

ARAB AMERICAN INSTITUTE

VOTING RIGHTS

Background

President Obama's 2015 speech commemorating the 50th anniversary of the bloody march in Selma, Alabama reignited a long fought battle to protect the right to vote for all citizens. As the President noted, voter ID laws and the 2013 Supreme Court ruling on *Shelby County v. Holder* have seriously impeded and infringed on that essential right. The VRA was passed to outlaw discriminatory voting practices that had the effect of disenfranchising racial and ethnic minorities in the United States for decades. In June 2013, the Supreme Court decision on *Shelby County v. Holder* declared unconstitutional Section 4 of the VRA, which required certain states with a longstanding history of racial discrimination at the polls to receive approval or "pre-clearance" from the U.S. Justice Department over changes to voting practices and procedures. The Court held Section 4 imposed burdens on states that were no longer responsive to voting conditions in Shelby County; additionally, the Court held that the formula for determining whether changes to a state's voting procedure should be federally reviewed was outdated.

The *Shelby* ruling resulted in the passive disenfranchisement of thousands - if not millions - of eligible voters. According to the Brennan Center for Justice, a wave of new voting restrictions began in 2010. Since then, at least 21 states have new voting restrictions. This includes 16 states that will have new restrictions in place in for the first time in a presidential election. At least 13 states have introduced bills requiring voters to show photo ID at polling stations, and at least four states have introduced legislation that restricts voter registration mobilization efforts. Not only have voter ID laws imposed an unreasonable burden on some voters to acquire new forms of ID at the polling place, but states that have shortened early voting periods and toughened vote-by-mail criteria have resulted in long lines at polling places, which discourages citizens from heading to the polls.

There have been two primary pieces of legislation aimed at restoring the Voting Rights Act. A bipartisan bill introduced by Reps. Jim Sensenbrenner (R-WI) and John Conyers (D-MI) in the House, The Voting Rights Amendment Act of 2015, includes provisions granting federal courts the ability to oversee and approve changes to election laws in states with a history of voter discrimination. It also contains provisions that would allow a form of legal redress for voters who face discrimination at the polls, without requiring proof of discriminatory intent to substantiate a claim; and provisions providing for greater statewide transparency in publicizing changes to voting districts and ID requirements.

A bicameral bill, the Voting Rights Advancement Act of 2015 (VRAA 2015), was introduced by Senators Leahy (D-VT), Durbin (D-IL), and Coons (D-DE) as well as Reps. Lewis (D-GA), Sewell (D-AL), Sanchez (D-CA), and Chu (D-CA). The VRAA 2015 would remedy portions of the VRA that were ruled unconstitutional by the Shelby County decision. The bill includes an updated, nationwide formula that would determine whether a state must seek pre-clearance for voting changes. The formula would initially cover 13 states, and the coverage would last for a period of 10 years. The VRAA 2015 also expands access to the ballot and promotes transparency.

The Problem

The 2016 election is the first presidential election in 50 years without the full protections of the Voting Rights Act. The U.S. government should enact policies that make it easier, not more difficult, for citizens to exercise their constitutionally guaranteed right to vote. It is important for lawmakers to uphold voting rights in states where voting remains difficult or discrimination continues. Until new legislation is passed, equal access to the polls remains an issue in the

forthcoming election year.

Moving Forward

- Support and pass legislation like the Voting Rights Amendment Act of 2015 or the Voting Rights Advancement Act of 2015 that protect access to the ballot box, removes barriers to voting, and upholds the guarantees made in Section 5 of the VRA.
- Promote state voter registration procedures, policies and regulations that lower the burden on American citizens exercising their right to vote and remove discriminatory practices. This includes supporting measures to reduce voting lines and establish fair rules on voter identification.
- Promote online voter registration processes, which will help boost voter participation and will reduce the costs of using paper registration forms.