

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
United States Senate  
January 27, 2012

Today the Senate Judiciary Committee holds the second hearing in a series that began last fall. This timely hearing, entitled "New State Voting Laws II: Protecting the Right to Vote in the Sunshine State," focuses on a state that sadly has been no stranger to voter suppression. Florida's history of voting rights violations led five Florida counties to be deemed "covered jurisdictions" under Section 5 the Voting Rights Act. Under that historic and important civil rights law, those counties must receive the Department of Justice's clearance before making changes in their voting laws or go to court to receive permission. Just last year, Florida enacted HB 1355, a law designed to severely restrict voter registration drives, slash the early voting period by nearly half, and stripped voters of the opportunity to vote the Sunday before election day. The president of the League of Women Voters of Florida has identified this as a return "to Jim Crow-style tactics of disenfranchising voters." I agree.

Unfortunately, Florida is not alone in enacting voter disenfranchisement laws. Restrictive voting laws are spreading across the country like wildfire. The recent method of choice has been strict voter ID laws. In fact, according to the National Conference of State Legislatures, since 2001, nearly 1,000 voter ID bills have been introduced in 46 states. Only three states -- including my home state of Vermont -- do not have a voter ID law and did not consider voter ID legislation last year.

Many Americans associate any barriers to voting with a dark time in our Nation's history. We will never forget the courageous and resilient Americans who were attacked by dogs, blasted with water hoses, or beaten by mobs simply for attempting to register to vote. We remember a time when stubborn and recalcitrant state officials used discriminatory devices such as poll taxes, grandfather clauses, and literacy tests to exclude American citizens from their democracy. We cannot backslide on the progress we have made protecting every American's right to vote.

In 2006, members of Congress stood together on the Capitol steps to reaffirm our commitment to achieving full democratic participation by reauthorizing the Voting Rights Act. This Committee played a key role in reinvigorating and reauthorizing that landmark law. After nearly 20 hearings in the House and Senate Judiciary Committees, we found that modern day barriers to voting continue to persist in our country. The legislation reauthorizing Section 5 of the Voting Rights Act passed by both the Senate and House overwhelmingly, and was signed into law by President Bush, who also supported its constitutionality.

Earlier this week, the state of Texas sued the United States in an effort to "fast-track" the enforcement of the state's new voter ID law. Texas has the burden of proving their voter ID law is not discriminatory, something South Carolina, another state covered under Section 5, was unable to do. But rather than cooperating and providing the necessary and complete information, Texas is suing the Justice Department and challenging the constitutionality of Section 5. In doing so, Texas is making a deliberate effort to undermine and reject the nearly unanimous conclusions of the democratic branch of government responsible under the Constitution for making sure that

one person, one vote is a reality.

We have made great progress in our national quest for a more inclusive democracy. We must understand that today's voting restrictions are not only harmful but run contrary to our Constitution's text and history. I thank the chairman of the Subcommittee on the Constitution, Civil Rights and Human Rights for holding this important hearing in the Hillsborough County Courthouse and the witnesses for their testimony.

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