



Statement of
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Senate Rules Committee
Hearing on the Ballot Integrity Act of 2007 (S. 1487)

On behalf of the more than one million members and activists of People For the American Way (PFAW) and People For the American Way Foundation (PFAWF), I salute the Committee for considering legislation that will give the American people rights that have too long been denied. Thank you, Chairman Feinstein, Ranking Member Bennett and the entire Committee for inviting me here today to testify.

The Ballot Integrity Act is a well-intentioned bill that attempts, practically and effectively, to address some of the major election problems voters are facing today, including the non-verifiability of ballots; the lack of transparency of current election processes; the conflicts of interest, or the appearances of conflicts arising from election official partisanship; the inadequate distribution of voting day resources; the lack of access given to non-partisan election observers; and problems with voter registration. While this is in no way an exhaustive list of the full scope of Chairman Feinstein's bill, it helps explain the measure's comprehensiveness and the importance of its enactment to ensure fair and non-biased elections.

Since our founding by Norman Lear, Barbara Jordan, and other civic, religious, business and civil rights leaders, People For the American Way and its Foundation have urged Americans to engage in civic participation, and we have sought to empower those who have been traditionally underrepresented at the polls, including young voters and people of color. In order to provide comprehensive election reform and protection, PFAW and PFAW Foundation established our Democracy Campaign to reform elections and protect the vote on both the state and national level, through voter registration, legislative, grassroots, litigation and GOTV efforts. Our efforts encompass advocacy on both state and federal legislation, the protection of voting rights through the judicial system and year-around work with election officials to protect the rights of voters before, on and after Election Day.

This Democracy Campaign also incorporates our leadership efforts in the Election Protection Coalition, a non-partisan voter protection effort that People For the American Way Foundation co-founded and leads with its allies, the NAACP and the Lawyers' Committee for Civil Rights Under the Law, in response to the debacle of the 2000 Presidential Election. Since its inception, the Election Protection program has become the largest non-partisan voter protection effort in the country. Over the years, the Election Protection coalition has mobilized and trained over 35,000 volunteers, with the 2004 campaign being the largest field campaign ever. During the 2004 election cycle, Election Protection mobilized 25,000 trained volunteers, including 8,000 legal volunteers, who were recruited to monitor polling places, educate voters, facilitate a dialogue with local and state election officials, provide legal support to poll monitors,

and answer the voter assistance hotline, which received over 200,000 calls from voters in all 50 states

In the 2006 mid-term election our efforts were more streamlined. The Election Protection Coalition identified approximately 2300 precincts in 17 target states with the greatest need for Election Protection based on criteria developed from our experience in monitoring elections. Those states included: Florida, Ohio, Pennsylvania, Arizona, Michigan, Wisconsin, New Mexico, Illinois, Colorado, Minnesota, Nevada, Missouri, Texas, North Carolina, Louisiana, Georgia, and Arkansas. PFAWF put a particular focus on communities where we had been actively engaged in voter registration throughout the year. With the continued use of the EP Hotline (1-866-OUR VOTE), EP 2006 was able to assist communities across the country beyond where we had ground operations.

Through the Election Incident Reporting System (EIRS) -- a sophisticated incident tracking system the Election Protection coalition has developed to track problems and identify trends -- PFAWF has been able to more accurately assess the problems of the recent elections. EIRS has also been extremely useful in building a public record for use by all, including this Committee, while also enabling continued advocacy on behalf of voters after Election Day.

In sum, the Democracy Campaign's work in the states, through litigation, with our Election Protection program and on the federal level, has provided us with a wealth of first hand knowledge and experience on the substantive election reform issues addressed in the Ballot Integrity Act. Consequently, we have pursued initiatives as part of our 6-point agenda to protect the vote. This agenda includes: (1) resolving problems with the security and accessibility of voting systems; (2) stopping intimidation and deceptive practices; (3) eliminating over-restrictive and burdensome ID requirements; (4) eliminating burdensome restrictions on voter registration requirements and increasing the franchise through such initiatives as early voting; (5) creating a uniform system of counting provisional ballots; and (6) protecting minority voting rights through the fair access and administration of elections. As long time supporters of more comprehensive election reform proposals that attempt to more uniformly address the problems of our election system, we have continually supported legislation such as Senator Clinton's bill, S. 804, the Count Every Vote Act of 2007. With the introduction of Chairman Feinstein's bill, we are again extremely encouraged to see the Committee giving such necessary attention to the variety of problems that plague our election process.

Without question People For the American Way supports the substantive goals of Senator Diane Feinstein's Ballot Integrity Act because of what this bill will mean for so many voters - a removal of barriers to the ballot. While we always look forward to improvements in all bills as they move through the legislative process, we strongly support the need for voter verification and auditability in time for the 2008 Presidential Election, research on accessible voting system technology and all of the provisions encompassed in Title III that serve to more comprehensively address the various disenfranchisement tactics facing voters today.

While we have uncovered problems supporting the need for every section of this Act, at the Committee's request, in my written testimony I will focus primarily on Title III, giving

special emphasis to election observers, voter registration, voter purging, and conflicts of interest among elected officials.

Election Observers

While state laws protect the ability of partisan observers to monitor elections, currently, there are no uniform provisions that allow non-partisan organizations to monitor elections in the polling place. Internationally, this places us behind many other democratic nations. Indeed, in its recent report on electoral conditions in the U.S., international independent observers invited by Global Exchange and the Organization for Security and Cooperation in Europe (OSCE) noted that partisan administration of elections is not the international norm and recommended opening the voting process to non-partisan observers. The observers wrote: "The delegation strongly endorses the recommendations of the OSCE, the Carter Center for Human Rights, the U.S. Commission on Civil Rights and other experts bodies that call for independent, non-partisan poll watchers, both domestic and international, to be welcomed at the polls and tabulation centers in 2004 and beyond."¹

We, therefore, applaud Chairman Feinstein for including in the Ballot Integrity Act provisions that give all international and domestic election observers equal access to observe the election. This provision will ensure that non-partisan election observers are able to watch the elections to document any inconsistencies, problems or potentially illegal activity that may arise, thus assisting in creating a fair and impartial polling place.

The Ballot Integrity Act's provisions for election observers is particularly significant in the wake of the 2004 and 2006 elections, where partisan election observers were often observed to be intimidating voters and working to suppress the vote. In 2006, for example, PFAWF through our Election Protection program documented instances of challenges and threats against individual voters at the polls by armed private guards, off-duty law enforcement officers, local creditors, fake poll monitors, poll workers and managers. The insertion of large numbers of partisan challengers into an electoral mix that already includes new voter technology, voter identification, disability access and assistance problems, as well as provisional ballot problems threatens to create chaotic conditions that will and have had the effect of disenfranchising large numbers of eligible minority voters.

In 2004, PFAWF and our allies released a preliminary report entitled, "Shattering the Myth, An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," that exposed some of the real stories that voters faced as a result of partisan election observers. Some examples of problems identified in the recent elections include:

- "One Republican poll challenger was reported by several voters to be intimidating poll workers and voters by standing too close to poll workers, writing down things and calling out on his phone. He was described as very aggressive in his actions. Voters called police who threatened to arrest challenger, but he chose to leave at that point." [Wayne County, Michigan]

¹ Jason Mark, Fair Election International. October 26, 2004.

- “A report came in of black voters in a predominantly white neighborhood being challenged by Republican challengers who requested proof of ID, residence, and signature. The challengers reportedly did not make similar demands on white voters. At the same polling place, when black voters asked questions of election officials, the officials reportedly refused to answer, telling them “it’s very simple,” while providing white voters with any requested information or assistance.” [St. Louis, Missouri]

Since 2000, Election Protection advocates have successfully limited the disenfranchising impact of only allowing partisan election observers in some jurisdictions, but more must be done. Incidents like the ones reported above are not isolated and continue to persist in every election. However, such disenfranchising tactics typically occur when there is limited or no oversight and the insertion of non-partisan election observers will go far toward helping to limit potential problems.

Non-partisan domestic and international observation is practiced worldwide as a way of creating transparency and boosting voter confidence. The principle reason democracies worldwide engage in non-partisan observation is usually tied to two integral points: (1) promoting the integrity of electoral and political processes and (2) promoting the right of citizens to participate in government. The Ballot Integrity Act of 2007 draws from these principles by ensuring adequate opportunity for non partisan observers to watch and document our elections, and we support the inclusion of these provisions in the bill.

Voter Registration

Long before voters arrive at the polls, numerous barriers are erected that inhibit them from voting. Among the many issues, the most problematic has often been voter registration issues. In 2006, problems related to voter registration remained consistent and pervasive throughout the U.S. Problems dealing with the voter registration process continued to frustrate thousands of voters before and on Election Day. Problems including inadequate statewide voter registration databases and the implementation of burdensome third-party registration requirements led to countless voters being challenged and forced to vote on provisional ballots or, at times, being denied the right to vote outright.

Across the country, a number of states have taken steps that are obstructing Americans’ ability to register to vote. Under the guise of limiting fraud, state legislatures have passed new laws saddling voter registration organizations with regulations that are frivolous, onerous or both. At the same time, some states’ election administrations are devising rules to widen or deepen the harmful effects of these laws.

Next to voting systems problems, voter registration issues were the most frequently reported problems documented in EIRS, accounting for 16.3% of the problems reported in 2006. Election Protection received calls complaining of problems with the registration system from 38 states. Many of these calls were from voters who were eligible to register and submitted timely registration forms, yet did not show up on the voter registration rolls. Many other calls

concerned new voter registration technologies, including complaints about failures of new electronic poll books. In our 2004 *Shattering the Myth* report – we documented over 10,000 incidents amounting to almost 25% of the total reported problems.

The Ballot Integrity Act deals specifically with the many problems recorded through the Election Protection program by ensuring that registrants and registrars are not penalized for certain inconsequential mistakes. The bill specifically prohibits states from:

- Refusing to register an individual to vote on the grounds that such individual's voter registration application was submitted by a third party
- Prohibiting any person from assisting individuals in obtaining and completing, or from collecting or submitting, mail voter registration forms developed for the purpose of registering those individuals to vote in elections for Federal office
- Imposing any burden on such assistance, or on the collection or submission of such mail voter registration forms.

In sum, the Chairman's bill ensures that third party voter registration drives are protected from unnecessary and burdensome interference on the part of the states.

Chairman Feinstein's bill is especially urgent in light of the many instances of voter suppression that have taken place in recent elections as a result of voter registration problems. These problems included the passing of laws that placed heavy burdens on both third party registrars and actual registrants, which led to widespread confusion about registration status and very likely led to the disenfranchisement of hundreds, if not thousands, of voters.

In September of 2004, Ohio Republican Secretary of State Kenneth Blackwell instructed county boards of election to reject any voter registration forms not printed on 80 pound text paper, a heavy card-like stock. The typical copier paper is 20 pounds, which would be used by most voters printing out voter registration forms from a computer or by third party voter registrars. While some Ohio election officials simply ignored this rule, others rejected all registration forms on lighter paper. The result was widespread disenfranchisement, particularly due to the rapid pace of new registrations that year.

In 2006, Secretary Ken Blackwell issued a ruling, interpreting House Bill 3 (HB 3), that would have required all registration forms to be submitted directly to the office of the Secretary of State or to one of each county's single board of election offices. Moreover, the interpretation also required that paid staffers at non-partisan organizations who were registering voters must hand deliver completed registration applications to the Secretary of State's office or county board of elections, instead of using the postal service to deliver the applications. HB 3 also made non-compliance with this rule a fifth-degree felony, which carried a penalty of jail time or a maximum fine of \$2500 – penalties that would clearly discourage staffers, who might be concerned about unintentionally committing a crime, from working to enfranchise voters. The practical effect of these interpretations would have made it extremely difficult for groups, including PFAWF's Victory Thru Voting voter registration program, to conduct voter registrations and increase voter turnout.

Furthermore, in a move that took voting rights advocates and statewide media by surprise because it was not part of the HB 3 legislation, Secretary Blackwell instituted a required online-only training course for compensated voter registration workers. That requirement was particularly burdensome because it provided no alternative for situations where internet access was not available. The restrictive rules issued by Blackwell had an immediate and lasting impact on broad based voter registration efforts in Ohio. Many progressive organizations which targeted Ohio for statewide voter registration efforts, for example, decided to cease or drastically downsize registration activities in Ohio as a result.

In response to the announcement of these rulings, PFAWF organized two press conferences, one in Columbus and another in Cleveland, focusing on African American communities of faith. We sent a letter to Blackwell urging him to remedy these restrictive rulings and to support voter registration. Blackwell's answer was to rescind the rule blocking use of the mail but to maintain the other rules at the expense of voter registration efforts designed to bring more Ohioans to the polls, especially poor, young, and African American voters. Finally, PFAWF, ACORN, Common Cause Ohio, the NAACP, Community of Faith Assemblies Church, American Association of People With Disabilities, and Project Vote of Ohio filed a lawsuit seeking to overturn restrictions on voter registration in the state of Ohio. The court granted the plaintiffs preliminary injunction motion, which put a halt to the restrictive voter registration rules and requirements of HB 3.

Fortunately, PFAW Foundation, with the help of other non-partisan organizations, the media and public advocates, was able to overturn some of the more restrictive policies announced by Secretary of State Blackwell. However, the fact that many registration forms were discarded, rejected or never hand delivered likely led to the non-registration of hundreds, perhaps thousands, of voters who were probably unaware until Election Day that they were not actually registered. At the very least, these rules probably left many voters uncertain about their registration status and caused unnecessary confusion for Ohio voters.

Perhaps more disturbing than the rejection of voter registration forms; however, were efforts made to block non-partisan groups from helping voters register. In 2004 officials in Miami Beach, Florida, in conjunction with the Department of Homeland Security blocked a voter registration drive for new citizens, citing crowd control and public safety issues. In August, John C. Shewairy, Chief of Staff to the District Director of Homeland Security, informed Mi Familia Vota (MFV)², a non-partisan voter registration project run by the Center for Immigrant Democracy in conjunction with People For the American Way Foundation, that they would no longer be allowed to conduct voter registration drives on the sidewalks just outside the Miami Beach Convention Center at the conclusion of naturalization ceremonies. Mi Familia Vota attempted to solve the issue without resorting to litigation, but when Mr. Shewairy refused to respond to their requests and Miami Beach officials denied MFV access to the public sidewalks in front of the convention center in September, the organization went to federal court seeking an injunction. The judge issued an injunction restraining DHS and Miami Beach officials from prohibiting MFV's registration drive.³

² Now Democracia USA.. Democracia USA registered the largest number of voter registrations in the Hispanic community in 2006.

³ *Center for Immigrant Democracy v. Shewairy (U.S. District Court S.D. Fla)*

In addition to third-party registration problems, there were other serious disenfranchising voter registration techniques. Although Chairman Feinstein's bill does not specifically address this following issue, I feel it is important to highlight the rejection of voter registration applications as a result of non-material omission because it is equally disenfranchising. For example, days after the voting registration deadline had passed for the 2004 elections, Florida Secretary of State Glenda Hood ordered local election supervisors to discard potentially thousands of voter registration forms for the failure of voters to check a box declaring they were American citizens. This oversight was harmless because registrants *also* signed an oath at the bottom of the registration form that stated they were U.S. citizens. Florida election law "merely requires 'an indication that the applicant is a citizen of the United States,'" making the additional box to check redundant.

These types of problems occurred throughout the states. Iowa, like Florida, has indicated that it will not accept registrations of voters who have not checked a box indicating citizenship, despite the fact that they also require registrants to sign an affidavit noting their citizenship status. In Arizona, Proposition 200 requires citizens to present proof-of-citizenship documents in order to register to vote, such as a driver's license, birth certificate or passport, all documents that will cost potential voters money to acquire. Proposition 200's restrictions have also led to a large proportion of registration forms being rejected

The Chairman's bill is a much needed measure, designed to target efforts to suppress the vote before voters ever make it to the polls. By ensuring that third party voter registration organizations are able to continue their work of enfranchising eligible voters, we ensure that democracy can continue to flourish in this country. Further, the voter registration problems identified above are simply a sample of the problems voters have faced in the recent elections. While we sincerely thank the Chairman for including necessary provisions addressing third-party registration restrictions, we urge the Chairman to consider addressing individual voter restrictions as well. Discarding voter registrations because of non-material omissions such as failing to check a citizenship box should not be allowed to continue.

Voter Purges

The voter list management provisions in the Ballot Integrity Act are extremely important and we gladly support their continued inclusion in the bill. Specifically, we are heartened to see the inclusion of safeguards for the removal of voters from voter lists to ensure that no voter is erroneously removed for such immaterial inconsistencies such as the wrong spelling of a name. Indeed, this issue was highlighted once again by the tight race in the most recent Presidential election.

One of the most notable instances of inappropriate voter purging occurred in 2000 when then Governor Jeb Bush's administration contracted with a private company to purge the names of convicted felons, past and present, from the voter rolls. In doing so, the company also purged the names of thousands of non-felons, mostly African Americans, who subsequently were denied the right to vote. Ultimately, the Presidential election of that year came down to only hundreds of

votes in that state and faulty felon lists may have played a role in the outcome. Yet again, in 2004, Governor Jeb Bush was forced to abandon his list of purported felons who were to be blocked from voting when the press discovered that the list included black voters but not Hispanic voters, who tend to vote Republican.

During the 2006 Election, People For the American Way worked with Los Angeles County election officials and others to address problems stemming from the implementation of the state's new voter registration database. Secretary of State Bruce McPherson's inflexible database matching standards, which required that new registrations and registration renewals match precisely with other existing state databases, resulted in the initial rejection of over one-quarter of new voter registrations across the state, including 44,000 in Los Angeles alone. One different letter in a name or numeral in an address, or a missing or additional middle initial could prevent a citizen from getting registered. Indeed, the speed with which rejected registrations mounted into the tens of thousands forced McPherson to revise his own rules to make them less restrictive.

Similarly, in the state of Washington, a 2005 election law that required the state to precisely match voter identification data from registration forms to a government database likely disenfranchised numerous voters. The law, formulated according to the "no match, no vote" practice, was challenged by Project Vote and the Brennan Center for Justice. As of August 1, 2006, a preliminary injunction was granted by a federal judge on the grounds that the law violated the Help America Vote Act of 2002.

Chairman Feinstein's bill properly addresses the many problems noted through the Election Protection program. Specifically, the bill safeguards every voter's rights by precluding erroneous removal from or the prevention of addition to the voter registration list for reasons such as: errors in data, variations in names and other immaterial variations in voter registration information. Moreover, the bill provides an opportunity for voters who have been erroneously removed or prevented from being added to be restored or registered.

By ensuring that voters are not penalized for small inconsistencies, which are "immaterial" the bill guarantees that the fundamental right to vote can not and will not be trampled by overly burdensome purging and registration laws.

Conflict of Interest Among Elected Officials

Many other democracies in the world recognize the actual or apparent conflict of interest inherent in the partisan oversight of elections.⁴ More than half of the world's democracies use independent officials or commissions to administer elections, including Australia, Brazil, Canada, India, Iraq, Mexico, Russia, South Africa, and the United Kingdom.⁵ Another quarter of the world's democracies, including France, Germany, Spain, Argentina, Japan, New Zealand and Israel, allow the government to manage elections but utilize an oversight body composed primarily of judges.⁶

⁴ Spencer Overton, *Stealing Democracy*. p.36.

⁵ Id.

⁶ Id.

The founders of the United States were deeply concerned about the corrupting influence of power. They understood that, given the chance, elected officials would seek to preserve and enhance their power, even at the expense of democratic institutions. Accordingly, the founders designed a government based on separation of powers, where "ambition" would "counteract ambition." This consists of an elected president with veto power over legislation, an independent court with the ability to declare legislation unconstitutional, a legislature in which a two-thirds majority can override a presidential veto, and bicameralism in which legislation must pass both houses of the legislature.⁷

Since government rests on trust and checks and balances, we expect our elected and appointed public officials to avoid even the appearance of a conflict of interest or impropriety as they relate to elections. Without public trust in the system, democratic government with the consent of the governed is replaced either by the rule of force or a cynical indifference on the part of its citizens. In recent years that trust has eroded because state election officials of both violated the integrity of their States' elections by playing a partisan role in the very elections they were charged with overseeing.

Chairman Feinstein's Ballot Integrity Act addresses concerns about conflict of interest or the appearance of conflict by providing that "no chief State election official shall take an active part in political management or in a political campaign with respect to any election for Federal office over which such official has supervisory authority."⁸

Our current system of decentralized election administration has led to a problematic mixture of partisan irregularities in practice. There has been a steady and dramatic increase in election related litigation, which also plays a major role in the public's perception of elections. The average number of election challenges per year has increased from 96 between 1996 and 1999 to 254 between 2001 and 2004.⁹

Moreover, in recent years, the country has faced very public conflicts, or the appearances of conflicts, that jeopardized voters' faith in the fairness of our elections. In the 2000 elections, there was the example of Katherine Harris, the Florida Secretary of State who was also Presidential candidate George Bush's Florida campaign co-chair. As Secretary of State, Harris presided over the closely contested recounting of the state's votes, resulting in the litigation that made its way to the U.S. Supreme Court, instating George W. Bush as president.

Prior to the election, Harris also made the decision to hire a private firm, ChoicePoint, to identify and remove thousands of names from the state voters list purportedly because these people were convicted felons. Many of these would-be voters were turned away at or prior to reaching the polls. It would later be discovered that approximately 97% of the people removed from the list and denied the right to vote were not felons at all. The majority of these voters were

⁷ By [J.H. Snider](#), New America Foundation *National Civic Review*. January 10, 2006

⁸ Ballot Integrity Act of 2007 (S. 1487), Section 325(a), 110th Congress

⁹ Rick Hasen, "Beyond the Margin of Litigation: Reforming Election Administration to Avoid Electoral meltdown." Paper prepared for American Political Science Association Meeting. September 1, 2005, pp. 29.

African-American and predominately Democratic, suggesting foul play.¹⁰ Furthermore, the thousands of votes affected by ChoicePoint's error were far in excess of the number of votes (537) by which George W. Bush won the state. Whether there was deliberate action to prevent likely Gore supporters from voting continues to be a subject of intense debate, as is Harris' role in the process.

Unfortunately, in 2004, the irregularities continued with Kenneth Blackwell, who like Harris, held seemingly competing positions as both the Chief Elections official of Ohio and honorary co-chair of the "Committee to re-elect George W. Bush." As the state's chief elections officer, Blackwell was responsible for overseeing the elections process, appointing members of boards of elections in each of Ohio's 88 counties, supervising the administration of election laws and investigating election fraud and irregularities.

Thousands of Ohioans cried foul when in his capacity as Secretary of State, Blackwell ruled that any voter registration form on other than 80-pound weight bond paper would not be accepted. Although Blackwell sought to dismiss any appearance of conflict by testifying before Congress that he was only an honorary co-chair of the Bush campaign, allegations of conflict of interest and voter disenfranchisement led to the filing of at least sixteen related lawsuits naming Blackwell as a defendant, including one by PFAWF, League of Women of Voters and Lawyers' Committee for Civil Rights Under the Law charging Blackwell with violating the rights of voters under the 14th Amendment by inadequately distributing election resources.¹¹

Additional Provisions

Despite the general impression that the 2006 elections went a lot smoother than those in 2004, alarming reports surfaced from across the country that voters continued to be disenfranchised through the use of the provisional ballot. Provisional ballots are intended to provide voters with the ability to cast their vote should problems out of their control arise. However, intentions are not reality. More often than not, voters are not offered provisional ballots or are forced to vote by a provisional ballot, even though these votes would never be counted for the election.

For this reason, we are grateful for the Chairman's inclusion of a uniform and non-discriminatory standard for issuing and counting provisional ballots within the Ballot Integrity Act. Unlike other problems addressed in this bill began well before the most recent elections, the confusion around the counting of provisional ballots is a relatively new problem resulting from the Help America Vote Act of 2002's failure to create a uniform system of counting provisional ballots. This is in contrast to the current method in which provisional ballots will only be counted if they are cast in the correct precinct or polling place. This is true of 30 states and the District of Columbia.¹² The lack of adequately trained election officials and poll workers who distribute, or fail to distribute, provisional ballots substantially contributes to the enormity of this problem.

¹⁰ American Blackout. Ian Inaba. 2006.

¹¹ *League of Women Voters of Ohio, et al v. Blackwell*, 432 F. Supp. 2d 742 (2004)

¹² Provisional Ballot Verification, Updated 8/2/06, <http://www.electionline.org/Default.aspx?tabid=1113>

The Ballot Integrity Act appropriately addresses this issue, but we also encourage the Chairman to take the bill one step further so that states are also required to add eligible voters who voted by provisional ballot to their voter registration lists. In conjunction with the prohibitions on third-party registration restrictions, the inclusion of this provision will significantly impact the enfranchisement of thousands of voters and provide them with the confidence that their right to vote will not be hindered in the future.

Lastly, we are very pleased with the inclusion of language to address the inadequate distribution of voting resources on Election Day which also has been a growing problem highlighted in recent federal elections. In 2004, the Election Protection Hotline received numerous complaints of long lines and waits of up to ten hours to cast a ballot, especially in urban districts with too few voting stations. The lines inevitably led to untold numbers of voters who were disenfranchised because they could not afford to wait. Many had to return to their jobs or their children before they had a chance to cast a vote. Reports of these long lines discouraged large numbers of voters from even attempting to cast their vote.

Because we believed that minority communities were disproportionately affected by this occurrence, PFAW Foundation took the lead with the League of Women of Voters and Lawyers' Committee for Civil Rights Under the Law in filing the first lawsuit of its kind in Ohio, charging then Secretary of State Kenneth Blackwell with violating the rights of voters under the 14th Amendment by inadequately distributing election resources.¹³ While we continue to support even more aggressive legislative remedies to address this issue, we thank the Chairman for including benchmarks in the Ballot Integrity Act so that the distribution of election day resources is uniform and non-discriminatory.

Conclusion

Americans' trust in the integrity of our elections is a cornerstone of our democracy. Unfortunately, too many Americans today walk away from the polls wondering if their votes counted, or fail to show up to the polls on Election Day because they have already discounted the importance of voting, believing that their vote does not matter. Though some may argue that Chairman Feinstein's Ballot Integrity Act is intended to politicize an already highly political issue or that it is intended to silence individuals simply exercising their right to free speech, the actual intent of this bill is simple: to protect the most fundamental and basic right provided to citizens of a democracy – the right to vote.

Chairman Feinstein's Ballot Integrity Act is a much needed step in the right direction. Specifically, the provisions under Title III work to ensure that there is an air of impartiality surrounding all elections, to guarantee that no voter is intimidated and that no vote is suppressed. This is democracy in its highest form: ensuring that the spirit of the Separation of Powers Doctrine and the spirit of the 14th and 16th Amendments are upheld. This is a bill that helps protect our nations' elections and is a concrete step toward protecting the impartiality of our democracy. With this simple measure we will begin a path towards restoring millions of Americans' confidence and faith in our election.

¹³ *League of Women Voters of Ohio, et al v. Blackwell*, 432 F. Supp. 2d 742 (2004)

Our goal is simple and should be unquestioned in the United States of America: an electoral system that guarantees every citizen the right to vote and that facilitates rather than frustrates every citizen's ability to cast a vote that is fairly and accurately counted. Achieving this goal is the responsibility of our public officials, and we salute Chairman Feinstein for introducing this bold and critically needed legislation, The Ballot Integrity Act (S.1487).