

TESTIMONY



Testimony
by
Arturo Vargas, Executive Director
National Association of Latino Elected and
Appointed Officials (NALEO) Educational Fund
before
the United States Senate Committee on
Governmental Affairs
on election practices and procedures
Washington, D.C.
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Chairman Thompson, Ranking member, Senator Lieberman, distinguished Senators and guests. Thank you for the invitation to testify before you today on election practices and procedures. I am Arturo Vargas, Executive Director of the National Association of Latino Elected and Appointed Officials Educational Fund. The NALEO Educational Fund is the leading national organization that empowers Latinos to participate fully in the American political process, from citizenship to public service. We fulfill our mission by developing and implementing programs that promote the integration of Latino immigrants into American society, developing future leaders among Latino youth, providing assistance and training to the nation's Latino elected and appointed officials; and by conducting research on issues important to the Latino population. The NALEO Educational Fund is a 501(c)(3) non-profit, non-partisan organization. Our constituency includes the more than 5,400 Latino elected and appointed officials nationwide.

In examining the issue of election procedures and practices, I would like to offer the members of the committee our experiences of promoting Latino

involvement in the electoral process, as well as the perspective of Latino voters in America today. I would like to discuss the importance of continued enforcement of the Voting Rights Act, particularly Section 203. This section of the Voting Rights Act, as I will discuss, was amended in 1975 to provide voting assistance to language minorities. Last, I would like to share with you our views about the role the federal government should play in addressing the problems that exist in our election systems. From our experience, we believe it is critical that federal election reform be accomplished in a manner that preserves and enhances opportunities for electoral participation among all minority communities. We believe the goals of many of the members of this committee in addressing election reform are completely consistent with those of full participation.

As background, I would like this committee to note that the NALEO Educational Fund has always played a non-partisan role in federal, state and local elections. From assisting Latinos in becoming citizens and registering to vote, to casting their ballots, throughout the years, our efforts have included programs to educate Latinos about voting and participation in the civic life of their neighborhoods and communities.

I want to start by discussing the issue of voting assistance being provided in languages other than English, which will lead me into the importance of Section 203 of the Voting Rights Act and the positive impact it has had on minority electoral participation. The right to vote is a fundamental right. Yet there are many U.S. citizens of language minority backgrounds who are not fully proficient in English and cannot effectively participate in the electoral process due to language barriers. Some of these Americans were born and raised here and never had the opportunity to become fully proficient in English, others are naturalized citizens who because of their advanced age were not required to demonstrate a knowledge of the English language in order to qualify for U.S. citizenship.

Being unable to read or comprehend in English voter

registration materials, referenda or ballots can discourage many of these voters, particularly first-time voters, from exercising their right to vote. Recognizing the link between language barriers and low voter turnout, Congress enacted Section 203 of the Voting Rights Act in 1975. Section 203 requires certain jurisdictions that meet certain population thresholds to provide assistance in the language of limited-English proficient communities in their areas. In enacting Section 203, Congress emphasized that many minority citizens were not exercising their fundamental right to vote due to high rates of illiteracy in English and unequal educational opportunities. Congress reauthorized and strengthened Section 203 in 1992 to make language assistance at the polls a reality for thousands of additional voters.

Many of our nation's newest citizens are eager to participate in the political process. In 1996, for the first time, the Census Bureau published data comparing voting participation rates of native-born and naturalized citizens. The data showed that the surge among Latino voters was directly attributable to immigrant voters. In 1998, 37% of naturalized Latinos voted compared to 31% of native-born Latinos. This is a significant development, particularly in an era where the participation of all of our nation's citizens is decreasing. Language assistance in the voting process helps our nation's newcomers exercise the rights they have worked so hard to attain.

Consequently, we urge that any changes to federal election law and regulations complement and strengthen the protections provided to language minorities in Section 203 the Voting Rights Act. Some opponents of these protections falsely claim that the language assistance provisions of the VRA cost election jurisdictions millions of dollars. This is simply not the case. The VRA's provisions are limited to certain specific language minorities, and geographic areas are only required to comply if they meet certain criteria for the number of limited-English proficient language minorities in their jurisdiction.

The VRA has served as a powerful tool to eliminate barriers that prevented Latinos and other ethnic groups from voting. In fact, many of the political gains Latinos have made can be attributed to the language assistance provisions of the Act added in 1975. The increases in Latino voters and elected officials have given previously excluded Americans an active voice in virtually every elected body in the nation. Still, the VRA has not been immune from those who would limit or diminish its provisions. At least one attempt has been made in each of the last five Congresses to roll back the language assistance provisions in the VRA. This would effectively deny countless numbers of American citizens of Latino and Asian Pacific descent, as well as members of other language minorities such as some Native Americans, their right to vote. We must ensure that opponents of the VRA do not use election reform as a pretense to dilute its protections.

We are also aware that many proponents of election reform advocate a host of changes to election procedures and voting technology. These proponents believe that such changes will modernize and standardize the federal election process. As you assess these proposals, we would like you to keep two recommendations in mind. First, there is an urgent need for reliable and relevant research on the impact of these proposals on citizen participation in elections. And this research needs to specifically consider the experiences and needs of Latinos and other minority voters. This is particularly true for election technology.

Most of the discussion surrounding the need to reform election practices and procedures has been about the problems of punch card ballot systems. Policymakers have raised questions about whether Latinos and other minority voters are disenfranchised by their use. While we have seen some research indicating that Latinos are more likely to live in counties that use punch card equipment, this may be largely attributable to the fact that Los Angeles County uses this system, and Los Angeles County is home to approximately one out of eight of the nation's Latinos. We have also seen data

suggesting that punch card systems have higher overvote/undervote error rates than other technologies. However, it is unclear whether these error rates are a result of such factors as poor equipment maintenance; the lack of a mechanism allowing voters to ascertain whether their ballot was punched accurately; poor chad removal systems or low voter understanding about the use of punch card ballots. Thus, it is important for us to gain a better understanding of whether technological improvements in and of themselves result in more accurate and accessible voting systems.

Finally, we recommend that any efforts to reform voting procedures, standards or technology must be accompanied by a comprehensive program to recruit and train poll workers, and to educate voters about the practical mechanics of voting. One of our earliest voter education efforts was a toll-free, bilingual hotline operated on Election Day in Los Angeles to take reports of voter intimidation or harassment. We found that only a few of our callers reported such incidents. Instead, most of the callers had basic questions such as "Where is my polling place?" "I know I'm registered to vote in this precinct, but the poll worker says I'm not. What do I do?" "How late are the polls open?" For example, we received a number of calls from sites that served as polling places for multiple precincts. A number of voters went to the table for the wrong precinct, and therefore did not appear on the registered voter roster. We were able to inform these voters about using provisional ballots (which is permitted in California), and these voters did cast their vote without a problem.

Our experience also shows, and recent census figures confirm, that in the Latino community, many voters are young or are recently naturalized immigrants who do not have a lot of experience casting ballots. They are in particular need of information about specific voting practices. This is why the recruitment and training of bilingual poll workers is so important. These workers are on the "front lines" and are the persons with whom Latinos will have the closest contact when they vote. We understand many jurisdictions have difficulties with recruiting poll workers, and we encourage them to work

with community-based organizations in their recruitment efforts.

Additionally, we believe that public and private institutions can create effective partnerships to provide voter education. Our own efforts have included presentations where we bring "mock" voting booths and equipment to adult education centers, parent education groups, and other community locations. We have found that participants greatly benefit from the "hands on" voting experience. If we decide that we need to make substantial investments in new technology, or comprehensive changes in voting procedures, we must make a similar investment in voter education.

Mr. Chairman, members of the committee, if voter education is an integral component of election reform, we not only will be able to have election systems that are more accurate and fair, but more accessible as well. Last month, the Census Bureau released Census 2000 data which revealed that the Latino population increased by 58% over the past decade. The data also showed that Latinos are no longer just living in the urban centers of America. While we believe that Congress should have a financial role in assisting states and other localities for administering elections, we also believe it has a much larger and more meaningful role. That role is leadership. The fact that we are here today discussing this important issue is a positive step by this body to lead our country into a new era of electoral participation. But we also ask today that the President take a leadership role as well. The dramatic changes in the growth and distribution of the Latino population revealed by the new Census data represent a prime opportunity for Congress and the President to set the tone for this critical discussion. Our leaders must show the Latino community, and the nation as a whole, that the aim of election reform is to help revitalize our democracy and ensure that it remains vigorous and responsive to all of our distinct voices.

Mr. Chairman, Senator Lieberman, distinguished Senators, thank you again for the opportunity to offer these thoughts and recommendations to you this morning.

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