

NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

H.R. 4

The Voting Rights Advancement Act

THE NEED TO RESTORE THE VOTING RIGHTS ACT

The recent story of voting rights and voter suppression began with 2013 Supreme Court decision, *Shelby County, Alabama v. Holder*, which gutted a key provision of the Voting Rights Act of 1965 (VAR) known as Section 5. Section 5 required certain jurisdictions with a record of chronic racial discrimination in voting to submit all proposed voting changes to the US Department of Justice or a federal court in Washington, DC. Section 5 of the Act was expressly designed to address not only then-existing discriminatory voting schemes, but to also in the words of the legislators who debated the provision, to address the “ingenious methods” that might be devised and used in the future to suppress the full voting strength of African Americans.

Losing Section 5 opened the door to attacks on voting rights. As a result, numerous states and local jurisdictions imposed new discriminatory voting restrictions—such as strict voter identification requirements—that previously would not have been allowed.

The 2016 presidential election was the first in over 50 years without the full protections of the Voting Rights Act of 1965. With a weakened Voting Rights Act, 14 states—including some previously covered under Section 5—had new voting restrictions in place for the first time for the 2016 presidential election. These changes have real consequences, weakening and undermining voter turnout and suppressing the votes of individuals in certain states.

At its pre-*Shelby* strength, Section 5 would have prevented some of the voter suppression schemes that we have encountered over the past five years, including many that received national exposure most recently in the 2018 midterm elections.

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, by closing voting precincts and purging over half a million people from the voter rolls; malfunctioning voting machines, long lines and wait times, changes to precincts with insufficient notice, and an overreliance on provisional ballots; inadequate early voting sites; and ` in states with voter ID laws, the disenfranchising effects of the laws on economically under-resourced communities of color, made worse by the confusion and inefficiencies such laws tend to cause at the polls, such as improperly rejecting voters who had valid photo IDs.

H.R. 4, the Voting Rights Advancement Act (VRAA), restores the protections and enforcement of the Voting Rights Act to its former strength.

H.R. 4 KEY PROVISIONS

The VRAA responds to the wave of voter suppression tactics enacted by states and localities since that decision, requiring states with a recent history of voter discrimination to seek federal preclearance for election changes.

The VRAA requires a nationwide, practice-based preclearance for “known discriminatory practices,” including the creation of at-large districts, inadequate multilingual voting materials and cuts to polling places. The VRAA increases transparency by requiring reasonable public notice for voting changes. The bill also allows the Attorney General authority to request federal observers to be present anywhere in the country where a serious threat to voter access and fair elections exists.

Under the VRAA, “covered jurisdictions” would be:

- States with a history of 15 or more violations at any level in the previous 25 years; or
- States with a history of 10 or more violations, if one violation occurs at the state level in the previous 25 years; or
- Political subdivisions or localities with 3 or more violations in that sub division in the previous 25 years.