

Statement of

The Honorable Patrick Leahy

United States Senator
United States Senate
June 26, 2012

Today, the Committee is holding a hearing to consider the Deceptive Practices and Voter Intimidation Prevention Act of 2011. This bill is intended to protect one of the most fundamental rights Americans enjoy: the right to vote. In December, I joined Senators Schumer, Cardin, Whitehouse and others to introduce this bill. In 2007, I joined on similar legislation, championed by then Senator Barack Obama.

The legislation has the support of the Justice Department. Attorney General Holder has identified it as one of three areas "crucial in driving progress" to protect all Americans and their right to vote. We should be doing all we can to protect against efforts to infringe upon American's access to the ballot box.

The right to vote and to have your vote count is a foundational right, like our First Amendment rights, because it secures the effectiveness of other protections. The legitimacy of our Government is dependent on the access all Americans have to the political process. Attempts to deny Americans access to voting undermine our democracy.

Protecting access for people is ever more important in the aftermath of the Citizens United decision by the Supreme Court now that corporations are wielding more and more influence over our electoral processes. Just yesterday, without a hearing, the Supreme Court doubled down on its controversial Citizens United decision by summarily striking down a 100-year-old Montana state law barring corporate contributions to political campaigns despite the corruption that led to that state law. The five Justices who opened the floodgates to unlimited and unaccountable corporate spending on Federal political campaigns have now taken another step to break down public safeguards against corporate money drowning out the voices of hardworking Americans. Like Montana, Vermont is a small state with people who take their civic duties seriously and who cherish their vital role in the democratic process. It is easy to imagine the wave of corporate money we are seeing spent on elections around the country lead to corporate interests flooding the airwaves with election ads and transforming even local elections. Yesterday's decision by the Court deals another severe blow to the rights of Vermonters and all Americans to be heard in public discourse and elections.

Our country has come a long way in expanding and enshrining the right to vote. We should never forget our history and the significant barriers we have overcome as a nation. Pictures of Americans beaten by mobs, attacked by dogs, and blasted by water hoses for trying to register to vote are seared into our national consciousness. We remember a time when discriminatory practices such as poll taxes, literacy tests, and grandfather clauses were commonplace and kept Americans from exercising their basic right to vote. Brave Americans have struggled long and hard, some paying with their lives, for their right to vote. This is no time to backtrack on hard won progress.

Recently, rather than increasing access we have seen restrictive voting laws spring up in various parts of the country. The recent action to purge Florida 's voter rolls of legal voters is but one example. Burdensome identification laws are others. 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 -- one of which is Vermont -- do not have a voter ID law and did not consider voter ID legislation last year. Recently passed laws make it significantly harder for millions of eligible voters to cast ballots in 2012. These include young voters, African Americans, those earning \$35,000 per year or less, and the elderly.

Earlier this month, during the recall election in Wisconsin voters received a robo-call telling them "if you signed the recall petition, your job is done and you don 't need to vote on

Tuesday. " In the 2010 midterm elections, a robo-call that went out to over 110,000 Democratic voters in Maryland before the polls had closed stating that Democratic Gov. Martin O 'Malley and President Obama, had been successful and that there was no need to vote. . It said, "Our goals have been met. The polls were correct . . . We're okay. Relax. Everything is fine. The only thing left is to watch on TV tonight. " President Obama was not on the ballot that year and falsely telling voters to stay home could have cost Governor O 'Malley and the people of

Maryland if the election had been close. Likewise in 2010 in African-American neighborhoods in Houston, Texas, a group circulated flyers stating that voting for one Democratic candidate would count as a vote for the entire Democratic ticket.

The need for our Deceptive Practices and Voter Intimidation Prevention Act is documented and real. The additional tools provided in the Deceptive Practices and Voter Intimidation Prevention Act would help combat the kind of voter deception seen in places like Wisconsin, Maryland and Texas. This bill would prohibit any person from purposely misleading voters with regard to the qualifications or restrictions on voter eligibility, a political endorsement of a candidate, or the time and/or place of holding a Federal election. In addition, it prohibits obstructing or preventing another person from voting, registering to vote, or assisting another person to vote in a Federal election.

Our bill offers new ways to enforce these prohibitions and combat the dissemination of misleading information: It creates a private right of action for persons aggrieved by the dissemination of such false information. The bill allows any person to report such false information and, if it is determined that such information is false or deliberately misleading, the Justice Department would provide corrective information. In addition, this bill provides a tool for effective oversight by requiring the Attorney General to report to Congress on allegations of the dissemination of false information within 180 days of an election.

It is always good to see Senator Cardin at the Judiciary Committee and I look forward to the testimony of all the witnesses.

#####