



**Common Cause Testimony for the
Senate Committee on the Judiciary
"The State of the Right to Vote After the 2012 Election"
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Common Cause is a nonpartisan, nonprofit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering ordinary people to make their voices heard in the political process. Thank you for the opportunity to submit testimony on the state of the right to vote after the 2012 election.

It should not be an endurance sport to vote in our country, yet tens of thousands of Americans from every political stripe faced lines up to 6 hours long because of inadequate planning, unfair rules and restricted access to the ballot box. Voter suppression became a catch-all name for the many restrictive voting laws and policies underlying the 2012 election cycle.¹ The resulting impact on voters during the 2012 election was profound – long lines, hundreds of thousands of provisional ballots, confusion over ID rules and intimidation frustrated our right to vote. What we learned from voters at polling locations across the country makes a compelling case for significant changes to our elections process.

Common Cause and our partners ran a coordinated campaign with the national Election Protection coalition to protect the voters. Together we worked directly with election officials, litigated when necessary to strike down restrictive voting laws, and rallied thousands of Americans to stand up against ballot box bullies. Common Cause organized partners and coordinated thousands of grassroots volunteers who served as election workers and election monitors defending the bedrock freedom of our democracy: casting a ballot and having it counted.

For months leading up to Election Day, Common Cause recruited thousands of nonpartisan poll monitors and hundreds of poll workers in states all across the country – swing states, red states, and blue states. We recruited volunteers from our membership and worked with allies to motivate others in places like Florida, California, Colorado, Illinois, Massachusetts, Michigan, Ohio, Pennsylvania, Texas, Virginia, Arizona and New Mexico. These volunteers were our eyes and ears – and boots on the ground – in our efforts to help voters with nonpartisan, critical

¹Michael Cooper, "New State Rules Raising Hurdles at Voting Booth," New York Times, Oct. 2, 2011, <http://www.nytimes.com/2011/10/03/us/new-state-laws-are-limiting-access-for-voters.html?pagewanted=all>

election information. Clad in dark blue Election Protection t-shirts, palm cards in hand, they helped voters find precincts, assisted voters confused by new identification requirements where necessary, and documented the challenges voters faced on Election Day.

The Problems on Election Day

The problems we saw on Election Day presented as long lines, inadequate poll worker trainings, and too few options to cast a ballot. Underneath these problems were antiquated voter registration systems, under-resourced election offices, and restrictive voting laws and deceptive practices targeted at minimizing participation by specific populations. Florida and Ohio have gained national attention as places with significant election administration problems. However, in our experience, problems existed in every state in our nation. From Pennsylvania and Virginia to California and Arizona and everywhere in between, eligible American voters were turned away because of problems such as improper training of poll workers, faulty voter registration records, and long, long lines.

In this section we provide a summary of some of the problems voters faced, with state specific reports we received. This summary is not exhaustive, but highlights some of the most egregious problems that voters experienced on Election Day.

Voter Registration: Plain and simple, our antiquated voter registration process prevents eligible Americans from voting. In fact, registration issues were the most frequent problem we addressed with our partners at Election Protection.

The 2012 election was yet another demonstration of a failed voter registration system that has not worked for years. According to a Harvard/MIT study, in 2008, an estimated 2 to 3 million eligible Americans tried to vote but could not because of voter registration problems, and millions more were thwarted by registration deadlines and residency requirements.² Nationwide, we received reports of voters that thought they were registered but not on the rolls when they went to their precincts.

Of course, official list maintenance presents its own challenges. In the lead up to Election Day, state administrators and officials in some jurisdictions threatened to 'purge' voter rolls of non-citizens. Their efforts caused unnecessary confusion, fear and serious administrative errors with voter records.

- In Pennsylvania, voters who were in fact properly registered and at the correct polling location were told they were not in the voter registration book. Common Cause and our partners independently verified these voters' registration records. It appears the issue in some locations was that supplemental pages of the voter rolls were not sent by the county to the polling place. Some voters felt the response by poll workers to their unjustified problems was inadequate, because the officials treated them as a nuisance rather than a citizen who deserved full attention.

² Wendy R. Weiser, "We Have to Fix That," Brennan Center for Justice, Nov. 9, 2012, http://www.brennancenter.org/blog/archives/we_have_to_fix_that/.

- Colorado and Florida took the most aggressive action to 'purge' non citizens from the voter rolls using a faulty process that captured eligible voters threatening their right to vote.³
- In New Mexico, the Secretary of State mailed nearly 178,000 potential purge cards, which stated "If this card is not returned and you do not vote in any election from the date of this notice through the November, 2014 general election, your name will be removed from the voter registration list."⁴ This mailing went to many eligible voters causing confusion and fear in the lead up to Election Day.

Poll Worker Training: Poll workers serve on the front lines of our elections and can be a defining influence on the success or failure of an election. Across the country, county administrators struggled to meet the demands of poll workers. We witnessed a consistent problem of too few adequately trained poll workers. Even worse, we received reports about poll workers and election observers that some voters found intimidating and discouraging of their effort to cast ballots.

- In Colorado, the issues arising from poorly trained judges included judges asking for photo ID (which is not required), requesting more than one form of ID, requiring an address match between the poll book and the voter's ID (only a Colorado address is required), failing to properly consult the poll books and supplements and therefore informing voters that they were not registered (Jefferson County in particular), incomplete understanding of emergency registration process, and inconsistent practices within and among counties on directing voters to correct polling locations versus offering them a provisional ballot.

Provisional Ballots: In several states - Colorado, Ohio, and Florida to name a few - many voters reported that officials instructed them to vote a provisional ballot rather than directing them to the correct polling place. Other voters reported that officials offered a provisional ballot as a way of speeding up other lines at the polling locations. Even worse, some voters reported that they were never even offered a provisional ballot when it should have been provided as a matter of right. Confusion around rules for provisional ballots can also result in over-use of provisional ballots, many of which will not be counted.

- Ohio relies heavily on provisional ballots, with over 206,000 cast in 2008 – more than any other state except California and New York. Over 80% of those ballots were eventually counted, but that still left almost 40,000 uncounted. On the Friday before Election Day, the Ohio Secretary of State established a rule that voters (rather than poll workers) had to fill out identification information on provisional ballots and that boards of elections were not permitted to count the vote if the information was not filled out correctly. This directive circumvented Ohio law and created a real obstacle

³ Corey Dade, "Florida, Colorado Voter Purges Net Few Noncitizens, So Far," NPR, Sept. 5, 2012, <http://www.npr.org/blogs/itsallpolitics/2012/09/05/160624313/florida-colorado-voter-purges-net-few-noncitizens-so-far>

⁴ Steve Terrell, "Secretary of State's Voter Roll Cleanup Targets 'Shocked' Voting Rights Advocate," *The New Mexican*, Aug. 9, 2012, <http://www.santafenewmexican.com/Local%20News/081012SOS>

to voters' access to casting a ballot that is properly counted. Unfortunately, on Election Day 2012, Ohioans cast 204,927 provisional ballots.

Early Voting: We saw a serious cut-back of days and hours available for early voting. We particularly note that in Florida and Ohio these early voting options were reduced and voters suffered the consequences. These reductions raised questions about partisan manipulation of election rules, and ultimately resulted in longer lines, mass confusion and headaches for election officials.⁵

Polling Place Preparedness and Technology: While technology will continue to do wonders for our elections, untested technology and lack of resources plague our elections. We saw a reduction in the number of machines available to cast ballots. Many machines that were purchased with federal HAVA money are reaching the end of their shelf life and are breaking down. We also met confusion at the polling place about when to deploy emergency ballots and how to deal with equipment malfunctions. These resulted in heartbreakingly unnecessary delays and voters forced to wait.

- Virginia stands out as example where we saw some of the longest lines on Election Day. Several factors contributed to the long lines, including limited numbers of voting machines available for voters.⁶
- Even Rhode Island, a state that has historically **not** seen significant lines at polling locations, caught many voters off-guard. In at least two jurisdictions, incorrect ballots were delivered and polls did not open. Other polling locations suffered mechanical problems with ballot scanners, as well as problems running out of materials (ballots, ballot applications).
- New York and New Jersey faced unprecedented challenges due to the intensity of Hurricane Sandy. Election officials - through heroic efforts - made voting available despite severe power outages and treacherous conditions. The last minute crisis demonstrates the need for us to adopt national standards for emergency planning in the face of future disasters.
- New Jersey's last-minute decision to allow voters to send ballots over the Internet was an honorable, but failed effort for voters and election officials. New Jersey law requires that voters also send in a hard copy of their ballot to provide a necessary paper back-up, but this provision was not outlined in the original directive, which caused voter confusion. Local election officials described the email voting plan as a "disaster" and "catastrophe" as servers crashed and email inboxes overflowed with voters' absentee ballots and applications disenfranchising an untold number of voters.⁷

⁵ Dara Kam & John Lantigua, "Dems to Justice Department: Probe Florida Election Law," Palm Beach Post, Dec. 13, 2012, <http://www.palmbeachpost.com/news/news/state-regional-govt-politics/dems-to-justice-department-probe-florida-election-/nTWRf/>.

⁶ Anne E. Marimow, "Long Voting Lines Blamed on High Turnout, Too-Few Poll Workers and Voting Machines," Nov. 7, 2012, http://articles.washingtonpost.com/2012-11-07/local/35504612_1_poll-workers-electronic-machines-touch-screen-machines

⁷ Bob Sullivan, "New Jersey's Email Voting Suffers Major Glitches, Deadline Extended to Friday," Nov. 6, 2012, NBC News, http://usnews.nbcnews.com/_news/2012/11/06/14974588-new-jerseys-email-voting-suffers-major-glitches-deadline-extended-to-friday?lite

Photo ID Requirements: Common Cause and its allies in the voting rights community have fought against unreasonably restrictive photo identification requirements because they prevent eligible voters from participating, impose enormous and unjustified costs on states, and do not serve the goals that are put forward.

Millions of citizens residing in states with these restrictive laws do not currently possess the requisite photo ID and may be unable to exercise their right to vote on Election Day. Studies show that those without ID are disproportionately likely to be African American, Latino, low-income voters, young adults, senior citizens, and people with disabilities. For many of these eligible persons, it is no simple matter to obtain the necessary ID — the hurdles involved can make doing so difficult, and in some cases, impossible.⁸

With 13 states passing new laws to require voter ID at the polls, Pennsylvania's restrictive photo ID requirement stood out as the example of why restrictive ID requirements serve to discriminate and potentially keep people from voting.

- In the weeks leading up to the election, Pennsylvania's state government ran a large number of misleading ads telling voters "if you care about this election...show it [photo ID]." While the Pennsylvania court did allow election officials to ask for photo ID, it was *not* required, and this state-sponsored message contributed to mass confusion on Election Day.
- On Election Day our volunteers in the field heard direct reports of poll workers misinforming voters about the voter ID law. Some poll workers called the Election Protection hotline, alarmed that they were instructed to place posters around the polling places telling voters to show photo ID. We spoke with appalled voters who truly felt discriminated against. In one instance a voter shared that even though he was able to vote, he was made to feel that his vote did not matter.

There was also confusion about photo ID requirements in states that did not have photo ID laws in place or where last minute changes to the law kept things in limbo. Virginia was one of the states to adopt a new voter ID requirement, and we received numerous calls from voters concerned about the new rules and what it meant for their right to vote. In several counties in New Mexico, election judges were asking for ID where it was not required. Voting rights advocates had to engage county officials to step in and correct their actions to ensure voters were able to vote.

Deceptive Voting Practices: Usually targeted at minorities and in minority neighborhoods, deceptive practices are the intentional dissemination of false or misleading information about the voting process with the intent to prevent an eligible voter from casting a ballot. It is an insidious form of voter suppression that often goes unaddressed by authorities and the perpetrators are virtually never caught. Historically, deceptive practices have taken the form of flyers distributed in a particular neighborhood; in recent years, with the advent of new technology, "robocalls"

⁸Common Cause, Dēmos, Fair Elections Legal Network, Lawyers' Committee for Civil Rights Under Law, "GOT ID? HELPING AMERICANS GET VOTER IDENTIFICATION," <http://www.commoncause.org/atf/cf/%7Bfb3c17e2-cdd1-4df6-92be-bd4429893665%7D/GOT%20ID%20FINA%204-18-12.PDF>

have been employed to spread misinformation. Deceptive practices are often targeted toward communities of color, students, and other populations to suppress turnout. They are becoming more sophisticated through the use of hacking.

- Virginia voters received robo calls claiming people could vote by phone just weeks before Election Day. The suspicious phone call incorrectly informed voters of the ability to vote early and over the phone, due to the possibility of long lines at the polls on Election Day.⁹ It's not clear how many voters received this call.
- Billboards in Ohio and Wisconsin were placed in predominantly African American and Latino communities as well as around student populations which displayed a massive gavel, and written text warning that “VOTER FRAUD IS A FELONY! Up to 3 ½ YRS & \$10,000 Fine.” These billboards were placed with the clear intent to deter responsible, eligible Americans from voting by placing a stigma on these communities.
- Florida voter received letters in the mail, under that auspices of a state seal, falsely notifying them that their registration was purged.¹⁰ Intimidation at the Polls: Common Cause Texas poll monitors observed individuals during early vote who were circulating an anti-immigration petition confront Hispanic voters who would not sign their petition and say things like, “Go back where you came from” or “Are you even a citizen?”

Challenges: In the months and weeks leading up to the election, groups with close ties to the Tea Party announced plans to recruit tens of thousands of volunteers to serve as poll watchers.¹¹ Although poll watching and poll challenging is legal in most states, there was substantial concern that ill-trained volunteer poll watchers would foster a climate of fear and intimidation given the unsubstantiated rhetoric around in-person voter impersonation fraud and published reports of voter intimidation during the 2010 midterm elections.¹² A leader of one prominent challenger group, True the Vote, told an audience of volunteers in Florida that poll watchers should make polling places feel “like driving down the road and looking up in that rearview mirror and seeing that there is an officer of the law following you.”¹³ Disturbingly, the self-published poll watcher training materials that some volunteer groups disseminated contained false information about the voting process that had no basis in law and could have been used to justify illegitimate challenges that disenfranchised voters.¹⁴

⁹ WDBJ, “Phone Scam Targets Voters,” Oct. 12, 2012, WDBJ7.com <http://www.wdbj7.com/news/wdbj7-2phone-scam-targets-voters-20121012,0,7642527.story>

¹⁰ Associated Press, “FBI joins probe of bogus FL vote purge letters” http://www.krqe.com/dpp/elections/president/FBI-joins-probe-of-bogus-Fla-vote-purge-letters_22206013

¹¹ Stephanie Saul, “Looking, Very Closely, for Voter Fraud,” *New York Times*, Sept. 16, 2012, available at http://www.nytimes.com/2012/09/17/us/politics/groups-like-true-the-vote-are-looking-very-closely-for-voter-fraud.html?pagewanted=all&_r=0&pagewanted=print; Mariah Blake, “The Ballot Cops,” *The Atlantic*, October 2012, <http://www.theatlantic.com/magazine/archive/2012/10/the-ballot-cops/309085/>.

¹² See Liz Kennedy et al., BULLIES AT THE BALLOT BOX (Common Cause & Dēmos), September 2012, available at <http://www.commoncause.org/bullies>; Letter from Rep. Elijah Cummings, Ranking Member of House Committee on Oversight and Government Reform to Catherine Engelbrecht, President of True the Vote, Oct. 18, 2012.

¹³ True the Vote National Summit *Remarks by Bill Ouren*, April 27-28, 2012, <http://vimeo.com/42865480>.

¹⁴ Sam Levin, “True the Vote Promoting False Information, Possible Intimidation, Says Common Cause,” *Denver Westword*, Nov. 2, 2012,

- Moreover, groups organizing poll watchers to carry out challenges on Election Day were also training volunteers with proprietary software to scour voter registration databases and challenge voters' registrations *before* Election Day.¹⁵ Unfortunately, their dubious investigatory techniques threatened to kick many eligible voters off the rolls – including students, elderly Americans, military voters and other transitory populations.¹⁶ The problem, according to one prominent professor of election law, is that “some citizen vigilantes see the law as they want it to be, not as it is. They hunt voters registered at business address, ignoring the fact that small business owners or managers may live where they work. They hunt immigrants, ignoring the fact that noncitizens may have become naturalized. They hunt students and others in group housing, ignoring the fact that legal residence may not be intuitive.”¹⁷
- In Ohio, for example, a tea party group challenged at least 2,100 names on the voter rolls.¹⁸ Hundreds of students at Ohio colleges and universities faced challenges to their voter registration for the sole reason that they failed to include a dorm room number.¹⁹ This information was not required under Ohio state law.²⁰ Fortunately, in many jurisdictions, all of these challenges were dismissed.²¹

“We Need to Fix That”

The images of voters waiting in lines, and the frustrations we heard from voters who were made to feel that their vote did not matter is no way to run a free, fair and accessible election. The health of our democracy and our right to vote requires decisive action now to ensure that *all* Americans can truly participate in our elections. Reform is not only possible, but already outlined and embodied in the Voter Empowerment Act (VEA) (S. 3608) and other pieces of legislation noted below. The VEA offers comprehensive legislation that would go a long way to reducing long lines at the polls, reducing other significant barriers to voting, and ensuring that every vote is counted as cast.

We must continue the fight for free, fair and accessible elections:

Modernize: Bringing our elections into the 21st Century requires us to ensure that all eligible Americans are registered to vote. Four key reforms will increase accuracy and save on costs:

http://blogs.westword.com/latestword/2012/11/true_the_vote_false_information_voter_intimidation_colorado_com_mon_cause.php.

¹⁵ A.J. Vicens & Natasha Khan, “Voters Feel Intimidated by Election Observers,” News21, Aug. 12, 2012, <http://votingrights.news21.com/article/poll-watchers/>.

¹⁶ Justin Levitt, “The Danger of Voter Fraud Vigilantes,” *New York Times*, Oct. 29, 2012, <http://campaignstops.blogs.nytimes.com/2012/10/29/the-danger-of-voter-fraud-vigilantes/>.

¹⁷ *Id.*

¹⁸ Michael Finnegan, “Tea Party Groups Work to Remove Names from Ohio Voter Rolls,” *Los Angeles Times*, Sept. 26, 2012, <http://www.latimes.com/news/nationworld/nation/la-na-ohio-voting-fight-20120927,0,1010709,full.story>.

¹⁹ *Id.*

²⁰ Josh Jarman, “Voter-Roll Challenges Dismissed,” *The Columbus Dispatch*, Sept. 25, 2012, <http://www.dispatch.com/content/stories/local/2012/09/25/voter-roll-challenges-dismissed.html>.

²¹ *Id.*

- Automated Registration: election officials automatically register eligible citizens by electronically transmitting reliable information from government list;
- Portability: Once an eligible citizen is on a state's voter rolls, she remains registered and her records move with her so long as she continues to reside in that state;
- Safety Net: Eligible citizens can correct errors on the voter rolls before and on Election Day; and
- Online Access: Voters can register, check and update their registration records through a secure and accessible online portal. The Voter Empowerment Act serves as a model to modernize our voter registration process.

Improve: To reduce long lines, we need to expand access to voting by broadening voting options - including providing for early voting and no-fault absentee balloting. According to George Mason University Professor Michael McDonald, 34% of Americans voted early in 2012, and 12 states saw increases in participation during early vote as compared to 2008.²² Yet 15 states do not have *any* form of early voting, and for states *with* early voting, the number of days varies greatly between states and counties. We need to adopt federal standards to determine the minimum days for early voting, locations of polling places, voting machine requirements, emergency and paper back-ups, poll worker training and provisional ballots. Congressman Miller's "Streamlining and Improving Methods at Polling Locations and Early (SIMPLE) Voting Act" (H.R. 6591) is a strong model for reforming early voting and polling place preparedness, as well as the Voter Empowerment Act (VEA) (S. 3608) as noted above.

Provisional ballots should be counted for all races and questions for which the voter is deemed eligible to vote. Election judges should be trained more thoroughly on the laws surrounding provisional ballots, including redirecting a voter who may be in the wrong precinct or county; and an ample and easily accessible supply of provisional ballots in all ballot styles should be printed and supplied to all polling places/vote centers in each county.

Secure: We urge careful thought and deliberation before plans are adopted to alleviate the problems of lines at the polls. Many ideas will be fielded, including allowing voters to cast a ballot from their home computer or other device.

We are compelled to state: **Voting by Internet, Email or Fax is Not the Solution.** Cyber security experts at the Department of Homeland Security and at the National Institute for Standards and Technology have warned that because the security tools currently available would not be able to protect these votes from cyber-attacks, Internet voting is not recommended at this time because it places our elections at risk.²³

²² http://www.capitalgazette.com/news/government/turnout-should-be-key-factor-in-any-expansion-of-early/article_327f712c-1389-528b-b1b8-cc61a14ed29b.html

²³ NIST Activities on UOCAVA Voting, <http://www.nist.gov/itl/vote/uocava.cfm>; Nelson Hastings et al., SECURITY CONSIDERATIONS FOR REMOTE ELECTRONIC UOCAVA VOTING, National Institute of Standards and Technology, United States Department of Commerce, February 2011, <http://www.nist.gov/itl/vote/upload/NISTIR-7700-feb2011.pdf>; Pam Fessler, "Online Voting 'Premature,' Warns Government Cybersecurity Expert," NPR News, March 29, 2012, <http://www.npr.org/blogs/itsallpolitics/2012/03/29/149634764/online-voting-premature-warns-government-cybersecurity-expert>

Additionally, any new funding allocated towards the purchase of new voting systems should only be appropriated if those systems produce a voter verifiable paper record or ballot that the voter can review. Without a paper record of the votes cast, there is no way for election officials to conduct a meaningful recount or to conduct post-election audits.

Post-election audits to verify that the outcome of the election is correct should be mandatory. We cannot simply rely on the machine counts without a manual check on whether votes were recorded correctly. Too many times simple software glitches and human errors have led to miscounts which were caught by post-election audits. In a municipal election in Palm Beach County, Florida, in March 2012, a problem with election management software allotted votes to the wrong candidate and the wrong contest.²⁴ The official results were only changed after a court-sanctioned public hand count of the votes. States which do not conduct post-election audits have no way of catching these types of errors which can lead to the wrong person assuming elected office.

States should be required to conduct robust ballot accounting and reconciliation practices. These basic procedures, including reconciling the number of votes cast to the number of voters who signed in and reconciling precinct totals with county-level totals, help ensure that no ballots are lost or added as the votes are tallied and aggregated from the local up to the state level.

Protect: Intimidation and deceptive voting practices cannot be tolerated, bad actors need to be accountable, and penalties must be increased to prevent these acts from keeping people from voting. The ***Deceptive Practices and Voter Intimidation Prevention Act of 2011*** (S. 1994) is designed to protect voters across the nation from election fraud and voter intimidation by creating criminal penalties for deceptive voting practices and by giving individual voters the right to take action

Addressing challengers at the polls is critical as state law is varied as to how pre-Election Day and polling place challenges are resolved. There are certain practices that could better protect voters from unlawful challenges before Election Day or in the wake of overzealous volunteers self-policing at the polls. Many of these recommendations are included in a report by Common Cause and Dēmos, *Bullies at the Ballot Box: Protecting the Freedom to Vote Against Wrongful Challenges and Intimidation*.²⁵

As for challenges before Election Day, challengers should be required to bear the burden of proof throughout the process and only base their challenges on first-hand personal knowledge by written sworn statements. Challenges should not be allowed too close to Election Day and should be resolved far in advance. This will help to ensure that administrative burdens do not further distract officials from their voting preparations. Frivolous challenges should be a

²⁴ George Bennett et al., “Recount Shows Wrong Winners Declared in Two Wellington Election Races,” Palm Beach Post, Mar. 20, 2012, <http://www.palmbeachpost.com/news/news/recount-shows-wrong-winners-declared-in-two-well-1/nLhmx/>.

²⁵ Liz Kennedy et al., BULLIES AT THE BALLOT BOX (Common Cause & Dēmos), September 2012, *available at* <http://www.commoncause.org/bullies>

misdemeanor. Moreover, before any voters are kicked off of the rolls before Election Day, they should be afforded the opportunity for a hearing.

As for challenges to voter registration on Election Day, rules should be exceptionally clear as to what can provide the basis of a challenge. States vary in this regard. Only election officials should have the authority to challenge a voter's eligibility, which should be in writing with supporting facts, including documentary evidence in support thereof. Grounds for challenge should be limited to citizenship, residency, identity and age, and there should be strong penalties for frivolous challenges. Challengers should be required to show by clear and convincing evidence that a person is ineligible to vote. Importantly, returned mail should not be considered prima facie evidence that an individual is unlawfully presenting herself to vote because that is an inadequate basis to prove eligibility. And if a challenged voter swears to her eligibility by affidavit, she should be able to vote a regular ballot.

Perhaps most importantly, voters should be protected from inappropriate behavior by poll watchers, which includes communicating directly with voters, or videotaping and photographing voters inside of polling places. Under absolutely no circumstances should a poll watcher be able to observe a voter's ballot.

Voting Rights Act

In addition to these proactive reforms to modernize, improve, secure and protect our elections, we must also ensure that *all* American voters are afforded their right to vote. With section 5 of the Voting Rights Act under attack, minority voters have reason to fear that their right to vote is at risk. The reality is that targeted Americans, particularly people of color, low income individuals and youth continue to be pushed out of the voting process. The Voting Rights Act is an essential tool to combat the recent assault on our voting rights, protecting us from discriminatory local, state, and federal redistricting plans, attempts to strictly reduce early voting, and discriminatory government issued photo identification laws. This protection is needed now more than ever, both to safeguard hard-fought progress and to defeat persistent and clever attempts to narrow the franchise.

Conclusion

No American citizen should question whether or not they have the right to vote, or if their vote will be counted. No American should wait for hours in a line to vote, only to be told they are not on the registration rolls when they took the steps necessary to participate. The stories of thousands of Americans who had trouble voting in 2012 define our current election process, because when eligible Americans are obstructed in their right to vote, the integrity of our democracy comes into question.

We look forward to working with you, our members, and the public to reform our voting process so that every eligible citizen can easily register to vote, cast a ballot without undue burden, and be assured that those ballots are counted as cast.