

Bond Case Briefs

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MUNICIPAL GOVERNMENTS - ALABAMA

Voketz v. Decatur, Alabama, City of

United States Court of Appeals, Eleventh Circuit - September 13, 2018 - F.3d - 2018 WL 4356490 - 27 Fla. L. Weekly Fed. C 1304

City resident filed action in state court for declaratory and injunctive relief against city and city council members, seeking to require them to implement the council-manager form of government approved by city residents in a referendum. A

ction was removed to federal court. The United States District Court for the Northern District of Alabama granted summary judgment in favor of defendants. Resident appealed.

The Court of Appeals held that preclearance section of Voting Rights Act did not bar city's implementation of council-manager form of government.

Preclearance section of Voting Rights Act, providing that no change in voting procedures could take effect until approved by the Attorney General or a three-judge court panel and that no such changes would be approved if they had discriminatory effect on racial minorities, did not bar city's implementation of change from mayor-council form of government to council-manager form of government, which involved an alteration of city's voting procedures and was approved by city residents in referendum; Voting Rights Act section could not be enforced after Supreme Court decision in *Shelby County v. Holder*, which held unconstitutional the Act's coverage formula that determined which jurisdictions were subject to preclearance, so that neither city, nor any other jurisdiction was thereafter covered by the preclearance requirements.