



# Advance Voting Rights National Action Program Toolkit

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# INFO BRIEF



## Supreme Court Guts the Voting Rights Act: *Shelby County V. Holder*

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### The Problem

*Shelby County V. Holder* unravels anti-discriminatory provisions put in place after years of voter suppression in the Jim Crow era. Due to the precedent set by *Shelby*, states have the latitude to craft laws that disproportionately disenfranchise low income voters and racial minorities. The SCOTUS decision leaves activists concerned about future legislation that could revive systemic discrimination in the voting process. Voter ID laws, lack of polling places, the misallocation of resources in marginalized communities, and attempts to limit early voting are just a few of the ‘unintended’ outcomes of the ruling.

### Overview

The Voting Rights Act of 1965 (VRA) represented the culmination of years of work, marches, demonstrations and advocacy by the Civil Rights Movement to end widespread voter suppression in the segregated South and other states. The law prohibited racial discrimination in voting policies. In addition, Section 4(b) required certain jurisdictions--those with a particularly sordid history of race-based voter suppression--to obtain “pre-clearance” from the U.S. Department of Justice before changing their voting rules. Politicians with a white male supremacist agenda deplored this law, including the man who now leads the Justice Department, Attorney General Jefferson B. Sessions. Sessions called the law an “intrusion” on states’ rights.

In the 2013 case of *Shelby County V. Holder*, by a 5-4 majority vote, the U.S. Supreme Court gutted the VRA. The court ruled in favor of Shelby County, Alabama which wanted to amend its election practices without obtaining pre-clearance from the Department of Justice. The *Shelby County* majority concluded that the restrictions outlined in Section 4(b) of the Voting Rights Act of 1965 were no longer relevant and infringed upon the rights of the state.<sup>1</sup> In her dissenting opinion, Justice Ginsburg wrote that striking down section 4(b) of the VRA was like “throwing away your umbrella in a rainstorm because you are not getting wet.”<sup>2</sup> The ruling in *Shelby* has opened the floodgates for discriminatory voting laws across the country. Most of these laws **target communities of color**, which are significantly less likely than white communities to support white supremacist candidates.

### *Shelby County V. Holder* Impact<sup>3</sup>

Since the *Shelby County V. Holder* ruling, voters have felt the impact. In Monroe County, Florida, ballots were reverted back to English-only despite the large Spanish-speaking population. In Maricopa County, Arizona, only 60 polling sites were available in 2016 compared to more than 200 in 2012. In Hancock County, Georgia the Board of Elections purged 53 eligible voters, most of whom were African American. These case studies illustrate a larger systemic problem of voter suppression, underscoring the impact of *Shelby County V. Holder*.

### Why *Shelby* Matters

*Shelby County V. Holder* further strips voting rights from the already-marginalized, limiting the influence of women—and women of color in particular—in the democratic process.

### Sources

1 "Shelby County v. Holder." *Oyez*. Accessed 24 Feb. 2017.

2 Miles, Chris, “Justice Ginsburg Dissent In Shelby v. Holder Is a Big Middle Finger to the Conservative Majority,” *Mic.com*, 25 Jun. 2013 Web. 24 Feb. 2017,

3 Harvard, Sarah, “How Did the ‘Shelby County v. Holder’ Supreme Court Decision Change Voting Rights Laws?” *Mic.com*, 29 Jul. 2016 Web. 24 Feb. 2017.

# INFO BRIEF

## Racial Gerrymandering



### **What is Racial Gerrymandering?**

Racial gerrymandering is a political practice that confines the voting power of racial minorities to one district as a method of voter suppression. Racial gerrymandering often culminates in ‘majority-minority’ districts. These are areas that have a disproportionately high number of Black or Latino voters, while their surrounding districts are—usually—predominantly white.<sup>1</sup> Consequently, racial gerrymandering dilutes the potential voting strength of minorities in other areas of a city or state. In short, gerrymandering segregates traditionally marginalized communities—low income, racial minorities—under one umbrella, or representative.

Racial gerrymandering also provides a heightened barrier of access for voters. Districts that have been deemed majority-minority are understaffed on voting days, have workers who are poorly trained on voting procedures, utilize faulty or broken machinery, and—most often—have longer lines to vote.<sup>2</sup> Racial gerrymandering has appeared across the country in major cities like New York, Detroit, and Miami. However, it is most pervasive and apparent in southern areas of the US such as North Carolina, Virginia, and Alabama.<sup>3</sup>

### **Current State of Racial Gerrymandering**

Racial gerrymandering has increased following the Supreme Court’s ruling in *Shelby V. Holder* in 2013. The Shelby case firmly concluded that states are no longer required to go through a process of obtaining explicit federal permission to change their voting laws.<sup>4</sup> This process—which was initially set in place for states that had a history of racial voter suppression—was no longer a barrier, giving way for legislation that explicitly discriminates against racial minorities.

There have been dozens of examples of racial gerrymandering over the past year, alone. In January of 2016, a federal appeals court found that Alabama had engaged in racial gerrymandering in 12 districts to maintain the Republican majority in the state.<sup>5</sup> In December of 2016, the SCOTUS took on two cases of gerrymandering in *Bethune Hill v. Virginia State Board of Elections* and *McCrorry v. Harris*.<sup>6 7</sup> While the *McCrorry* case is still being argued in the Supreme Court, on March 1st, 2017 the SCOTUS ruled that the three-judge panel had applied the wrong legal standard to reach its conclusion in the case of *Bethune Hill*. While the courts are taking on cases of racial gerrymandering, other entities are also addressing the issue. In December 2016, former Attorney General Eric Holder announced the Democratic National Committees creation of the National Commission on Voting Rights with a special emphasis at racial gerrymandering.<sup>8</sup>

### **Why Racial Gerrymandering Matters**

Racial gerrymandering often privileges predominantly white communities and Republican legislatures. Areas where we find gerrymandering the most rampant are usually states dominated by a Republican supermajority. These are areas that have pockets of Democratic voters, but maintain a Republican majority in the House of Representatives.

Racial gerrymandering is glaringly apparent when there is a stark imbalance in represented demographics. For example, North Carolina's only three Democratic districts are predominantly Black and Latino, while their Republican districts are predominantly White (over 65%).

#### Sources

- 1 Soffen, K. S. K. (2016, June 9). How racial gerrymandering deprives black people of political power. *Washington Post*.
- 2 Draper, R. (2014, February 19). The league of dangerous Mapmakers. *The Atlantic*. Retrieved from
- 3 Kotch, A. (2016, December 9). U.S. Supreme court may finally define racial gerrymandering in cases from the south. Retrieved March 2, 2017, from Facing South.
- 4 "Shelby County v. Holder." *Oyez*. Accessed 24 Feb. 2017.
- 5 Ollstein, A. M. (2017, January 20). Alabama found guilty of racial gerrymandering. Retrieved March 2, 2017.
- 6 Bethune-Hill v. Virginia Board of Elections. (2017, March 1). Retrieved March 2, 2017, from Brennan Center For Justice.com
- 7 McCrory v. Harris. (2017). Retrieved March 2, 2017, from SCOTUSblog.com.
- 8 Burns, A., & Martin, J. (2017, January 13). Eric holder to lead democrats' attack on republican gerrymandering. *NYTimes*.

# PHONE SCRIPT

Voting Rights in 2017



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Hello, my name is [Name] and my zip code is [Zip code].

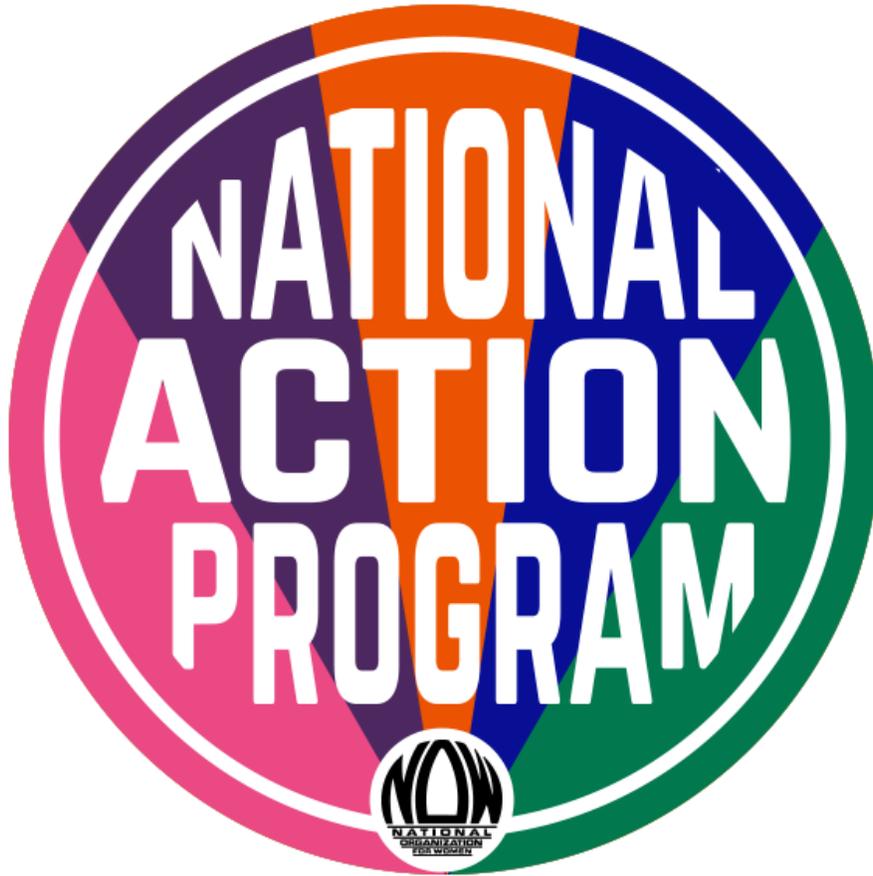
As a constituent, I am calling to express my concern with the current state of voting rights. Since the Supreme Court's decision in *Shelby County V. Holder*, there's been an uptick in voter ID laws, cuts to early voting and more and more polling places that lack basic resources. These different types of voter suppression effect a variety of voters particularly people of color, the elderly and low-income individuals. I fear that if this continues, we will destroy the wonderful progress our country has made.

Voter suppression targets some of our nation's most vulnerable communities. Their vote is just as important as every other citizen, regardless of race, age, or income. In states such as North Carolina and Alabama we've begun to see how devastating voter suppression can be to *all* communities. Do not let [your city/state] become another statistic.

I care deeply about all American's right to vote and I hope you do to. Will you commit to supporting the voting rights of all Americans and opposing legislation that reduces the power of the Voting Rights Act?

Thank you for your time, do you need any more information from me?

# Social Media Toolkit: Advance Voting Rights



*The Women's March, Black Lives Matter, DAPL, Occupy: What do these movements have in common? They all started in the digital world.*

## Why is online activism important?

Often, people dismiss social media and its' importance in social justice movements. However, over the past 20 years, studies have found that social media is a unique tool that allows people to connect, learn, and mobilize at an unprecedented rate. Here are a few reasons why:

1. Social media helps link people from all over the world who are dedicated to the same causes, building a community made up of a variety of ideas, narratives, and experiences.
2. It has the power to educate many people at once and connect them to resources they might not otherwise find.
3. It can enhance our offline activism, creating a foundation and jumping-off point for 'on the ground' action.



## 4 Ways to Enhance Your Online Activism

### **Quality, not Quantity**

While there's something to be said for saturating people's timelines with news you care about, the quality of your posts is far more important. Make your posts meaningful by retrieving your information from reputable sources. Attach relevant videos, articles, and graphics to captivate readers, and make sure your posts are well-written and free of grammatical errors.

### **Engage in (Informed) Disagreement...**

Conversing with people who hold opposing views is healthy and sometimes even productive! It forces us (and others) to consider, defend, and reevaluate our beliefs. However, when voicing your opinions with people on the internet, keep the conversation respectful. Stick to the facts, refrain from name-calling, and see your position through.

### **...But, Remember to Pick Your Battles**

Although it can be productive to engage in healthy discussions, sometimes it just isn't worth it. Consider the level of influence you have over the person you're trying to debate. Offer to speak offline with someone about an issue you feel particularly passionate about if it feels appropriate for the situation.

### **Collaborate and Connect with Others**

Pooling your resources with like-minded groups can make your movement that much stronger. Don't let your hashtags disappear into oblivion; work with local activists to expand your movement into different communities.

**Note:** The current cultural climate has bred an increased uptick in aggressive rhetoric in digital spaces. If you are feeling unsafe in a particular space or with a particular user, please do not hesitate to disengage and block that person/user.



# How to Use Facebook Live

For newcomers to this feature of Facebook, here are a few simple steps for Facebook Live use and best practices.

**NOTE: You can only go live on Facebook through Facebook’s iOS (iPhone, iPad) app or Android (Galaxy, Notebook, etc) app. Facebook Live is not applicable through desktop computers or laptops.**

Step 1: Download the Facebook App on your iPhone or Android phone:



Step 2: Once it is downloaded and you have logged in under your NOW profile, go to the top of your News Feeds. Tap **‘What’s On Your Mind?’**

Step 3: Tap  **Live Video.**

Step 4: Write a description of your broadcast (using the aforementioned guidelines).

Step 5: Tap **Go Live** to begin.

Step 6: Tap **Finish** when you want your video to end.

In order to film an event such as a panel discussion, an interview or a conference, it is suggested the person use an iPad rather than a cellular phone. For events such as these, the same rules apply, however, make sure your front facing camera (the camera used to take selfies) is in use. Using an iPad also affords you the ability to set it up on a docking station and let it record as you are live.

## Advance Voting Rights Facebook Guide

Voting rights has become a burgeoning topic of interest following the November 2016 election upset. We have seen more citizens get involved with issues such as voter suppression over the past few months. These issues include the redistricting of predominantly Black voting districts—also known as racial gerrymandering—and the creation of voter ID laws that disenfranchise the working class. Voter suppression has also become a primary concern of the Democratic Party: in December 2016, former Attorney General Eric Holder announced the creation of the National Commission on Voting Rights, an initiative created through the Democratic National Convention (DNC) with special insight from President Barack Obama. NOW's National Action Program is committed to end voter suppression, paying special attention to state legislation that disenfranchises vulnerable communities, as well as federal policies that hold state legislators accountable for their actions.

As such, AVR-related posts should pay particular attention to:

- Issues of voter suppression, particularly voter ID laws and racial gerrymandering within your state
  - States to keep an eye out for:
    - Georgia
    - Virginia
    - North Carolina
    - Mississippi
    - Alabama
    - Texas
- Information relating to voting rights on a federal level. This includes:
  - DNC's National Commission on Voting Rights
  - The upcoming Supreme Court ruling in *McCrorry v. Harris*
- Educational material and facts that debunks myths of voter fraud or highlights issues of voter fraud including:
  - Faulty machinery
  - Rampant gerrymandering following *Shelby v. Holder*
  - Voter ID Laws

### Advance VR: Facebook Examples

- Voter suppression v voter fraud, these terms have been floating around a lot in the past few months. Here's what you need to know to stay informed <http://bit.ly/1MpeW44>
- It is unacceptable that voting machines are broken on election day. Read up on how faulty voting machines and lack of poll workers tie into voter suppression? <http://ti.me/2i0lPxt>
- Racial gerrymandering habitually limits the legislative representation of African Americans and Latinos. Find out the facts on racial gerrymandering in your state: <http://bit.ly/2ec3Ghb>

- Dozens of organizations are working together to expose the systematic abuse of minority communities through Voter ID Laws. Please check out [insert coalition here] and join the effort to protect your rights.
- Former Attorney General Eric Holder has launched a new redistricting initiative with the DNC called the National Democratic Redistricting Committee. This new initiative is an effort to expose gerrymandering across the US and hold GOP members responsible for their manipulation of the democratic practice: find out more here: <http://politi.co/2ilo3Xl>
- GOP Lawmakers back up Trump’s unfounded claims of massive voter fraud in the 2016 election. Call your local representatives and let them know what happens when they perpetuate lies: [Link to NAP’s info brief on Shelby v. Holder]
- 14 new states have enacted voter restrictions in 2017. Join our coalition today and learn how to protect all voters in your state: [Link to NAP’s info brief on racial gerrymandering]
- A truly unsettling story for anyone that has ever exercised their civic duty; a 97-year-old woman denied the right to vote because of an ID. <http://bit.ly/2lzLnUB>

## Advance Voting Rights Twitter Guide

NOW’s National Action Program is committed to the end of voter suppression, paying special attention to state legislation that disenfranchises vulnerable communities as well as federal policies that hold state legislators accountable for their actions. On Twitter, we encourage activists to educate others on the sneaky tactics used to suppress the votes of citizens and to inform other users of instances of voter suppression in their state and across the country.

As such, AVR-related tweets, should pay particular attention to:

- The diverse tactics of voter suppression
  - Racial Gerrymandering
  - Voter ID, cuts to early voting, ending same day registration laws
  - Unfair distribution of resources (voting machines, poll workers and faulty machinery)
- State level and federal news on voter suppression
- Tweets that denounce:
  - Federal news on voter suppression
  - State laws that suppress voters
  - Legislators that propose voter suppression bills
  - Claims that “voter fraud” is prevalent

### Advance VR: Twitter Examples

- Did you know that only 66% of voting age women have access to proof of citizenship with their current name? <http://nyti.ms/2j6C10u>
- African Americans waited twice as long as white voters in the 2012 presidential election. Find out why <http://theatlntc.com/2mbFHmY>

- Voter Rights have been a hard fought battle, don't let voter suppression of the past resurge [link to an article]
- Everything's bigger in Texas even the polling place closures, 403 polling places closed in recent years! <http://bit.ly/2eyO7fA>
- North Carolina's 2013 voter suppression law was struck down due to "racially discriminatory intent" <http://politi.co/2anm2a4>
- "Early voting is not good for us" and other things GOP lawmakers have said about how voter suppression helps them <http://nyti.ms/2cPyIJE>
- Trump's claims that millions voted illegally doesn't convince GOP Senator John McCain <http://cnn.it/2lP5pgk>
- Racial Gerrymandering? The what, when where and why [Link to our toolkit]



# Voting Rights Resources



## General Resources

### [ACLU: What To Do When You Are Faced With Voter Intimidation](#)

ACLU's step-by-step guide to voter suppression and how individuals should handle being confronted by voter intimidation.

### [The Voting Rights Alliance](#)

The Voting Rights Alliance VRA looks to address issues of voter suppression across the country, particularly in the South.

### [The Dismantling Of The Voting Rights Act](#)

Information brief from the Scholar Strategy Network that identifies the history of the Voting Rights Act, the gutting of Section 4 of the Act through the Shelby v. Holder ruling, and its future impact on voters.

### [Voter Suppression: How Bad? \(Pretty Bad\)](#)

Outlines the state of voting rights before the 2014 Election; 22 states enacted harsher legislation than in the 2010 midterms. This legislation includes provisions that: make voter ID laws more strict, cutback early voting and voter registration opportunities. These changes were enacted by State Legislatures after the 2008 election results; effectively shaping the local, state, and federal political landscape of the present.

## Voting Rights & Marginalized Groups

### [The War On Voting Is A War On Women](#)

Summary on how voter suppression disproportionately impacts women; including the fact that women make up the majority of student voters, elderly voters, and minority voters and only 66% of women have access to ID with their current name.

### [In NC, Voter Suppression Hits Women & People of Color Hardest.](#)

Uses North Carolina as a case study to illustrate that women and people of color are the most impacted by Voter Suppression Laws; including cuts to early voting, ID laws, and limiting polling access.

### [How The Voting Rights Act Hurts Democrats And Minorities](#)

Summarizes how the conservative lawmakers have benefitted from the VRA; using provisions in the law to draw majority-minority districts for GOP advantage.

### [Even Without Voter ID Laws, Minority Voters Face More Hurdles to Casting Ballots](#)

Details how minority voting districts intentionally limit resources to suppress the vote; limited polling location, voter machines, and poll staff create longer lines, thus adds an additional layer of challenge to the voting process.

### [Voter ID–The Disproportionate Impact On Women](#)

A summary of how Voter ID laws impact women voters, comparing attempts at suppressing voting populations to the Jim Crow Era.

## **Citizens Without Proof: Voting Rights & Election Series A Survey Of Americans' Possession Of Documentary Proof Of Citizenship And Photo Identification**

Survey results cite barriers to voting, including: income and access to citizenship documents with current name.

### **Shelby v. Holder**

#### **Oyez Overview: Shelby County v. Holder**

An overview of the 2013 *Shelby* case, providing a look at the background of the case, the decision and its implications for the future.

#### **Justice Ginsburg Dissent In Shelby v. Holder Is A Big Middle Finger To The Conservative Money**

Overview and support of Supreme Court Justice, Ruth Bader Ginsburg, dissenting opinion in the *Shelby v. Holder* case.

#### **How Did The 'Shelby County v. Holder' Supreme Court Decision Change Voting Rights Laws?**

Article discussing the implications of *Shelby v. Holder* on state voting rights, highlighting some of the major issues that have come out of the ruling. The article focuses on "Warning Signs: The Potential Impact of *Shelby County v. Holder* on the 2016 general election," a study done by the 2016 Leadership Conference Educational Fund Report, on the outcome of voting laws in Arizona, Florida, Virginia, and Georgia.

### **Racial Gerrymandering**

#### **How Racial Gerrymandering Deprives Black People of Political Power**

A comprehensive look at racial gerrymandering from a contemporary lens. The article examines how racial gerrymandering logistically works, the areas where it is most likely to occur, the players who often perpetuate racial gerrymandering, and finally its effect on Black voters.

#### **The Atlantic: The League of Dangerous Mapmakers**

A profile on Tom Hofeller, a member of the RNC and the orchestrator behind redistricting across the country. The article details Hofeller's strategy and tactics on racial gerrymandering and their productivity for the Republican Party.

#### **U.S. Supreme Court May Finally Define Racial Gerrymandering In Cases From The South**

Article focuses on *Bethune-Hill v. Virginia Board of Elections*, the ambiguity of state jurisdiction, and the effect of racial gerrymandering on the political structure of NC and its citizens.

#### **Think Progress: Alabama Found Guilty of Racial Gerrymandering.**

An overview of the decision in the case of *Alabama Legislative Black Caucus (ALBC) v. The State of Alabama*. In the case, the ALBC accused GOP legislatures of redrawing the specific districts in a case of racial gerrymandering. The state of Alabama was found guilty.

#### **Bethune-Hill v. Virginia Board of Elections**

Brennan Center for Justice's overview of the case, *Bethune-Hill v. Virginia Board of Elections* including the case description and links to court documents.

### **McCrorry v. Harris.**

SCOTUS blog overview of the case, *McCrorry v. Harris*, with a detailed timeline of key decisions.

### **Eric Holder To Lead Democrats' Attack On Republican Gerrymandering.**

Overview of the creation of the DNC's National Democratic Redistricting Committee: how it was formed, why it is necessary, what they hope to accomplish, and Eric Holder's influence over the initiative.

### **The Justices Tackle Racial Gerrymandering**

Article from The Economist on the aftermath of *Shelby v. Holder*. According to Breyer, the 'hope' that the decision would alleviate the court's oversight of issues of racial gerrymandering has become progressively worse, as the court's are now inundated with allegations of racial gerrymandering from across the country.

### **Strategic Manipulation Of District Boundaries Dilutes The Black Vote And Threatens The Existence Of White Democrats In Southern Politics.**

The study examines the effects of racial gerrymandering using the case study of South Carolina. Looking at the 2014 elections, author Damion Wayner examines the disproportionate reflect of Black constituents in South Carolina versus their representation in legislation.

### **Three Tests For Practical Evaluation Of Partisan Gerrymandering**

This study published in the Stanford Law Review takes a look at partisan-gerrymandering, its origins, and ultimately how it privileges the Republican party. Applying judicial precedent, the author, identifies three tests for accurately evaluating if a state and its legislators have enacted partisan gerrymandering.