



From: Virginia Kase, CEO, League of Women Voters of the U.S.

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RE: USCCR Comments for Fall 2019 Civil Rights Report

The Supreme Court's 2013 decision in *Shelby County v. Holder* erased fundamental protections against racial discrimination in voting critical to protecting our democracy. The League of Women Voters believes 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 our elections must be free, fair, and accessible. Voting is the most sacred right guaranteed to Americans in the U.S. Constitution. The right to vote is a nonpartisan issue requiring the needs of people to be placed ahead of politics.

The League believes the Voting Rights Act and its enforcement over the past four decades is in large part responsible for the progress 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 when a bipartisan group of legislators came together to introduce legislation to fix the VRA in January 2014, it would move forward quickly with broad support, as had each previous reauthorization. Regrettably, it did not happen.

Since the Supreme Court's decision in *Shelby*, thousands of pieces of legislation have been introduced in state legislatures across the country intending to disenfranchise voters. These pieces of legislation include efforts to implement voter photo ID requirements in states such as Texas, Wisconsin, Missouri, Pennsylvania, Georgia, Indiana, Arizona, Florida, Michigan, and Ohio—all crucial states during any election cycle. They also include efforts to roll back early voting hours, as done in Ohio, and eliminate multiple pro-voter reforms like pre-registration and same day registration in states like 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 localities that must secure federal approval before changing election laws, and thereby essentially eliminating the preclearance process in Section 5.

The incoming Congress has a momentous opportunity to level the field in relation to civil rights enforcement. The introduction of HR1 is a legislative package that can result in real, comprehensive democracy reform. Specifically, HR1 can modernize the VRA, and provide for automatic voter registration and same day registration for all voters. In addition, there is an opportunity to strengthen the Voting Rights Act by creating a new formula that would trigger preclearance of any changes to voting laws and administrative practices.

The League believes without the ill-founded decision the Supreme Court made in *Shelby*, most newly passed suppressive laws used in 2014-2018 to shut out millions of minority voters, and the thousands more that were introduced and defeated, would likely have been found in violation of the VRA had it still existed. Essentially, the ability of citizens to vote would have been protected. Instead, there is currently no check on voter suppression.



In the 2018 election cycle this means the nearly 11 million voters without proper ID would not have been turned away from polls across the country. It means voters illegally purged from the rolls in Ohio, Georgia, Florida, and many other states would not have been required to cast provisional ballots or have been unable to cast a ballot at all. It means that the burden of long Election Day lines in Georgia and Florida most certainly may have been avoided.

The League is constantly responding to inquiries from the public in preparation for Election Day. In 2018, Leagues across the country reported thousands of 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 over 5 million people. This was a 1 million-voter increase over 2016. Many of the questions the League answers can be tied to confusion created by states that pass last-minute discriminatory voting laws and last-minute changes to election procedures. The majority of these laws and changes would not have been made if the protections of the VRA had remained intact.

The VRA must be re-instated to combat these second-generation barriers and the blatant discrimination happening across the country, which harms countless American's right to vote. As state and local governments move toward the 2020 elections more of these laws will be pushed forward in an effort to suppress the rights of voters, especially those the party in power perceive as a threat to their political agenda. This is also about more than Election Day and access to the polls. Redistricting cycles that will begin following the 2020 Census may also be affected in areas previously covered under Section 5 of the VRA. Namely, the addition of a citizenship question will lead to a significant undercount of individuals across the country and will cripple communities, access to services, critical funding, infrastructure, and participation in American democracy. Because the Census and redistricting are interdependent, it is important that the drawing of district boundaries in 2021 be protected now.

We have seen how fair redistricting practices empowers voters. And the proof we have seen is the shining example of the impact of fair maps produced through the *League of Women Voters of Pennsylvania v. Pennsylvania*, which changed the redistricting landscape and led to more equal representation that reflects political diversity in the state and the election of more women to office than ever before in American history.

Restoring the VRA is necessary to ensure that our elections are free, fair, and accessible for all Americans. 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 sacred and 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 require strong action by Congress now to repair, restore, and modernize 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 to encourage participation in our political system, not create barriers that prevent involvement. As it has for nearly 100 years, the League looks forward to holding our elected leaders accountable for protecting and upholding their responsibility to ensure voters have the unobstructed ability to exercise their right to vote.