

TESTIMONY



Testimony of
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**ON VOTING IRREGULARITIES IN THE
 NOVEMBER, 2000 ELECTION AND
 PROPOSALS FOR CHANGE
 BEFORE THE SENATE GOVERNMENTAL
 AFFAIRS COMMITTEE**

MAY 9, 2001

Good morning, Mr. Chairman, Senator Leiberman and distinguished members of the Committee. Thank you for the opportunity to come before you this morning on behalf of the National Association For The Advancement of Colored People and our 1700 Branches in 50 states, the District of Columbia, Germany, Japan and Korea.

I am here in lieu of our President and Chief Executive Officer, Mr. Kweisi Mfume, who is at this time over on the House side testifying before the House Judiciary Committee about discrimination in the federal workforce. He sends his regrets as well as his appreciation for your activism in this area.

The NAACP is deeply appreciative of the Senate Governmental Affairs Committee for convening this hearing to look into the issue of voting irregularities with respect to last year's Presidential election.

We believe that this is a matter of grave concern for our nation and its people.

We also believe that perhaps millions of voters across the nation were denied their basic right to cast a free vote and to have that vote counted. While the situation in Florida obviously received the most national and media

attention, the NAACP believes that Florida is in fact a microcosm of the entire country. Throughout the United States, millions of American citizens were, for one reason or another, not able to cast their vote or have their vote counted.

Furthermore, the NAACP strongly believes that many of the voting irregularities occurred disproportionately in communities of color, so it was ethnic minority Americans who were, in disparate numbers, excluded from having our voices heard.

There was, as best as we have been able to determine, substantial unresolved allegations across the country of massive voter disenfranchisement in African American, Hispanic American, Haitian American and Jewish communities. The election appeared to have been conducted in such a manner that many of those same communities now believe unequivocally that it was unfair, illegal, immoral and undemocratic.

The specter of these allegations alone indisputably require that the record be made complete in terms of what did and did not happen during the election, and that action be taken now to see that the problems are corrected.

Because the right to vote is the most sacred franchise in a democracy, these hearings, as uncomfortable as they might be to some, must challenge all Americans to focus again on the thorny issue of equal protection under law and whether or not such a protection was afforded to duly registered voters who went to the polls on election day, November, 2000.

Every survey that we have found that was conducted after the election, regardless of where it was in the United States, has shown that the greater the percentage of black voters in a precinct the greater was the likelihood that a significant number of the ballots of those voters were never counted.

There was also a greater likelihood that computer equipment, when available at such polling places, was not adequate or on par with what was available and in use at polling places in precincts that had a relatively low

or inconsequential number of African American voters.

Ask the thousands upon thousands of people who now question if their vote was ever counted, often because of where they live or the color of their skin, and they will tell you without hesitation that they feel violated and robbed.

The national response to this has been a flurry of legislative initiatives announced and undertaken by conscientious members of the House and Senate on both sides of the aisle. If anything, the bi-partisan nature alone of the response thus far has been encouraging. However, the real test will be to see what if anything of substance emerges and is signed into law under the rubric of voting and electoral reform.

In response to the problems that we have identified, the NAACP has developed a set of well thought out ideas and recommendations designed to avoid similar Election Day debacles in the future. We don't seek pride of authorship of those or any other ideas. What we do seek however is a reasonable expectation that the distinguished men and women of both chambers of Congress will work in earnest to move our nation closer toward a universal and uniform system of fairly and accurately casting and counting ballots.

Before I discuss what the NAACP feels needs to happen to correct the myriad of problems that faces our nation's electoral process today, let me begin by recounting some of the problems that the NAACP has identified as having occurred on and around November 7, 2000.

The weekend prior to the election, the NAACP began receiving calls alerting us to the fact that a person or persons were making electronic phone calls into predominately black households, claiming to represent the NAACP, in support of Republican candidate George W. Bush. These calls were apparently taking place in the key battleground states of Michigan and Florida. Specifically, the caller was identifying him- or herself as a representative of the NAACP, saying that the organization endorsed and supported the Republican candidate for President, and urged the recipient of the call to go to the polls on Tuesday and to vote accordingly.

In response to the blatantly false and extremely illegal calls, the NAACP moved quickly to make sure that the U.S. Department of Justice, as well as the Attorneys General of each state was notified. Unable to secure a cease and desist order we used public service time on local radio stations over the next 48 hours to alert people of the false nature of the calls.

Beginning on election day, and still to this day, the NAACP national staff, as well as some of our local branches across the nation, began to receive calls from people who felt that their right to vote had been violated. Subsequent to the election, NAACP national staff, as well as several state conferences and local branches, held hearings throughout the country to investigate allegations of voter fraud, voter intimidation, as well as technical and procedural barriers that resulted in a significant number of votes not being cast or counted.

As a result of the flood of complaints we received, the NAACP held a series of hearings throughout the nation to look into the problems faced by many Americans who wanted to vote but were not able to for one reason or another. We have also continued to receive complaints through phone calls, letters, faxes, testimonials and affidavits. Below I will list a few of the more egregious trends as well as some of the particularly disturbing accounts that we have heard. If the Committee, or any Member, would like additional material, I would welcome the opportunity to share with them some of the volumes of trends and anecdotes, as well as transcripts from our hearings, that our national headquarters has collected.

One particularly disturbing trend was the blatant voter intimidation that appeared to occur throughout the nation. In Georgia, state troopers pulled over a college student who was driving people to the polls. He was told that unless everyone in the van was related to him, or unless he had a chauffeur's license, he must immediately cease and desist in driving people to the polls.

In several states, including Florida and Missouri, we have received affidavits from African Americans who were forced to show identification, while their white neighbors were allowed access with no problem.

After the election, the New York Daily News reported that off-duty police officers and prison guards wearing arm bands and armed with guns were posted outside several polling stations in New York under the guise of “identifying trouble spots.”

In Missouri, an African American businessman in suburban Kansas City reported a Christian Coalition voting guide on a table next to a voting machine. Upon complaining to one election official telling him “God wants you to vote for George Bush. God wants Bush to win (Democrat Al) Gore kills babies.”

Another very troubling trend that we have identified was the utilization of undertrained poll workers, as well as inoperable or malfunctioning voting machines. Again, these trends appear to be more prominent in communities of color across the nation.

The president of the NAACP Arkansas college chapter reported at a hearing that students she had registered were having problems with poll workers not finding their names on the rolls, being turned away by poll workers who indicated that their votes would not be counted, that their votes would be thrown in the trash, and being told that the poll workers simply didn’t feel like looking for an individual’s name on the list.

The NAACP has received reports that some states, particularly Georgia, Illinois and Florida routinely disenfranchised thousands of voters, primarily in low income or ethnic minority communities. In predominantly black Fulton County, Georgia, one in 16 votes for president was invalidated; in nearby Cobb and Gwinnet counties – both mainly white – only one in 200 ballots had to be destroyed because of “irregularities.” In Illinois, more than 50 Cook county precincts reported that on average one in six ballots went uncounted, while almost every vote was counted in Chicago’s outer suburbs.

We believe that it is a part of our obligation as a non-partisan organization to insist that all voters be allowed to cast an unfettered ballot and be free from intimidation and harassment as promised by the Voting Rights Act of 1965. The NAACP abhors the countless

horror stories that can continue to be heard from voters across the nation, and we are incensed and bewildered that so little is being done to address this situation.

The NAACP has, therefore, developed a set of policies and procedures that we are asking every state, as well as the federal government, to adopt prior to the next election.

Like most things that challenge our gift of freedom, we must work hard to ensure that our democratic system retains its integrity. Furthermore, it is important that we act now, so as to quickly start to restore the confidence in the electoral process that was lost for many in this nation, especially in black and Latino communities.

Our policy and procedure recommendations have been crafted in response to the problems of the November 2000 election. We think that, if properly implemented, they will go a long way toward establishing uniform national voting standards that will make it easier to ensure that every American who wants to vote can.

Specifically, the NAACP is calling on the Federal government, as well as each of the 50 states to promptly enact laws, policies and procedures that secure the following:

1. Ensure non-discriminatory, equal access to the electoral process for all voters, including ethnic minorities, the elderly, handicapped / disabled individuals, overseas citizens, and members of the US Armed Services;
2. Modernize voting and counting procedures throughout the state, including voting machines and equipment, to ensure that well-defined, uniform procedures are in place so that the genuine intentions of the voters are reflected in their ballots;
3. Provide necessary and adequate funding and resources to modernize and upgrade all equipment, state-wide, so that voting procedures are uniform and consistent throughout the state;
4. Re-train all poll workers and election officials so that

there is fair, equal and uniform treatment of voters across the state;

5. Launch an aggressive voter education initiative so that potential, new and existing voters are knowledgeable on how to use the equipment correctly and so their genuine intent can be easily determined;

6. Expand poll worker training and recruitment programs, utilizing the best practices from across the nation;

7. Put into place systems to maintain and easily access correct and up-to-date voter rolls using the latest technology;

8. Enhance the integrity and timeliness of absentee ballots;

9. Reexamine all existing voting policies and procedures to ensure that your state and every municipality therein is in full compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) and the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.);

10. Work to identify and eliminate practices which might be perceived as intimidating to certain sectors of the population;

11. Establish clear standards for bilingual ballots for language minorities and the disabled; and

12. Reexamine, simplify and standardize voter re-enfranchisement laws so that every American who is not incarcerated who wishes to vote can do so.

The NAACP realizes that these twelve proposals, taken at once, may be perceived by some as a tall order. And, while we certainly feel that any one of them, if implemented alone, would help the current situation, I cannot stress enough the need to enact all of these policies sooner rather than later. What we need is a comprehensive bill, one that addresses the myriad of

problems that we encountered in November 2000. If even one American is disenfranchised in the next round of elections, in 2002, that is one too many. Only by adopting a comprehensive package of voting reforms will we be able to say that we have done all we can to make sure that our democracy is working.

I commend this committee for your work on this issue and for trying to determine the scope of the problems that we faced last November as well as a solution to those problems. I also realize that some of the recommendations that I have laid out here today are beyond this committee's jurisdiction. I would therefore urge you, in the strongest terms possible, to work with your counterparts on other committees, as well as your colleagues in the Senate, to enact an omnibus bill that does address all of the points I have just raised. As such, I would like to bring to the committee's attention S. 565, the "Equal Protection of Voting Rights Act of 2001", which was introduced by Senator Christopher Dodd. Congressman John Conyers (D-MI) has introduced a companion bill, H.R. 1170, in the House of Representatives.

This legislation takes a comprehensive approach to the problems identified by the NAACP and other civil and voting rights groups in the November elections.

NAACP President and CEO Kweisi Mfume has also personally written to all of the 50 governors of each state and asked that they too work hard to develop uniform standards throughout their jurisdictions. The letters will be followed up by contacts from each of the individual state conference presidents.

In short, the entire NAACP organization is determined to follow through on this issue and will do all we can to see that nothing like the November 2000 Election Day debacle is repeated.

While many Americans may decry the fact that some people's rights were trampled on last November, the NAACP is especially outraged and insulted by what happened. These are rights that people marched for and, in some cases, died for only 35 years ago. Our members and our friends remember the days, not too

long ago, when it was not only legal but also acceptable for states and local municipalities to block access to the voting booth based on a person's skin color, gender, socio-economic status, or ethnicity.

It is no longer legal, but as we just recently saw, it still happens. This is not okay, and we intend to devote all our available resources, if that is what it takes, to see that the situation is rectified.

I again thank the Chairman and members of this committee for holding this hearing and for your continued interest and activism in this area. I would welcome any questions or comments that you may have.

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