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Dear Senator:

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As you know, today the Senate is scheduled to consider H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. On behalf of the American Bar Association, I write to urge you to support this legislation to extend the expiring provisions of the historic Voting Rights Act (“the Act”).

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The right to vote is a fundamental principle of our representative democracy. The 15th Amendment to the Constitution, ratified in 1870, provides that the right to vote “shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.” Yet into the mid 1900’s, in many areas of the country, pervasive and institutionalized discriminatory practices continued to effectively deny a sizeable population of U.S. citizens their constitutional right to vote. Congress sought to address this through the passage of the Voting Rights Act in 1965. Although we have made significant progress since the original passage of the Act, continued implementation and enforcement of the Act is necessary to prevent and provide redress for voting discrimination. Its provisions should be maintained and strengthened through passage of H.R. 9.

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H.R. 9 would extend the expiring provisions of the Act for a period of 25 years, including provisions that address language assistance for voters, authorize election observers, and require that states and counties with documented histories of discriminatory voting practices submit planned election law changes for approval by federal officials. In addition, H.R. 9 makes several important modifications to Sections 5, 203, and 14(e) of the Act. Specifically, it would amend Section 5 to prohibit the preclearance of any voting changes enacted with a discriminatory purpose of denying or abridging the right to vote on account of race, color, or membership in a language minority group and would clarify the legal standard for discriminatory effect as a retrogression of political strength of a minority community and the failure to preserve the ability of minority voters to elect candidates of choice. In addition, the bill would require that coverage determinations under Section 203 be based on information compiled by the American Community Survey on a rolling 5-year average. Finally, the bill would amend Section 14(e) to permit the recovery of expert fees and expenses. The ABA strongly supports each of these modifications.

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The Voting Rights Act has had a significant positive impact on access to the constitutional right to vote and the political process for members of minority groups. In particular, its special remedial provisions have enabled the federal government to enforce the prohibition on discriminatory voting practices and mechanisms. These provisions have been very effective at enhancing the democratic principles that form the foundation of our nation. Because of the persistence of discriminatory behavior in the election process, the Act remains an essential tool in the struggle to preserve and protect voting rights for all Americans, and we urge you to support reauthorization of its expiring provisions by voting in favor of H.R. 9.

Sincerely,


Robert D. Evans

cc: All Members of the Senate