

John R. Lewis Voting Rights Advancement Act:
Summary of Key Changes in Leahy-Murkowski-Durbin-Manchin Substitute Amendment

*Below is a summary of changes in the John R. Lewis Voting Rights Advancement Act (JLVRAA) substitute amendment, identifying the amendment's key differences from S. 4, as introduced. Changes in **bold** identify modifications to S. 4 made to moderate certain provisions of the bill to achieve bipartisan support.*

Changes to Section 101: Section 2

- Strengthened the Section 2 “totality of the circumstances” standard by requiring courts to consider “whether a voting was designed to advance and materially advances a valid and substantiated State interest” in evaluating Section 2 vote denial or abridgment claims. This additional language ensures further protection for voters against discriminatory laws being advanced under pretextual claims of voter fraud, while still allowing valid and substantiated concerns of voter fraud to be legislated.
- **Strikes photo ID laws as a factor that courts are *required* to consider in their “totality of the circumstances” analysis when evaluating Section 2 vote denial or abridgement claims. Courts may still consider such laws in evaluating Section 2 claims, but are no longer required to do so.**
- **Unlike the House bill, which expressly prohibits courts from considering certain factors (i.e. the *Brnovich* factors) in evaluating a Section 2 vote denial or abridgment claim, the Senate bill allows courts to consider these factors and establishes instead that the *Brnovich* factors “shall not weigh against” a finding of a Section 2 violation. This provides courts more latitude to assess relevant factors in a Section 2 claim, while preserving the intent of Section 2’s protections and ensuring the *Brnovich* factors are appropriately limited in a court’s analysis.**
- **The Senate bill clarifies that courts can evaluate any relevant factor in assessing a Section 2 violation, beyond those expressly listed as relevant. This clarifying language is consistent with longstanding intent of Section 2.**

Changes to Section 104: Geographic Coverage Formula

- Clarifies that *Shaw* violations (a subcategory of Fourteenth Amendment voting rights claims) count as a “voting violation” for purposes of the geographic coverage formula.
- Requires that a covered jurisdiction’s failure to preclear a voting change counts as a “voting violation” for purposes of the geographic coverage formula.

- Clarifies that for redistricting plans that result in multiple violations, each violation will count as independent “voting violation” for purposes of the geographic coverage formula.

Changes to Section 105: Practice-Based Preclearance

- Ensures that changes to apportionment are a covered practice for practice-based preclearance.
- **Eliminates from practice-based preclearance coverage changes to “line warming” laws, which regulate the provision of food or non-alcoholic drinks to persons waiting in line to vote. The legislative record regarding the discriminatory impact of changes to these laws is not as robust as other covered practices.**

Changes to Section 111: Purcell Fix

- **Expands the presumptive safe harbor period for states sued by plaintiffs from 45 days to 60 days, reducing by 15 days the period of time before an election that plaintiffs can benefit from the presumption that their lawsuit is not a harm to the public interest by being close to an election.**

Changes to Section 201: Election Worker and Polling Place Protections

- Houses new federal protections for election workers and polling places in Sections 11 and 12 of the Voting Rights Act (instead of amending 18 U.S.C. 245).