June 25, 2014

The Honorable Patrick J. Leahy, Chairman
The Honorable Charles E. Grassley, Ranking Member
United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

RE: Hearing, "The Voting Rights Amendment Act, S.1945: Updating the Voting Rights Act in Response to *Shelby County v. Holder*"

Dear Chairman Leahy and Ranking Member Grassley:

On behalf of the hundreds of thousands of members and activists of People For the American Way, we thank you for holding today's hearing on the Voting Rights Amendment Act (VRAA) (S. 1945). We're heartened that you have taken up the important work of restoring the Voting Rights Act of 1965 (VRA), but the time is long overdue for the rest of Congress to follow suit.

Fifty years ago, thousands of Americans risked their lives to challenge systems that prevented millions of Americans from exercising their right to vote. After continued protests by civil rights activists and everyday citizens over the gross disenfranchisement of African Americans – culminating in a violent confrontation in 1965 during an Alabama protest for voting rights – President Johnson signed the VRA into law. Since being enacted, its temporary provisions (Sections 5, 203, and 6-9) have been renewed and extended, always with broad bipartisan support. And until last year, this landmark law continued to ensure that all racial minorities in America had equal access to the ballot box.

On June 25, 2013, the United States Supreme Court ruled against a key component of the VRA in *Shelby County v. Holder*. In that 5-4 decision, the Supreme Court effectively gutted Section 5, which requires certain covered states and subjurisdictions to submit any changes in voting and election laws to the Department of Justice (DOJ) or a federal court for approval before they can go into effect. While the Court did not strike down Section 5 itself, it said that Congress's previous determination, through the Section 4 coverage formula, as to where Section 5 applied was unconstitutional. As a result, today no place is protected by the preclearance provisions of Section 5. Congress was tasked by the Court with determining (again) the appropriate coverage areas.

The VRAA proposes a new coverage formula, through which states will be subject to preclearance if they have five or more voting rights violations in the previous fifteen years, at least one of which is a statewide violation; and through which subjurisdictions will be subject to preclearance if they have three or more violations, or one violation and a demonstration of extremely low minority turnout in the previous fifteen years. It also enhances preclearance by ensuring that courts have the tools necessary to order it as a remedy for additional jurisdictions. Where neither route is available, it enhances plaintiffs' abilities to obtain preliminary injunctive

1101 15th Street, NW ♦ Suite 600 ♦ Washington, DC 20005
Telephone 202.467.4999 ♦ Fax 202.293.2672 ♦ E-mail pfaw@pfaw.org ♦ Web site http://www.pfaw.org

relief to stop certain types of voting changes – preventing discrimination in real time. In addition, it offers new notice and transparency standards and reinforces and expands the role of federal observers.

These provisions of the VRAA replace what the VRA lost through *Shelby*, and while they are not without concern, they are worthy of debate. You've taken a critical step with today's hearing, showing the rest of Congress that the legislative process must start if such concerns are to be aired at all. Before long, with another national election looming, the clock will run out.

We believe as you do that the time is now.

PFAW thanks the Senate Judiciary Committee for moving forward on the VRAA, and we strongly urge all members of Congress to do everything they can to ensure not only that President Obama receives legislation without undue delay but also that the language he signs protects as many voters as possible from discrimination.

Sincerely,

Marge Baker
Executive Vice President for Policy and Program

Jen Herrick
Senior Policy Analyst

cc: Senate Judiciary Committee members