



**Advancement Project Public Comment  
Submitted to the Presidential Commission on Election Administration  
for its public meeting on June 21, 2013**

Advancement Project<sup>1</sup>, a national, non-partisan, civil rights and racial justice organization submits this public comment to the Presidential Commission on Election Administration regarding its agenda for the public meeting scheduled for June 21, 2013. Since the 2000 presidential election, Advancement Project has worked in collaboration with state and local elections officials and community partners to forge the relationships in the states necessary to advance election reform. We build the legal and procedural framework necessary to carry out long-range voter protection work and to remove barriers to voting for voters of color.

As the Commission begins its work this week, Advancement Project urges the Commission to hold hearings in states where voters waited the longest, voters had to overcome other processes that impeded access to the polls or state legislators are acting to curtail voting rights. Public hearings near where voters suffered the most obstacles will allow the Commission to hear directly from people who were the most adversely affected by poor election administration procedures and enhance the Commission's ability to assess the root causes of long lines so that it can recommend the best ways to fix these problems. We especially urge the Commission to consider whether unusually high spikes in voter registration in historically disenfranchised communities are among the causes of long lines. We are pleased that the Commission has already scheduled a public hearing in Florida, the epicenter of election problems in 2012 and a jurisdiction that has a history of serious problems since at least the 2000 presidential election cycle. Advancement Project urges the Commission to set hearings in the following other states because of widespread problems on Election Day or legislative plans to make it harder for voters to vote, or both:

**Virginia**

In the November 2012 election, voters in Virginia waited an average of more than 25 minutes to vote,<sup>2</sup> and some voters waited up to five hours.<sup>3</sup> We hope the Commission will

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<sup>1</sup> Advancement Project is a next generation, multi-racial civil rights organization, founded in 1999 by a team of veteran civil rights lawyers. We exist to fulfill America's promise of an inclusive and just democracy, rooted in the great human rights struggles for equality and justice. We use innovative tools and strategies to strengthen social movements and achieve high-impact policy change. Locally, we provide strategic policy, legal, and communications support to grassroots organizations, increasing their capacity to identify and address racial injustices in their communities. On the national level, we extend and replicate lessons learned on the ground, through the use of legal advocacy, networking, media outreach, and public education.

examine why Virginia had long lines and whether Virginia's proposed restrictive voter ID law will negatively impact waiting times. We urge the Commission to research the inadequacy of polling place resources, cumbersome voter check-in processes, provisional ballot procedures, registration issues, lack of early voting opportunities and failure to provide no excuse absentee voting. Since the House Committee on Oversight and Government Reform held hearings in Woodbridge VA early in 2013, we recommend that the Commission hold its Virginia hearing in the Tidewater region.

### North Carolina

Until 2013, North Carolina had made significant progress towards improving voter participation with the implementation of early voting and same day registration during the early voting period. After adoption of these measures, from 2004 to 2008, voting in North Carolina increased by a greater percentage than among all states.<sup>4</sup> In 2012, North Carolina ranked 11<sup>th</sup> overall in voter turnout.<sup>5</sup> Effective use of early voting resulted in more than half of North Carolinians voting before Election Day, including 70 percent of the state's African-American voters.<sup>6</sup>

Despite the demonstrated success of its election reforms, the North Carolina legislature has introduced bills in 2013 that would severely cut back the amount of time devoted to early voting, cancel early voting on Sundays and repeal same-day registration during early voting.<sup>7</sup> North Carolina is also poised to disenfranchise hundreds of thousands of its voters in the name of preventing non-existent voter fraud if it passes the proposed restrictive voter ID bill currently working its way through the legislature.<sup>8</sup> Field hearings in North Carolina would allow the Commission to hear stories of voting reforms that actually *worked*, and the negative impact of stopping such forward-thinking reforms.

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Pew Center on the States, New Data on Lines at the Polls, <http://www.pewstates.org/research/analysis/new-data-on-lines-at-the-polls-85899435524>.

<sup>3</sup> Jordy Yager, *Virginia Voters See Long Lines*, The Hill, Nov. 6, 2012, <http://thehill.com/homenews/campaign/266281-virginia-voters-see-long-lines-as-pols-swoop-in>; Greg Gordon and Tony Pugh, *Voters endure delays, lines and misinformation to cast ballots*, McClatchy, Nov. 6, 2012, <http://www.mcclatchydc.com/2012/11/06/173871/voters-endure-delays-lines-and.html>.

<sup>4</sup> Pillsbury, George, *America Goes to the Polls 2012*, Nonprofit Vote, Mar. 2013, available at <http://www.nonprofitvote.org/>.

<sup>5</sup> *Id.*

<sup>6</sup> Comparing Mail-In Absentee, Early Voting & Same Day Registration, Democracy North Carolina (on file with Advancement Project); North Carolina State Board of Elections Data.

<sup>7</sup> H.B. 451, 2013-2014 Sess. (N.C. 2013), S.B. 428, 2013-2014 Sess. (N.C. 2013) S.B. 666, 2013-2014 Sess. (N.C. 2013) S.B. 721, 2013-2014 Sess. (N.C. 2013), available at <http://www.ncleg.net/> The North Carolina legislature's assault on voting rights, and other attacks on the most vulnerable segments of society, has spawned a civil disobedience movement called Moral Mondays led by the NAACP, North Carolina. <http://www.advancementproject.org/pages/north-carolina-forward-together>

<sup>8</sup> H.B. 589, 2013-2014 Sess. (N.C. 2013), available at <http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2013&BillID=hb589&submitButton=Go>; S.B. 721, 2013-2014 Sess. (N.C. 2013), available at <http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2013&BillID=sb721&submitButton=Go>.

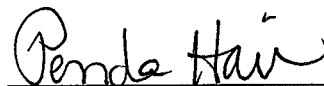
## Pennsylvania

In 2012, Pennsylvania ignominiously joined the ranks of states that passed restrictive voter ID laws. Act 18, Pennsylvania's photo voter ID law, is one of the most restrictive in the country and stands to disenfranchise hundreds of thousands of voters who lack one of the limited forms of acceptable ID. Although lawyers in a suit challenging the new law (including Advancement Project) succeeded in halting its implementation one month before Election Day,<sup>9</sup> widespread confusion about the law persisted through Election Day. The Pennsylvania Department of State did not take effective steps to either educate voters or dissipate the confusion. As a result, poorly trained and misinformed pollworkers wrongly turned voters away or required them to vote by provisional ballot.<sup>10</sup>

In addition to the voter ID debacle, thousands of registered voters were wrongly left off the voter rolls even though they were able to see their valid registration status on their smart phones. Voter ID, coupled with inaccurate pollbooks, doubled the number of provisional ballots cast in Pennsylvania between 2008 and 2012, causing delays at the polls.<sup>11</sup>

President Obama created the Commission because many voters encountered obstacles when voting in the 2012 election, including extraordinarily long wait times. Although it is a testament to the determination of American voters that so many overcame these hurdles and cast their ballots, countless others were forced to vote by provisional ballot and others were discouraged from even attempting to vote. The burdensome experience of many voters – and voters of color disproportionately bore these burdens – has spawned a renewed energy in reforming our election system to make it easier for voters to vote. Advancement Project appreciates the opportunity to submit this public comment and anticipates providing more specific comment to the Commission as it proceeds with its work.

Respectfully submitted,



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<sup>9</sup> Ethan Bronner, "Voter ID Rules Fail Court Tests Across Country," *The New York Times*, Oct. 2, 2012 [http://www.nytimes.com/2012/10/03/us/pennsylvania-judge-delays-implementation-of-voter-id-law.html?\\_r=0](http://www.nytimes.com/2012/10/03/us/pennsylvania-judge-delays-implementation-of-voter-id-law.html?_r=0)

<sup>10</sup> See "The 2012 Election Protection Report, Our Broken Voting System and How to Repair It," The Lawyers Committee for Civil Rights Under the Law, 2013, at 50-51.

<sup>11</sup> *Id.* at 52.