

EXTENSIONS OF REMARKS

VOTING RIGHTS

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2016

Ms. ROYBAL-ALLARD. Mr. Speaker, to help our constituents gain a better understanding of the negative impact of the Supreme Court decision, on May 20, 2016, I hosted a forum titled "Protect Your Future: Restore the Vote." My co-chairs were Representative LINDA SANCHEZ, Chair of the Congressional Hispanic Caucus; Representative JUDY CHU, Chair of the Asian Pacific American Caucus; and special guest, Representative KAREN BASS. The event was organized to educate constituents on the devastating impact of the Supreme Court decision, *Shelby County vs. Holder*.

Members from our communities heard expert testimony from the National Association for Latino Elected and Appointed Officials (NALEO) regarding the devastating impacts of the decision upon the Voting Rights Act. I include in the RECORD the expert testimony of Arturo Vargas, Executive Director of NALEO.

WRITTEN TESTIMONY BY ARTURO VARGAS, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF LATINO ELECTED AND APPOINTED OFFICIALS (NALEO) EDUCATIONAL FUND, BEFORE THE CONGRESSIONAL FIELD FORUM ENTITLED "PROTECT YOUR FUTURE: RESTORE THE VOTE"—LOS ANGELES, CA MAY 20, 2016

U.S. Representative Roybal-Allard, U.S. Representative Chu, U.S. Representative Sánchez, U.S. Representative Bass: thank you for extending the opportunity to submit testimony concerning the status of Latino voting rights and protection of all Americans' equal right to vote.

The NALEO Educational Fund is the nation's leading non-profit, non-partisan organization that promotes full Latino participation in the American political process, from citizenship to public service. Our constituency encompasses the more than 6,000 Latino elected and appointed officials nationwide, and includes Republicans, Democrats, and Independents. For several decades, the NALEO Educational Fund has been at the forefront of efforts to advance policies that protect Latino voting rights, and ensure that Latinos are fully engaged as voters and have a fair opportunity to choose their elected leaders. We have advocated passage of state and federal voting rights legislation including the reauthorization of key provisions of the Voting Rights Act of 1965 (VRA). We have also provided direct assistance to voters encountering barriers to casting ballots through our year-round, bilingual hotline, 888-VE-Y-VOTA, and through nationwide dissemination of bilingual voting rights public service announcements, palm cards, and other materials.

DISCRIMINATORY VOTING LAWS THREATEN ELECTION 2016

As the 2016 Presidential election approaches, we are extremely concerned about policy developments that will severely impede the robust participation of Latinos and all Americans in our nation's democracy.

The legal landscape against which the election will play out has rarely changed as dramatically as it did between the 2012 and 2016 election cycles. For almost 50 years, the VRA's signature provision protected voters in jurisdictions that had a demonstrated propensity to adopt discriminatory policies. During Election 2012, in nine entire states and selected towns and counties in seven additional states, no new voting law or administrative change in voting procedures could be implemented unless the U.S. Department of Justice or a federal court first determined it to be free of discriminatory motive and impact. This VRA-mandated preclearance procedure stopped more than 1,000 problematic provisions from taking effect between 1965 and 2013, when the Supreme Court decided *Shelby County v. Holder*.

When it effectively ended most jurisdictions' preclearance obligations, the Court's *Shelby County* decision inspired a wave of restrictive election lawmaking, and rapid implementation of laws that had been on hold, in states in which the potential influence of underrepresented voters has been dramatically increasing. For example, nine of the 12 states whose Latino populations grew most rapidly between 2000 and 2010 enacted laws that made it harder to register and vote between 2010 and 2014. In six of the nine states that saw more than a 100% increase in their Latino populations between the 2000 and 2010 decennial Censuses, there are new provisions in effect that will make voting in 2016 more difficult than it was in 2012. Moreover, nine of the 15 states covered in whole or part by preclearance procedures at the time of the *Shelby County* decision adopted new statewide voting restrictions between 2008 and 2016.

Restrictive election lawmaking and administrative practices continue to have a disproportionately negative effect on Latinos' ability and propensity to be active participants in our democracy. The confluence between places where Latino and other underrepresented voters' political influence is increasing and places that have impaired access to the ballot strongly suggests that the discriminatory chilling impact of restrictive policies is not a coincidence, but a motivating factor behind their enactment.

Restrictive voting policies implemented since 2012 include barriers to voter registration, measures that leave registrants with less opportunity to vote, and changes that reduce the potential influence of underrepresented communities' votes. New statewide laws alone, which have been implemented in at least 19 states, will make it more difficult for more than 875,000 eligible Latino voters to cast ballots in November 2016. In addition to enacted laws, some elections officials' administrative choices will impede Latino access to the ballot in 2016. For example, a decision to close two-thirds of polling places in Maricopa County, Arizona, just a few short weeks in advance of the 2016 Presidential primary produced hours-long lines to vote, particularly in neighborhoods with large populations of underrepresented voters. Set forth below is a summary of these restrictive policies; attached to this testimony is our report, *Latino Voters at Risk: Assessing the Impact of Restrictive Voting Changes in Election 2016*, which provides a detailed description of the policies and their impact on the Latino electorate.

Verification of Citizenship at Registration:

Since 2012, multiple states have begun to regularly check registrants' citizenship. Some states will not process new registration applications until receiving documentary proof of U.S. citizenship, while other states review their existing registration lists to identify possible non-citizen registrants. Latinos are disproportionately likely to be wrongly singled out as suspected non-citizens, because a larger-than-average share of the Latino electorate is composed of naturalized citizens who interacted with government agencies prior to naturalizing and who frequently appear in outdated records as non-citizens. Eligible Latino voters are also overrepresented among U.S. citizens who lack documents concerning their citizenship, and who face steep barriers to obtaining that documentation. As a result, Latinos are more likely than people of other races and ethnicities to be prevented from registering or maintaining registration by citizenship verification procedures.

Earlier Registration Deadlines:

Although advanced technology has reduced the practical need to compile lists of eligible voters in advance of voting periods, some jurisdictions have nonetheless moved voter registration deadlines to earlier dates for 2016. Shortening the available period for voter registration impairs the Latino vote because Latino voters frequently lack basic information about the voting process. Young and naturalized voters who are the least likely to have meaningful voting experience constitute much larger percentages of the Latino electorate than of voters of other races and ethnicities, for example. Latinos are also more highly mobile than voters of other races and ethnicities, and thus more likely to have to re-register at a new address to preserve their right to vote in any given election year. In states that are tightening registration deadlines, the relatively large number of Latinos who must take action well in advance of Election Day are at heightened risk of exclusion from the political process.

Expanded Reasons for Cancellation or Rejection of Registrations:

Since 2012, some states have adopted new provisions that expand the circumstances in which election officials must cancel existing registration records or reject new registration applications. As is the case with earlier registration deadlines, these measures make it more likely that Latinos and other people who are less knowledgeable about and experienced with the voting process will be excluded from participating in elections merely because of a technical requirement and not for any substantive reason.

Restrictions on Third Party Voter Registration Activities:

In the past four years, jurisdictions have continued to make it more difficult for community-based organizations and individuals not affiliated with a government entity to help register new voters. Restrictions on third party registration activities are likely to exacerbate the troubling gap between white and Latino voter registration rates, since disproportionately large percentages of Latinos indicate that they register to vote at a public location associated with a community registration drive, such as a school

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

or shopping center. Moreover, community-based organizations that are known and trusted also have more incentive and opportunity to reach and engage low-propensity voters than government officials and politicians. Hindering their efforts may significantly reduce the likelihood that eligible, unregistered Latinos will be asked by anyone to take part in an election.

Imposition of Strict Voter ID Requirements:

The strict voter ID laws implemented in a number of jurisdictions around the country since 2012 inhibit qualified members of the electorate from casting ballots, because millions of American adults do not possess any of the personal identification documents that strict ID laws require. Individuals who do not already hold a valid form of voter ID face numerous potential barriers to obtaining a qualifying document, including inability to pay application fees, difficulty arranging transportation to identification-issuing locations during business hours, and lack of access to documents like birth certificates that are mandatory precursors to obtaining ID. Eligible Latino voters account for disproportionate shares of both those without ID and those who confront significant or insurmountable barriers to obtaining ID. In addition, studies indicate that Latinos are disproportionately likely to mistakenly presume they lack the ID required to vote, and to decline to attempt to vote as a result of apprehension about the scrutiny they will face at the polls.

Shortened In-Person Early Voting Periods:

In recognition of the increasing demands on Americans' time, many jurisdictions have extended voting days and hours in the past fifteen years, and many voters have taken advantage of early voting periods. Against this backdrop, jurisdictions that have moved in the opposite direction to limit the voting options available to their citizens stand out for their recalcitrance. Latino voters are more likely than others to lack workplace flexibility, and also to shoulder childcare responsibilities, both factors that leave potential Latino voters with less ability to vote where polling places are open on fewer days and for fewer hours. Unsurprisingly, the states with the highest early voting rates are disproportionately Latino: the nine jurisdictions whose citizens were most likely to vote early in 2008 and 2012 are home to less than 26% of all of the nation's voters, but 36% of all Latino voters in the country. Where early voting is constrained, Latinos are disproportionately likely to be negatively affected.

Restrictions on Absentee Voting:

Provisions that have made it more difficult to vote by mail also stand out as a contrast to the wider voting opportunities that improved technology generally has made possible. Several states implemented new laws between November 2012 and Election Day 2016 that impose tighter deadlines on mail ballots, restrict assistors' ability to deliver ballots for people with limited mobility, and make it more likely that mail ballots will be rejected. These and other measures that have made it more difficult to vote by mail are likely to have a disproportionate impact on Latino voters, because their demanding schedules and heightened likelihood of lacking access to personal transportation may force many to rely on mail balloting as the only logistically feasible voting option.

Heightened Qualifications to Vote and Restrictions on Counting Ballots:

Restrictions on registration and voting mechanisms have gained currency among legislators from many different states in the years following the contentious Presidential election of 2000. Voter advocates have begun

to win high-profile victories in legal challenges to voter ID laws, proof of citizenship requirements, and shortened early voting periods. However, simultaneously, jurisdictions have successfully pursued alternative legislative provisions that have not yet been the subject of successful anti-discrimination enforcement actions. Examples of other voting restrictions likely to disproportionately impair Latino voters in November 2016 include felon disfranchisement in Kentucky; refusal to count any votes cast outside the correct precinct in North Carolina; and heightened barriers to the counting of provisional ballots in Ohio.

Redistricting and Other Laws That Diminish Latino Voters' Influence:

Underrepresented voters' influence can be limited not only by laws that create barriers to registration and voting, but also by laws that diminish the weight of their votes. Between the 2012 and 2016 Presidential elections, a number of jurisdictions have adopted new measures concerning redistricting and methods of election that impair the ability of underrepresented communities to elect the candidates of their choice. For example, some redistricting plans have included districts in which Latinos constitute a slight majority of the population, but are unlikely to constitute a majority of voters because so many of the individuals assigned to the district cannot or are not likely to vote. When Latinos have preferences for the candidates of their choice that are consistently different from those of the majority white population, whites and Latinos may vote in blocs and in opposition to one another, and the deliberate manipulation of district boundaries can ensure that Latino voter-preferred candidates are consistently defeated.

Barriers Imposed by Administrative Policy-making:

As widespread as restrictive election law-making has been in state legislatures around the country between 2012 and 2016, discretionary decisions made by unelected administrators—particularly those serving at municipal or other local levels—now pose at least an equal threat to underrepresented voters' ability to participate in elections. With the exception of noncompliance with language assistance obligations, voting rights laws have rarely been used successfully to challenge executive policymaking that has discriminatory effects. Thus, Latino voters are particularly vulnerable to negative consequences of discriminatory or unsound election administration. Among the administrative issues over which election administrators have discretionary control, those that may have the most deleterious effect on Latinos' ability to vote in 2016 include decisions about registration list maintenance and the processing of new registration applications, the closing and consolidation of polling places, the allocation of resources among polling places, and the degree of effort invested in providing language assistance to voters not yet fully fluent in English.

CONCLUSION—CONGRESS MUST RESTORE THE VRA TO FULL STRENGTH

Laws and policies that make it harder for Latinos to register and vote have a clear negative impact on the individuals who are individually prevented from taking part in elections by their inability to satisfy heightened requirements. What may be less obvious is that restrictive measures inhibit even those who are not directly affected by them. The kinds of restrictive laws and policies that jurisdictions around the country have adopted since Election Day 2012 signal to members of the electorate that their voices and input as voters are not welcomed, but

only grudgingly accepted when voters are willing to put in the effort to clear the hurdles in their way. Because they discourage a broad group of potential voters at a time when voter participation has been in dangerous decline, policies that create barriers to the ballot box are the wrong policy choices for 2016. It is imperative that we instead encourage Latinos and all Americans to become more active participants in the political process by making the registration and voting process more accessible.

We applaud Members of Congress for introducing bipartisan legislation that would modernize the VRA. The Voting Rights Amendment Act, H.R. 885, and the Voting Rights Advancement Act, H.R. 2867, would ensure that discriminatory policies do not taint our political process, and that elections are instead open to all Americans regardless of their race, ethnicity, or linguistic ability. We look forward to working with Members of Congress on both sides of the aisle to advance legislation that strengthens protection of the fair and equal opportunity to vote, and safeguards the integrity of our democracy for the long term.

FIRST RESPONDER ACCESS TO INNOVATIVE TECHNOLOGIES ACT

SPEECH OF

HON. MICHAEL T. MCCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2016

Mr. MCCAUL. Mr. Speaker, I include in the RECORD the following cost estimate from the Congressional Budget Office regarding H.R. 5460.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 2016.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5460, the First Responder Access to Innovative Technologies Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jacob Fabian.

Sincerely,

KEITH HALL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

H.R. 5460—FIRST RESPONDER ACCESS TO
INNOVATIVE TECHNOLOGIES ACT

The Federal Emergency Management Agency (FEMA) provides grants to help state, local, and tribal governments develop their capacity to prevent, prepare for, and respond to acts of terrorism. Under current law, equipment purchased using such grants must meet voluntary standards, developed by FEMA in coordination with appropriate federal agencies, the National Advisory Council, and private entities. Requests to use grants to purchase equipment that does not meet such standards, or for which no such standards exist, are subject to further review and approval by FEMA.

H.R. 5460 would require FEMA to implement a uniform process for reviewing applications for grants intended to support purchases of innovative equipment that does not meet or exceed current applicable standards or for which no voluntary standards exist. The bill also would require the Inspector General of the Department of Homeland Security to assess and report on FEMA's implementation of the new review process.