

# Voting Rights

League of Women Voters of Mason County – May 2016



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# Essential to the League's Mission

- Protection of Voting Rights
- Promotion of Voting Rights
- Expansion of Voting Rights

# Why is this an issue now?

- Voting rights have been under attack, not only from restrictive voter acts passed by state legislatures but also from the U.S. Supreme Court
- Some of this is subtle, some is not
- Could have a profound effect in the 2016 Presidential election

# Modern Voter Suppression

## What does it look like

The right to vote is under attack all across our country.

State legislators are introducing and passing legislation that creates new barriers for those registering to vote, shortens the early voting period, imposes new requirements for already-registered voters such as selective photo id.

Conservatives assert preventing voter fraud is the reason to enact these laws in their efforts to disenfranchise as many potential voters among certain groups, such as college students, low-income voters, and minorities, as possible. In fact, voter fraud is exceedingly rare.

Rather than modernizing our democracy to ensure that all citizens have access to the ballot box, these laws hinder voting rights in a manner not seen since the era of Jim Crow when laws were enacted in the South to disenfranchise blacks after Reconstruction in the late 1800s. Laws that continued until the Civil Rights movement in the 60's/

# Brief History of U.S. Voting Rights

- Talk about turning back the clock! At its best, America has utilized the federal legislative process to augment voting rights. Constitutional amendments such as the 12th, 14th, 15th, 17th, 19th, 23rd, and 26th have steadily improved the system by which our elections take place while expanding the pool of Americans eligible to participate.

# Timeline of voting rights

## The Early Years

- 1776: The right to vote begins in America as a legal privilege exclusively available to white, property-owning, Protestant men.
- 1788: With the ratification of the Constitution, all slaves are counted as 3/5's of a single person on the national census. The Constitution does not define voting rights or election process. The 10<sup>th</sup> Amendment leaves it to the states to set up elections
- 1790: The Naturalization Act bars all persons of Asian descent from becoming naturalized. Only “free white” immigrants are recognized as eligible for naturalization.
- 1807: Women lose the right to vote in every state in the US for the next 113 years.

# More history-Expansion for White Men but not for others

- 1828: Maryland becomes the last state to remove religious restrictions when it passes legislation enfranchising Jews. White men can no longer be denied the right to vote on the basis of their religion.
- 1848: The Treaty of Guadalupe-Hidalgo expanded US territory in the SW. All Mexican persons within these territories are declared US citizens, but simultaneously denied the right to vote by English proficiency, literacy, and property requirements along with violence, intimidation, and racist nativism.
- 1856: North Carolina becomes the last state to eliminate its property requirements. The right to vote is extended to all white men in America.

# Legislation and Court Decisions affect voting rights

- 1857: In the landmark case *Dred Scott v. Sandford*, the US Supreme Court rules that “a black man has no rights a white man is bound to respect.” African Americans are further deprived of the right to citizenship and, by extension, the right to vote. Then comes the Civil War
- 1869-70: The Fifteenth Amendment is passed in Congress and ratified by the states. The right to vote is now legally guaranteed to all male citizens regardless of “race, color, or previous condition of servitude.”
- 1882: Congress passes the Chinese Exclusion Act, which establishes restrictions and quotas on Chinese immigration while legally excluding Chinese persons from citizenship and voting.



# Gains and Losses

- 1889-1890: Poll taxes and literacy tests specifically designed to reduce African American voting power are introduced in Southern states for the first time. In 1937 Georgia's poll taxes are found constitutional by the US Supreme Court in *Breedlove v. Suttles*
- 1919-20: The Nineteenth Amendment is adopted by Congress and ratified by the states into law. The right to vote is now guaranteed to all citizens regardless of gender. Yay!
- 1922: The US Supreme Court rules that persons of Japanese origin are insufficiently white to qualify for citizenship in *Takao Ozawa v. United States*.

# 1920 After 70 years of activism, Women get the vote with 19th Constitutional Amendment

1910 Seattle Women campaign to win the vote for women ahead of the rest of the nation



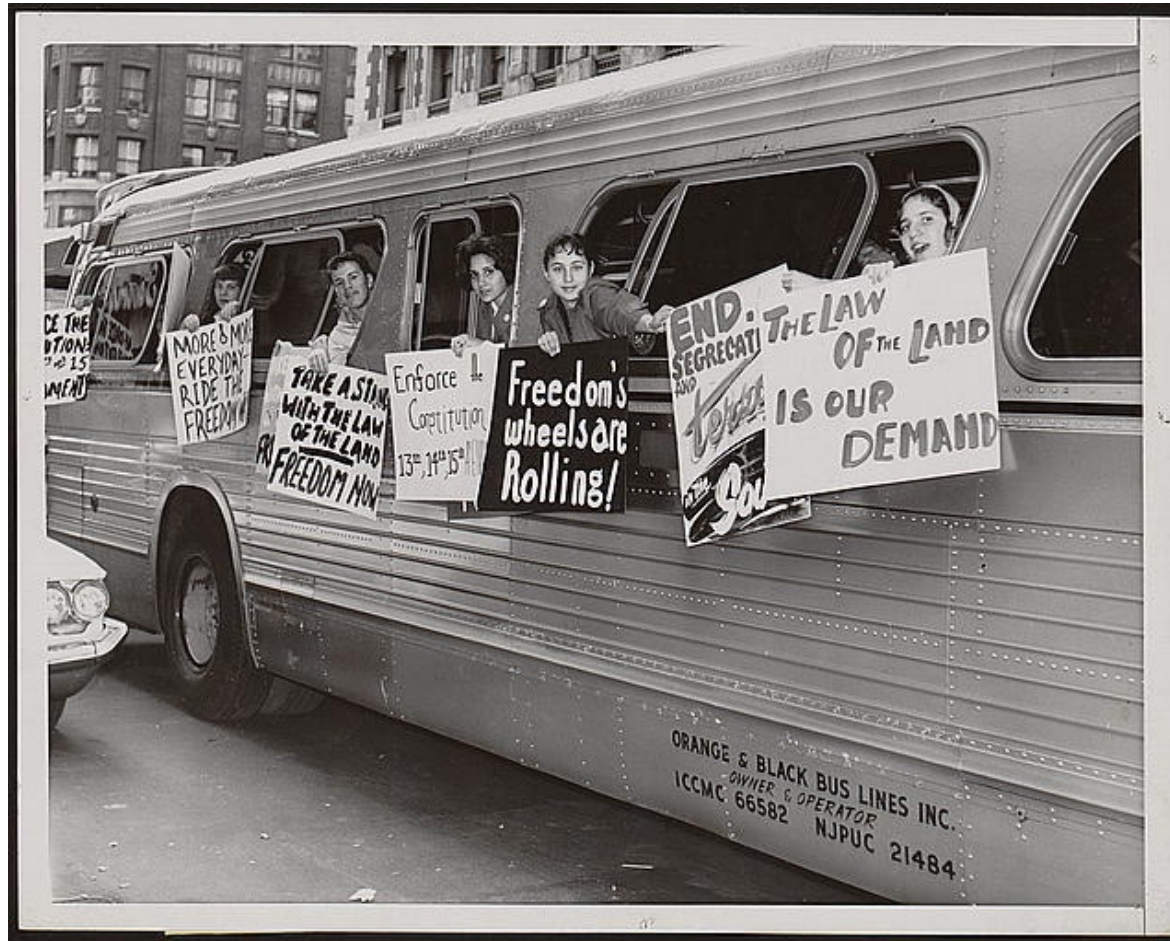
# Progress for some minorities

- 1924: The Indian Citizenship Act of 1924 declares all non-citizen Native Americans born in the USA to be citizens with the right to vote. Previously in 1890: The Indian Naturalization Act allows Native Americans to acquire citizenship but it was not easy. 1948: The last state laws denying Native Americans the right to vote are overturned
- 1943: The Chinese Exclusion Act is repealed, and Chinese persons are now eligible for naturalization and citizenship.
- 1952: The McCarran-Walter Act recognizes the right to citizenship of first-generation Japanese Americans.

# Civil Rights Era

- 1960: The Civil Rights Act of 1960 is passed, making collection of state voter records mandatory and authorizing the Justice Department to investigate and access the voter data and history of all states in order to carry out civil rights litigation.
- 1964: The passage and ratification of the 24th Amendment outlaws poll taxes nationwide

# Freedom Riders for Voting Rights



# Congressional Acts of the 60's

- 1964: The Civil Rights Act is passed, making discrimination on the basis of race, national origin, gender, or religion in voting, public areas, the workplace, and schools illegal.
- **1965: The Voting Rights Act is signed into law, prohibiting any election practice that denies the right to vote to citizens on the basis of race and forces jurisdictions with histories of voter discrimination to submit any changes to its election laws to the government for federal approval prior to taking effect. This affects 9 southern states and a few other counties.**

# Regaining the Right to Vote for blacks in the south is a long battle





# More recent acts

- 1971: The 26th Amendment sets the national voting age to 18 and over.
- 1974: The Supreme Court rules that states may deny convicted felons the right to vote in *Richardson v. Ramirez*. This varies from state to state
- 1975: The Voting Rights Act's special provisions are once again extended. New amendments permanently banning literacy tests and mandating assistance to language minority voters are also added.



# More progress and then Boom!

- 1993: The National Voter Registration Act requires states to permit mail-in registration, and make registration services available at DMVs, unemployment offices, and other state agencies.
- 2006: The Voting Rights Act is extended for another 25 years.
- **2013: Section 5 of the 1965 Voting Rights Act is struck down as unconstitutional by the Supreme Court in the Shelby County vs Holder decision**

# Supreme Court decision 2013

On June 25, 2013 The Supreme Court struck down Section 5 of the Voting Rights Act of 1965 by a 5-to-4 vote, freeing nine states, mostly in the South, to change their election laws without advance federal approval.

The majority held that the coverage formula in Section 5 of the Voting Rights Act, originally passed in 1965 and most recently updated by Congress in 1975, was unconstitutional. This section determined which states must receive clearance from the Justice Department or a federal court in Washington before they made minor changes to voting procedures, like moving a polling place, or major ones, like redrawing electoral districts. Justice Roberts claimed “things had changed”

# Where we are now

- In 2011, more than 30 state legislatures considered legislation to make it harder for citizens to vote, with over a dozen of those states succeeding in passing these bills.
- Anti-voting legislation appears to be continuing unabated so far in 2012 and beyond and has accelerated due to the 2013 Supreme Court decision

## Results of the court decision striking down sections of the VRA

- The decision had immediate practical consequences. Texas announced shortly after the decision that a voter identification law that had been blocked would go into effect immediately, and that redistricting maps there would no longer need federal approval.
- Changes in voting procedures in the places that had been covered by the law, including ones concerning restrictions on early voting, will now be subject only to after-the-fact litigation.
- Congress could fix this by passing new VRA provisions

# The ALEC Connection

- The rapid spread of these proposals in states as different as Florida and Wisconsin is not occurring by accident. Instead, many of these laws are being drafted and spread through corporate-backed entities such as the American Legislative Exchange Council, or ALEC
- Under ALEC's auspices, legislators, corporate representatives, and ALEC officials work together to draft model legislation. A copy of ALEC's approved model Voter ID legislation, was leaked in late 2009. (Handout copies) This model legislation requires photo identification and very specific procedures

# ALEC in Action

Following Obama's election in 2008 ALEC's "Public Safety and Elections Task Force" adopted voter ID model legislation. And when midterm elections put Republicans in charge of both chambers of the legislature in twenty-six states (up from fifteen), GOP legislators began moving bills resembling ALEC's model.

At least thirty-three states have introduced voter ID laws in 2011. In addition to Wisconsin, Alabama, Kansas, South Carolina, North Carolina and Tennessee have passed similar bills

## ALEC Task Force-"Public Safety and Elections"

- This is the ALEC "Task Force" that came up with the Model Voter ID Act that was introduced in 33 state legislatures and passed in 24
- Because of strong pushback from the ACLU, the NAACP and LWV to name a few who criticized it as advocating voter suppression, this "Task Force" was disbanded in April 2012
- However, the damage was already done

# Voter Suppression Laws: What's New Since the 2012 Presidential Election

- In 2016, 10 states will be putting into place restrictive voting laws that they will be enforcing for the first time in a presidential election. These laws range from new hurdles to registration to cutbacks on early voting to strict voter identification requirements.
- Collectively, these ten states are home to over 80 million people and will wield 129 of the 270 electoral votes necessary to win the presidency. Minorities, the elderly, the poor and college students are the most affected



# Who Doesn't Have Government Issued Photo ID?

- 25% of African-Americans
- 20% of Asian Americans
- 19% of Latino Americans
- 18% of citizens ages 18-24
- 15% of citizens with incomes less than \$35K

# Beyond ALEC, Dirty Tricks

- Unexplained purging of voter rolls, i.e NY primary
- Mis-advertising polling places and dates/hours
- Cutting out the elderly who don't have or need drivers' licenses and no access to DMV
- DMV offices with irregular hours and days of service.
- Limited ids: Texas accepts gun id's but not university ones. Wisconsin too
- Cutting the number of polling places resulting in long lines that discourage voters. One county in Arizona-from 200 to 60
- Shortening early voting opportunities
- Bathrooms in Florida-closed in polling places, but lines are 3+ hours

# Some states are worse than others

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## Five worst states for voting rights in 2011

**FLORIDA** undermined voting rights in three principal ways last year. First, lawmakers reduced the early voting period by nearly half. Second, they took away the right to vote from ex-felons who had completed their sentence. Third, they imposed new onerous requirements on voter registration groups like the League of Women Voters.



**WISCONSIN** has historically been a leader on progressive voting rights, but they took a big step backwards in two ways last year. First, they reduced their early voting period by 16 days. Second, they instituted a new voter ID requirement that could disenfranchise hundreds of thousands across the state.



**TEXAS** also passed restrictive regulations on voter registration groups that could cut thousands out of the political process. It also enacted a strict voter ID law that could disenfranchise hundreds of thousands of Texans, particularly Latinos.



**KANSAS** passed voter ID legislation last year, as well as a proof of citizenship bill that will make anyone trying to register to vote prove he or she is a citizen first. Thousands of Kansans lack ready access to such documents.



**TENNESSEE'S** attack on voting rights in 2011 was two-fold. The state shortened its early-voting period and passed a new voter ID law that will deny the ballot to hundreds of thousands of Tennesseans.



Add North Carolina to this list

# Here in Washington

- We should count ourselves lucky to have our vote by mail system.
- Oregon started this in 1999, but few other states have expanded this option. Oregon also has automatic voter registration at its DMV
- Evergreen Freedom Foundation is working to undo vote by mail, claiming it leads to fraud, and to impose restrictions for initiatives

# Did you know?

- A quarter of people who could register to vote aren't registered
- Voter turnout in the U.S. is depressingly low especially in non presidential years
- The upshot of all this is that the League of Women voters still needs to lead the parade for Universal Suffrage just like in the old days.
- The League is in the forefront legally challenging unfair voter laws in several states

The fight for justice and equality goes on



Yesterday

# Recent protest in N.Carolina over new voting restrictions



Today