmed a commitment to protect minority voting rights and avoid drawing districts to minimize the voting strength of Native Americans in Montana. We unanimously adopted criteria recognizing that, "Protection of minority voting rights are guaranteed in Article II, Section 4 of the Montana Constitution."

Pursuant to the Montana Constitution, the Districting and Apportionment Commission is required to adopt a legislative map that avoids diluting Native American voting power and ensures racial and language minorities have an opportunity to elect representatives of their choice. For two decades, Montana's Districting Commissions have listened and worked with

Tribes to meet this obligation. We expect to do the same this coming year and avoid the pitfalls of other states prioritizing partisan advantage over fair representation.

The federal Voting Rights Act in limbo as it pertains to redistricting is a sad day for the country. It's also an opportunity to appreciate Montana's Constitution that protects all Montanans from discriminatory redistricting practices. We are fortunate that Montanans 50 years ago valued the importance of equal protection and preventing discrimination enough to include those principles in our state's Constitution.