

June 25, 2014

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LaKimba B. DeSadier
NBCSL Executive Director

The Honorable Patrick Leahy
Chair
U.S. Senate Committee on the
Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Chuck Grassley
Ranking Member
U.S. Senate Committee on The
Judiciary
152 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Grassley:

The National Black Caucus of State Legislators (NBCSL) applauds the United States Senate Committee on the Judiciary for taking action on S. 1945, the Voting Rights Amendment Act of 2014 (VRAA). When the Supreme Court ruled Section 4 unconstitutional in *Shelby County v. Holder*, it delivered a debilitating blow to voting rights. Congress is now positioned to heal the damage done by restoring the Voting Rights Act to its full power with the VRAA.

NBCSL comprises nearly 665 Black state legislators representing over 65 million constituents. As policymakers, it is incumbent upon us to ensure unobstructed access to the ballot box. NBCSL has several resolutions supporting federal voting protections, including LJE-14-11 *Urging the Abolishment of Voter Suppression Tactics* and LJE-14-13 *Calling on Congress to Restore the Voting Rights Act*. These and other resolutions provide NBCSL a clear mandate to call upon members of Congress to act in the best interests of those most impacted by voting laws.

NBCSL supports the coverage formula for Section 4 currently proposed in VRAA, which requires at least five violations to occur within a state during the past 15 years in order to qualify for preclearance. NBCSL also supports a strengthened bail-in provision, which allows a jurisdiction to be bailed in with not only a showing of intentional discrimination but also from showing a discriminatory result. Additionally, increased opportunity for citizens to file their own preliminary injunctions helps combat potentially discriminatory laws. NBCSL supports a public notice mandate that will empower individuals through advance knowledge of proposed election changes. These provisions are indeed steps in the right direction for securing and maintaining voting rights.

While we support the bipartisan effort to restore the Voting Rights Act, we hold some concerns with the VRAA as currently drafted. Namely, we find the number of states automatically covered under the VRAA to be insufficient and request that more states be added to the list. Many states that were covered under the previous formula, such as Florida, North Carolina, and Virginia still

maintain suppressive voter laws or proposed voting laws in their legislatures. Voter ID laws are also a point of major concern for our organization. Voter ID laws are known to disproportionately impact minorities, the elderly, college students, and women.

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NBCSL recognizes the importance of preventing voter fraud; however, voter ID laws have not been demonstrated to decrease the likelihood of voter fraud and, rather, act more as a solution in search of a problem. Lastly, a lack of “known practices” coverage is a cause for concern. Known practices coverage would make any jurisdiction eligible for preclearance if laws were passed that were known to be discriminatory. We believe that known practices coverage would address jurisdictions with a significant or growing ethnic minority and language minority populations. These areas that remain should be thoroughly addressed to deliver the most effective voting rights bill possible.

The National Black Caucus of State Legislators urges the Senate Judiciary Committee to take action on this bill by having a hearing, markup, and action on the floor this year. We also ask the Senate Judiciary Committee to carefully consider the input of organizations who are providing testimony, have provided testimony, and continue to advocate for all of those impacted by this bill. Lastly, NBCSL appeals to the United States House of Representatives, specifically House leadership, to schedule a hearing and markup of the VRAA to give the bill a fair chance to be debated and voted on before Congress adjourns for the year.

Democracy is the cornerstone of our nation, and it is the duty of every public servant to ensure that democracy is upheld. The responsibility now falls to Congress to pass a bill that will keep suppressive voting tactics from robbing the voices of individuals. The right to vote is sacred—with countless Americans having fought and died to protect it. We are calling on Congress to ensure these costly battles to the ballot were not waged in vain and that every voice and every vote is counted in the democratic process.

Respectfully submitted,



Representative Joe Armstrong (TN)
President, National Black Caucus of State Legislators