



November 2, 2021

U.S. Senate
Washington, DC 20510

Dear Senator:

On behalf of the 3 million members of the National Education Association who work in 14,000 communities across the nation, we urge you to vote YES on the John Lewis Voting Rights Advancement Act of 2021 (H.R. 4) to protect our most fundamental right as citizens and safeguard the integrity of our democracy. Votes on this issue may be included in NEA's Report Card for the 117th Congress.

NEA members help prepare students for the privileges and responsibilities of citizenship. They want students to understand how our government works and their role in making it work—especially through voting. Yet, accessing the vote has become more difficult in recent years, particularly for Black, brown, and Indigenous people, individuals with disabilities, students, and senior citizens.

In fact, [19 states have enacted 33 laws that make it harder to vote](#), according to the Brennan Center for Justice, which notes that states that have enacted restrictive laws “tend to be ones in which voting is already relatively difficult.” These laws employ a range of tactics, including shortening the time for mail-in ballots, imposing harsh voter ID requirements, and limiting the availability, number, and location of ballot drop boxes.

These measures will intensify the impact of *Shelby v. Holder*, which invalidated the provision in the Voting Rights Act of 1965 that prevented states with a history of discriminating against voters from changing their voting laws and practices without preclearance by federal officials. This federal review was an important feature of the Voting Rights Act; doing away with it has virtually annulled the federal oversight that was—and remains—crucial to ensuring that millions of people have equal access to the ballot box.

Furthermore, this summer, the Supreme Court ruled in *Brnovich v. Democratic National Committee* that two discriminatory Arizona voting laws did not violate Section 2 of the Voting Rights Act. In its opinion in *Brnovich*, the Court disregards the congressional purpose of Section 2, which is to provide a powerful means to combat race discrimination in voting and representation. The decision relies on a limited interpretation of the Voting Rights Act that will make it more difficult to challenge discriminatory voting laws. This decision underscores the need for Congress to pass the John Lewis Voting Rights Advancement Act (VRAA) to restore the legislative purpose of Section 2.

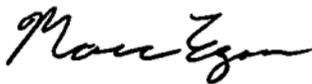
The VRAA is not only a response to the *Shelby* and *Brnovich* decisions and restrictive state voting laws; it is part of a nearly 60-year tradition of bipartisan updates to the Voting Rights Act, which has been amended five times since its passage. The legislation will fill a distinct and critical role in protecting the freedom to vote and ensuring elections are safe and accessible by reversing recent dangerous, undemocratic trends by taking steps including:

- Updating the criteria used for identifying states and political subdivisions required to obtain federal review and approval of voting changes to ensure those changes do not infringe upon the freedom to vote for people of color;

- Requiring that every state and locality nationwide that is sufficiently diverse obtain federal review before enacting specific types of voting changes that are known to be discriminatory in their use to silence the growing political power of voters of color;
- Requiring all states and localities to publicly disclose, 180 days before an election, all voting changes, such as reductions in language assistance and changes in requirements to vote or register;
- Authorizing the Attorney General to send federal observers to any jurisdiction where there is a substantial risk of racial discrimination at the polls;
- Addressing the *Brnovich* decision by clarifying factors that voters of color can use to prove a vote dilution or vote denial claim under Section 2 of the VRA and restoring voters' full ability to challenge racial discrimination in voting in court;
- Allowing the Department of Justice and voters of color to challenge changes in a voting rule that would make voters of color worse off in terms of their voting rights than the status quo;
- Expanding authority for courts to "bail-in" jurisdictions to the preclearance process and updating the ability of jurisdictions to "bail-out" of the preclearance process once they demonstrate a record of not harming voters of color; and
- Providing voters with additional protection by easing the standard for when courts can temporarily block certain types of voting changes while the change is under review in court. This is important, because once discrimination against voters and their ability to cast votes has occurred it cannot be undone.

NEA members live, work, and vote in every precinct, county, and congressional district in the United States. For them, voting is not only essential for weighing in on policies and politics in their communities, but also for protecting and enhancing students' opportunities to learn. Educators teach students that voting is a responsibility of citizenship, a privilege people have died to protect, and a right we must dedicate ourselves to upholding. We urge you to vote YES on the John Lewis Voting Rights Advancement Act so that all may participate in the electoral process and have a voice in our democracy.

Sincerely,



Marc Egan
Director of Government Relations
National Education Association