

Senator Charles Schumer Statement for the Record  
June 26, 2012

Since 2010, we've witnessed an epidemic of anti-voter legislation spreading virally through state legislatures across the country. According to their own authors – organizations such as ALEC and the National Public Policy Research Council -- the express aim of these laws to suppress voter turnout by making voter registration and voting itself more difficult.

Those burdensome and reprehensible state laws are bad enough. But they are far from the only recent efforts to discourage certain segments of the population from voting, in order to improve the chances of a candidate's success. Lying about polling stations, endorsements, and whether someone's vote even matters amounts to guerrilla warfare in a zone that should be free of trickery and threats.

In recent elections, we've seen dozens of examples of deceptive practices, ranging from false communications of voting requirements at polling places, incorrect polling place location and hours, and even threats of criminal penalties for voting.

Let there be no doubt that these threats have hindered participation. That's why, with Senator Cardin, I re-introduced the Deceptive Voter Practices and Intimidation Act this Congress. Deceptive tactics that are meant to scare, intimidate or confuse eligible voters threaten to destroy the very fabric of our democracy by jeopardizing the one right that all of our other rights depend on.

In 2004, in Allegheny County, Pennsylvania, voters received flyers which alleged that Republicans should vote on Tuesday, while Democrats should vote on Wednesday, to deal with record turnout. Obviously, no such rule existed, but the group who sent out this flier did not want Democrats to have the opportunity to vote on Election Day.

In the 2006 midterm elections, fliers were distributed in African-American communities in Maryland that falsely claimed that certain candidates were endorsed by the opposing party, and by public figures who really endorsed the candidates' opponents. Clearly, the campaigns responsible for these messages hoped to confuse voters into voting for their candidate.

On Election Day 2010, before the polls closed, thousands of African American voters, also in Maryland, received robo-calls stating that they did not need to go vote, because their favored candidates had already won the election. Just this month, during Wisconsin's gubernatorial recall election, Wisconsin voters reported receiving robocalls saying, "If you signed the recall petition, your job is done and you don't need to vote on Tuesday." And technology is only making the problem more virulent. One false statement about the time or place of an election on a Facebook page with a few hundred "friends" can make or break a candidate.

Unfortunately, what I just mentioned, and what our witnesses have discussed today, were just a few of the many, many examples of deceitful communications that legally registered voters have received over the years. These actions are devious and shameful, and must be made illegal so that all eligible voters have the opportunity to exercise their absolute right to vote. The Deceptive Practices and Voter Intimidation Act of 2011 proposes to do just that.

If a candidate cannot win on the basis of his or her record, past experiences, and ideas, but must resort to scare tactics and duplicity, then that candidate does not deserve to represent constituents in elected office. Throughout my career, I have been a strong and vocal advocate for greater openness and transparency in the electoral process, and this legislation is a necessary vehicle for yielding that change.

This bill was originally introduced by former Senator Obama in 2007. It never received a vote in the full Senate, and as a result, this problem did not go away, but managed to get worse. I reintroduced the bill last year with my colleague, Senator Cardin, in direct response to the fraudulent robo-calls that Marylanders received in 2010. We were deeply concerned about the effects these dirty campaign tricks would have on an electorate that already is reluctant to participate.

As the few examples I listed indicate, deception of voters is a great problem in Maryland and elsewhere, and it will not abate until Congress steps in. Under this Act, it would become a crime subject to up to 5 years in prison, to knowingly disseminate false information regarding voting and election administration, and to prevent a person from voting or registering to vote. The bill would also allow voters who were harmed by these violations to seek private rights of action. Finally, the bill would authorize the Attorney General to correct the misinformation provided to voters, if local officials have not yet done so.

This legislation is a commonsense solution to a growing problem, and I will do everything in my power to get it passed. Intentionally deceiving voters about where or when they should vote, or falsifying eligibility requirements, or otherwise interfering with their right to vote is just plain wrong, and must be prevented with the full force of the law.