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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the National Association for the Advancement of Colored People, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Advancing full democratic voter participation in the U.S. and democracies throughout the world**

The National Association for the Advancement of Colored People (NAACP) would like to bring to the attention of the Human Rights Council the challenges and new obstacles to full voter participation and voting rights in the United States.

Overview

As outlined and affirmed by several resolutions and decisions of the Human Rights Council, the right to vote is the cornerstone of a country's democracy. Our votes affirm the legitimacy of our democracy. The right to vote is so essential because we use it to preserve and protect all other Constitutional rights. It serves as a check on our political leaders and as a source of voice and power for their constituents. In this way, the vote is both a tangible measure of what we are as a nation, and of what we aspire to be.

The United States Constitution leaves the time, place or manner to which an election is carried out to individual states to draft their own election laws. This has created a patchwork of divergent laws, rules, and procedures marked by a history of barriers to the franchise grounded in race, gender, social, and economic class.

The historic Presidential Election of 2008 in which the United State elected its first African American President, saw unprecedented levels of voter participation across lines of race, gender, ethnicity, social, point of national origin, and economic class. Nearly 70 percent of all eligible African Americans were registered to vote in 2008, of which 65 percent cast a ballot (upward of 16 million voters). Approximately 60 percent of all eligible Latinos were registered to vote that same year, of which nearly 50 percent voted (nearly 8 million people).

Having come closest in 2008 to being the participatory democracy it strives to be, since then voter rights in the United States have come under alarming attack through state legislative initiatives, state constitutional amendments, and executive orders that result in barriers to voting.

Since 2011, several U.S. states have enacted a broad array of voting restrictions and discriminatory laws, or have otherwise impeded democratic political participation. These various restrictive measures fall into three general categories, each of which operates at a different point in the voting process: first, at the voter registration stage; second, at the early voting stage; and third, on Election Day itself. These measures, and other efforts that discourage or suppress political participation, can be summarized as follows:

Restrictions on registration

Various states have sought to restrict the voter registration process in five principle ways including: restrictions on access to voter registration channels, non-compliance with the National Voter Registration Act (NVRA), limitations on when and where individuals can register to vote, increased eligibility requirements, and voter roll purges.

** The NAACP Legal Defense and Educational Fund, Inc., an NGO without consultative status, also shares the views expressed in this statement.

Restrictions on access to voter registration channels

Two states (Florida and Texas) passed laws substantially restricting voter registration drives, to the detriment of African-American and Latino voters, who rely heavily on third party non-partisan voter registration drives. For example, in Florida, 15% of Latinos and nearly 20% African-Americans registered to vote in registration drives in Florida in 2008, as compared to only 6% of whites. These restrictive voting measures will have a disproportionate impact on racial and ethnic minority, low-income, disabled, elderly, women, and young voters, and threaten to substantially undermine the political strength already harnessed by minority communities during the 2008 Presidential Election.

Non-compliance with the national voter registration act (NVRA)

Several states, including, Louisiana, Georgia, and Texas are failing to comply with their obligations under the NVRA to provide voter registration services to low-income constituents at state public assistance agencies. Because African-Americans and Latinos have registered to vote at public assistance agencies three times as frequently as white voters, non compliance with the NVRA closes off a crucial avenue for registration for minority voters.

Limitations on when and where individuals can register

Four states (Florida, Maine, Ohio, and Wisconsin) enacted laws restricting the time and/or place at which a person can register to vote. Ohio eliminated a one-week period during which a person could register to vote and cast a ballot at the same time, a restriction expected to have a disproportionate effect on minority voters.

Enhanced eligibility requirements including: Proof of citizenship, durational residency, voter roll purges, and restrictions on ex-felons

- **Proof of Citizenship:** Three states including Alabama, Kansas, and Tennessee enacted legislation requiring documented proof of citizenship to register to vote. While these requirements will impose burdens on all voters of limited means, they will have a uniquely burdensome impact on elderly African-American voters, many of whom, because they were born when de jure segregation or other obstacles prevented access to hospitals, and as such were never issued a birth certificate.
- **Durational residency requirements:** Wisconsin increased the period of residency required in order to register to vote, which will have a disproportionate effect on African-Americans and Latinos, who tend to move more frequently than whites.
- **Voter Roll Purges:** Several states, such as Florida and Mississippi, are also improperly purging voters from the registration rolls. Purge programs purport to maintain the purity of voter registration lists by removing the names of individuals ineligible to vote in that state or jurisdiction, but too often recklessly disqualifying eligible voters. For example, in Florida, a flawed purge program erroneously flagged and purged 12,000 voters (mostly due to typos, not utilizing specific unique identifiers and other clerical errors). Over 70% of those flagged voters were African-American or Latino.
- **Ex-Felon Voter Disenfranchisement:** Despite some progress in recent years, the disenfranchisement of people with felony convictions was expanded in 2011. Two states (Florida and Iowa) reversed executive orders that restored the voting rights of people who had finished serving their sentences for felony convictions, permanently denying the franchise to hundreds of thousands of citizens. These measures will operate to the particular detriment of minority communities because African-

Americans and Latinos suffer disproportionate rates of criminal convictions and incarceration.

Felony disenfranchisement continues to plague the United States. Across the country upwards of 5 million individuals – the majority of which are African American men – are disenfranchised. Included in this figure are an estimated 4 million formerly convicted people who are no longer incarcerated. A clear vestige of slavery, felony disenfranchisement was adopted by many southern states to quell participation by newly freed slaves. In 2012 four states, continue to disenfranchise persons convicted of a felony for life. In Virginia alone, a former slave and permanent disenfranchisement state, there are estimated 300,000 disenfranchised people.

Substantial reductions in early voting

Several states including Florida, Georgia, Ohio, Tennessee and West Virginia enacted bills that reduce early voting. These measures will substantially and unduly burden racial and ethnic minority voters. For instance, in Florida, which reduced its early voting period from 14 down to 8 days, African-American voters are much more likely to be disenfranchised because we more often take advantage of early voting, accounting for 22% of early voters during the 2008 general election, despite being only 13% of the Florida electorate.

Blocking the vote on election day

A wave of restrictive government-issued photo identification requirements have been proposed throughout the United States, and have to date passed in seven states (Alabama, Texas, Mississippi, South Carolina, Kansas, Rhode Island, Tennessee, and Wisconsin). Eleven percent of U.S. citizens nationwide—approximately 22.9 million people—do not have government-issued photo IDs. Twenty-five percent of African-American voting age citizens (over six million people), and 16% of Latino voting age citizens (nearly three million people) do not possess valid government-issued photo ID's which meet the new unnecessarily rigid standard. Recent years have also seen a reprise of voter intimidation and suppression efforts on Election Day.

Recommendations:

- We strongly urge the Human Rights Council to closely examine the access to political and voting rights and its intersection with race and ethnicity globally.
- We ask that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerances and the Independent Expert on Minority Issues pay particular attention to situation of voting rights in the United States.
- We request that the issue of ex-felon voting rights and its intersection with race and ethnicity be included in the next report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerances.

Note

Written Intervention includes experts from: “Defending Democracy: Confronting Modern Barriers to Voting Rights in America,” a report by the National Association for the Advancement of Colored People and the NAACP Legal Defense and Educational Fund, Inc. The full report can be downloaded at www.naacp.org.