



NAACP

Brooklyn Branch

Testimony to the Senate Standing Committee on Elections

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Good Morning to the Chairman and members of the committee. My name is L. Joy Williams and I am President of Brooklyn NAACP and legislative coordinator for the New York State NAACP Conference of branches. I bring this testimony on behalf of the thousands of members of the 51 active NAACP branches across the state of New York under the leadership of the New York State Conference President Hazel Dukes. Thank you for the opportunity to testify and share our enthusiastic support for the passage and complete implementation of the New York State Voting Rights Act.

The long-standing mission of the National Association for the Advancement of Colored People is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate race-based discrimination. The right to vote has always been of the utmost priority to the NAACP. For almost a century, the NAACP has fought against those who wish to suppress the votes of African Americans and other racial or ethnic minority Americans through unfair or unjust laws, deception and/or intimidation.

As a result of the 2013 Supreme Court decision in *Shelby County v Holder*, there are currently no states or jurisdictions which are required to comply with the "preclearance" directive under Section 5 of the 1965 Voting Rights Act. This means that states or jurisdictions with a proven history of discrimination and suppression are able to make changes to their election laws and policies without proving to the United States Department of Justice or the District Court in D.C. in advance that the proposed changes will not disenfranchise any voters.

New York has an extensive history of discrimination against racial, ethnic, and language minority groups and there exists a persistent gap between white and non-white New Yorkers in political participation and elected representation. Due to that abhorrent history, several counties became covered jurisdictions under the federal VRA.

But I do not want to feed the narrative that voter suppression has only occurred in the past or that voter suppression actions come only from evil men in white hoods with the expressed intent to discriminate and suppress political participation of African Americans and other people of color. Voter suppression regularly occurs in New York today. Moving poll sites without adequate notice to voters is voter suppression. Lack of funding for voter education and election notification is voter suppression. The use of at-large elections, which are susceptible to minority vote dilution is voter suppression.

To the point of recent voter suppression, the Spring Valley branch of the NAACP joined with the New York Civil Liberties Union (NYCLU) in 2017 to challenge the at-large system of electing school board members which significantly disenfranchises Black and Latino voters and in turn significantly impacts the education of the Black and Latino students. At-large voting boosts the electoral strength of a majority and diminishes electoral opportunities for minority voters. The Supreme Court itself noted the challenge and potential for discrimination with at-large voting;

"...voters who are members of a racial minority might well be in the majority of one district, but in a decided minority in the county as a whole. [At-large voting] would, therefore, nullify their ability to elect the candidate of their choice just as would prohibiting them from voting."

The NAACP is fully committed and support all of the provisions outlined in the New York State Voting Rights Act and this legislation is central to our legislative agenda. We emphatically urge you to enact the New York VRA and provide the funding and resources necessary to implement it.

New York made commendable strides to improve access to the franchise by enacting many election reforms that the New York State NAACP has advocated for for decades, but many discriminatory practices remain and opportunities for discrimination remain widely available. We have the opportunity to put in place procedures that will enable us to not only end discriminatory practices now but also put in place a structure that will prevent any attempts in the future.

Thank you for the opportunity to testify before you today.

My name is Maya Contreras, I am a voting rights advocate, and co-founder of the non-partisan not-for-profit *All Women's Progress Policy Center*. I respectfully submit the following testimony in support of the New York Voting Rights Act, S. 7528.

My work as a voting rights advocate is to bring awareness to the obstacles eligible voters in marginalized groups face when attempting to cast their ballot here in New York State and throughout the U.S.

Accessing the ballot box for Black, Latinx, POC, and disabled voters has become increasingly challenging since, as Representative John Lewis stated, "The Supreme Court stuck a dagger into the heart of the Voting Rights Act." Protections that were narrowed after raising the threshold for liability under Section 2 of the VRA and dismantling Section 5 preclearance altogether in the Supreme Court's Shelby County decision.

The absence of Section 5 preclearance has made it difficult to identify harmful voting changes before they take effect because states and localities are no longer required to notify federal officials of changes to voting laws. The absence of Section 5 have led to the proliferation of voter suppression, voter disenfranchisement, and voter intimidation.

I want to bluntly state now the purpose of the deployment of voter suppression tactics is not only to deny eligible voters in marginalized groups access to the ballot box, but to keep them from attaining any real political power within our democracy.

While I applaud the immense progress that has been made in New York State this past year on voting rights with our new Senate Democratic Majority, under Senate Majority Leader Andrea Stewart Cousins, who passed a series of bills to establish early voting, no-excuse absentee voting, modernize and expanded voter registration to name a few, without the protections of the VRA on the federal level, our state desperately needs the New York Voting Rights Act that Sen. Myrie has introduced for consideration.

Many think of New York as a liberal bastion where voter suppression could never happen, but only a few miles from where I am now, voter intimidation took place in Troy, NY. County Republican officials threatened to share voting registration records with U.S. Immigration to check if undocumented immigrants were illegally registering to vote which would amount to voter fraud. Voter Fraud is almost non-existent in the United States. The Brennan Center for Justice stated it is more likely that an American "will be struck by lightning than that they will impersonate another voter at the polls" and I'll add *or vote* while undocumented.

What does exist? Voter dilution, Suppression, Disenfranchisement and Intimidation. Racial gerrymandering. Disinformation. Lack of investment in voter mobilization. And perceived lack of power or importance as a voter.

With the passage of NYVRA, New York State would join California and Washington in having our own State Voting Rights Act that builds upon the comprehensive framework of the Voting Rights Act of 1965. The NYVRA would both address a wide variety of

long-overlooked infringements on the right to vote and put in place protections that would be among the strongest in the country. New York could send a powerful signal to the rest of the United States that illustrates we value the voices of all our eligible voters equally, and we've fought to encourage and protect their right to participate in not only picking their elected officials, but having a say in critical policies that effect their lives and those most vulnerable here in New York.

As Senate Majority Leader Andrea Stewart-Cousins said, "We need more voices in our democracy, not fewer."

The New York Voting Rights Act would be the most robust and comprehensive state voting rights act to date and would firmly showcase the Empire state as the leader in promoting and protecting political participation.

While I can hope that we will soon have a U.S. Congress that will champion voting rights by restoring and expanding upon the Voting Rights Act of 1965, we in New York State cannot wait for that exalted day. The conservative majority on the Supreme Court have indicated to us through their 2013 *Shelby v Holder* decision that they have little interest in reversing their decision to restore the most effective civil rights law in the history of a country. Since the gutting of the Voting Rights Act we have witnessed as a Nation 1688 polling location closures in mostly Black and Latinx communities, 16 million voters were purged between the federal elections of 2014 and 2016. That does not include the record 6.1 million Americans who are forbidden to vote because of felony disenfranchisement, nor the 1/3 of all people with disabilities who reported having difficulty voting due to lack of accessibility. In strict voter ID states, trans women and men also face barriers because of difficulties obtaining an ID that's accepted or dealing with bias or misunderstandings of the law when it comes to their gender.

These are just a few examples of why we still desperately need effective civil rights laws.

I, on behalf of *All Women's Progress Policy Center*, urge the passage of the New York Voting Rights Act without delay. Thank you.