

Part 3: A Legislative Analysis of John R. Lewis Voting Rights Advancement Act

EXECUTIVE SUMMARY

The John R. Lewis Voting Rights Advancement Act (H.R. 14) is a bill designed to reinvigorate, restore, and modernize federal and legal safeguards against discriminatory voting practices. It is named in honor of the late civil rights leader and longtime Congressman John R. Lewis, and it responds directly to legal and procedural problems caused by the 2013 Supreme Court decision in *Shelby County v. Holder* (The John R. Lewis Voting Rights Advancement Act, n.d). The *Shelby County v. Holder* ruling invalidated the original voting preclearance coverage formula that was federally legalized by the 1965 Voting Rights Act (VRA) (Shelby County v. Holder, 2023). Preclearance required certain states and local jurisdictions with a history of racial discrimination in voting to receive federal approval before making any changes to their voting laws, but it was eliminated by the *Shelby County v. Holder* decision when the formula was deemed outdated by the Supreme Court. The John R. Lewis Voting Rights Advancement Act would restore the requirement that jurisdictions with a documented pattern of discriminatory actions must submit proposed voting changes—such as redistricting maps, shifts in poll locations, new voter identification rules, or changes in early voting schedules—to the Department of Justice or a federal court for final approval (H.R.4 118th Congress (2024)).

The Act goes beyond merely restoring previous VRA provisions; it also proposes new items that directly address modern electoral challenges. One of its critical features is strengthened transparency requirements that ensure that voters can review and provide feedback on proposed voting changes well before an election. The Act also streamlines legal recourse against policies or practices that appear discriminatory in design or effect, making it easier to challenge voter suppression efforts (Garber, 2024).

The Act reinstates preclearance requirements for states and political subdivisions with a pattern of recent voting rights violations:

- “States are subject to preclearance for 10 years if they had 15 or more voting rights violations in the past 25 years.”
- “If a state had 10 or more violations, including at least one committed by the state itself, it must also undergo preclearance.”
- “Political subdivisions administering elections are subject to preclearance if they had 3 or more violations in the past 25 years.” (H.R.14 118th Congress (2024)).

By using modern, evidence-based metrics to determine coverage, the John R. Lewis Voting Rights Advancement Act aims to ensure that jurisdictions only remain under federal oversight so long as they demonstrate a pattern of recent violations or practices that disproportionately affect marginalized voters.

Overall, the John R. Lewis Voting Rights Advancement Act reflects a clear commitment to preserve the constitutional principle of states overseeing their own elections while simultaneously accentuating the federal government’s responsibility to protect voting access for all citizens. The Act’s ultimate goal is to safeguard democracy by preventing disenfranchisement of historically marginalized voters.

BACKGROUND

Since the Civil War, the federal government has enacted a series of constitutional amendments and statutes intended to secure and expand voting rights for citizens from historically marginalized groups. The Fifteenth Amendment formally prohibited the denial of voting rights based on race; however, despite this advancement, states often circumvented these protections through poll taxes, literacy tests, and other discriminatory tactics (A&E, 2023). In response to these racialized barriers, the Civil Rights Movement of the mid-twentieth century brought about landmark legislation, including the Voting Rights Act of 1965 (VRA). The VRA was one of the most effective civil rights laws in American history because it illegalized state-level efforts to restrict marginalized Americans’ access to the ballot. A critical pillar of the VRA was its Section 5 preclearance requirement, which mandated that certain states and localities—identified through a “coverage formula” in

Section 4(b)—obtain federal approval before implementing any voting changes (Department of Justice, 2023). The coverage formula, overseen by the Department of Justice or a federal court, effectively caught potentially discriminatory measures before they could take root. Overall, it supported voter participation and representation among minority communities.

I. The Shelby County v. Holder Decision and its Aftermath

Despite the VRA’s longstanding success, in 2013 the Supreme Court’s ruling in *Shelby County v. Holder* held that the coverage formula established in Section 4(b) of the VRA was unconstitutional, as it relied on decades-old data and conditions that the Court deemed outdated (The John R. Lewis Voting Rights Advancement Act, n.d.). While the Court did not strike down the principle of preclearance itself, it rendered preclearance “unenforceable” in practice by nullifying the coverage formula (The John R. Lewis Voting Rights Advancement Act, n.d.). In the wake of *Shelby County v. Holder*, jurisdictions previously covered by the VRA began enacting voting laws and regulations without federal oversight. Many of these changes—such as strict voter ID requirements, reductions in early voting days, polling place closures, and purges of voter rolls—sparked controversy and litigation amid concerns that they disproportionately impacted Black, Latino, Native American, and other historically disenfranchised communities. Today, the impacts of this decision are clear: after-the-fact litigation is less effective and more burdensome than preclearance, because potentially discriminatory measures can remain in effect during lengthy legal challenges, and often affect multiple election cycles before a final ruling is reached.

II. Existing Regulations and Implications

While parts of the VRA remain intact—most notably Section 2, which prohibits voting practices that discriminate on the basis of race —these provisions primarily function through traditional litigation. Consequently, challengers to potentially discriminatory voting laws must prove disparate impact or discriminatory intent in court (Garber, 2021). In practical terms, this means laws with immediate detrimental effects on specific communities can remain in place during an often-protracted judicial

process. The John R. Lewis Voting Rights Advancement Act seeks to remedy this gap by reestablishing a form of preclearance for jurisdictions with demonstrated risk factors, ensuring that new laws undergo scrutiny before harming voters. By including oversight sections that are tailored to contemporary issues, the bill maintains a balance that respects state autonomy while safeguarding the civil rights of all voters.

In direct response to the *Shelby County* decision and subsequent voting controversies, Congresswoman Terri Sewell (AL-07) introduced the John R. Lewis Voting Rights Advancement Act (H.R. 4) in 2021. In a press release, Sewell said the Act was being introduced in order to restore the protections and build upon the original intentions of the VRA which were to proactively identify problematic voting rules and block them prior to implementation, rather than rely primarily on post hoc legal challenger (Sewell, 2021). On August 24, 2021, the 117th Congress passed the John R. Lewis Voting Rights Advancement Act with a vote of 219 yeas to 212 nays (H.R. 4 118th Congress (2024)). It was then filibustered by the Senate; all Democratic members voted in favor, while all Republican members voted against the bill. The Act remained dead until it was recently reintroduced as S.4 on February 29, 2024, by Senator Richard Durbin (S.4 118th Congress (2024)). The recent reintroduction comes as the 60th anniversary of John Lewis's passing approaches, and it serves as a testament to his enduring legacy and the continued effort to uphold and strengthen voting rights in America.

Works Cited

A&E Television Networks. (2023). 15th amendment: Constitution & voting rights. History.com.

<https://www.history.com/topics/black-history/fifteenth-amendment>

Garber, A., Morales-Doyle, S., Sweren-Becker, E., R. Weiser, W., & Waldman, M. (2024, March 8).

Strengthening the Voting Rights Act. Brennan Center for Justice.

<https://www.brennancenter.org/issues/ensure-every-american-can-vote/voting-reform/strengthening-voting-rights-act>

H.R.4 - 117th Congress (2021-2022): John R. Lewis Voting Rights Advancement Act of 2021. (2021, September 14). <https://www.congress.gov/bill/117th-congress/house-bill/4>

H.R.14 - 118th Congress (2023-2024): John R. Lewis Voting Rights Advancement Act of 2023. (2023, September 19). <https://www.congress.gov/bill/118th-congress/house-bill/14>

Sewell, Terri. (2021). Rep. Sewell Introduces H.R. 4, the John R. Lewis Voting Rights Advancement Act, to Restore Protections of the Voting Rights Act of 1965. Retrieved from

<https://sewell.house.gov/2021/8/rep-sewell-introduces-hr-4-john-r-lewis-voting-rights-advancement-act>.

S.4 - 118th Congress (2023-2024): John R. Lewis Voting Rights Advancement Act of 2024. (2024, February 29). <https://www.congress.gov/bill/118th-congress/senate-bill/4>

Shelby County v. Holder, About Section 5 of the Voting Rights Act (Supreme Court June 25, 2013).

<https://www.justice.gov/crt/about-section-5-voting-rights-act>.

The John R. Lewis Voting Rights Advancement Act. Rock the Vote. (2025, February 25).

<https://www.rockthevote.org/explainers/john-lewis-voting-rights/>