



October 09, 2012

The Honorable Daan Everts, Ambassador
Limited Election Observation Mission to the United States
Office of Democratic Institutions and Human Rights/
Organization of Security and Cooperation in Europe
Warsaw, Poland

Dear Ambassador Everts:

On behalf of the undersigned organizations committed to supporting and expanding the civil and human rights of all Americans, including the right to vote, we write regarding the Organization of Security and Cooperation in Europe's plans to monitor the upcoming presidential election, and to follow up on a meeting you conducted in April with representatives from the NAACP, League of Women Voters, and others, where concerns were raised about recent efforts to suppress the vote of many Americans in the upcoming election in November 2012. Election observation is an important function of our democratic process and serves as an additional means of protecting the rights of those who are most likely to be disenfranchised and least able to advocate for their right to vote. To that end, we believe it is particularly important that safeguards, including election monitoring, are in place in key areas around the country, and believe your presence would be particularly critical in districts in Colorado, North Carolina, Ohio, Pennsylvania, Florida, Texas, Virginia and Wisconsin.

We were pleased to learn that the OSCE would be observing the 2012 presidential election in the United States, as it has done in the previous two presidential elections. The valuable work of an impartial body like the OSCE in validating the reliability and fairness of our nation's election systems has proven indispensable over the years. In particular, the OSCE's recommendations outlined in the 2008 Election Observation Mission final report have been an important resource as our respective non-governmental organizations seek to reform our election system through voter registration modernization, automatic restoration of voting rights for formerly incarcerated persons, and integration of voluntary voting system guidelines as adopted by the Election Assistance Commission into state regulations.

In your most recent Needs Assessment Mission report published subsequent to that April meeting, you identified a number of barriers to exercising the right to vote—voter ID, restricted early voting, and limitations on community-based registration drives, to name a few. We would like to underscore the impact of these restrictions on particular communities. We believe that in this hyper-partisan climate, it is more important than ever that we maintain the integrity of our elections and take the necessary steps to ensure that the right to vote is protected for all Americans—a right for which many have given their lives.

In less than 30 days, Americans will go to the polls to elect our next president, determining the fate and direction of our country for years to come. We believe that every eligible voter should be able to cast his or her vote. But sadly, efforts to thwart voters from exercising their right to vote have swept across this country. While, thankfully, the days of poll taxes, literacy tests, property requirements, and brutal physical intimidation are behind us, today's efforts at disenfranchisement, while more subtle, are no less pernicious.

According to a report by the Brennan Center for Justice,¹ photo ID requirements, shortened early voting periods, limits on poll worker assistance, proof of citizenship requirements, restrictions on same day and community-based registration, and disenfranchisement of former felons, may result in the disenfranchisement of more than five million Americans in this election. These efforts are nothing less than an all-out assault on the progress of the last century—indeed, on the very legacy of the civil and human rights movement. They are part of a coordinated political effort to disenfranchise millions of Americans—particularly traditionally disenfranchised groups like minorities, low-income people, women, young people, persons with disabilities, and the elderly.

Since the onslaught of these voter suppression laws, both the Department of Justice and private litigants have challenged many of these restrictions in state and federal court. Challenges to voter ID laws, as well as to laws restricting early voting and third-party registration in Ohio, Texas, Florida, and Wisconsin have resulted in court decisions preventing states from implementing these changes in the voting rules for the upcoming election. Additional cases challenging voter list purges, provisional ballot rules, and other voting rights changes are still pending in courts in Colorado, Pennsylvania, and Iowa, among other states. With the 2012 presidential election season well underway, the outcomes of these pending cases and the implementation of the laws that will be in effect on Election Day could have a significant impact on the ability of thousands of citizens to vote. Needless to say, the proliferation of litigation and the back-and-forth of the appeals process add the element of voter (and poll worker) confusion as to what laws are and are not in effect.

In addition to these litigation efforts, the nonpartisan Election Protection coalition provides information on the voting process and collects data on voting issues through its website, www.866ourvote.org, and hotline, 1-866-OUR-VOTE, both of which are administered by the Lawyers' Committee for Civil Rights Under Law. The ACLU also provides information on the voting process in individual states. See www.ACLU.org/know-your-voting-rights-state-state-voter-information.

The election observation role of the OSCE buttresses the activities of the federal government and non-governmental organizations and is essential to continuing the effort to make sure that all Americans can exercise their right to vote “privately and independently.” Further, election observation helps to improve our citizens’ trust and confidence in election results. Accordingly, we urge the OSCE to deploy its limited election monitors in those states where restrictions on voting have been most extensive—Pennsylvania, Ohio, Florida, Texas and Wisconsin. Poll monitors should be particularly vigilant about requests for, and acceptance of, identification of those seeking to vote, particularly if certain groups, such as racial minorities and young voters, are being targeted. Reports that organizations like True the Vote and others are training poll monitors to go into low-income and minority communities to intimidate voters make such monitoring critically important.² Many of our organizations are working with local non-governmental organizations in these and other states and will be documenting instances of voter suppression. The presence of OSCE monitors would serve to underscore the importance of protecting voters in these key states.

We welcome the opportunity to work with the OSCE Election Observation Mission and its international monitors to assure a free and fair election in the United States and look forward to continuing this

¹ Brennan Center for Justice, “Voting Law Changes in 2012”
http://www.brennancenter.org/content/resource/voting_law_changes_in_2012/

² <http://www.nytimes.com/2012/09/22/opinion/voter-harassment-circa-2012.html>

discussion in person at our meeting scheduled for October 16, 2012 at 9:30am at The Leadership Conference's office, 1629 K St. NW Washington, DC, 10th Floor. For further information, please contact Sakira Cook at cook@civilrights.org or 202-263-2894.

Cc: Douglas Wake, First Deputy Director, Office for Democratic Institutions and Human Rights (ODIHR)

Nicola Schmidt, Deputy Head of the ODIHR Elections Mission

Richard Lappin, Election Advisor, ODIHR/OSCE

Sincerely,

Wade Henderson, President, The Leadership Conference on Civil and Human Rights

Benjamin Todd Jealous, President, NAACP

Barbara R. Arnwine, President and Executive Director, Lawyers' Committee for Civil Rights Under Law

Michael W. Macleod-Ball, Acting Director, ACLU Washington Legislative Office

Elisabeth MacNamara, President, League of Women Voters of the United States

Mee Moua, President and Executive Director, Asian American Justice Center, Member of Asian American Center for Advancing Justice

Miles Rapoport, President, Demos

Michael Slater, Executive Director, Project Vote