

MEMO: Supreme Court Rules in Key Voting Rights Case

Today's 6-3 U.S. Supreme Court ruling in the [Brnovich v. DNC](#) lawsuit illustrates why Congress must act now to pass the For the People Act and John Lewis Voting Rights Advancement Act.

This ruling—which further erodes protections established under the Voting Rights Act—provides another opportunity to stress the **urgency around passage of pro-voter legislation** like the For the People Act and the John Lewis Voting Rights Advancement Act. It also demonstrates how essential **fair and impartial courts** are for ensuring the freedom to vote.

Key Messages for Voting Rights and Fair Courts Advocates

In her dissent in *Shelby v. Holder*, the late Justice Ruth Bader Ginsburg wrote that undermining the Voting Rights Act “[when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.](#)” Today we see the conservative majority on the Court is continuing to chip away at the Voting Rights Act, making it nearly impossible for Americans caught in a deluge to obtain an umbrella, at any price.

With the *Shelby v. Holder* decision and now today's ruling in the *Brnovich v. DNC* case, the conservative majority on the nation's highest court has given the green light to extremist politicians, who are erecting deliberate barriers to voting to silence Americans, especially Black, brown, and young Americans.

According to the Brennan Center, [17 states have enacted 28 new anti-voter laws this year alone.](#)

Unfortunately, this is nothing new. Throughout our nation's history, we have fought to ensure more Americans have our right to vote honored and that every eligible American is able to cast a ballot and have that ballot be counted. The Voting Rights Act—inspired by the tireless work of the civil rights movement—was an essential part of that effort.

[In her dissent, Justice Elena Kagan highlights that history,](#) writing:

“The Voting Rights Act of 1965 is an extraordinary law. Rarely has a statute required so much sacrifice to ensure its passage. Never has a statute done more to advance the Nation's highest ideals. And few laws are more vital in the current moment. Yet in the last decade, this Court has treated no statute worse.”

Today's Supreme Court decision is not the end of this debate. We can have national standards that provide all of us with the freedom to vote equally, no matter where we live or what we look like. We can restore and strengthen our freedom to vote, so we all have an equal say in our future.

The Court's rulings that have ripped out the heart of the Voting Rights Act, coupled with the anti-voter bills being pushed in state after state, illustrate why Congress must pass the For the People Act and the John Lewis Voting Rights Advancement Act as soon as possible.

Today's decision also highlights how much of a role fair and impartial courts play in the fight for the freedom to vote. In the wake of the *Shelby* and *Brnovich* decisions, it's clear that judicial independence is essential for protecting the right to cast our ballots freely, safely, and equally.

Messaging Guidance from the Independent Strategic Research Collaborative

- Whatever our color, background, or zip code, in America we value the freedom to vote without discrimination and without fear.
- The Court had an opportunity to protect the freedom to vote at a critical moment in our history, but instead chipped away at important protections Congress has put in place to ensure everyone has equal access to the ballot box.
- We must come together to pass the John Lewis Voting Rights Advancement Act and the For the People Act to enact national standards to prevent future attacks on our freedoms, so that we all have our voices heard to elect leaders who deliver on our priorities.

Messaging Guidance from the Leadership Conference

- The right to vote freely without discrimination and without fear is at the heart of making the promise of democracy real for us all. Today's decision in *Brnovich v. DNC* is an affront to our democracy and to the voters. The Supreme Court had an opportunity to protect our freedom to vote at a critical moment in our history, but instead gave yet another pass to lawmakers who put up barriers to silence voter's voices based on what they look like or where they live.
- Instead of taking a stand for safe and accessible elections for all, the Supreme Court decided that lies about the integrity of our elections are more important than the very real discrimination voters across America face. The Court acknowledged the burden that discriminatory laws place on those trying to cast their ballots freely even as it made it harder to challenge them. This decision tells voters that their voices do not matter.
- As a result, voters, especially Latino, Asian American, Native American, and Black voters—some of whom states deliberately target with these racist policies—will continue to face more barriers than White voters to making their voices heard in local, state, and federal elections.
- The Supreme Court didn't just uphold Arizona's policies—it did major damage to the Voting Rights Act. Compounding the damage done in its Shelby County decision, the Court has now further undermined the Voting Rights Act by creating new obstacles to challenging discriminatory policies.
- Now we—the voters—must come together to ensure that Congress does its job by representing the will of the people. Congress must do everything it can to buttress voting rights against a Court that seems dead set on limiting them. It must pass the John Lewis Voting Rights Advancement Act and fully restore the VRA.

Additional Resources

Please see the Brennan Center's [statement from today](#) and their [Court Case Tracker page for Brnovich](#) for additional information.

Please see [President Joe Biden's statement from today](#).

Please see ReThink's blog post, "[Eight Years in a Rainstorm Without an Umbrella: Reflecting on the Shelby Decision and Its Impact](#)," for additional context.