

DOES MY VOICE COUNT?

VOTER SUPPRESSION THEN AND NOW

The 1965 Voting Rights Act marked 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.

55 years later, what's changed?

THEN

OBSTACLES TO BLACK VOTING BEFORE THE 1965 VOTING RIGHTS ACT

1. POLL TAX often had to be paid for 2 years prior to voting. This was a difficult economic burden to place on Black southerners and others who made up the poorest part of the state's population. Many simply couldn't pay it.

2. LITERACY TEST required a person seeking to register to vote to read. The local registrar, who was always White, decided whether a citizen was literate or not. The literacy test did not just exclude the 60% of voting-age Black men (most of them ex-slaves who could not read. It excluded almost all Black men, because the registrar would select complicated technical passages of, for example, the state constitution for them to interpret. Some were asked frivolous questions like, "How many bubbles are in this bar of soap..." By contrast, the clerk might pass Whites by picking simple sentences to read or just having them write their name and address.

3. INTIMIDATION • Threats • Hangings
• Torchings of Black churches, homes, businesses, etc
• Physical violence and murder • KKK and other White supremacist groups

4. GRANDFATHER CLAUSE permitted registering anyone whose grandfather or father was

qualified to vote by the end of 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 Jim Crow laws cut the percentage of registered Black voting-age men from more than 90% during Reconstruction to less than 6% by 1892. It remained at 6% until the passage of the 1965 Voting Rights Act.

NOW

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

Instead of making the ability to register and vote as easy and accessible as possible, many state legislatures have thrown up targeted obstacles to voting in order to limit the ability of their political opponents to vote.

Section 4(b) of the Voting Rights Act contained the formula that determines which states and jurisdictions needed federal approval of changes called "preclearance," based on their histories of voting discrimination. In 2013, just hours after eliminating 4(b) from the Act, 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*, *same-day registration*, and *pre-registration for teens about to turn 18*. The ruling has also resulted in states implementing *voter identification laws* and becoming more aggressive in *expunging allegedly ineligible voters* from registration rolls. More than 25 states

have since changed their voting policies including those previously required to undergo federal preclearance, as well as many states not originally covered by the Act.

1. GERRYMANDERING The process of re-drawing district lines to give an advantage to one party over another is called “gerrymandering.” Political gerrymandering is done by both major parties in the U.S. Whichever party controls the state legislature following every 10 year U.S. census gets to redraw or carve out districts that favor their party’s candidates in local, district and state elections. Presently Republicans control the majority of state legislatures in the U.S.

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 or political preference into multiple districts, ensuring that there are not enough voters 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 in local, state or federal elections. With few opportunities to elect their candidates of choice, the concerns of communities of color, the poor and others 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 down racial gerrymandering as unconstitutional. But, with the Voting Rights Act’s enforcement no longer in place, states are free to draw district lines without ensuring that those districts are not discriminatory. Racial as well as purely political gerrymandering is once again becoming a common tool to disenfranchise and suppress people of color, the poor, disadvantaged, the elderly and students.

2. PHOTO ID REQUIREMENTS Under the demonstrably false premise of “voter fraud,” voter ID restrictions have been introduced and are in force in 35 states as of 2020. While most states require voters to show some form of ID at the poll, about half of states

limit the forms of acceptable ID to only a non-expired government-issued photo ID such as driver’s licenses, state issued ID cards, military IDs and passports.

Approximately 11% of voting-eligible citizens—about 21 million Americans—lack a state-issued photo ID. Some states require in-person visits to a voter registration or government office which is difficult for those who don’t drive or who live long distances away. In some states it’s a Catch-22: You may need a birth certificate to get an ID, but to get a birth certificate you need an ID.

Disproportionately, Blacks, Latinos, the elderly, people with disabilities, the poor and students are up to twice as likely to lack an ID. In fact, one in four Blacks nationwide lacks a government-issued photo ID. A University of Wisconsin study found that half of that state’s Blacks and Latinos lacked a Wisconsin driver’s license, the most common form of acceptable ID. In some parts of the state, a whopping 70% of eighteen-to twenty-four-year-olds young voters lack one. The rate of seniors without IDs tops 20% statewide, higher in minority populations.

3. LIMITS ON EARLY VOTING Instead of making registering and voting inviting and convenient, nine states —Alabama, Connecticut, Kentucky, Mississippi, Missouri, New Hampshire, Pennsylvania, Rhode Island, South Carolina — do not offer pre-election day in-person voting options. You must show up to vote only on election day. Limiting early voting options is a restrictive path which only makes 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. Some states not only have no early voting, but no same-day registration, no online registration, no automatic voter registration, and/or no “no-excuse” absentee voting, (only certain excuses qualify — although most states now have exemptions for Covid-19).

4. CLOSING POLLING STATIONS In the U.S. in 2016 there were 868 fewer places to vote than in 2012. In 2020 closures are significantly greater.

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 wait times sometimes 5 or 6 hours or more. A UCLA study found that voters in Black precincts waited almost 30% longer to vote than voters in majority white districts. 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% from 2012 to 2016, from 200 to just 60 —one polling place per 21,000 registered voters.

5. PROOF OF CITIZENSHIP Nearly a dozen states passed laws requiring documentary proof of citizenship to register to vote. Surveys show that millions of American citizens — between five and seven percent — don't have the most common types of document used to prove citizenship: a passport or birth certificate. Low-income citizens may be completely prevented from complying — and therefore voting — by the costs and steps involved. Kansas' proof of citizenship law was recently struck down because it failed to provide any evidence of voter fraud, the primary rationale for these laws. The League of Women Voters lawsuit claimed Kansas' law had blocked over 30,000 people from getting registered to vote because they did not provide adequate documentation.

6. VOTING RIGHTS RESTORATION AFTER PAYING DEBT TO SOCIETY

One of every 40 adults is disenfranchised due to a current or previous felony conviction. Many states give persons with felony convictions the ability to regain their right to vote and restore other rights after they have paid their debt to society. Florida is one of four states that stripped those "returning citizens" 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. In 2018, 65% of Floridians voted to throw out this law, but recently the legislature erected yet another obstacle, a law requiring ex-felons to fully pay back fines and fees to the courts before they become eligible to vote. Overall, more than half of the

1,500,000 ex-felon Floridians face this new obstacle including one in four African-American men, many of whom cannot afford the costs. Some view this as a new form of poll tax.

Mississippi has a list of 21 specific felonies that bar returning citizens from ever voting again. There is no effort to inform those who have not committed one of those felonies that, in fact, they have a right to vote even if they are still incarcerated.

7. VOTER ROLLS PURGES A new tactic in the voter suppression playbook includes efforts to purge millions from the voter rolls under the guise of "voting list maintenance." Some states use outdated databases, flawed lists that match voter rolls against names that appear similar but not the same or similar names but different addresses —called "exact match," names purged for simply failing to return a postcard or having not voted in recent elections, clerical errors, etc. Recent voter roll purge efforts have appeared in Georgia, Ohio, Texas, Wisconsin, and Florida, among other states. In Florida, where the list has been found to have a 78% 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 halted the program there recently but it is alive and well in other states.

8. FALSE CLAIMS OF VOTER FRAUD

The perennial claim of "voter fraud" or "election fraud" has resurfaced recently. Voter fraud is the intentional corruption of the electoral process for the purpose of swaying the vote. Often such claims surface in closely fought elections. Simply put, over 99.99+% of claims of voter fraud cases prove to be false on close examination. Still, it is used to discredit opponents and activate confusion, division and mistrust, sullyng what is almost always an otherwise fair election process. Sometimes the claiming party uses this strategy to hide their own misdeeds.

Common false claims may include, double voting, non-citizen or undocumented immigrant voting, voter

impersonation, vote counting fraud, and recently, the corruption of mail-in ballots. A list of voter fraud cases compiled by the Heritage Foundation found only 1277 cases out of billions of votes cast, or less than 0.00001% since 1948. The White House Commission on Election Integrity charged with investigating voter fraud after the 2016 presidential election was disbanded less than a year later after finding no evidence of fraud.

Recent false claims of voter fraud from mail-in ballots have been thoroughly debunked. In every state that has used 100% mail-in voting, stringent security measures have ensured the integrity of the voting process by mail. In Oregon, a state that began 100% mail-in balloting in 2000, with over 50 million ballots cast there have only been 2 convictions for mail-ballot fraud, or 0.000004%, five times less likely than getting hit by lightning.

SELF-DISENFRANCHISEMENT: UNINFORMED, DISENGAGED, CYNICAL, DISINTERESTED, ALIENATED

Far and away the single most critical issue in U.S. disenfranchisement is a very large group who “self-disenfranchise,” —who choose to not vote.

Any one bloc within this group of non-voters is so large that when a campaign is able to motivate even a portion of one, it can swing an election.

In the 2016 election, more chose not to vote at all than to vote for either Clinton or Trump. Nearly 50% of eligible voters, an estimated 117,000,000 voters didn't vote in the 2018 midterm elections. Why? The *100 Million Project*, commissioned by the Knight Foundation found the following reasons:

- *Many non-voters lack faith in the election system and have serious doubts about the impact of their own votes:* Thirty-eight percent of non-voters feel that elections or the candidates don't represent the will of the people or will not strongly impact their personal lives. They are more likely to say the system is corrupt or rigged and that moneyed and special interest groups have more power over elections than they do. (Many voters feel the same but still vote.)
- *Non-voters engage less with news and feel under-*

informed: Non-voters' media diets involve less news and more entertainment as compared to active voters. They do not feel they have enough information about candidates and issues to decide how to vote.

- *Young eligible citizens (18-24 years old) are even less informed and less interested in politics* and are less likely than non-voters to follow political news. They feel less informed than non-voters come election time. Fewer are interested in voting than non-voters, principally because they don't care about politics. They also say registering to vote is too complicated and they don't know how. They are the least likely to vote of all age groups. Other reasons often given include: • “I just don't care” • “My vote doesn't matter or won't make a difference” • “I keep forgetting to register” • Time demands of jobs or family.

More than 60% of non-voters say they *would vote* if:

- There was a candidate they believed in
- They could vote online
- They had better quality neutral information
- If they felt their vote would affect the outcome
- The Electoral College were abolished
- There was an issue they valued
- They had more information on candidates or issues.

The reasons almost half of potential voters don't vote are complex and varied. The sheer number begs nothing less than a thorough scrutiny of the many causes for their disengagement, disinterest and alienation.

DID YOU VOTE IN THE LAST ELECTION? WILL YOU VOTE IN THE NEXT ONE? WHY or WHY NOT?

WHAT ARE YOU DOING TO MOVE ELECTIONS TOWARD JUSTICE AND FAIRNESS?

Sources: USA.gov; The Brennan Center for Justice; The Knight Foundation, *100 Million Project*; NDRC; *The Nation*; *Project Vote*; Center for American Progress; *The Sentencing Project*; American Bar Association - americanbar.org; Pew Research Center; *Texas Scorecard*; National Council of State Legislatures; theguardian.com; thehill.com; The Heritage Foundation; washingtonpost.com; foxnews.com; factcheck.org; Reuters.com; standupprepublic.com; nbcnews.com; Wikipedia; other sources