

December 5, 2019

RE: Vote YES on H.R. 4, the Voting Rights Advancement Act

Dear Representative,

The American Civil Liberties Union (ACLU) urges you to vote “YES” on H.R. 4 the Voting Rights Advancement Act of 2019 (VRAA). The ACLU will score this vote.



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Congress enacted the Voting Rights Act in 1965 (VRA) almost a century after the adoption of the Fifteenth Amendment, which prohibits racial discrimination in voting. The most powerful enforcement tool in the Voting Rights Act was the federal preclearance process, established by Section 5. It required locations with the worst records of voting discrimination to federally “preclear” — or get federal approval for — voting changes by demonstrating to either the Justice Department or the D.C. federal court that the voting change would not have a discriminatory purpose or effect. What preclearance meant in practice was that states and jurisdictions with documented histories of voting discrimination could not enforce new voting rules without showing that the rules did not discriminate on the basis of race.

While upholding the Voting Rights Act’s preclearance process itself, the Supreme Court’s 2013 decision in *Shelby County v. Holder* effectively nullified preclearance protections contained in the Voting Rights Act by invalidating the coverage formula that identified which locations would be subject to preclearance. Many states have taken the *Shelby County* decision as a green light to enact discriminatory voting restrictions with impunity. These restrictions include photo ID laws, restraints on voter registration, voter purges, cuts to early voting, restrictions on the casting and counting of absentee and provisional ballots, documentary proof of citizenship requirements, polling place closures and consolidations, and criminalization of acts associated with registration or voting.

In turn, this rash of discriminatory voting laws has led to an explosion of litigation to protect voters from state and local violations of federal law. Since *Shelby County*, the ACLU has opened more than 60 new voting rights cases and investigations and currently has more than 30 active matters. Between the 2012 and 2016 presidential elections alone, the ACLU and our affiliates won 15 voting rights victories, protecting more than 5.6 million voters in 12 states that collectively are home to 161 members of the House of Representatives and wield 185 votes in the Electoral College. The ACLU also submitted a 227-page report to the House Judiciary Committee reviewing the legal landscape, evidence of ongoing voting

discrimination addressed by the bill, and an analysis of its key provisions. The ACLU report is publicly available here: <https://www.aclu.org/report/aclu-report-voting-rights-act>.

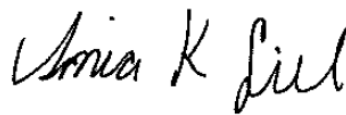
The ACLU's recent litigation experience supports at least two conclusions: our record of success in blocking discriminatory voting changes — with an overall success rate in Voting Rights Act litigation of more than 80 percent — reveals that state and local officials are continuing to engage in a widespread pattern of unconstitutional racial discrimination and pervasive violations of federal law. It also shows that there is a lack of tools necessary to stop discriminatory changes to voting laws before they taint an election. Even in the cases in which the ACLU has ultimately succeeded, these discriminatory policies remained in place for months or even years while litigation proceeded — crucial time during which elections were held, and hundreds of government officials elected, under unfair conditions.

In delivering the Supreme Court's 5-4 majority opinion in *Shelby County*, Chief Justice John Roberts expressly invited Congress to update the Voting Rights Act's protections based on current conditions of discrimination. It is long past due for Congress to renew the protections of the Voting Rights Act. The price of inaction to protect the voting rights of Americans is high, and history offers a myriad of examples demonstrating its cost to the nation. Congress must act now to cement the legacy of the Voting Rights Act and guard the rights of all Americans. The ACLU urges you to vote "yes" on H.R. 4 and reauthorize the Voting Rights Act. If you have any questions, please contact Sonia Gill at sgill@aclu.org.

Sincerely,



Ronald Newman
National Political Director
National Political Advocacy Department



Sonia Gill
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