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Voting Rights Threatened by Proof of Citizenship Proposals

By Jenny Rose Flanagan

What could sound more American than requiring proof of citizenship to register to vote? How about this alternative? Defending the right to vote for ALL Americans. The reality is that proof of citizenship policies for voter registration result in disenfranchising huge numbers of eligible voters who are citizens. That's why such proposals have consistently been rejected in Colorado.

With the largest predicted presidential race looming in 2008, El Paso County Clerk and Recorder Bob Balink is threatening to implement a proof of citizenship requirement for voter registration in El Paso County. The Colorado Legislature has already declined to pass a law requiring proof of citizenship because it creates an enormous barrier to every American's right to vote and adds to the burdens of county clerks around the state. So it appears that Balink's approach would make an end run around the democratic process, implement a discriminatory policy, and invite a costly

lawsuit to test the issue.

Several important facts must be known before acting on this critical issue regarding our constitutionally protected right to vote.

First: There is no problem that this policy seeks to address. Supporters of proof of citizenship for voting claim it will protect American democracy from illegal votes by non-citizens. The problem with this claim is that there is scant evidence to show such illegal voting takes place. In fact there has never been a documented case of a non-citizen attempting to register and vote in the state of Colorado. Similarly, there have been very few documented cases of a non-citizen registering to vote in any other state. Where there have been cases, there has never been a known case of a non-citizen actually casting a vote. According to the Brennan Center for Justice at New York University, "There is

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Colorado's 2008 Legislative Session Promises Progress, Opportunity

By Pat Steadman

On January 9, 2008, the Colorado General Assembly will convene for its annual legislative session. Health care reform will be high on the agenda, but other important issues will also be debated as a prelude to the general election. Yes, election year politics will return to the capitol and divisive issues are likely to be pressed. While some pessimists warn, "no man's life, liberty or property is safe while the legislature is in session," optimists see opportunity and progress on the agenda for the upcoming session.

The Blue Ribbon Commission on Health

Care Reform, commonly referred to as the "208 Commission," has been meeting for over a year to produce recommendations for legislation. It is anticipated that five proposals will be forwarded to the legislature, and it is likely that various legislators will introduce additional proposals of their own. Expansion of children's health plans and a single payer plan are among the proposals expected to be introduced. Many observers are predicting health care reform debates to dominate the session.

Reproductive health care issues often

surface in election years, and 2008 looks to be no exception to the rule. An anti-choice ballot initiative is being circulated that would define a fertilized human egg as a person for purposes of constitutional protections, and similar legislation is anticipated. These extreme measures would not only make abortion tantamount to murder, they would also outlaw embryonic stem cell research and many common forms of birth control. Expect such legislative measures to be hastily dispatched while more serious attention is given to

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Judging the Judges: Justice Watch Releases New Data

By Jan Weiland

Although most courts are always open to the public, very few people have the time to do research on individual judges. This is where Justice Watch can help. Justice Watch is a local non-profit organization founded to monitor the quality of El Paso County's District and County courts. During the period from April 1, 2006 to April 1, 2007, Justice Watch volunteers spent 424 hours in court, collecting data on cases of interest and for a continuing project assessing judicial demeanor of all judges and magistrates.

[How are these evaluations different, or supplemental to, the evaluation by the commission on judicial performance?]

Their most recent findings state that all of our judges

and magistrates got very high scores on all scales, including: paying attention, maintaining control of the courtroom, showing compassion to victims and defendants, explaining proceedings, and fairness.

In addition, there were some particularly strong judges and magistrates who deserve special mention. The following judges were watched for 5 hours or more and received perfect or near perfect scores from watchers on every measure: Gilbert, Kane, Martinez, Pelican, Samelson, and Sells. Those and the following judges received only positive comments from all volunteer watchers: Erler, Feeney, Hansen, Martin, Peacock, Simmons, and Walter.

Currently, all of the data collected is reported to the Chief Judge, who distributes it to the judges and magistrates so they can see how they are perceived in the courtroom and make changes as they deem appropriate. Overall, our judges and magistrates are quite strong, and because experience tends to make them better, you can usually vote for retention. Over the coming years, if Justice Watch discovers otherwise, they will make it known both to that judge and to local citizens preparing to vote.

If you'd like to volunteer for Justice Watch, even just a few hours a month, contact Jan Weiland at 632-0818.

Voting Rights Threatened by Proof of Citizenship Proposals

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no documented wave or trend of individuals voting multiple times, voting as someone else, or voting despite knowing that they are ineligible. Indeed, evidence from the microscopically scrutinized 2004 gubernatorial election in Washington State actually reveals just the opposite: though voter fraud does happen, it happens approximately 0.0009% of the time. The similarly closely-analyzed 2004 election in Ohio revealed a voter fraud rate of 0.0004%. National Weather Service data shows that Americans are struck and killed by lightning about as often." Even more compelling is that this report refers to *all* polling place fraud, not just non-citizens. Focusing just on non-citizens voting makes the problem even more minimal.

Second: Requiring proof of citizenship to register to vote will hurt a much greater number of eligible voters than it will protect against a supposed few who are attempting to vote illegally. In a nation where our voter turnout ranks 140th out of 163 democracies around the world, we should be fighting for policies that bring people into the process not ones that turn people away.

Arizona, which is the only state that currently requires proof of citizenship, should serve as a case study for why not to implement such a policy. In Arizona's most populated county, Maricopa County, election officials reported that 35 percent of new registrations were rejected for insufficient proof of citizenship in 2005 and 17 percent were rejected in 2006. Almost all of these applicants were eligible citizens.

Any Coloradan could be disenfranchised by this law – how many of us have our original birth certificate with our current exact names readily on hand? A recent nationwide survey of voting-age people was conducted to see if they had the necessary documents to prove they are a citizen or if they had current ID, and if so, whether the information was current. The study found, "Seven percent of the American citizens surveyed responded that they do not have ready access to U.S. passports, naturalization papers, or birth certificates. Using 2000 census calculations of the citizen voting-age population, this translates to more than 13 million American adult citizens nationwide who cannot easily produce documentation

proving their citizenship."

The impact on our elderly, poor and minority voters will be even greater. The survey found that these groups are even less likely to have proof of citizenship in their possession. These folks often do not have the proper documentation or cannot afford to obtain it. According to the Brennan Center's Policy Brief on Proof of Citizenship (2006), "A replacement birth certificate can exceed \$40, and a passport costs \$97. For naturalized Americans, replacement citizenship documents cost \$220. Potential voters must also navigate cumbersome government agencies, which often involves taking time from work in order to travel to a specific office, fill out forms, and stand in line. The processing time for requests may last as long as a year – during which time an eligible citizen would be deprived of her right to vote." Simply put, requiring people to register to vote with proof of citizenship is equivalent to issuing a poll tax, a requirement that our nation abolished with the Voting Rights Act of 1965.

Third: It makes no sense for a non-citizen to try to vote. It may well be that an immigrant has been handed a registration form someplace and filled it out without realizing what they were doing. This should NOT be confused with illegal voting. In fact, mistaken registration virtually never results in fraudulent non-citizen voting. Voters are presented with multiple warnings that voting if you are not a citizen is a felony crime. In this climate of controversy around the immigration issue, it would seem extremely unlikely that an immigrant would want to appear before a government authority and announce their presence, much less risk arrest and deportation by casting a single vote.

Fourth: There are current laws that protect against illegal voting and they are working. For hundreds of years voters have been required to sign an oath attesting to their eligibility of age, citizenship and residency. Election fraud is a felony offense. According to a Brennan Center policy brief (2006), "Most states criminalize election fraud with penalties that are quite severe. Election fraud is also a federal crime, with respect to both registration and voting, and may result in fines up to \$10,000 and up to five years in prison. These are serious penalties, and when convictions

are publicized, they provide a powerful deterrent."

There are many different ways that we can protect against potential voter fraud without requiring proof of citizenship at the polls. The most widely regarded policy suggestion is for election administrators to avoid voter fraud by keeping accurate records. According to a paper published by DEMOS, "Unified voter databases, networked to state agencies providing voter registration services to eligible citizens so that new registration records can be instantly processed, can help keep voter lists clean by preventing duplicate registration and by keeping address information current."

Proof of citizenship is not only unnecessary but also harmful, and those who disagree still have the option of taking the issue to the legislature. The Colorado Constitution clearly states, "The general assembly shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise." It has done so, including requiring an oath of citizenship on the voter registration form to address this very issue. Court precedents have affirmed that the making of all laws and regulations for the conduct of elections, securing the purity of elections and guarding against abuses of elections is conferred on the general assembly. Further, these precedents rule the judicial department is without authority in that behalf. Should the El Paso County Clerk embark on an attempt to force a court case, he would be in defiance of the state constitution and he would be flying in the face of court rulings dating as far back as 1906. Moreover, it would be the taxpayers of El Paso County who would foot the bill for this nonsensical policy that would result in vote suppression.

A basic standard for evaluating new regulations is to ask: Do the benefits to be gained by the rule outweigh the burdens that will be imposed? Requiring proof of citizenship is an onerous, impractical policy that erects more barriers to voting without providing benefit to the integrity of the elections process. Coloradans deserve the right to vote.

Jenny Rose Flanagan is the Executive Director of Colorado Common Cause, a non partisan non profit organization working toward open honest and accountable government.

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New Leadership Promises Progress for Citizens Project

By Cynthia Nimerichter

As I finish my sixth year on the Citizens Project Board of Directors, it is appropriate that I step down. Turnover is important and new blood is essential. But as I leave, I want to tell you—the loyal supporters of Citizens Project’s mission and programs—why I leave with an abundance of confidence in Citizens Project’s future.

The current board members are terrific and I have been honored to serve with them. Here is a brief introduction of five people who will be joining the board in January:

- Kathryn Allen currently works at Memorial Hospital. She previously spent four years with Leadership Pikes Peak in a variety of roles. Kathy’s community involvement includes the Pioneers Museum, Theatreworks, and Junior Achievement.

- Karole Campbell is a Senior Regional Account Executive with Comcast Spotlight. She has been involved with several professional organizations and is currently on the board of the Women’s Resource Agency.

- Erin Hannan works at PRACO Public Relations Advertising Company. Erin has been a strong advocate of the arts in our community and been very involved with many non-profits. She currently sits on the board of Leadership Pikes Peak.

- Amanda Mountain is the Charities Program Manager for *The Gazette*. Her expertise covers journalism, marketing, and local non-profits. Amanda’s list of affiliations is long. Presently she is on the board of Big Brothers Big Sisters and COPPER.

- Antony (Tony) Williams is a consultant with Booz Allen Hamilton and an Air Force Reservist. Tony has been involved with coaching volleyball and with United Way. He was instrumental in the successful “Everybody Welcome: A Celebration of Culture and Diversity” this past summer.

Each of these five brings different skills to the board. Most importantly, each brings a passion for the values, mission, and vision of Citizens Project.

The new Executive Director, Barb

Van Hoy, had been the Development Director for four years. CP is secure in her hands. She is not only whip smart and an incredibly good writer, she is calm, nice, rational, and analytical. My favorite story about her highlights her calmness: Barb was woken up in the middle of the night by the Colorado Springs Fire Department. She was told that her car had been fire bombed!

Barb’s response? “Bummer.” Her intellect, forethought, and, yes, her calmness, will take CP to new heights.

Kristy Milligan is the new Development Director. Kristy, a long-time volunteer for and a supporter of Citizens Project, will work magic in her new position.

If I want credit for anything as I take my leave, it is for a flash of light I had a few years ago. “The Divine Award” is the perfect name for the annual award CP gives to someone in the community who embodies CP values since Amy Divine is the founding mother of CP. And, as a progressive Christian, I also thought it good that we appropriate the word back

from a divisive faction of the community.

Thanks to the foresight of Amy Divine and Doug Triggs and many, many other founders and loyal supporters, CP will be here to make sure the Pikes Peak region is a great place to live. Thanks for the most heartwarming board service of my life!



Colorado’s 2008 Legislative Session Promises Progress, Opportunity

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legislation that would expand family planning programs to reach additional low-income women in our state. Still, it appears likely that Colorado voters will once again be dragged into a debate on the role of state government in women’s reproductive health care decisions.

While health care may grab the headlines, measures to expand civil rights protections will also be proposed. One measure would add sexual orientation and gender identity to laws prohibiting discrimination in housing and public accommodations. This follows on the heels of the



passage of the Employment Non-Discrimination Act in 2007, which made Colorado the 20th state in the nation to ban such discrimination in the employment context. Additionally, civil rights advocates will be supporting legislation to expand the remedies available under state law to persons who have experienced employment discrimination. A third measure will examine (shouldn’t this say “clarify” or “modify”?) religious exemptions in employment discrimination statutes.

Education reform is a perennial topic at the legislature, and this year the recommendations of Governor Ritter’s new P-20 Education Coordinating Council will be on the agenda. Among the numerous recommendations of this Council are an expansion of publicly funded preschool programs and funding for full-day kindergarten. Other recommendations include increases in teacher pay and consideration of alternative compensation systems, reducing dropout rates, modification of current CSAP (Colorado Student Assessment Program) standardized tests to include measures of college and career readiness, and adoption of a statewide guidance policy for, and increased emphasis on, the role of school counselors in preparing students for life after high school.

Governor Ritter has proposed a package of policy and budget priorities aimed at reducing recidivism rates among criminal offenders. A report from a task force examining DNA evidence collection and preservation protocols is expected to result in legislative proposals designed to make better use of DNA evidence to catch the guilty and exonerate the innocent.

Heated debates about gun rights may return to the legislature this year due to proposed requirements for safe storage of firearms and liability for negligence that

results in harm from improperly stored weapons. Fees for criminal background checks for firearms purchases will also be proposed.

No sooner than the legislative session concludes in May, the campaigning for ballot initiatives will begin. In addition to the measure that would define a fertilized egg as a person, proposals to ban affirmative action programs and seriously undermine the role of labor unions may also appear on the November ballot. As is often the case with ballot initiatives there are likely to be skirmishes during the legislative session to help posture the issues and candidates for the upcoming campaigns.

New in 2008 will be televised coverage of the action on the floor of the Colorado House of Representatives. Cable television and streaming video on the Internet will make legislative debates more accessible and transparent for citizens across Colorado. It is also likely to prompt grandstanding and prolong some debates. The State Senate has not yet decided to participate in this new era of openness, but if the televised proceedings in the House are well received the senate may be forced to invite cameras into their chamber as well.

As always, advocacy organizations such as Citizen’s Project will provide alerts to their supporters about the need to communicate with legislators regarding pending legislation. In addition, the General Assembly’s website contains a wealth of information for those willing to mine its depths. Go to www.leg.state.co.us to find more information than you’ll ever need about your state legislature at work.

Pat Stedman is a principal at Mendez, Steadman & Associates, Inc.



SAVE THE DATE
Thursday, February 7th

The Divine Award

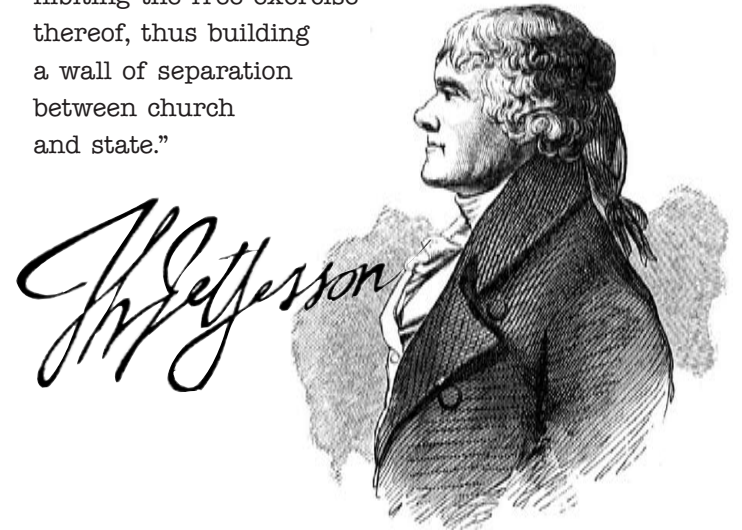
5:30-7:30pm

**At The Warehouse
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The Divine Award is given annually to a person in the Pikes Peak region who has worked tirelessly to create a vibrant democracy in which equal rights are protected, individual freedoms are secure, differences are respected, and people fully participate in civic and community life.

In his letter to the Danbury Baptist association **January 1, 1802**, Thomas Jefferson wrote:

“Believing with you that religion is a matter which lies solely between man & his god, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should make no law respecting an establishment of religion, or prohibiting the free exercise thereof, thus building a wall of separation between church and state.”



Be part of the solution.

“Citizens Project gives the public an opportunity to report injustice, to be listened to, and then to be part of the solution.”

– Sharon Berthrong, CP board member

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 Your voice for tolerance in the Pikes Peak region.**

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MISSION:

Citizens Project spotlights issues in the Pikes Peak region and mobilizes people to strengthen the traditional values of our nation: equal rights, individual freedoms, separation of church and state, civic engagement, and respect for diversity.



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