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FACT SHEET
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UPDATED: H.R. 4, The John R. Lewis Voting Rights Advancement Act of 2021
This Key Bill Finally Restores the Full Strength of the Voting Rights Act of 1965, After Two Key Supreme Court Decisions Weakened the Act, Unleashing Voter Suppression Laws

Key Points:

- This week, the House is scheduled to consider H.R. 4, the John R. Lewis Voting Rights Advancement Act of 2021. Rep. Terri Sewell (D-AL) introduced the bill on August 17. The bill currently has 223 cosponsors. This critical bill finally restores the full strength of the Voting Rights Act, after the disastrous Supreme Court decisions of *Shelby County v. Holder* in 2013 and *Brnovich v. DNC* in 2021. Members are urged to vote YES on the bill.
- The right to vote is the most sacred and fundamental right we enjoy as American citizens. By preventing states with a recent history of voter discrimination from restricting the right to vote, this bill restores the full promise of our democracy. We must ensure that every eligible American voter has the ability to have their voice heard. Indeed, the 14th and 15th Amendments to the Constitution expressly empower the Congress to enact laws protecting the right to vote and guaranteeing the equal protection of all citizens. Additionally, the Elections Clause in Article I of the Constitution establishes that Congress itself has the ultimate authority to determine regulations governing the time, place, and manner of elections to the House and the Senate.
- H.R. 4 has been renamed the John R. Lewis Voting Rights Advancement Act to honor the legacy of civil rights icon and former Congressman John Lewis, who dedicated his life to the sacred right to vote and who passed away on July 17, 2020.
- This updated version of H.R. 4 is substantially similar to the prior version of H.R. 4, which the House passed in the 116th Congress, on December 6, 2019, by a vote of 228 to 187, nearly along party lines. ([2019 House Vote #654](#)). Unfortunately, the H.R. 4 that passed the House in the 116th Congress died in the Senate because Majority Leader McConnell refused to bring it up for a vote.
- The John R. Lewis Voting Rights Advancement Act of 2021 is supported by over 100 organizations, including The Leadership Conference on Civil and Human Rights, A. Philip Randolph Institute, NAACP, NAACP Legal Defense and Educational Fund, Brennan Center for Justice, National Action Network, AFL-CIO, AFSCME, Communication Workers of America, National Education Association, Mi Familia Vota, Asian Americans Advancing Justice, Common Cause, League of Women Voters of the United States, Human Rights Campaign, People for the American Way, End Citizens United/Let America Vote Action Fund, Public Citizen, Sierra Club, National Wildlife Federation, League of Conservation Voters, National Council of Churches of Christ in the USA, National Council of Jewish Women, Democracy 21, and Just Democracy.
- The Voting Rights Act of 1965 is one of the most consequential laws Congress has ever enacted. As Supreme Court Associate Justice Elena Kagan pointed out, “The Voting Rights Act of 1965 is an extraordinary law. Rarely has a statute required so much sacrifice to ensure its passage. Never has

a statute done more to advance the nation's highest ideals. And few laws are more vital in the current moment."

- **Tragically, in recent years, the Supreme Court has undermined the original Voting Rights Act of 1965 with two damaging decisions:**
 - ***Shelby County v. Holder* (2013):** This decision effectively gutted the Voting Rights Act's most important enforcement mechanism – its Section 5 preclearance provision. Specifically, the decision struck down the formula contained in Section 4(b) of the Voting Rights Act. That formula determined which states and localities should be subject to preclearance—striking down Section 4(b) effectively rendered the law's preclearance provision inoperative.
 - ***Brnovich v. DNC* (2021):** This decision substantially curtailed the scope of Section 2 of the Voting Rights Act, making it significantly more difficult for parties to challenge voting laws that result in the denial or abridgment of the right to vote on account of race, color, or language-minority status.

This Bill Is Urgently Needed – Being Considered During an Unprecedented Wave of State Voter Suppression Laws Across the Country

- **From 1965 Until the *Shelby v. Holder* Decision, the Voting Rights Act Was A Great Success:** Prior to the *Shelby County* decision, the Voting Rights Act had been an unqualified success. It helped reduce discriminatory barriers to voting and expanded electoral opportunities for people of color to federal, state, and local offices, thereby opening the political process to every American.
- **The First Wave of Voter Suppression Laws Began After the Infamous 2013 *Shelby County v. Holder* Decision:** The hearings conducted by the Judiciary Committee and the House Administration Committee have documented that immediately after the *Shelby County v. Holder* decision -- in the absence of preclearance requirements, which the *Shelby* decision had gutted -- a number of states swiftly passed voter suppression laws, including many state and local jurisdictions that had been subject to preclearance pre-*Shelby*. For example, in the days and months following the ruling, states such as Texas and North Carolina implemented voter ID laws which were later found by courts to be intentionally racially discriminatory.
- **The Second Wave of Voter Suppression Laws Then Began After the 2020 Election:** Fed by former President Trump's Big Lie, in this year alone there has been an enormous second wave of voter suppression efforts, particularly in GOP-controlled states. According to the Brennan Center for Justice, 18 states have already enacted 30 laws that restrict the right to vote just since the beginning of this year. Furthermore, according to the Voting Rights Lab, there are over 400 voter suppression bills still actively being considered by state legislatures this year.

Some of the Key Provisions of H.R. 4

- As was noted above, in 2013, the Supreme Court in the 5-to-4 decision in *Shelby County v. Holder* effectively gutted the Voting Rights Act's preclearance requirement contained in Section 5 by striking down the coverage formula found in Section 4(b) for determining which jurisdictions would be subject to preclearance, stating that the coverage formula was outdated. The preclearance provision in the Voting Rights Act had required states and localities with a history of voting discrimination to submit to the Justice Department any proposed changes to their voting rules for approval before those changes could take effect. In its decision, the Supreme Court invited the Congress to draft another coverage formula "based on current conditions."
- **The John R. Lewis Voting Rights Advancement Act of 2021, in response to the Supreme Court's invitation to Congress to craft a new coverage formula for preclearance based on "current conditions," creates a new coverage formula that hinges on a finding of repeated voting rights violations in the preceding 25 years.**
 - **Significantly, the 25-year period is measured on a rolling basis to keep up with "current conditions," so only states and political subdivisions that have a recent record of racial discrimination in voting are covered.**

- States and political subdivisions that qualify for preclearance will be covered for a period of 10 years, but if they have a clean record during that time period, they can be extracted from coverage.
- The bill also importantly establishes nationwide “practice-based preclearance.” These provisions apply a nationwide preclearance requirement for jurisdictions that engage in certain kinds of proposed changes to voting rules, such as the following:
 - The imposition of stricter voter ID requirements.
 - Reductions in polling locations or polling hours.
 - Reductions in the availability of non-English language voting materials relative to materials in English.
 - Changes to procedures regarding maintenance of voter registration lists.
- In addition, the bill includes a provision that is a legislative response to the Supreme Court’s damaging July 2021 *Brnovich v. DNC* decision. That decision substantially curtailed the scope of Section 2 of the Voting Rights Act, making it significantly more difficult for parties to challenge laws that result in the denial or abridgement of the right to vote on account of race, color, or language-minority status. **This bill would clarify Section 2 to make it a more effective tool for challenging racially discriminatory laws.** Specifically, the bill would create tests under Section 2 for assessing vote denial claims (such as voter ID laws) and vote dilution claims (such as redistricting cases) to ensure that plaintiffs have a fair opportunity to challenge already-implemented voting rules that result in discrimination based on race, color, or language-minority status.
- The bill also includes other provisions, such as:
 - Gives the Department of Justice the ability to sue for constitutional violations.
 - Makes it easier to obtain preliminary injunctions.
 - Allows challenges to voting rule changes that make minority citizens worse off in their ability to vote.
 - Increases transparency by requiring reasonable public notice for voting changes.
 - Provides grants to small jurisdictions to comply with new public notice requirements.
 - Allows the Attorney General authority to send federal election observers anywhere in the country where there is a serious threat of racial discrimination in voting.

QUOTES FROM STATEMENTS FROM KEY GROUPS SUPPORTING H.R. 4, JOHN R. LEWIS VOTING RIGHTS ADVANCEMENT ACT

[The Leadership Conference on Civil and Human Rights and 96 Other Organizations](#)

“On behalf of The Leadership Conference on Civil and Human Rights and the 96 undersigned organizations, we write in strong support of H.R. 4, the John Lewis Voting Rights Advancement Act. ... The coordinated, anti-democratic campaign to restrict the vote targets the heart of the nation’s promise that every voter and every eligible vote count. Congress must meet the moment and pass the John Lewis Voting Rights Advancement Act. This bill will restore the essential provision of the Voting Rights Act that blocks discriminatory voting practices before they go into effect, putting a transparent process in place for protecting the right to vote. It will also restore other provisions to help bring down the barriers erected to silence Black, Brown, Native, and new Americans and ensure everyone has a voice in the decisions impacting our lives.”

NAACP Legal Defense and Educational Fund

“We commend the House of Representatives for taking this critically important step in protecting the right to vote with its introduction today of the John Lewis Voting Rights Advancement Act, H.R. 4. This legislation provides the building blocks for Congress to fully engage in its duty to protect citizens from any efforts to restrict or abridge their most fundamental right – the right to vote. H.R. 4 includes provisions that would require states and localities with recent records of discrimination in voting to have their proposed voting changes reviewed before they are implemented to ensure that they are not discriminatory. These provisions are crucial to ensure that people are not disenfranchised and able to participate freely in the political process. If these provisions had

been in effect this year – as was the case prior to the Shelby County decision – the restrictive voting bills that were recently enacted in states such as Georgia, Florida, and Arizona, would not have been able to go into effect unless and until the states proved that these laws would not discriminate against racial, ethnic, or language minorities.”

Common Cause

“It is critically important that Congress pass the John Lewis Voting Rights Advancement Act to protect the freedom to vote for every American. The legislation ... will repair much of the damage done to the Voting Rights Act by the Supreme Court under Chief Justice John Roberts. ... Not since the Jim Crow era have the voting rights of Black and Brown Americans faced such a withering assault. ... The John Lewis Voting Rights Act will curb these assaults on the freedom to vote and restore the ability of the Department of Justice to protect that sacred freedom.”

National Urban League

“The John Lewis Voting Rights Advancement Act reauthorizes the Voting Rights Act, while putting in place “fixes” in response to the Shelby County v. Holder (2013) and Brnovich v. Democratic National Committee (2021) decisions. After the Shelby County decision, the number of discriminatory voting laws and practices have drastically increased across the country. ... The bill is a concrete way to advance the nation’s fight against discriminatory voting laws which specifically target people of color. We will continue to support the John Lewis Voting Rights Advancement Act and other proposals that advance the fight for the rights, safety, and empowerment of all people in our nation.”

Brennan Center for Justice

“On August 17, Democratic lawmakers stood on consecrated ground – the foot of the Edmund Pettus Bridge in Selma, Alabama. ... They were gathered to announce the introduction of the John R. Lewis Voting Rights Advancement Act (H.R. 4), transformative legislation that would restore the protections of the Voting Rights Act that John Lewis fought so hard to enact as a civil rights activist. The danger of new voting restrictions is a grim reality. After record voter turnout in 2020, Republican state legislators around the country have responded by cracking down on the right to vote. Brennan Center research shows that this year, 49 states have introduced over 400 bills with provisions that make it harder to vote. Congress must pass the John R. Lewis Voting Rights Advancement Act without delay.”

Lawyers’ Committee for Civil Rights Under Law

“For the past several months, the House of Representatives has been diligently examining the current record of discrimination in voting and the provisions in the John Lewis Voting Rights Advancement Act will address the voting discrimination that has been ongoing since the Shelby County v. Holder Supreme Court decision. As state legislatures have moved with unprecedented speed and have acted to roll back voting rights and erect unconscionable barriers to the ballot box for voters of color, we need a strong Voting Rights Act to combat these abhorrent actions and prevent future ones. The time to act is now, and Congress must move quickly.”

Democracy 21

H.R. 4, the John Lewis Voting Rights Advancement Act ... is a vitally important step forward in the work to protect the sacred right to vote for all eligible citizens. Today, millions of Black, brown, other minorities, the disabled, elderly, and young, are at risk of losing their ability to vote due to voter suppression laws being passed in numerous states. These efforts, if not overridden, will represent the greatest voter suppression in the United States since the Jim Crow era. Democracy 21 strongly urges the House to pass H.R. 4 next week. ... Our democracy deserves nothing less.”

Just Democracy

“H.R. 4 is essential legislation to ensure that over 400 state-level voter suppression laws proposed around the country will be countered by federal law. ... This fight for voting rights won’t be easy, but it is an existential turning point for the fate of our democracy – and that’s why we’re marching in cities around the country in the March On for Voting Rights on August 28, to raise our voices and demand Congress take action. We’re marching

in the spirit of Congressman John Lewis, Martin Luther King Jr., Rosa Parks, and countless civil rights leaders who never gave up on the fight for voting rights – and neither will we.”

Fair Vote

“Each of our voices must be heard for the democratic process to work. The John Lewis Voting Rights Advancement Act restores fundamental protections from the Voting Rights Act to ensure we are each able to cast meaningful votes on Election Day. The Department of Justice and our courts must have the power to uphold the principles and promise of the 14th and 15th Amendments of the U.S. Constitution and ensure the United States is a functioning multi-racial democracy with equal protection for all. Fair Vote endorses this legislation, as we did when earlier versions were passed in 2006 and proposed since the Shelby ruling in 2013. These reforms are fundamental to create a future where all Americans can vote.”