

DOES MY VOICE COUNT?

The Voting Rights Act was enacted in 1965 marking the beginning of the end of voter suppression and disenfranchisement of blacks and people of color in the U.S. However, in 2013 a key provision of the Voting Rights Act was struck down.

More than 50 years later, what's changed?

THEN

OBSTACLES TO BLACK VOTING BEFORE THE 1965 VOTING RIGHTS ACT

1. POLL TAX Must be paid for 2 years prior to voting. This was a difficult economic burden to place on black Mississippians, who made up the poorest part of the state's population. Many simply couldn't pay it.

2. LITERACY TEST requires a person seeking to register to vote to read a section of the state constitution and explain it to the county clerk who processed voter registrations. This clerk, who was always white, decided whether a citizen was literate or not. The literacy test did not just exclude the 60 percent of voting-age black men (most of them ex-slaves) who could not read. It excluded almost all black men, because the clerk would select complicated technical passages for them to interpret. By contrast, the clerk would pass whites by picking simple sentences in the state constitution for them to read.

3. INTIMIDATION • Threats • Hangings
• Torchings • Physical violence & murder • KKK

4. GRANDFATHER CLAUSE permitted registering anyone whose grandfather was qualified to vote before the Civil War. Obviously, this benefited only white citizens. The "grandfather clause" as well as the other legal barriers to black voter registration worked. Mississippi cut the percentage of black voting-age men

registered to vote from more than 90 percent during Reconstruction to less than 6 percent in 1892.

NOW

AFTER A KEY PROVISION OF THE VOTING RIGHTS ACT WAS STRUCK DOWN IN 2013

Section 4(b) of the Voting Rights Act contained the formula that determines which states and jurisdictions needed federal approval of changes based on their histories of voting discrimination. Just hours after 4(b) repeal, several states with long histories of voter suppression once covered under the Act passed laws that removed provisions such as *online voting registration*, *early voting*, "*Souls to the Polls*" *Sunday voting*, *same-day registration*, and *pre-registration for teens about to turn 18*. The ruling has also resulted in some states implementing *voter identification laws* and becoming more aggressive in *expunging allegedly ineligible voters* from registration rolls. States that have changed their voting policies since repeal include those previously required to undergo federal preclearance, as well as some that were not covered, including Alabama, Arizona, Arkansas, North Carolina, Ohio, Wisconsin and Texas.

1. GERRYMANDERING The process of re-drawing district lines to give an advantage to one party over another is called "gerrymandering". And even if it doesn't decrease the number of represen-

tatives the black voters can elect, it can decrease their influence in white-dominated districts.

Racial gerrymandering is the intentional, not accidental, segregation of voters based on race. States have traditionally used “cracking” to weaken the political power of communities of color. They do this by breaking up communities of color into multiple districts, ensuring that there are not enough voters of color in any one district to elect their candidate of choice. As communities of color grow, states have used “packing” to concentrate them into just a few districts, thereby weakening their political power elsewhere. With few opportunities to elect their candidates of choice, the concerns and issues that racial groups and communities of color have lack adequate representation in local, state, and federal government.

A key enforcement provision of The Voting Rights Act prohibited states from “cracking” communities of color, and courts have time and again struck racial gerrymandering down as unconstitutional. But, with the Voting Rights Act’s enforcement no longer in place, states are free to draw district lines without first making sure that those districts are not discriminatory. Racial gerrymandering is once again becoming a common tool to disenfranchise and suppress people of color.

The National Democratic Redistricting Committee, chaired by past U.S. Attorney General Eric Holder, is the first-ever strategic hub for a comprehensive redistricting strategy. With the support of former President Barack Obama and others, the NDRC is addressing this problem to ensure the next round of redistricting is fair, reflecting the will of the voters.

2. PHOTO ID REQUIREMENTS Under the demonstrably false premise of “voter fraud,” voter ID restrictions have been introduced in thirty-eight states and passed in nine since 2011. While thirty states require voters to show some form of ID, these laws limit the forms of acceptable ID voters must show at the polls to a non-expired government-issued photo ID. Approximately 11 percent of voting-eligible citizens—about 21 million Americans—lack a non-expired

state-issued photo ID, disproportionately African Americans, Latinos, young voters, the elderly, and people with disabilities, who are up to twice as likely to lack an ID. In fact, one in four African Americans nationwide lacks a state-issued photo ID. A University of Wisconsin study found that half of that state’s African Americans and Latinos lacked a Wisconsin driver’s license, the most common form of acceptable ID, and that among young voters, a whopping 78 percent of eighteen- to twenty-four-year-olds lack one. The rate of seniors without IDs tops 20 percent statewide, especially in minority populations.

3. LIMITS ON EARLY VOTING Florida, Georgia, Ohio, Tennessee, West Virginia, and Wisconsin passed laws last year reducing advance voting. In 2008, 30 percent of voters in these states cast early ballots, with African Americans twice as likely to do so than whites. In Florida, 53 percent of African Americans cast early ballots in 2008 compared to 27 percent of white voters. In Florida, Monroe County Elections Supervisor Harry Sawyer Jr. says, “Limiting early voting options is a dangerous path which will only make it more difficult to vote,” not only eliminating opportunities to vote before election day, but increasing lines and wait times on election day to accommodate voters who would have voted early.

4. CLOSING POLLING STATIONS In the U.S. in 2016 there were 868 fewer places to vote than in 2012. Selectively closing polling stations near districts with high populations of people of color and the poor has led to long lines at distant locations with sometimes 5 or 6 hours or more waiting time. This discourages people with little time off, no method of transportation and the infirm who cannot endure the wait. Election officials in Phoenix’s Maricopa County, the largest in the state, reduced the number of polling places by 70 percent from 2012 to 2016, from 200 to just 60—one polling place per 21,000 registered voters.

5. PROOF OF CITIZENSHIP Several states passed laws requiring documentary proof of citizenship to register to vote. Tennessee’s law requires proof of citizenship only from voters the coordinator of

elections believes to be non-citizens, opening the door to the kind of discretion that led to the racially discriminatory impact of literacy and “understanding” tests of the Jim Crow era, when passing the test was left to the discretion of whoever administered it. A challenge to Arizona’s proof of citizenship law is now awaiting review before the U.S. Supreme Court. State records show that between 2005 and 2007, about 31,000 people in Arizona had their registration forms rejected because they did not provide adequate documentation.

6. RIGHTS RESTORATION AFTER PAYING DEBT TO SOCIETY Executive orders, such as those signed by governors in Florida and Iowa, revoked existing policies giving persons with felony convictions the ability to regain their right to vote and make it harder for people with past criminal records to restore their rights after they have paid their debt to society. Florida is one of four states that strip those with past felony convictions of their voting rights for life. This ban from the Reconstruction period historically targeted crimes thought to be committed by African Americans. Today, nearly one in four African-American men in Florida cannot vote because of this system. The only way to restore one’s civil rights in Florida is through clemency from the governor, a burdensome and arbitrary process. Overall, more than 1,500,000 ex-felon Floridians can’t vote. A 2018 ballot question could amend this law.

7. VOTER ROLLS PURGES A new tactic in the voter suppression playbook includes efforts to purge purported “non-citizens,” from the voter rolls using flawed lists by matching voter rolls against names that appear similar but not the same or similar names but different addresses or names purged for simply failing to return a postcard, etc. Recent voter roll purge efforts have appeared in Ohio, Texas, Wisconsin, and Florida, among other states. In Florida, where the list has been found to have a 78 percent error rate, scores of eligible citizens have been targeted to have their names removed from the rolls if they don’t take affirmative steps to prove their citizenship. Eighty-seven percent of those on Florida’s purge list are minorities—and a majority are Hispanic. The DOJ in June halted

the program, saying that the state had violated section 5 of the Voting Rights Act and the National Voter Registration Act (NVRA).

A deeply flawed database called Interstate Voter Registration Crosscheck Program is now used in 27 states. It has falsely identified and purged hundreds of thousands of voters with similar names in different states without checking or verifying their social security numbers or other identifying data.

8. VOTER REGISTRATION DRIVE RESTRICTIONS Several states have targeted community-based registration drives. Voter registration drives especially empower under-represented groups that may not have the resources, time, or opportunity to register through other methods. In 2011 and 2012 alone, bills were introduced in at least eight states to restrict registration drives and halted voter registration drives in Texas and Florida including those run by the League of Women Voters of Florida, which had been registering voters for 70 years. It has been challenged in court. With little evidence, proponents of these laws argued these drives are susceptible to fraud. African Americans and Latinos are more than twice as likely as whites to register through community-based registration. According to the Voter Participation Center, more than 35 percent of all eligible Americans—over 73 million citizens—are *not* registered to vote. Voters of color (30-42%), Millennial voters (39%), and unmarried women (32%) making up the bulk of this group. More than 60% of unregistered voters have never been asked to register.

Deliberate, unfair and unjust state laws with evermore ingenious ways of disproportionately preventing people of color, the poor, the elderly, students and the disadvantaged from voting continue to proliferate in more than 30 states.

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