

Voter Suppression and Voting Laws Roundup

- * <https://www.aclu.org/issues/voting-rights/fighting-voter-suppression/>
- * <https://www.brennancenter.org/issues/ensure-every-american-can-vote/vote-suppression/>
- * <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-october-2022>

Fact Sheet on

- **Voting rights and restrictions**
- **Suppression of votes**
- **Efforts to expand and protect the right to vote**
by Repairers of the Breach, the Poor People's Campaign and Kairos Center

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By Tony Eskridge and Shailly Gupta Barnes (With the support of Lori Sherman and **Forward Justice**)

Since 2008, there has been an escalating assault by the Supreme Court on the 1965 Voting Rights Act (VRA), and its core protections have been wiped out.

- The 2008 electorate was the **most diverse** in American history, but it also precipitated the **re-emergence** of voter suppression laws targeting minorities and low-income voters, driven by the **Republican Party**.
- After Republicans won in statehouses across the country in 2010, more than **one dozen states** introduced laws that would restrict access to the ballot. Some of these had been **rejected** as discriminatory under the protections of the VRA.
- In 2013, the Supreme Court decided in *Shelby County v. Holder* to strike down the preclearance clause of the VRA, citing that it was “irrational” to maintain a formula written 40 years prior. The preclearance clause ensured that the federal government would review voting bills from states that historically suppressed votes from marginalized communities.
- The fallout from *Shelby* was immediate and is ongoing. **Within hours** of the decision, Texas implemented a strict voter id law. **Alabama** and **Mississippi** immediately moved forward on bills that their state legislatures had introduced in 2011 requiring photo ID. By 2016, **14 states** had new voting restrictions for the first time in a presidential election – 7 of these states had been previously covered under preclearance of the VRA.
- After the 2020 presidential election, state legislatures introduced over **440 repressive bills** across 49 states in 2021. **19 states passed 34** of these voter suppressive bills that may impact as many as **55 million eligible voters**.
- In 2021, in the case of *Brnovich v. Democratic National Committee*, the Supreme Court decided not to block two suppressive voter bills in Arizona, indicating that it would not stand in the way of future voter suppression efforts.

Conservative legislatures use policy to suppress votes in a number of sneaky ways:

- Polling place closures led to mass confusion and countless hours waiting in line to vote. In the past decade there have been over 3,000 closures across all regions of the country. Since 2013, Arizona has closed over 300 polling locations and Texas has closed over 750.
- Although mail-in ballots contributed to record voter turnout in the 2020 presidential election, in May 2021, Florida passed a massive bill to impose restrictions on who can receive an absentee ballot, add unnecessary ID requirements, limit dropbox locations, and empower partisan observers. Texas, Georgia, and Arizona have passed similar bills.
- Voter ID laws are claimed to prevent voter fraud, despite evidence showing voter fraud is essentially non-existent, and voter ID laws often suppress the votes of older and poor people who do not have access to get the right form of voter ID.
- Voter purging is used by conservative legislatures to purge voters from their voting rolls. In the past decade New York State legislatures have unrightfully purged hundreds of thousands of voters, and from 2016-2018 alone, 17 million voters were purged nationwide. In the states once covered by preclearance of the VRA, voter purging increased 40%.
- Some states are passing omnibus bills that restrict voting access in multiple ways, including Texas (restrict mail in voting, early voting, and ballot casting assistance), Georgia (limits on mail-in ballots, mobile voting centers, drop boxes, and stricter ID requirements) and Florida (strict voter ID, absentee ballot, and ballot drop off provisions). These battleground states were once subject to preclearance under the VRA.
- All of these tactics affect Native Americans in targeted ways:
 - In Montana, the average distance for Northern Cheyenne members to reach polling places is over 100 miles. Without same-day registration, they must make this trek multiple times. Similar issues exist in states like North and South Dakota, Nevada, and Alaska.
 - A county in Utah packed most of the Navajo members into one district and shifted to mail-in voting only. This was despite the fact that most Navajo people did not have mail delivered to their home and often require language assistance to navigate the voting process.
 - Arizona has historically been hostile for Native American voters. Today, the state has banned ballot collection assistance and Native people must travel sometimes over 200 miles to get to the nearest polling place.

Meanwhile, politicians are also engaging in partisan and racist redistricting to rig election outcomes.

- Gerrymandering is rampant in multiple states, especially in response to new data showing the percentage of white Americans is declining and progressive policies are becoming more popular. There are 2 often used tactics to gerrymander:
- **Cracking** involves splitting a group of voters across multiple districts, diluting their voting power.
 - Ex: Austin voters have been cracked into 6 districts, incorporating them into districts with more Republican voters.
 - Ex: The large Democratic population in Portland was cracked to increase the chance of winning adjacent Republican districts
- **Packing** involves cramming as many voters from the same group into as few districts as possible, weakening their voting strength outside of their district.
 - Ex: Republicans packed democratic voters in Charlotte to weaken the power of the left leaning suburbs

The Poor People's Campaign: A National Call for Moral Revival is fighting against all forms of voter suppression and calling on Congress to expand and protect the right to vote. This includes:

Fully passing the For the People Act and the John Lewis Voting Rights Advancement Act. These pieces of legislation reestablish a formula for pre-clearance that forbids states from passing suppressive voting laws and support citizen redistricting efforts to block partisan gerrymandering.

- **The John Lewis Voting Rights Advancement Act** will revitalize the VRA, establishing a new formula for preclearance and strengthening provisions against discrimination across all states' voting bills.
- **The For the People Act** will update and fully fund our elections, implement automatic and same day voter registration, prevent unlawful voter purges, restore voting rights for formerly incarcerated people, and strengthen mail-in voting infrastructure.
 - **Instituting online registration, automatic registration, same day registration, early registration for 17 year olds, and verifiable paper record registration;**
 - **Restoring voting rights to the currently and formerly incarcerated for at least 5.3 million formerly incarcerated people.**
 - **Making Election Day a national holiday.**
 - **Ending the filibuster.**
 - **Providing adequate funding for polling places to accommodate the full participation of the electorate**
 - **Ending Emergency Management.** Emergency management is an assault on democracy that takes place after elections, when emergency managers are appointed by elected officials to have unchecked power, without any accountability to the communities their decisions impact.
 - **Recognizing Washington DC statehood.** Over 700,000 American citizens, the majority of which are people of color, do not receive federal funding nor political representation in Congress.

Additional Resources:

- Rev. Dr. William J. Barber II – What James Crow Esquire Looks Like in the 21st Century: <https://www.breachrepairers.org/blogs/what-james-crow-esquire-looks-like-in-the-21st-century>
- Shailly Gupta Barnes – Kairos Center Policy Briefing #4: Changing the Political Landscape: <https://kairoscenter.org/policy-briefing-4-changing-the-political-landscape/>
- Rev. Dr. William J. Barber II and Bernice King – We Must Reclaim Voting Rights as a Moral Issue: <https://time.com/5954792/voting-rights-moral-issue/>
- Poor People's Campaign – Waking the Sleeping Giant: The Power of Low-Income Voters in the 2020 Election: <https://www.poorpeoplescampaign.org/waking-the-sleeping-giant-poor-and-low-income-voters-in-the-2020-elections/>
- Robert Reich – Know Your Voting Rights: <https://www.youtube.com/watch?v=yjoMBheA7pE>
- Brennan Center – Gerrymandering Explained: <https://www.brennancenter.org/our-work/research-reports/gerrymandering-explained>
- Brennan Center – Congress Must Pass the For the People Act: <https://www.brennancenter.org/our-work/policy-solutions/congress-must-pass-people-act>
- Brennan Center – The John Lewis Voting Rights Act Fact Sheet: <https://www.brennancenter.org/our-work/research-reports/john-lewis-voting-rights-advancement-act>
- Brennan Center – Waiting to Vote: <https://www.brennancenter.org/our-work/research-reports/waiting-vote>

- The Atlantic – How *Shelby County v. Holder* Broke America: <https://www.theatlantic.com/politics/archive/2018/07/how-shelby-county-broke-america/564707/>
- Rev Barber Testimony to Congress on Voting Rights: <https://kairoscenter.org/we-declare-that-voter-suppression-is-sin-rev-barber-testimony/>
- Kairos Center – Voting Rights Testimonies: <https://kairoscenter.org/our-democracy-is-under-attack/>
- Sherrilyn Ifill – Testimony to Congress on Voting Access: <https://www.naacpldf.org/press-release/ldf-president-and-director-counsel-sherrilyn-ifill-calls-on-congress-to-expand-and-improve-voting-options-amid-the-covid-19-pandemic/>

Source: Authors: Tony Eskridge and Shailly Gupta Barnes, with support from Lori Sherman and Forward Justice.

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