



June 25, 2007

To Members of Congress:

On behalf of the Lawyers' Committee for Civil Rights Under Law, I urge you to vote for H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act of 2007. Passage of the Deceptive Practices and Voter Intimidation Prevention Act will protect voters across the country from the all too common deliberate deception designed to keep eligible voters away from the polls. Just a year after the country celebrated the courage and commitment to our national principles displayed when the Congress overwhelmingly reauthorized the Voting Rights Act, you have an opportunity to continue that courage through swift passage of this key legislation.

Since President Kennedy founded the Lawyers' Committee over forty years ago, we have harnessed the awesome experience, resources and dedication of the private bar to remedy civil rights violations across the country. While we address a broad portfolio of civil rights issues – from housing to environmental justice to employment – we began our work defending the equal rights of all Americans to cast a meaningful ballot. Throughout our history, the Voting Rights Project has been a leader in protecting the participatory rights of minority voters through litigation. Over the past decade we have expanded our leadership in the voting arena to policy development and traditional advocacy.

One the most significant accomplishments of the Lawyers' Committee has been its leadership in the Election Protection Coalition. Election Protection is the largest non-partisan voter protection effort in history. In 2004 alone, our voter services hotline – 1-866-OUR-VOTE – received over 200,000 calls from voters in all 50 states. Over the past six years since the program's founding the Lawyers' Committee has been responsible for administering the hotline, serving as the leader of the robust local legal program, and has developed up to date legal and citizen guides to help voters exercise their rights. Together with the invaluable assistance of our extensive coalition of partners including the NAACP, the National Bar Association and the People for the American Way Foundation, we have recruited over 30,000 volunteers, including more than 10,000 legal volunteers.

Throughout the course of our advocacy on behalf of voters over the past 40 years, the Lawyers' Committee has fought against overt discrimination and cover discrimination, we have committed ourselves to removing the barriers voters face, particularly voters in minority communities. Over the past 40 years, we have identified and removed attempts to use deception in elections to disenfranchise eligible voters. Regardless of whether it is motivated by partisanship or discrimination, these tactics have the same outcome: eligible Americans, disproportionately from traditionally disenfranchised communities – African Americans,

Latinos, students, and seniors – are targeted in an effort to silence their voice at the ballot box. This is callous, un-ethical, and decidedly un-American.

Since we founded Election Protection our eyes have been opened to a recent device used to further these malevolent ends. Across the country, primarily in traditionally disenfranchised communities, voters are deliberately misinformed about the mechanics of elections. From the date or place an election is being held to the qualifications for registration, voters are misled about how they can exercise their constitutional rights.

In the past voters have endured:

- **Threats of imprisonment.** In 1998, state representative Son Knon’s office in South Carolina mailed over 3,000 brochures to black voters, which incorrectly informed that “SLED [State Law Enforcement Division] agents, FBI agents, people from the Justice Department and undercover agents will be in Dillon County working this election. . . . THIS ELECTION IS NOT WORTH GOING TO JAIL!!!!!!”
- **Door-to-door campaigning to “vote at home.”** In 1993, campaign workers visited homes in Latino neighborhoods of Philadelphia to convince voters to cast absentee ballots while misleading voters about the documents they were signing and the state’s absentee voting laws telling voters that they could vote at home as a “new way of voting.”
- **Postcards encouraging voters to discard absentee ballots.** In 1990, elderly voters in Texas, received postcards that urged them to “throw the mail ballot in the trash” and “walk proudly into the voting place . . . in honor of the many who fought and died for your right to walk into the polls,” even though those who have requested an absentee ballot in Texas could not vote in person without going through a complicated procedure to cancel the absentee ballot.
- **Videotaping voters at polling places.** In 1998, Republican officials in North Carolina counties planned to videotape voters in some heavily Democratic precincts purportedly to prevent fraud.
- **FBI investigation of voters.** In 1994, purportedly linked to an investigation for church arsons in Alabama, the FBI questioned 1000 voters about possible fraud, asking many to submit handwriting samples. The resulting convictions were few, but the voter turnout was down.

Since 2004, Election Protection collected reports of deceptive practices or voter intimidation from more than 30 states. Specific incidents in 2004 include:

- **Fraudulently changing party-registrations and addresses.** Over 4,000 potential voters including students at the University of Florida, Florida State, and Florida A&M universities discovered their party registrations switched and their addresses changed. Changed addresses could have barred them from voting because they would have shown up at the wrong polling place.
- **Fliers advertising the wrong election date.** In Pittsburgh, fliers printed on county letterhead stated that “due to immense voter turnout expected on Tuesday,” the

election had been extended: Republicans vote on November 2, and Democrats vote on November 3. Across the country, voters received similar flyers.

- **Bogus election regulation fliers.** In Milwaukee, Wisconsin, fliers purportedly from the “Milwaukee Black Voters League” were distributed in minority neighborhoods claiming “If you’ve already voted in any election this year, you can’t vote in the presidential election; If anybody in your family has ever been found guilty of anything, you can’t vote in the presidential election; If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.”
- **Letters threatening arrests.** In Charleston County, South Carolina, some voters received a letter claiming to be from the NAACP, which falsely threatened voters with arrest if they went to the polls and had outstanding parking tickets and had not paid child support.
- **Fraudulent memos claiming that some registrations would be invalidated.** In Lake County, Ohio, a memo on a bogus Board of Elections letterhead was sent to county residents informing them that registrations obtained through Democratic Party and NAACP registration drives were invalid.
- **Phone calls and visitors with false information.** In the Cleveland area, some voters received phone calls incorrectly informing them that their polling place had changed; Some also had unknown visitors who illegally offered to deliver completed absentee ballots to the election office.

Specific incidents in 2006 include:

- **Intimidating and deceiving Latino voters:** In Orange County, California, a congressional campaign sent 14,000 voters with Hispanic surnames a letter advising recipients that “if you’re an immigrant, voting in a federal election is a crime that can result in incarceration,” or deportation. Voters at a heavily Latino polling place in Tucson, Arizona were greeted by hostile gunmen providing false information about their right to vote.
- **Harassing Robo Calls:** Voters in New York, Virginia, Florida and New Mexico reported receiving harassing robo (automated) calls, sometimes in the middle of the night, claiming to be from one of the candidates running for office in the area. After further investigation, it became clear that the calls were coming from that candidate’s opponent.
- **Phone calls providing voters with false polling place information:** In states from New Hampshire to Arizona, voters received phone calls with false information about their polling places. Voters were told their polling places had been changed, when they had not, and were told to vote at often inconvenient locations that were not polling places.
- **Lying about party affiliation to confuse the electorate:** In Maryland, materials were distributed primarily in African American neighborhoods, falsely suggesting that Republican candidates were running as Democrats or were endorsed by Democratic leaders, causing widespread confusion.

- **Deliberately providing mis-information about registration status:** Registered voters in Virginia, Colorado, and New Mexico reported receiving phone calls in the days before the election claiming that their registrations were cancelled and that if they tried to vote they would be arrested.
- **Poll workers providing voters with false information:** Poll workers in precincts across the country wrongly informed voters that identification was required in order to vote. While some of these problems were the result of poor poll worker training, in multiple incidents poll workers explained that they were imposing this requirement on their own because it was the only way to keep non-citizens from voting.
- **Student voters wrongly dissuaded from voting:** As in past elections, student voters were dissuaded from voting at their college or university and were told they would be committing a felony or that their parents would lose a tax deduction. The constitution guarantees students an equal right to participate in an election where they go to school.

This crucial piece of legislation targets the necessary problems in the election system by striking a necessary balance between the rights of all Americans to cast an effective ballot and our core first amendment constitutional rights. Unlike other fraud on the system that is already covered by federal law, like ineligible voters registering or voting, an exceedingly rare but despicable practice, the Deceptive Practices and Voter Intimidation Protection Act covers ground not already covered by:

- Providing a comprehensive definition of what constitutes a deceptive practice;
 - Criminalizing such practices and stating appropriate penalties;
 - Outlining an innovative system to help disseminate correct information to voters who have been victims of these practices;
 - Creating a reporting structure for incidents that will help citizens to address grievances;
- and
- Calling on the Department of Justice to work with leading civil rights and voter protection organizations, other Federal agencies, and state officials to develop the most effective way to address this problem.

At a time when America's voters are called to make historic choices, it is our duty as advocates and your duty as legislators to ensure that every opportunity is available to each and every eligible voter to have the tools necessary to make those decisions. It is critical that our fellow Americans can go to the polls without the harassment of deception and the fear of intimidation. Therefore, I urge you to vote for the Deceptive Practices and Voter Intimidation Protection Act of 2007.

Sincerely,

Barbara Arnwine
Executive Director

Lawyers' Committee for Civil Rights Under Law