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September 13, 2016

The Honorable Paul Ryan, Speaker
U.S. House of Representatives
Washington, DC 20510

Dear Speaker Ryan,

On the heels of the 51st anniversary of the Voting Rights Act (VRA or the Act), we remain deeply troubled that there has been no action in the House of Representatives to address the issue of voting rights. We are writing to urge you to bring legislation to the House floor this month to restore the critical protections of the VRA. As we approach the first presidential election in 50 years without that law's full protections, our request for immediate action is more urgent than ever.

As you know, the Voting Rights Act of 1965 protected the voting rights of racial and ethnic minorities in several states and local jurisdictions with a history of discrimination against communities of color in voting. These jurisdictions were covered by Section 5 of the Act, which required the Department of Justice (DOJ) to approve any changes to voting in specific states and localities. However, in 2013 the U.S. Supreme Court's devastating decision in *Shelby County v. Holder* invalidated the pre-clearance requirement and the DOJ's authority to send observers to covered jurisdictions. Following *Shelby*, numerous states have passed voting laws, which several federal courts agree have a disparate impact on people of color and language minorities. In the case of North Carolina, the courts found that the state's massive bundle of voting restrictions, passed within weeks of the *Shelby* decision, targeted African-Americans "with almost surgical precision."¹ Evidence shows that restrictive voter laws also suppress turnout of the elderly,² people with disabilities,³ and students.⁴

And while some courts have taken action to block discriminatory laws in states like North Carolina and Texas, these decisions came only after years of costly litigation during which impacted citizens were blocked from voting in the 2014 elections and this year's primaries. Meanwhile, there is no way of knowing how many potentially discriminatory voting changes are being made by cities, counties, school boards, water boards, and other local jurisdictions that were previously required to be precleared. According to "[Democracy Diminished](#),"⁵ a

¹ https://www.washingtonpost.com/politics/courts_law/inside-the-republican-creation-of-the-north-carolina-voting-bill-dubbed-the-monster-law/2016/09/01/79162398-6adf-11e6-8225-fbb8a6fc65bc_story.html

² https://www.washingtonpost.com/politics/courts_law/getting-a-photo-id-so-you-can-vote-is-easy-unless-youre-poor-black-latino-or-elderly/2016/05/23/8d5474ec-20f0-11e6-8690-f14ca9de2972_story.html

³ <http://www.vox.com/2016/4/1/11346714/voter-id-laws-disabilities>

⁴ <http://www.ibtimes.com/wisconsin-voter-id-law-could-hurt-college-students-participation-primary-general-2348030>

⁵ http://www.naacpldf.org/files/publications/Democracy%20Diminished-State%20and%20Local%20Voting%20Changes%20Post-Shelby%20v.%20Holder_4.pdf



report by the NAACP Legal Defense and Educational Fund, Inc., “more than 85% of preclearance work previously done under Section 5 was at the local level.”

Since Congress has failed to pass a bill to restore the VRA, which has resulted in DOJ lacking authority over voting changes in places that Congress determined in 2006 should continue to have federal oversight, we are extremely concerned that there will be widespread voter discrimination in the upcoming presidential election. This is exacerbated by the fact that there will be no DOJ observers holding jurisdictions accountable. In the 2012 general election, the Department of Justice sent 780 federal observers to 51 jurisdictions in 23 states.⁶ Because of the *Shelby* decision, there will be virtually no election observers deployed in 2016.⁷

Shortly before the last VRA was reauthorized in 2006, former Congressman and HUD Secretary Jack Kemp wrote an op-ed,⁸ “Renew the Voting Rights Act,” urging Congress to reauthorize all sections of the law that were set to expire. Secretary Kemp’s op-ed was prescient. He wrote that, “If Section 5 is not extended, the covered jurisdictions will not have to submit voting changes to the Department of Justice. The loss of federal authority to control voting procedures could enable local governments to more easily discriminate against minority voters. Renewing the Voting Rights Act won’t solve all of these problems, but more Americans will have confidence that their votes really do count.”

Mr. Speaker, you followed Secretary Kemp’s guidance and voted to reauthorize the law, as did an overwhelming number of your colleagues. Your support for the bill overall helped protect “the crown jewel of American liberties” – a phrase President Ronald Reagan used to refer to the right to vote⁹ when he reaffirmed his commitment to the 1982 VRA reauthorization.

In February of this year, you recognized the importance of the VRA when you told the Congressional Black Caucus (CBC) that you support Rep. James Sensenbrenner’s bill, the Voting Rights Amendment Act (H.R. 885), to help restore the VRA. While we realize that, as Speaker, you would prefer to defer to the Committee chair, in this case, not insisting that legislation to restore the VRA be brought to the floor is likely to result in disenfranchisement for thousands of Americans. This is because, for the past three years, Chairman Goodlatte has refused to consider any such legislation, claiming that it is not needed despite being provided by us and others with many examples of voter discrimination and intimidation. We understand your commitment to a bottom-up approach in Congress, but protecting the right to vote is too important to be held hostage by a single committee chair.

We are well aware of your various efforts to honor civil rights – from supporting H.R. 885 and visiting Selma with Rep. John Lewis to honoring the Bloody Sunday foot soldiers by presenting them with the Congressional Gold Medal. In contrast to your record of understanding and supporting the need to protect the right to vote, Chairman Goodlatte has shut down the possibility of any action in the Judiciary Committee while he remains in charge, and it is now clear that there is no way forward through him. Chairman Goodlatte’s intractability does a disservice to the millions of voters impacted by the fallout from the *Shelby County* decision.

⁶ <https://www.justice.gov/opa/pr/justice-department-monitor-polls-23-states-election-day>

⁷ <http://democracyjournal.org/arguments/discrimination-will-continue-but-who-will-notice/>

⁸ http://townhall.com/columnists/jackkemp/2005/10/17/renew_the_voting_rights_act

⁹ <http://www.presidency.ucsb.edu/ws/?pid=43215>



We know this because we wrote to Chairman Goodlatte in July,¹⁰ presenting him with ample evidence of why he should hold a hearing and advance legislation to restore valuable protections against voting discrimination. To date, the chairman has taken no action whatsoever.

With the election less than 60 days away, we urge you to follow through on your commitment to ensure the right to vote for all eligible Americans without delay. Real leadership is making sure all American voters have access to the ballot box. It is time to take this matter to the floor of the House of Representatives immediately. We know you believe in voting rights and the VRA. Now you need to demonstrate your commitment.

Please feel free to contact either of us or Lisa Bornstein, legal director at The Leadership Conference, at bornstein@civilrights.org or (202) 466-3311, regarding this letter.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President

¹⁰ <http://www.civilrights.org/advocacy/letters/2016/letter-to-chairman-goodlatte-vra.html>