



Congress of the United States  
House of Representatives

April 12, 2016

The Honorable Loretta Lynch  
Attorney General  
Department of Justice  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

Dear Attorney General Lynch:

As you are well aware, this November, 17 states will have new voting restrictions in place for the first time in a presidential election.<sup>1</sup> Though the impact of these restrictions in several states has been widely reported in the media, we are concerned that their impact may have escaped scrutiny in other states. We, therefore, request that the Civil Rights Division review the impact of recently implemented voting restrictions on primary elections to determine whether the Department should implement additional monitoring programs in preparation for the November general election.

As concerned Members of Congress, we applaud the announcement that the Department of Justice is investigating the Arizona presidential primary elections in Maricopa County. Reports concerning the Arizona primary elections have described excessive waiting lines in excess of 5-hours for voters,<sup>2</sup> and reports that a substantial number of Arizonans, “genuinely felt disenfranchised,” and never cast a vote due to the long waiting lines.<sup>3</sup> Furthermore, it is concerning that the number of polling places in Maricopa County, the most populous county in the state which is more than 40 percent minority, has been reduced by seventy percent, from 200 to 60 locations since the last presidential election in 2012.<sup>4</sup>

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<sup>1</sup> Brennan Center for Justice, *States with New Voting Restrictions Since 2010 Election*, (February 4, 2016), available at [http://www.brennancenter.org/sites/default/files/analysis/Restrictive\\_Appendix\\_Post-2010.pdf](http://www.brennancenter.org/sites/default/files/analysis/Restrictive_Appendix_Post-2010.pdf).

<sup>2</sup> The Republic, Editorial Board, *Our View: A five-hour wait to vote in Arizona primary? That's shameful*, ARIZ. REP., Mar. 23, 2016, available at, <http://azc.cc/1Rk0kSk>.

<sup>3</sup> Ari Berman, *There were 5-Hour Lines to Vote in Arizona Because the Supreme Court Gutted the Voting Rights Act*, THE NATION, Mar. 22, 2016, available at, <http://www.thenation.com/article/there-were-five-hour-lines-to-vote-in-arizona-because-the-supreme-court-gutted-the-voting-rights-act/>.

<sup>4</sup> Press Release, Leadership Conference on Civil and Human Rights, *Voter Disenfranchisement in AZ and NC Primaries “a Canary in the Coal Mine” for Presidential Election* (Mar. 24, 2016) available at, <http://www.civilrights.org/press/2016/voting-disenfranchisement-primaries.html?referrer=https://www.google.com/>.

Our concerns, however, are not exclusive to the catastrophe in Maricopa County. During the North Carolina primary election on March 15, voters waited for up to four hours at inner-city polling places to cast their votes.<sup>5</sup> The number of provisional ballots cast last month in the North Carolina presidential primary was almost double the number of provisional ballots cast in 2012.<sup>6</sup> These are warning signs that we cannot, and should not, ignore.<sup>7</sup> These incidents raise serious constitutional concerns under both the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment. We are also concerned that these prohibitions and county-wide decisions may violate the spirit and the letter of the Voting Rights Act of 1965,<sup>8</sup> the Help America Vote Act,<sup>9</sup> and the National Voter Registration Act.<sup>10</sup>

After the Supreme Court decision in *Shelby v. Holder* removed the preclearance requirement of Section V of the Voting Rights Act in 2013, we have seen an increase in the number of restrictive voting laws.<sup>11</sup> The North Carolina state legislature passed a series of voting restrictions almost immediately after the Supreme Court decision including the elimination of same-day registration, a reduced early voting period, and instituted a photo ID requirement among other restrictions.<sup>12</sup> In Arizona, state officials approved a law that would make it a felony for volunteers to turn in a person's valid, sealed, and signed early ballot.<sup>13</sup>

The Brennan Center for Justice reports that, since 2010, twenty-one states have passed restrictive voting laws.<sup>14</sup> The enforcement of many of these laws disproportionately impacts low-income, minority, student, and elderly voters.<sup>15</sup> For example, many African American and Hispanic voters were more likely to take advantage of early voting opportunities and register to

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<sup>5</sup> Will Doran, Long lines, Confusion over voter ID reported in NC primary, CHAR. O., Mar. 17, 2016, [available at http://www.charlotteobserver.com/news/politics-government/article66634122.html](http://www.charlotteobserver.com/news/politics-government/article66634122.html).

<sup>6</sup> Ari Berman, *How North Carolina Is Discriminating against Voters at the Polls*, THE NATION, Mar. 25, 2016, [available at, http://www.thenation.com/article/how-north-carolina-is-discriminating-against-voters-at-the-polls/](http://www.thenation.com/article/how-north-carolina-is-discriminating-against-voters-at-the-polls/).

<sup>7</sup> In 2013, the Department of Justice challenged North Carolina and Texas for implementing some of the most restrictive measures passed since the civil rights era. See U.S. Department of Justice, Civil Rights Division, *Cases Raising Claims Under Section 2 of the Voting Rights Act*, [available at, https://www.justice.gov/crt/cases-raising-claims-under-section-2-voting-rights-act-0#ncarolina](https://www.justice.gov/crt/cases-raising-claims-under-section-2-voting-rights-act-0#ncarolina). Like North Carolina, the harmful and burdensome impact minority voters are now experiencing in Texas also serves as an example of warnings signs that can no longer be ignored. See Kira Lerner, Alice Ollstein, and Emily Atkin, *Inside The First Super Tuesday In 50 Years Without a Functioning Voting Rights Act*, THINK PROGRESS (March 1, 2016), [available at, http://thinkprogress.org/politics/2016/03/01/3755473/super-tuesday-voting/](http://thinkprogress.org/politics/2016/03/01/3755473/super-tuesday-voting/).

<sup>8</sup> 42 U.S.C. §§ 1973-1973aa-6.

<sup>9</sup> Help America Vote Act, 42 U.S.C. 15301 (2002).

<sup>10</sup> National Voter Registration Act, 42 U.S.C. 1973gg, et seq. (1993).

<sup>11</sup> See Brennan Center for Justice, *supra* note 1.

<sup>12</sup> Richard Fausset, *North Carolina Exemplifies National Battles Over Voting Laws*, N.Y. TIMES, March 10, 2016, [available at, http://www.nytimes.com/2016/03/11/us/north-carolina-voting-rights-redistricting-battles.html](http://www.nytimes.com/2016/03/11/us/north-carolina-voting-rights-redistricting-battles.html)

<sup>13</sup> Abigail Adams, *Voting Rights 2016: Native Americans Struggle to Overcome Barriers Ahead of Arizona Elections*, I.B. TIMES (New York City), [available at, http://www.ibtimes.com/voting-rights-2016-native-americans-struggle-overcome-barriers-ahead-arizona-2340458](http://www.ibtimes.com/voting-rights-2016-native-americans-struggle-overcome-barriers-ahead-arizona-2340458).

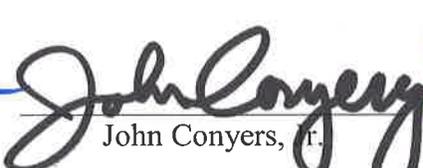
<sup>14</sup> See Brennan Center for Justice, *supra* note 1.

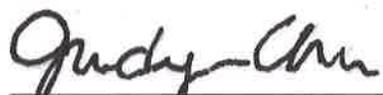
<sup>15</sup> Zoltan Hajnal, Nazita Lajevardi, Lindsay Nielson, *Voter Identification Laws and the Suppression of Minority Votes*, (University of California - San Diego, 2016).

vote through the types of voter registration drives now curtailed or eliminated by the new laws.<sup>16</sup> And in Arizona, many Native Americans may be unable to obtain and submit the necessary documentation to cast their votes.<sup>17</sup>

The right to vote is the foundation of all other rights in a democracy. We respectfully urge the Civil Rights Division in the Department of Justice to review the impact of recently implemented voting restrictions on primary elections to ensure that this right is fully protected in preparation for the general election.

Sincerely,

 Steve Cohen Ranking Member Subcommittee on the Constitution and Civil Justice	 John Conyers, Jr. Ranking Member House Committee on the Judiciary	 Sheila Jackson Lee Ranking Member Subcommittee on Crime, Terrorism, Homeland Security, and Investigations
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 Judy Chu Chair Congressional Asian Pacific American Caucus	 G.K. Butterfield Chair Congressional Black Caucus	 Linda Sanchez Chair Congressional Hispanic Caucus
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 Raúl M. Grijalva Co-Chair Congressional Progressive Caucus	 Keith Ellison Co-Chair Congressional Progressive Caucus
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<sup>16</sup> See Brennan Center Report, *supra* note 1, where researchers note that among the most controversial voting changes has been the partial or full elimination of voting on Sunday, which has been criticized for aiming squarely at large African-American turnouts, and to a lesser extent Hispanic communities, executed by church and religious groups.

<sup>17</sup> See International Business Times, *supra* note 12, where it is reported that many Native Americans live on reservations that are more than a four-hour drive away from the county seat and do not own a vehicle, making the trip to obtain or submit a ballot very challenging without the assistance of a volunteer.