

Statement of the Honorable John Conyers, Jr.
**Excluded from Democracy: The Impact of Recent State Voting
Changes**
November 14, 2011, Rayburn 2226, 2:00pm

There is no more important right under our Constitution than the right to vote – the foundation of all of our other political and legal rights. **Unfortunately, over the last year, states – spurred on by the Koch brothers funded American Legislative Exchange Council -- have imposed an unprecedented array of restrictions on the right to vote.** That is why so many of my colleagues have joined me here today – to defend and protect this precious cornerstone of our democracy.

1) Summary of Legal Changes

Restrictive voting legislation has been introduced in 34 states thus far in 2011, with 16 proposals enacted that significantly impair our citizens right to vote. Among other things, states have enacted laws that:

- Limit voting by requiring photo identification. (Alabama, Kansas, Rhode Island, South Carolina, Tennessee, Texas, Wisconsin and Mississippi).
- Exclude common forms of identification, such as student ID's and Social Security cards. (South Carolina, Tennessee, and Texas).
- Declare proof of citizenship as a condition for voter registration. (Alabama, Kansas, and Tennessee).
- Limit or eliminate early voting opportunities. (Florida, Georgia, Ohio, Tennessee, and West Virginia).
- Eliminate same day registration and limit voter mobilization efforts. (Florida and Texas).

A recent landmark report by the Brennan Center found that the changes

could negatively impact the rights of some 5 million American citizens. **Proponents have sought to justify these laws under the guise of "fighting voter fraud"**. Yet, the evidence of wide-spread voter fraud is scant at best. An intensive five year investigation by the Bush Administration turned up less than 90 cases, and most of those were inadvertent, while only 19 cases of ineligible voting have been found at the state level over the last 9 years.

2) Impact on Minorities

These legislative changes not only limit the right to vote, they have a disproportionate impact on minority groups, poor, elderly, and student voters.

An estimated 5.5 million African-American voters lack government issued photo IDs. The Election Assistance Commission has found that racial minorities are twice as likely to lack a photo ID as other voters, and that seniors and the poor are less likely to have a government-issued photo ID than the general population.

The Brennan Center report further found that African American and Hispanic voters are far more likely to be harmed by the loss of early voting opportunities and registration initiatives banned by the new laws.

3) Legal Validity

These changes in state voting laws raise serious concerns under the Equal Protection Clause of the Fourteenth Amendment and the prohibition on poll taxes set forth in the Twenty Fourth Amendment. This is because requiring citizens to expend significant funds to obtain a photo ID to vote is blatantly inconsistent with the prohibition on poll taxes set out by the Supreme Court in *Harper v. Virginia Board of Elections*. In *Crawford v. Marion Co. Election Board*, the Court

reiterated that elderly persons born out of the state, poor people, homeless people, and even people with religious objections to being photographed may be unlawfully burdened by photo ID laws. Given that states such as Texas allow the use of concealed carry ID's, but not social security cards which are disproportionately relied on by minorities, there would appear to be ample grounds to challenge the constitutionality of these laws under equal protection grounds as well.

There are also serious concerns that these prohibitions violate both the spirit and the letter of the Voting Rights Act of 1965 (which bans discriminatory voting practices), the Help America Vote Act (which mandates that states make voting easier), and the National Registration Act (which requires that states ease voter registration). It is for all of these reasons that it is imperative that the Department of Justice use its full legal authority to review and challenge these anti-democratic laws.

Conclusion

The loudest sound that exists in a democratic society is the voice of a voter in an election. Ensuring that every veteran, every senior citizen, every student – whether born or naturalized – has the right to vote should not be a partisan issue, it should be a legal and moral imperative of both parties.

Today, we are at a crossroads. For the first time since the Jim Crow era, we can go the way of making it harder as a society for minorities to register to vote, and harder and more expensive for minorities to cast their votes. Or we can build on the progress of the civil rights era to continue to enhance all of our citizen's access to the ballot.

I thank my colleagues for their participation, and I look forward to hearing from them and all of our participants today.

