

House Democrats Restore the Vote with H.R. 4, the Voting Rights Advancement Act

*Six years ago, the Supreme Court struck down key voting rights protections in the *Shelby County v. Holder* case. Section 5 of the Voting Rights Act of 1965 established a process called “preclearance,” which worked to block voter discrimination before it occurred by requiring jurisdictions with a history of voter discrimination to obtain approval before changing voting rules. In its decision, the Supreme Court struck down Section 4 of the Voting Rights Act, which determined which states and localities were covered by Section 5, and ruled that Congress must pass a new formula to determine which states and localities would be subject to “preclearance.” Since that decision, nearly two dozen states have implemented voter suppression tactics.*

The House Administration Subcommittee on Elections held hearings in eight states and Washington, DC, heard testimony from over 60 witnesses, and collected several thousand pages of testimony to review the state of voting in America after the *Shelby County v. Holder* decision. They recently released a report based on this information that confirmed that voter discrimination still exists:

“The fundamental right to vote is under attack. The Court’s decision in *Shelby County* has served to accelerate the process, giving a green light to historically discriminatory jurisdictions to implement laws once put on hold because they could not clear federal administrative review. Some may seem innocuous on their face, but these laws have a disparate impact on minority voters...As the Subcommittee found and has thoroughly documented, the evidence is clear: discrimination in voting still exists. Moreover, states are enacting new suppressive laws that force voters to overcome new hurdles at every turn. Every eligible American has the basic right to participate in our democracy.” [Voting Rights and Election Administration in the United States of America, [11/18/19](#)]

The report detailed discriminatory measures that states and localities enacted after *Shelby County v. Holder*, often abandoning key election administration best-practices, including:

- Tightening voter ID laws
- Declining to hold special elections that benefited representation for voters of color
- Cutbacks to early voting
- Establishing long wait times to vote
- Eliminating same-day voter registration
- Removing out-of-precinct voting
- Restrictions on college students and formally incarcerated individuals

The report notes a number of specific examples of measures enacted, including these:

“Hours after *Shelby County*, **Texas** revived a previously blocked voter ID law. Within days, **Alabama** announced it would move to enforce a photo ID law it had previously refused to submit to the Department of Justice for preclearance. Within months, **New York** broke from past practices and declined to hold special elections to fill 12 legislative vacancies, denying 800,000 voters of color representation.”

“Less than two months after *Shelby County*, the **North Carolina** General Assembly passed, and the Governor signed into law, what became known as the ‘monster law,’ a sweeping voter suppression bill requiring strict forms of voter ID, cuts to early voting, and eliminating key election administration practices.”

“By 2016, 14 states had enacted new voting restrictions for the first time, including previously covered states such as **Alabama, Arizona, Mississippi, South Carolina, Texas, and Virginia**. In 2017, two additional states, **Arkansas and North Dakota**, enacted voter ID laws. In 2018, **Arkansas, Indiana, Montana, New Hampshire, North Carolina, and Wisconsin** enacted new restrictions on voting, ranging from restrictions on who can collect absentee ballots, to cuts to early voting, restrictions on college students, and enshrining voter ID requirements in a state constitution.”

ABOUT THE VOTING RIGHTS ADVANCEMENT ACT

The Voting Rights Advancement Act restores the full protections of the Voting Rights Act and combats voter suppression by:

- Updating the preclearance formula used to determine which states and political subdivisions must pre-clear their voting and registration procedures before they can take effect;
- Increasing transparency by requiring reasonable public notice for voting changes;
- Allowing the Attorney General authority to request federal observers be present anywhere in the country where there is a serious threat of racial discrimination in voting; and
- Increasing accessibility and protections for Native American and Alaska Native voters.

CIVIL AND HUMAN RIGHTS GROUPS SUPPORT THE VOTING RIGHTS ADVANCEMENT ACT

The Leadership Conference on Civil and Human Rights: “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.” [Letter to Congress, [12/04/19](#)]

NAACP: “The need for the full restoration of the VRA is evident from what we are seeing on the ground, most recently in the 2018 midterm elections, including additional burdens placed on voters, particularly Black and Latino voters... H.R. 4, the Voting Rights Advancement Act (VRAA), restores the protections and enforcement of the Voting Rights Act to its former strength.” [Statement, [03/10/19](#)]

Brennen Center for Justice: “Congress and the president should enact legislation to restore the full protections of the Voting Rights Act... The Voting Rights Act was a remarkable accomplishment, ushering in the promise of real political equality after centuries of abuse. Restoring and strengthening its protections is crucial to ensuring our elections remain free, fair, and accessible for all Americans.” [Statement, [08/06/19](#)]

MALDEF President and General Counsel Thomas A. Saenz: “MALDEF welcomes the introduction of the Voting Rights Advancement Act (VRAA), and urges the Congress to move quickly toward enactment.” [Statement, [06/25/15](#)]

National Education Association: “We urge Congress to re-enact Section 4 of the Voting Rights Act with a formula that reflects the unfortunate current reality: racial discrimination persists at the polls and is embedded in the fabric of many communities.” [Statement, [07/17/13](#)]