



The Inclusive Elections Act of 2021

The [Inclusive Elections Act of 2021](#) empowers voters to fight back against discriminatory voter suppression — helping secure the inclusive, multiracial democracy we deserve.

Congress enacted the Voting Rights Act (VRA) to fulfill the promise of a multiracial democracy. **The Supreme Court has betrayed that promise.** Eight years ago, in *Shelby County v. Holder*, the Supreme Court demolished the central pillar of the VRA: its requirement that states get federal permission before enacting potentially discriminatory election laws. Since then, states have enacted more restrictions on voting than at any time since Jim Crow. Now, in *Brnovich v. Democratic National Committee*, the Supreme Court has weakened the VRA's most important remaining provision: Section 2.

Since *Shelby County*, **Section 2 has been one of the most important tools for fighting racist voter suppression.** VRA Section 2 (52 U.S.C. § 10301) guarantees everyone an equal opportunity to participate in our elections. It bars states and localities from adopting election laws that disparately burden the voting rights of people of color and linguistic minorities. Effects are what matter, not intent. No state or locality may enact any election law that “results in a denial or abridgment of the right of any citizen of the United States to vote on account of race” or minority language status by giving those voters “less opportunity than other members of the electorate to participate in the political process.”

The Inclusive Elections Act of 2021 restores this crucial component of the Voting Rights Act. The bill reinstates the voter-friendly interpretation of Section 2 that was the law of the land until the Supreme Court's devastating decision in *Brnovich*, which carved loopholes into this vital law. Once again, a voter suppression law would be illegal if it disparately burdens people of color or linguistic minorities and the disparities are connected to the discrimination that community has faced or continues to face in our society. That is the standard under which the Arizona voter suppression laws at issue in *Brnovich* were struck down. **With this legislation, the Voting Rights Act would once again outlaw discriminatory voter suppression laws like the ones the Court just upheld.**

Congress has the power — and the duty — to guarantee inclusive elections. In Justice Kagan's words today, “Congress gets to make that call.” Unlike *Shelby County*, *Brnovich* does not say that this part of the Voting Rights Act is unconstitutional. Instead, the Court leaves Section 2 on the books, but reads the provision to be relatively toothless. Since the Court has interpreted Section 2 to allow discriminatory laws, Congress can repair the damage by clarifying that Section 2 means what it says: no discriminatory voter suppression. This bill does exactly that, using the language from the best prior case law, and endorsed by Justice Kagan in her dissent.

This bill complements the crucial work the John Lewis Voting Rights Advancement Act would do to restore Sections 4 of the Voting Rights Act. The two bills go hand in hand.