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Testimony

by

**Arturo Vargas, Executive Director
National Association of Latino Elected and Appointed
Officials (NALEO) Educational Fund**

before

**the United States House of Representatives
Committee on Appropriations
Subcommittee on Financial Services
and General Government
on Election Administration**

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Chairman Serrano, Ranking Member U.S. Representative Regula, other distinguished members of the Subcommittee, fellow panelists and guests. Thank you for the invitation to testify before you today on election administration issues and the Federal government's responsibility to promote and support fair, accurate, and inclusive elections. I am Arturo Vargas, the Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, the leading national organization that empowers Latinos to participate fully in the American political process, from citizenship to public service. We fulfill our mission through programs that promote the civic integration of Latino immigrants into American society, provide technical assistance and skills development to the nation's Latino elected and appointed officials, and conduct research on issues relating to Latino political engagement and impact. The NALEO Educational Fund is a 501(c)(3) non-profit, non-partisan organization, and our constituency includes the more than 6,000 Latino elected and appointed officials nationwide.

The NALEO Educational Fund has been at the forefront of efforts to ensure that federal election reform is accomplished in a manner that enhances opportunities for full participation by all of our citizens, including the Latino community, which is the fastest growing group of the nation's electorate. Between 1988 and 2004, the number of Latino voters in Presidential elections more than doubled, growing from 3.7 million voters to 7.6 million, and we believe that more than 9.2 million Latinos will cast ballots in the 2008 Presidential contest. Because it is so critical that Latinos have an active presence in our democratic process, our organization's election work incorporates a broad range of policy development and voter engagement efforts.

Nationally, we were involved in the efforts to shape the Help America Vote Act of 2002 (HAVA), and we continue to educate state and local policymakers about HAVA's impact on the Latino community. We have testified before Congress and the United States Civil Rights Commission on Latino access to the electoral process. Both before and after the enactment of HAVA, we were also invited to testify before prominent private commissions that examined election reform issues, including the Ford-Carter and Carter-Baker National Commissions on Federal Election Reform.

In 2006, we worked together with a national coalition of civil rights and civic associations in a successful effort to secure the reauthorization of key provisions of the Voting Rights Act of 1965

("VRA"). We published two reports, which were both submitted to Congress to help document the continued need for the VRA's protection. One report, "The ESL Logjam: Waiting Times for Adult ESL Classes and the Impact on English Learners," examined the unmet demand for English-as-a-Second-Language classes, and the challenges confronting newcomers in obtaining ESL instruction. The other report, "I Was Asked If I Was A Citizen": Latino Elected Officials Speak Out on the Voting Rights Act, documented the continued existence of discrimination against Latino elected officials and voters in the electoral process. Our VRA activities also included an initiative to educate Latino elected officials and civic leaders about the importance of the reauthorization of the VRA's provisions.

We are also at the forefront of efforts to shape the implementation of HAVA on the state level and in jurisdictions with large populations of Latino voters. We were a member of the California Secretary of State's (SOS) HAVA Plan Advisory Committee, and we have also served on SOS Advisory Committees on pollworker training and recruitment, election system accessibility, and voter registration database procurement. In Los Angeles County, which is home to more than 1 million Latino registered voters, we are active members of the Community Voter Outreach Committee, where we work with the Registrar Recorder-County Clerk's office on election issues.

Finally, we have extensive experience in educating Latino voters about the importance of electoral participation through our *Voces del Pueblo* non-partisan voter engagement program. Since the inception of the program in 2001, the NALEO Educational Fund has worked closely with elections officials, the media, and other community-based organizations to mobilize Latino voters across the country who do not yet fully participate in the electoral process. This mobilization effort has two important components. First, we listen to Latino voters by conducting voter forums, where we learn about the issues of concern to the voters and their perspectives on the voting and elections. We have conducted these forums in cities with significant Latino populations, including Albuquerque, Chicago, Denver, Houston, Los Angeles, Miami, New York, and Phoenix. Additionally, we engage the voters in the community by sending them positive motivational and informational messages through phone, mail and the media. Over the years, we have reached more than 500,000 Latino voters across the country, in states including Arizona, California, Colorado, New Mexico, New York and Texas.

This year, we plan to expand the *Voces del Pueblo* program to even more jurisdictions across the nation as part of the *ya es hora* (“the time is now”) campaign, in partnership with the National Council of La Raza and *Mi Familia Vota*. The *ya es hora* campaign, which encouraged and assisted hundreds of thousands of eligible legal permanent residents to apply for U.S. citizenship in 2007, benefits from partnership with leaders in the Spanish-language media – Univision Communications, ImpreMedia, and Entravision Communications.

Our *Voces del Pueblo* program also includes our national bilingual voter information and protection hotline, *1-888-VE-Y-VOTA*, which has provided assistance to nearly 20,000 callers since September 2004. Through the *VE-Y-VOTA* hotline, we have been able to ensure that thousands of Latino voters across the country have access to information regarding voter registration, where to vote, and how to cast a ballot. Additionally, our hotline has helped us document the challenges facing Latinos and other voters who are not yet fully proficient in English when they attempt to participate in the electoral process.

Both our policy development work on election reform and our voter engagement efforts in the Latino community have led us to the same conclusion – there needs to be a comprehensive effort involving the federal, state, and local governments, together with community-based organizations (CBOs) and the private sector, to eliminate barriers to Latino participation in the electoral process and to promote voter engagement within the Latino community. Improving the administration of elections is a critical component of this effort. In my testimony, I will highlight the following issues:

- 1) the strict enforcement of the newly-reauthorized language assistance requirements of the Voting Rights Act of 1965;
- 2) the immediate cessation of state legislative efforts to impose proof of citizenship and voter identification requirements that are more restrictive than those contained in HAVA;
- 3) careful implementation of any “voter verified paper trail” requirements for voting systems;
- 4) vigorous efforts by local jurisdictions to improve their basic administration of elections, including the procedures for registering voters and providing them with election

information in a timely manner;

- 5) better programs for pollworker training and recruitment, particularly for pollworkers who can provide language assistance to Latino voters;
- 6) stronger partnerships between election officials and CBOs to work together on the translation of election materials, voter outreach, and other election administration enhancements; and
- 7) increased support for non-partisan voter engagement efforts by the philanthropic and private sector that affect election administration and key components of this effort:

I. Enforcement and Reauthorization of Key Provisions of the Voting Rights Act

In 1975, Congress extended the protections of the Voting Rights Act of 1965 (VRA) to “language minorities,” such as Latinos, Asian Americans and Native Americans. For the last three decades, the VRA has served as a powerful tool to combat discriminatory election practices, including arbitrary literacy/English language requirements, capricious voting rules, and poll taxes. Additionally, the VRA provisions that require certain jurisdictions to provide language assistance to Latinos and other population groups have made the electoral process accessible to voters who are not yet fully proficient in English. From our work with *Voces del Pueblo* and our *VE-Y-VOTA* hotline, we have learned that these voters face particularly challenging barriers in obtaining information about voting and elections, and the language assistance provided by jurisdictions enhances their opportunity to cast their ballots on Election Day.

In 2006, Congress renewed the VRA’s language assistance requirements through 2032 by enacting the “Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.” HAVA also includes provisions which reinforce these requirements.

We urge the U.S. Department of Justice (DOJ) to continue to vigorously enforce the VRA’s language assistance requirements. Since 2002, the DOJ has entered into consent decrees with several jurisdictions throughout the nation to compel them to improve language assistance for

Latino voters. These jurisdictions include counties, cities and school boards in Arizona, California, Florida, Illinois, Massachusetts, New York, Pennsylvania, Texas, and Washington. The DOJ, together with community and civic organizations, has also conducted outreach to jurisdictions to emphasize the importance of strict compliance with the VRA.

In this connection, we commend the Election Assistance Commission (EAC) for publishing its *Glossary of Key Election Terminology*, which provides a translation of election terms from English to Spanish and from Spanish to English. This glossary will help jurisdictions meet their language assistance requirements, and it will be particularly useful for jurisdictions that do not have the personnel or the technical capacity to conduct translations with their own staff. Many of these jurisdictions contract with translation vendors to prepare their bilingual materials, and the glossary can help them review and check the quality of those materials.

We recommend that the EAC conduct an assessment of how many jurisdictions use the glossary, and whether or not they find it helpful. This assessment will assist the EAC in evaluating whether it needs to make revisions to the glossary in the future. This effort is particularly important as the release of the Census Bureau's American Community Survey (ACS) data in 2010 approaches. Under the newly-reauthorized provisions of the VRA, data from the ACS are used to determine which jurisdictions are required to provide language assistance during elections, and the next determination will be made after 2010 ACS data are available. In light of the growth of the Latino population, it is likely that there will be several new jurisdictions that will be subject to the VRA's language assistance requirements based on 2010 ACS data.. These jurisdictions will face the challenge of implementing a language assistance program for the first time, and the EAC can help them meet that challenge by ensuring that its glossary is an effective and useful tool.

II. Cessation of State Efforts to Impose Restrictive Voter ID Requirements

When Congress enacted HAVA, the legislation included new provisions which required certain first-time voters to provide identification (ID) when casting their ballots. We opposed these requirements because we were concerned that they would create new obstacles for Latino participation in the electoral process. However, HAVA's requirements are somewhat

narrowly-drawn – they apply to only one segment of the voting population (generally, first-time voters who register by mail), and when jurisdictions have implemented HAVA-compliant statewide databases, most voters will undergo a verification that will eliminate any need for them to show identification at their polling places.

Since HAVA's enactment, there has been an alarming proliferation of state efforts to impose proof of citizenship and voter ID requirements that go far beyond its federal mandates. According to the Pew Center on the State's report, "HAVA at 5," in 2000, only 11 states required voters to show some kind of identification to vote. According to the Pew Center, as of September 2007, 27 states have verification or identification requirements that go beyond the mandates of HAVA. These requirements vary greatly by state – for example, in Arizona, voters must provide proof of citizenship when registering to vote; other states have no proof of citizenship requirements for registration, but do require all voters to present photo ID before casting a ballot, and some states impose fairly limited identification requirements at the polling place. However, we believe that all of these measures will make it more difficult for citizens to register to vote and greatly increase the risk that eligible voters will be denied the right to vote.

Arizona's proof of citizenship measure generally requires citizens who do not have an Arizona driver's license issued after October 1996 to provide documentary evidence of citizenship when registering to vote, such as a birth certificate, U.S. passport or certificate of naturalization. Registration applicants who lack these documents may have to incur substantial costs to obtain them. Additionally, under the National Voting Registration Act of 1993 (NVRA), citizens must be able to register to vote by mail, and Arizona's proof of citizenship measures have resulted in a cumbersome mail-in registration procedure where some citizens must submit photocopies of the documents that prove their citizenship.

Restrictive voter ID requirements also impose significant burdens on voters, particularly the elderly, the poor or people living in rural areas who may not have such forms of identification as driver's licenses, utility bills or bank statements. Many of the voter identification laws require that the addresses on the identification exactly match the address on the voter rolls. However, it is difficult for citizens who are particularly mobile to ensure that their identification documents

consistently reflect their most current address – for example, in some states, when citizens send their driver’s license agency their new address, the notification may trigger their address being updated in the voter rolls, but they may not receive a new driver’s license. Thus, pollworkers may refuse to allow them to vote because of the “mismatch” of the address on their identification and the voter rolls. This would create serious obstacles for population groups that are particularly mobile, such as Latinos.

Both proof of citizenship and voter identification requirements are difficult to administer, and impose new and costly burdens on election officials and pollworkers, who must comply with complicated documentation requirements, or make hundreds of judgment calls as to whether certain forms of identification are acceptable. There is also a significant risk that pollworkers or election officials will arbitrarily use these types of requirements to prevent Latino voter participation. Through our *VE-Y-VOTA* hotline, we have received reports from Latino

voters of rude or unhelpful treatment by pollworkers, particularly from voters who need language assistance at the polling place.

Polling place ID requirements give election workers enormous discretion in determining whether the identification presented by voters meet the requirements, and these workers often make these decisions quickly at busy polling places. It is likely that pollworkers will subject Latino voters to more rigorous and unfair scrutiny in determining whether they are qualified to vote, particularly those whom they view as “problem voters” because of their need for language assistance.

The proponents of proof of citizenship and voter id requirements justify their measures by raising the specter of widespread voter fraud – but documented occurrences of voter fraud are rare and isolated. We can prevent these occurrences through improvements in current election laws and procedures, including improved voter database management and enforcement of existing federal and state laws.

Ultimately, we believe that proof of citizenship and voter ID provisions that go beyond the scope of those included in HAVA are unnecessary and will create new barriers for the participation of

Latinos and other population groups in the electoral process. These requirements will also impose costly and time-consuming burdens on election officials and pollworkers.

We believe that the EAC should take stronger action to discourage states from imposing proof of citizenship or voter identification requirements that go beyond the scope of HAVA. We are aware that Arizona has asked the EAC to amend the Federal Mail Voter Registration Form to incorporate state specific instructions reflecting Arizona's proof of citizenship requirement, and we urge the EAC to reject this request. We do not believe Arizona's unfair and burdensome requirement should become a national standard through its inclusion on the Federal Form.

We are also aware of the controversy over two reports commissioned by the EAC related to voter identification issues. In April 2007, members of this Subcommittee learned that a draft report prepared for the EAC included an analysis that contradicted the notion that voter fraud is common (rampant voter fraud is one of the primary justifications for voter ID requirements). However, alterations were made to the draft, and the report ultimately issued by the EAC was far more equivocal about the existence of voter fraud.

Similarly, in June 2006, the Eagleton Institute of Politics at Rutgers and the Moritz College of Law at Ohio State University prepared a report which revealed that for the November 2004 election, more stringent voter identification requirements were correlated with lower voter turnout. This report generally examined the effect of the most stringent non-photo identification requirements; the restrictive photo identification requirements that have been enacted by Georgia and Indiana were not in effect in Election 2004, so the study was not able to assess their impact. When the study examined the impact of identification requirements on different ethnic groups, the report found that Latino voters were 10 percent less likely to vote in states that required non-photo identification compared to states where voters only had to give their names to vote. Ultimately, the EAC decided not to adopt this report, and chose instead to release it in a draft format. The EAC justified this action by claiming that because the report focused on only one election cycle, its research was not sufficient to draw any conclusions. The EAC also announced that it would conduct a more comprehensive research effort to examine voter identification requirements.

We are deeply concerned about the possibility that the election fraud report's conclusions were altered in a manner that would buttress support for voter identification laws. We are also disappointed that the EAC did not adopt the report on voter identification, and we hope that the more comprehensive review that the agency has initiated will attempt to assess the impact of the more restrictive photo-identification requirements imposed by Indiana and Georgia. These requirements have been challenged in court, and a Supreme Court decision on the Indiana requirement is currently pending. We believe that if these requirements survive court challenges, they will have a particularly detrimental impact on Latino access to the electoral process in their states, and that other states will be encouraged to adopt similar requirements.

We also are pleased that the EAC asked its Inspector General to review its internal processes for releasing research and reports to the public and for awarding research contracts. We look forward to the results of this review, and we hope that the review will promote greater transparency and accountability in the EAC's research and contracting activities.

III. Careful Implementation of VVPT Requirements

The heated public policy debate about the accessibility and security of direct record electronic (DRE) voting systems has led some jurisdictions to require the addition of a voter verified paper trail (VVPT) capability to those systems, a paper record of voters' choices that they can review before finally casting their ballots. We believe that DRE voting systems hold several advantages over older, paper-based systems and will help to ensure that more votes are accurately counted. For jurisdictions covered by the VRA's language assistance requirements, DREs can be programmed to provide ballot screens in multiple languages, which is more cost-effective and efficient than printing numerous sets of paper voting materials.

The audio capability features of DREs are particularly useful for voters who are visually impaired because they provide them with the right to cast a vote privately and independently. DREs also have other features that make them far more accessible to voters with motor or neurological impairments than paper-based systems. HAVA required all jurisdictions to have at least one accessible voting system at each polling place by January 1, 2006, and we know that several

states have been struggling to find voting systems that meet these requirements.

However, we understand the concerns of policymakers who believe that VVPT capabilities are necessary to maintain public confidence in the accuracy and security of votes cast on DREs, and we are pleased to see that voting system manufacturers are developing new technology that will provide VVPT capabilities for DRE systems. We also believe that manufacturers and entities should ensure that the VVPT technology meets HAVA accessibility requirements, which not only include accessibility for persons with disabilities, but also accessibility for language minorities. For jurisdictions that have already adopted VVPT mandates, we recommend that the state certification requirements include testing to ensure that the VVPT is fully accessible to language minorities. We urge states to work with organizations that are familiar with language minority voters during the testing process to obtain their input regarding accessibility issues.

In addition, we urge states that decide to impose VVPT requirements to implement realistic deadlines for those requirements. There are several steps that must occur before jurisdictions can deploy new voting technology or add VVPT capabilities to existing voting systems. First, jurisdictions may need to wait until the manufacturers of a system they have chosen have obtained federal and any applicable state certification of the new technology. Then, the jurisdiction must become familiar with the VVPT technology, train its election officials and pollworkers on its proper use, and conduct voter education about the new system. We urge states that have or are considering imposing VVPT requirements to ensure that their deadlines leave jurisdictions sufficient time to obtain properly-certified equipment, and to implement effective pollworker training and voter education programs for the new systems.

IV. Enhanced Election Administration Practices and Procedures

Both demographic research on Latino voters and our own experiences through our *Voces del Pueblo* program indicate that Latino voters face special challenges when they participate in the electoral process. Latinos tend to be a younger population than non-Latinos, and a significant portion are naturalized citizens who do not have extensive experience with voting. Additionally, Latinos are a relatively mobile population, and voters who frequently change addresses experience difficulties with ensuring that voter rolls consistently reflect their most recent

residence. In general, we have learned that Latino voters often lack basic information about the importance of voting and the basic mechanics of registering and casting a ballot. Additionally, when jurisdictions do not have well-administered election procedures, they may fail to maintain correct data about Latinos on their voter rolls, or they may fail to provide Latinos with election materials in a timely manner. Thus, before each election, Latinos often have several basic questions about voting, including where to find their proper polling site and how to address situations where their names do not appear on the voter rolls.

Our experiences with our *VE-Y-VOTA* hotline underscore the need for improved election administration and information dissemination to Latino voters. After the last Presidential election, we conducted a comprehensive analysis of the calls received on the hotline. Callers from 42 states and 371 counties contacted us, and 99% of the calls were inquiries about registering to vote, or about where and how to vote. With respect to voter registration, many callers could not obtain basic information from their own jurisdictions about whether or not they were registered to vote. In some cases, voters tried to use phone lines established by jurisdictions to confirm their registration, and encountered either long waiting times, or problems with finding bilingual operators who could assist them. Latino callers experienced similar problems when contacting jurisdictions to obtain the location of their polling place.

The problems experienced by Latino voters were exacerbated by inconsistent jurisdiction practices with respect to the mailing of election materials, such as sample ballots. While not all states mail this information to registrants, a large share of Latino voters are registered in states that do mail this information (such as Arizona, California, Florida, New York and Texas). However, among our callers during the last Presidential election, we found that less than half of Latino registered voters in these states reported having received any information about voting from their election officials. We also found that voters who are not yet fully proficient in English were more likely to experience problems with obtaining information from their jurisdictions – 61% of these voters reported that they had received no election information from their jurisdictions compared to 55% of voters who were more proficient in English.

Thus, we believe that jurisdictions need to scrutinize every aspect of the registration and voting

process, and ensure that there are quality control procedures for effective election administration. From our *VE-Y-VOTA* hotline calls, we learned that every misstep in proper election procedures could potentially prevent an eligible voter from being able to cast a ballot. For example, we found many Latino callers who had been registered to vote and voted in the past found that they had disappeared from voter rolls on or before Election Day. New registrants and re-registrants reported having registered through their state's motor vehicles license agency (hereinafter referred to as the state's "DMV") only to later realize that their registration had not been processed. We believe that states need to carefully examine their procedures for maintaining voter databases and processing DMV registrations to ensure that all eligible registrants are added to and appear on the voter rolls in a timely manner. The proper maintenance of voter rolls also affects the extent to which voters will receive the information they need to cast their ballots in time for Election Day.

Other basic election administration improvements that have a particular impact on Latino voters include:

- For jurisdictions that are required to comply with the language assistance requirements of the VRA, the timely mailing of alternate language voting materials – we have consistently received reports of voters who request these materials receiving them far later than the English-language materials; and
- The implementation of effective systems for voters to 1) verify their registration status; and 2) determine the location of their polling place. We have found that jurisdictions vary widely with respect to the quality and accessibility of these systems. Some jurisdictions have on-line computer-based systems or telephone hotlines that work effectively for these purposes, while others have little or no capability to assist voters with these matters.

We operated our *Ve-Y-Vota* hotline during Election 2006, and most recently, we received about 1,600 calls during the 2008 "Super Tuesday" primary season. We have found that the questions from Latino callers and the challenges they confront in voting are very similar to those encountered in the last Presidential election. Thus, we believe that there is a great need for an assessment of the "best practices" among jurisdictions to highlight the most effective and accessible systems for providing voters with basic registration and voting information. We

understand the EAC is undertaking a study of voter hotlines operated by election offices, and we urge the agency to conduct a more expansive study of overall voter education efforts conducted by those offices.

V. Improved Pollworker Training and Recruitment Efforts

Pollworkers serve on the “frontlines” of election administration, and they are often the first point of contact for voters. In the Latino community, where many citizens are not fully familiar with the voting process, it is critical that there be well-trained pollworkers who can effectively serve voters at each polling place. Jurisdictions must institute effective pollworker recruitment programs, particularly for pollworkers who have appropriate language assistance skills.

Jurisdictions must also ensure that they provide comprehensive training to these workers which covers the proper operation of voting equipment (particularly when new equipment is being deployed), the specific needs and rights of language minority voters and those with disabilities, and the non-discriminatory application of voter ID requirements. The training should also cover HAVA’s requirement that voters be provided the opportunity to cast a provisional ballot. Many of our *VE-Y-VOTA* callers were not offered provisional ballots, or found that pollworkers were not familiar with them; in some cases, our callers were not able to cast any ballot because of these problems. Finally, pollworker training should cover basic “customer service” and cultural sensitivity techniques for pollworkers. As noted earlier, from our experience with *VE-Y-VOTA*, we learned that some Latino voters experience rude or unhelpful treatment from pollworkers, particularly those voters who are not yet fully proficient in English. While these instances were relatively rare, they should not be occurring at all.

We believe that state and local jurisdictions should work closely together on pollworker training and recruitment. States can provide overall guidance to local jurisdictions by creating basic standards for pollworker training, and states should also consider providing local jurisdictions with a general training curriculum. The standards and curriculum should be broad enough to provide local jurisdictions with the flexibility they need to tailor pollworker training to the specific needs of their voters; however, there should be some sense that there is a uniform set of guidelines for pollworker training that will ensure all voters in the state receive quality service at the polling place.

States can also serve as a clearinghouse for best practices in pollworker recruitment. Many states and local jurisdictions have innovative programs to recruit pollworkers, which include programs which encourage the participation of certain government workers, youth, or persons employed in private businesses. In this connection, we commend the EAC for issuing its “Successful Practices for Poll Worker Recruitment, Training and Retention,” and we are pleased to see that this manual emphasizes the need for jurisdictions to recruit bilingual pollworkers. However, we believe that the manual does not contain strong enough language regarding training all pollworkers about the VRA’s language assistance requirements and the need to treat language minority voters fairly and courteously. The manual contains a good section on sensitivity training on the needs of voters with disabilities, and we believe the manual should have comparable information about language minority voters. We urge the EAC to consider revising the manual to address these topics. We also urge the EAC to actively disseminate the revised manual to all jurisdictions covered by the VRA’s language assistance requirements, with a special dissemination effort being made to jurisdictions that first become subject to the requirements after the 2010 Census determinations are made.

VI. Stronger Partnerships between Election Officials and CBOs

In order for election officials to improve the administration of elections in a manner that ensures full participation by all eligible citizens, they must establish strong partnerships with CBOs that serve population groups such as Latinos who are underrepresented in the electoral process. These CBOs have expertise in the challenges facing underrepresented voters, and can provide invaluable assistance in nearly every aspect of election administration. For jurisdictions that are covered by the language assistance requirements of the VRA, CBOs can assist election officials with the implementation of language assistance programs, including the translation of materials and the recruitment and training of pollworkers. CBOs can also provide guidance to localities on the effectiveness of their voter outreach and education efforts. As noted earlier, state officials should seek CBO input into the language accessibility of new voting systems during the state certification process. States should also involve CBO representatives in the review of the curriculum and standards they develop for pollworker training.

States and localities can establish CBO partnerships by creating advisory panels or committees which include CBO representatives. We note that some jurisdictions, such as Los Angeles County, have on-going committees that meet with election officials on a regular basis. These committees enable CBOs to have “face-to-face” discussions on issues such as the implementation of language assistance programs, and “troubleshooting” on election administration problems. We recommend that all states and localities establish on-going advisory committees that include representatives of CBOs familiar with the needs of voters in underrepresented communities. We also urge the EAC to conduct an assessment of the “best practices” in developing and maintaining CBO and election official partnerships.

VII. Public and Private Resources for Non-Partisan Voter Engagement Efforts

Through our extensive work with Latino voters, we have learned that there is a critical need for non-partisan CBO voter engagement and education efforts in underrepresented communities. Traditional voter engagement campaigns conducted by political parties and candidates target voters who are already likely to vote - citizens referred to as “high-propensity voters.” Since Latinos are less likely to be “high-propensity voters” than non-Latinos, traditional voter engagement campaigns tend not to target Latinos. Low Latino participation rates are partly attributable to demographic factors such as youth, high mobility, and lack of access to education and economic opportunities. However, the traditional voter engagement approaches of political parties and candidates also contribute to a cycle that reinforces the low Latino participation rates. Because traditional mobilization efforts fail to promote participation among Latinos and other low-propensity voters, they vote infrequently, which means that the mobilization efforts continue to ignore them in the future.

Additionally, strategic political considerations in each election cycle have a significant impact on how parties and candidates target their outreach efforts. For example, in the November 2004 Presidential election, the parties adopted a “battleground state” strategy where they concentrated their voter engagement resources in states they believed would be the most significant for an Electoral College vote victory. As a result, the parties conducted minimal voter engagement activity in the 32 states which were not considered “battlegrounds” – states with about 63% of

the nation's registered voters. The battleground strategy had a particularly pronounced impact in shifting voter engagement resources away from states with large numbers of Latino voters. About 73% - or nearly three-quarters - of Latino registered voters lived outside of the battleground states.

The traditional mobilization approaches of parties and many candidates generally try to produce short-term increases in turnout among certain select groups of voters. They do not aim to create the long-term, fundamental changes in voter attitudes and behavior that are needed to ensure that underrepresented groups become full participants in the electoral process.

Many non-profit organizations that conduct non-partisan voter education and engagement activities target those voters who are ignored by traditional mobilization campaigns. Efforts by CBOs and civic groups can complement the voter education work of state and local election officials. In some cases, Latinos or members of other ethnic population groups feel more comfortable contacting CBOs than government agencies to obtain information. CBOs also have relationships with ethnic media that can prove invaluable in disseminating election information within their communities.

However, CBOs and civic groups often lack the resources they need for their election information activities. A few states offered HAVA funding to non-governmental groups for non-partisan voter education, but most states tended to use HAVA funding for already-established activities conducted by government agencies. Thus, the private sector, including corporations and foundations, should explore ways to generate more resources for the non-partisan CBO voter information and engagement work. A vital and responsive democracy that is truly representative of our nation's diverse voices is a laudable goal, and the private sector can play an important leadership role in helping us to achieve it.

VIII. Conclusion

Chairman Serrano, the enactment of HAVA resulted from a spirited public discussion about the integrity and reliability of our federal election system. However, this discussion also provided us with an opportunity to re-examine the fundamental challenge of ensuring that all of our citizens

become full participants in our electoral process. HAVA helped lay the foundation for governmental efforts that will result in a more inclusive and participatory democracy, and it has provided significant resources for these efforts. We hope that HAVA's requirements for the accessibility and integrity of voting systems will encourage jurisdictions to make significant improvements in all aspects of election administration. Many of HAVA's provisions have highlighted the need for enhanced programs of pollworker training and recruitment and voter education.

Our nation now has the opportunity to build upon the foundation established by HAVA to ensure that Latinos and other population groups become full participants in our democracy. This will require a partnership between the federal, state and local jurisdictions, together with CBOs, civic organizations, and the philanthropic and private sector. But the effort is critical for our nation. Between 1960 and 1996, we saw a general decline in voter turnout for Presidential elections. While this trend started to reverse itself in the 2000 and 2004 Presidential elections, U.S. Census data suggest that there were still more than 71 million voting-age U.S. citizens (36%) who did not cast ballots in November 2004. Latinos and other underrepresented groups are eager to participate in the electoral process and become active and informed citizens, as evidenced by their strong turnout in the recent primaries. Additionally, last year's surge of 1.4 million naturalization applications received by the U.S. Citizenship and Immigration Services was the highest annual number in new applications filed for citizenship in a decade, and the third highest in our nation's history. The legal permanent residents who applied for U.S. citizenship last year, as well as those who are applying this year, are eager to demonstrate their commitment to this nation. Jurisdictions across the country should be prepared to ensure these new voters are welcomed into the voting process once the USCIS completes the adjudication of these applications and these new citizens become part of the U.S. electorate. As jurisdictions move forward with implementing HAVA, we urge the EAC to provide them with guidance that enables them to embrace the opportunity to make significant improvements in the accessibility of election systems for Latinos and the nation as a whole. We stand ready to work with the EAC and election officials throughout the nation to help ensure that our democracy remains vital and responsive to the voices of all of its citizens.

I thank the Chairman, the Ranking Member, and the Subcommittee once again for providing us with the opportunity to share our views today on election administration.