



June 24, 2014

By E-Mail

Senator Patrick Leahy, Chairman
Senator Chuck E. Grassley, Ranking Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Leahy, Ranking Member Grassley, and Members of the Committee:

On behalf of Project Vote, I am writing to you in support of the Voting Rights Amendment Act, S. 1945. Project Vote is a national nonpartisan, non-profit organization dedicated to building an electorate that accurately represents the diversity of America's citizenry. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure that every eligible citizen can register, vote, and cast a ballot that counts.

First, we commend Senator Leahy for holding this hearing today, which marks the one-year anniversary of the United States Supreme Court decision in *Shelby County v. Holder*, a decision that dramatically limited the efficacy of the landmark Voting Rights Act of 1965. We must remember, however, that the Supreme Court also issued an invitation in that opinion, and the VRAA is simply a positive and direct response to that invitation. We needn't opine here on whether the Supreme Court decided *Shelby* rightly or wrongly. What is important is that the Court invited Congress to enact an "updated" coverage formula that would be used to determine what jurisdictions would be subject to federal preclearance in the future. And that is exactly what the Voting Rights Amendment Act does.

Racial discrimination in elections is not a quaint relic of the past. It is real, and it happens today. Without the safeguard of preclearance of voting changes in jurisdictions with particularly troubling histories of discrimination, their residents do not have adequate tools to combat racially motivated policies when it counts—*before* they go into effect. In just the year since the *Shelby County* decision, states and counties previously under preclearance have been able to enact problematic new policies with impunity. For example:

- Decatur, Alabama: In 2011, the city's plan to change its city council election method from five single-member districts to three single and two at-large districts was subject to preclearance and was withdrawn when the

Department of Justice (DOJ) asked for more information. After *Shelby* was decided, the city implemented the plan.

- State of Georgia: After *Shelby*, the Georgia Secretary of State announced that the 2014 election for Augusta-Richmond County would be held at the time of the primary rather than the general election, reinstating a plan that DOJ had objected to because it would disproportionately impact minority turnout.
- State of Texas: Immediately after the *Shelby* decision, the state's Attorney General announced that its strict photo ID law, which had been denied preclearance by both DOJ and a federal court, would go into effect immediately.
- Galveston County, Texas: DOJ had objected to a proposed reduction in the number of justice of the peace and constable districts because it would have a disparate impact on minority voters, but the county implemented the plan a few days after the *Shelby* decision.

The Voting Rights Amendment Act was introduced on January 16, 2014, and it is time for Congress to move it forward. It is a commonsense compromise that ensures that only a jurisdiction's recent violations of federal voting laws will be considered in the determination of whether it should be subject to preclearance. This approach directly addresses the Supreme Court's concerns and reinstates the indispensable safeguard provided by preclearance: that discriminatory voting changes can be stopped or ameliorated prior to implementation, before anyone's voting rights are actually violated.

With an important federal election just a few months away, we hope that the Senate will move expeditiously, and in a bipartisan manner, to send a clear message to the citizens of our country that voting rights are sacrosanct and that deprivations of these fundamental rights will not be tolerated. It was heartening to us that both the House and Senate introduced this legislation in January, and that the House has seen a steadily growing list of cosponsors from both parties. It is time that Senators of both parties likewise join in support of the Voting Rights Amendment Act. The robust protection of voting rights under federal law cannot wait.

Please contact Estelle H. Rogers, Esq., Legislative Director of Project Vote, at erogers@projectvote.org or 202-546-4173, ext. 310, if you have any questions. We look forward to working with you on this crucial legislation.

Sincerely,

Estelle H. Rogers, Esq.
Legislative Director

Cc: Members of Senate Judiciary Committee

805 15th Street NW • Suite 250 • Washington, DC. 20005
(202) 546-4173 T • (202) 733-4762 F • www.projectvote.org