



July 26, 2016

The Honorable Charles Grassley
U.S. Senate
Washington, DC 20510

Dear Chairman Grassley,

Just months before the first presidential election in 50 years without the full protections of the Voting Rights Act (VRA), we write to express our frustration that a bill to help restore the law continues to languish in the committee you chair. More than three years since the U.S. Supreme Court's devastating *Shelby County v. Holder* decision, voters across the country desperately need Congress to take action to protect their rights.

We have seen voting restrictions proliferate across the nation since the *Shelby* decision. One week ago, the U.S. Court of Appeals for the Fifth Circuit found (as had three federal courts before it) that Texas' restrictive voter ID law violates the VRA because it discriminates against Black and Latino voters. A day earlier, a federal court in Wisconsin struck down that state's voter ID law as well. And as we saw in many primaries this year, jurisdictions once covered by the VRA erected barriers making it harder for people to vote – with predictable results.

- In Brooklyn, entire buildings and blocks were de-registered from voting in a purge of 126,000 voters from the rolls.
- Arizona's largest county – with the highest number of minority voters – closed 60 percent of its polling places, resulting in voters standing in line for five hours to cast a vote.
- In North Carolina, more than 230,000 voters lacked the photo I.D. required by the state's voter suppression law – a law that is being challenged as racially discriminatory.

Historically, ensuring the right to vote for all eligible Americans has been an overwhelmingly bipartisan issue in Congress. This week, in fact, marks the 10th anniversary of President George W. Bush signing the 2006 reauthorization of the VRA. With both chambers of Congress controlled by Republicans, that law passed the U.S. House by a vote of 390-33 and the U.S. Senate by a unanimous vote of 98-0. In 2006, you were among the lawmakers who recognized the need for strong voter protections and voted for the reauthorization.

The *Shelby* decision badly weakened the law and your refusal as Chairman of the Senate Judiciary Committee to take action is having disturbing consequences. This month, U.S. Attorney General Loretta Lynch said¹ that the Department of Justice's (DOJ) deployment of election observers has been "severely curtailed" as a result of *Shelby*. Because Section 8 of the VRA, which addresses observers, is linked to the coverage formula struck down by the Supreme Court, DOJ is sending observers only to jurisdictions covered by court order, which includes Alabama, Alaska, California, Louisiana, and New York. The federal observer

¹ <https://www.justice.gov/opa/speech/attorney-general-loretta-e-lynch-delivers-remarks-league-united-latin-american-citizens>

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program's critical role -- to detect discrimination and intimidation at the polls -- is still critically needed, but is now largely obsolete.

Since *Shelby*, many voters have been unable to cast ballots and won't ever be able to get those votes back. In a report² last month, the NAACP Legal Defense and Educational Fund, Inc. (LDF), presented a compendium of post-*Shelby* state, county, and local voting changes that threaten minority voting rights. Another report³ by The Leadership Conference Education Fund found that these restrictive voting laws could determine the presidency, impact control of the U.S. Senate, and decide gubernatorial races.

Given this evidence, it is extremely distressing that you continue to refuse to hold a hearing on proposed legislation to restore the VRA. As Chairman of the committee, you have both the ability and the obligation to ensure that all Americans are treated fairly and equally.

A bill pending in the U.S. Senate would help to restore the full protections of the VRA. Sen. Patrick Leahy of Vermont, ranking member of the Judiciary Committee, has introduced the bi-partisan Voting Rights Advancement Act (S. 1659), which has 45 cosponsors, including Sen. Lisa Murkowski (R-AK) who announced her support by stating, "Every eligible Alaskan deserves a meaningful chance to vote."⁴ The bill is also supported by senators representing states and jurisdictions formerly covered by the VRA, including senators in Virginia, California, Florida, and New York. These members recognize that strong protections against voting discrimination are still necessary today.

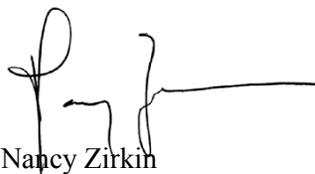
This bill has now been languishing in your committee for more than a year. Given the many recent examples of voting discrimination, especially those documented in LDF's thorough collection of post-*Shelby* voting measures, we urge you to reconsider your position and hold a hearing to examine this new evidence. Your failure to do this would be a disappointing abdication of your responsibility to Congress and to the nation.

Please feel free to contact either of us or Lisa Bornstein, Legal Director at The Leadership Conference, at bornstein@civilrights.org or (202) 263-2856, regarding this letter.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President

CC: Senator Patrick Leahy, Ranking Member Senate Judiciary Committee

² http://www.naacpldf.org/files/publications/Democracy%20Diminished-State%20and%20Local%20Voting%20Changes%20Post-Shelby%20v.%20Holder_4.pdf

³ <http://civilrightsdocs.info/pdf/reports/2016-Voting-Rights-Report-FOR-WEB.pdf>

⁴ <https://www.murkowski.senate.gov/press/release/murkowski-supports-legislation-to-restore-voting-rights-act>