

Once again, I extend my best wishes for a Happy Double Tenth Day to the people of Taiwan and our Taiwanese American friends at home.

VOTING RIGHTS

SPEECH OF

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2016

Ms. BASS. Mr. Speaker, on May 20, 2016, I was honored as a special guest at an event in Monterey Park, California titled "Protect Your Future: Restore the Vote". The event was organized to help constituents gain a better understanding of the negative impact of the Supreme Court decision, *Shelby County vs. Holder*.

Members from our communities heard expert testimony from the National Association for the Advancement of Colored People (NAACP) regarding the devastating impacts of the decision upon the Voting Rights Act. I include in the RECORD the expert testimony of Sean Dugar, Regional Director, Region I of the NAACP into the CONGRESSIONAL RECORD.

TESTIMONY OF SEAN DUGAR, REGIONAL DIRECTOR, REGION I, TESTIMONY ON BEHALF OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) ON THE ROUNDTABLE DISCUSSION "PROTECT YOUR FUTURE: RESTORE THE VOTE"—MAY 20, 2016

Good morning, Congresswoman CHU, Congresswoman ROYBAL-ALLARD, Congresswoman SANCHEZ, and distinguished guests and friends. Thank you so very much for inviting me here to discuss fully restoring and protecting the right to vote. I appreciate the opportunity to provide you with the thoughts and opinions of the NAACP on this very important issue.

Founded more than 107 years ago, in February of 1909, the National Association for the Advancement of Colored People, the NAACP, is our nation's oldest, largest, and most widely-recognized grassroots-based civil rights organization. We currently have more than 1,200 active membership units across the nation, with members in every one of the 50 states as well as units on overseas military bases. In addition to our community based adult units, we also have youth and college units in hundreds of communities and schools including colleges and university campuses across the country as well as units in prisons.

My name is Sean Dugar, and I am the regional field director for the NAACP for Region I. The NAACP divides the country into seven regions, and Region I is the western-most region: it is comprised of Alaska, Arizona, Hawaii, Idaho, Nevada, Oregon, Utah, Washington, and of course, California. I am a national staff person, and I come to you today on behalf of the national NAACP. In preparing this testimony, I consulted with Mr. Hilary Shelton who is the Director of the Washington Bureau and the lead advocate for the NAACP before the federal government. Hilary asked that I tell you all how sorry he is that he cannot be here today and indicated that he would be more than happy to answer any questions you may have which I cannot answer for you.

The NAACP, a non-profit, non-partisan organization was established with the objective of insuring the educational, political, social, and economic equality of racial and

ethnic minorities in our country. The NAACP has as its mission the goal of eliminating race prejudice and removing all barriers of racial discrimination through the democratic process. Voting rights for all eligible Americans, advancing voter participation and the eradication of disenfranchising practices and voter fraud, has been a top priority of the NAACP since our founding. Throughout our more than 107-year history, the NAACP has advocated and worked against such racist and heinous obstacles to full democratic citizenship participation such as America's Jim Crow laws and the Black Codes.

As such, we were instrumental in the development and enactment of the 1965 Voting Rights Act, and its subsequent reauthorizations, the 1992 Motor Voter Law, and the 2002 Help America Vote Act as well as several other key pieces of Federal legislation aimed at ensuring and protecting the rights of all eligible Americans to cast an unfettered vote and be certain that our vote has been counted.

Tragically, our country, which promotes 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 sadly targeted disproportionately at the very people whom I would argue could use a louder, stronger, and more consistent voice among our elected officials. Specifically, a majority of those currently being disenfranchised by these malevolent laws are racial and ethnic minorities, low-income Americans, the elderly, students and women. Whether through bogus photo identification requirements, racially disparate ex-felon disenfranchisement laws, shortened early voting periods, or initiatives making it harder for third parties to register qualified voters, states are abridging the voting rights of millions of Americans.

Furthermore, with the Supreme Court's misguided, harmful 2013 decision in *Shelby v. Holder*, many of the protections we had begun to appreciate are now threatened. The Voting Rights Act of 1965 (VRA), for which the NAACP was on the frontlines in the struggle to enact, was signed into law to insure that under the 15th Amendment to the U.S. Constitution, no one, including federal, state or local governments, may in any way impede people from registering to vote or voting because of their race, ethnicity or other differences. Most provisions in the VRA, and specifically the portions that guarantee that no one may be denied the right to vote because of his or her race or color, are permanent, and as such are not the provisions subject to reauthorization.

Section 5 of the VRA requires certain states or jurisdictions, which have an established history of laws or policies which result in the disenfranchisement of a group of racial or ethnic minority voters to obtain advance approval or "preclearance" from the US Department of Justice or the US District Court in D.C. before they can make any changes to voting practices or procedures. Examples of these changes include any change in the date, time, place, or manner under which an election is held. Federal approval is given to make the proposed change as soon as the state or jurisdiction proves that the proposed change would not abridge the right to vote on account of race or color. Originally, in 1965, legislators hoped that within five years the problems would be resolved and there would be no further need for these enforcement-related provisions: however, it proved necessary to extend these protections in 1970, and again in 1975, 1982 and 2006 through the Congressional reauthorization process.

As a side note, the 2006 reauthorization, which had passed the House by the over-

whelming bipartisan vote of 390-33, appeared to be stalled in the Senate, and was being threatened by a number of dangerous amendments. But thousands of delegates and friends of the NAACP who were attending our annual convention in Washington, marched from the convention center to Capitol Hill in support of the reauthorization bill and then went to their Senators' offices with specific demands to pass the reauthorization bill without amendment. I am pleased to report that the bill was passed later that same week, unamended, by a vote of 98 to 0.

I am relaying this anecdote because the march was driven mostly by our youth and college division, who led the marchers on that incredibly hot July day not only for the 2+ miles to the Hill, but then also on visits with their Senators. It was an instance where the NAACP, and specifically the next generation of NAACPers, made a real difference.

On June 25, 2013, however, the U.S. Supreme Court issued its decision in the case of *Shelby v. Holder* in which the Court did not invalidate the principle of preclearance. The Supreme Court did decide, however, that Section 4(b) of the VRA, which establishes the formula that is used to determine which states and jurisdictions must comply with preclearance, is antiquated and thus unconstitutional and can no longer be used. Thus, although Section 5 survives, it is currently not being used and will not be used fully until Congress develops and enacts a new formula to determine which states and jurisdictions should be covered by it.

The bipartisan Voting Rights Advancement Act, S. 1659/H.R. 2867, is sponsored in the U.S. Senate by Senators Patrick Leahy (VT), Lisa Murkowski (AK) and in the U.S. House by Congresswoman Terri Sewell and Congressman John Lewis (GA) on behalf of themselves, the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian and Pacific American Caucus among others. I would like to stop for a minute and express the sincere appreciation of the NAACP to the three legislators here today, Congresswoman Chu, Congresswoman Roybal-Allard, and Congresswoman Sanchez, who are co-sponsors of this important legislation. I would also be remiss if I didn't pass along Hilary Shelton's personal appreciation that they each consistently score an "A" on the NAACP's Federal Legislative Report Card.

This seminal legislation would: modernize the preclearance formula to cover states with an historical pattern 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 and disenfranchise 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.

We need to fix the damage to the VRA inflicted by *Shelby*, and this legislation would repair and strengthen it. Yet the NAACP has consistently, and before *Shelby*, argued that we need to do more to expand the franchise and get more Americans involved in the electoral system. That is why our Washington Bureau Director asked me again to express our sincere appreciation to the three lawmakers sitting here today for lifting up and sponsoring H.R. 12, the Voter Empowerment Act.

In a time when numerous states are considering or have already enacted legislation

to restrict or suppress voter participation, Congressman John Lewis (GA) and 174 of his colleagues in the U.S. House of Representatives have introduced H.R. 12, the Voter Empowerment Act. This important legislation would expand and protect voters' access to the polls and would increase accountability and integrity among election officials and poll workers. It also would expand eligibility to allow all ex-offenders who have been released from prison to register and vote in federal elections (even those who may still be on probation or parole).

Specifically, the Voter Empowerment Act would:

Guarantee early voting—require that every state establish early voting sites that are open at least 15 days prior to a general election day;

This includes weekends, which many working people may find to be the only time they can get to the polls;

Require automatic registration—the bill would use modern technology to automatically and permanently register all eligible voters;

Allow same-day registration throughout the country—H.R. 12 would ensure allow voters to register to vote on election day at their polling place;

Ensure on-line voter registration—the Voter Empowerment Act would ensure that online voter registration is a viable option nationally;

Outlaw “voter caging”—makes illegal a practice by which mail is sent to a registered voter's address and, if the mail is returned as “undeliverable” or if it is delivered and the

voter does not respond, his or her registration is challenged;

Clarify and strengthen the use of provisional ballots—ensures that provisional ballots are counted;

Make voter intimidation and deception punishable by law—with strong and tough penalties so that people who commit these crimes suffer more than just a slap on the wrist, and establish a process for reaching out to misinformed voters with accurate information so they can cast their votes in time;

Re-enfranchise ex-offenders—H.R. 12 incorporates the provisions of the NAACP-supported “Democracy Restoration Act” by allowing ex-offenders, once they are out of prison, the opportunity to register and vote in federal elections without challenges or complication;

Encourage youth voters—the Voter Empowerment Act requires colleges and universities to offer and encourage voter registration to all students;

Assure voting by overseas residents—H.R. 12 increases assurances that Americans who may be living overseas, especially those serving our country in the armed services, can cast a valid vote and be assured that their vote was counted.

In short, we can and should do more to guarantee that the vote to right—the cornerstone of our Constitution and our democracy—is not only protected but made easier. I would again like to commend and thank Congresswoman Chu, Congresswoman Roybal-Allard, and Congresswoman Sanchez for their leadership in this area; please know

that Director Shelton and the entire NAACP stand ready to work with you in Washington and here at home, and I look forward to our round table discussion.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 29, 2016 may be found in the Daily Digest of today's RECORD.