

January 19, 2022

Dear Senator,

On behalf of Lambda Legal, the country's oldest and largest national legal organization whose mission it is to achieve full recognition of the civil rights of gay, lesbian, bisexual, transgender, and queer (LGBTQ) people and everyone living with HIV, I write to respectfully urge you to support the Freedom to Vote: John R. Lewis Act.

This legislation is critical for combatting inequitable barriers to voting and protecting our democracy. Every American should be afforded equal opportunity and access to the vote, which is the most basic form of participation in our sacred democratic process. I implore you to move swiftly and pass this legislation.

The United States has a history of elections being undermined by practices and tactics intended to undercut LGBTQ Americans, African Americans, Latinx Americans, Asian Americans and Pacific Islanders, Native Americans, people with disabilities, and other communities who have been historically—and are presently—excluded from full participation in our political process. The Freedom to Vote: John R. Lewis act would address these barriers by establishing uniform national standards for elections and restoring essential provisions of the Voting Rights Act of 1965.

Just last year, at least 19 states enacted 33 new laws that restricted freedom to vote, and more than 425 bills with restrictive provisions were introduced in 49 states in the 2021 legislative sessions.<sup>1</sup> The Freedom to Vote: John R. Lewis Act responds the Supreme Court's call to update the preclearance formula which will protect the freedom to vote and ensure that elections are safe and accessible.

The fight for every American's ability to participate fully in our democracy is an unequivocally crucial tenet of the LGBTQ rights movement. A 2019 HRC Foundation survey found that fear of or experiencing discrimination led 22% of LGBTQ adults, 35% of LGBTQ adults of color, 49% of transgender adults, and 55% of transgender adults of color to avoid voting in at least one election in their lives. It also found that an issue with meeting voter identification requirements prevented 24% of LGBTQ adults, 35% of LGBTQ people of color, and 42% of transgender people from voting in at least one election in their lives. Furthermore, 46% of transgender people of color said they did not vote in one or more elections in their lives specifically because their ID had an inaccurate gender marker, name, or photo.<sup>2</sup>

The Freedom to Vote: John R. Lewis Act lays out key provisions aimed at protecting every American's right to vote. It would require national no-excuse voting by mail, institute automatic

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<sup>1</sup> *Please Support the Cloture Vote on The John Lewis Voting Rights Advancement Act*, The Leadership Conference on Civil and Human Rights, November 3, 2021, available at [https://www.naacpldf.org/wp-content/uploads/Senate\\_VRAA\\_Sign\\_On\\_Letter\\_11032021-FINAL-with-sigs.pdf](https://www.naacpldf.org/wp-content/uploads/Senate_VRAA_Sign_On_Letter_11032021-FINAL-with-sigs.pdf)

<sup>2</sup> *John Lewis Voting Rights Advancement Act*, The Human Rights Campaign, October 18, 2021, available at <https://www.hrc.org/resources/voting-rights-advancement-act>

and same-day registration, protect against unnecessary purges, accept all absentee ballots up to 10 days after Election Day, mandate a minimum 14 day early voting period, and permit voters who lack adequate photo identification to use a variety of documents to establish their identity and require states to accept a sworn written statement in lieu of documentary I.D.—this is particularly important for transgender and nonbinary Americans whose gender identity or expression may not be properly reflected on their government-issued photo I.D. The bill also includes the Native American Voting Rights Act, which protects voting rights for Indigenous communities who face historic and unique barriers to actualizing their communities’ rights to participate in our democracy.

On a systemic level, the Freedom to Vote: John R. Lewis Act would require that certain states and localities with a history of voting discrimination get prior federal approval—or “preclearance”—of any changes to their voting rules and practices to make sure that they are not discriminatory. It would also require all jurisdictions in the country to submit for preclearance any “covered practices,” meaning those practices, such as strict voter ID laws and polling place closures in communities of color, that have typically been implemented for a discriminatory purpose or have had discriminatory effects.<sup>3</sup>

Before he passed, John R. Lewis proclaimed, in a letter to Congress, “The record is clear. A rampant war is being waged against minorities’ voting rights...across the nation. Time is of the essence to preserve the integrity and promises of our democracy.”<sup>4</sup> Lambda Legal wholeheartedly agrees. The rights of the LGBTQ community are under constant siege through a variety of means, including this concerted effort to prevent marginalized communities’ right to vote. In response, we must act swiftly to pass the Freedom to Vote: John R. Lewis Act so that all members of our nation—particularly transgender people of color—have their voices heard at the ballot box.

It bears repeating that Lambda Legal holds firmly that protecting the right to vote is an LGBTQ rights issue. While we want to affirm that the attack on the right to vote in this country has its roots in white supremacy and has most forcefully targeted Black Americans, Native Americans, and communities of color, LGBTQ people who belong to these communities are disproportionately impacted, too. There are LGBTQ people of color, LGBTQ people living with disabilities, LGBTQ people of different ages, and LGBTQ people with various immigration histories. Anyone who is living at the intersection of these marginalized identities faces compounded oppression and increased impediments to democratic participation, which is why there is widespread support for this legislation across a broad range of communities.<sup>5</sup> If our democracy is to survive, we cannot allow these barriers to stand.

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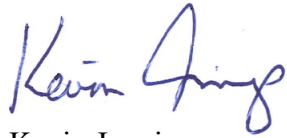
<sup>3</sup> *Congress Could Change Everything*, The Brennan Center for Justice, July 28, 2021, available at <https://www.brennancenter.org/our-work/research-reports/congress-could-change-everything>

<sup>4</sup> *Rep. John Lewis Demands DOJ Action On the Anniversary Of the Shelby V. Holder Decision*, Press Release, June 25, 2020, available at <https://web.archive.org/web/20200719053551/https://johnlewis.house.gov/media-center/press-releases/rep-john-lewis-demands-doj-action-anniversary-shelby-v-holder-decision>

<sup>5</sup> *Civil Rights Groups Call on Senate to Take Immediate Action on Voting Rights*, The Leadership Conference on Civil and Human Rights, January 13, 2022, available at <https://civilrights.org/2022/01/13/civil-rights-groups-call-on-senate-to-take-immediate-action-on-voting-rights/>

For this reason, we must pass the Freedom to Vote: John R. Lewis Act. Voting restrictions have, and continue to, disproportionately impact LGBTQ people of color, and our transgender siblings in particular, who face sometimes insurmountable challenges in each step of the voting process—from voter registration to being able to vote in person. This is not the way that democracy is meant to work. In the words of John R. Lewis, “Time is of the essence to preserve the integrity and promises of our democracy.”<sup>6</sup>

Sincerely,



Kevin Jennings  
Chief Executive Officer  
Lambda Legal

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<sup>6</sup> *Supra* note 4