

New York*Holding Power Accountable*

**TESTIMONY OF SUSAN LERNER
EXECUTIVE DIRECTOR, COMMON CAUSE/NY TO
THE COMMITTEE ON GOVERNMENTAL OPERATIONS
IN SUPPORT OF RESOLUTION T2020-6412**

July 27, 2020

Thank you for the opportunity to testify today. I am Susan Lerner, Executive Director of Common Cause/NY, and a founder of the Let NY Vote coalition. Common Cause is a nonpartisan, nonprofit organization founded to serve as a vehicle for citizens to make their voices heard in the political process. We fight to strengthen public participation and faith in our institutions of self-government and lead the grassroots component of the nationwide Election Protection effort. Common Cause/NY is among the largest and most active state chapters and is a founder and leader of the statewide Let NY Vote coalition. Accordingly, the orderly administration of elections and ensuring that our elections are accessible and fair to all eligible voters is part of our core mission to promote civic engagement and accountability in government.

Negative Impact of *Shelby County v. Holder*

The Voting Rights Act of 1965 set in place procedures designed to protect voting rights and ensure that all Americans have an opportunity to exercise their fundamental right to vote. Common Cause participated actively in the 2006 amendments to the Voting Rights Act, helping to provide testimony and evidence clearly establishing the disappointing reality that voting rights remain under attack and require extensive federal protection. Nevertheless, in 2013, the U.S. Supreme Court, in the infamous *Shelby County v. Holder* decision gutted the provisions of the Voting Rights Act, which protected eligible voters from discriminatory voting laws. Ignoring the voluminous evidence presented to Congress in support of the 2006 Amendment to the Voting Rights Act, the court claimed that those provisions were no longer necessary. The decision gutted arguably the most effective provision in the Voting Rights Act: the pre-clearance requirement contained in Section 5

Starting almost immediately upon announcement of the Supreme Court's decision, opportunistic lawmakers have proven the court wrong, over and over again. At least 20 states have passed new voting restrictions – from cuts to early voting, to strict voter ID requirements, to rolling back strong reforms. Without the protection of Sec.5 preclearance which stops discriminatory practices before they are implemented, voting rights advocates across the country, including Common Cause, have brought numerous lawsuits, seeking to protect voters' rights. While many of those suits have resulted in vindicating voters' rights, those suits often do not result in prohibiting discriminatory practices until voters have been disenfranchised by those practices.

Congress Must Pass The John Lewis Voting Rights Advancement Act

The John Lewis Voting Rights Advancement Act (VRAA) would restore the Voting Rights Act's critical voting protections and modernize them for the challenges voters face today. Importantly, it would address the aspect which led to the *Shelby County* decision. Among other measures, the VRAA would set up new criteria for Sec. 5 pre-clearance, which under the VRAA would be national in scope, rather than limited to specific states or jurisdictions. The new requirement would be based on a finding of repeated voting rights violations in the preceding 25 years. The 25 year look-back period continuously advances, so that violations considered are recent ones.

The Council Should Pass Resolution T2020-6412

The resurgence of voter suppression measures we have seen throughout the country has been fostered and encouraged by the misguided decision in *Shelby County v. Holder*. It is past time for Congress to make the changes in the Voting Rights Act indicated by the Supreme Court. The VRAA has been passed by the House. It now languishes in the U.S. Senate. New York City should add its voice to the growing chorus demanding that the VRAA be passed.