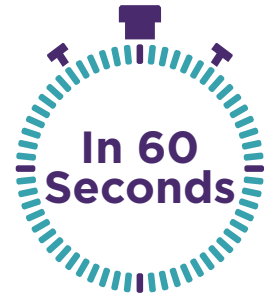


H.R. 4 and Federal Pre-clearance



What You Need To Know

The Voting Right Act:

- prohibits election policies that deny or abridge the right to vote on account of race or color (**Section 2**); and
- requires certain jurisdictions with a history of intentional voting discrimination to seek federal approval (“**pre-clearance**”) of any election-related changes (**Section 5**).

Shelby Cty. v. Holder:

- held that Congress may not rely on 40-year-old data to justify requiring local jurisdictions to seek federal approval of changes to election-related rules.

H.R. 4:

- establishes new criteria for determining which jurisdictions are required to pre-clear *all* election changes for the next ten years; and
- requires every state and local jurisdiction in the entire country to seek federal approval before adopting *certain* practices, such as strong voter ID requirements.

Problems with H.R. 4

It's an unconstitutional federal takeover

- Pre-clearance is only constitutional if used as a temporary *remedy* for intentional discrimination.
- The original pre-clearance formula was carefully calibrated to cover southern jurisdictions that used tests purposely to deny ballots to black citizens.
- H.R. 4 widens the pre-clearance net to cover any and every jurisdiction that wants to strengthen voter ID rules or alter procedures for printing and distributing multilingual materials.

H.R. 4 is disconnected from reality

- In 1965, intentional voting discrimination was frequent and widespread. Today, it is rare. And yet, H.R. 4 broadens and intensifies federal pre-clearance rules.
- Changing a polling location or failing to provide ballots in every possible language is not the same as deliberately preventing black citizens from voting.
- Pre-clearance was supposed to be temporary. Today, the permanent prohibitions on voting discrimination provide ample remedies.

Addressing Misperceptions

MISPERCEPTIONS	FACTS
<p>The Supreme Court “gutted” the VRA</p>	<ul style="list-style-type: none">■ In <i>Shelby Cty. v. Holder</i>, the Court merely struck down the <i>formula</i> for determining which jurisdictions must pre-clear election policies (Section 4).■ The ban on discriminatory procedures remains permanent and intact.
<p>H.R. 4 requires pre-clearance of voter ID requirements only in states with a history of discrimination</p>	<ul style="list-style-type: none">■ H.R. 4 requires every jurisdiction in the country to seek federal approval before enacting a voter ID law that is stricter than federal requirements.■ Pre-clearance was intended to break Southern resistance to voting rights protections. It was never intended to require every jurisdiction in the country to submit to federal control.■ H.R. 4 will make it more difficult for states to enact laws that protect voters against identity theft and to ensure that every vote counts.