Statement of Ranking Member Doug Collins
Subcommittee on the Constitution, Civil Rights, and Civil Liberties
Hearing on
"Evidence of Current and Ongoing Voting Discrimination"
September 10, 2019

Mr. Chairman, the right to vote is of paramount importance in a democracy. Its protection from discriminatory barriers has been grounded in federal law since the Civil War, and, more recently, through the Voting Rights Act of 1965.

Many members today will mention the *Shelby County* Supreme Court decision, and, each time it's mentioned, it's important to remember the Court only struck down one outdated provision of the Voting Rights Act — an outdated formula based on decades-old data that doesn't hold true anymore because it describes which jurisdictions had to receive approval from the Department of Justice before their voting rules went into effect. Nonetheless, several other key provisions of the Voting Rights Act remain in place today, including Sections 2 and 3.

Section 2 applies nationwide and prohibits voting practices or procedures that discriminate on the basis of race, color or the ability to speak English. Section 2 is enforced through federal lawsuits, just like other federal civil rights laws. The United States and civil rights organizations have brought many cases to enforce the guarantees of Section 2 in court, and they may do so in the future.

Section 3 of the Voting Rights Act also remains in place. Section 3 authorizes federal courts to impose preclearance requirements on states and political subdivisions that previously enacted voting procedures to treat people differently based on race — a violation of the Fourteenth and Fifteenth Amendments. If the federal court finds a state or political subdivision treated people differently based on race, the court has discretion to retain supervisory jurisdiction and impose preclearance requirements on the state or political subdivision as the court sees fit until a future date at the court's discretion. This means the state or political subdivision would have to submit all future voting rule changes for

approval to either the court itself or the Department of Justice before the changes could go into effect. As set out in the Code of Federal Regulations, "Under section 3(c) of the [Voting Rights] Act, a court in voting rights litigation can order as relief that a jurisdiction not subject to the preclearance requirement of section 5 preclear its voting changes by submitting them either to the court or to the Attorney General."

Again, Section 3's procedures remain available today to those challenging voting rules as discriminatory. Just a couple of years ago, U.S. District Judge Lee Rosenthal issued an opinion in a redistricting case that required the Justice Department to monitor the City of Pasadena, Texas, because it had intentionally changed its city council districts to decrease Hispanic influence. Pasadena, which the court ruled has a "long history of discrimination against minorities," was required to have its future voting rules changes precleared by the Justice Department for the next six years, during which time the federal judge "retains jurisdiction . . . to review before enforcement any change to the

election map or plan that was in effect in Pasadena on December 1, 2013." A change to the city's election plan can be enforced without review by the judge only if it has been submitted to the Attorney General and the Justice Department has not objected within 60 days.

Voting rights are protected in this country including in my own state of Georgia, where Hispanic and African-American voter turnout has soared over the last several election cycles, increasing by double digits. I look forward to making sure the ballot box is open to all eligible voters, and I look forward to hearing from all our witnesses today.

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