Whatever our color, background, or zip code, in America we value our freedom. And most of us believe that voters pick our leaders — our leaders do not get to pick their voters. When it comes to our elections, we want a transparent process we can trust, where Americans have equal freedom to vote, whether we live in a small town or big city, the south or the north. It is time to restore and strengthen our freedom to vote by eliminating racial discrimination at the ballot box.

Background

In its 2013 *Shelby County v. Holder* decision, the U.S. Supreme Court eviscerated the process (called “preclearance”) in the Voting Rights Act (VRA) that our nation had long relied on to prevent state and local officials from implementing voting changes that discriminate against voters of color. The Court struck down the criteria for identifying states and localities subject to this process, but left open the option for Congress to create new criteria that addresses the ways that state and local officials are discriminating against voters of color today.

Almost exactly eight years later, the Supreme Court issued another decision in *Brnovich v. Democratic National Committee*, causing further damage to the VRA. In July 2021, the Court upheld two Arizona voting laws challenged as racially discriminatory and also went further to significantly undermine claims under Section 2 of the VRA by creating new obstacles to challenging discriminatory policies. As a result, it is now harder than ever for voters to bring cases challenging racial discrimination in voting.
The John Lewis Voting Rights Advancement Act takes up the Court’s challenge in *Shelby County*. It would restore and strengthen our freedom to vote by making sure that any state or local changes to voting rules are federally reviewed to ensure they are not discriminating against voters based on race or background, so we all have an equal say in our future and our rights are protected. It would reinvigorate and strengthen the VRA and prevent new discriminatory voting rules from being adopted in the future.

This is critical. The *Shelby County* decision unleashed a torrent of discrimination in voting that is pervasive and persistent and takes multiple forms. Just this year, there is a tremendous surge of state legislation restricting access to the ballot box. As of July 22, 2021, state lawmakers have introduced more than 400 bills and enacted 30 laws that create barriers to voters’ freedom to vote in 48 states.

**If passed, the John Lewis Voting Rights Advancement Act (VRAA) would restore the VRA in the following ways:**

**Establishing new review and approval criteria for preventing racial discrimination in voting**

Based on evidence of voting discrimination, the VRAA would create new criteria for identifying states and political subdivisions required to obtain federal review and approval of voting changes to ensure those changes do not infringe upon people of color’s freedom to vote. The U.S. Department of Justice would perform an annual nationwide assessment to determine which jurisdictions meet these new criteria.

**Requiring federal review of specific voting practices known to be used to discriminate against voters of color**

Under the VRAA, every state and locality nationwide that is sufficiently diverse would be required to obtain federal review and approval before enacting specific types of voting changes that are known to be discriminatory and used to silence the growing political power of voters of color.

**Mandating greater nationwide transparency of voting law and policy changes**

The VRAA would require all states and localities to provide public notice to all voters of certain voting changes.
**Restore voters’ ability to challenge racial discrimination in court**

The VRAA would clarify and strengthen the provision of the VRA that prohibits states and localities from making any change to voting policies or procedures that result in racial discrimination and restore voters’ full ability to challenge racial discrimination in voting in court.

**Allowing voters of color to challenge voting changes that worsen their position**

The VRAA would allow the U.S. Department of Justice and voters of color to challenge a change in a voting rule that would make voters of color worse off in terms of their voting rights than the status quo (known as “retrogression”).

**Expanding federal courts’ “bail-in” authority**

The VRAA would expand authority for federal courts to “bail-in” states or localities to the preclearance process. Those bailed-in jurisdictions would be required to obtain federal review and approval before making any changes to their voting laws or policies.

**Updating the law’s “bail-out” framework**

The VRAA would update the ability of jurisdictions to “bail-out” of the preclearance process once they demonstrate a record of not discriminating against voters of color. These jurisdictions would no longer be required to obtain federal review and approval before making any changes to their voting laws or policies.

**Allowing U.S. Department of Justice to compel jurisdictions to produce documents to investigate voting rights violations**

The VRAA would grant the Justice Department the authority to compel the states or localities to produce documents relevant to investigations of potential voting rights violations prior to filing an enforcement action.
Expanding the federal observer program
Under the VRAA, the U.S. Attorney General would have authority to request federal observers anywhere there is a serious threat of racial discrimination in voting.

Pausing discriminatory voting changes during judicial review
The VRAA would provide 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 a voter is discriminated against in an election, it cannot be undone.