



TESTIMONY IN SUPPORT OF S. 1994
UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
“PROHIBITING THE USE OF DECEPTIVE PRACTICES AND VOTER INTIMIDATION
TACTICS IN FEDERAL ELECTIONS: S. 1994”
JUNE 26, 2012

Project Vote appreciates the opportunity to express its support for S. 1994, the Deceptive Practices and Voter Intimidation Prevention Act of 2011. We are grateful to the sponsors for recognizing the pernicious effect of deceptive practices on our elections, and the undermining impact of such practices on Americans’ confidence in the integrity of our electoral system.

Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure that our constituencies can register, vote, and cast ballots that count.

S. 1994 recites in some detail in its Findings section the pervasive history of deceptive practices in recent federal elections. It seems that the abolition of poll taxes and literacy tests in earlier decades gave way to more and more subtle, and therefore more insidious, methods of excluding minority voters from participation in our democracy. For many years, law enforcement has been without adequate tools to combat these practices, and S. 1994 will close that gap in our complex statutory system of remedies for voting rights violations.

Project Vote wishes to add to the record of this Committee one incident that is not included in the Findings section of the legislation and to call the Committee’s attention, in addition, to what appears to be a lapse in law enforcement’s duty to investigate serious allegations of violations of federal law. We are hopeful that this hearing will call much-needed attention to this problem, and that the passage of S. 1994 will help to clarify law enforcement’s obligation to bring its authority to bear to combat it.

Just before the November federal election in 2006, postcards were mailed to voters in low-income, African-American neighborhoods in Dallas, TX informing voters that “a national political group suspected of voter fraud” was conducting “get out the vote” activities in their neighborhood and that victims of voter fraud could be subject to jail time, an obvious falsehood. It warned that law enforcement officials would be at the polls, ostensibly to enforce this threat. (A copy of both sides of the card is appended to this testimony.) There can be no doubt that the sender of this mailing knew its contents to be materially false and that the intent was to intimidate voters.

Project Vote wrote to the FBI’s Dallas Field Office to ask for an investigation of this incident, citing a clear-cut violation of the National Voter Registration Act of 1993 (NVRA), specifically Section 1973gg-10 (popularly known as Section 12), which states:



A person, including an election official, who in any election for Federal Office who—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to
intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register to vote;

—shall be fined in accordance with title 18...or imprisoned not more than 5 years, or both.

Nevertheless, the FBI declined to investigate this matter at all, citing its requirement that “specific facts must be present to indicate that a violation of Federal law within the FBI’s investigative jurisdiction has occurred.” According to the letter, the Dallas Field Office, in concert with FBI headquarters and the Department of Justice, determined that “no factual predication [sic] of voter intimidation was established.”

It is difficult to conceive of a more blatant example of unlawful voter intimidation under the NVRA than the threatening postcard sent to Dallas voters, but if a more explicit criminal statute is needed, then the *Deceptive Practices and Voter Intimidation Prevention Act of 2011* is such a statute, providing for fines and imprisonment up to five years. Moreover, S. 1994 gives the Department of Justice authority to issue corrective information when it finds that local officials have failed to do so. In other words, anyone contemplating the dissemination of deceptive information is not only deterred by a significant criminal penalty, but also likely to see the plan foiled by the dissemination of valid information.

Project Vote applauds you, Chairman Leahy, as well as Senators Schumer and Cardin and the cosponsors, for introducing and advocating for this important legislation. If we can assist you in any way, or if you wish further details about the 2006 Dallas voter intimidation incident, please contact Estelle H. Rogers, our Legislative Director, at 202-546-4173, extension 310, or erogers@projectvote.org. Again, we appreciate your holding this hearing to shed light on the serious damage done to our democratic values by deceptive voting practices.

Attention:

Important Information:
about Tuesday's Election.



Beware! A national political group suspected of voter fraud is currently working in your neighborhood trying to bring people to the polls on election day. **Do not be a victim of voter fraud — it could result in jail time for you.**

You CANNOT vote if you are:

- Currently a felon
- An undocumented worker
- Not a United States citizen
- Not registered to vote
- Under 18 years of age

Police and other enforcement agencies will be at the voting locations.

Should you suspect someone is trying to get you to vote illegally, or if you believe that someone has stolen your identity for voting purposes, please contact your local police.

**Voter Fraud Is a Crime.
Violators Could Be Sent to Prison!**



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Handwritten text, possibly a return address or recipient information, located in the top right corner of the red envelope flap.



Warnings!

Don't Be a Victim of Voter Fraud!