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Testimony

By

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Presented by

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National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund

Before

The Senate Standing Committee on Elections and Constitutional Amendments

At an Informational Hearing Entitled

“Barriers to Voter Participation”

Santa Ana, CA October 23, 2012

Chairman Correa and Members of the Senate Committee on Elections and Constitutional Amendments, thank you for the opportunity to submit this testimony which presents our perspectives on the barriers to Latino participation in California elections.

We submit this testimony during a crucial time for the Latino community and our state's democracy. California's Latino electorate grew dramatically during the last two decades, and Latinos now comprise one out of every four of California's registered voters. However, as we have documented in our report, *Latino Voters at Risk* (Attachment 1), state legislatures across the country are enacting restrictive voting and registration measures that impose unfair barriers to the participation of all communities, and particularly underrepresented racial and ethnic citizens. The California state legislature demonstrated leadership by rejecting these types of measures, and made protecting and preserving the right to vote for all Californians a top policy priority, as demonstrated through its actions in the 2011-2012 legislative session. During the session, the legislature enacted several measures to enhance voters' access to the democratic process. These include SB 183, which protects a voter's ballot from being rejected if the voter writes or makes extra marks; SB 397, which establishes California's new online voter registration system; AB 84, which permits a newly-naturalized citizen to register to vote 14 days and up to the close of polls on Election Day at a location designated by the county official; and AB 1436, which will allow same day voter registration at the offices of county election officials once California implements an upgraded voter database. Despite these laws, barriers to full participation still exist for the Latino community in California. In our testimony, we highlight some of these barriers, and provide recommendations to address them.

The NALEO Educational Fund is a non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency includes the more than 6,000 Latino elected and appointed officials nationwide, including 1,353 from California. Our Board members and constituency include Republicans, Democrats and Independents. For several decades, the NALEO Educational Fund has worked to achieve its mission through programs that promote civic integration of the Latino community by conducting voter education and outreach activities, offering professional development opportunities to Latino elected and appointed officials, disseminating information on issues related to Latino engagement and Latino political impact, and advocating for policies that protect

Latino voters. Through our civic engagement and policy development work, we have learned about the barriers that confront Latinos in the voting and registration process, nationally and in California. Since 2007, the NALEO Educational Fund has worked with Spanish-language media, community-based organizations, and elections officials to build an integrated national and local Latino voter engagement program. A key component of this effort is our national bilingual voter information and protection hotline, *1-888-VE-Y-VOTA* (“Go Vote”), and a comprehensive bilingual voter information website (yaeshora.info) through which thousands registered to vote in California in 2012 alone. Our non-partisan get-out-the-vote (GOTV) efforts have engaged infrequent and overlooked Latino voters, and have included historic mass-media campaigns with programming across multiple national and local platforms. In California, our campaign included partnering statewide with local affiliates of the largest Spanish-language television networks, Univision Communications, Inc., Entravision Communications, and impreMedia. This partnership included in-kind public service announcements (PSAs), print and online advertising, and innovative online engagement strategies leveraging social media tools such as Facebook and Twitter to promote voter education. Combined, these activities have reached millions of potential Latino voters.

We also are leaders in the national and California dialogue regarding the impact of election policies and practices on Latino electoral participation. After the enactment of federal election reform legislation, the Help America Vote Act of 2002 (HAVA), we served as members of the California Secretary of State’s Advisory Committee that developed and updated the state’s HAVA plan. In April 2012, we testified before the United State House of Representatives Committee on the Judiciary Subcommittee on the Constitution to express our concerns about the unprecedented number of restrictive voting and registration measures across the nation and their detrimental impact on the Latino vote. We also engaged in advocacy for fair redistricting in 2011 and 2012, in order to protect fair opportunities for Latino representation in California, Florida and Nevada.

The Latino population and Latino voters in California

Over the last decade, the increase in the Latino population significantly contributed to California's population growth. The growth of the Latino population between 2000 and 2010 exceeded the growth of other population groups and helped offset the decline in the Non-Hispanic White, African American and Native American populations. The Latino population increase during the decade equaled 90% of California's overall growth. According to the U.S. Census Bureau's American Community Survey, California's Latino population reached 14.4 million in 2011, and the Latino community comprises 38 percent of the state's population, making it California's second largest population group. In addition, 51.7 percent of the state's youth under the age of 18 are Latino. According to media reports which appear to be based on unofficial preliminary projections, Latinos are expected to be California's largest population group in either 2013 or 2014 (we anticipate that the California Department of Finance will publish official projections confirming this development in early 2013). The strength of California's democracy – both now and in the future – depends upon the full participation of its Latino population.

While California's Latino population is growing, Latino participation in elections has not kept pace. In the 2008 Presidential election, there were 5.2 million California Latino adult U.S. citizens (the approximate population eligible to register to vote). However, only 3.3 million Latinos were registered to vote and only 3.0 million Latinos cast their ballots. Thus, nearly half (42.4%) of the state's Latinos who were eligible to register and vote did not do so, compared to 34.3% of the non-Latino population eligible to register and vote. The NALEO Educational Fund expects the Latino vote to increase to 3.9 million Latinos casting their ballot in California this election cycle, an increase of 31.2% from 2008. In our testimony, we provide the following recommendations to reduce barriers to Latino participation and enhance opportunities for the voice of every eligible Californian to be heard in the state's democracy.

1. Improve Voter Education and Outreach for Latino voters

Voter education and outreach are critical steps for engaging Latino voters. The Latino electorate is generally younger than the non-Latino electorate, and many Latino voters, such as youth and naturalized U.S. citizens, lack experience with voting practices and procedures.

A 2012 Pew Hispanic Center study showed that nearly two-thirds (63.7 percent) of eligible California Latino voters are ages 18 to 44, compared to only 48.6 percent of all California eligible voters. Additionally, many newly naturalized citizens will vote for their first time in the 2012 election cycle.

From our California voter engagement activities and experience, we have learned that voter education and outreach are essential to ensure that Latinos actively participate in the democratic process. In the seven weeks prior to the October 22 voter registration deadline, our *1-888-VE-Y-VOTA* operators received over 3,000 calls from California. While some of the callers had complex legal questions or reported discriminatory practices, a majority of callers needed basic information. In California, 45% of callers asked where they register to vote, another 34% of callers inquired about how to confirm their voter registration status and the remaining 21% of callers wanted basic information from their polling place location, to changing their address, and to finding information of who is eligible to register to vote. The nature of the vast majority of calls to our voter information hotline demonstrates that the Latino electorate needs greater access to basic voter information.

To ensure enhanced Latino participation, voter education needs to be accompanied by voter outreach. Due to the structure of the American political system, Latinos are often left out of the political dialogue since many are infrequent or low-propensity voters. Campaigns, political parties and candidates focus their communication efforts and outreach on high-propensity voters, and as such, the invitation to participate is concentrated on those citizens who are already active in the political process. Because these political actors are the primary drivers of information dissemination during election season, the result is a skewed outreach where those voters who most need outreach do not receive the invitation to participate.

The NALEO Educational Fund's experience and original research shows that low-propensity Latino voters can be mobilized to vote, but it requires voting information dissemination and a message that resonates with the target population. In general, low-propensity Latino voters demonstrate lower knowledge of the voting process, including how to find their polling place, or what to do if their name is not on the voting list, and are overall more likely to be mobilized to political action if they hear the invitation to participate from a trusted source. Recent polling by

the NALEO Educational Fund suggests that those messages could include a partisan appeal from a candidate, a message that speaks directly to their Latino community, or a more personal message or symbolic connection to a candidate or an issue.

If Latinos are to participate in the electoral process, election officials and non-partisan organizations must invest resources to engage low-propensity voters. The NALEO Educational Fund targeted low-propensity voters through its numerous voter engagement program initiatives across multiple election cycles. As a result, we built a deep knowledge base of effective engagement through scientific analysis and practice. The organization's GOTV campaign reaches tens of thousands of Latino voters and provides them with information on their polling place and invites them to go out and vote on Election Day. The NALEO Educational Fund's voter engagement efforts also include partnerships with community based organizations to host voter forums and voter registration drives, and a mass media campaign – *¡Ya es Hora!* (“It’s Time”) – to promote the importance of registering to vote and voting on Election Day. In 2012, our GOTV operators made over half a million calls to low-propensity Latino voters nationwide and over 200,000 in California alone. Independent analysis by political science scholars has shown that these efforts, which combine invitation to participate with information on how to participate, significantly increase the likelihood of voting. As discussed in more detail in Recommendation #4 below, local election officials can play a key role in sharing and implementing best practices for voter education and outreach efforts in their own jurisdictions. In order to develop effective strategies to reach and educate Latino voters, election officials must work closely with organizations that are familiar with the needs of members of the Latino community.

2. Engage stakeholders knowledgeable about the Latino community in the implementation of Election Day registration and other voter registration modernization efforts

California's passage of AB 1436, which will allow individuals to register to vote on Election Day once the state upgrades its voter database, demonstrates the state's leadership in implementing innovative election practices. Launching Election Day registration will require careful planning and input from California's diverse communities to ensure that the new system

makes registration more accessible for all of the state’s citizens. If the state establishes any working groups or advisory committees to guide the implementation of Election Day registration, those groups should include stakeholders that work with and are knowledgeable about the civic engagement needs of California’s diverse populations.

In addition, California election officials and other policymakers are actively involved in a dialogue with stakeholders about future voter registration database modernization efforts, including proposals to utilize or import information from other government databases to update the state’s registration rolls. Proponents believe that if properly implemented, this approach could help achieve greater voter registration by Latinos and other underrepresented citizens. We believe that this approach is worth exploring, as long as we seriously consider the challenges the state would face in pursuing it. For example, the state would need to be mindful of what database information is imported – existing databases may not accurately reflect which persons are eligible to vote or may include other inaccurate information about potential registrants. As California considers voter registration modernization, the state and its local jurisdictions must engage in thoughtful conversations to ensure that any innovations make our registration system more accessible to California’s diverse populations. Specifically, the state and its jurisdictions must solicit input from Latino leaders who understand the impact of election practices on the Latino community in order to make voter registration modernization a success in California.

3. Ensure strict compliance with language assistance provisions of the federal Voting Rights Act across California

Providing voters with election information in the language that they best understand is critical to removing barriers to participation. The language assistance provisions of the federal Voting Rights Act (VRA) protect the ability of citizens who are not yet fully proficient in English to vote by requiring certain jurisdictions to provide language assistance to those voters in Spanish and other languages. Under these provisions, the state of California and twenty-eight of its counties must provide certain types of language assistance in Spanish to their voters. The law generally requires that all election information those jurisdictions provide in English must also be available in Spanish, including registration materials, voter guides, notices, and ballots. In addition, jurisdictions must provide language assistance throughout the registration and voting

process, which includes provision of information through mail and at election offices, and voter assistance at the polls.

The 2010 American Community Survey indicates that there are 1.2 million adult Latino citizens in California who are not yet fully English-proficient. Although several California counties are effectively complying with the language assistance requirements, it is important to note that over the last decade the U.S. Department of Justice filed several complaints against California counties and cities for non-compliance. As recently as 2011, the Department of Justice filed litigation against Alameda County for failing to provide language assistance and translated materials and information to cast an informed ballot for Spanish and Chinese speaking U.S. citizens. Riverside County faced a similar complaint in 2010, when it failed to provide a bilingual election program in Spanish. In efforts to remedy failures of Section 203 compliance, the Department of Justice deployed election observers to monitor Riverside and Alameda County elections.

U.S. citizens in California, regardless of their English proficiency, have the right to be informed voters and obtain language assistance. It is essential that California and all of its covered counties comply with federal law to ensure no eligible Californian is excluded from the electoral process or prevented from casting a ballot.

4. Identify and share the best election practices of California's 58 counties

An additional barrier to full Latino voter participation in California is the lack of consistency within California counties' practices with respect to access to the electoral process. We have learned from the Department of Justice's language assistance enforcement efforts in California and our own experiences that election administration is inconsistent across California counties. It is essential that California voters, regardless of where they reside, have the same opportunities to participate in the state's democracy. Counties can benefit from sharing best election practices to maintain a high-quality voter experience throughout California.

For example, Los Angeles County and Orange County have invited community groups to engage in an on-going dialogue of how to improve local election administration, voter education and voter outreach. The NALEO Educational Fund is a member of working groups in the City

of Los Angeles, as well as in Los Angeles, Orange and San Diego counties. These groups have successfully worked to address challenges which diminish the barriers to participation for Latino and other underrepresented voters. To increase voter outreach this election cycle, the NALEO Educational Fund partnered with the Los Angeles County Registrar Recorder/County Clerk and community and media organizations to organize National Voter Registration Day, on September 25, 2012. National Voter Registration Day consisted of simultaneous events across the nation focused on registering voters before the voter registration deadline. Los Angeles County is just one of several jurisdictions which are reaching out to community groups – election administrators throughout California are implementing innovative solutions to make voting fully accessible for all of their citizens. Local election officials should continue to pro-actively work together and share best practices to ensure that quality election processes are implemented effectively throughout the state.

5. Enhance the voter engagement of California’s youth through improved civics instruction and greater opportunities for the registration of eligible high school students

According to the California demographic profile by Pew Hispanic Center, Latinos are 50.1% of California’s K-12 population, and the median age for U.S.- born Latinos is 17. Improving civics instruction and providing greater opportunities for eligible high school students to register to vote will strengthen California’s future electorate and reduce barriers to Latino participation.

Like most U.S. states, California has a civics instruction requirement in high school. In California, the requirement is one semester of civics instruction before graduation. Many young people, however, do not demonstrate knowledge of basic information on how to participate in the electoral process. A July 2012 national poll conducted by Tufts University Center for Information and Research on Civic Learning that included Californian youth showed that young people ages 18-29 do not have basic voter information. The poll indicated that 61.0% of respondents did not know their state’s voter registration deadline, and 51.6% were not aware of early voting for their state. Enhancement of California’s civics instruction curriculum can help ensure that its youth learn about all of the important aspects of its electoral process by including

a greater emphasis on the “basics” of voting, such as how to register to vote and participate in the electoral process.

In addition, the state’s high schools are well-positioned to encourage students to register to vote, and provide them with voter registration materials to those who are eligible. We have the opportunity to build a stronger California electorate for the future by improving civics education and promoting voter registration in high schools today.

6. Support naturalization of California’s legal permanent residents by enhancing availability of adult English Language Learner (ELL) and civics instruction

California can increase its electorate and strengthen democratic participation by supporting the naturalization of legal permanent residents through the expansion of adult civics and English language instruction. In California, there is a high prevalence of non-citizenship among the state’s Latino population, which reduces the number of Latino adults who are eligible to register and vote. According to 2011 Department of Homeland Security estimates, there are 2.4 million total legal permanent residents who are eligible to naturalize in California. This includes Latino and non-Latino legal permanent residents, and is the largest number of any state in the nation.

In order for these newcomers to become U.S. citizens, they must demonstrate knowledge of U.S. civics and English language proficiency. Through our work with Latino legal permanent residents who are eligible for naturalization, we have learned that many of these potential U.S. citizenship applicants are deterred from applying due to limited English-language proficiency or knowledge of civics needed to pass the naturalization exam. Thus, California can support naturalization – and in turn, build its electorate – by enhancing the availability of adult English language learner (ELL) instruction and civics education through our public education system.

Adult education provided through K-12 public school districts is one of the primary means through which legal permanent residents obtain ELL instruction. The California Department of Education reports that the English as a Second Language Program is the largest of all adult education programs in California, showing there is great demand for ELL instruction. However, access to California adult education decreased over the last several years due to school district budget cuts across the state.

A 2006 study on access to adult ELL classes by the NALEO Educational Fund found that while there is high motivation to learn English by non-English speakers, classes are often overbooked, overcrowded and may have long waiting lists. In California, 40% of the surveyed providers reported having a waiting list for placement. A few schools reported having waiting lists of six months to a year to access a classroom seat. To reduce or eliminate waiting lists, California ELL providers said that they increased class size to as many as 40 students or more, found creative ways to house classrooms in churches or community centers, opened new classes as teacher capacity and funding permitted, or simply turned interested students away. Additionally, most ELL courses primarily cover basic English language skills; due to limited funding, there are few courses for ELL intermediate or advance learners. One ELL provider reported placing students in classes that did not match their proficiency level, and transferred them once a space in the correct level became available.

With regard to adult education overall (a large component of which is ELL instruction), a more recent June 2012 survey by EdSource of the state's 30 largest school districts found that a majority of school districts had significantly decreased their total programming for adult education. Oakland Unified reported reducing adult education spending from \$11.7 million in the 2007-08 school year to just \$1 million for the 2012-13 school year. The San Jose Unified School District served 2,500 adult education students but turned away 5,000 adults seeking to enroll in adult education classes. The Los Angeles Unified School District nearly closed its adult education program in June 2012, but an agreement with union representatives reduced the program instead.

School districts will continue to face budget challenges. California must therefore take steps to safeguard programs that provide ELL instruction and civics education. Policies should seek to enhance access to English language and civics instruction by increasing funding, in order to ensure that legal permanent residents receive the assistance needed to pursue their dream of U.S. citizenship.

Another significant barrier for California legal permanent residents who are pursuing U.S. citizenship is the high cost of the naturalization application. Legal permanent residents must generally pay \$680 to initiate the naturalization process, which puts U.S. citizenship out of reach

for many low and middle-income newcomers. From 1995 to 2010, the fee to apply for U.S. citizenship increased by 400%, after controlling for inflation. The increases in the naturalization fee result in part from our nation's flawed structure of financing federal immigration services, which require that the fees from naturalization applicants cover expenses unrelated to the processing of their applications.

The NALEO Educational Fund is working with the United States Citizenship and Immigration Services (USCIS) to address the high cost of naturalization, and to stabilize the application fee. While the naturalization fee is a federal issue, California policymakers can help keep naturalization affordable by opposing any unfair fee hikes that may be proposed in the future, and advocating with federal policymakers to explore options to reduce the fee.

Conclusion

Chairman Correa and Members of the Senate Committee on Elections and Constitutional Amendments, we are fortunate in California that we do not face the challenges of restrictive voting laws being implemented in others states. However, there are still several actions we can take to make our democracy more robust and responsive to all of its citizens. To strengthen California's democracy and ensure full access to the state's electoral process, policymakers, advocates, community organizations and public and private institutions should take steps to promote Latino participation by:

- 1) Improving voter education and outreach for Latino voters;
 - 2) Engaging stakeholders knowledgeable about the Latino community in the implementation of Election Day registration and other voter registration modernization efforts;
 - 3) Ensuring strict compliance with language assistance provisions of the federal Voting Rights Act across California;
 - 4) Identifying and sharing best election practices of California's 58 counties;
 - 5) Enhancing the voter engagement of California's youth through improved civics instruction and greater opportunities for the registration of eligible high school students;
- and

- 6) Supporting naturalization of California's legal permanent residents by enhancing availability of English Language Learner and civics instruction.

As California faces its changing demographics, an economic recovery, and new leadership across the state, we must ensure that all eligible Californians have the opportunity to participate in our electoral process. Latinos are an integral part of California's electorate today and will continue to grow and further strengthen their political voice in the future. Thus, California must actively work to ensure the full participation of the Latino community in the state's democracy.

I thank you once again for providing us with the opportunity to share our views on the barriers to Latino participation in California.