

TESTIMONY



TESTIMONY OF RALPH G. NEAS BEFORE SENATE
GOVERNMENTAL AFFAIRS COMMITTEE
ON ELECTION REFORM
MAY 3, 2001

Good morning Mr. Chairman and members of the Committee, and thank you for inviting me to testify here today. My name is Ralph G. Neas, President of People For the American Way, a 300,000-member citizens' organization dedicated to protecting constitutional and civil rights, improving public education, and promoting civic participation. I also serve as President of People For the American Way Foundation. From 1981 to 1995, I was executive director of the Leadership Conference on Civil Rights. All three of these organizations and the millions of Americans they represent are vitally concerned with the subject of these hearings: protecting the right of all Americans to cast a vote that counts in every election.

As requested by the Committee, I will focus today primarily on issues relating to voter registration. In particular, I will discuss the historical and continuing need for federal as well as state and local action to ensure meaningful access to the right to vote; the serious problems our nation experienced in last year's election, including problems witnessed first-hand by People For Foundation; and recommendations for future action, including by this Congress.

Importance of Federal Action to Protect the Right to Vote

As this Congress found in enacting the National Voter Registration Act in 1993, restrictive voter registration laws and practices were introduced in our country in the late nineteenth and early twentieth centuries in order to keep certain groups of citizens --- particularly new immigrants, African Americans and other minorities --- from exercising their right to vote. Such tactics as literacy tests, poll taxes, selective purges, residency requirements, and annual re-registration mandates discouraged or prevented voter participation. In fact, between 1896 and 1924, national voter turnout in Presidential elections dropped from 79% to just 49%. In the South, the black vote dropped from 44% to essentially zero. Even after World War II,

in 1947, only 12.5% of African Americans were registered to vote. See H.R. No. 103-9 (1993) at 106.

Court decisions and enactment of the Voting Rights Act of 1965 eliminated some of the obvious barriers to voter registration. But a complex maze of local laws and practices, sometimes effectively as restrictive as some that were made illegal, continued to make it difficult for many citizens to exercise their right to vote. Even as late as the 1990s, People For Foundation encountered many of these barriers in its efforts to promote voter registration and citizen participation among minorities, students, and the poor. Restrictions that varied – sometimes even from one precinct to the next – on where a voter could register, what hours the office was open, who could become a deputy registrar, and the rules for college students continued to create significant problems, including in federal elections.

It was against this background that Congress enacted the National Voter Registration Act, popularly known as “motor voter,” in 1993. As the Senate Rules Committee found, that law became necessary because it is the duty of the federal as well as state and local governments to promote the exercise of the right to vote, and because “discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter registration by various groups, including racial minorities.” S. Rep. No. 103-6 (1993) at 2. NVRA took a major step in the right direction by calling for voter registration at motor vehicle, welfare, and other agencies; registration by mail; and limitations on discriminatory and unfair purging of registered voters. Implementation of the law was slow in some areas, because some states refused or delayed carrying it out. For example, Pennsylvania, Michigan, Virginia and several other states refused to implement NVRA altogether. This led to successful legal action by the Department of Justice, People For Foundation, and others to defend the law.

Despite the slow start in some areas, however, NVRA has been enormously successful. Project Vote recently estimated that NVRA has led to more than 70 million new voter registrations. And NVRA has been implemented, as the Congress intended, in a way that has continued to protect the integrity of the electoral process. As NVRA approaches its 8th

anniversary this May 20, we should all be proud of what it has helped accomplish.

The 2000 Election: Progress and Problems

In the national election last November, we continued to see progress in enhancing voter registration and participation, particularly among minorities and other underrepresented groups. At the same time, serious problems became evident that make clear the need for continued action at the federal, state, and local levels, particularly with respect to minority voters. I can best illustrate that by describing People For Foundation's experience last year in trying to promote voter registration and participation focused on two groups of Americans that traditionally have not been able to fully participate in the democratic process: youth and African Americans.

Last year People For Foundation worked on a project called Ivote2.com, an Internet-based voter registration and participation project aimed at younger voters. Ivote2.com targets young adult audiences with an advertising and public awareness campaign – TV, radio, outdoor advertising, and print – that leads them to a website where they can register to vote and learn about issues and voting. The website and the campaign were all designed by young men and women. We also established a partnership with the United States Student Association to produce and distribute an organizing manual focused on college students and to help coordinate registration drives. Through these efforts, more than 43,000 young people registered to vote last year, and we hope to step up our efforts in the future.

People For Foundation worked nationally on voter registration efforts focused on African Americans through our African American Ministers Leadership Council. Working with local ministers in 20 cities across 10 states, the Council trained more than 1,000 African American ministers on nonpartisan voter registration and participation and distributed more than 5,000 copies of its civic participation training manual. We particularly targeted Florida, which is the fourth most populous state for African Americans. We helped create a nonpartisan effort called Arrive With Five, which encouraged voters to bring at least five other voters to the polls in November. Civic leaders and activists organized "Freedom Tours" around the state and met with clergy, community leaders, and local media

to encourage registration and participation efforts. The program distributed pledge cards and other materials that listed an 800 number connected to an office in Miami that voters could call for voter information, to secure a ride to the polls, and become involved in the effort. More than 100,000 pledge cards were distributed, and the number of African Americans who voted in the state went up by more than 393,000.

Unfortunately, serious problems developed in Florida, many of which reflected problems around the country. On election day, the Miami office we set up to help people vote turned into Complaint Central. We received numerous calls from African American citizens who had registered to vote, went to the polls, but were not permitted to cast a ballot, sometimes waiting 3 hours or more without success. As a result of these and other reports, I went to Florida on the day after the election, accompanied by our legal director and other staff. The weekend after the election, I helped preside at a public hearing convened by the NAACP where many voters testified about the barriers that prevented them from voting. In January, People For Foundation joined the NAACP, the Lawyers' Committee for Civil Rights, and several other civil rights groups in filing a federal court complaint on behalf of the thousands of black voters in Florida whose right to vote in November was unlawfully denied. That case is now pending in federal district court.

While some of the violations in NAACP v. Harris concern problems like the punch-card balloting system, several relate directly to voter registration issues, and are symptomatic of problems reported elsewhere around the country. Our investigation has revealed irresponsible and illegal action by government officials in Florida that deprived thousands of the right to vote. Specifically, I want to mention three such serious problems.

First, many black voters in Florida registered to vote in September or early October, in plenty of time to be able to vote in November, but found that election officials failed to process their applications in time. As a result, they were denied the right to vote. For example, Sherry Edwards registered to vote in September when she was obtaining her driver's license at the Department of Motor Vehicles, as provided by NVRA. She went to the polls on November 7, but was denied the right to vote because she was not listed on the voter rolls.

Second, thousands of minority voters were improperly purged from the voting rolls in Florida. For example, Willie Steen has been a properly registered voter living in Hillsborough County, Florida since he was honorably discharged from the military in 1993. He went to the polls to vote for the first time in November. When he arrived, however, he was told that he could not vote because he had a felony conviction, even though he has never been arrested or convicted of any crime.

Third, many minority voters in Florida were victimized by a “silent” purge. Our investigation revealed that certain registered voters, particularly some who had changed addresses, were placed on an “inactive” list. They were still registered to vote, but their names were not on the list at any polling place. This was true even of voters who had provided notice to government agencies of their change of address. As a result of busy telephone lines on election day and the lack of better equipment, particularly in minority areas, the status of such voters was not verified and they were denied the right to vote. For example, Rondrick Rose moved from one address to another within Hillsborough county almost a year before the election, and notified both the post office and DMV. When he went to his new polling place on election day, he was not listed on the register, even though he was registered to vote. He was told to wait, and did wait for over two hours, while a poll worker tried to get through to the Supervisor of Elections office. Despite waiting for more than two hours, he was never able to vote.

We think it is clear that the conduct of Florida election officials in these and many other cases violated NVRA and deprived thousands of the right to vote. Reports from other states like Virginia and New York have echoed these problems. For example, voters in Virginia reported that names had been improperly removed from the registration rolls, polling places were moved without notice, and registration at DMV offices did not function properly. In New York City, there were reports of numerous unprocessed Motor Voter registration forms and polling places opening late due to broken machines. Our nation has clearly made a lot of progress with respect to voter registration and participation. But events in November clearly indicate that we still have a long way to go.

Recommendations for the future

Based on this experience, let me suggest several recommendations. First, maintaining and enforcing our existing laws, like the NVRA and the Voting Rights Act, is absolutely critical. Congress can play a crucial role in that effort by holding hearings like this one, resisting misguided efforts to weaken our laws, and assisting states and localities in complying with these laws.

In particular, some of the problems experienced in Florida and elsewhere could have been avoided with better trained and equipped election officials, voter registrars, and poll workers. If Florida poll workers had understood that contested voters can cast a “challenged” ballot to be reviewed later, and if they had acted on that knowledge, many of the improperly purged and silently purged voters would have been able to vote. If election officials had kept copies of “inactive” voters lists at the polls or been able to verify voters’ status with headquarters without relying on jammed phone lines, many of those problems could have been avoided. PFAW therefore supports the Dodd-Conyers and Schumer-Brownback bills. Among their other provisions, these proposals would provide grants to states and localities to improve practices relating to education of poll workers and voters as well as election technology and administration.

Both in our Florida suit and elsewhere, we have recommended other specific steps that should be taken to remedy the types of problems we saw last November. Officials should prevent and remedy the wrongful purging of voters and ensure, as NVRA states, that all purging procedures are uniform and non-discriminatory. Lists of “inactive” voters should be maintained at polling places and be just as accessible to poll workers as active lists. Voters should be affirmatively notified of their rights at polling places, by posted notice or otherwise, including their rights to assistance, to correct their ballots if they believe they have made an error, and to cast a “challenged” ballot if there is a dispute as to their registration. Election officials should ensure that no registered voter is turned away because of list maintenance problems. And procedures should be developed to eliminate unfair delays in processing voter registration applications so that everyone who fills out registration forms on time can vote in the next election.

Some have suggested that despite the problems experienced in the last election, there is no real interest among

legislators in pursuing election reform. We fervently hope that this is not the case. This hearing is an important demonstration to the contrary. We agree with the New York Times this week that it is “past time” for the federal government and many state governments to take action on election reform. We urge the Congress to follow up this hearing with action to help guarantee to all Americans the right to cast a vote that truly counts in all federal elections. Thank you very much.

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