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LDF Director of Litigation Sam Spital Testifies on the Need for Federal Voting Rights Protections

Today, Sam Spital, Director of Litigation at the NAACP Legal Defense and Educational Fund, Inc. (LDF), testified before the U.S. House Judiciary Committee Subcommittee on the Constitution, Civil Rights, and Civil Liberties to ring the alarm on the current state of voting rights and urged Congress to enact legislation to prevent further attacks on the right to vote and protect our democracy.

In his written testimony, Spital flagged concerning observations from LDF's virtual poll monitoring of the 2020 election season in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, New York, South Carolina, Texas, Virginia, and Wisconsin

“What we saw on November 3, 2020, and in the weeks before and after, confirmed what we already knew: Discrimination against Black voters is an overwhelming and growing problem that demands immediate legislative action,” Spital wrote in his testimony. “The celebrated turnout and registration rates among Black voters in November 2020 occurred despite a litany of obstacles, and only because of the Herculean efforts by civil rights groups, organizers, and activists — and because of the sheer determination and resilience of Black voters. This model is not sustainable. Nor is it lawful.”

The Supreme Court's decisions in *Shelby v. Holder*, which effectively nullified the preclearance provision of Section 5 of the Voting Rights Act (VRA), and in *Brnovich v. DNC*, which weakened Section 2 of the VRA, place the responsibility to protect and enhance the right to vote squarely on Congress.

“Congress's power to legislate remains undiminished,” wrote Spital. “Congress maintains the constitutional authority to enact legislation that prevents the denial or abridgement of the right to vote on account of race today just as it did in 1965. The Supreme Court's *Shelby County* decision rendered preclearance inoperative, making Section 5 of the VRA unenforceable only until Congress enacts a new, modern preclearance provision to identify covered jurisdictions.

“The *Brnovich* decision threatens the efficacy of the other core provision of the Voting Rights Act, Section 2, at a moment when its protections could not be more critical. This Congress should not retreat from establishing a new preclearance framework that reflects the current conditions of the nation, and from restoring Section 2's prohibition on all forms of voting discrimination that result in unequal opportunities to participate in the political process based on race.”

Read Sam Spital's full written testimony [here](#).

Read his oral testimony [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).