

National Hispanic Leadership Agenda

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UnidosUS
United States Hispanic Chamber of Commerce
United States Hispanic Leadership Institute
United States-Mexico Chamber of Commerce
Voto Latino

December 4, 2019
U.S. House of Representatives
Washington, DC 20515

Re: NHLA Urges Support of the Voting Rights Advancement Act, H.R. 4

Dear Representative:

We write on behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of the nation's leading Latino nonpartisan civil rights and advocacy organizations, to urge you to vote "yes" on the Voting Rights Advancement Act of 2019 (VRAA), H.R. 4. This legislation restores necessary voting protections to ensure that discriminatory voting-related changes are blocked before they are implemented. There is no right more fundamental to our democracy than the right to vote, and for more than 50 years the Voting Rights Act of 1965 (VRA) provided voters with one of the most effective mechanisms for protecting that right. The VRAA would provide Latino and other voters of color new and forward-looking protections against voter discrimination. The Latino community cannot wait for another federal election cycle to go by without effective mechanisms to guard against discriminatory voting-related changes. NHLA will closely monitor this matter for inclusion in future NHLA scorecards evaluating Member support for the Latino community.

The VRA is regarded as one of the most important and effective pieces of civil rights legislation in our country's history due to its ability to protect voters of color from discriminatory voting practices before they occurred. In 2013, the Supreme Court, in its decision in *Shelby County v. Holder*, struck down the formula that determined which states and political subdivisions were required to seek federal pre-approval of their voting-related changes to ensure they did not discriminate against minority voters. The Supreme Court put the onus on Congress to enact a new formula better tailored to current history, and after the decision, states or political subdivisions were no longer required to seek preclearance unless ordered by a federal court in the course of litigation.

H.R. 4 includes a new geographic coverage formula to identify those jurisdictions that will have to "preclear" their voting-related changes, as well as new provisions requiring practice-based preclearance, or "known-practices coverage." Known-practices coverage would focus administrative or judicial review narrowly on suspect practices that are most likely to be tainted by discriminatory intent or to have discriminatory effects, as demonstrated by a broad historical record. Any jurisdiction in the U.S. that is home to a racially, ethnically, and/or linguistically diverse population and that seeks to adopt a covered practice will be required to preclear the change before implementation. The known practices covered under the bill include: 1) changes in method of election to change a single-member district to an at-large seat or to add an at-large seat to a governing body; 2) certain redistricting plans where there is significant minority population growth in the previous decade; 3) annexations or deannexations that would significantly alter the composition of the jurisdiction's electorate; 4) certain identification and proof of citizenship requirements; 5) certain polling place closures and realignments; and 6) the withdrawal of multilingual materials and assistance not matched by the reduction of those services in English.

Preclearance is an efficient and effective form of alternative dispute resolution that prevents the implementation of voting-related changes that would deny voters of color a voice in our elections. Preclearance saves taxpayers in covered jurisdictions a considerable amount of money because the jurisdiction can obtain quick decisions without having to pay attorneys, expert witnesses, or prevailing plaintiff's fees and costs that are incurred in complex and expensive litigation. In December 2018, redistricting litigation in North Carolina had already cost \$5.6 million in taxpayer dollars. The litigation related to Texas's redistricting scheme was also a multi-million dollar affair, ultimately paid by taxpayers for the discriminatory actions of government officials.

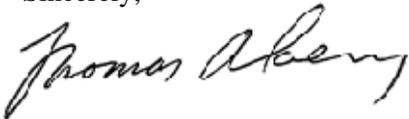
Across the U.S., racial, ethnic, and language-minority communities are rapidly growing – the country's total population is projected to become majority-minority by 2044. It is no secret that many states and local jurisdictions fear losing political power, and the rapid growth of these communities is often seen as a threat to existing political establishments. Between 2007 and 2014, five of the ten U.S. counties with the most rapid rates of Latino population growth were in North Dakota or South Dakota, two states whose overall Latino populations still account for less than ten percent of their residents, and are dwarfed by Latino communities in states like New Mexico, Texas, and California. It is precisely this rapid growth of different racial or ethnic populations that results in the perception that emerging communities of color are a threat to those in political power.

Last month, MALDEF, NALEO – both members of NHLA – and Asian Americans Advancing Justice – AAJC, released a new report, Practice-Based Preclearance: Protecting Against Tactics Persistently Used to Silence Minority Communities' Votes, detailing the need for forward-looking VRA legislation that provides protections for emerging minority populations. H.R. 4 identifies different voting changes most likely to discriminatorily affect access to the vote in diverse jurisdictions whose minority populations are attaining visibility and influence. The report looked at these identified practices and found, based on two separate analyses of voting discrimination, that these known practices occur with great frequency in the modern era.

Congress must protect the access to the polls, and it must include a known-practices coverage formula. H.R. 4 is a critical piece of legislation that will restore voter protections that were lost due to the Shelby County decision. NHLA urges you to stand with voters and to vote "yes" on H.R. 4.

Please feel free to contact Andrea Senteno, of MALDEF, at asenteno@maldef.org or (202) 293-2828 with any questions.

Sincerely,



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NHLA Chair
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