

Testimony of
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STATEMENT OF MR. HILARY O. SHELTON
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on

Prevention of Deceptive Practices and Voter Intimidation in Federal Elections: S. 453
A HEARING BEFORE THE SENATE JUDICIARY COMMITTEE

June 7, 2007

Good afternoon. My name is Hilary Shelton and I am the Director of the NAACP Washington Bureau, the federal legislative and national public policy arm of our Nation's oldest, largest and most widely-recognized grassroots civil rights organization.

The right to vote has always been of the utmost priority to the NAACP. For almost a century, the NAACP has fought against those who wish to suppress the votes of African Americans and other racial or ethnic minority Americans through unfair or unjust laws, deception and/or intimidation.

With the enactment of the Voting Rights Act of 1965, it became illegal for states or local municipalities to pass laws that in any way infringed on a person's Constitutional right to register and cast an unfettered vote. Subsequent laws and reauthorizations of the Voting Rights Act have further addressed these tactics and made it harder for a state or a local government to infringe on a citizen's right and ability to cast an unfettered vote.

Unfortunately, some people are still so desperate to win elections - elections that they fear they cannot rightfully win - that they resort to deceptive practices, misinformation and lies, to try to keep legitimate voters away from the polls or to support candidates whom they might not otherwise vote for. It is even more unfortunate that these practices often target and exploit many of the same populations that have historically been excluded from the ballot box. Specifically, vulnerable populations, such as racial and ethnic minorities, the disabled and / or the poor and senior citizens are often targeted by those perpetuating these deceptive practices.

To put it bluntly, it is now against the law to use official means to prevent whole communities of American citizens from casting a free and unfettered ballot. Yet there are still people and organizations in our country who are so afraid of the outcome of our democratic process that they must stoop to lies, duplicitous behavior and intimidation to try to keep certain segments of our community away from the voting booth.

That is why the NAACP so ardently supports the Deceptive Practices and Voter Intimidation Prevention Act, S. 453, introduced by Senators Obama, Cardin, Schumer and others. This legislation seeks to address the real harm of these crimes - people who are prevented from voting

by misinformation or intimidation - by establishing a process for reaching out to those voters with accurate information so they can cast their votes in time and ensure a more genuine outcome of the election. The bill also makes voter intimidation and deception punishable by law, and it contains strong penalties so that people are deterred from committing these crimes, knowing that they will suffer more than just a slap on the wrist if caught and convicted.

The fact of the matter is that if an individual wins an election by a few votes, even when it can be proven that many potential voters were kept away from the voting booth by deceptive or intimidating behavior, the winner remains in office for the duration of the term. That is why it is so important to correct the misinformation before the election is over, and the damage has been done.

As we have heard today, examples of malicious deceptive practices, almost all of which targeted racial or ethnic minority populations, were rampant as recently as the general election in 2006. In Ingham County, Michigan, a partisan poll challenger confronted every African American attempting to vote that day. There were no reports of any Caucasian voters even being questioned.

In Orange County, California, 14,000 Latino voters got letters in Spanish saying it was a crime for immigrants to vote in a federal election. It did not state or even clarify that immigrants who are citizens have the right to vote and indeed should.

In Baltimore Maryland, misleading fliers were placed on cars in predominantly African American neighborhoods giving the wrong date for the upcoming Election Day.

In Virginia, registered voters received recorded (robotic) calls that falsely stated that the recipient of the call was registered in another State and would face criminal charges if they came to the polls to vote. It was also in Virginia that voters received phone calls stating that because they were such regular voters they could vote this time by telephone, by simply pressing a number at that time for the candidate of their choice. The call ended by repeating that they had now voted, and did not need to go to the polls. The disenfranchisement continues.

In all of these cases, a quick response to expose the lies that were told and provide corrected information to get legitimate voters to the polls in time to have their vote counted was clearly warranted. Unfortunately, nothing was done by the federal government to aid clearing-up these lies. It was therefore up to the local and national media, as well as advocacy groups, to scramble to try to undo the damage. While it is difficult to conclusively demonstrate that these specific misdeeds had an impact on an election, it is the position of the NAACP that if even one lawful voter was deceived or intimidated and therefore did not cast a legitimate vote, that is one too many and the federal government must act.

When presidential elections can be won or lost by a few hundred votes, it is up to the federal government to do all it can to ensure that every eligible person who wants to vote can and that every vote legitimately cast, will be counted.

It is unfortunate yet necessary that the Deceptive Practices and Voter Intimidation Prevention Act

needs to be passed now, before another election comes, more lies are told and more voters are locked out of our democratic process.

The NAACP would like to thank the sponsors and co-sponsors of S. 453 and H.R. 1281, the companion bill in the House, as well as Chairman Cardin and Senators Schumer and Obama for their leadership and demonstrated commitment to this crucial issue. The NAACP stands ready to offer the assistance of our members, staff and leadership to do all we can to encourage the quick enactment of the Deceptive Practices and Voter Intimidation Prevention Act.