

## YWCA Supports Legislation to Protect Voting Rights

Informed by our long history of advocating for legislation and policies that all eligible voters have access to the ballot box with a particular focus on ensuring justice and equality for communities of color, YWCA USA strongly supports passage of the John Lewis Voting Rights Advancement Act (VRAA)(S. 4/H.R. 4) and the Freedom to Vote Act (S. 2747).

### Background

In the aftermath of the 2013 U.S. Supreme Court decision in *Shelby County v. Holder*—which struck down key provisions of the Voting Rights Act that protected voters in areas with a history of voting discrimination—and unprecedented number of states passed a range of laws increasing obstacles to casting a ballot. Barriers to voting adopted by states since the *Shelby* decision include stricter voter identification laws, limited voting times (including cutting back early voting opportunities), curtailing of voter registration options (including eliminating same-day voter registration), and the shuttering of polling places which makes voting locations inaccessible for many.

### Modern Day Jim Crow: Voter Suppression in the 21st Century

State efforts to restrict voting are on the rise. According to the [Brennan Center for Justice](#), as of January 14, 2022, at least 27 states have introduced, pre-filed, or carried over 250 bills that would restrict access to the ballot box. Of these, at least 96 bills in 12 states have been pre-filed or introduced for the 2022 legislative session. This is compared to 75 bills in 24 states during the same period in 2021. Similar to 2021, restrictive voting bills being considered are primarily targeted at curtailing access to mail voting, imposing new or stricter voter ID requirements for in-person voting and registration, increasing barriers for voters with disabilities, limiting or eliminating same-day registration, and requiring proof of citizenship.

A particularly extreme measure enacted in Georgia in 2021 takes voting restrictions even further. Signed in March 2021, portions of Georgia's new election law prohibit individuals - not just politicians, campaign volunteers, or nonprofits - from standing within 150 feet of a polling place or 25 feet of any voter standing in line, ultimately ending efforts to pass out food or drink to voters waiting their turn to cast a ballot. Other changes in Georgia's election law include stricter voter ID requirements and a shorter time window to request mail ballots, lengthening lines at polling places, all of which disproportionately affect families and voters of color who vote more often in person. The Supreme Court's 2021 decision in *Brnovich v. Democratic National Committee* further undermined the ability of voters and the courts to eliminate these new and emerging barriers.

Similarly, an unprecedented increase in state efforts to undermine the integrity of the electoral process and manipulate election administration or outcomes has seen a significant uptick in 2022. As of January 14, legislators in at least 13 states have pre-filed and introduced 41 bills that would

undermine the electoral process and both threaten both the people and the process that make elections work.

## **Voting Barriers Disproportionately Impact Communities of Color**

Racial minorities have been disproportionately affected by recent state voting barriers. According to the Brennan Center for Justice, in the 2020 presidential election, voters of color faced the “full spectrum of voter suppression”— from blatant and open attempts to restrict access to voting, to more subtle policies that place heavier burdens on certain communities ([Brennan Center](#)). Barriers in 2020 that reflect “the persistence and evolution of unconstitutional discrimination in our election system” included new restrictive legislation, discriminatory voter roll purges, attempts to suppress mail-in voting, long lines and closed polling places, voter intimidation and misinformation, and efforts to overthrow elections through litigation or by invalidating ballots cast by mail ([Brennan Center](#)).

First enacted after the Civil War to undermine the political power of former slaves, [felony disenfranchisement laws](#) are vestiges of slavery that bar millions of Americans from participating in elections. The over-criminalization of communities of color by law enforcement and the legal system directly leads to disparities in voter access: One in every 16 voting-age Black Americans could not vote in 2020, representing 6.2% of Black adults and a rate of disenfranchisement that is 3.7 times greater than that of non-Black groups ([The Sentencing Project](#)). It is estimated that over 560,000 Latinx Americans (more than 2% of the voting eligible population) were disenfranchised during the 2020 election ([The Sentencing Project](#)).

## **Voting Reforms and Restoration**

Full participation in voting is a cornerstone of our representative democracy. Rather than restricting access to the ballot box, policymakers should instead prioritize ensuring that *all* Americans can fully participate in elections. As of January 14, 2022, legislators in at least 32 states have introduced, pre-filed, or carried over 399 bills that *expand* voting access when compared to 286 such bills in 30 states in January 2021 ([Brennan Center](#)). These include expanding opportunities to register and vote (including automatic, same-day, and online voter registration), increasing access to early and absentee voting, helping voters obtain identification (where required), voting rights restoration to individuals with past convictions, and providing language access and assistance are among the essential steps for removing barriers and strengthening protection of this fundamental right.

## **Federal action is required to protect and expand access to the ballot box for *all* Americans.**

The [John Lewis Voting Rights Act](#) (JLVRAA)—drafted in response to the decision in *Shelby County*—would strengthen our democracy by restoring and modernizing the Voting Rights Act of 1965. The JLVRAA would:

- Make critical changes to the preclearance process, reinstating federal review of voting changes by states and localities with a history of racially discriminatory voting practices

- Implement review of specific voting changes that are known to be discriminatory *before* those voting changes are enacted
- Respond to modern-day barriers faced by voters across the country, increase transparency, and protect all Americans' [right to vote](#).

The [Freedom to Vote Act](#) implements critical, yet common sense, reforms to proactively improve access to the ballot box, advance election integrity reforms, and protect the fundamental right to vote. If passed, the Freedom to Vote Act would:

- Strengthen voter access and election administration to ensure all eligible voters can easily exercise their right to vote regardless of their zip code;
- Increase election integrity to promote confidence in elections and protect against election interference;
- Prevent partisan manipulation of the redistricting process by establishing uniform disclosure standards for money in politics, and;
- Support states to make critical investments in their election infrastructure.

Together, the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act would strengthen voting rights, respond to voting discrimination, take critical steps to modernize voting procedures and infrastructure and respond to modern day voting barriers, and implement national standards to protect the right to vote. Now, more than ever, we must ensure all eligible voters—particularly communities of color and disenfranchised voting populations—have equal access to the ballot box. It's time [Congress took action and passed the Freedom to Vote Act and the John Lewis Voting Rights Advancement act without delay](#).