

**United States Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights
Senator Richard J. Durbin, Chairman**

New State Voting Laws III: Protecting Voting Rights in the Heartland
Monday, May 7, 2012 – Cleveland, Ohio

Opening Statement

(As Prepared for Delivery.)

The Right to Vote Is Critical to Participation in a Democracy

There is perhaps no right more essential to a functioning democracy than the right to vote. Show me a person who cannot express their preferences at the ballot box and I will show you a person who is likely to be ignored by those in power. At its best, our great country is one with open and vigorous political debates, followed by fair and transparent elections where all eligible citizens have unobstructed access to the ballot box.

I do not need to remind the people gathered here today that our democracy has not always extended the right to vote fairly and equally to all citizens. For generations, women, African Americans, and those without property were denied the right to vote. Even after the franchise was legally expanded, for close to a century, a well-organized, violent, racist campaign successfully prevented many African Americans from exercising the right to vote.

It took six Constitutional Amendments, civil disobedience, bloodshed, and the loss of too many lives, but – over time – America learned from these mistakes and guaranteed the right to vote, regardless of race, sex, class, income, physical ability, or state of residency.

All of us who now celebrate that progress have a responsibility to remain vigilant in ensuring that America's hard fought progress on voting rights is not reversed on our watch.

That's why we're here today.

Ohio's new law, HB 194, threatens to make it harder for tens of thousands of Ohioans to vote.

Unfortunately, Ohio is only one of more than 30 states that, in the last two years, have introduced bills or enacted new laws that will restrict access to the ballot for millions.

New Voting Laws in Other States

Last September, this Subcommittee held the first Congressional hearing to examine the rash of new voting laws passed in a number of states, including Wisconsin, Texas, Kansas, Florida, Alabama, Tennessee, South Carolina, and right here in Ohio. These laws may have different provisions in each state, but together they threaten to disenfranchise millions of eligible voters nationwide.

Here are some examples:

1. Voter ID Laws

States like Pennsylvania, Wisconsin, Texas, Alabama, Kansas, and South Carolina have passed restrictive photo ID laws. These states acknowledge that hundreds of thousands of their own residents -- who are already registered to vote -- do not currently have a photo ID that would satisfy the strict new ID requirements. Nationwide, the nonpartisan Brennan Center for Justice estimates that laws like these will prevent more than 5 million people from voting in November.

2. Voter Registration Laws

Some states, like Texas and Florida, are subjecting volunteers and nonpartisan organizations, like the Boy Scouts and Rock the Vote, that register voters to onerous fines if they fail to comply with cumbersome and unnecessary administrative burdens. These volunteer organizations are the primary way many African Americans, Latinos, low income, first-time, and new resident voters register. New laws like those in Florida and Texas have led organizations like the League of Women Voters to suspend all voter registration activity.

In January, our Subcommittee conducted its first field hearing in Tampa, Florida to examine Florida's new voting law, which will lead to widespread disenfranchisement of tens of thousands of Floridians.

3. *Early Voting Laws*

Ohio has joined Florida in rolling back early voting by eliminating about half of the early voting period. Across the country, early voting has become incredibly popular. People vote early because they may not be able to take time off on Election Day, they may need child care, or they may need assistance getting to the polls. In 2008, 30% of all votes were cast before Election Day. Drastically reducing the early voting period will lead to even longer lines on Election Day and cause some people not to vote.

I am pleased that the Department of Justice has objected to the new laws in South Carolina and Texas, and that it is challenging Florida's law in court, but we must remain vigilant.

National Trend Influenced by ALEC

It is not a coincidence that these new voting laws swept the country after Republicans took control of state houses and Governor's offices in 2010. The American Legislative Exchange Council (ALEC), a conservative advocacy group that is funded, in part, by the billionaire Koch brothers, has provided guidance to state legislators on voter ID legislation and encouraged its passage.

One need look no further ALEC's founder, Paul Weyrich, to understand why ALEC and other conservative activists are so aggressively pursuing these laws.

In a moment of honesty, Weyrich said to supporters, "I don't want everybody to vote. ... As a matter of fact, our leverage in elections quite candidly goes up as the voting populace goes down."

Ohio's New Voting Law: HB 194

If the goal is to drive down turnout by causing confusion and erecting barriers to the ballot, then HB 194 will certainly accomplish that goal in Ohio.

Four of the most worrisome provisions of HB 194 include:

- Cutting the early voting period in half, from 35 days to 17 days.
- Eliminating the weekend before Election Day from the early voting period.

- Eliminating the requirement that poll workers direct voters to the correct precinct.
- Preventing counties from mailing applications for absentee ballots to all registered voters.

Ballot Measure

Unlike voters in some other states, Ohioans are fortunate because you have the opportunity to have the last word on HB 194.

Many of the groups and people here today gathered more than 500,000 signatures to place a measure on the November ballot that would repeal HB 194.

And the outcry from across Ohio that led to the ballot measure on HB 194 has persuaded the legislature to consider repealing the law in full. Senator Brown and I call on the legislature to do just that.

As we will learn from our witnesses today, HB 194 threatens to disenfranchise tens of thousands of voters, if it is not fully repealed. In such an important state, where elections are sometimes decided by only a few hundred people, every vote counts and every vote should be counted.