

## MEMORANDUM OF SUPPORT

### **Pre-Clearance by Attorney General of Voting Changes A5925 (Walker) / S6164 (Hamilton)**

The New York Democratic Lawyers Council (NYDLC) strongly supports the enactment of A5925/S6164, establishing a state-level pre-clearance process for changes to voting procedures in certain localities. The bill is designed to block voting rule changes that have discriminatory purpose or effect, based on race, color, or language minority.

Section 5 of the Federal Voting Rights Act (VRA) was designed to protect voting rights by ensuring that changes to voting laws or practices in certain “covered” jurisdictions could not be implemented without “pre-clearance” by the U.S. Attorney General. This federal protection previously covered three counties in New York State—Bronx, Kings and New York. However, the US Supreme Court’s decision in *Shelby County v. Holder* (2013) rendered the VRA’s pre-clearance system inoperable until Congress modernizes the (VRA Section 4) formula used to determine which jurisdictions are covered. Without the hurdle of pre-clearance protection, some previously covered jurisdictions (e.g. Texas and North Carolina) immediately passed restrictive voting laws that federal courts have already found to be intentionally racially discriminatory.

With little likelihood of leadership on this critical issue in the near future from Washington, this bill would enact a New York State preclearance safeguard for certain localities. The bill would require that any changes to voting regulations (including qualifications or procedures) in certain counties must be submitted to the Attorney General for approval. The coverage formula includes counties that (a) have a population of at least 10% of any racial, ethnic, or language minority group; (b) has been the subject of a court order or enforcement action based upon discriminatory voting practices within the last 10 years; or (c) was previously subject to pre-clearance requirements under the VRA.

Before the presidential primary in April 2016, 117,000 voters in Brooklyn were purged from the voter rolls after election workers did not follow the removal procedures laid out in state and federal laws. This reform can prevented such practices by local Boards and will ensure that covered localities cannot make subtle changes to election rules that have the purpose or effect of suppressing minority voting rights. The bill has broad support across among voting rights advocates and civil rights groups in New York including the NAACP.

**For the foregoing reasons, NYDLC strongly supports the immediate the enactment of A5925 (Walker) / S6164 (Hamilton).**