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June 8, 2021

The Honorable Charles Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

Our organizations write to you in support of two critical pieces of legislation needed to protect the freedom to vote: For the People Act (FTPAA) and the John Lewis Voting Rights Advancement Act (VRAA). Passage of *both* bills is essential to counter the unprecedented wave of voter suppression laws advancing in the states and to protect Americans from further encroachments on their rights. Passing one without the other simply will not be sufficient to ensure that all Americans—and particularly Americans of color—have meaningful and equal access to the ballot.

**A. The Discriminatory Assault on Voting Rights and the Need for Congress to Act**

As organizations dedicated to the protection of voting rights, we are deeply troubled by the surge this year of state legislation restricting access to the franchise. Already, at least [fourteen states](#) have rolled back early and mail voting, added new hurdles for voter registration, imposed burdensome and unnecessary voter identification requirements, stripped power from state and local election officials to enhance voting access, and taken other steps to make voting more difficult. Voters of color will bear the brunt of these new restrictions, in what amounts to the most significant assault on voting rights since the Jim Crow era. And additional threats loom on the horizon. The upcoming redistricting cycle is [expected](#) to bring another round of extreme gerrymandering that will disproportionately [target](#) voters of color.

While the current wave of restrictive voting legislation is particularly aggressive, the problem is hardly new. Immediately after the Supreme Court's 2013 decision hobbling the most powerful provision of the Voting Rights Act of 1965, multiple states moved to limit access to the ballot with laws and policies that especially harmed voters of color, young voters, and voters with disabilities. Some



jurisdictions [reinstated](#) voting policies and redistricting schemes that had previously been blocked because they were discriminatory. That push has continued ever since and, in recent months, has reached a crescendo of disenfranchisement.

Congress has the power and duty to stop this anti-democratic and discriminatory assault on Americans' voting rights. It has broad authority under the Fourteenth and Fifteenth Amendments to pass laws to affirmatively prevent and remedy racial discrimination in voting. And it has even more expansive power under Article I of the Constitution to set the rules for federal elections, as it has done many times before. There is simply no excuse for a failure to take decisive action. Indeed, only federal legislation can reverse the vote suppression tide and fully protect the franchise. As one state legislator recently [said](#) after temporarily hindering passage of a particularly egregious vote suppression bill in Texas, "We did our part to stop SB 7. Now we need Congress to do their part by passing HR 1 and the John Lewis Voting Rights Act."

There is no time to waste. Restrictive voting bills are quickly becoming restrictive voting laws. And in a few months, states will begin the redistricting process, for the first time in over half a century without the full protections of the Voting Rights Act of 1965 and without the possibility of federal court limits on gerrymandering abuses. As discussed below, both For the People Act and the John Lewis Voting Rights Advancement Act are needed to protect the freedom of every American to vote.

#### B. The Need for the VRAA

The John Lewis Voting Rights Advancement Act (VRAA) would restore the full protections of the Voting Rights Act of 1965 (VRA), updated to account for contemporary circumstances.

Nearly 100 years after the Fifteenth Amendment promised that Americans should be able to vote free from racial discrimination, the VRA finally delivered on that promise. It is widely acknowledged as the most successful piece of civil rights legislation in our nation's history, rooting out new and longstanding discriminatory barriers to equal political participation. But in 2013, the Supreme Court, in [Shelby County v. Holder](#), neutered the crown jewel of the law's protections—the preclearance process under which jurisdictions with a documented history of voting discrimination had to seek pre-approval from the federal government for changes to their voting rules to ensure that those changes were not discriminatory. Without that powerful protection, the VRA has simply not been adequate to stem the rising tide of discrimination of voting.

Prior to *Shelby County*, preclearance was an extremely effective tool for blocking discriminatory voting rules and practices in covered jurisdictions. Between 1998 and 2013, it was used to block 87 [discriminatory changes](#). Hundreds more were withdrawn because they would not have survived preclearance. As the Supreme Court acknowledged, the VRA, while it

was fully in force, “proved immensely successful at redressing racial discrimination and integrating the voting process.”

Among its needed provisions, the VRAA restores preclearance, updating it to meet contemporary challenges, as the Supreme Court required in *Shelby County*. The bill includes a new geographic coverage formula under which states and localities with recent records of discrimination in voting would have their voting changes subject to preclearance for a period of ten years. It also applies preclearance to the adoption of certain practices that are widely known to discriminate against voters of color, even in jurisdictions that are not otherwise covered. These provisions are more than justified by the overwhelming number of discriminatory voting laws and policies that have been put in effect in recent years—which have been and continue to be documented in a voluminous congressional record.

Preclearance is a much more effective tool at combatting discrimination than after-the-fact litigation. Litigation is costly and time-consuming. It often fails to yield relief until years later, after many voters have suffered injury. A strict voter ID law in Texas, for instance, [remained in effect](#) for hundreds of federal, state and local elections before it was changed in response to litigation—despite the fact that every court to have considered the law found it discriminatory. To make matters worse, federal courts have become steadily [less protective](#) of voting rights in recent years, and state courts have increasingly become [targets](#) of antidemocratic, and anti-voting rights legislation.

In short, a robust preclearance regime, along with the other improvements in the VRAA, are necessary to combat the ongoing assault on voting. If, for example, preclearance had been in effect in Arizona, Florida and Georgia this year (as was previously the case before *Shelby County*), the restrictive voting bills that were recently enacted would not have been able to go into effect unless and until the states proved that those laws would not discriminate against racial, ethnic, or language minorities. The VRAA will also be critical to protecting communities of color from discriminatory redistricting moves at the congressional, state, and local levels later this year.

### C. The Need for the For the People Act

To fully protect against discrimination and guarantee voting rights for all Americans, Congress must pass the For the People Act (FTPA). Importantly, the FTPA’s voting provisions were adapted from [legislation](#) written and long championed by the late Congressman John Lewis.

The FTPA would set a basic federal foundation for voting access for all Americans. It would require states to modernize voter registration—including by instituting automatic and same-day registration and protecting against discriminatory purges; require every state to offer early and no-excuse mail voting; permit voters who lack photo identification to use a sworn statement affirming their identity instead; restore voting rights to citizens with past criminal

convictions once they complete any term of incarceration; and crack down on deception and intimidation as vote suppression tactics. The bill would also ban partisan gerrymandering and take other steps to protect racial and language minorities in the redistricting process.<sup>1</sup> These reforms will make it easier for everyone to vote. Virtually all of them address barriers that disproportionately affect Black, Latino, Asian, and Native American voters, and virtually all are modeled after reforms that have been successfully implemented in multiple states.

Critically, the FTPA would [stop](#) most of the worst vote suppression measures being proposed and passed in states across the country right now. For instance, the act would negate efforts to eliminate or roll back early voting by requiring all states to offer early voting for at least two weeks prior to an election, including on nights and weekends. It would negate new restrictions on mail voting by requiring every voter to have the option to vote by mail without an excuse, eliminating burdensome witness requirements and unfair ballot receipt deadlines, and mandating sufficient access to secure drop boxes. It would negate efforts to prohibit automatic and same-day voter registration, requiring all states to offer both. And it would blunt the harm from strict new voter identification requirements by giving all voters another way to affirm their identity and cast a ballot that counts.

The FTPA protects voters where the VRAA does not have reach. The VRAA's strongest protections would apply to new voting rules and generally will not affect laws that have already passed and may already be in effect. The VRAA's preclearance provisions will only be available in select jurisdictions with a clear record of recent voting discrimination. Other jurisdictions pushing discriminatory voting changes will not be covered under the VRAA until the violations add up. For instances, jurisdictions like [Wisconsin](#) and [Ohio](#) have never previously been subject to preclearance despite the fact that in recent years they restricted access to voting in ways that harmed communities of color. Now even some states with long track records of expanding voting rights, like [Iowa](#) and [Montana](#), are passing significant new restrictions on voting. That unfortunate reality is becoming more common, thanks in part to the erosion of democratic norms and the proliferation of [conspiracy theories](#) like the Big Lie that provide excuses to discount or nullify the votes of people of color.

By providing a baseline set of national voting rules that every American can rely on, the FTPA protects all Americans, including voters of color, against efforts to manipulate those rules, whether or not there is evidence of racial discrimination. In addition, it includes much-needed protections for groups, such as students, voters with disabilities, and military and overseas voters, who are not the focus for the VRAA's protections against racial discrimination. It also protects against congressional gerrymandering targeting communities of color beyond what the VRA has previously been interpreted to cover. And finally, it offers voter protections regardless of the willingness and ability of the Department of Justice and federal courts to fully enforce the law. In the past, VRA enforcement was a priority in both Democratic and Republican administrations, though there have still been instances where even [blatantly discriminatory laws](#)

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<sup>1</sup> The bill also contains other essential reforms as well, including a much-needed overhaul of a campaign finance system that [persistently disadvantages](#) communities of color.



were precleared. But when enforcement levels wane, the For the People Act provides another backstop, with bright-line requirements that can be enforced by private litigants.

Of course, no single bill, not even one as comprehensive as the FTPA, can anticipate every discriminatory voting restriction that a state or locality might try to pass. Until recently, for instance, few would have anticipated a state trying to [criminalize](#) the provision of water to voters waiting in long lines (the subject of a [recent FTPA amendment](#)). The VRAA ensures that vulnerable voters will be protected from other discriminatory voting changes that Congress could not have foreseen and included in the FTPA.

In short, The VRAA and the FTPA each fill a distinct and critical role in combatting voter suppression and protecting our democracy. Every American deserves and should be able to rely on having a baseline level of voting access, free from efforts to block their path to the voting booth or dilute or nullify their votes. Only passage of both the John Lewis Voting Rights Advancement Act and the For The People Act can make this aspiration a reality. We urge you to move swiftly on both of these critical and historic bills. We also urge you to support their passage by whatever means necessary.

We fully support the ideal of bipartisan cooperation on voting rights and share the desire to see this issue elevated above the bitter partisanship that has come to define so much of our modern politics. At the same time, we cannot allow the partisan political agenda of some in the Senate to block the passage of a bill that has broad bipartisan support in the country. The policy proposals in the FTPA are supported by large bipartisan majorities across the country. A recent poll conducted the Global Strategy Group and ALG Research found that in West Virginia, 76 percent of registered Republicans support the FTPA. In Arizona, the bill has support from 78 percent of registered Republicans and 75 percent support from voters who backed Donald Trump in the 2020 election. In a meaningful way, the FTPA *is* a bipartisan bill.

Our country is at an inflection point. Many of us believe that the right of every American citizen to enjoy equal and unfettered access to the ballot is sacred. Others are fighting to restrict the right to vote because they are willing to sacrifice democracy in favor of their partisan interests. We understand and support the role of the Senate as a place of deliberation and debate. But at some point, debate has to end, and votes need to be taken. Particularly on an issue that is so fundamental to our democracy. Any rule or procedure that functions to stop bills from ever being considered on the floor is not a procedure to promote debate, it is a procedure to promote gridlock. And with state legislatures across the country passing more and more draconian bills to undermine the right to vote, our democracy cannot afford gridlock. Put simply, if the choice is between protecting the voting rights of every eligible American citizen or upholding the right of a minority of senators to block a floor vote on a popular pro-democracy bill, we strongly urge you to stand in support of the American people and the fundamental right to vote.

Sincerely,

The Leadership Conference on Civil and Human Rights

9to5

A. Philip Randolph Institute

ACCESS

Advancement Project, National

AFL-CIO

American Association of University Women (AAUW)

American Atheists

American Federation of State, County and Municipal Employees (AFSCME)

American Federation of Teachers

American Humanist Association

American-Arab Anti-Discrimination Committee (ADC)

Americans for Democratic Action (ADA)

Arab American Institute (AAI)

Asian and Pacific Islander American Vote (APIA Vote)

Association of Programs for Rural Independent Living (APRIL)

Black Women's Roundtable

Black Youth Vote!

Brennan Center for Justice

Center for Constitutional Rights

Center for Public Representation

Coalition of Black Trade Unionists

Common Cause

Communications Workers of America

Community Catalyst

Community Change Action

Decode Democracy

Delta Sigma Theta Sorority, Inc.

DemCast USA

Democracy 21

Demos

End Citizens United / Let America Vote Action Fund

Equal Citizens

Equal Justice Society

Equally American Legal Defense and Education Fund

Fair Elections Center

Family Equality

Feminist Majority Foundation

Fix Democracy First

HBCU Collective

Hispanic Federation

Human Rights First

Impact Fund



Jewish Council for Public Affairs  
Labor Council for Latin American Advancement  
Lambda Legal  
Lawyers' Committee for Civil Rights Under Law  
League of Women Voters of the United States  
MALDEF  
Matthew Shepard Foundation  
Missouri Voter Protection Coalition  
NAACP  
NAACP Legal Defense and Educational Fund, Inc. (LDF)  
National Action Network (NAN)  
National Association of Social Workers  
National Black Justice Coalition  
National Coalition for Asian Pacific American Community Development (CAPACD)  
National Center for Law and Economic Justice  
National Center for Transgender Equality  
National Coalition on Black Civic Participation  
National Council of Jewish Women  
National Council of Negro Women  
National Education Association  
National Fair Housing Alliance  
National Health Law Program  
National Organization for Women  
National Partnership for Women and Families  
National Urban League  
Natural Resources Defense Council  
NETWORK Lobby for Catholic Social Justice  
New Jersey Institute for Social Justice  
OCA - Asian Pacific American Advocates  
Our Maryland  
People For the American Way  
Prison Policy Initiative  
Public Citizen  
Retail, Wholesale and Department Store Union  
Service Employees International Union (SEIU)  
Sierra Club  
Sikh American Legal Defense and Education Fund (SALDEF)  
Southern Poverty Law Center Action Fund  
Students Against Voter Suppression  
The Civics Center  
The International Union, United Automobile, Aerospace, and Agricultural Implement Workers  
of America (UAW)  
The Workers Circle

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Union for Reform Judaism  
Voices for Progress  
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