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A Decade After the *Shelby County* Supreme Court Ruling, LDF Issues a Demand for Reversal of the Decision and Congressional Action

Today marks 10 years since the Supreme Court's decision to significantly weaken essential protections of the Voting Rights Act of 1965 (VRA) in *Shelby County v. Holder*. In a decision Justice Ruth Bader Ginsburg likened to throwing away an umbrella in a rainstorm, a majority of the Supreme Court held in 2013 that voting conditions in America no longer justified the preclearance protocol under section 5 of the VRA, which required states, counties, cities, and towns with histories of racial discrimination in voting to submit all proposed voting changes to the U.S. Department of Justice.

In the ensuing decade, Justice Ginsburg's comparison has proven accurate. Since the Court's misguided ruling in *Shelby County v. Holder*, numerous federal and state cases have been brought challenging the flood of laws enacting suppressive voting practices and procedures, demonstrating that racial discrimination continues to infect and undermine our electoral processes. Those cases, along with a decade of congressional inaction to update the Voting Rights Act, has compelled LDF to issue a demand that the Supreme Court take the first available opportunity to reverse the *Shelby County* decision and that Congress take action to update the VRA to account for new and expanded threats to the right to vote.

Janai S. Nelson, President and Director-Counsel of the Legal Defense Fund (LDF), issued the following statement:

"Voters were failed by the Supreme Court in 2013 when it disabled a key provision of the Voting Rights Act of 1965. In the decade that followed, Congress has continued to fail voters, year after year, by neglecting to update the statute that singularly transformed our democracy. Multiple cases, including recently in *Allen v. Milligan*, have proven that racial discrimination still pervades our electoral process and the right to vote requires reinforced protections to ensure that our electoral process is fair and lawful – particularly in this moment of crisis in our democracy. We call on the Supreme Court to revisit the premise of the *Shelby County* decision in the next case that provides that opportunity, and we demand that the 118th Congress modernize the VRA."

"LDF has testified before successive Congresses over the last ten years, providing evidence of the urgent need to renew the crucial protections under the VRA given that voting conditions remain discriminatory. LDF and countless other non-partisan civil rights groups have also invested significant resources to [defend our elections](#) from voting policies and procedures that never would have been implemented had the Section 5 preclearance formula been enforced. LDF has documented many of these voting violations in our [Democracy Diminished](#) reports, including

rampant voter suppression, racial gerrymandering, and other irreversible acts of disenfranchisement that have resulted from the Supreme Court's suspension of Section 5. We call on the Supreme Court to avail itself of the next opportunity to recognize that Congress' predictive judgment about the persisting need for Section 5 to deter discriminatory voting practices has been proven to be eminently reasonable and based on facts that the Court unjustly ignored. Therefore, it is prudent that the Court reverse the portions of Shelby in which the Court eviscerated Section 5, based on the Court's own judgement that conditions had changed to the point that the provision was no longer necessary.

We also demand that Congress pass the John R. Lewis Voting Rights Advancement Act, and further call on voters to elect a Congress in 2024 that will pass an updated VRA should the 118th Congress fail to do so.”

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.