

READING: A BATTLE OVER ACCESS TO VOTING

Voter Suppression Then

Who gets to vote in the United States and who doesn't has been a contentious issue since the nation's founding.

In colonial America, voting was reserved for men who owned property or who belonged to a particular religion. It took a Civil War to officially grant full citizenship to African-Americans – and the enfranchisement for people of color is still a pressing issue 150 years later. We are just now celebrating the 100th anniversary of the 19th Amendment to the Constitution, which granted women the right to vote. Native Americans did not receive full voting rights in all states until 1948.

Elections are run by states, and all states, though bound by broad federal laws, create their own rules for voting.

Since the official enfranchisement of African-Americans, voter suppression (efforts to keep people from voting) has been rampant and has taken many forms. Until the Civil Rights Movement, in the South particularly, whites actively and openly blocked Black voters from voting through a combination of laws, intimidation, and violence.

Racist suppression tactics included:

- A fee (poll tax) for voting, which prevented poor people from voting. A “grandfather clause” exempted many whites from the tax if their ancestors had voted.
- “Literacy tests” were used to disqualify Black voters who tried to register to vote – while exempting white voters through “grandfather clauses” and other means. County registrars were free to administer easy questions to white applicants and impossible ones to blacks. For a glimpse of what a literacy test looked like in Alabama circa 1965, [see this scene from the movie Selma](#).
- Bureaucratic rules, arbitrarily applied, required longtime residency, frequent re-registration, street addresses, registration during planting season, and similar creative approaches gave officials discretion in applying the regulations.
- For those African-Americans who might insist on registering to vote, sheriffs and police were employed to bully, threaten, and intimidate them at the courthouse.
- The Ku Klux Klan and other terrorist white supremacist organizations openly “monitored” polling stations to note individuals attempting to defy the whites-only voting norm.
- Countless beatings and even lynchings set the stage for the near total absence of African-American voters in much of the South for decades.

The discriminatory laws passed by individual states were routinely allowed by federal officials—including the Supreme Court. Nor were the motivations for the laws and regulations well hidden.

“In my state there were 135,000 Negro voters, or Negroes of voting age, and some 90,000 or 95,000 white voters.... Now, I want to ask you, with a free vote and a fair count, how are you going to beat 135,000 by 95,000? How are you going to do it? You had set us an impossible task.

We did not disfranchise the Negroes until 1895. Then we had a constitutional convention convened which took the matter up calmly, deliberately, and avowedly with the purpose of disfranchising as many of them as we could under the fourteenth and fifteenth amendments. We adopted the educational qualification as the only means left to us, and the Negro is as contented and as prosperous and as well protected in South Carolina today as in any State of the Union south of the Potomac. He is not meddling with politics, for he found that the more he meddled with them the worse off he got. As to his ‘rights’—I will not discuss them now. We of the South have never recognized the right of the Negro to govern white men, and we never will.... I would to God the last one of them was in Africa and that none of them had ever been brought to our shores.”

--Senator Benjamin Tillman (SC), 1895

Voter Suppression Now

The Voting Rights Act of 1965 limited the power of states with a history of voter discrimination to pass laws restricting voting rights. It required that states with a history of discrimination in voting had to have new voting laws “precleared” by the federal government.

Since the Civil Rights Movement, laws that explicitly disenfranchised African-Americans, Chinese-Americans, and Native Americans are no longer on the books. Poll taxes, literacy tests, and grandfather clauses have been banned by Supreme Court rulings.

But now *new* laws, rules, and procedures continue to target specific groups of voters, particularly Black and brown voters, who overwhelmingly vote for Democrats. And now *new* movements and networks are stepping up once again to defend and extend people’s right to vote.

In 2013, the Supreme Court handed down a major decision making it easier for states to enact laws intended to suppress African-American votes. In *Shelby v. Holder*, the Court essentially eliminated the protections of the Voting Rights Act of 1965 by invalidating that law’s requirement that states get new voting laws “precleared.”

In the wake of the decision, Republican legislatures rushed to create new laws to reduce the number of Democratic voters. Communities wanting to challenge new discriminatory voting laws have had to file suits themselves or rely on Justice Department suits or challenges from outside advocates—sometimes after the discriminatory laws have already taken effect.

According to the American Civil Liberties Union, in the years following *Shelby* (2012-2018), almost 1700 polling places were eliminated in states covered by the Voting Rights Act.

The enthusiasm for voter suppression wasn't limited to the states specified in the Voting Rights Act. Virtually all "red" (heavily Republican) states passed legislation to reduce the number of voters in groups deemed to lean Democratic. These efforts were aided by sophisticated data analysis which enabled them to pinpoint who was voting for the "wrong" party and where they lived. Based on this data, a variety of laws were passed which targeted Democratic voters.

Republican supporters of these efforts say that they are necessary to prevent voter fraud. "Every vote cast illegally undermines the integrity of the system and the rights of legitimate voters," argued the Heritage Institute, a conservative think tank. "In close elections, fraud could undermine our democratic will." President Trump has repeatedly claimed that "voter fraud is very, very common."

But the organization FactCheck.org instead found that "numerous academic studies and government inquiries have found in-person voter fraud to be rare." The Brennan Center for Justice, in *The Truth About Voter Fraud*, found the incidence of such fraud occurred at a rate "between .0003 percent and .0025 percent." Their report *Debunking the Voter Fraud Myth* cites numerous studies which found that most claims of fraud were due to clerical errors.

Some of the more popular measures now used to suppress the vote include:

Selective elimination of polling places

Cities, counties, or even neighborhoods with concentrations of suspected Democratic voters are targeted for reduced number of polling locations, long lines, and malfunctioning machines. The Brennan Center examined the 2012 and 2016 elections, and found that the longest lines for voting were in areas with large Latinx or Black populations. In one heavily Latinx county in Arizona, polling places were cut by two-thirds, and voters waited an average of four hours to vote. In 2018, Ford County, Kansas, election officials moved the only polling place in (majority Latinx) Dodge City outside the city to a location inaccessible by bus.

Limiting early voting

Historically, African-Americans have used early voting far more than whites, so restricting early voting has been a common tactic in Republican-led states. (Early voting means that voters can complete and return their ballots in the days and weeks before Election Day.) In Guilford County, North Carolina, for example, which has a large Black population, early voting locations were reduced from sixteen down to one in 2016. In North Carolina, where 70% of Black voters vote early, the dates for early voting were reduced from seventeen days to ten. In Ohio, where Black voters used early voting twice as often as white voters, the state cut the six most popular days as well as Sundays and weekday evenings.

Voter ID Laws

In order to fight the rare or nonexistent fraud, dozens of states have enacted strict laws requiring certain forms of identification in order to vote. The new rules require government-issued IDs, photo IDs, and/or proof of citizenship. Such laws have been found to disproportionately affect people of color and marginalized communities. A Texas law permitted gun licenses as ID, but not college identification cards. A federal court invalidated North Carolina's ID laws after it determined that the provisions "target African Americans with almost surgical precision." The court concluded:

"With race data in hand, the legislature amended the bill to exclude many of the alternative photo IDs used by African Americans... The bill retained only the kinds of IDs that white North Carolinians were more likely to possess."

Blocking and purging voter registrations

Purging voter registration rolls is necessary to remove people who have died, moved out of state, or are otherwise no longer eligible to vote. Between 2016 and 2018, about 17 million names were purged. Unfortunately, the data used to create the purge lists are notoriously error-prone and subject to manipulation. A survey conducted by the Public Religion Research Institute concluded that "Ten percent of Black respondents and 11 percent of Hispanic respondents reported that they were incorrectly told that they weren't listed on voter rolls, as opposed to 5 percent of white respondents." The study also showed that people of color were three times as likely to be told at the polling site that their ID was insufficient.

More targeted groups: Students and Native Americans

Just before a 2018 contested Senate election in North Dakota, the state legislature decreed that IDs and mail-in ballots must have a specific street address. This primarily affected Native Americans living on reservations, where street addresses (and Republican votes) are uncommon.

A Michigan law required voters to have only one address. Out-of-state college students with ID showing a home address were disqualified. In Wisconsin, college IDs were okay, but only those with a two-year expiration date. A Florida law determined that early voting locations must have sufficient parking places for the number of anticipated voters. The problem for the 60,000 on-campus voters was that few campuses offered much parking space (and many students didn't need parking because they didn't even own cars!). In 2019, Texas, after a surge of student voting, the state passed a law requiring that early voting sites be open every day in the twelve-day early voting period. The law effectively banned mobile stations which made voting accessible to campus and rural voters.

Structural flaws

Not all disenfranchisement results from active partisan measures. In 2016, over three million people in American territories (for example, Puerto Rico) and Washington, D.C. were ineligible to vote in U.S. elections. These citizens are disproportionately people of color. An additional six million citizens are disqualified from voting because of felony convictions. Here too, because of racism evident in every step of the criminal justice system, people of color are affected more than whites.

Just as Ku Klux Klan members took to "monitoring" the polls in the 1920s, right-wing organizations and the Republican Party promise to deter "fraud" at the crucial 2020 elections. According to the New York Times, the Republican Party intends to deploy fifty thousand monitors in fifteen key states. One group, called True the Vote, is recruiting military veterans for the effort. Democrats fear that the campaign will echo prior attempts to intimidate and challenge voters of color. The Republican Party was forbidden by court order in 1982 from intimidating African-American voters at the polls, but that order has been weakened several times since.

Opposition to voter suppression has largely been conducted in the courts. Groups like the American Civil Liberties Union, the NAACP, League of Women Voters, Fair Fight Action (organized by Stacey Abrams)

and Lawyers' Committee for Civil Rights Under Law have fought back against suppression tactics and have won some important victories.

Many other organizations are working to ensure that voters – especially people of color – have the right to vote in 2020, including [Reclaim Our Vote](#), [Hispanic Federation](#), [Color of Change](#), [Voto Latino](#), [BlackPac](#), [Woke Vote](#), [Black to the Ballot](#), and [When We All Vote](#).

The 2020 elections are likely to reflect the tensions of a country increasingly divided. If the election is close, or if the results are disputed or if the President refuses to accept defeat, those tensions could result in an unprecedented political crisis.

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