



July 13, 2023

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The Honorable Bryan Steil
Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

The Honorable Joe Morelle
Ranking Member
Committee on House Administration
1216 Longworth House Office Building
Washington, DC 20515

Dear Chairman Steil and Ranking Member Morelle,

On behalf of the Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, and the undersigned 45 organizations, we write in strong opposition to the American Confidence in Elections Act ("ACE Act").

We believe Congress has an important role to play in safeguarding free and fair elections and ensuring all Americans have the freedom to vote. Rather than furthering this goal, the ACE Act would be a substantial step backwards. The Act would nationalize harmful and unnecessary restrictions on voting rights and roll back many of Washington DC's current pro-voter laws. Instead of proceeding with this legislation, Congress should take actions that will help voters and promote democracy such as passing legislation that will strengthen protections against discrimination in voting and expand access to the ballot for all communities.

In June, our nation marked the 10th anniversary of the Supreme Court's decision in *Shelby County v. Holder*, which gutted the heart of the Voting Rights Act. For almost 50 years, jurisdictions with a history of discrimination in voting were required to seek preclearance of proposed voting changes from the U.S. Department of Justice or a federal court to ensure that discriminatory measures were blocked before they could be implemented. The *Shelby County* ruling effectively eliminated the preclearance process, and unleashed a torrent of voting discrimination that continues today in both its intensity and reach.

The impact of *Shelby County* was immediate and lasting, causing tremendous damage to our democracy. States like Texas, Alabama and North Carolina rushed to pass anti-voter

President and CEO
Maya Wiley

legislation.¹ Efforts to undermine the voting rights of communities of color have only intensified over the last decade—since the *Shelby County* ruling, states have passed nearly 100 restrictive voting laws, with a substantial number of them arising in states formerly covered by preclearance.²

The push to restrict voting gained new intensity after voters of color made their voices heard through robust turnout in 2020, with state legislatures in 20 states enacting at least 33 new restrictions in effect for the 2022 midterms.³ And already this year, at least 11 states have enacted 13 more restrictive voting laws.⁴ Many of these laws aim to restrict the methods of casting ballots that voters of color have utilized in recent elections. A growing number of state legislatures have also passed laws making it easier for partisans to interfere in election processes and intimidate election officials and voters, including through threats of criminal prosecution.⁵ The ACE Act does nothing to address these dangers.

The ACE Act’s sponsors have argued that high voter turnout in recent elections belies any concern about the dozens of restrictive voter laws passed in the last decade. But overall turnout does not tell the full story, because the effects of restrictive voting laws disproportionately fall on communities of color. Indeed, data from the 2022 elections demonstrate a historically large racial turnout gap: one study found that Black turnout dropped by nearly ten percentage points from 2018, as compared to a 1.5 percent drop in white turnout, leading to the widest gap in any election since at least 2000; the turnout gap with white voters also widened for Hispanic, Asian and Pacific Islander, and Native voters.⁶ Studies of individual states formerly subject to preclearance have shown similar results. For example, the white-Black turnout gap in Alabama tripled relative to a decade ago; other formerly covered states saw similar increases.⁷

Given the substantial fractures to our democracy resulting from the *Shelby County* decision and other cases which have weakened the Voting Rights Act, the last thing Congress should be doing in this moment is further restricting the franchise for communities of color. We agree with Rep. Terri Sewell’s statement in a recent House Administration Committee hearing: “Confidence in elections means every eligible voter feels confident that they can access and cast a ballot, that the ballot will be counted, and that it was counted as cast. When voters see voting methods their communities have been using for decades

¹ Press Release, Statement by Texas Attorney General Greg Abbott (June 25, 2013), <https://perma.cc/SL53-AFSG>; Kim Chandler, *Alabama photo voter ID law to be used in 2014, state officials say*, AL.com (June 25, 2013),

https://www.al.com/wire/2013/06/alabama_photo_voter_id_law_to.html; *NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016)

² *States Have Added Nearly 100 Restrictive Laws Since SCOTUS Gutted Voting Rights Act 10 Years Ago*, BRENNAN CTR. FOR JUSTICE (June 23, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-gutted-voting-rights>

³ *Voting Laws Roundup: October 2022*, BRENNAN CTR. FOR JUSTICE (Oct. 6, 2022), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-october-2022>

⁴ *Voting Laws Roundup: June 2023*, BRENNAN CTR. FOR JUSTICE (June 14, 2023), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-june-2023>

⁵ *Id.*

⁶ Scott Clement & Lenny Bronner, *Black Turnout Dropped Sharply in Midterms, Census Survey Finds*, WASHINGTON POST (May 2, 2023), <https://www.washingtonpost.com/politics/2023/05/02/black-voter-turnout-election-2022/>

⁷ *10 Years After SCOTUS Gutted Voting Rights Act, Alabama Turnout Gap Is Worse*, BRENNAN CTR. FOR JUSTICE. (June 22, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/10-years-after-scotus-gutted-voting-rights-act-alabama-turnout-gap-worse>; *Georgia’s Racial Turnout Gap Grew in 2022*, BRENNAN CTR. FOR JUSTICE. (Dec. 16, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/georgias-racial-turnout-gap-grew-2022>; Nate Cohen, *Black Turnout in Midterms was One of Low Points for Democrats*, NY TIMES (Nov. 30, 2022), <https://www.nytimes.com/2022/11/30/upshot/midterms-election-black-turnout.html>

suddenly being attacked without evidence, it does not promote voter confidence. Indeed, ensuring eligible voters have access to the franchise promotes voter confidence.”⁸

Instead of promoting confidence and trust, the ACE Act’s leading national provisions undermine voter access and other democratic values, for example by unnecessarily imposing nationwide voter ID for voters requesting mail ballots unless they do so in person, cutting off federal funds for states that permit community organizations and others to assist voters in returning their mail ballots, encouraging politicization of the census including creating a disturbing loophole through strict confidentiality provisions, and much more.

The Act would also restrict the franchise for voters in Washington, D.C., without any input from the more than 700,000 District residents who have no voting representation in Congress. Among other things, it would eliminate same-day voter registration and set a 30-day registration deadline (the outer limit permitted under federal law), impose a voter-ID requirement, place unnecessary restrictions on vote-by-mail, and eliminate safeguards intended to keep poll watchers from intimidating voters and election workers. The District already has strong local election laws—indeed, it joined only a few states in witnessing an increase in participation by voters of color from 2018-2022.⁹ There is no basis for Congress to single D.C. out for this sort of takeover.

Finally, we strongly object to the ACE Act’s attempt to thwart implementation of President Biden’s Executive Order on Promoting Access to Voting,¹⁰ which instructs federal agencies to integrate voter registration opportunities throughout their programs. Voter registration remains a hurdle for many eligible voters, particularly people of color. Earlier this year many of our organizations issued a report assessing the responses by certain federal agencies to the Executive Order, entitled *Strengthening Democracy: A Progress Report on Federal Agency Action to Promote Access to Voting*, which commended several agencies for their work to incorporate voter registration services while flagging other agencies which could do more to fully implement the Order.¹¹

Real confidence in elections comes from ensuring that all Americans have the freedom to vote unimpeded by discriminatory rules. The ACE Act would be a significant step backward from this goal. We urge you to instead focus on passing real pro-voter reforms to ensure that everyone can fully participate in our democracy. If you have any questions, please contact Leslie Proll, senior director of the voting rights program at The Leadership Conference, at proll@civilrights.org.

⁸ Committee on House Administration, Full Committee Hearing, American Confidence in Elections: State Tools To Promote Voter Confidence, April 27, 2023, <https://cha.house.gov/committee-activity/hearings/full-committee-hearing-american-confidence-elections-state-tools>

⁹ William Frey, *New Voter Turnout Data from 2022 Shows Some Surprises*, BROOKINGS, (May 18, 2023), <https://www.brookings.edu/research/new-voter-turnout-data-from-2022-shows-some-surprises-including-lower-turnout-for-youth-women-and-black-americans-in-some-states/>

¹⁰ Executive Order No. 14019, “Executive Order on Promoting Access to Voting,” March 7, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>

¹¹ The Leadership Conference on Civil and Human Rights, “Strengthening Democracy: A Progress Report on Federal Agency Action to Promote Access to Voting,” March 2, 2023. https://civilrights.org/wp-content/uploads/2023/03/ProgressReport_VotingAccess.pdf

Sincerely,

The Leadership Conference on Civil and Human Rights
All Voting is Local Action
American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
American Federation of State County and Municipal Employees
American Federation of Teachers
Arab American Institute
Asian Americans Advancing Justice | AAJC
Asian and Pacific Islander American Vote (APIAVote)
Autistic Self Advocacy Network
Bend the Arc: Jewish Action
Brennan Center for Justice
Campaign Legal Center
Center for Popular Democracy
Common Cause
DC Vote
DemCast USA
Democracy 21
Dēmos
End Citizens United//Let America Vote Action Fund
Fair Elections Center
Hip Hop Caucus
LatinoJustice PRLDEF
Lawyers' Committee for Civil Rights Under Law
Missouri Voter Protection Coalition
NAACP
NAACP Legal Defense and Educational Fund, Inc.
NALEO Educational Fund
National Action Network
National Disability Rights Network (NDRN)
National Education Association
National Network for Arab American Communities
Native American Rights Fund
NETWORK Lobby for Catholic Social Justice
Our Vote Texas
Public Wise
SEIU
Sojourners
Southern Coalition for Social Justice
Southern Poverty Law Center Action Fund
Stand Up America

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