

Written Statement of
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To the
Committee on the Judiciary
United States Senate
The Voting Rights Amendment Act, S.1945: Updating the Voting Rights Act in Response to
Shelby County v. Holder
June 25, 2014

Mr. Chairman and Members of the Committee:

My name is David Stacy, and I am the Government Affairs Director for the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBT citizens and realize a nation that achieves fundamental fairness and equality for all. On behalf of our 1.5 million members and supporters nationwide, I am honored to submit this statement into the record for this important hearing on updating the Voting Rights Act. HRC strongly supports the Voting Rights Amendment Act as a critical first step towards ensuring that every American has equal access to participate in the democratic process.

Discrimination at the ballot box undermines the basic foundations of equality and access to representation upon which the health of our democracy relies. This discrimination can be insidious, but it is not inevitable. The Voting Rights Amendment Act is designed to protect voters living in states with more than five federal voting rights law violations in the past 15 years including Georgia, Louisiana, Mississippi, and Texas. Without these protections, many voters—especially people of color and low income voters – could continue to face laws explicitly created to keep them on the sidelines of democracy.

LGBT people reflect the broad racial, cultural, and socioeconomic diversity that makes up our nation. According to a recent Gallup poll, 33% of LGBT survey respondents identified as people color compared to 27% of non-LGBT respondents,¹ and 3 out of 10 LGBT people currently live in the South.² Analysis of 2010 Census data has also shown that same-sex couples living in the South—especially African American and Latino same-sex couples-- are more likely to be raising

¹ *Special Report: 3.4% of U.S. Adults Identify as LGBT, October 2012.* Gary J. Gates and Frank Newport; Gallup. Available at: <http://www.gallup.com/poll/158066/special-report-adults-identify-lgbt.aspx>.

² *Out in the South: Building Resources for LGBTQ Advancement in the South;* Funders for LGBTQ Issues. Available at: http://www.lgbtfunders.org/files/Out_in_the_South_Foundation_Funding_for_LGBTQ_Issues_in_the_U.S._South.pdf.

children than in any other region of the country.³ People living at this intersection of discrimination face higher rates of unemployment, discrimination on the job, and lower wages compared to other workers.⁴ This population is vulnerable to discrimination across the board—including at the polls. The VRAA's effort to combat racist and discriminatory laws will undoubtedly improve access to voting for millions of Americans – including those in the LGBT community.

As every Member of this Committee knows, voting is a crucial component of our democracy. Individuals that encounter barriers to voting have their voices silenced and are denied access to our political system. As LGBT people across the nation fight daily for equality, the threat of de facto disenfranchisement threatens our community's access to the most basic, and foundational tool for change -- the ballot box. In recent years, LGBT Americans have witnessed progress toward a more just America. This progress is made possible because LGBT and allied voters are electing equality minded representatives. These engaged voters and citizens made passage of the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act, the repeal of "Don't Ask, Don't Tell," and the passage of an inclusive Violence Against Women Act a reality. The LGBT experience at the ballot box demonstrates what we as a community have at stake with each election. The creation of state laws that increase barriers to the right to vote remains a significant concern for our community.

The hardship of excessively restrictive and discriminatory state laws falls disproportionately on the shoulders of the most vulnerable members of our community, including the poor and senior citizens. Laws that require additional documentation and shorten the voting window are often an insurmountable barrier for the working poor and people living in poverty. Such laws specifically burden the LGBT community. Same-sex couples, their children, and the growing number of LGBT older adults are at an increased risk of poverty due to systemic discrimination coupled with a lack of uniform relationship recognition. LGBT people--especially the elderly-- have lower incomes and are less likely to be able to save for retirement or disability, because of lifelong discrimination. Lesbians over the age of 65 are twice as likely to be living in poverty as heterosexual married couples.⁵ Older African American lesbian couples have the highest incidence of poverty of all couples.⁶

³ *LGBT Parenting in the United States, February 2013*. Gary J. Gates; The Williams Institute. Available at: <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf>.

⁴ *A Broken Bargain for LGBT Workers of Color, November 2013*. Movement Advancement Project, Center for American Progress, Freedom to Work, Human Rights Campaign, National Black Justice Coalition. Available at: [http://op.bna.com/dlrcases.nsf/id/bpen-9dgn25/\\$File/a-broken-bargain-for-lgbt-workers-of-color.pdf](http://op.bna.com/dlrcases.nsf/id/bpen-9dgn25/$File/a-broken-bargain-for-lgbt-workers-of-color.pdf).

⁵ *Poverty in the Lesbian, Gay, and Bisexual Community, March 2009*. Randy Albelda, M.V. Lee Badgett, Alyssa Schneebaum,, Gary J. Gates; The Williams Institute. Available at: <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Albelda-Badgett-Schneebaum-Gates-LGB-Poverty-Report-March-2009.pdf>.

⁶ *Id.*

Transgender individuals are also disproportionately affected by poverty. A 2007 Williams Institute report finds that transgender people report high unemployment rates and low earnings, with 22 to 64 percent of transgender individuals in sample surveys reporting an income of less than \$25, 000 per year.⁷ The Transgender Law Center reported in 2009 that transgender Californians are twice as likely as the general population to live below the poverty line.⁸ Moreover, a 2011 report from the National Gay and Lesbian Task Force and the National Center for Transgender Equality found that respondents to a nationwide survey of transgender individuals live in extreme poverty, experience high rates of unemployment, and are more likely to be homeless than the general population.⁹ The report attributes this disturbing state of affairs to the societal bias transgender individuals face across our nation. Moreover, transgender individuals color experience even more dramatic poverty than their white counterparts.

Recent movement in the states to require identification (ID) in order for an individual to vote can deter and prevent transgender individuals from voting. According to the 2011 report referenced above, of the individuals who have transitioned, only one-fifth have been able to update all their IDs and records with their new gender, and one-third of those who had transitioned had updated none of their IDs and records.¹⁰ Nearly sixty percent reported updating their gender on their ID, meaning over forty percent live without IDs that match their gender identity. When required to present their IDs, transgender individuals report being harassed, attacked, assaulted, and asked to leave when the gender on their IDs does not match their gender identity. By requiring transgender individuals to present identification that may not match their gender identity; these laws discourage and prevent voting by one of the most disenfranchised communities in our nation.

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I appreciate the opportunity to submit this testimony. Any law that deters lawful voting or unnecessarily prevents access to the ballot box tears at the fabric of our democracy. I thank the Chairman for holding this important hearing on this proposed legislation, and we urge Congress to move swiftly to update the Voting Rights Act.

⁷ *Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination*, June 2007. M.V. Lee Badgett, Holning Lau, Brad Sears, Deborah Ho; The Williams Institute. Available at: <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Badgett-Sears-Lau-Ho-Bias-in-the-Workplace-Jun-2007.pdf>.

⁸ *The State of Transgender California Report, 2009*. The Transgender Law Center. Available at: http://www.calcomui.org/images/StateTransCA_report_2009Print.pdf.

⁹ *Injustice at Every Turn, 2011*, Jaime M. Grant, Lisa A. Mottet, Justin Tanis; The National Gay and Lesbian Taskforce and the National Center for Transgender Equality. Available at: http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf.

¹⁰ *Id.*