

**United States Senate Judiciary Committee**  
**“The *Citizens United* Court and the Continuing Importance of the Voting Rights Act”**

Wednesday, September 12, 2012

**Statement of Senator Dick Durbin**  
(As prepared for delivery.)

Thank you, Chairman Leahy, for holding this hearing.

As you know, the Subcommittee on the Constitution, Civil Rights and Human Rights, which I chair, has held hearings exploring the implications of – and appropriate response to – *Citizens United*.

Our Subcommittee also has held a series of hearings analyzing disturbing new state voting laws that will make it harder for many to vote. I am pleased the full committee is now having an opportunity to explore these issues.

Last year, our Subcommittee held the first-ever Congressional hearing to address the spate of new, disenfranchising voting laws. We followed that hearing with field hearings in Florida and Ohio.

During these hearings, we received testimony from dozens of voting rights experts, advocates, and elections officials. In each city we visited, concerned citizens filled the hearing and overflow rooms.

Here’s what we learned:

- In the last 2 years, 9 states have enacted restrictive photo ID laws. According to the Brennan Center for Justice at NYU law school, these laws threaten to prevent as many as many 5 million registered voters from voting.
- Ohio and other states have slashed early voting periods. This will have a disproportionate impact on low income, elderly, and disabled voters – many of whom need child care or assistance traveling, or are unable to take off extended time from work to wait in long lines on Election Day.
- Some states have eliminated early voting on the Sunday before Election Day. This will have a disproportionate impact on African American and Latino voters, many of whom participate in “Souls to Polls” voter mobilization efforts on that day.
- In Florida, for example, African Americans and Latinos were 51% of all those who cast ballots on the Sunday before the 2008 Election.
- Some states, like Texas and Florida, have moved to make it harder for voters to register.

- In Florida, we found that African Americans and Latinos were twice as likely to register through voter registration drives. Nevertheless, Florida's new voting law imposes administrative burdens and hefty fines on those who seek to help others register.
- The law is so onerous that High School teachers have been investigated for simply helping their students register to vote for the first time.

Supporters of these restrictive laws cite voter fraud as their justification. Elections experts from both parties, as well as the non-partisan observers and academics that testified before the Subcommittee, all agree that voter fraud is a myth.

After a 5 year investigation, the Bush Administration found only 86 incidents of voter fraud. Just 86 out of the tens of millions of votes cast during that period. The non-partisan Brennan Center for Justice concluded that a voter is more likely to be struck by lightning than to have someone try to impersonate them at the polls.

These laws and their disenfranchising impact are very troubling.

For decades the Voting Rights Act has been the last line of defense. These restrictive state laws demonstrate that the Voting Rights Act is essential. Unfortunately, as we'll hear today, some states are mobilizing to challenge the constitutionality of the Voting Rights Act.

In a post- Citizens United world, where Super PACs and wealthy donors have an outsized influence, protecting the right to vote and equal access to the ballot is even more critical.

I am pleased that the Department of Justice is using the authority granted in the Voting Rights Act to halt the implementation of these troubling new voting laws in states like Texas and South Carolina.

I am also pleased that private citizens and voting rights advocates across the country are challenging these laws in court.

I thank Chairman Leahy for calling this hearing today so our committee can shine a light on this very important issue.