



STATEMENT
BY
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LEAGUE OF WOMEN VOTERS OF THE UNITED STATES
AT A FORUM ENTITLED
“EXCLUDED FROM DEMOCRACY: THE IMPACT OF RECENT STATE VOTING
CHANGES”
HOSTED BY REPRESENTATIVE JOHN CONYERS
RANKING MEMBER
THE HOUSE JUDICIARY COMMITTEE

November 14, 2011

Thank you Mr. Conyers and member of the committee for holding this discussion which will help focus our nation’s attention on voter suppression legislation that is sweeping this country. The right to vote and have your vote counted is the very foundation of our democracy and today it is under attack.

My name is Elisabeth MacNamara and I am president of the League of Women Voters of the United States. We have over 140,000 members and supporters nationwide, with Leagues in all 50 states and in more than 700 communities across the country. The League has been fighting for equal access to the polls since our inception 91 years ago, when our organization was formed by those who successfully fought to gain the right to vote for women. This year the League actively opposed voter suppression legislation in 21 states – we were successful in protecting the vote in 13 of those states but the remaining states did create new and in some cases insurmountable barriers to the polls.

Today we are experiencing an unprecedented attack on voting rights. This assault on voters is sweeping across the country, state by state, and is one of the greatest self-inflicted threats to our democracy – our way of governing – in our lifetimes. These new laws threaten to silence the voices of those least heard and rarely listened to in this country – the poor, the elderly, racial and ethnic minorities, the young and the differently abled. These new laws require photo ID and or proof of citizenship in order to vote, they restrict third party voter registration drives, decrease early voting and eliminate Election Day registration.

The League of Women Voters opposes these new laws and legislation because:

- They risk disenfranchising millions of eligible voters

- They will cost millions of dollars to implement
- There is no evidence that there is a need for such draconian measures

In 2011 alone we have seen an exponential increase in the number of new voter suppression laws being implemented at the state level:

- Eight states (AL, KS, MS, RI, SC, TN, TX and WI) have passed new restrictive photo ID laws.
- Three states (AL, KS and TX) passed laws requiring proof of citizenship as a prerequisite to voting.
- Two states (FL, TX) have made it more difficult for groups like the League of Women Voters to register voters.
- Five states (FL, GA, OH, TN and WV) have passed legislation that would eliminate or shorten the period of early voting.
- In addition, we could see new suppression laws passed in Michigan, Ohio, Minnesota, Virginia and Pennsylvania before the 2012 elections.

These laws have added new bricks to the wall of obstacles some face on their way to the ballot box. These laws are confusing, time consuming and cost-prohibitive for many citizens, including some who have been exercising their legal right to vote for decades and are now unsure if they can “jump high enough” to get to the ballot box.

One example comes from Tennessee where Ms. Virginia Lasater, 91 years old, had voted and worked on campaigns for the past 70 years, but when she went to the Tennessee department of motor vehicles to get a photo ID so she could continue to exercise her right to vote, she saw a line of 100 people in front of her, no place to sit, and no assistance from the state workers to accommodate her needs (even after asking for help). She was physically unable to wait that long in line without sitting down and thus, left with no other options; she departed without getting her photo ID.

Women in general and elderly women in particular are being disproportionately harmed by the new laws. In some instances citizens who have been voting for decades are being required to obtain birth certificates (which some elderly people do not have since they were born at home) and their wedding certificates in order to prove who they are. In some states they are faced with a catch 22 – you must have a photo ID in order to obtain a birth certificate and you can’t get a birth certificate without a photo ID. In most cases there are costs associated with getting a birth certificate and marriage license. This becomes more complicated if you were born or married in a state in which you are not currently living. Birth certificates cost between \$7 and \$30 dollars, depending on the state, and can take up to eight weeks to obtain.

An example of this conundrum is 96-year-old Dorothy Cooper from Chattanooga Tennessee. She was born before women had the right to vote in the U.S. Armed with a plethora of documents including a rent receipt, a copy of her lease, her voter registration card and her birth certificate, Ms. Cooper attempted to obtain a photo ID. However, her birth certificate had her maiden name on it and thus the clerk denied her request for a photo ID. Ms. Cooper, an African American, later stated on MSNBC that she didn’t have any problems voting under the Jim Crow laws.

In Wisconsin, a memo from top Department of Transportation officials came to light showing that although the state will provide photo IDs for free, the individual must specifically ask for the free ID or they will be charged, thus creating yet another barrier for low income individuals.

These new laws do not only target the elderly but young people as well. For example, South Carolina and Texas do not accept student photo IDs issued by state-run universities as valid photo IDs at the polls. It is interesting to note that in Texas they will accept a concealed carry permit for a firearm.

A non-legislative attack on student voting has occurred in Maine. The Secretary of State, Charles Summers, Jr., recently targeted legally registered voters by sending them threatening letters which appeared to be constructed in a way that would dissuade the students from exercising their right to vote. After conducting an investigation that found no instance of illegal voting or registration, Mr. Summers sent a letter to 191 college students warning them that they may be violating Maine's motor vehicle and election laws by not having their vehicle registered in the state of Maine and/or having a Maine driver's license. He attached a form to the letter which would allow the students to cancel their voter registration in Maine. He did not include any forms to register their vehicles or apply for a driver's license. Several voting rights groups have sent a letter to Mr. Summers and have asked for an investigation by the Voting Section and the Criminal Section of the Civil Rights Division of the U.S. Department of Justice on possible criminal and civil violations.

A recent study by the Brennan Center for Justice entitled "*Voting Law Changes in 2012*" shows that as many as five million eligible voters could be disenfranchised by new laws passed in states this past year alone. Photo ID requirements are the most widespread of these restrictive laws and, in conjunction with the other voter suppression laws, represent one of the most serious threats in decades to our efforts to ensure the right of every eligible American to vote.

New photo ID requirements potentially disenfranchise millions of registered voters due to disability, age, illness, transportation, or financial issues. As many as 11 percent of United States citizens, more than 21 million individuals, do not have government-issued photo identification, according to the Brennan Center study. The increased burden will be greatest for citizens for whom the financial cost is prohibitive or who are not able to take off from work, get transportation, or stand in line to apply for documentation. Often these individuals don't have the underlying documentation that is needed to get an ID. Thus, these requirements, whether by design or happenstance, disenfranchise the very people who currently must work the hardest to vote.

While the League worries most about those who will be disenfranchised by these new restrictive laws, we are also concerned about the fiscal impact of these new government programs on the cash-strapped states. Photo ID requirements are a prime example of wasteful use of taxpayers' money. For example, new voter ID laws in Missouri and South Carolina could cost their citizens \$6 million and \$1.3 million respectively, in the first year of implementation alone.

At a time when states are in the midst of an ongoing fiscal crisis, it seems irresponsible to use taxpayer's money to address an issue that doesn't exist – voter impersonation at the polls. Our state governments should be in the business of making it easier for citizens to vote, not adding costly restrictions and hassles that will negatively impact voter turnout.

In addition to voter suppression from photo ID requirements, we are also seeing an assault on another front – third party voter registration drives. Just two years ago, the League of Women Voters of Florida, along with other groups, won a lawsuit to overturn an unfair law aimed at penalizing citizens who participate in voter registration drives, including the League's own members. This year the Florida legislature passed a new registration suppression law that requires volunteers to go down to local Supervisors' offices, register by providing detailed personal information, take an oath and be held personally and financially liable if they do not deliver the completed forms back to the Supervisor within 48 hours. Fines will be levied up to \$1,000 per person.

The League cannot ask volunteers to take on this significant financial risk if they are late in returning registration forms. Through this law, Florida's politicians have taken aim at voters and the legions of volunteers who have over the past 91 years volunteered their time to register new voters, in the belief that active and informed citizens strengthen our democracy. This law brings back Jim Crow-style tactics to intimidate all Florida voters and volunteers who believe in the democratic process. The League of Women Voters of Florida has suspended their voter registration drives in the state due because of the financial risks associated with the new law.

Organizations such as the League are crucial to assuring that voter registration is available to EVERY voter, but the facts also show conclusively that we are key to assuring that minority voters have access to registration. In 2004, approximately 8.5 percent of registrants had been registered by the efforts of third party organizations, according to the Bureau of the Census. The data also make clear who is impacted by restrictions on third-party voter registration efforts. In 2004, 15 percent of African-American and Hispanic registrants had been registered to vote as a result of an organized drive – a rate much higher than the 8.9 percent rate for Whites.

A third tactic being implemented to suppress voting comes in the form of cutting back early voting period. Thus far, we have seen this in five states (FL, GA, OH, TN and WV).

Early voting has become very popular in the United States. In 2010 over 19 million citizens utilized early voting in their states. Now, Florida and Ohio have specifically targeted their cutback on early voting on Sundays. The greatest impact of this step may be on people of color and Hispanics who tend to vote in proportionately larger numbers on Sundays. Florida has eliminated early voting on the last Sunday before an election and Ohio has eliminated early voting on any Sunday. According to the Brennan Center for Justice, “in the 2008 general election in Florida, 33.2 percent of those who voted early on the last Sunday before Election Day were African American and 23.6 percent were Hispanic, whereas African Americans constituted just 13.4 percent of all early voters for all early voting days, and Hispanics just 11.6 percent.”

The League of Women Voters of the United States calls on state legislatures to repeal and reject the whole range of voter suppression measures. They are costly, unnecessary and undemocratic.

If the states are unable or unwilling to protect the rights of every eligible citizen to vote the federal government must step in to ensure these rights are protected.

- We call on the Congress and all Americans to join the League in applying pressure on the Department of Justice urging them to deny pre-clearance of these new voter suppression laws in states covered by the Voting Rights Act.
- We call on this committee and other members of Congress to join Senator Nelson of Florida in asking the Justice Department to investigate whether these new suppressive voting laws were passed as part of a concerted effort to discourage millions of people from voting in the 2012 presidential election.
- We ask for your support in our ongoing efforts to fight back voter suppression legislation and to repeal existing voter suppression laws in the states.
- We ask that you continue to conduct investigations into the real-life impact these laws have on citizens and their right to vote.

These new laws threaten to silence the voices of those least heard and rarely listened to in this country – the poor, the elderly, racial and ethnic minorities, the young and the differently abled. Now is the time to act. We must work together to repeal these unjust and prejudicial laws and implement new laws that will lower the barriers to voting and ensure that every eligible citizen will have the ability to vote and have their votes counted.

Thank you.

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