



Voter Suppression Targets Women, Youth and Communities of Color (Issue Advisory, Part One)

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At stake on the Nov. 4 general election is control of the U.S. Senate with just six seats in the balance. Democratic candidates and progressive challengers for Congressional and state legislative seats could be vulnerable to massive right wing super PAC spending and aggressive media attacks. Needed: a big turnout by the "Rising American Electorate" (RAE) – young people age 18 – 29, unmarried women, African-Americans and Latinos. However, an array of voter suppression tactics is being deployed to keep them from the polls. Republicans claim that these measures are intended to cut voter fraud. But is voter fraud really an issue?

Summary

As we move closer to the mid-term general election on Nov. 4, there is a serious concern is that turn-out will be very low for this crucial election. Already tallies from primary elections this year show that voter apathy is running high. According to a Gallup survey taken in May, 53 percent of registered voters say they are less enthusiastic about voting this year than in previous elections. Even in presidential election years eligible voter turn-out is only about 58 percent (2012). In 2010, a mid-term election, only 36.9 percent voted, resulting the Republicans taking control of the U.S. House and increasing their margins in many statehouses. The Republican Party, which is now dominated by Tea Party extremists, controls 28 state legislatures and holds 29 governorships.

For this election a higher turnout among the "Rising American Electorate" – people 18 – 29, unmarried women, African-Americans, and Latinos – is essential. The RAE is a collection of demographic groups that is increasing in size and tends to vote for progressive candidates; estimates put the groups' voting eligible population in 2010 at 144 million, with unmarried women as the fastest growing and largest proportion at 53 million – a 19 percent increase between 2000 and 2010. Eighteen to 29 year-olds were the second largest group at 45 million, growing by 15 percent over that decade. The remarkable RAE growth is occurring in many key electoral states, but we know that a majority are not registered to vote. And their drop-off in mid-term elections is higher than for other voters.

In recent years, the focus has been on registering and engaging the Rising American Electorate, but right-wing efforts to suppress their participation are well underway. If these efforts are

successful and voters stay home, Democrats could lose control of the U.S. Senate and more state legislatures could turn over to a Republican majority. Here's a round-up of what's happening around the country.

Republicans Push Restrictive Voting Requirements

Restrictive laws designed to reduce voter turnout have been on the rise in recent years, especially in districts where likely Democratic voters are concentrated. Designed primarily by Republicans who claim that the new laws prevent voter fraud, the laws have focused on reducing early voting days and on requiring voters to provide an official personal identification (ID) to vote. The laws vary from state to state, with the most restrictive ones requiring voters to present a government issued photo ID (a driver's license, a passport, military ID, etc.) at the polls. Though advocates of voter ID laws say that obtaining an ID is simple, the truth is that requiring an ID to be shown at polling places an exceptional burden on some voters.

Indiana became the first state in the nation to have a voter ID law in 2006. Today 34 states have voter ID laws, and 15 of those states require photo ID. States with the strictest ID laws include: **Arkansas, Georgia, Indiana, Kansas, Mississippi, Tennessee, Texas, and Virginia**. In all eight of those states voters are required to present a government-issued ID before they are allowed to vote. Texas, for example, requires a photo ID, but does not have a DMV in one third of the state's counties. Fifteen percent of Hispanic voters in Texas live in a county that does not have a DMV. A comprehensive listing of states with new restrictive laws appears later in this article.

Many states or counties will issue photo IDs for free, but the documents required to get one are often not free to obtain. It can cost as much as twenty dollars to obtain a copy of a birth certificate in some states. Merely going to an office that issues IDs can pose difficulties for some, especially rural voters and many elderly and disabled persons. In addition, poorer voters, especially those that work low-wage jobs, face difficulty in obtaining the time off needed to get to ID offices as they are open primarily – and sometimes exclusively—during week-day working hours.

An estimated 11 percent of eligible voters do not have a government issued ID. In addition, 25 percent of Black voters do not have an ID, as well as 18 percent of those over the age of 65. Some proponents of the law have argued that producing an ID does not constitute an undue burden because most people have IDs. They state that if you need an ID to buy alcohol; you need an ID to drive a car, or get onto an airplane, why is presenting an ID an undue burden?

The answer lies in the difference between voting and all of the other activities that require an ID. Voting is an essential part of participating in a democracy. Drinking alcohol, driving a car, boarding an airplane -- all of those things are privileges. True, most people have government

issued IDs. However, some do not. Every citizen must have the opportunity to vote if we are to call the U.S. a democracy. Voting cannot be conditional on anything other than citizenship. Requiring an ID creates two classes of citizens, those with ID and those without. Requiring an ID creates two classes of citizens, those with ID and those without.

Attorney General Eric Holder has compared voter ID laws to poll taxes, “Many of those without IDs would have to travel great distances to get them, and some would struggle to pay for the documents they might need to obtain them. We call those poll taxes.”

Voter ID Laws Target Women

Voter ID laws have a disproportionately negative effect on women. According to the Brennan Center for Justice, one third of all women have citizenship documents that do not identically match their current names primarily because of name changes at marriage. Roughly 90 percent of women who marry adopt their husband’s last name. That means that roughly 90 percent of married female voters have a different name on their ID than the one on their birth certificate. An estimated 34 percent of women could be turned away from the polls unless they have precisely the right documents.

Also, LGBTQ partners who marry may or may not change their last names or may adopt hyphenated last names.

In Texas, 117th District Court Judge Sandra Watts faced difficulties voting because her maiden name was her middle name on one document and not another. Though Judge Watts was able to place a provisional license and return with proof of identity later, what happens when someone without the knowledge and resources of a judge faces difficulties?



Republicans have a vested interest in suppressing the women’s vote – at least the single women’s vote. In the last two presidential elections, President Obama won with high margins among unmarried women. If Republicans successfully suppress the number of single women who vote, they will not have to be concerned about political consequences for their regressive and anti-woman legislative proposals.

Women's Names on Forms Must be Identical

A related problem is that the U.S. Patriot Act requires women's names on certain official government documents to be the same. Thanks to the Department of Homeland Security and the ever-tightening regulations on identification requirements, today a woman with a hyphenated name on one form of ID and just a maiden name on another is grounds for suspicion. Patriot Act guidelines specifically require identical forms of identification, which for many women, imposes a significant challenge.

Another complication with non-matching names involves transgender women and men. The Williams Institute at the University of California - Los Angeles estimates that 29 percent of the transgender population in states with strict voter ID laws do not have IDs that match their presented gender identity.

96-Year-Old Woman Denied a Voter ID

Ninety-six year old Dorothy Cooper was denied the opportunity to vote in 2011, according to the *Chattanooga Times Free Press*. Born in Georgia, she moved to Tennessee to work in her 20s and never left. She never needed a driver's license, and has voted in every election but one since she became eligible to vote. When she attempted to get a free voter ID card so that she could comply with the new voter ID law in Tennessee, the clerk told her that they would be unable to give her an ID as the name (Dorothy Alexander) on her birth certificate does not match the name on her voter's registration card. State law required her to have a secondary ID to prove that her surname is correct. Cooper has outlived two husbands and was not able to locate her marriage licenses. Cooper, who has been voting for decades, says that she will miss voting next door as she lives near a polling location.



Tennessee passed a restrictive voter ID law that was to go into effect in 2012. State officials later said that they will work with Cooper in order to help her be able to vote. Undoubtedly, this is a problem that will be encountered in many election districts when elderly women attempt to vote.

Voter Fraud Virtually Nonexistent

Though Republicans have claimed that these laws are aimed at preventing voter fraud, they have failed to demonstrate that voter fraud is a real problem. In-person impersonation at the polls -- the kind of fraud that ID laws are supposed to prevent -- is exceedingly rare. In the 2012 election there were only 10 incidents of voter impersonation fraud; 118 million votes were cast in that year's presidential election.

According to a 67-page report released by the NAACP in September, 2012, "[w]ith in-person electoral fraud occurring at the rate of 0.000002 percent, an individual is more likely to be struck by lightning than to impersonate another voter at the polls."

The finding was based on nationwide analysis of 2,068 cases alleging election fraud over a 12 year period involving voter impersonation and reviewed by a Carnegie-Knight investigative reporting project with college journalism students.

There is no evidence that a U.S. election has ever been influenced by voter fraud. There is, however, substantial evidence that restrictive voting laws prevented thousands of mostly Democratic voters from voting in states where the Republican victors won with only slight margins.

Restrictive Laws are Politically Motivated

Restrictive voting laws are being proposed by Republicans because their Party benefits from them. As one Republican consultant stated, "A lot of us are campaign officials — or campaign professionals — and we want to do everything we can to help our side. Sometimes we think that's voter ID, sometimes we think that's longer lines — whatever it may be."

The former chair of the Florida Republican Party, Jim Greer, admitted that a law shortening the early voting period was deliberately designed to suppress voting among groups that tend to support Democratic candidates. Greer told the Palm Beach Post in late November, 2012, "The Republican Party, the strategists, the consultants, they firmly believe that early voting is bad for Republican Party candidates."

Reducing Early Voting Days, Times - Republican politicians around the country are also attempting to reduce the amount of early voting days – for the obvious reason: to limit certain groups' ability to get to the polls. A majority of states already have some form of early voting, according to a Brennan Center for Justice 2013 report, *Early Voting, What Works*. In the 2013 legislative sessions, 20 states considered proposals to establish or expand early voting, but seven states introduced legislation to reduce early in-person voting, with Nebraska and North Carolina adopting legislation to reduce early in-person voting periods.

Early voting days were instituted in order to relieve congestion on the official election day; some states scheduled as many as three weeks of early voting days, including at least one week-end day. Early voting experiences in many states indicate that two weeks and one full week-end, including voting hours extended beyond usual business hours, just prior to the election were most useful.

Early in-person voting (EIPV) as a percentage of the total turnout has been impressive, for instance in 2012: in **Nevada**, EIVP was 60.8 percent of the total turnout; in **North Carolina**, it was 56.3 percent; in **Tennessee**, it was 56.6 percent and in Texas, it was 62.4 percent.

In at least one state, **Florida**, that was studied, early voting opportunities were found to be used primarily by African-Americans. Recently, Republicans in several states have tried to eliminate the Sunday before Election Day as an early voting day for the very reason to limit African-Americans voter participation. Ahead of the 2012 presidential election, the Florida GOP-controlled legislature reduced the total number of days – from 14 to eight -- and only six hours each day available for early voting, and eliminating the Sunday before the election.

The U.S. Department of Justice and several advocacy groups attempted to block these EIPV reductions in **five Florida counties** where the Voting Rights Act pre-clearance provisions for certain states required federal approval of voting law modifications to assure that they were not potentially discriminatory. A panel of three federal judges agreed that the reductions would likely make it more difficult for some minority voters. The five counties were required to guarantee 12 hours of available voting time on each early voting day. For the other 62 counties, they were free to offer as little as six hours per day. With the Supreme Court's 2013 ruling in *Shelby County v. Holder* finding section 4b of the federal Voting Rights Act unconstitutional and no longer requiring pre-clearance for states who were previously found to have racially-discriminatory voting requirements, these states are free to adopt all sorts of laws which suppress turn-out. And they are vigorously passing and implementing an alarming array of restrictive laws.

Voting Lines a Nightmare in Florida

An Ohio State University professor, Theodore Allen, concluded that in 2012 more than 200,000 people gave up and went home without voting in Florida. Some 49,000 voters in central Florida were estimated to have been discouraged from voting due to the long lines; 30,000 of those voters were estimated to have been Obama supporters, according to Allen and reported in the *Orlando Sentinel*.

The state had the nation's longest polling lines, with an average 45-minute wait but sometimes considerably longer. The last voter in Palm Beach County waited in line seven hours until 2:30 a.m. The wait was nearly as long in Miami. Both Palm Beach and Miami are Democratic

strongholds in this battleground state. These long lines were the direct result of limiting early voting days from 14 to eight. Voters were sometimes turned away from polls when too many people showed up to vote. Misinformation about the availability of absentee ballots and a long ballot with 12 constitutional amendment questions – piled on by Republicans, some said -- complicated the situation, according to reports by The Huffington Post.

A political science professor, Dan Smith, at the University of Florida is quoted saying, “We're looking at an election meltdown that is eerily similar to 2000, minus the hanging chads.”

A number of lawsuits were filed by Democratic Party organizations and legislation to restore early voting days in Florida has been introduced. But with Republicans in tight control of both houses of the Florida legislature and the loss of the Voting Rights Act pre-clearance requirement, improvements to Florida’s election systems may be a long time in coming.

Republicans in North Carolina Attempt to Eliminate Student Voting

In **North Carolina**, Republican state officials and lawmakers have taken steps to make it harder for college students to vote. Boone County, where Appalachian State University is located, went red by a small margin in the 2012 Presidential election but the precincts where the college students were voting were solidly blue. The Boone County board of elections, controlled by Republicans, decided to close two of the three precincts in the county, including the one on the University campus. This makes it much harder for students to vote as there is no public transportation to the new site.

In addition, in Pasquotank County, 56 student voters, most of whom are African-American, were purged from the voter rolls because the GOP county chair, Richard “Pete” Gilbert, claimed that they were improperly registered with their campus addresses. Even more disturbing is the North Carolina Senate Bill 667, which would prevent parents from claiming their college-aged children as dependents if their child registers to vote in the county where they go to school instead of their home county. The bill would impose financial punishments upon the parents of students that vote in the area where they spend the majority of their time, their schools.

In that same state, groups of activists are protesting weekly, taking a stand against these restrictive laws by engaging in peaceful protests which have become known as “Moral Mondays.” These protests began in response to a number of regressive laws enacted by the newly-seated state government in 2013. Issues being protested focus on cuts to social programs, public education, and voting rights. The success of these protests has sparked a larger protest movement with events now happening in Georgia and South Carolina as well.

Incidentally, North Carolina Governor Pat McCrory (R) who broke a campaign vow to not sign further restrictions on abortion, signed a bill in July, 2013 that contained severe and medically-

unnecessary restrictions on women's health clinics that provide abortions. More than a thousand persons immediately contacted the governor's office to object and over 100 people were arrested at a demonstration as they protested this action. McCrory's deception about his intentions concerning women's health issues while campaigning and yet promoting regressive measures once in office seems to be a common tactic of conservatives.

The Republicans' motivation is clear: their base (older, White men) is shrinking, and instead of adapting their message to a broader audience, they are trying to limit the electorate that most likely does not agree with them. At the same time, Republican candidates, by and large, seem unable to appeal to communities of color, younger voters and unmarried women and to persuade these groups that they have an agenda that will be beneficial for them.

Courts are Divided on New Voting Requirements

Several court cases concerning voting rights have been prompted by the restrictive laws. The U.S. Supreme Court in *Crawford v. Marion County Election Board* upheld the **Indiana** voter ID law in 2008 which required that voters produce a U.S. or state ID in order to vote. Supreme Court Justice David Souter, writing for the dissent, argued that the voter ID law placed an "unreasonable and irrelevant burden on voters who are poor and old". He argued that the burden was on the state of Indiana to prove that voter fraud was a significant problem before requiring ID. Predictably, a plurality on the conservative Roberts Court did not agree.

The *Crawford v. Marion County Election Board* ruling opened the door for a more voter ID laws and a wave of lawsuits has followed to prevent these restrictive laws from being implemented.

Currently, two cases are moving through the courts about a 2011 **Wisconsin** voter ID law, which requires that voters show a photo ID at the polls. The Wisconsin law had been blocked by a federal judge in March 2012 who found the law violates the U.S. Constitution and the Voting Rights Act; that ruling is currently being reviewed by the U.S. Court of Appeals in Chicago.

However, in a separate challenge to the Wisconsin law, the Wisconsin Supreme Court majority crafted a "saving construction" of the voter ID law to prevent it from being unconstitutional; a majority (4-3) ruled that it could interpret the voter ID law by modifying how the DMV processes voter ID requests – the DMV could issue photo IDs without requiring other identifying documents such as birth certificates or other documents that require fees.

Another case brought by the League of Women voters argued that the Wisconsin law was unconstitutional because it imposed an impermissible qualification for voting on a new category of people– those who did have the correct types of identification required by the voter ID law. A 5 to 2 vote on the Supreme Court found that the voter ID requirement did not

amount to a qualification for voting and was a reasonable regulation to improve and modernize election procedure and deter voter fraud.

Both of the cases are currently being challenged in federal court. Just recently, Wisconsin Gov. Scott Walker (R) and the state's attorney general, J. B. Van Hollen, asked a federal court to reinstate the voter ID law. They are anxious to find a way to move forward with the voter ID law in time for the November 4 election, according to an article in the Madison Journal Sentinel.

***Shelby County v. Holder* Ushers In Restrictions**

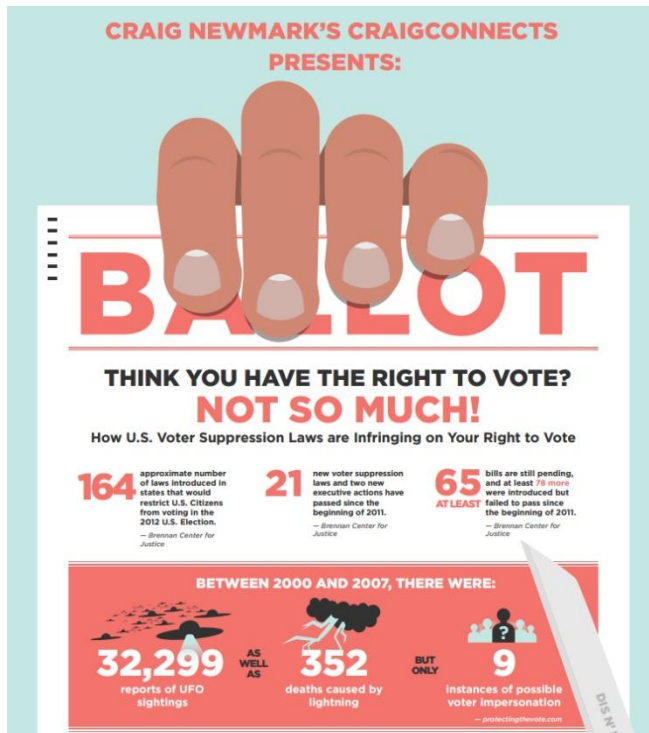
Most disturbingly, the Supreme Court last year struck down (5-4) Section 4(b) of the federal Voting Rights Act of 1965 (VRA). Two provisions of the VRA were challenged in this case: Section 5, requiring that certain states and local governments to seek federal preclearance before implementing any changes to their voting laws or practices; and Section 4 (b) of the act which specifies the coverage formula that determines which jurisdictions are subjected to preclearance based on their histories of discrimination in voting.“

The impetus for the Voting Rights Act, of course, was a long history of obstruction at the polls to prevent or suppress voting by African-Americans and other minorities. The nine states that were under preclearance requirement were: **Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia**. Some counties in **California, Florida, New York, North Carolina, South Dakota** and **Michigan** were also subject to preclearance.

The Roberts Court ruled that requiring states with a history of voter suppression to submit voting rule changes for approval before they went into effect was unconstitutional. A coverage formula, set out in VRA's Section 4(b), was found unconstitutional because it was based on a division of states that is no longer relevant. The majority opinion said that evidence showed that a lack of racial disparity in voting registration and turnout in the nine states subject to preclearance. The VRA preclearance requirements imposed burdens on states that were unjustified by current needs and that signified a departure from the fundamental principle of equal state sovereignty. In effect, the Court found that the VRA has been very successful at redressing racial discrimination and integrating the voting process. The justices declined to address the constitutionality of Sec. 5, leaving it to Congress to design a new formula.

As Justice Ruth Bader Ginsburg wrote in her dissent, "The sad irony of today's decision lies in its utter failure to grasp why the [Voting Rights Act] has proven effective ... Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet."

In our view, this decision effectively destroys decades of progress, and endangers the enfranchisement of minorities, women and younger voters as new restrictive measures are



being introduced.

Many of the preclearance states are the same states where we are now seeing some of the most restrictive voting laws being passed. In **North Carolina** the state legislature passed restrictive voting laws, including limiting early voting days and requiring photo ID, just two months after the *Shelby County* decision.

In **Texas**, Attorney General Greg Abbott (who is running for governor) said, on the same day that the Supreme Court released its decision, that Texas would immediately enact legislation that had been previously rejected by a federal court under the preclearance requirement.

In **Florida**, voter roll purges are being done with a system that disproportionately targets Hispanic voters for verification of citizenship. Known as the "SAVE" databases, this system is meant to generate a list of non-citizens, but inevitably is filled with many points of error in information. Even the federal government agency that runs SAVE does not suggest using it for voter ID purposes. **Virginia**, in addition to using the same database as Florida will now only accept photo ID. **South Carolina, Mississippi, and Alabama** all also enacted strict ID laws. Furthermore, **Arizona** has made it so that voters must show proof of citizenship before they register, even going as far as to set up two different tiers of registration: one for federal elections where they cannot require proof of citizenship in order to register, and one for state and local elections.

Altogether, voters in 22 states will face new laws that aim to make it more difficult for certain groups to vote. According to a report by the Brennan Center for Justice, in 15 of these states, this will be the first federal election with the new restrictions in effect. The Center notes that unless the laws are blocked by the courts – there are currently court challenges in six of those states – eligible voters in close to half the country will find it harder to vote. A complete rundown of those states and the new laws, plus information on what activists can do to push back against restrictive measures, will follow in Part Two of this Issue Advisory.