



**STATEMENT OF VANITA GUPTA, PRESIDENT AND CEO
THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS**

**U.S. HOUSE COMMITTEE ON THE JUDICIARY
HEARING ON H.R. 1, THE “FOR THE PEOPLE ACT OF 2019”
JANUARY 29, 2019**

Chairman Nadler, Ranking Member Collins, and Members of the Committee, my name is Vanita Gupta and I am the president and CEO of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations working to build an America as good as its ideals. We were founded in 1950 and have coordinated national advocacy efforts on behalf of every major civil rights law since 1957, including the Voting Rights Act of 1965 and subsequent reauthorizations. I previously served as head of the Justice Department’s Civil Rights Division from 2014 until January 2017, where I oversaw the federal government’s enforcement of voting rights.

The Leadership Conference strongly supports H.R. 1, the For the People Act, and the transformative vision for American democracy it represents. This important legislation would restore the integrity of our elections. I thank Chairman Nadler for his leadership in calling this hearing today and commend the other 226 co-sponsors of this important legislation.

It is long past time to build a 21st century democracy that is representative of and responsive to our growing, diverse nation. A democracy that welcomes every person’s voice and vote to participate in civic life. A democracy that demands fairness and transparency in elections.

Our democracy works best when everyone, no matter who they are or what their color, can fully participate. Right now, it is in crisis. At every turn, President Trump has damaged our national norms and institutions — from elections to the 2020 Census to the free press. His administration has aggressively worked to undercut the power of communities of color, particularly African Americans, immigrants, and other groups historically excluded from our political process.

President Trump has furthered the assault on voting rights in America. We saw that in his creation of the sham Pence-Kobach [commission](#) that was ultimately discredited and disbanded. The commission was little more than a political ploy to provide cover for the president’s inability to win the popular vote, and to [lay the foundation to purge](#) eligible voters from the rolls and create unnecessary barriers to the ballot.

Then the Trump administration decided to add an untested citizenship question to the 2020 Census form on the pretext that it was somehow necessary for the Justice Department to enforce the Voting Rights Act.



Based on my experience leading the Civil Rights Division, I can assure you this is not true. Earlier this month a federal court agreed.¹

The president's assault on voting rights can be seen in his defense of Texas's discriminatory photo ID law and Ohio's voter purge efforts, and in his failure to enforce the Voting Rights Act. The Trump administration [has not filed a single Voting Rights Act case](#), despite numerous efforts to create barriers to the ballot box for communities of color that have occurred over the past two years, including [during last year's midterm elections](#). The U.S. Commission on Civil Rights recently examined the Trump administration's record on voting rights and concluded: "The totality of this report shows that despite the DOJ's diminishing enforcement actions, there is ongoing discrimination in voting that would merit increased VRA enforcement on the part of the DOJ."²

Voting Rights Act enforcement through Section 2 is all the more crucial in light of the devastating decision in the 2013 case *Shelby County v. Holder*, when five justices of the Supreme Court gutted the most powerful provision of the Voting Rights Act — the Section 5 preclearance system. That system had enabled the Justice Department and federal courts for 50 years to block proposed discriminatory voting restrictions in states and localities with the most troubling histories of discrimination before these restrictions could disenfranchise voters. The *Shelby County* decision emboldened states to implement voter suppression laws and policies, such as those requiring strict photo identification, cutting back early voting opportunities, shuttering polling places, and eliminating same-day voter registration.

When I was at the Justice Department, we tried to mitigate the damage done by the *Shelby County* decision. We challenged discriminatory laws passed in North Carolina and Texas in the immediate aftermath of *Shelby County*, and we were successful. In striking down the North Carolina law in 2016, the Fourth Circuit described the law as "the most restrictive voting law North Carolina has seen since the era of Jim Crow" with provisions that "target African Americans with almost surgical precision."³ There have been findings of intentional discrimination in at least 10 voting rights decisions since *Shelby County*.⁴ But there are many discriminatory measures going unchallenged by the current administration.

Americans know this. That is why people turned out in record numbers during the 2018 election to cast their votes for democracy reform. Not only is this reflected in the most diverse Congress in our nation's history, but voters also cast their ballot for voting rights across the country. Florida voters restored the right to vote for more than 1.4 million people with felony convictions. Nevada voters cast their ballot for automatic voter registration (AVR). Marylanders voted for same-day voter registration. And Michigan voters cast their ballot for a suite of voting reforms including AVR, same-day registration, an independent redistricting commission, and no-excuse absentee voting. Just last week in the Chairman's home state of

¹ <https://apps.npr.org/documents/document.html?id=5684706-Jan-15-2019-Ruling-by-U-S-District-Judge-Jesse>

² An Assessment of Minority Voting Rights Access in the United States, 2018 Statutory Report, https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf.

³ *N.C. State Conf. of the NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016).

⁴ NAACP Legal Defense Fund, Letter Request for Hearing on the Voting Rights Act of 1965, September 7, 2017, <http://www.naacpldf.org/files/about-us/Letter%20to%20Rep%20Goodlatte%20re%20Restore%20the%20VRA%20FINAL%209.7.2017.pdf>.



New York, a sweeping democracy reform bill was enacted that requires early voting, pre-registration for 16 and 17-year-olds, and automatic transfer of voter registration when someone changes residence.

The Leadership Conference supports these important state initiatives, yet we know the road ahead presents demanding challenges as many states continue to advance legislation and policies that create barriers to full participation in our democracy. It is why we created — together with a group of leading civil rights organizations — a campaign called [All Voting Is Local](#) to help ensure that the right and ability to vote are protected at all levels. The campaign works both with election officials and historically disenfranchised communities through data-driven organizing, strategic communications, and partnerships to identify and remedy barriers to the ballot box. The campaign is housed at our sister organization, The Leadership Conference Education Fund, and is a collaborative effort of the American Civil Liberties Union Foundation, the American Constitution Society, the Campaign Legal Center, and the Lawyers' Committee for Civil Rights Under Law. We hope to protect and expand the franchise at the national level through the passage of the For the People Act.

Every two years, The Leadership Conference convenes our 11 task forces and we present legislative and oversight [priorities](#) for racial, social, and economic justice to the new Congress. Our Voting Rights Task Force is co-chaired by the NAACP Legal Defense and Educational Fund, Inc., Mexican American Legal Defense and Educational Fund, and the Lawyers' Committee for Civil Rights Under Law, and includes dozens of other national organizations that work on behalf of marginalized communities. Their experience on the ground and in the courtroom helped inform our priority list of voting rights reforms.

H.R. 1 contains many of the Voting Rights Task Force's priorities:

Restoration of voting rights for formerly incarcerated people: H.R. 1 would restore voting rights for people with felony convictions, a necessary repudiation of our nation's discriminatory and racially violent past. Through this reform, more than 6.1 million voters would be added to the rolls.⁵ These laws are rooted in the post-Civil War era and were used to prevent freed slaves from voting. And they still have a significant racial impact. About one of every 13 African Americans in this country is denied the right to vote by these laws, a rate more than four times greater than all other Americans. Congressional action is badly needed to restore voting rights in federal elections to the millions of Americans who have been released from prison but continue to be denied their ability to fully participate in civic life.

Voter registration reform: H.R. 1 would modernize America's voter registration system and improve access to the ballot box by bringing AVR, same-day voter registration, and online voter registration to voters across the country, and by ensuring that all voter registration systems are inclusive and accessible for people with disabilities. AVR alone could add an estimated 50 million people to the voter rolls.⁶

⁵ The Sentencing Project, *Felony Disenfranchisement 2016*, <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

⁶ Brennan Center for Justice, *The Case for Automatic Voter Registration*, <https://www.brennancenter.org/publication/case-automatic-voter-registration>, September 22, 2015.



Early voting: H.R. 1 would require at least 15 consecutive days of early voting, including weekends, for federal elections and require that early voting locations be near public transportation.

Combat voter purging: H.R. 1 would overturn the Supreme Court’s troubling 2018 decision in *Husted v. A. Philip Randolph* that allowed Ohio to continue purging its voter rolls due to failure to vote. Voting should not be a “use it or lose it” right. Last year, our All Voting Is Local campaign worked to empower infrequent voters with a text campaign urging them to check their registration status, update their registration, and cast a ballot in the November election. This advocacy campaign was necessary to ensure voters were not silenced by this unfair purge process. But we have the tools to fix this harmful practice for good. H.R. 1 would overturn the *Husted* decision while going the necessary step further to modernize the voter registration process by bringing automatic voter registration to every community across the nation.

Election Assistance Commission reauthorization: The bill would also reauthorize the Election Assistance Commission, which plays an important role in improving the voting process for Americans.

In addition, H.R. 1 contains several significant provisions over which the House Judiciary Committee has lead jurisdiction.

Redistricting reform: H.R. 1 would be an historic milestone in the battle against extreme partisan gerrymandering we have seen in recent years, by requiring states to draw congressional districts using independent redistricting commissions. The bill would establish fair redistricting criteria and ensure compliance with the Voting Rights Act to safeguard minority voting rights.

Prohibit deceptive practices: H.R. 1 would ban the distribution of false information about elections to hinder or discourage voting. This provision is particularly important in this era in which Facebook and other social media platforms can be readily manipulated to spread misinformation about the time, place, and manner of voting to vulnerable communities.

Ban voter caging: H.R. 1 would also ban voter caging to prevent challenges to people’s eligibility to vote from individuals who are not election officials, unless the challenge is accompanied by an oath of good faith factual basis.

And importantly, H.R. 1 includes a commitment to restoring the Voting Rights Act and the key preclearance provision that the *Shelby County* decision struck down. H.R. 1 does not itself restore the Voting Rights Act because restoration legislation must be pursued on a separate track that will involve investigatory and evidentiary hearings. This will enable Congress to develop a full record on the continuing problem of racial discrimination in voting and update the preclearance coverage formula. The Leadership Conference supports the Voting Rights Advancement Act, and we look forward to working with the House Judiciary Committee to help build a record to support that critical legislation.

Voting, and the ability to participate in democracy, is a racial justice issue. It is a civil rights issue. And we are overdue for a change.



Without a functional democracy in which everyone is included, heard, and represented, we cannot make real progress on other civil and human rights issues like education, immigration, and economic security, to name just a few. When our democracy is in peril, so, too, are our civil and human rights.

The For the People Act is a bold, comprehensive reform package that offers solutions to a broken democracy. Today's hearing before the House Judiciary Committee is the first of a series before different committees that have jurisdiction over key portions of this legislation, including provisions addressing voting rights, ethics reforms, and money in politics. Repairing and modernizing our voting system goes hand in hand with important reforms that address the rampant corruption that flows from the corrosive power of money in our elections. Both are necessary to ensuring that our government works for and is responsive to all people, not just a powerful few. The civil and human rights community is committed to democracy reform. We look forward to working with you until the day these reforms are signed into law.