



ADVANCE VOTING RIGHTS: THE ISSUES

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VOTING RIGHTS AS A FEMINIST ISSUE

Following the 2013 ruling in *Shelby v. Holder*, which ruthlessly gutted the Voting Rights Act of 1965, there has been an increase in voting legislation that intentionally suppresses access to the ballot for millions of Americans. Voting is fundamental to our democracy; and close to a century after women won the right to vote, voting rights remain a grave feminist issue as voter suppression disproportionately affects women, especially women of color, low income women and immigrant women. We must examine voter suppression tactics through a feminist lens in order to address the myriad of ways that women are disadvantaged and disenfranchised by voter suppression.

WOMEN & VOTER ID LAWS

90% of women change their legal name upon marriage or divorce, leaving only 48% of women with a birth certificate that accurately reflects their current name, thus making them especially vulnerable to voter ID laws. **Only 66% of voting age women** have access to proof of citizenship with their current name. The other 34% of women are required to present both a birth certificate and proof of marriage, divorce, or name change in order to vote. These bureaucratic hurdles exclude legitimate voters who do not have documentary proof of citizenship, such as seniors, students living away from home, married women, and immigrants. Trans and gender nonconforming folks are also disproportionately affected by voter ID laws since their ID and birth certificate often do not match. An estimated 34,000 trans voters were disenfranchised in 2016.

According to a study done by the National Women's Law Center, more than 1 in 8 women (17 million) live at or below the poverty line in the U.S., with women being 35% more likely to live in poverty than men. This number, evidence of the wage gap, is exacerbated by racial inequality. African American and Latinx women make up the majority of minimum wage and lower income workers, making it especially difficult for them to adhere to voting rules that require any added expense.

Since 2013, 17 states have passed voter identification laws that require photo ID, and 20 million voting-age citizens do not have the type of photo ID required by these laws. According to the Washington Post, these restrictions most heavily disenfranchise young voters, people of color, the elderly, low-income voters, immigrants and those with disabilities.

WOMEN & EARLY VOTING

Cuts in early voting--or the amount of time allotted for early voting--drastically affect access to the ballot for women. In 2011 alone, 10 states introduced bills that would reduce early or absentee voting periods, 3 states passed laws slashing early voting by 50%, and 16 states introduced bills to end voter registration drives. This is alarming when one considers that, in the past three elections, there has been an increase in early voting, particularly among African Americans and women. In fact, according to a recent study on the 2016 election, more than 87,000 women cast their vote early in North Carolina, alone, and women of color account for 36.34% of early voters in the state.

The use of early voting is likely a result of women--especially single women--having primary care or custody of their children, which complicates trying to get to a polling station, especially when you consider that Election Day is not a holiday. This, in turn, means women need to take time off work to vote, which is more difficult for those in hourly or low-wage earning jobs. Combine all of this with the fact that on average African Americans and Latinos--in lower income communities--wait 20 minutes more than White voters in long lines to cast their vote on Election Day, and it becomes clear why so many women depend on early voting.

WOMEN & RACIAL GERRYMANDERING

Since the early 1960s, GOP members have systematically redrawn county district lines across the country to maintain a supermajority in a number of states. African American and Latino voters historically--and currently--vote overwhelmingly Democrat. This likelihood increases when we look at African American and Latino women. Women of color are an extremely active and powerful voting bloc giving the GOP more incentive to suppress their power. On average African American women vote at the highest rate--more so than any other demographic (74% in the 2012 election). Redistricting is an institutional example of discriminatory practices that further disenfranchise marginalized individuals--namely women of color--and keep conservative politicians in government.

WOMEN & ELECTION DAY RESOURCES

Polling places that predominantly represent women of color are routinely limited. Women of color and immigrant women are often in districts that receive fewer machines, fewer poll workers, fewer and less publicly accessible polling sites, and less funding. Broken, old and ineffective machines go to the communities of color. On average African Americans waited twice as long to vote in the 2012 election as white voters. Combine this with other voting hurdles across states including: Wisconsin's one DMV office for every 689 square miles; Texas's 127 counties lacking ID-issuing facilities; Alabama's removal of driver's license examiners in 31 offices around the state; South Carolina's 432 voters per machine; and Florida's Miami-Dade county prohibiting voters from using the restrooms in 6 hour long lines-- and it is clear how resource allocation on Election Day is an effective measure towards ongoing voter suppression.

THE PRECEDENT OF SHELBY V. HOLDER

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. 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.” 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.

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.

SHELBY V. HOLDER'S IMPACT

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*.

Sources

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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. 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.

In addition to siloing minorities under one or two representatives, 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. 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.

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. 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. In December of 2016, the SCOTUS took on two cases of gerrymandering in *Bethune Hill v. Virginia State Board of Elections* and *Cooper v. Harris*.

On March 1st, 2017 the SCOTUS ruled in a 6-2 decision that the three-judge panel had applied the wrong legal standard to reach its conclusion that race had not predominated the drawing of the 11 challenged districts in the case of Bethune Hill. On May 22, 2017 the SCOTUS also ruled in favor of voters in the case of Cooper; concluding that the state of North Carolina did use race to configure two of its voting districts. 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 Committee's creation of the National Commission on Voting Rights with a special emphasis at racial gerrymandering.

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%). The same can be said for Mississippi, Alabama, and South Carolina.

Sources

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WHY WOMEN SHOULD RUN FOR OFFICE

OVERVIEW

Recently there has been an upswing in women seeking political office. This is a welcomed and positive development considering the fact that currently women in the U.S only hold 19.4% of Congressional Seats and 10% of Governorships. Women of color hold only 7% of Congressional Seats and only 2% of Governorships. This begs the question: why have so few women been elected to higher office? Below, NOW illustrates the importance of representation, the challenges faced by women seeking office, and how to best support progressive women entering political spaces.



WHY DOES WOMEN'S REPRESENTATION MATTER?

"If you aren't at the table, you are on the menu."

When women do not hold political power, our interests are not part of the decision making process. Women also bring unique and valuable perspectives and experiences to the legislative process, promoting legislation to create equitable systems for women and families. As Kamala Harris said at the Women's March: "All issues are women's issues. It's important we don't relegate women to just one set of issues as though every issue isn't a women's issue." Progressive women see politics as a way to support and serve underrepresented communities and are more likely to focus on so-called "women's issues" like social policy.

THE GENDER GAP IN POLITICAL AMBITION

According to Pew Research Center, about two-thirds of Americans say it is easier for men than women to get elected to high political offices. This perception of women in leadership leads to the Gender Gap in Political Ambition. From a young age, women are less likely than men to receive encouragement to run for office.

Additionally, women are less likely than men to think they are qualified candidates.

On average women have to be asked seven times to consider running for an elected position.

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CHALLENGES IN SEEKING HIGHER OFFICE

In a report released by Political Parity, fundraising was listed as the largest hurdle to women running for higher office. Their concerns weren't about asking for money. Instead, the difficulty women pointed to was not being connected to the right networks to successfully fundraise.

As women consider entering the political sphere, networks, fundraising, and political information are consistently controlled by male-dominated spaces. Pipelines and role models primarily exist for men with political ambition: this creates a cycle in which women do not see themselves reflected in political leadership, thus do not pursue political roles.

HOW CAN YOU SUPPORT PROGRESSIVE WOMEN RUNNING FOR OFFICE?

- Ask a progressive woman that you see potential in to run for office...then ask her again.
- Run for office yourself!
- Volunteer and donate to progressive women candidates!
- Think local: the political pipeline starts locally, support progressive women candidates in your community.
- Pass along information, trainings and resources:
- Emerge America: Offers a “training program providing aspiring female leaders with cutting-edge tools and training to run for elected office and elevate themselves in our political system.”
- Running Start: “By educating young women and girls about the importance of politics, and imbuing them with the skills they need to be leaders, we give women the running start they need to achieve greater political power. With an earlier start in politics, women will climb higher on the leadership ladder, allowing more women to share in the decision making power of this country.”