



INFO REPORT: The John Lewis Voting Rights Advancement Act (JLVRAA)

The SPRING Group

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Prepared for:

Authors:

Varun Mukund, SPRING

Sarah Koshy, SPRING

Correspondence:

varun@thespringgroup.org

1. Background

1.1 Historical Foundations of Voting Rights

The Voting Rights Act of 1965 laid the groundwork for voting rights legislation, removing formal restrictions to political participation for Black Americans and other minority groups. President Lyndon B. Johnson signed the bill into law, authorizing federal oversight over voting procedures to prevent racist and exclusionary practices in states and localities with poor track records in voting equality. Two important provisions were established within the VRA:

1.1.1 Prohibition of Discriminatory Practices

Section 2 of the VRA blanket-bans discrimination on the basis of race, gender, sex, class, and other intersecting identities in the realm of voting rights. Importantly, it forbids both discriminatory *intent* and *consequence*, which allows courts to strike down laws that have the effect of disenfranchising marginalized communities, even if discriminatory intent cannot be proven directly.

1.1.2 Preclearance

A murkier stipulation of the VRA is *preclearance*, or mandatory approval of voting process by the U.S. DOJ.¹ Section 5 of the original VRA codified preclearance into federal law, establishing the expectation of federal review of proposed voting policies, especially in states with historically discriminatory reputations. Policies affected by Section 5 are vast, including redistricting operations and polling relocations.² The generous jurisdiction of the DOJ under the process of preclearance has historically closed gaps in minority voter participation, increasing minority voter turnout by 4-8% post implementation.³ In the immediate decade succeeding the VRA, the turnout gap between Black and white Americans decreased about 24%.⁴

Section 4 of the VRA established a formula for which states were included under preclearance procedure, and thus qualified as a state with historically discriminatory voting procedure. Two main elements were relevant here. The first was an analysis of any “test or device”⁵ that instated barriers to entry for voter turnout, and the second was determining whether greater or less than 50% of voting age persons were registered to vote. States such as Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, and Virginia qualified for preclearance. Additionally, the VRA did establish means to terminate the coverage of preclearance in order to maintain balance between state and federal jurisdictions.

Section 5 consequentially placed Section 4’s formula within the broader context of implementation. Any policy change to election laws at the state and local level were rendered

¹ [Rose Institute. 2012](#)

² [Brennan Center. 2024](#)

³ [Harvard Kennedy School. 2019.](#)

⁴ [Legal Defense Fund. ND](#)

⁵ [U.S. Department of Justice Civil Rights Division. 2023](#)

entirely unenforceable in covered states unless a case was approved by the DOJ that warranted the policy did not deny any particular group the right to vote. It shifted the burden of proof to the states, flipping the standard for discrimination lawsuits.

Historically, provisions under the VRA have been reauthorized in each Congress. Minor modifications to formulas and procedures were included with reauthorizations, and often came with broad bipartisan support. 2006 marked the most recent authorization of the VRA, extending Section 5's precedent an additional 25 years.⁶

1.2 *Shelby County v. Holder*

In 2013, the Supreme Court launched its first blow against the VRA's preclearance formula. It rendered Section 4 unconstitutional in the landmark decision *Shelby County v. Holder*, and held that the formula outlined in Section 4b with details on preclearance coverage was outdated, particularly due to higher voter turnout rates among Black Americans and fewer successful suits contingent upon Section 2.⁷ The court called for a permanent injunction against the enforcement of Section 5 and Section 4b of the VRA, functionally zeroing its efficacy. In her dissent, Justice Ruth Bader Ginsburg pinned increased turnout and fewer suits to the efficacy of preclearance protections, and were justified under the 14th Amendment's Equal Protection Clause.

1.3 Post-*Shelby* Landscape

Shelby's immediate exemptions of preclearance coverage to previously covered states catalyzed multiple restrictive pieces of voting legislation. Texas passed voter ID constraints in June of 2013, hours after *Shelby* was publicly announced, leaving hundreds of thousands of primarily Latino registered voters without identification.⁸ Mississippi and Alabama enacted similar laws in 2014. In North Carolina, an omnibus bill that packaged voter ID, early voting, and registration restrictions was hailed as one of the most Draconian pieces of voting legislation to date. Broadly, *Shelby* had three major impacts. Firstly, poll closures skyrocketed, with 1,688 closures occurring between 2012 and 2018.⁹ Voter purges, or discriminatory deletion of voter registration, increased by an average of 1.5-4.5% in previously covered states.¹⁰ *Shelby* also triggered a spike in photo ID requirements in preclearance states, as well as a gradual increase among non-preclearance states (See Fig. 1)

⁶ Ibid

⁷ [Oyez, 2012](#)

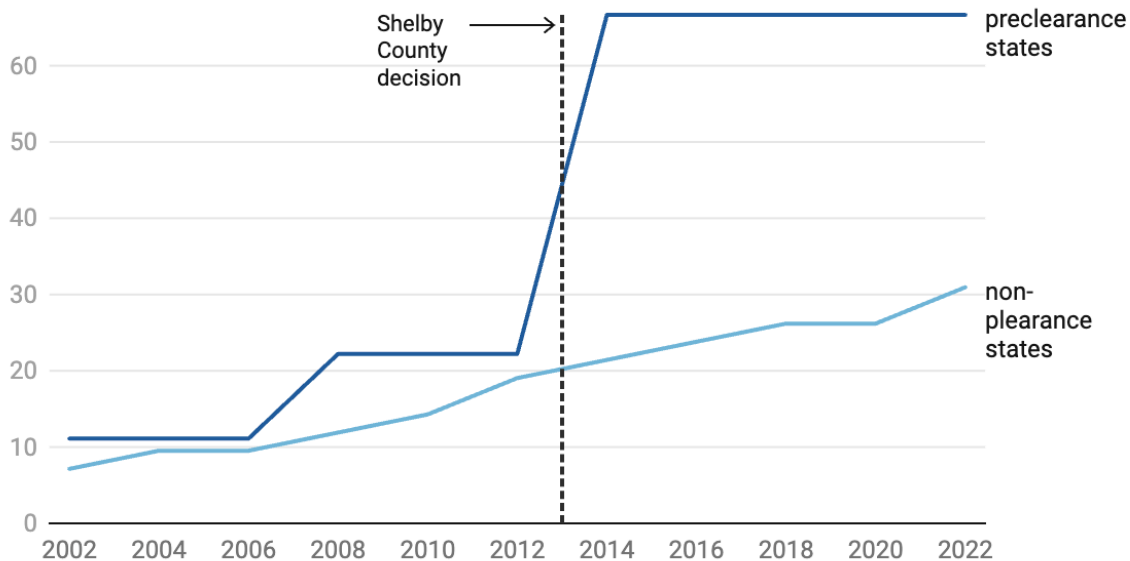
⁸ [The Guardian, 2013](#)

⁹ [The Leadership Conference Education Fund, 2019](#)

¹⁰ [Feder and Miller, 2020](#)

Figure 1. Effects of Shelby on Voter ID legislation

Percentage of states with voter photo ID requirement



Source: National Conference of State Legislature.

Additionally, there has been recent debate on *Shelby's* effects on the latest redistricting cycle. Many activists subscribe to the position that *Shelby's* preclearance holdings worsen racial gerrymandering, but with the latest cycle in 2020, many studies are too recent to be conclusive.

Preclearance consistently emerges as a safeguard against discriminatory changes before they affect elections, rather than relying solely on litigation after harm has occurred. Measures in post-coverage states pop up erratically and often uncontrollably, overwhelming federal agencies with legislation that is often difficult to monitor and regulate.

1.4 Overview of the Bill

The John Lewis Voting Rights Advancement Act (JLVRAA) seeks to extend and restore the VRA's impact, tailored to the current political landscape while preserving the core framework of the 1965 bill. There are three mechanisms provided within the bill worth noting.

1.4.1 Restoration of Preclearance

JLVRAA seeks to modernize the formula previously outlined in Section 4b of the VRA. Coverage is bifurcated into geographic and practice-based formulas. Geographic coverage seeks to mandate preclearance procedures on jurisdictions with histories of voting discrimination, incorporating evidence recency into the formula. Practice-based coverage sets multiple conditions for voting restrictions to be regulated. Examples include evidence of racial gerrymandering, imposing strict registration requirements, reducing multilingual resources, and

polling place relocations.¹¹ JLVRAA expedites responses to voting discrimination due to automatic triggers for federal oversight, decreasing options for jurisdictional bailout and speeding up processes to initiate suits.

1.4.2 Vote Dilution/Denial

The bill additionally seeks to strengthen protections against vote dilution, such as racially targeted redistricting, or voting denial, conditions where minority voters have increased barriers to voting access. JLVRAA re-standardizes the nine Senate Factors from the 1982 Senate report on VRA amendments, used in voting dilution and denial cases.¹² These include a history of voting-related discrimination, racially polarized voting, exclusion of minority candidates, discriminatory voting practices, past discrimination's effects, racial appeals in campaigns, minority representation in office, responsiveness of officials, and justifications for challenged practices.¹³

1.4.3 Retrogression

Lastly, the bill uses retrogression to assess whether changes to voting laws or practices weaken minority voters' ability to participate equally in democratic elections. Retrogression is the litmus test for voting changes: any change that diminishes minority voting strength is considered retrogressive and therefore unlawful under the JLVRAA's updated protections.

1.5 Related Legislation

Complementary legislation has previously carried the JLVRAA to its closest points of passage, coupling JLVRAA's targeted approach to voting protections with broader, sweeping reforms. Previous bills have often represented comprehensive federal efforts to curb voting discrimination, contrasted with the JLVRAA, which seeks to specifically restore the VRA's preclearance framework. For example, the Freedom to Vote Act made Election Day a public holiday, increased same-day voter registration, allowed accessible absentee voting, and required a more transparent disclosure of campaign financing.¹⁴ The For the People Act (H.R.1/S.1) included similar, broad provisions, but also incorporated an increased focus on campaign financing and ethics standards for public officials. It initiated lobbying reforms, amending the Foreign Agents Registration Act (FARA), to prevent foreign servicing to American domestic elections, as well as requiring presidential and vice presidential tax return disclosure.¹⁵

As many federal congressional cycles have passed opportunities to pass the JLVRAA, states have adopted their own versions of the bill. For example, the New York John Lewis Voting Rights Advancement Act, (NYJLVRAA) establishes state preclearance procedures and increases ease

¹¹ [Brennan Center, 2024](#)

¹² [U.S. Congress, 1992](#)

¹³ [SCOTUS, 2021](#)

¹⁴ [U.S. Congress, 2021](#)

¹⁵ [U.S. Congress, 2021](#)

of access to pursuing voting lawsuits.¹⁶ A lack of uniform national standards creates opportunities for many marginalized communities to become disenfranchised as protections vary drastically between state and district lines.

2. Policy Analysis

2.1 What Works

2.1.1 Critical Oversight

Vital oversight mechanisms gutted by *Shelby* would be reinstated by federal preclearance, with no such sweeping safeguard currently existing under the law. Preclearance's historical efficacy in reducing erratic and negatively impactful voting restrictions is reintroduced by the JLVRAA, halting suppression before disenfranchisement.

2.1.2 Modernized Formula

Updated coverage formulas resolve some of the most pointed qualms with previous sections of the VRA struck down in *Shelby*. Data from the 1960-1970 no longer grounds preclearance coverage, but violations from the previous quarter century that evolves with changing conditions. It defines "voting rights violations" as unconstitutional, violating the original VRA, or denial of preclearance.¹⁷ These standards ensure a balance is struck between states' liberties and federal oversight, offering methods of bailout coupled with strict protocol for discriminatory districts. Incorporation of 'automatic triggers' within the bill additionally accelerate the oversight process, with specific restrictions triggering court jurisdiction such as changes to registration or ID requirements.¹⁸

2.1.3 Transparency

The bill requires public notice of voting law changes at least 180 days prior, giving constituencies time to organize and initiate suits and broader engagement. Full information disclosure is supported through strict requirements on disclosure of voting rule, polling, and redistricting changes. Expert analysis confirms that appropriate enforcement of Section 2 decreases gaps in participation around 4% points.¹⁹

2.1.4 Legal strength

The JLVRAA supports not only preventative measures against voting discrimination, but also works towards strengthening appropriate responses to instances of discrimination that inevitably occur. Reinforcement of Section 2 of the VRA clarifies ease of access for voting suits that adapt to modern tactics of disenfranchisement that might not be accounted for in previous

¹⁶ [New York State Attorney General, ND](#)

¹⁷ [NYU American Public Policy Review, 2024](#)

¹⁸ [New York League of Conservation Voters, 2025](#)

¹⁹ [Brennan Center, 2025](#).

coverage frameworks. The dual layer of protection increases the efficacy of JLVRAA protocol, ensuring both proactive oversight through preclearance and reactive accountability through litigation

2.2 Concerns and Limitations

2.2.1 Enforcement Limitations

JLVRAA authorizes new responsibilities for the DOJ, including reviewing proposed voting changes, maintaining transparency databases, and litigating Section 2 violations. It does not, however, earmark specific appropriations to support these expanded functions.

Additionally, the bill does not explicitly designate or fund specialized DOJ units to handle preclearance procedures, which could lead to delays and bureaucratic bottlenecks. The effectiveness of the preclearance mechanism may depend too heavily on internal DOJ discretion, rather than codified enforcement mandates in the absence of this organizational structure.

2.2.2 Federal Overreach

The Heritage Foundation outlines several qualms with the current structure of the JLVRAA. There is concern over Democratic Party overreach as a result of the provisions restored under the bill, threatening the balance of federalism. Allowing private plaintiffs and the federal government to virtually have grasp over any voting law could potentially prove to be a dangerous expansion of executive power. Additionally, the lower barrier for injunctions might limit processes of appellate review.²⁰

3. Recommendations

3.1 Summary

In the context of rapid voting discrimination among states that are politically incentivized to undemocratically exclude minority participation in the democratic process, a swift and targeted approach to restoring the VRA is necessary. The passage of the JLVRAA would increase transparency around voting law changes, allow constituents to pursue suits against discriminatory practices, and allow the DOJ to effectively litigate voting restriction through preclearance procedures. However, to maximize the JLVRAA's effectiveness, Congress should consider targeted amendments and implementation mechanisms that ensure timely enforcement.

²⁰ [The Heritage Foundation. 2021](#)

3.2 Amendments

3.2.1 Earmarked Funding

We recommend mandatory appropriations included within the bill for the DOJ Civil Rights Division’s preclearance oversight, Section 2 litigation, and voter outreach. Specific funds earmarked for these purposes ensures expeditious implementation, less affected by structural barriers of funding gaps. This amendment resolves the first key concern outlined in this brief. This proposed amendment directly addresses one of the most pressing concerns outlined in this brief: the lack of enforcement capacity. The absence of guaranteed financial support undermines the Act’s operational viability, particularly given the resource-intensive nature of Section 2 litigation and the administrative burden of preclearance review. Importantly, there is existing precedent for such funding (and desire to fund) through the bill’s existing grant program to small jurisdictions. The new Section 4a outlines grants for compliance, suggesting that Congress was already open to appropriating support around implementation, and such funds can be allocated.²¹

3.2.2 Expanding Criteria for Practice-Based Coverage

Currently, Section 4a describes the protected class of constituents primarily based on race, color, or language minority group status. However, this classification could expand to be more inclusive, such as those affected by disabilities, the elderly, and lower socioeconomic statuses. Additionally, though the list of high-risk voting practices automatically covered by preclearance procedures is already quite robust, it could expand to include other practices such as election audits.

3.3 Implementation Strategies

The JLVRAA’s strong legal framework presents a compelling policy agenda, however, effectiveness depends on implementational infrastructure. The following strategies could operationalize the bill’s core provisions.

3.3.1 Federal Online Dashboard

Although information disclosure is already a top priority by the JLVRAA, a centralized online database designed to catalog all submitted voting law changes subject to preclearance would allow constituents and policymakers to track anticipated impacts of restrictions. The platform would present an additional organizational layer to the transparency paradigm, accelerating responses of civil rights groups in the face of potential discriminatory legislation.

3.3.2 DOJ Review Units

Dedicated DOJ teams should be funded and assigned to conduct preclearance reviews. This offers both efficiency and reliability within implementation of preclearance practices, with timeline protocols established to help jurisdictions comply while also safeguarding the right to

²¹ [U.S. Congress. 2025](#)

updated voting procedure among states. Long wait times and litigation clogs could undermine both the reputation and efficacy of preclearance review, which specialized units could potentially overcome.

3.3.3 Local Boards

In higher-risk jurisdictions, local oversight boards composed of nonpartisan legal experts and civil rights advocates could monitor on the ground implementation of the JLVRAA, and report potential violations. Local nodes of the preclearance pipeline could clear up litigation clogs and ensure bottom-up accountability, which decreases some of the burden on the DOJ. Efforts could aid some of the perception of JLVRAA's protocols as overreach, and increasing civic participation.

3.4 Conclusion

The John Lewis Voting Rights Advancement Act (JLVRAA) substantially strengthens legislative protections against voter discrimination, modernizing the VRA and reinstating preclearance procedures for historically discriminatory districts. The JLVRAA's central framework and key provisions seem to succeed in their goals of restoring democracy and combating voter suppression, but implementation could be strengthened to ensure that legislation translates into robust and meaningful access at the polls.