

**PRESIDENT'S COMMISSION ON  
ELECTIONS SEPTEMBER 4, 2013**

In 1973 together with the Puerto Rican Legal Defense and Education Fund, I filed an action known as *Arroyo v. Trucker* taken from a victory action in New York City which was similarly repeated in New York State and New Jersey.

Puerto Ricans are born American citizens and when on the mainland have full voting rights. Spanish is the official language of Puerto Rico, those of us who migrate, have a right to understand the ballots in Spanish. The Federal courts have so ordered and it has opened the way for the 1975 Federal Voting Rights Act amendment securing the voting rights of all linguistic minorities throughout the country. This set the stage for the federal bilingual assistance provisions that insured the benefits of Mexican-Americans and Latino voters and later to Asians Americans and Native American.

In 2006 the *Arroyo* case was enforced by the Justice Department for failure to provide election information to citizens educated in Spanish in American flag schools in Puerto Rico for violations of the Help America Vote Act of 2002 for failing to provide alternative language information to voters.

In that effort a bilingual program in many languages was established including bilingual interpreter and alternative language information which is still in force.

The voting machines have been monitored when I was acting chairman of the Philadelphia Commission where some translations were corrected. I have translated ballots in Philadelphia for over 20 years while a Judge in the Court of Common Pleas in order to assure its accuracy.

As a result of these programs, registration and voting increased to the point that Puerto Rican voters in the recent outcome in Florida was the largest increase in my 40 years of voter registrations.

As American citizens this process enabled a more hospitable voting process and an understanding that we were not foreigners. Voting is taken very seriously in Puerto Rico but because of the attitude and intimidation we are made to feel foreign in our own land. Voter ID is another aspect of the voter intimidation. In my lifetime all a voter needed was their voter registration card. Many of our Latino voters fail to drive nor own vehicles. Many of our voters are rejected by the majority community in many counties because it is their opinion we don't belong in the country. The requirement for applying for new birth certificates in Puerto Rico with the relocation of millions due to the depressed economy causes more issues.

In Pennsylvania, the backers of a photo ID law claimed it was necessary to prevent voter fraud. But when the state's lawyers defended the legislation in court, they

stipulated that they would not argue that in-person voter fraud had ever occurred in the state or that it would occur without the photo ID law.

With the legislature's supposed motivations debunked, Pennsylvania GOP State House Majority leader Mike Turzai revealed the actual motivations for the law, saying that the state's new photo ID bill would "allow Governor Romney to win the state of Pennsylvania."

There has been no allegations of fraud or manipulation of the votes since the new voters machines were instituted in Philadelphia. The most prevalent problem in the last national election was the lack of processing the registration of new voters timely.

I urge you to encourage the reinstatement of Title 5 of the Voting Rights Act and to encourage early voting and mail voting as a means of helping working Latinos who are used to voting on Sunday an opportunity to engage in our diversity.

Thank you.

Submitted,

Hon. Nelson A. Diaz (ret.)