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House Democrats poised to push for election reforms

Alex Swoyer

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Georgia's just-concluded governor's election turned particularly nasty in its closing days and again as the votes were counted, as charges of voter suppression were lodged against the GOP.

Expect that to be front-and-center as Democrats, about to be in control of the House, kick off a push for major election reforms, including a demand that suspect states submit all of their changes — everything including voter-ID laws down and polling place moves — to the federal government for pre-approval.

Democrats say Georgia is one of 11 states that would be immediately targeted for super-scrutiny under a bill labeled the Voting Rights Advancement Act, which is part of the Democrats' top priority in the new Congress. The states also include California, Alabama, Florida, Louisiana, Mississippi, New York, North Carolina, South Carolina, Texas and Virginia. They were singled out based on estimates of how many voting-rights violations they've notched over the last 25 years.

Their goal is to reinvigorate the Voting Rights Act of 1965, which was landmark legislation designed to correct a century of voting discrimination and bring to an end the era of Jim Crow laws.

“This past election, we saw American voters in state after state speak with one voice, demanding reforms that make it easier to vote, not harder. The Voting Rights Advancement Act does just that, by restoring protections for voters in states with a history of discrimination,” Rep. Terri Sewell, Alabama Democrat, said at a press conference last month unveiling the push.

Her reference to restoring was deliberate.

Democrats have been itching for action since a major 2013 Supreme Court ruling struck down the Voting Rights Act's formula that controlled which states and counties were subject to the super-scrutiny.

While states can still be sued for violations, there's no longer a “preclearance” requirement that the Justice Department sign off in advance on all voting changes for those states.

Chief Justice John G. Roberts Jr., writing for the 5-4 majority, said the old formula used to determine which states were still too discriminatory to determine their own voting changes was written four decades previously. He said it was unconstitutional to target them based on rules written before most of their residents were born.

“Since that time, Census Bureau data indicate that African-American voter turnout has come to exceed white voter turnout in five of the six States originally covered,” he wrote.

The preclearance was originally supposed to last five years. Congress reauthorized the legislation several times, including most recently in 2006, when the GOP controlled the House and Senate and lawmakers approved a 25-year extension.

States or counties looking to “bail out” of the scrutiny had to show they had no illegal voting practices, and did not fail any preclearance tests over the past 10 years.

Under Ms. Sewell’s bill a state could be forced into preclearance if it’s notched 10 or more voting rights violations over the last 25 years, at least one of which was by the state government. Alternatively, it could also be forced into preclearance if its counties, cities or towns had compiled 15 or more violations.

Ms. Sewell relied on data from the Brennan Center for Justice to calculate that 11 states would be snared under her rules.

Myrna Perez, who studies voting rights for the Brennan Center, told The Washington Times their estimate is derived from various sources including third parties.

“There has not been a published list,” Ms. Perez said. “Everybody is doing their best [to estimate], which is one of the things I think is good about the act because it demonstrates that the formula is flexible and its based on criteria that seems reasonable.”

The Justice Department does not disclose Voting Rights Act complaints.

Another bill introduced in recent years by Rep. F. James Sensenbrenner Jr., the Wisconsin Republican who led the 2006 Voting Rights Act renewal, would set a different standard of three or more voting violations in the past 15 years to be forced into preclearance.

His office didn’t respond to questions about what states would be thus ensnared.

Ms. Sewell’s bill, the Voting Rights Advancement Act, has 192 cosponsors, but all are Democrats.

And with Republicans in charge of the Senate, it’s unlikely the House’s push to reform the Voting Rights Act of 1965 will go anywhere.

The companion bill to Ms. Sewell’s legislation, sponsored by Sen. Patrick Leahy, Vermont Democrat, has not been considered by the Judiciary Committee since it was introduced roughly 18 months ago.

“I sincerely hope that protecting the sacrosanct right to vote is not just a priority for those of us who are Democrats, but for all those who cherish our democracy, and let’s hope the Senate will similarly take meaningful steps to protect the right to vote in the next Congress,” Mr. Leahy said in a statement to The Washington Times.

Senate Majority Leader Mitch McConnell, Kentucky Republican, flatly ruled out even taking up the House’s elections-reform package in an interview earlier this month. That package is the vehicle in which Democrats plan to show the need for restoring DOJ pre-clearance.

“That’s not going anywhere in the Senate,” Mr. McConnell told The Wall Street Journal.

Aaron Scherb, director of legislative affairs for Common Cause, said there have been voter purges in states across the country and suppression efforts in recent years, which show a need to Congress to take this issue up and identify a workable standard.

“Voters around the country are largely supportive of these voting reforms to ensure that all eligible Americans can vote,” he said. “It’s only in Washington, D.C. where congressional Republicans are opposed to it.”

But Ilya Shapiro, a senior fellow at the Cato Institute, said even if Congress came up with a bipartisan formula to amend the pre-clearance aspect under Voting Rights Act, he think it’s bound to face challenges in the courts.

“There is no indication that the process isn’t working,” Mr. Shapiro said.