



**TESTIMONY BY CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
BEFORE THE ILLINOIS HOUSE ELECTIONS & CAMPAIGN FINANCE  
COMMITTEE HEARING ON VOTER ACCESS  
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Submitted By:

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Thank you for the opportunity to testify today. The Chicago Lawyers' Committee for Civil Rights (Chicago Lawyers' Committee) has operated as Chicago's preeminent nonprofit, nonpartisan civil rights legal organization since 1969, and we work to secure racial equity and economic opportunity for all. The Chicago Lawyers' Committee provides legal representation through partnerships with the private bar, including our nearly 50 member law firms. We collaborate with grassroots organizations to implement community-based solutions that advance civil rights, and we participate in coalitions such as Just Democracy Illinois.

The Voting Rights Project of the Chicago Lawyers' Committee was established to prevent, reduce, and eliminate barriers to voting for communities of color and low-income residents in Illinois. We advocate for expanded voter access for all communities, regardless of race, ethnicity, socioeconomic, or disability status. A major component of our work is Election Protection, the nation's largest non-partisan voter protection program, which operates the 866-OUR-VOTE hotline and supports companion lines at 888-VE-Y-VOTA and 888-API-VOTE. Partnering with area law firms and nonprofit organizations, Election Protection hotline and pollwatcher volunteers have answered thousands of voter questions and resolved numerous problems at the polls. That puts us in a unique position to understand voter access barriers, investigate and remedy problematic practices, provide information on voting rights, and advocate for necessary reforms. For the 2016 general election, we trained and deployed hundreds of volunteer attorneys with diverse political views – but they stand united in the belief that all eligible voters should have access to the polls. We partner with diverse community organizations on Election Protection, including Common Cause Illinois, the Illinois Coalition for Immigrant and Refugee Rights, the Mexican American Legal Defense and Educational Fund, Equip for Equality, the Chicago Urban League, Chicago Votes, Black Youth Project 100, Asian Americans Advancing Justice Chicago, and the League of Women Voters.

Thanks to your leadership, Illinois has made great strides to expand its citizens' voting rights in recent years, but much work remains, particularly for those voters who are most vulnerable to discrimination and exclusion. To address these barriers in a comprehensive and practical way, community organizations, elected officials, and election administrators



must all work together. While we focus our remarks today on particular barriers to voter access, including voter intimidation and language barriers, we urge the Committee to keep in mind the broader systemic barriers to civic engagement and to continue working with community advocates to address them.

### I. Voter Intimidation

We all can agree that we must not tolerate any instances of voter intimidation, as they are a threat to our values of freedom and democracy. Throughout our country's history as well as today, voter intimidation uniquely impacts communities of color, particularly African American voters. This intimidation can come from fellow voters, election personnel, police officers or guards, or others. In order for all our communities to have the full and fair right to vote, it is critical for every voter to feel safe at the polling place. Safety means different things for different people, especially given the vastly different experiences between communities of color and law enforcement.

While police officers and guards work hard to keep our polling places safe, there are still incidents of voter intimidation involving police or authority figures in Illinois. In the November 2016 election, we received a report of police officers outside a polling place improperly telling voters that they needed identification or voter registration information to vote. Unfortunately, this is not the first time that we have received a report like this. In another location from this past general election, a voter reported harassment by the police regarding the voter's political views. We also received a report of a police officer inaccurately stating the poll closing time to young African American voters in line to vote. We were proud to collaborate with community organizations such as Chicago Votes and Black Youth Project 100, as well as election administrators, to resolve these problems and open lines of communication. However, the lasting sting of such an experience is not trivial to voters who are made to feel like they do not belong at the polls.

The problem of political inclusion for people whose lives have intersected with the criminal justice system extends beyond these instances. To tackle these problems, we must eliminate voting barriers for individuals in pretrial detention and ensure that individuals can get back on the voter rolls after completing a sentence. These barriers that exclude eligible voters do not reflect the type of inclusive and fair community that we strive for in Illinois.

We urge government leaders to work closely with community organizations to decrease voter intimidation and increase safety and comfort for voters of all backgrounds, especially those who have faced discrimination and exclusion. It is essential that reforms to improve voter access are designed with input from community members and election administrators so that the implementation is positioned for success. We appreciate that Illinois House Bill 2992 opens up an important conversation about voter intimidation. At the current time, we do not support or oppose HB2992, and we welcome the opportunity to learn more about this proposal and how it could be implemented. We also welcome the chance to work with government and community leaders to improve channels of communication so that when intimidation does occur, it can be addressed rapidly and effectively.



## II. Language Access

Today, in order to cast an informed ballot, too many Latino, Asian American, Arab American, Polish American, and other voters must surmount difficult language barriers originally constructed to block ethnic European voters. In recognition of pervasive discrimination against language minorities at the polls and other broader injustices revealed by the civil rights movement, Congress passed Sections 203 and 208 of the federal Voting Rights Act in the 1970s. Through these provisions, Congress acknowledged that American citizens have varying degrees of English-language proficiency and that voting materials and ballot syntax can make casting an informed ballot especially difficult for these voters. To fully integrate all citizens into our political process, Section 203 of the Voting Rights Act requires election authorities (typically counties or, in some cases, cities in Illinois) to provide written translations and bilingual election judges if a certain threshold is met: if more than five percent of their voting-age population or if more than 10,000 individuals in that population constitute a language minority group with limited English proficiency. In Chicago and Cook County, ballots are required in Spanish, Chinese, and Hindi, and oral assistance is required in these languages as well as Gujarati and Urdu. Spanish ballots and oral assistance are also required in Lake and Kane County. Additionally, under Section 208, voters in all jurisdictions have the right to bring a friend or a family member to provide them with language assistance.

Unfortunately, these federal protections have not been fully and consistently implemented in all jurisdictions, and they do not completely meet the needs of all communities in Illinois who need language assistance at the polls. To improve implementation, we urge all election officials to continually engage diverse communities on their language needs and partner with them for bilingual election judge recruitment, training, and retention. Some election officials already apply these good practices, and we encourage others to do so as well.

Many voters with limited English proficiency in Illinois are not protected by Section 203. Multiple jurisdictions in Illinois barely fall short of federal language access coverage despite significant language access needs in those areas. Census Bureau data likely underestimates language needs because some citizens with limited English proficiency are uncomfortable responding to Census data collectors and other citizens overestimate their fluency. Voting materials involve specialized vocabulary and complex syntax that boggles even native English speakers, and the information is even less accessible for people in the process of learning English. In recognition of this problem, some election officials have partnered with community organizations to provide language access even when they are not federally required to do so.

In every election, limited English proficient voters in Illinois have faced barriers at the polls. On November 8, 2016, a Spanish-speaking voter was improperly turned away from the polls even though she was a registered voter and unsuccessfully tried to find a bilingual election judge to help her explain this fact to other election judges. In another location, we



received a report of election judges complaining about South Asian and Latino limited English proficient voters to other election judges and voters. We also received reports of voters unsuccessfully seeking assistance in different languages, beyond the language coverage that the election jurisdiction offered. In many such instances, we have resolved these problems by working with election administrators.

As some local election jurisdictions are already doing voluntarily, Illinois as a whole should expand language assistance at the polls beyond federal requirements. At least eight states, including Maine, California, North Carolina, Pennsylvania, and Texas have recognized that the federal Voting Rights Act does not go far enough to meet the needs of their language-minority communities.<sup>1</sup> While we support increased language access to the polls for all eligible voters, it is essential that state-level language access protections are designed and implemented with input from community members and election administrators so that the on-the-ground implementation of language assistance is successful. Given that Illinois House Bill 2469 categorizes jurisdictions based on census tract and the statewide implementation would be complex, it is important to analyze which geographic areas and languages this proposal would impact and obtain input from communities and election administrators accordingly.

For those reasons, we do not support or oppose HB2469 at the current time, and we welcome the opportunity to learn more about this proposal and how it could be implemented. We also welcome the chance to work with government leaders on improved implementation of Section 208 of the federal Voting Rights Act, which applies to all election jurisdictions, as well as other commonsense practices to improve voter access, such as strengthened recruitment of bilingual election judges.

### III. Need for Comprehensive Voter Access

Illinois should serve as a model for ensuring full and fair ballot access for eligible voters from all communities, but a variety of interrelated barriers exist at the current time, including barriers for voters with disabilities, improper requests for identification, registration barriers, equipment problems, and errors by election judges. Strengthened election judge training, smart investments in technology, and modernized registration through automatic voter registration will improve the accuracy and integrity of our election system. We also urge government leaders to denounce restrictive voting laws and myths of widespread voter fraud because this misinformation threatens to weaken voters' trust in our election system.

Voting rights are fundamental, not only as an inherently vital part of our democratic system, but also as a means for self-empowerment and self-determination for all of our communities. It is imperative that our laws reflect our values and that our government actively seeks to ensure the full and fair right to vote for all eligible voters.

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<sup>1</sup> Brian J. Sutherland, *The Patchwork of State and Federal Language Assistance for Minority Voters and a Proposal for Reform*, N.Y.U. ANN. SURV. AM. L. 323, 352 (2009).