



**For Immediate Release**  
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**LDF Associate Director-Counsel Janai Nelson Testifies on the Importance of  
Preclearance in Preventing Discriminatory Voting Legislation**

Today, Janai Nelson, Associate Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF), testified before the U.S. House Subcommittee on the Constitution, Civil Rights and Civil Liberties to stress the importance of fully restoring the Voting Rights Act (VRA) to address the ongoing proliferation of discrimination in voting — and to urge Congress to enact legislation to protect the fundamental right to vote.

In her written testimony, Ms. Nelson shared examples of litigation LDF has initiated since the 2013 *Shelby v. Holder* Supreme Court case where the court eviscerated the critical preclearance provision, which required jurisdictions with a history of voting discrimination to submit any proposed changes to their voting practices or procedures to a federal authority *before* implementation. “While LDF ... continues to vigorously pursue litigation to protect voting rights under Section 2 of the VRA, the U.S. Constitution, and other laws, we know this is not enough to fully protect the right to vote,” wrote Ms. Nelson.

“Without the protection of [the preclearance provision], voters have had to rely on other provisions of the VRA and other laws to help protect the right to vote. Since the *Shelby* decision, federal courts have struck down voting changes that violate the Constitution, the 24<sup>th</sup> Amendment to the U.S. Constitution, Sections 2 and 203 of the Voting Rights Act, and the Americans with Disability Act. Indeed, there have been at least nine federal court decisions finding that states or localities intentionally discriminated against Black and other voters of color. LDF has litigated challenges to new restrictive voter ID laws, absentee voting restrictions, and discriminatory early voting restrictions,” Ms. Nelson remarked in her written testimony.

Ms. Nelson also underscored the limitations of litigation, as the average length of Section 2 cases is two to five years. During this time, thousands — and, in some cases, millions — of voters are effectively disenfranchised. “Litigation is a blunt instrument,” Ms. Nelson observed. “The beauty and innovative genius of Section 5 preclearance review was that it allowed federal authorities to stop voting discrimination *before* it inevitably harmed voters in a variety of federal, state, or local elections.”

LDF urges Congress to enforce the promise of an equal right to vote for all and employ the full force of its authority to protect American voters from the extraordinary harm of denying or diminishing their right to vote. “It is past time for Congress to once again take up the charge of eradicating racial discrimination in voting and to renew its commitment to protecting and strengthening the right to vote,” Ms. Nelson concluded.

Read Ms. Nelson’s full written testimony [here](#).

Read Ms. Nelson’s oral testimony [here](#).

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. 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. 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 NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).*