



National Asian Pacific American Bar Association

## Statement Opposing Voter Suppression Efforts

Endorsed March 2014

**WHEREAS**, the National Asian Pacific American Bar Association (NAPABA) is the national association of Asian Pacific American attorneys, judges, law professors and law students, representing the interests of over 40,000 attorneys and nearly 70 national, state, and local Asian Pacific American bar associations; NAPABA members include solo practitioners, large firm lawyers, corporate counsel, legal service and non-profit attorneys, and lawyers serving at all levels of government; and NAPABA is committed to addressing civil rights issues confronting Asian Pacific American communities and people of color;

**WHEREAS**, the right to vote is a cornerstone of America's democracy, yet this fundamental right is threatened by numerous voter suppression efforts, including limitations on access to voter registration, restrictions against early voting, election day restrictions, and deceptive practices;

**WHEREAS**, although efforts to limit voter registration through proof-of-citizenship requirements – which have a particularly burdensome impact on minority voters due to racial disparities in access to citizenship documents because of socioeconomic disparities that correlate with race – were set back by the U.S. Supreme Court's June 2013 ruling in *Arizona v. Inter Tribal Council of Arizona*,<sup>1</sup> alternative measures or efforts to circumvent the Court's ruling to require proof of citizenship of eligible voters still remain a threat;

**WHEREAS**, restrictions against early voting or absentee voting negatively impact many voters who have difficulty getting to the polls on election day, including working individuals who cannot afford to take time off from work or whose job schedules lack flexibility, the elderly and disabled, both of whom have difficulty traveling to the polls, and low-income individuals who do not have easy transportation to the polls;

**WHEREAS**, laws that require voters to present valid government-issued photo identification have proliferated in recent years, amounting to a modern day poll tax that disproportionately burdens persons of color, the elderly, the disabled, rural and Native voters, low-income people, and homeless people, all of whom are less likely to carry photo identification because many members of these groups cannot afford the time and expense required to obtain these documents;

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<sup>1</sup> The U.S. Supreme Court struck down Arizona's Taxpayer and Citizen Protection Act (Proposition 200), a state law that demanded additional documentary proof of citizenship beyond the proof already required by federal law. The Court held that the National Voter Registration Act (NVRA), which was specifically enacted to increase voter registration and participation, preempts Proposition 200 for purposes of federal elections. NAPABA joined an amicus brief opposing Proposition 200.

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**WHEREAS**, naturalized Americans, including Asian Pacific Americans (who are still primarily foreign-born) will incur the steep costs of obtaining certificates of naturalization;

**WHEREAS**, such photo identification requirements open the door to discrimination at the polls against racial, ethnic, and language minority voters by giving poll workers an unacceptable level of discretion in determining which voters they will ask for identification and whose identification they will accept;

**WHEREAS**, supposedly racially neutral, voter identification requirements disparately impact Asian Pacific American voters and others with “foreign-sounding” names or those who “look foreign;”

**WHEREAS**, eligible voters from minority communities have in recent years been targeted by voter suppression efforts on election day that include the use of deceptive practices whereby eligible voters are intentionally provided with false or misleading information about the voting process or voting requirements in order to prevent them from casting their votes; and

**WHEREAS**, the U.S. Supreme Court’s ruling in *Shelby County v. Holder* in June 2013 struck at the heart of the Voting Rights Act, Section 5,<sup>2</sup> by invalidating the coverage formula used for determining which jurisdictions would be required to have changes to their voting procedures pre-approved;

### **THEREFORE BE IT RESOLVED, that NAPABA:**

1. Opposes voter suppression efforts including but not limited to limitations on access to voter registration, restrictions against early voting, election-day restrictions, and deceptive practice for the reasons set forth above, and supports measures to combat such activity.
2. Supports efforts to protect the rights of limited English proficient voters, including sending federal observers to observe elections in jurisdictions covered under Section 203 of the Voting Rights Act.
3. Supports the Voting Rights Amendment Act (HR 3899 and S 1945), which would restore Section 5 coverage to the Voting Rights Act in response to the Supreme Court’s decision in *Shelby County v. Holder* by altering the coverage formula in Section 4(b), expanding the ability of courts to bring jurisdictions under coverage, and including other mechanisms to protect against voter discrimination, recognizing that additional strengthening to the current bill language would be welcome.

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<sup>2</sup> Section 5 requires jurisdictions with histories and ongoing practices of discrimination in voting practices and laws to “preclear” their voting changes with the U.S. Department of Justice or a three-judge panel of the U.S. District Court for the District of Columbia for determination that the proposed change was not motivated by a discriminatory purpose or will not worsen the position of minority voters in their jurisdictions. Prior to *Shelby*, these were the jurisdictions covered by Section 5: [http://www.justice.gov/crt/about/vot/sec\\_5/covered.php](http://www.justice.gov/crt/about/vot/sec_5/covered.php). NAPABA joined an amicus brief in *Shelby* to support the preservation of Section 5.

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4. Supports the Voter Access Protection Act, which would prohibit election officials from requiring individuals to provide photo identification in order to vote in an election for federal office or register to vote in an election for federal office.
5. Supports the Voter Empowerment Act, which will modernize the voter registration system to expand access to the polls and decrease barriers to voting, prohibit voter caging and deceptive practices, and increase accountability and integrity among election officials and poll workers.
6. Supports the Cardin-Schumer Deceptive Practices and Voter Intimidation Prevention Act, which:
  - Prohibits deceptive practices in federal elections, including communication of false election and voting information to voters;
  - Creates a private right of action and a criminal penalty for deceptive practices;
  - Allows the Attorney General to promptly correct false information to affected communities; and
  - Requires regular and public reporting by the Attorney General to Congress to detail all allegations compiled and the investigations and prosecutions undertaken.
7. Authorizes its president, board, and staff to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary.
8. Supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.