

TESTIMONY OF  
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OF THE NATIONAL ASSOCIATION  
FOR THE ADVANCEMENT OF COLORED PEOPLE  
ON VOTING IRREGULARITIES IN THE  
NOVEMBER, 2000 ELECTION AND  
PROPOSALS FOR CHANGE  
MARCH 14, 2001

Good morning, Chairman McConnell, Senator Dodd and distinguished members of the Committee on Rules and Administration. Thank you for the opportunity to come before you this morning on behalf of the National Association For The Advancement of Colored People and our 1700 Branches in 50 states, the District of Columbia, Italy, Germany, Japan and Korea.

The NAACP is deeply appreciative of the U.S. Senate Committee on Rules and Administration for convening this hearing to look into the issue of voting irregularities with respect to last year's Presidential election.

We believe that this is a matter of grave concern for our nation and our people.

We also believe that perhaps tens of thousands of voters were denied their basic right to cast a free vote and to have that vote counted. While our concerns encompass the electoral process in all 50 states, for the purpose of today's hearing I shall confine my remarks to what

occurred or did not occur in the state of Florida and why it was particularly discomfoting.

There was, as best as we have been able to determine, substantial unresolved allegations throughout that state of massive voter disenfranchisement in African American, Haitian American and Jewish communities.

The election appeared to have been conducted in such a manner that many of those same communities now believe unequivocally that it was unfair, illegal, immoral and certainly undemocratic.

The specter of these allegations alone indisputably require that the record be made complete in terms of what did and did not happen during the election in Florida.

As the nation's oldest and largest civil rights organization, the NAACP was appalled and outraged by much of what we saw unfold the weekend before the election, at polling places on election day and at Boards of Elections

throughout the state in the days and weeks that followed.

Because the right to vote is the most sacred franchise in our democracy, these hearings, as uncomfortable as they might be to some, must challenge all Americans to focus again on the thorny issue of equal protection under law and whether or not such a protection was afforded to duly registered voters who went to the polls on election day in Florida.

Every survey of fact that was conducted after the election has shown that the greater the percentage of black voters in a precinct the greater was the likelihood that a significant number of the ballots of those voters were never counted.

There was also a greater likelihood that computer equipment, when available at such polling places, was not adequate or on par with what was available and in use at polling places in precincts that had a relatively low or inconsequential number of African American voters.

Ask the thousands upon thousands of people who saw that fundamental right violated, often because of the color of their skin, and they will tell you without hesitation that they feel violated and robbed.

The national response to this has been a flurry of legislative initiatives announced and undertaken by conscientious members of the House and Senate on both sides of the aisle. If anything, the bi-partisan nature alone of the response thus far has been encouraging. However, the real test will be to see what if anything of substance emerges and is signed into law under the rubric of voting and electoral reform.

The NAACP also has a set of well developed out ideas and recommendations designed to avoid similar Election Day debacles in the future. We don't seek pride of authorship of those or any other ideas. What we do seek however is a reasonable expectation that the distinguished men and women of both chambers of congress will work in earnest to

move our nation closer toward a universal and uniform system of casting and counting ballots.

Before I offer our twelve recommendations let me begin with what took place on and around November 7, 2000.

The weekend prior to the election, the NAACP began receiving calls alerting us to the fact that a person or persons were making electronic phone calls into predominately black households, claiming to represent the NAACP, in support of Republican candidate George W. Bush. These calls were apparently taking place in the key battleground states of Michigan and Florida. Specifically, the caller was identifying him- or herself as a representative of the NAACP, saying that the organization endorsed and supported the Republican candidate for President, and urged the recipient of the call to go to the polls on Tuesday and to vote accordingly.

In response to the blatantly false and extremely illegal calls, the NAACP moved quickly to make sure that the U.S. Department of Justice, as well as the Attorneys General of each state was also notified. Unable to secure a cease and desist order we used public service time on local radio stations over the next 48 hours to alert voters of the false nature of the calls.

Three days later, on Election Day, NAACP local, state and national offices, began receiving an unprecedented number of complaints from citizens nation-wide who were attempting to vote saying in essence that they had been turned away from the polls or had trouble casting their ballots. It became clear quite quickly that many of the problems were located in the state of Florida.

By 2pm that afternoon, with the polls still open, the number of complaints became so enormous that NAACP's President and CEO, Mr. Kweisi Mfume, issued an afternoon press release calling attention to what we believed was a major, if not unprecedented disenfranchisement of voters. Because there seemed to be no sense of urgency coming out of the Department of Justice with respect to what had happened the weekend prior or to what was happening on election day itself, the NAACP sent an additional 100 of our field workers into Florida from neighboring states by early that afternoon.

Upon receiving even more of these complaints, our civil rights lawyers were immediately dispatched to Florida to interview witnesses and on November 11, just 4 days after the election, the NAACP held a public hearing in Miami to receive testimony and to establish a public record highlighting the extent to which violations of state and federal law may have occurred. We were joined at that hearing by many of the organizations seated here today.

At that hearing, nearly 1,000 people listened intently, and many more watched on C-SPAN as witness after witness dramatically testified about the disparate treatment between black and white voters, intimidation by election officials, bureaucratic snafus and ballot boxes that were left unattended for several days after the election.

During the hearing we heard tearful testimony about polling officials challenging African American voters and demanding that they produce photo identification without doing the same to white voters.

We also heard testimony from a Miami police lieutenant and a long-term minister also of Miami who said that they had both, in separate instances, found unopened and uncounted ballot boxes two days after the election in the lobby of a local hotel and in the church hall respectively. As bizarre as that might sound what was more amazing was that after repeated calls to the Board of Elections the ballot boxes had still not been collected and

were not collected until the NAACP and others got involved.

There were students who came forth to tell us of their inability to vote because they were told they were not registered when in fact they were. In other instances many male voters, including a catholic priest, were not allowed to vote because they were told that they were convicted felons when in fact they were not. And, countless others were told that even though they were in line at the time polls were closing that they too could not and would not be allowed to vote.

I could go on and on with a list of examples from the testimony replete with instances where everyday citizens publicly and on the record recounted their horror stories of what happened to them on election day in Florida.

The goal of the hearings we held was not to determine who won the Presidential election.

Rather, the hearings represented an effort by the NAACP to establish, as I said before, a public record to assist the U.S. Department of Justice, the State of Florida, Congressional Committees, and any other interested parties in determining if Federal voting rights and civil rights laws were violated during the election.

A complete transcript from our November 11 hearing, all 296 pages, was presented to then-Attorney General Janet Reno on November 16, 2000, along with a renewed request that she investigate possible violations of federal civil



rights laws. Copies of the transcripts have also been sent to various House and Senate committees.

Overall, the hearing and the transcripts revealed several instances in which the voting strength of Florida's minority voters was adversely impacted.

Subsequent to the hearing, the NAACP Legal Department received and has continued to receive additional affidavits and other supporting materials showing massive voting irregularities in the state of Florida.

Other NAACP branches, including some in Missouri, Texas and Massachusetts have also held hearings into voting problems faced by ethnic minority Americans. All of this evidence is being assembled by the NAACP national headquarters and is being used to support legal actions.

Due largely to the inaction of the U.S. Department of Justice, the NAACP, joined by The Advancement Project, the American Civil

Liberties Union Foundation, the Lawyers Committee for Civil Rights Under the Law, the NAACP Legal Defense and Education Fund and the People for the American Way Foundation filed an historic lawsuit against the state of Florida and several of its counties to eliminate discriminatory and unequal voting policies and practices from Florida's electoral system.

We intentionally did not file the lawsuit until the outcome of the election had been determined. Included in the suit was evidence that showed that the disparate and unfair voting practices that took place across the state resulted in the disenfranchisement of thousands of African American voters.

Specifically, our lawsuit produces evidence showing that polling sites were moved without timely notice or no notice at all; voters were disenfranchised by some polls closing early; some polling places had no bilingual ballots and Haitian voters were denied assistance from translators; there was a disproportionate purging of votes in predominantly Black

precincts in several counties, including Duval and in West Palm Beach; charges of voter intimidation in Broward and Hillsboro counties; and inadequate training of poll workers.

We believe that it is a part of our obligation as a non-partisan organization to insist that all voters be allowed to cast an unfettered ballot and be free from intimidation and harassment as promised by the Voting Rights Act of 1965.

The NAACP abhors the countless horror stories that can continue to be heard from voters in Florida and across the nation, and we are incensed and bewildered that so little is being done to address this situation.

The NAACP has, therefore, developed a set of policies and procedures that we are asking every state, as well as the federal government, to adopt prior to the next election.

Like most things that challenge our gift of freedom, we must work hard to ensure that our democratic system retains its integrity. Furthermore, it is important that we act now, so

as to quickly start to restore the confidence in the electoral process that was lost for many in this nation, especially in black and Latino communities.

Hence our policy and procedure recommendations have been crafted in response to the problems of the November 2000 election and we think that, if properly implemented, will go a long way toward establishing uniform national voting standards that will make it easier to ensure that every American who wants to vote can.

Specifically, the NAACP is calling on the Federal government, as well as each of the 50 states to promptly enact laws, policies and procedures that secure the following:

1. Ensure non-discriminatory, equal access to the electoral process for all voters, including ethnic minorities, the elderly, handicapped / disabled individuals, overseas citizens, and members of the US Armed Services;

2. Re-train all poll workers and election officials so that there is fair, equal and uniform treatment of voters across the state;
3. Modernize voting and counting procedures throughout the state, including voting machines and equipment, to ensure that well-defined, uniform procedures are in place so that the genuine intentions of the voters are reflected in their ballots;
4. Provide necessary and adequate funding and resources to modernize and upgrade all equipment, state-wide, so that voting procedures are uniform and consistent throughout the state;
5. Launch an aggressive voter education initiative so that potential, new and existing voters are knowledgeable on how to use the equipment correctly and so their genuine intent can be easily determined;
6. Expand poll worker training and recruitment programs, utilizing the best practices from across the nation;

7. Put into place systems to maintain and easily access correct and up-to-date voter rolls using the latest technology;
8. Enhance the integrity and timeliness of absentee ballots;
9. Reexamine all existing voting policies and procedures to ensure that your state and every municipality therein is in full compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) and the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.);
10. Work to identify and eliminate practices which might be perceived as intimidating to certain sectors of the population;
11. Establish clear standards for bilingual ballots for language minorities and the disabled; and

## 12. Re-examine, simplify and standardize voter re-enfranchisement laws so that every American who is not incarcerated who wishes to vote can do so.

The NAACP Washington Bureau worked with several like-minded Members of the U.S. House and Senate as well as other civil rights organizations to help develop legislation to implement these policies on a federal level. As such, the NAACP formally and enthusiastically endorsed the "Equal Protection of Voting Rights Act." We are convinced it meets each and every criterion we set forth. I'd like to take a point of special privilege to thank Senator Dodd on this Committee for his hard work, courage and commitment, as well as the hard work of his staff, for crafting and introducing this important electoral reform legislation.

NAACP President and CEO, Mr. Mfume, personally wrote each of the 50 governors of each state and asked that they too work hard to develop uniform standards throughout their jurisdictions. These letters are being followed up by contacts from each of the individual state conference presidents of the NAACP.

In short, the entire NAACP organization is determined to follow through on this issue and attempt to do all we can to see that nothing like the November 2000 Election Day debacle is repeated.

While most Americans may decry the fact that some people's rights were trampled on last November, the NAACP is especially outraged and insulted by what happened. These are rights that people marched for and, in some cases, died for only 36 years ago.

Our members and our friends remember the days, not too long ago, when it was not only legal but also acceptable for states and local municipalities to block access to the voting

booth based on a person's skin color, gender, socio-economic status, or ethnicity.

It is no longer legal, but as we just recently saw, it still happens. This is unacceptable, and we intend to devote all our available resources, if that is what it takes, to see that the situation is rectified.

I am especially troubled and angered by the deafening silence that has fallen over the subject of the voter suppression and intimidation that occurred on Election Day across this country.

It has caused the NAACP to redouble their efforts to make our voices heard in this fight to protect our rights by using every available resource, financial and otherwise, to make sure that the vote of every voter counts in all future elections.

I again thank the Chairman and members of the U.S. Senate Commission on Rules and Administration for holding this hearing and for your continued interest and activism in this



area. I would welcome any questions or comments that you may have.