

STATEMENT OF

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UNITED STATES SENATE

COMMITTEE ON THE JUDICIARY

Committee Hearing on the Voting Rights Amendment Act

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Chairman Leahy, Ranking Member Grassley, and members of the Committee: I am honored to submit this testimony for the record on behalf of the National Asian Pacific American Bar Association (NAPABA), regarding today's hearing entitled "**The Voting Rights Act Amendment S.1945: Updating the Voting Rights Act in Response to *Shelby County v. Holder***." I commend the Senate Judiciary Committee for holding this critical and timely hearing on the Voting Rights Amendment Act today on the one-year anniversary of the *Shelby County* decision, and I thank Chairman Leahy for his leadership on this issue.

NAPABA is a national bar association representing the interests of over 40,000 Asian American attorneys and almost 70 local Asian Pacific American bar associations. Its members include solo practitioners, large law firm lawyers, corporate counsel, legal service and nonprofit attorneys, judges, and lawyers serving at all levels of government. Through its national network of affiliates and committees, NAPABA provides a strong voice for increased diversity of federal and state judiciaries, advocates for equal opportunity in the workplace, seeks to eliminate anti-Asian Pacific American crime and anti-immigrant sentiment, and promotes professional development of people of color in the legal profession.

In 2006, the Voting Rights Act was reauthorized with nearly unanimous bipartisan support in both the Senate and the House of Representatives. But the U.S. Supreme Court's 2013 decision in *Shelby County v. Holder* struck down Section 4 of the Voting Rights Act, which contained the coverage formula that determines which jurisdictions are subject to Section 5 of the Voting Rights Act. Because of the *Shelby County* decision, we must recommit to addressing the obstacles that voters across our great nation are facing. NAPABA supports the Voting Rights Amendment Act because it is critical that Congress enact a new, modern coverage formula that will protect all Americans, including Asian Pacific Americans, at the polls—particularly those with limited English proficiency. The right to vote is the most fundamental right of our democracy. NAPABA urges both the Senate and House to act expeditiously, before the November elections, to protect all Americans from voting discrimination.

Asian Pacific Americans are the fastest growing minority group in the United States. We must ensure that all parts of the Asian Pacific American community are able to vote, regardless of whether they live in California, or Arizona, or in Florida, my home state. Many Asian Pacific Americans still face racial discrimination derived from historical antipathy or the perception of Asian Pacific Americans as outsiders, aliens, and perpetual foreigners. Numerous hate crimes have been directed against Asian Pacific Americans because of their minority status or because they are perceived as unwanted immigrants. Some states and localities have employed discriminatory tactics to prevent language minority citizens from registering and voting. For example, in Alabama's 2004 primary election, some Asian Pacific American voters were falsely accused of not being U.S. citizens. They were forced to complete a paper ballot, and another registered voter was required to vouch for the paper ballot. When questioned about these demands, the losing incumbent stated that he assumed that if the voters "could not speak good English," they could not be American citizens. Other recent discriminatory actions against Asian Pacific American voters have included redistricting efforts to dilute Asian Pacific American voting power, demanding photo identification from Asian Pacific American voters when it was not required for others, and refusing to provide appropriate language materials at polling places.

Voting discrimination is a continuing threat to our democracy. Any violation of voting rights is deeply troubling, and the issue requires strong, bipartisan legislation from Congress. The Voting Rights Amendment Act is a modern, flexible, nationwide approach to protecting voters that embodies the spirit and letter of the Court's decision. The legislation would provide new tools to prevent voting discrimination before it occurs and to ensure that proposed election changes are transparent.

In the *Shelby County* decision, Chief Justice Roberts noted that "voting discrimination still exists; no one doubts that." It is now up to us to work together to enact an updated Voting Rights Act. This is a key time in the long fight to insure that no voter suffers discrimination at the ballot box. Every day that Congress fails to act, voters and our democracy are in danger. Failure to advance this legislation gives a free pass to voting discrimination. As early as this November, there will be Americans who will lose their right to vote solely because of their race or lack of English language proficiency. This type of discrimination should not be tolerated.

Thank you again for this opportunity to express the views of NAPABA. We welcome the opportunity for further dialogue and discussion about these important issues.