



HOUSE COMMITTEE ON THE JUDICIARY

CHAIRMAN JERROLD NADLER

H.R. 4, the “John R. Lewis Voting Rights Advancement Act of 2021”

H.R. 4, the “John R. Lewis Voting Rights Advancement Act of 2021,” introduced by Rep. Terri Sewell along with more than 200 cosponsors, would strengthen the Voting Rights Act of 1965 (VRA) in response to the Supreme Court’s 2013 decision in *Shelby County v. Holder*, which effectively gutted the Act’s preclearance provision. That provision required states with a history of voting discrimination to submit to the Justice Department (DOJ) any proposed changes to their voting rules for approval before those changes could take effect. In *Shelby County*, the Court struck down the VRA’s coverage formula that determined which states and localities should be subject to the preclearance requirement but invited Congress to come up with a new formula. That, in part, is what H.R. 4 does.

Over the course of 13 hearings in two Congresses, including six just this year, the House Judiciary Committee has built a substantial record demonstrating the continuing and current need for preclearance. Additionally, the House Administration Committee’s Elections Subcommittee conducted numerous hearings and issued a report on “[Voting In America: Ensuring Free And Fair Access To The Ballot](#).” The combined record shows that in the absence of preclearance, a number of states swiftly passed voter suppression laws, including many state and local jurisdictions that had previously been subject to preclearance pre-*Shelby County*. For example, within 24 hours of the ruling, Texas and North Carolina reinstated voter ID laws, which were later held to be intentionally racially discriminatory. These court rulings, however, came too late for many minority voters. In both states, their discriminatory laws were in effect for three years before being struck down, including during the 2014 midterm elections. In short, without preclearance, these states were able to hold elections under discriminatory rules that harmed minority citizens’ ability to vote, and those citizens had no remedy for the harm they suffered.

The onslaught of voter suppression targeting minority citizens has continued unabated. Indeed, according to a July 22 Brennan Center for Justice report, as of July 14, 2021, 18 states had enacted 30 laws that restrict the right to vote *since the beginning of this year*, including Georgia’s omnibus voter-suppression law, S.B. 202. As of August 16, the non-partisan organization Voting Rights Lab was tracking 490 anti-voter bills in the states. In response, H.R. 4 enhances the VRA in many important ways, including the following:

- 1) **For preclearance, creates updated “geographic trigger.”** Subjects to preclearance for 10 years states where 15 or more voting rights violations have occurred in the previous 25 years (10 or more if the state itself committed one of those violations; 3 or more violations if the state administers the elections in the state or subdivision where the violations occur) and would cover localities that engaged in 3 or more violations in the previous 25 years.
- 2) **For preclearance, 50-state “practice-based trigger” (specifying seven identified covered practices).** Applies a nationwide preclearance requirement where jurisdictions engage in certain kinds of proposed changes to voting rules, such as the imposition of stricter voter ID requirements; reductions in polling locations or hours; reductions in the availability of non-English language voting materials relative to materials in English; and changes to procedures regarding maintenance of voter registration lists.
- 3) **Legislative response to the recent *Brnovich v. DNC* decision by the Supreme Court.** Includes a provision that would create tests under for assessing vote dilution claims (such as in redistricting cases) and vote denial claims (such as voter ID laws) 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.
- 4) **Additional provisions include those that:** make it easier obtain preliminary injunctions; allow challenges to voting rule changes that make minority citizens worse off in their ability to vote; give DOJ the ability to sue for constitutional violations; and provide grants to small jurisdictions to comply with new notice requirements.

H.R. 4 has 223 cosponsors. A substantially similar bill previously passed the House of Representatives in the 116th Congress on December 6, 2019, by a vote of 228-187, including every Democrat present and one Republican voting in favor.

Prepared by House Judiciary Committee Staff

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