



**NAACP**

TESTIMONY OF

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**NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE**

(NAACP)

before the

**SUBCOMMITTEE ON THE CONSTITUTION, CIVIL  
RIGHTS, AND CIVIL LIBERTIES**

of the

**COMMITTEE ON THE JUDICIARY  
OF THE U.S. HOUSE OF REPRESENTATIVES**

on

**“EVIDENCE OF CURRENT AND ONGOING  
VOTING DISCRIMINATION”**

*September 10, 2019*



Good morning, Chairman Cohen, Chairman Nadler, ranking Member Johnson, and esteemed members of this subcommittee. Thank you for inviting me to testify before you on this very important topic which is crucial to the very core of our democracy.

My name is Derrick Johnson and for the past two years I have had the honor of serving as President and CEO of the National Association for the Advancement of Colored People, otherwise known as the NAACP. Since 1909, the NAACP has served as our nation's largest, oldest, and most widely-recognized grassroots-based civil rights organization. Prior to my current position, I served as the Vice Chair of the NAACP's Board of Directors, and for more than 13 years I was the President of the Mississippi State Conference of NAACP Branches.

The NAACP currently has over 500,000 card-carrying members in more than 2200 membership units in every state in the nation, as well as on American military installations in Asia and Europe. Our mission statement declares that our goal is "...to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination." As part of our original mandate, we have worked to strengthen our nation's democracy by protecting the rights of all eligible Americans to cast a free and unfettered vote and to be certain their vote is counted.

Throughout our history, the NAACP has advocated and worked against such racist and heinous obstacles as America's Jim Crow laws and the Black Codes, among others. As such, we were instrumental in the development and enactment of the 1964 *Civil Rights Act*, the 1965 *Voting Rights Act*, and its reauthorizations, the 1992 *National Voter Registration Act*, (NRVA or Motor Voter Law), and the 2002 *Help America Vote Act* as well as several other key pieces of Federal legislation aimed at enhancing, ensuring, and protecting Americans' right to vote.

Tragically, our country, which once promoted itself as the beacon of democracy throughout the world, has seen a reversal in the century-old struggle for achieving the goal of "one person, one vote." This reversal has been strategic and multi-faceted and has disproportionately targeted groups of Americans who have historically been disenfranchised by malevolent laws and mean-spirited individuals. Specifically, those who have been targeted for disenfranchisement are disproportionately racial and ethnic minorities, low-income Americans, the elderly, students and women.

Whether through stringent photo identification requirements, questionable purges of the voting rolls, the closure of polling stations in communities predominantly comprised of Americans of color, shortened early voting periods, or initiatives making it harder for third parties to register qualified voters, some states are abridging the voting rights of millions of

Americans. Many of these tactics purport to be combating voter fraud, however numerous studies have shown that this is not really a problem<sup>1</sup>. In fact, several well-respected researchers have found that reports of voter fraud are roughly as common as reports of alien abduction<sup>2</sup>.

While many of these disenfranchising moves are being pursued in states which had been subjected in part or in whole to Section 5, otherwise known as the “Pre-clearance section” of the 1965 *Voting Rights Act*, they have spread like a malignant cancer to several states which did not have even a single county covered. The Center for American Progress issued a report in which they found that there were several “voter suppression measures and other Election Day problems that potentially kept millions of eligible Americans from participating in the 2018 midterm elections.”<sup>3</sup>

Just a few of the voter suppression tactics we have seen flourish in the last few years include disenfranchising, stringent photo ID requirements, purges of voter registration rolls, the closure or other problems in the operation of polling stations in communities predominantly comprised of Americans of color and the resulting long lines to vote, and a number of tactics aimed at making it harder for eligible Americans to cast a free and unfettered ballot.

It has not been lost on the NAACP that many of these tactics disproportionately target the communities we serve and represent.

### **Photo Identification Requirements**

As of April 1, 2019, 35 states enforced (or were scheduled to begin enforcing) voter identification requirements. A total of 17 states require potential voters to present photo identification; the remainder accept other, often multiple, forms of identification.

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<sup>1</sup> Levitt, Justin, “The Truth About Voter Fraud,” November 9, 2007, the Brennan Center. Available at <https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf>  
Gore, D’Angelo and Kiely, Eugene “Trump’s New Twist on False Voter Fraud Claim” June 26, 2019, FactCheck.org. Available at <https://www.factcheck.org/2019/06/trumps-new-twist-on-false-voter-fraud-claim/>  
Bump, Phillip, “Trump Wants to Focus on the ‘Real Threat’ to Elections: Not Russia, butt Imaginary Voter Fraud” August 14, 2019, The Washington Post Available at <https://www.washingtonpost.com/politics/2019/08/14/trump-wants-focus-real-threat-elections-not-russia-imaginary-voter-fraud/>

<sup>2</sup> Farrell, Henry “Trump’s Commission Should Investigate Alien Abduction, Not Voter Fraud. There’s as much Survey Evidence for Both” May 11, 2017, The Washington Post. Available at <https://www.washingtonpost.com/news/monkey-cage/wp/2013/11/14/about-as-many-people-say-theyve-been-abducted-by-space-aliens-as-say-theyve-committed-voter-fraud/>

<sup>3</sup> Root, Danielle and Barclay, Aadam “Voter Suppression During the 2018 Midterm Elections” November 20, 2018 Available at <https://www.americanprogress.org/issues/democracy/reports/2018/11/20/461296/voter-suppression-2018-midterm-elections/>

While some states, beginning with South Carolina in 1950 enacted voter ID laws before *Shelby v. Holder*, the laws tended to accept any form of ID, photo or not, and the states which were covered all or in part by Section 5 of the 1965 *Voting Rights Act* did not successfully enact strict, disenfranchising photo ID laws. It should be noted that within 24 hours of the *Shelby v. Holder* decision 4 states which had been covered entirely or in large part by Section 5, specifically Texas, North Carolina, Mississippi, and Alabama, all announced that they were going to begin to implement the same strict photo identification laws which the U.S. Department of Justice had determined were discriminatory.

What these laws do is create a barrier to keep the up to 21 million Americans, or 11% of the entire voting-eligible population, who do not have one of the stringent government-issued photo IDs, out of the ballot booth. A study by the Government Accountability Office found that voter ID laws can reduce participation in elections by between 2 percent and 3 percent. Sadly, a disproportionate number of these people who do not have eligible government-issued IDs are racial and ethnic minorities, the elderly, women, students, or low-income Americans. A full 25% of African Americans who would otherwise be eligible to vote do not have a qualified photo ID<sup>4</sup>.

Perhaps the most egregiously discriminatory photo ID law took effect in Texas. Under the new Texas law, voters are allowed to use a concealed handgun license as proof of identity, but precludes voters from using a student photo ID, even if the student ID was issued by a state university. As the Texas Department of Public Safety recently noted, African Americans are significantly underrepresented among the state's handgun license holders. Of the more than 100,000 concealed handgun licenses issued in Texas last year, only 7.69% were issued to African Americans, even though African Americans constitute 12.1% of the state's voting age population. In contrast, African Americans are more likely to attend a public university in Texas than whites. According to the 2009 American Community Survey, 8.0% of voting-age African Americans in Texas attended a public university compared with only 5.8% of voting age whites<sup>5</sup>.

Photo ID proposals re-create new obstacles in voting akin to a modern day "poll-tax" by forcing Americans to pay for government approved ID before they can vote. Many of our most vulnerable citizens do not have or cannot easily obtain the paperwork needed to obtain a photo ID, such as passports, birth certificates or naturalization papers. Furthermore, obtaining a photo ID may require taking as much as a day off of work or traveling far distances, both of which may prove to be almost insurmountable. The requirement that all voters present a

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<sup>4</sup> The Advancement Project: *What's Wrong with This Picture? New Photo ID Proposals Part of a National Push to Turn Back the Clock on Voting Rights*. Page ii

<sup>5</sup> The Brennan Center for Justice: *Voting Law Changes in 2012*. Weiser, Wendy and Norden, Lawrence. 10/3/2011. Page 24

government issued photo ID before being able to cast a regular ballot will disproportionately disenfranchise African Americans and other racial and ethnic minority Americans, as well as the elderly, individuals with disabilities, Americans living in rural areas, students, women, Native American voters, the homeless, and low-income people who are less likely to have or carry a photo ID.

The national office of the NAACP, often in conjunction with affected NAACP State Conferences of Branches, has used our legal powers to argue against many of these disenfranchising, disproportionate photo ID requirements in court.

- In the Alabama State Conference of NAACP Branch's ongoing challenge to Alabama's requirement that voters present photo identification before casting their ballots, the State Conference has appealed from the trial court's ruling on summary judgment that HB19 (the state's photo ID law) does not discriminate on the basis of race. The Alabama State Conference of NAACP Branch's brief principally asserts that there are triable issues of material fact as to whether HB19 violates Section 2 of the *Voting Rights Act* because of its disparate impact on African Americans.

### **Voter purges**

"Voter purges" are the term used to describe the process in which election officials attempt to remove ineligible names from voter registration lists. When done correctly, purges ensure the voter rolls are accurate and up-to-date. When done incorrectly, either due to incompetence or as a result of nefarious motives, purges disenfranchise legitimate voters.

Specifically, problems arise when states remove voters who are still legally eligible to vote. States rely on faulty data that purport to show that a voter has moved to another state. Oftentimes, these data get people mixed up. In big states like California and Texas, multiple individuals can have the same name and date of birth, making it hard to be sure that the right voter is being purged when perfect data are unavailable. Troublingly, racial and ethnic minority voters are more likely to share names than white voters, potentially exposing them to a greater risk of being purged. Voters often do not realize they have been purged until they try to cast a ballot on Election Day — after it's already too late. If those voters live in a state without election day registration, they are often prevented from participating in that election<sup>6</sup>.

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<sup>6</sup> Morris, Kevin "Voter Purge Rates Remain High, Analysis Finds" August 1, 2019, the Brennan Center for Justice. Available at <https://www.brennancenter.org/blog/voter-purge-rates-remain-high-analysis-finds>

According to a report by the Brennan Center, after analyzing 2019 data provided to their researchers by the non-partisan U.S. Election Assistance Commission (US EAC),

- At least 17 million voters were purged nationwide between 2016 and 2018, similar to the number purged between 2014 and 2016, but considerably higher than those purged between 2006 and 2008;
- The median purge rate over the 2016–2018 period in jurisdictions previously subject to preclearance was 40 percent higher than the purge rate in jurisdictions that were not covered by Section 5 of the *Voting Rights Act* (prior to the *Shelby County* decision, jurisdictions covered under Section 5 of the *Voting Rights Act* collectively had purge rates right in line with the rest of the country); and,
- If purge rates in the counties that were covered by Section 5 were the same as the rates in non-Section 5 counties, as many as 1.1 million fewer individuals would have been removed from voter rolls between 2016 and 2018<sup>7</sup>.

A handful of states are using someone's decision not to vote as the trigger for removing them from the rolls. At least nine states (Alaska, Georgia, Montana, Ohio, Pennsylvania, South Dakota, Oklahoma, Oregon and West Virginia) have purged an estimated hundreds of thousands of people from the rolls for infrequent voting since the 2014 general election<sup>8</sup>. States with these policies are removing voters at some of the highest rates in the nation, no matter the reason.

No state has been more aggressive with this approach than Georgia, where in late July 2017 more than half a million people — 8 percent of Georgia's registered voters — were cut from the voter rolls in a single day. For an estimated 107,000 of those people, their removal from the voter rolls was triggered not because they moved or died or went to prison, but rather because they had decided not to vote in prior elections<sup>9</sup>.

In Ohio, 50,000 people were removed from the rolls in 2015 and 2016 for not voting<sup>10</sup>. More than 10 percent of voter registrants in the “heavily African-American neighborhoods near downtown” Cincinnati were purged for failing to vote since 2012, compared with only 4 percent of registered voters living in the surrounding suburb of Indian Hill, which is mostly white Americans.

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<sup>7</sup> Ibid

<sup>8</sup> Caputo, Angela, et.al. “They Didn’t Vote.....Now They Can’t” October 19, 2018, APM Reports. Available at <https://www.apmreports.org/story/2018/10/19/georgia-voter-purge>

<sup>9</sup> op. cit. Caputo, et.al.

<sup>10</sup> Ibid

Sadly, the U.S. Supreme Court validated Ohio's process for purging voters from voter rolls simply for not having voted in two previous elections and failing to return a mailer. With its ruling, the Supreme Court gave Ohio and other state governments a stamp of approval to manipulate voter rolls and keep eligible Americans, particularly people of color, from participating in elections.

Given that so many races have been won or lost by only a few hundred votes, these numbers have the potential to change the outcome of elections. Moreover, if you happened to be one of those 157,000 Americans and you wanted to cast a ballot, only to find that your name had been removed (or purged) from the rolls, many would argue that your Constitutionally guaranteed right to vote had been violated.

The national office of the NAACP, often in conjunction with affected NAACP State Conferences of Branches, has used our legal powers to argue against many of these disenfranchising tactics in court.

- On August 26, 2019, the U.S. Court of Appeals for the Seventh Circuit affirmed a district court's grant of a preliminary injunction against Indiana's use of Kris Kobach's (the extremist former Kansas Secretary of State) "Cross-Check System" to purge voters from the rolls without first seeking to contact the purged voter via mail notification as required under the NVRA. The lawsuit was brought by Common Cause, the Indiana League of Women Voters and the Indiana State Conference of the NAACP.
- The Georgia State Conference of NAACP Branches sent a notice letter to the Laurens County (Georgia) Board of Elections seeking full restoration to the voting rolls of persons who were unlawfully purged from the rolls in violation of the NVRA, and, if necessary, to file suit against the Laurens County Board of Elections. The Laurens County Board of Elections unlawfully removed hundreds of eligible voters from the voting rolls in violation of the NVRA in 2017 and 2018. The unlawful purging process appears to have ended in 2018, but the Board of Elections has yet to fully restore to the rolls all of the voters who were unlawfully purged. The Georgia State Conference of NAACP Branches, represented by the Lawyers Committee for Civil Rights Under Law, sent a notice letter to the Laurens County officials, which is a prerequisite to filing suit under the NVRA.

### **Polling location closures which contributed to long lines and waiting periods to vote**

Prior to the US Supreme Court decision in *Shelby County v. Holder*, jurisdictions with a history of discrimination were required to give substantial notice to voters about any planned polling place closures. And they were required to consult with the minority community to ensure that any proposed voting change was not discriminatory. Post-*Shelby*, however, a study by the



Leadership Conference Education Fund found that some of the same jurisdictions which had been under Section 5 due to their history of discrimination are making voting more confusing and less accessible by engaging in massive reductions in the number of polling places, often with little or no public warning<sup>11</sup>.

In fact, the Leadership Conference study demonstrated that since *Shelby*, hundreds of polling places have been closed in counties once covered by Section 5. Voters in these counties had at least 868 fewer places to cast ballots in the 2016 presidential election than they did in past elections, a 16 percent reduction. Out of the 381 counties in their study, all of which pre-*Shelby* had been covered by Section 5, 165 of them—43 percent—have reduced voting locations<sup>12</sup>.

The Leadership Conference’s report concluded by finding that “Without oversight, transparency, and accountability, counties formerly covered by Section 5 closed hundreds of polling places in advance of the first presidential election in 50 years without a fully operable *Voting Rights Act*.<sup>13</sup>” In addition to confusion, poll closures cause long lines, frustration, and delayed opportunities to vote. When you are paid by the hour, as too many Americans of color are, if your choice is between waiting in a 3-hour long line to cast a vote or feed your family for the evening, the choices become more clear.

The national office of the NAACP, often in conjunction with affected NAACP State Conferences of Branches, has used our legal powers to argue against many of these disenfranchising tactics in court.

- On Election Day, the NAACP national Legal Department attorneys worked with the Georgia State Conference of NAACP Branches and the Lawyers Committee for Civil Rights Under Law to win emergency orders extending polling place hours in several precincts in and around Atlanta that had been plagued by long lines and broken equipment.
- After the Randolph County, GA, elections commission announced plans to close seven of the nine polling locations in this predominantly African-American county, the Georgia State Conference of NAACP Branches, represented by the Lawyers Committee for Civil Rights Under Law, submitted a letter strongly opposing the proposed closures and threatening litigation. The proposed closures generated overwhelming community

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<sup>11</sup> The Leadership Conference Education Fund, “The Great Poll Closure” November 2016 Available at <http://civilrightsdocs.info/pdf/reports/2016/poll-closure-report-web.pdf>

<sup>12</sup> Ibid

<sup>13</sup> Ibid

opposition. In response, the elections commission quickly scrapped the plan to close the polling locations.

### **The repeal or lack of a pursuit of various proven tactics making it easier to register to vote and to cast a ballot**

Like the closing of polling stations, many tactics which made it easier to vote, and were utilized heavily by African Americans and other Americans of color, are being steadily repealed or scaled back by states, or in too many cases are not being investigated by local election officials. Given our historically low voter turnout among eligible Americans -- in 2016, 61.4 percent of the citizen voting-age population reported voting, and in the most recent mid-term election in 2018 only 53.4% of Americans of voting age reported voting<sup>14</sup> – we as a nation should be working to expand and protect voters’ access to the polls. We should universally be trying tactics such as early voting, Sunday voting, automatic voter registration, same day voter registration, on-line voter registration, and mail-in ballots. We should be encouraging youth voters by requiring colleges and universities to offer and encourage voter registration to all students, we should be assuring the integrity of the voting process by overseas residents especially those serving our country in the armed services, and we should be cracking down hard on voter deception, intimidation and interference by foreign nations. Lastly, we should be working to ensure the provisional ballot process is smooth, easy, accurate, and that valid provisional ballots are guaranteed to be counted.

Instead, we have been witnessing states and localities that have been hostile to many of these procedures. Perhaps the best example is North Carolina, in which 40 out of 100 counties were covered by Section 5 of the 1965 Voting Rights Act pre-*Shelby*. In 2016 a federal court struck down a 2013 law which was enacted only months after the Supreme Court’s *Shelby* decision. In addition to mandating a strict photo ID requirement before voting, the law eliminated same-day voter registration, put an end to seven days of early voting and prohibited out-of-precinct voting. In striking down the 2013 act, the judges found that the primary purpose of the law wasn’t, as supporters claimed, to stop voter fraud, but rather to disenfranchise minority voters. In their decision, the judges found that the provisions “target African Americans with almost surgical precision.”

North Carolina is hardly alone. A number of states have reversed efforts to make it easier for citizens to vote. Many of these are the same states that have waged a full attack on immigrant

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<sup>14</sup> Misra, Jordan U.S. Census Bureau: Current Population Survey Voting and Registration Supplements Elections 1978 – 2018, April 23, 2019. Available at: <https://www.census.gov/library/stories/2019/04/behind-2018-united-states-midterm-election-turnout.html>

communities, the labor community and communities of color through targeted campaigns.

Examples of these disenfranchising laws include:

- In New Hampshire - strict voter registration laws that require those registering within 30 days of an election to prove they live in the ward or town where they are trying to vote were in place on Election Day 2018. This requirement disproportionately disadvantaged college students, who number more than 90,000 in a state with a voting-age population of slightly more than one million.
- In Georgia, 53,000 voter registrants—70 percent of whom were African American — were placed in “pending” status by the secretary of state because of minor misspellings or missing hyphens on their registration forms. A federal judge intervened to stop this practice on November 2, 2018—four days before the election—citing the “differential treatment inflicted on a group of individuals who are predominantly minorities.” However, those with pending registration statuses were still forced to prove eligibility, including U.S. citizenship, before voting on Election Day, which can be difficult for Americans lacking access to birth certificates, passports, or nationalization documents.
- In Michigan the secretary of state’s alleged failure to update tens of thousands of voter registration addresses in the state’s voter registration database caused problems. Progress Michigan filed a Freedom of Information Act (FOIA) request on October 19, 2018, to learn more about how the error occurred. The secretary of state’s office, for its part, vowed to remedy the mistake, although it is unclear at this time whether this was accomplished.
- In 2018, a lack of online voter registration proved a problem for the people of Texas. The absence of this commonsense pro-voter reform has long been a problem for voters in the state. In 2016, the Texas Civil Rights Project filed suit challenging the state’s failure to provide opportunities to register to vote when renewing drivers’ licenses, claiming it violated the National Voting Registration Act (NVRA). In May 2018, a federal judge agreed and ordered Texas to implement an online voter registration system in time for the 2018 midterm elections; however, the state’s appeal to the 5th U.S. Circuit Court of Appeals prevented this from happening.
- On October 9, 2018, the U.S. Supreme Court upheld a North Dakota law requiring voters to have an ID with a current street address, thereby potentially preventing tens of thousands from voting—including an estimated 5,000 Native Americans. Many Native Americans living on reservations lack residential addresses and instead receive their mail at P.O. boxes. And under this new law, even tribal ID cards are inadequate if they do not list a street address.

The NAACP has used our legal powers to argue against many of these disenfranchising tactics in court.

- In the run-up to Election Day, the Georgia State Conference, together with the Lawyers Committee for Civil Rights Under Law and other advocacy groups, won a lawsuit challenging the state's decision not to process 53,000 voter registration applications, the majority of them from African Americans. A federal court in Atlanta ordered the state to allow persons whose registration status was deemed "pending" to vote.
- In the Alabama State Conference of NAACP Branch's federal lawsuit challenging Alabama's at-large system for electing all members of state appellate courts, the court denied the State of Alabama's 12(b) (6) motion to dismiss. The court held that plaintiffs have standing to sue, that plaintiffs satisfied their pleading burden by suggesting sub-districting as a potential remedy, and that the case cannot be dismissed under the Supreme Court's totality of the circumstances test.
- As a result of legal suits brought by the Missouri State Conference of NAACP Branches, the U.S. Court of Appeals for the Eighth Circuit affirmed the trial judge's ruling that the at-large voting system for electing members of the Ferguson-Florissant school board violated Section 2 of the *Voting Rights Act* by denying African-American residents a fair opportunity to elect candidates of their choice. On February 4, 2019, the U.S. Supreme Court denied the school district's petition for certiorari. Accordingly, the district lines had to be re-drawn in advance of the April 3, 2019 School Board Election.
- The Louisiana State Conference of NAACP Branches recently joined a federal lawsuit challenging the map for electing justices to the Louisiana Supreme Court. Justices to the Court are elected from seven single-member districts. While the VAP in Louisiana is approximately 30 percent, only one of the seven districts for electing justices to the Court is majority African American, and predictably, sadly, only one of the seven justices on the Court is African American. Given the racial polarization of voting in Louisiana and the ease with which a second majority African-American district could be drawn, the NAACP State Conference believes the current map violates Section 2 of the VRA by denying African-American voters a reasonable opportunity to elect justices of their choice. The case is pending.
- The Florida State Conference of NAACP Branches, along with other plaintiffs, filed suit in Florida challenging the weakening of Florida Amendment 4, which restored voting rights to certain categories of formerly incarcerated persons. The legislation conditions restoration of voting rights on payment of outstanding fines and other bases not expressly stated in Amendment 4. The State Conference challenges the legislation on equal protection and due process grounds. The case is pending.

The NAACP has also been fighting a trend in several states which have made it harder for non-partisan groups to register eligible voters.

- The Mississippi State Conference of NAACP branches, with approval from the National NAACP office, filed a lawsuit under the NVRA arguing that Mississippians who do not register to vote in time for a general election may nevertheless vote in a *runoff* if they register to vote 30 days in advance of the runoff and meet other requirements. The State of Mississippi argued, contrary to the express language of the NVRA, that only those registered to vote in the general election were eligible to vote in a subsequent runoff.
- The Tennessee State Conference of NAACP Branches filed suit earlier this year mounting a facial challenge to the constitutionality of Tennessee SB971/HB1079, a statute that impose substantial restrictions on third-party voter registration activities as well as criminal and civil monetary penalties, all in a manner that threatens to chill efforts to register voters throughout the State of Tennessee. Among other objectionable features, the statute:
  - imposes civil penalties on the submission of 100 or more “incomplete” registration applications within a calendar year, with separate penalties assessable in different counties;
  - fails to define adequately which groups and individuals would be subject to the law’s restrictions; and
  - imposes criminal penalties for “any public communications regarding voter registration status” that is not accompanied by a disclaimer that the communication is not authorized by the state.

The State Conference and other plaintiffs are seeking a preliminary injunction against enforcement of the new law.

### **Next steps**

As the world leader in democracy, the United States should constantly seek new ways to expand participation in our governing process, as well as means to protect groups that have historically been disenfranchised and how to assure the American people that their government is free of and safe from foreign influence.

First we call on the U.S. Senate to pass and President Trump to sign into law H.R. 1 / S. 949, the *For the People Act*. H.R. 1 is a comprehensive bill with provisions to protect, support, and make it easier for eligible American citizens to cast a free and unfettered vote, prevent fraud, and to be sure their vote was counted. While there have been a number of NAACP-supported bills

introduced this year which would deliver crucial, individual “fixes,” H.R. 1 represents a coordinated, comprehensive effort to protect and promote the voting rights of all Americans. This vital legislation includes many of the tools the NAACP has identified throughout our nation as improving voter registration and turn-out and successful voter participation: it includes provisions to promote automatic voter registration; same-day voter registration; early voting; voting by mail; the re-enfranchisement of ex-felony offenders; and an improvement in provisional ballots; while at the same time prohibiting voter caging, voter deception and voter intimidation. The *For the People Act* also promotes secure voter registration via the internet and gives much-needed resources and additional authority to the Election Assistance Commission (EAC), a federal agency created in 2002 and is charged with determining and promoting the best, most secure practices to safeguard our democracy.

Protecting groups, such as racial and ethnic minorities, which have historically been disenfranchised, is also vitally important. In order to pursue this goal, the NAACP supports and calls for the quick enactment of H.R. 4 / S. 561, the *Voting Rights Advancement Act*. This seminal legislation would repair and strengthen the 1965 Voting Rights Act in light of the damage caused by the U.S. Supreme Court decision in *Shelby v. Holder*. In short, this crucial legislation would: modernize the preclearance formula to cover states with an historical pattern and practice of discrimination; ensure that last-minute voting changes won't adversely affect voters; protect voters from the types of voting changes most likely to discriminate against people of color and language minorities; enhance the ability to apply a preclearance review when needed; expand the effective Federal Observer Program; and improve voting rights protections for Native Americans and Alaska Natives. Furthermore, this legislation includes all of the priorities necessary for a strong VRA restoration as established by the NAACP National Board of Directors.

The US Supreme Court made it clear that Congress can fix the problems with Section 4(b) of the *1965 Voting Rights Act* and pass a law to replace the criteria for which states or jurisdictions must comply with Section 5 “preclearance.” H.R. 4 / S. 561 does what the Supreme Court insisted on and improves the decades-old formula to better suit today's needs of discrimination at the polls.

Lastly, the NAACP calls on the Senate to pass and President Trump to sign into law H.R. 2722 / S. 2053, the “*Securing America's Federal Elections*” or “SAFE” Act. As drafted, the SAFE Act provides resources to ensure that our elections are secure, accurate, and free from foreign intervention for the foreseeable future. Like most Americans, we have been outraged at media reports highlighting antiquated or porous voting systems and attempts to undermine our democracy. We need H.R. 2722 / S. 2053 to ensure that State and local election officials are

able to replace aging voting machines with voter-verified paper ballot voting systems. To ensure the sustainability of these improvements, states are then provided with no less than \$1 per voter who participated in the most recent election to maintain election security.

Together, these bills, H.R. 1, H.R. 4, H.R. 2722 and their Senate counterparts would expand participation in our governing process, protect groups that have historically been disenfranchised and assure the American people that their government is free of and safe from foreign influence.

## **Conclusion**

The NAACP stands firm with the principles of an inclusive democracy through:

- Prioritizing a pro-voter platform within our fight forward to reclaim the democratic values of this nation to be inclusive, as well as an opportunity to build an independent political movement that aligns with our shared values;
- Advocating to expand and protect voting rights at the federal and state level, including the full restoration and improvement of the 1965 *Voting Rights Act*;
- ensuring the modernization of voting through a number of proven tactics;
- making it easier for all Americans to vote;
- Fighting to protect the voting rights of working people and all people of color as well as all Americans when they come under attack, especially against attempts to suppress votes in the lead-up to elections, including through support for community-focused voter education and voter protection efforts;
- Changing structural rules to ensure that every vote and every American voice counts equally; and,
- Reshaping the political debate to demand full democracy at every level of government.

Voter suppression has played a huge role in silencing the political voices of the African American community and all people of color historically and during the 2018 midterm election season. We must now look forward and prepare for the 2019 and 2020 election cycles and the 2020 Census, and the imminent threats that are facing the Census and our democracy. The NAACP is determined to shape a culture of voting and reach people who don't vote regularly, especially those who believe their votes don't matter.

America's hard-working families and communities deserve better. As a movement that is 110 years old we demand that a pro-voter agenda be adopted immediately, starting with the restoration and expansion of the 1965 *Voting Rights Act* and passage of legislation that expands opportunities for citizens to vote. We join with hundreds of other civic and civil rights

organizations across the political spectrum in calling for real integrity in our democracy, and urge our leaders to expand and protect the right to vote of all of the American people.