



Great Public Schools
for Every Student

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United States Senate
Washington, DC 20510

Dear Senator:

On behalf of the 3 million members of the National Education Association across America, I write to urge you to vote YES on the Freedom to Vote: John R. Lewis Act (H.R. 5746). This legislation will protect our votes, take steps to prevent discrimination against voters of color, stop partisan gerrymandering, and limit the influence of dark money in politics. Additionally, if necessary, please vote YES on changing Senate rules to allow for a vote on this critical legislation. Votes on this issue may be included in NEA's Report Card for the 117th Congress.

NEA members support and instruct students in 14,000 communities across America. They teach students that we *all* have the right to a say in decisions that affect our neighborhoods and families; that voting is fundamental to our democracy; and that our system of government will falter and ultimately fail if we are unwilling to *defend* democracy. However, those lessons are meaningless without ensuring that every eligible voter can safely and freely cast a ballot, and without keeping partisan politicians from sabotaging the results of our elections.

Senate rules should *serve* democracy, not *thwart* it—they should broaden eligible voters' access to the polls, not suppress votes. It is clear that without changing Senate rules, a step the Senate has taken at least 160 times, you and your colleagues will be unable to heal our democracy by protecting the right to vote. The Senate has changed rules when members believed it was critical to continuing the regular work of the government. What could be more critical than protecting the cornerstone of our democracy?

The Freedom to Vote: John R. Lewis Act addresses the reality that casting a vote has become more difficult in recent years for many of us—particularly for Black, Brown, and Indigenous people, individuals with disabilities, students, and senior citizens. [Nineteen states have enacted 34 laws that make it harder to vote](#), according to the Brennan Center for Justice. These laws employ a range of tactics, including shortening the time for mail-in ballots, imposing harsh voter ID requirements, and limiting the availability, number, and location of ballot drop boxes. Such measures will intensify the impact of *Shelby v. Holder*, which invalidated the provision in the Voting Rights Act of 1965 that prevented states with a history of discriminating against voters from changing their voting laws and practices without preclearance by federal officials. This federal review was an important feature of the Voting Rights Act; doing away with it has virtually annulled the federal oversight that was—and remains—crucial to ensuring that millions of people have equal access to the ballot box.

The legislation is also needed to mitigate the effects of the U.S. Supreme Court's July 2021 decision in *Brnovich v. Democratic National Committee*, regarding two discriminatory Arizona voting laws. When the majority ruled that the laws did not violate Section 2 of the Voting Rights Act, the court disregarded the congressional purpose of Section 2, which is to provide a powerful means to combat race discrimination in voting and representation. Passing the VRAA would restore the legislative purpose of Section 2. In addition, the Freedom to Vote: John R. Lewis Act is part of a nearly 60-year tradition of overwhelmingly bipartisan updates to the Voting Rights Act, which has been amended five times since its passage.

H.R. 5746 combines provisions from the **Freedom to Vote Act** and the **John Lewis Voting Rights Advancement Act**, bills that would achieve the most comprehensive voting reform in decades.

The **Freedom to Vote** provisions would:

- Make Election Day a national holiday;
- Require states to offer early voting for at least two weeks prior to Election Day, including nights and weekends, for at least 10 hours a day (with more limited hours in jurisdictions with 3,000 or fewer voters);
- Require, to the extent possible, that early voting polling places be within walking distance of public transportation, accessible to rural voters, and located on college campuses;
- Create a national standard permitting no-excuse vote by mail for all eligible voters;
- Require all states to ensure that individuals with disabilities have the same access to absentee ballots and applications as other voters;
- Promote a national standard for states that have a voter ID requirement that allows for the use of a wide range of forms of identification;
- Restore federal voting rights to formerly incarcerated citizens when they are released;
- Require states to ensure that lines last no longer than 30 minutes and restrict states from prohibiting donations of food or water to voters in line;
- Require uniform rules for congressional redistricting that would include banning partisan gerrymandering;
- Modernize voter registration by setting a national standard for automatic registration, same-day registration, online registration;
- Prevent unlawful purging of voter rolls; and
- Protect against post-election attempts to tamper with election results by increasing the penalties for destroying or altering ballots and other election records.

The **John R. Lewis Voting Rights Advancement Act** provisions would:

- Update the criteria used for identifying states and political subdivisions required to obtain federal review and approval of voting changes to ensure those changes do not harm the freedom to vote for people of color;
- Require that every state and locality nationwide that is sufficiently diverse obtain federal review before enacting specific types of voting changes that are known to be discriminatory in their use to silence the growing political power of voters of color;
- Require all states and localities to publicly disclose, 180 days before an election, all voting changes;
- Authorize the Attorney General to send federal observers to any jurisdiction where there is a substantial risk of racial discrimination at the polls;
- Clarify factors that voters of color can use to prove a vote dilution or vote denial claim under Section 2 of the VRA and restore voters' full ability to challenge racial discrimination in voting in court;
- Allow the Department of Justice and voters of color to challenge changes in a voting rule that would make voters of color worse off in terms of their voting rights than the status quo;
- Expand authority for courts to “bail-in” jurisdictions to the preclearance process and update the ability of jurisdictions to “bail-out” of the preclearance process once they demonstrate a record of not harming voters of color; and
- Ease the standard for when courts can temporarily block certain types of voting changes while the change is under review in court. This is important, because once discrimination against voters and their ability to cast votes has occurred it cannot be undone.

Together, Americans have weathered many crises and even become stronger through them. History instructs that difficult times have the power to transform societies—for better or worse. It is up to the Senate to decide how this crisis will change us, and whether we will become a more stable democracy because of it. We urge you to vote YES on the Freedom to Vote-John R. Lewis Act, and YES on changing Senate rules to enable this vote to take place.

Sincerely,



Marc Egan
Director of Government Relations
National Education Association