



EXPLORING RACE IN SOCIETY

SOLUTION ESSAY

Restore Provisions of the Voting Rights Act to Advance Civil Rights

By Shannon Shelton Miller

In 2021, state lawmakers in forty-nine states introduced over 440 bills to restrict voting access and nineteen states passed 34 of them. For example, in March 2021 the Republican governors of Iowa and Georgia signed legislation to place restrictions on the voting process that were not present for voters in 2020. The trend continued in the first half of 2022. Not only did 152 restrictive voting laws carry over from 2021 into 2022, but by early May 2022 legislators in twenty-seven states had introduced 148 more such laws and six states had passed nine.

While nearly one thousand bills were also introduced to expand voting access across forty-nine states in 2021—with some bills containing both restrictive and expansive directives—such actions characterized the ongoing fight to protect the rights of voters and remove barriers to casting a ballot. This renewed focus on voting comes after a significant number of federal, state, and local Republican leaders made unsupported claims of voter fraud following Donald Trump’s loss to Joe Biden in the 2020 presidential election and after an increased use of mail-in and drop-box voting by Democrats.

Voting rights advocates note that the expiration of the Voting Rights Act in 2013 allowed states to legally restrict voting access. Bills and laws to establish new voting restrictions would be rendered moot by restoring provisions of the Voting Rights Act and enacting new federal laws to protect the vote. Congress should pass legislation to ensure future voting rights for all.

The Importance of the For the People Act and the John R. Lewis Voting Rights Act

The Voting Rights Act of 1965 contained a “coverage formula” naming jurisdictions that had to receive federal pre-

clearance before any new election or voting laws could take effect. This coverage formula was typically applied to areas in the southern United States, where longstanding voter suppression of Black Americans had been the norm.

While the Voting Rights Act was last reauthorized by Congress in 2006, a 2013 Supreme Court decision in *Shelby County v. Holder* removed the coverage-formula requirement, ushering in the current era of state voting restrictions that disproportionately affect people of color, the elderly, and young people. Voting rights advocates are also worried about the Supreme Court’s review of another section of the Voting Rights Act that prohibits race-based voting restrictions.



President George W. Bush signs HR 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, on July 27, 2006.

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Senator Amy Klobuchar speaks on the For the People Act from inside the US Capitol.

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Congress can strengthen and add new protections for voting rights nationwide by passing the For the People Act or a version of it. The For the People Act passed in the House in early March 2021, and a narrower version, the Freedom to Vote Act, stalled in the Senate in October. The John R. Lewis Voting Rights Advancement Act was another piece of legislation that passed the House in 2019 but did not receive a vote in the Senate during that congressional session. After having cleared the House again in August 2021, the latter returned to the Senate, where it was filibustered. In January 2022, Democrats brought both bills to a vote in the Senate but Republicans voted them down.

In terms of voting rights, the For the People Act would have required a set of national voter registration and mail-in voting standards; guarantee same-day voter registration at early voting sites or Election Day precincts; mandate at least fifteen days of early voting for federal elections for at least ten hours a day, with some time before 9:00 a.m. and after 5:00 p.m.; and limit methods states use to remove people from voter rolls.

The John R. Lewis Voting Rights Advancement Act would have created a new coverage formula for all states, recognizing that voter suppression is not limited to the south. The formula would also consider any issues of voter suppression during the previous twenty-five years, which would allow for review of legislation like the Iowa and Georgia laws of 2021. (The Georgia law adds new identification requirements for absentee ballots and limits the number of drop boxes, while the Iowa law reduces early voting days, closes polls one hour earlier on Election Day, and places new restrictions on absentee ballot use.)

Jurisdictions that fell under the proposed coverage formula would have ten years to show change before a review to have coverage removed.

The John Lewis act would also establish targeted guidelines for reviewing voting changes that could be considered discriminatory, such as voter ID laws or reductions in multilingual materials. Public notice would be required for any voting changes, and the US attorney general's office could call for federal observers to observe places with threats of race-based voter discrimination. Accessibility and protection for American Indian voters would be emphasized as well.

The weakening of key provisions in the Voting Rights Act after 2013 illustrates the importance of federal protection of voting rights. The right to vote is central to civil rights, and the federal government must act to preserve it.

About the Author

Shannon Shelton Miller has been published in the *New York Times*, *Washington Post*, *Detroit Free Press*, *Orlando Sentinel*, and other national publications. She is a writer, editor, journalist, and adjunct professor.

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