



**Comments by**  
**The League of Women Voters of the United States**  
**to the**  
**United States Commission on Civil Rights**

March 16, 2018

The Supreme Court's 2013 decision in *Shelby County v. Holder* erased fundamental protections against racial discrimination in voting that have been critical in protecting our democracy. The League of Women Voters believes that the Voting Rights Act (VRA) must be restored to its full effectiveness. As an organization whose mission encourages informed and active participation in government, we believe that we need to keep our elections free, fair and accessible. Voting is the most sacred right guaranteed to Americans in the U.S. Constitution. The right to vote should be a nonpartisan issue that puts the needs of people over politicians.

The League believes that the Voting Rights Act and its enforcement over the past four decades is largely responsible for the progress we have made towards eliminating discrimination in voting. League members worked closely with members of Congress to reauthorize the VRA, with broad bipartisan support, in 1982 and as recently as 2006. We were hopeful that when a bipartisan group of legislators came together to introduce legislation to fix the VRA in January 2014 that it would move forward quickly with broad support, just like every reauthorization has done in the past. Unfortunately, we are still waiting for Congress to finish what it started and move a workable, common sense solution that would modernize the elections process and protect voting rights from discrimination.

Since the Supreme Court's decision in *Shelby*, thousands of pieces of legislation have been introduced in state legislatures across the country seeking to disenfranchise voters. These pieces of legislation include efforts to implement voter photo ID requirements in states like Texas, Wisconsin, Missouri and Pennsylvania. It also includes efforts to roll back early voting hours like in Ohio and eliminate multiple pro-voter reforms like pre-registration and same day registration in North Carolina. The *Shelby* decision weakened the Voting Rights Act as a mechanism to fight discrimination by striking down Section 4, which determines the states and

jurisdictions that must secure federal approval before changing election laws, and thereby essentially eliminating the preclearance process in Section 5.

The League believes that without the ill-founded decision the Supreme Court made in *Shelby*, most of these suppressive laws would have never been enacted and the thousands more that were introduced and defeated would have been tempered. In addition, the abilities of voters to participate in the voting process would have been protected. In the 2016 election cycle this means that voters without the proper ID would not have been turned away in Wisconsin. It means voters illegally purged from the rolls in Florida would not have had to cast provisional ballots or be unable to cast a ballot at all. It means that the burden of long Election Day lines in Ohio and North Carolina may have been relieved.

The League is constantly responding to inquiries from the public in preparation of Election Day. In 2016, Leagues across the country reported responding to more than 53,000 inquiries about everything from where to vote, to what to bring to vote, to questions regarding the rules for absentee or early voting in their states. The League's one-stop-shop for all election information, VOTE411.org, was visited by 4.4 million people who were also seeking the answers to many of these same questions. Much of the information that the League provides can be tied back to confusion that is created from last minute passage of discriminatory voting laws and last-minute changes to elections. Most of which would have been avoided had the protections of the VRA still been intact.

The VRA is still needed to combat these second-generation barriers and the pernicious discrimination that is less visible than what occurred decades ago but no less harmful to the right to vote. As state and local governments begin to move toward the 2018 and 2020 elections more of these laws will be pushed forward in an effort to suppress the rights of voters who may not agree with the majority party in power. It's also about more than just Election Day and access to the polls. Redistricting cycles that will begin following the 2020 Census may also be affected in areas that were previously covered under Section 5 of the VRA. Drawing district boundaries based on racial justifications is something that would have triggered an action under the VRA. Without these protections communities across the country could see elections held under unconstitutional maps, like those in North Carolina, in the decade following the redistricting cycle.

Restoring the VRA is necessary to ensure that our elections are free, fair and accessible for all Americans across the country. The problems that spurred the passage of the original Voting Rights Act of 1965 still exist. Congress must fulfill its obligations under the Constitution to eradicate voting discrimination by restoring the strength and effectiveness of the Voting Rights Act. The right to vote is one of the most basic rights in our country and it must be protected.

The League will continue to pursue all avenues to fight for voters' rights, but we need strong action by Congress now to repair and restore the Voting Rights Act's protections that have helped us prevent racial and language discrimination in our elections for decades. It is the duty of our government to protect the rights of voters and encourage participation in our political system, not create barriers that prevent involvement. The League looks forward to the day when our elected officials will put the protection and participation of voters over the needs to protect their political futures.