



Statement for Virginia Kase Solomón, Chief Executive Officer, League of Women Voters of the United States

House Committee on the Judiciary Hearing on the Oversight of the Voting Rights Act: Potential Legislative Reforms

August 16, 2021

Chairman Nadler, Ranking Member Jordan, and members of the Judiciary Committee: we deeply appreciate and commend you for holding this timely and critical hearing on the Oversight of the Voting Rights Act.

My name is Virginia Kase Solomón, and I am the CEO of the League of Women Voters of the United States (the “League”). The League is a century-seasoned federated organization with more than 500,000 members and supporters across the country working to carry out our mission to empower voters and defend democracy. Our core work is intimately tied to the history of the *Voting Rights Act*, and we maintain our steadfast support.

The League of Women Voters of the United States appreciates the opportunity to share with the House Judiciary Committee our strong support for the *John Lewis Voting Rights Advancement Act*. We believe that this singularly important legislation will restore and strengthen the right to vote for millions. Ensuring the constitutional voting rights protections is a core principle of the League of Women Voters and we believe that this legislation dutifully modernizes the *Voting Rights Act of 1965* provisions to effectively protects voting rights at the ballot box.

LEAGUE HISTORY

The League of Women Voters believes in ensuring a free, fair, and accessible electoral system for all eligible voters. In 1970, the League of Women Voters membership determined that protecting the right to vote is indivisibly part of the League’s mission. In the intervening fifty years, the League of Women Voters and our members have worked to protect and strengthen the *Voting Rights Act of*



1965 in Congress, in the courts, and in our communities. In 1982 and 2006, the League was a leader in the fight to strengthen the *Voting Rights Act* by extending its major provisions, and we have actively pursued litigation and advocacy in support of furthering the goals of the *Voting Rights Act* since that time.

IMPACT OF *SHELBY COUNTY V. HOLDER*

In 2013, in the case of *Shelby County v. Holder*, the U.S. Supreme Court invalidated the section of the *Voting Rights Act* that required certain states and local governments to obtain federal approval before implementing any changes to their voting laws or practices if the states had a history of voting discrimination against racial, ethnic, and language minorities. The ruling also invalidated the formula that determined which jurisdictions fall under federal oversight.

The Court determined that "the VRA had too far of a lookback provision, and it is up to the legislature to modernize the VRA. Yet, in the prevailing years, Congress has been unsuccessful in updating these key provisions of the *Voting Rights Act*, meanwhile many states took advantage of the removal of federal oversight and passed legislation that makes voting even more difficult for Black and brown communities. Following the *Shelby* decision, more than 23 states passed legislation that disproportionately disenfranchised millions of minority voters.¹ And now, in the aftermath of the 2020 election, an election with record turnout and participation, more than 400 restrictive voting bills in 49 state legislatures were introduced², underscoring the urgent need for federal voting rights reform and protection.

Our decades-long work serves as a backdrop to the deeply disturbing rollback in voting rights that has occurred since *Shelby*. In the last eight years, we have seen the process of voting become more challenging, especially for women, communities of color, and low-income individuals. In recent elections, voters have faced a variety of obstacles, from reduced polling places to long lines, last-minute changes and consolidation of polling locations, and strict voter identification

¹ https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf

² <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-july-2021>



requirements to the removal of lawfully registered voters from the rolls, and voters having neither notice of their removal nor an adequate remedy to effectuate their ballot in time for an election. The tactics and attempts to strip voters of their constitutional rights were clear in the 2020 election, and only in the face of a deadly pandemic did states work to ease restrictions to voters in some states. Yet, there were many states that continued the assault on voting rights by refusing to find ways to make voting more accessible for voters.

2020 ELECTION

We now know that the 2020 election included the highest voter turnout in history. Despite claims of voter fraud and a flurry of voter suppression laws, courts consistently found no fraud or election mishandling. Time and again, courts across the country in states including Arizona, Nevada, Pennsylvania, and Wisconsin found no fraud despite endless and often unsubstantiated claims by plaintiffs. Throughout 2020, LWVUS was part of over 70 federal lawsuits across 37 states to ensure voters had safe access to the ballot in this election and an opportunity to participate in the voting franchise.

We are grateful to our state and local Leagues, as well as more than 250 dedicated legal partners who helped us fight for increased voter access and participation to advance voting rights this year. In all, we protected approximately 25 million voters through our election-related litigation. This election cycle, our litigation covered important issues such as establishing or enhancing notice and cure processes for ballots flagged for rejection, waiving double witness requirements for mailed ballots, and expanding the absentee excuse to cover more voters. Taking a multi-dimensional approach, the League also worked to preserve in-person voting options for disabled voters as well as those voters who needed support, or otherwise wanted to vote in person. We did all of this to ensure that voters did not have to choose between exercising their constitutional right to vote and risking their health and safety during the pandemic. And we did it so that all voters, regardless of political affiliation, could develop the best voting plan for themselves and their families.

In a report issued in March 2021, the *Nonprofit Vote US Elections Project* reported

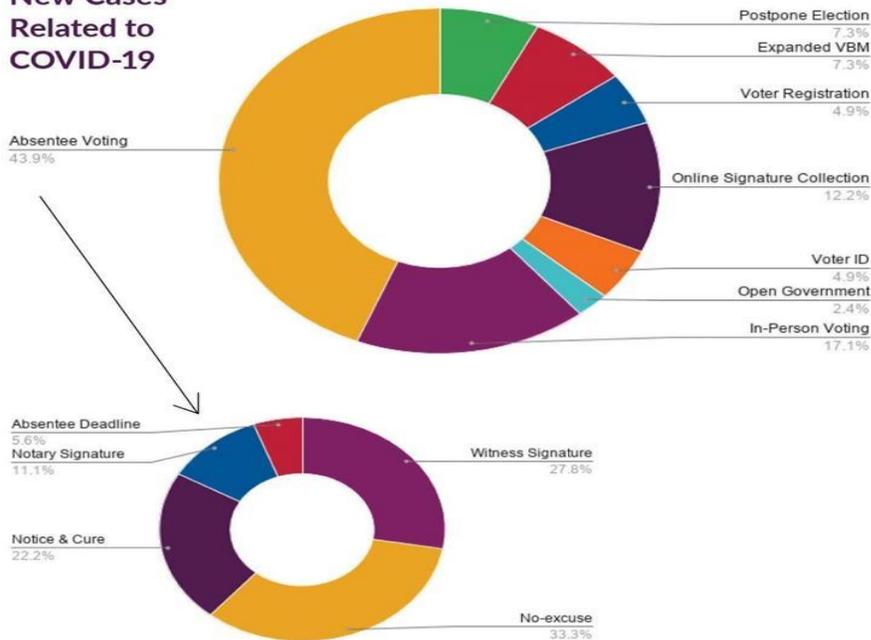
that the 2020 election set records for voter participation but there were differences between the states that supported voting rights and those that passed legislation to limit the rights of voters. The report noted that in 2020, national voter turnout was 67% of eligible voters, the highest in 120 years. The disparity between states was markedly greater with turnout in the top ten states 17% higher than the bottom ten states.

The ten top states that allow voters to register or update their registration when they vote, or both had the highest turnout. By contrast, eight of the bottom ten turnout states cut off voter registration four weeks before the election or required an excuse to use a mail ballot ³.

Considering states' failure to ensure all voters could vote safely amid the coronavirus, the League sprang into action by initiating litigation in 26 states this year. The League's litigation was focused on a creating "hybrid elections," which maintained safe in-person voting options, expanded vote-by-mail, and required election officials to provide a notice and cure period to correct absentee or mail-in ballot deficiencies. The chart below shows those differences:

³<https://www.nonprofitvote.org/documents/2021/03/america-goes-polls-2020.pdf/>

New Cases Related to COVID-19



CENSUS, REDISTRICTING, AND VOTING RIGHTS

REDISTRICTING

The *Voting Rights Act* has been at the center of much of the League’s work on related issues. In 2019, the U.S. Supreme Court ruled 5-4 in *Rucho v. League of Women Voters of North Carolina* that no fair test exists for courts to determine when partisan gerrymandering has gone too far. Too often, states have complete autonomy for racial and partisan gerrymandering claims, where politicians choose their voters instead of voters choosing their representatives.

The League of Women Voters’ response to the *Rucho* decision was to launch a nationwide effort to build power for fair redistricting processes. Through People Powered Fair Maps™, Leagues partnered with more than 1,000 organizations, coalitions, and groups and held more than 1,300 virtual and in-person events and forums this year to help build power for fair redistricting processes across the country. State Leagues have worked to make redistricting an open and fair



process, with a \$1 million investment in the program's first year. Leagues focused on building partnerships with impacted communities, organizing redistricting-related ballot initiatives, and implementing civic education and engagement efforts to prepare people to participate in the upcoming redistricting cycle.

The League helped to [defend and create fair redistricting processes on the ballot in Missouri and Virginia](#), which passed in Virginia and will pave the way for redistricting reform in 2021. We also fought hard to get redistricting on the ballot in Arkansas, Oklahoma, and Oregon — where the fight continues. Additionally, we hosted [Racism and Redistricting: How Unfair Maps Impact Communities of Color](#), an event exploring how systemic racism impacts redistricting, with state leaders in some of the most gerrymandered states.

Congressional action on the *John Lewis Voting Advancement Act* is critical if we are to have voting rights protections in place in time as states begin the task of redistricting following the delivery of 2020 Census data this fall. We anticipate that racial gerrymandering maps will parade as partisan gerrymandering simply to keep these cases out of federal courts.

CENSUS

The 2020 Census officially launched April 1 — just two weeks after the COVID-19 pandemic sent the country into a shutdown. The Census Bureau was forced to change its operating timeline as door-to-door counting was not in the best interest of public safety. The League was an official partner of the US Census Bureau during the 2020 Census. [The League also partnered with the Census Counts Campaign](#), which issued digital guidance for how to turn in-person Get Out the Count events into digital activities. The League also [filed a lawsuit to extend the timeline for the count](#). As a result of this litigation, the Census Bureau achieved 16 additional days to count until October 16. As the deadline to complete the census closed in October, the data processing continued.

Voting is a fundamental citizen right that must be guaranteed; all eligible voters, particularly those from traditionally underrepresented or underserved communities, including first-time voters, non-college youth, new citizens,



minorities, and low-income Americans – must have the opportunity and the information they need to exercise their right to vote.

Since the *Shelby* decision, Leagues across the country have provided testimony and evidence at hearings around the country held by U.S. House Committees collecting evidence of the continued discrimination that voters face. In 2019, Leagues participated in field hearings conducted by the Committee on House Administration's Subcommittee on Elections in Georgia, North Dakota, Ohio, Florida, Alabama, North Carolina, and Arizona. State Leagues and the LWVUS have been engaged in countering challenges to the right to vote in the courts and been successful in the majority of cases.

But we believe that it is time for the House and Senate to take the lead and set forth clear and unambiguous protections for voters' rights.

VOTING RIGHTS ADVANCEMENT ACT

The League believes that the *John Lewis Voting Rights Advancement Act* takes a giant step toward achieving that reform. The *Voting Rights Act* was created to ensure that every American has an equal right to vote. In response to the *Shelby* decision, the *John Lewis Voting Rights Advancement Act* (which is also affirmed by the *For the People Act*) appropriately considers the issues raised by the U.S. Supreme Court by adjusting the lookback period for pre-clearance and identifying updated factors to determine which jurisdictions would be subject to the Act. Restoring the *Voting Rights Act* will strengthen our elections by cutting back obstructive laws that have kept eligible voters from exercising their right at the ballot box. The legislation also modernizes the original protections of the *Voting Rights Act of 1965* to combat many of the new and recent discriminatory voting requirements that states have enacted that disproportionately prevent minorities, the elderly, and youth from voting.

The *John Lewis Voting Rights Advancement Act* allows federal courts to immediately halt questionable voting practices until a final ruling by a court is made. We believe this is crucial because when voting rights are at stake, prohibiting a discriminatory practice after the election has concluded is too late to truly protect voters' rights. It establishes a targeted process for reviewing voting



changes in jurisdictions nationwide, focused on measures that have historically been used to discriminate against voters. It increases transparency by requiring reasonable public notice for voting changes and allows the attorney general authority to request the presence of federal observers anywhere in the country where there is a serious threat of racial discrimination in voting.

CONCLUSION

The League of Women Voters has worked to achieve “a democracy for the people, by the people, all the people,” by registering voters, fighting unfair district maps in court, and advocating in Congress for fair election processes. The League is an organization fully committed to diversity, equity, and inclusion in principle and in practice. Diversity, equity, and inclusion are central to the organization’s—and the United States’—current and future success in engaging all individuals, households, communities, and policy makers in creating a more perfect democracy.

Despite our efforts, there have always been forces at play who wish to undermine our democracy and limit participation in our elections. Never before has this been more apparent. The time for reform is now, and the American people cannot wait for our democracy to fix itself.

We believe that the *John Lewis Voting Rights Advancement Act* will reverse this trend and fundamentally strengthen our democratic system with the restoration of the *Voting Rights Act*.

The *John Lewis Voting Rights Advancement Act*, along with HR1, the *For the People Act*, is the democracy reform legislation the American people want and deserve. Today, far too many people are turned off or turned away from the political process. This should not happen in the greatest country in the world. The provisions in this legislation will lead to greater trust in government and elected leaders by creating fairness, transparency, and accountability.

For over a century, the League of Women Voters has worked with Congress to protect the right of all citizens to vote. We look forward to doing so in 2021 with the passage of the *John Lewis Voting Rights Advancement Act*.

