

Congressional Testimony
of

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***“Ensuring Voter Access for
Limited-English Language Minorities in America:
Modernizing Democracy in the 21st Century”***

Before the
United States Senate
Rules Committee

Wednesday, March 14, 2001
Washington DC.

Good morning Chairman McConnell and members of the Senate Rules Committee.

I am Juan Figueroa, President and General Counsel of the Puerto Rican Legal Defense & Education Fund, a national civil rights legal advocacy organization that was founded in 1972 to advance and protect the equal protections and progress of Latinos and Hispanics throughout the United States. PRLDEF has been involved in litigation, policy research and advocacy regarding the civil rights of Latino-Americans and Puerto Ricans.

I am privileged to appear before you to present my remarks about a very serious matter—that is, the challenge of making our democracy more whole, ensuring that the election process is more accessible to all voters, and seeking constructive approaches to ensure a truly representative democracy.

This past November 2000 elections and the issues arising from the experiences of certain American voters provide us all with an important opportunity to modernize our electoral systems and practices. I say electoral systems because indeed we have no uniform system governing the administration and conduct of federal elections. In fact, we have at least 51 different voting systems, each operating under varying state and local election laws.

Language minorities are ensured protection and full participation in the electoral process by two separate provisions of the Voting Rights Act of 1965 – Section 203 and Section 4(f)(4).² Despite these provisions of current law, there is evidence that some jurisdictions do not comply with federal language assistance provisions.

²n 1975 Congress added minority language provisions to the Voting Rights Act, and recognized that large numbers of American citizens who primarily spoke language other than English had been effectively excluded from participation in the electoral process. The denial of the right to vote among language minority citizens was “directly related to the unequal educational opportunities afforded them, resulting in high illiteracy and low voting participation.” 42 U.S.C. Sec. 1973aa-1(a).

In this past election, PRLDEF became aware of the barriers and ballot access problems encountered by many Latino voters in Florida whose mother language is not English. These voters were either denied the right to vote or were subjected to different forms of neglect, intervention, and intimidation before they could cast their votes.

However, these similar problems affecting minority language voters were not limited to Florida. You should also know that voting access hardships were faced by non-English voters even in my own city- New York City, where election precincts failed to provide adequate bilingual assistance for protected minority language voters as required by the federal Voting Rights Act. Other groups have provided accounts and testified about similar problems in other forums and hearings since November 2000.

To truly modernize our democracy requires comprehensive and bold legislation, not small incremental measures. Any legislation that seeks to reform and remedy past problems at the voting booth must also ensure that fair standards, and consistent policies and practices guarantee the equal protection of the limited-English language minority voter.

As the details of the 2000 U.S. Census begin to emerge, Congress must ensure that proposed electoral reform reflect and accommodate the actual demographic changes found throughout the nation. In many suburban and urban localities, US Census data has documented the significant presence of Hispanic and Latino residents in population growth areas. First and second generation Immigrants and refugees have played a contributing role in revitalizing our urban centers and small towns and are increasingly able to exercise their right to vote as they join in the American mainstream.

Many states, counties and election precincts will require the assistance of federal funds in modernizing their systems. However, this is not only an issue of new machines and technology. Our most fundamental and pragmatic concerns must include a refocusing of resources to promote voter education, voter registration, and civic participation.

Any legislative reform package must encompass provisions that expressly promote the

thorough, conscientious planning and effective implementation of state plans to address the specific needs of the disabled, the aging population of senior voters, and voters with limited English proficiency.

RECOMMENDATIONS

Consistent with these principles, and speaking from the perspective of the Latino and language minority community, PRLDEF urges the enactment of legislative safeguards and initiatives that:

1. Create a comprehensive multiyear federal grants program to upgrade election technologies, including,
 - The study and Improvement of voting equipment and counting mechanism
 - The implementation of more uniform state-wide standards in the administration of elections, such as computerized voter registration lists
2. Preserve the federal Voting Rights Act and the National Voter Registration Act, while ensuring that any activities under the new legislation are consistent with these existing laws.
3. Establish federally-approved “best practices” and a mechanism to review compliance by grant recipients to ensure that reforms result in:
 - Non-discriminatory accessibility and convenience for the voter, including voters with disabilities, language minority voters, and voters with special needs
 - Maintenance of voter roll accuracy
 - Full, affirmative and meaningful participation by language minorities, racial and ethnic minorities, and people with disabilities
4. Establish priority-setting criteria to ensure that jurisdictions with the most significant problems receive needed funding.
5. Promote a commission whose purposes and administration reflect an open and transparent non-partisan review process on the further study of electoral reform whose membership consists in part of election and voting rights experts and community-based leaders from diverse experiences and regions

Election reform and new legislation should be guided by current laws ensuring access to language minority voters. It should not become a vehicle for adding barriers or restrictions to any part of the voting process, whether in voter education, registration, or casting a vote.

We urge you to ensure that additional, unnecessary measures to “confirm” or “verify” the eligibility of voters -- which have a clear, disparate impact on Latinos or language minorities -- are not imposed.

In closing, maximizing inclusion and participation of all eligible members of the American electorate should be the guiding principles of our renewed democracy.

Thank you.