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December 4, 2019

SUPPORT H.R. 4, VOTING RIGHTS ADVANCEMENT ACT

Dear Representative:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, and the 66 undersigned organizations, we write in strong support of H.R. 4, the Voting Rights Advancement Act. We oppose any Motion to Recommit.

The Voting Rights Act of 1965 (VRA) is one of the most successful civil rights laws ever enacted. Congress passed the VRA in direct response to evidence of significant and pervasive discrimination across the country, including the use of literacy tests, poll taxes, intimidation, threats, and violence. By outlawing the tests and devices that prevented people of color from voting, the VRA and its prophylactic preclearance formula put teeth into the 15th Amendment's guarantee that no citizen can be denied the right to vote because of the color of their skin.

H.R. 4 has received vocal and vigorous support from the civil rights community because it responds to the urgent need to stop the abuses by state and local governments in the aftermath of the Supreme Court's infamous 2013 decision in *Shelby County v. Holder*, when five justices of the Supreme Court invalidated the VRA's preclearance provision. In its decision, the Court stated: "Our country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions."

Since *Shelby County*, discriminatory policies have proliferated nationwide and continued in areas formerly covered by the preclearance requirement. In states, counties, and cities across the country, public officials have pushed through laws and policies designed to make it harder for many communities to vote. While we have celebrated successful legal challenges to discriminatory voter ID laws in Texas and North Carolina, such victories occurred only after elections in those states were tainted by discrimination. Lost votes cannot be reclaimed and discriminatory elections cannot be undone.

But voter suppression is not merely the province of those states with a long history of discrimination. Pernicious practices such as voter purging and restrictive identification requirements — which disproportionately affect voters of color — occur in states throughout the nation. Although progress has been made, some elected leaders in this country are still working to silence people who were historically denied access to the ballot box.

During the 116th Congress, the U.S. House Committee on the Judiciary held extensive hearings and found significant evidence that barriers to voter participation remain for people of color and language-minority voters in African-American, Asian American, Latinx, and

Native American communities. The hearings examined the History and Enforcement of the Voting Rights Act of 1965 (March 12, 2019), Enforcement of the Voting Rights Act in the State of Texas (May 3, 2019), Continuing Challenges to the Voting Rights Act Since *Shelby County v. Holder* (June 25, 2019), Discriminatory Barriers to Voting (September 5, 2019), Evidence of Current and Ongoing Voting Discrimination (September 10, 2019), Congressional Authority to Protect Voting Rights After *Shelby County v. Holder* (September 24, 2019), and Legislative Proposals to Strengthen the Voting Rights Act (October 17, 2019). The Committee on House Administration also conducted numerous hearings and amassed significant evidence of voter suppression during the 116th Congress.

H.R. 4 restores and modernizes the Voting Rights Act by:

- Creating a new coverage formula that hinges on a finding of repeated voting rights violations in the preceding 25 years.
 - Significantly, the 25-year period is measured on a rolling basis to keep up with “current conditions,” so only states and political subdivisions that have a recent record of racial discrimination in voting are covered.
 - States and political subdivisions that qualify for preclearance will be covered for a period of 10 years, but if they establish a clean record during that time period, they can be extracted from coverage.
- Establishing “practice-based preclearance,” a targeted process for reviewing voting changes in jurisdictions nationwide focused on measures that have historically been used to discriminate against voters of color. The process for reviewing changes in voting is limited to a set of practices, including:
 - Changes to the methods of elections (to or from at-large elections) in areas that are racially, ethnically, or linguistically diverse;
 - Reductions in language assistance;
 - Annexations changing jurisdictional boundaries in areas that are racially, ethnically, or linguistically diverse;
 - Redistricting in areas that are racially, ethnically, or linguistically diverse;
 - Reducing, consolidating, or relocating polling locations in areas that are racially, ethnically, or linguistically diverse; and
 - Changes in documentation or requirements to vote or register.

H.R. 4 also:

- Allows a federal court to order states or jurisdictions to be covered for results-based violations, where the effect of a particular voting measure is racial discrimination in voting and denying citizens their right to vote;
- Increases transparency by requiring reasonable public notice for voting changes;
- Allows the attorney general authority to request the presence of federal observers anywhere in the country where there is a serious threat of racial discrimination in voting; and
- Revises and tailors the preliminary injunction standard for voting rights actions to recognize that there will be cases where there is a need for immediate preliminary relief.

For over half a century, protecting citizens from racial discrimination in voting has been bipartisan work. The VRA was passed with leadership from both the Republican and Democratic parties, and the



reauthorizations of the enforcement provisions were signed into law each time by Republican presidents: President Nixon in 1970, President Ford in 1975, President Reagan in 1982, and President Bush in 2006.

Voting must transcend partisanship. No matter what policy issues we care most about, we get closer to these goals through the ballot box. The integrity of our democracy depends on ensuring that every eligible voter can participate in the electoral process. Passing H.R. 4 would be a giant step toward restoring the right to vote and undoing the damage done by the Supreme Court's *Shelby County* decision. During the civil rights movement, brave Americans gave their lives for the right to vote, and we cannot allow their legacy and the protections they fought for to unravel. We urge Congress to pass this historic legislation.

Sincerely,

The Leadership Conference on Civil and Human Rights
Advancement Project
American Federation of Labor and Congress of Industrial Organizations
African American Ministers In Action
American Association of University Women
American Civil Liberties Union
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers
Andrew Goodman Foundation
Anti-Defamation League
Arab American Institute
Asian Americans Advancing Justice - AAJC
Autistic Self Advocacy Network
Bend the Arc: Jewish Action
Blue Future
Brennan Center for Justice at NYU School of Law
Campaign Legal Center
Connecticut Citizen Action Group
Clean Elections Texas
Communications Workers of America (CWA)
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Democracy 21
Democracy Initiative
Demos
End Citizens United Action Fund
FairVote Action
Fix Democracy First
Franciscan Action Network
Generation Progress
Greenpeace USA
Human Rights Campaign
In Our Own Voice: National Black Women's Reproductive Justice Agenda
International Union, United Automobile Aerospace and Agricultural Implement Workers of
America, (UAW)
Lawyers' Committee for Civil Rights Under Law
Leadership Conference of Women Religious

League of Conservation Voters Education Fund
League of Women Voters of the United States
Main Street Alliance
Mexican American Legal Defense and Educational Fund (MALDEF)
National Association for the Advancement of Colored People (NAACP)
NAACP Legal Defense and Educational Fund, Inc.
NALEO Educational Fund
National Action Network
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Jewish Women
National Disability Rights Network (NDRN)
National Education Association
National Urban League
Native American Rights Fund
NETWORK Lobby for Catholic Social Justice
New American Leaders Action Fund
People Demanding Action
People For the American Way
Planned Parenthood Federation of America
Progressive Turnout Project
Religious Action Center of Reform Judaism
Service Employees International Union (SEIU)
Sierra Club
Southern Poverty Law Center Action Fund
Stand Up America
Texas Progressive Action Network
UnidosUS
Union for Reform Judaism
United Church of Christ, Justice and Witness Ministries
Voices for Progress
YWCA USA