

By electronic mail

October 20, 2011

Chris Herren
Chief, Voting Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, NW
Room 7254 NWB
Washington, DC 20530

Dear Mr. Herren:

We, the undersigned civil rights organizations, write to you on a matter of shared and longstanding concern. In particular, we wish to address the inadequate Justice Department procedures for providing public access to the information maintained by the Department regarding its administration of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. While there a number of measures that may be implemented by the Department to improve public access, we write to address an issue relating to public notice of the submission of statewide changes enacted through new state legislation.

As you are aware, the 2011 legislative sessions in many states saw an unprecedented level of activity restricting the voting rights of Americans. Many of these new laws emanate from jurisdictions subject to preclearance under Section 5, which also makes provision for public participation. Our organizations appreciate the opportunity to submit comments on preclearance submissions, and frequently do so. However, the level of information regarding submissions of state legislation provided on the Justice Department's website, in the Notices of Preclearance Activity, makes public participation unnecessarily difficult.

As you know, the Notices list submissions by state and county. A statewide voting change is listed by the name of the state only. For example, if one were looking for a recently-passed Texas law that has statewide application, she would scroll down to the Texas listings that do not include the name of a county. But after finding those listings, it is impossible to tell which law or what election changes are the subject of the listed submission. The generic descriptions of the statutory changes at issue, many of which are referred to simply as "election administration," are not adequately descriptive. As a result, interested parties must contact a member of the Voting Section staff to inquire as to whether a particular submission in fact has been made or to learn what other changes have been submitted. Multiple calls are sometimes necessary to clarify the scope of a submission. If experienced civil rights lawyers are challenged by this process, one can imagine the difficulties faced by members of the general public.

As online resources expand and bring greater access to important governmental information, we ask that you make these postings more transparent and user-friendly. In particular, the Notices should reference the state act or bill number (e.g., "HB 1570") for all new state enactments that are submitted. In addition, the postings for state laws should include a more specific description

of the voting changes (e.g., “training requirement for deputy registrars”). These adjustments to the Notices would facilitate the participation of national organizations and, more importantly, local citizens who are directly affected by the voting changes being reviewed by the Department. Please do not hesitate to call upon us if we can be of assistance in offering additional input on improving this important process. Please feel free to contact Estelle Rogers at (202) 546-4173, ext. 310, or at erogers@projectvote.org.

Sincerely,

AFL-CIO

American Civil Liberties Union

APIAVote (Asian and Pacific Islander American Vote)

Asian American Justice Center, Member of the Asian American Center for Advancing Justice

Asian American Legal Defense and Education Fund (AALDEF)

Common Cause

Demos

Fair Elections Legal Network

Lawyers’ Committee for Civil Rights Under Law

Leadership Conference on Civil and Human Rights

League of Women Voters of the United States

NAACP Legal Defense and Educational Fund, Inc. (LDF)

Project Vote

South Asian Americans Leading Together (SAALT)