



Voting Rights and Vote Suppression

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November 16, 2019

Hello. I am Alice Smith, founder and executive director of the National Voter Corps.

The 2016 election was a catalyst for me: I watched the fundamental right to vote being systematically denied or made difficult to exercise in Georgia, North Carolina, Ohio, Wisconsin, Michigan, Louisiana to name just a few of the states.

How was that possible? I am a lawyer, yet was unable to explain how 50 years after the passing of the Voting Rights Act, I witnessed vote suppression at a gigantic scale. This talk is the result of my determination to answer that question. The slides that make up this presentation are available on the National Voter Corps' website for reuse and this talk will also be available.

Any errors are my own. Citations have been provided but do not conform to the standards of a law brief or college paper. Most of the information has been derived from google searches and reading the text of numerous cases cited or otherwise.

Suggested Speaker's Script appears in **color** in the Notes. In **black ink**, sources are cited and additional comments about relevant slides. Information has been devolved from google searches, law review articles et al. A general list of sources appears in the addendum.

Alice Schaffer Smith, Executive Director, National Voter Corps, October 30, 2019

Purpose of this Presentation



- Explain voting rights and vote suppression:
 - The legal framework for voting rights
 - The impact on voting rights after the Supreme Court decision - Shelby County v. Holder (2013)
 - Gerrymandering as a tool for controlling state and congressional election results
- Update on Congressional Action on voting in 2019
- Encourage support for groups working for one person, one vote and every vote counted.

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First we will examine voting rights through the legal framework of the Constitution, look at how voting has been suppressed by Supreme Court decisions , State actions and finally Congressional inaction. And at the end of this talk, I will provide links to a curated list of effective groups working for one person one vote and every vote counted.

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 - Copyright Notices for all Slides

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This is a Roadmap for my talk

How is our right to vote determined?



- US Constitution
- Congressional Action
- State Legislative Action
 - State Laws
 - Redistricting
- State Initiatives
- US Supreme Court Decisions
- Federal Court Decisions
- State Court Decisions

The right to vote was defined not in the 1787 Constitution but in subsequent Amendments.

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THE RIGHT TO VOTE is not guaranteed by the US Constitution and as a result, many branches of government: Voting Rights are effected by: Congress, the Federal Courts, State Constitutions, State legislatures, State Courts and voters in some states through Initiatives and Propositions.



VOTING RIGHTS in the US CONSTITUTION

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Let's begin with the US Constitution –

US Constitution – Article I §*4 Elections' Clause



§ 4 The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the *legislature* thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

State legislatures set rules: when/where/how to vote but Congress may make new rules or alter existing State rules.

* § symbol indicates “section.”

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1st Article Section 4 is called the elections clause: .

The framers left “the times, places and manner of holding elections for Senators and Representatives in **each** state by the legislature of the state, **but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.** Initially, Senators were chosen by STATE Legislatures not by the people.

Remember this Clause: “Congress may at any time make or alter”... but if they don’t make a law, the power resides with each State.

<https://www.law.cornell.edu/constitution/articlei>

States' Rights (Federalism) in the US Constitution



- **Article 4:** Right of Self-Government to each State
- **10th Amendment:** Reserves all rights not granted to the federal government to the individual states.

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Article 4 grants the right of self-government to each state and the Amendment “reserves all rights not granted to the federal government to the States”. So the strict interpreters of the Constitution turn to Article 4 and the 10th Amendment to argue States’ Rights, not federal laws control their behavior unless it conflicts with specific federal laws or clauses of the Constitution.

14TH Amendment (1868) Citizenship, Equal Protection



§ 1 All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

§ 2 Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.

§ 5 The Congress shall have the power to enforce this article by appropriate legislation.

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The 14th Amendment was passed in 1868 at the conclusion of the Civil War. Therefore “all persons born or naturalized in the United States, are citizens of the United States *and* of the state where they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States or deny to any person within its jurisdiction the equal protection of the laws.” **The equal protection clause has served as a keystone for protecting civil rights of minorities and persons in the United States, whether citizens or not.**

In Section 2: the number of Congressional representatives was to be apportioned among the several states by the number of persons in each state excluding Indians not taxed. Every 10 years there’s a census required by Article 2 Section 1, to determine how many Representatives a state would have and to determine direct taxes. In 1868 some Indians were not taxed by treaty thus such Indians would not be counted in the census. **But note: all others were to be counted whether citizens or not.**

<https://www.law.cornell.edu/constitution/amendmentxiv> (emphasis added)

15th and 17th Amendments



- **15th Amendment (1870) Race - Color**
 - **§ 1** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
- **17th Amendment (1913) Popular Vote of Senators**
 - **§ 1** The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

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Under the 15th Amendment (passed in 1870) the rights of citizens to vote would not be denied or abridged on account of race, color or previous condition of servitude (thus there should be no denial of the right to vote based on race whether or not a former slave and indentured servant).

The 17th Amendment in 1913 took away the right for the State Legislatures to elect US senators, and granted to each eligible voter in the State the right to vote for their 2 US Senators; the term for each Senator was set for 6 years and each US Senator had one vote in the Senate.

<https://www.law.cornell.edu/constitution/amendmentxv>

<https://www.law.cornell.edu/constitution/amendmentxvii>. see also [one-person, one-vote rule](#) “[W]e stated that ‘there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the State.’ And, finally, we concluded: ‘The conception of political equality from the Declaration of Independence, to Lincoln’s Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote.’” C.J. Warren, *Reynolds v. Sims*, 377 U.S. 533, 558 (1964) (quoting *Gray v. Sanders*, 372 U.S. 368 (1963)). [Reynolds v. Sims \(1964\)](#)”
https://www.law.cornell.edu/wex/quotation/%5Bfield_short_title-raw%5D_185



19th, 24th and 26th Amendments

- **19th Amendment (1920) Sex**
 - The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.
- **24th Amendment (1964) Poll tax or other tax**
 - The right of citizens of the United States to vote .. **shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.**
- **26th Amendment (1971) 18 years old voting age**
 - The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

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Three more amendments impacted the right to vote:
In 1920 the 19th Amendment granted the vote to women.

In 1964 as a critical part of the Civil Rights movement, the 24th Amendment, made it clear that the right to vote would not be denied or abridged by the failure to pay any poll tax or other tax, a tool of the southern states to deny the vote to black, brown and poor voters. Eliminating the poll tax was a major victory to access to voting.

In 1971, the 26th Amendment reduced the voting age to 18.

[https://www.law.cornell.edu/constitution/amendmentxix,](https://www.law.cornell.edu/constitution/amendmentxix)

[https://www.law.cornell.edu/constitution/amendmentxxiv,](https://www.law.cornell.edu/constitution/amendmentxxiv)

<https://www.law.cornell.edu/constitution/amendmentxxvi>

https://www.usconstitution.net/xconst_Am24.html Excellent examination of the amendments to the constitution in an informed arrangement.

<https://billofrightsinstitute.org/wp-content/uploads/2012/04/Constitution.pdf>



KEY CONGRESSIONAL ACTION 1924 - 2006

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Turning now to Congress

US Congress: Some Key Voting Acts



- 1924 Indian Citizenship Act
- 1957 Civil Rights Act
- 1964 Civil Rights Act
- 1965 Voting Rights Act (VRA)
- 1986 Uniformed And Overseas Voter Registration Act
- 1993 National Voter Registration Act (NVRA)
- 2002 Help Americans Vote Act (HAVA)

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Throughout the years, Congress did use its power under the Elections Clause (Article 1 Section 4) to set rules for regulating voting. After Reconstruction, Congress rescinded many rights granted to minorities but I will skip to 1924 where Native Americans were granted citizenship under the Indian Citizenship Act but the States did not uniformly grant the right to vote, notwithstanding the law. Then in 1957 the Civil Rights Act was passed. This set up the Civil Rights Division of the Justice Department. Resistance was profound in the States and in local federal district courts in the States. During the years leading up to the Civil Rights Act. According to Wikipedia “ between 1957 and 1964, the African-American voter registration rate in the South increased only marginally even though the Department litigated 71 voting rights lawsuits”.

In 1964 Congress passed the monumental Civil Rights Act. Martin Luther King had been lobbying President Johnson to eliminate literacy tests, one barrier to voting for black, brown and poor whites and “to address economic retaliation, police repression, or physical violence against nonwhite voters. While the Civil Rights Act did require that voting rules and procedures be applied equally to all races, it did not abolish the concept of voter "qualification". It accepted the idea that citizens do not have an automatic right to vote but would have to meet standards beyond citizenship.^{[45][46]} The Voting Rights Act of 1965 directly addressed and eliminated most voting qualifications beyond citizenship.”

https://en.wikipedia.org/wiki/Civil_Rights_Act_of_1964

See notes at end of presentation for additional information leading up to the Voting Rights Act of 1965

1965: Voting Rights Act (VRA) enacted



§2 - "No voting qualification or prerequisite to voting, or standard, practice, or procedure, shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."



President Lyndon B. Johnson signs the Voting Rights Act of 1965 in a ceremony in the President's Room near the Senate Chambers on Aug. 6 | AP Photo

<https://www.politico.com/story/2017/08/06/lbj-signs-voting-rights-act-aug-6-1965-241256>

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The Voting Rights Act sought to enforce the 15th Amendment, circumvented after Reconstruction by congress and the courts. In Mississippi and other states people were being killed fighting for their right to vote. The 1965 Voting Rights Act prevented states from requiring specific voting qualifications such as literacy tests which in many jurisdictions were prerequisites to registering to vote. A simple X could be used to sign a name to register to vote. Section 2 applied to every state and prohibited practices such as intimidation, violence, or other standard, practice or procedure to deny or abridge the right of any citizen of the US to vote on account of race or color.

http://library.clerk.house.gov/reference-files/PPL_VotingRightsAct_1965.pdf

https://en.wikipedia.org/wiki/Voting_Rights_Act_of_1965

https://en.wikipedia.org/wiki/Amendments_to_the_Voting_Rights_Act_of_1965 "The Senate Committee on the Judiciary issued a report to accompany the 1982 legislation. In that report, it suggested several factors for courts to consider when determining if, within the totality of the circumstances in a jurisdiction, the operation of the electoral device being challenged results in a violation of Section 2.

Voting Rights Act §§ 4(b) and 5



- § 4(b) defined the **formula** to determine which States were to require **pre-clearance**.
- § 5 required certain States and other Counties with histories of discriminatory tests and devices plus low voter turnout to obtain pre-clearance from the federal government before changing voting laws.

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Under Section 4B of the Voting Rights Act there was a **formula to determine** which States or other Counties were required to have pre-clearance before any law, practice or procedure relating to Voting could be changed by that state, county or township.

Section 5 made it clear that **the States or other Counties** or townships **covered by the pre-clearance formula were required** to apply to the Federal District court in Washington DC or the Justice Department to obtain clearance before changing any such law, practice or procedure related to voting. By 2013 the Voting Rights Act applied to 9 States completely and 5 states by specific counties and in other States certain specific townships with a proven history of discriminatory practices including low voter turnout.

There were many attacks against the Voting Rights Act over the years.

* Brennan Center for Justice (www.brennancenter.org)

• ** Congressional Research Service, "State Voter Identification Requirements" R42806

Amendments to Voting Rights Act 1965



- The Voting Rights Act 1965 has been amended many times, including amending the formula in **§ 4(b)** in 1970 and 1975, refining the requirements for foreign language ballots, adding voter assistance and voting rights for people with disabilities.
- In 2006 The Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez and Dr. Hector P. Garcia Voting Rights Act Reauthorization extended the VRA for 25 years sections that had sunset provisions and thus were not permanent such as Section 4(b).

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The VRA has been amended many times: including but not limited to: changing the formula in 1970 and 1975, adding minority language requirements, giving voters assistance at the polls providing for voters with disabilities then in 2006: in a compromise after some in Congress tried to scuttle it altogether, extending Sections 4 and 5, and any other provisions with sunset clauses without comment for 25 years.

Voting Rights Act Amendments of 1970^[1]

Voting Rights Act of 1965, Amendments of 1975^[2]

Voting Rights Act Amendments of 1982^[3]

Voting Rights Language Assistance Act of 1992^[4]

Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia **Voting Rights Act Reauthorization and Amendments Act of 2006**^{[5][6]}

https://en.wikipedia.org/wiki/Voting_Rights_Act_of_1965#cite_note-87

Importance of § 5 to Voting Rights



“Section 5’s prophylactic power came from its recognition that the “harms” of voting discrimination can never be truly redressed. **Once an election is held, there is no do-over.**”

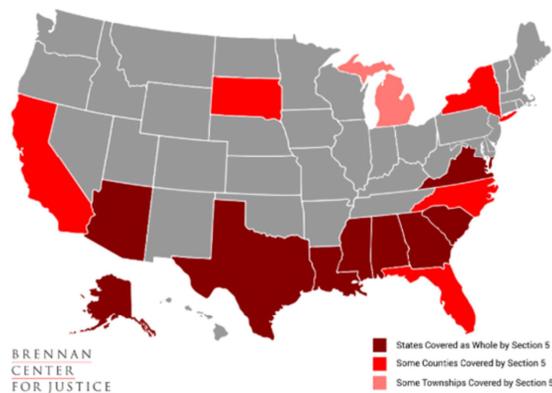
<http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>

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The Voting Rights Act meant that millions of Americans previously refused the right to vote, because they were poor, of color, illiterate by example only, were able to register to vote and did register. Voting increased in all states but especially in the states covered by the pre-clearance requirement. In Democracy Diverted: Polling Place Closures and the Right to Vote the importance of preclearance was clearly stated: Quote: Section 5’s prophylactic power came from its recognition that the harms of voting discrimination can never be truly redressed . **Once an election is held, there is no do-over.** Close quote”.

Democracy Diverted: Polling Place Closures and the Right to Vote September 2019 p7

States and counties requiring pre-clearance under VRA § 5 in 2013



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These are the states and counties covered in 2013 by the requirements of pre-clearance under Section 5.

<https://www.brennancenter.org/legal-work/shelby-county-v-holder>



SHELBY COUNTY v HOLDER 2013

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And then the Supreme Court rules in Shelby County V Holder

Alabama challenges parts of the Voting Rights Act



Shelby v Holder 2013

- **In a 5 to 4 decision the Supreme Court held:**
 - Section 4(b) of the Voting Rights Act of 1965 unconstitutional.
- **Result:**
 - Without Section 4(b), Section 5 (pre-clearance) was neutralized.

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In 2013 an Alabama County (Shelby) challenged the constitutionality of Sections 4(b) and 5 of the Voting Rights Act in the Supreme Court. Holder was the United States Attorney General at the time.

Reasoning in Shelby



Majority Opinion:

- Chief Justice John Roberts - Coverage formula is based on data over 40 years old, making it no longer responsive to current needs and therefore an impermissible burden on the constitutional principles of **federalism and equal sovereignty** of the states.
- Justice Thomas - concurring opinion- thought **§ 5** also unconstitutional.

Minority Opinion:

- Justice Ginsburg argued that evidence gathered by Congress supports continuing the law which enforces the 14th and 15th Amendments.
- **"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."**

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In this landmark 5 to 4 decision the Supreme Court held that section 4(b) of the voting rights act was unconstitutional. Chief Justice Roberts, writing for the majority, stated that the coverage formula was based on data over 40 years old and therefore it was not responsive to the current needs, placing an impermissible burden on the constitutional principles of federalism. As a result without the coverage formula in Section 4(b), the preclearance obligation for those states was removed. Recall that 7 years before, in 2006, Congress had extended the Voting Rights Act including the pre-clearance formula for 25 years without change and that under the Elections Clause Congress was granted the express right to make federal laws or alter State laws. Justice Thomas thought that Article 5 should also be found unconstitutional

Shelby County v. Holder” Oyez, www.oyez.org/cases/2012/12-96.

In her minority opinion, Justice Ginsburg argued that the evidence gathered by Congress supported continuing the law which enforces the 14th and 15th amendments and she wrote: “ All told, between 1982 and 2006, DOJ objections blocked over 700 voting changes based on a determination that the changes were discriminatory. ...Between 1982 and 2005, Alabama had one of the highest rates of successful §2 suits, second only to its VRA-covered neighbor Mississippi. ... **throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rain storm because you are not getting wet”**

<https://supreme.justia.com/cases/federal/us/570/12-96/#tab-opinion-1970751>

Impact on Voting Rights post Shelby County



State Legislatures act quickly after Shelby:

- By 2019 **1688 polling places closed in previously covered counties**, many in predominantly African-American counties
- Polling places closed or cut back at colleges and universities
 - Research shows changing and/or reducing early voting locations **reduces voter turnout**
- Early voting days, hours and the number of early voting locations **cut**
- **17,000,000** voters **purged** from voting rolls
- Strict or other Voter ID laws passed in 35 states **including all covered states**

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Almost instantly after the Shelby County decision Vote Suppression measures were implemented at the State level and by county and municipal registrars of voters. What follows are examples of systematic Vote Suppression after the Shelby County.

Brennan Center for Justice at NYU School of Law

<https://www.brennancenter.org/analysis/voting-laws-roundup-2019>

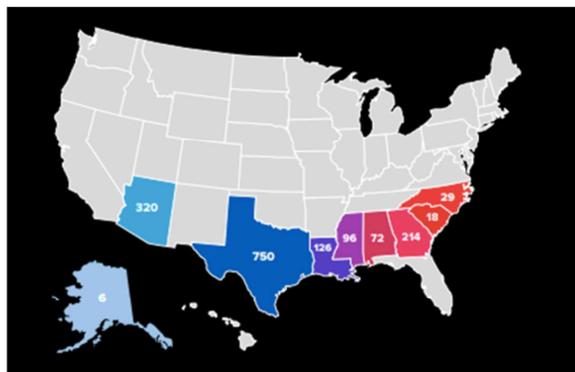
<http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>. p7

<https://www.bravenewfilms.org/suppressed>. See Georgia's denial of voting rights to thousands of eligible, registered voters: <https://www.bravenewfilms.org/suppressed>

1688 polling places closed since 2013 in counties previously covered by preclearance.



Under Voting Rights Act § 4(b) preclearance would have been required before these precincts were closed.



<http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>
p. 13

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By 2019 in the districts previously covered under the Voting Rights' preclearance requirement 1688 polling places have been closed and these were mostly in African American and Hispanic majority counties. Research shows closing polling places and reducing early voting hours reduce voter turnout. By removing or limiting voting stations at colleges and universities student voting turnout was also effected.

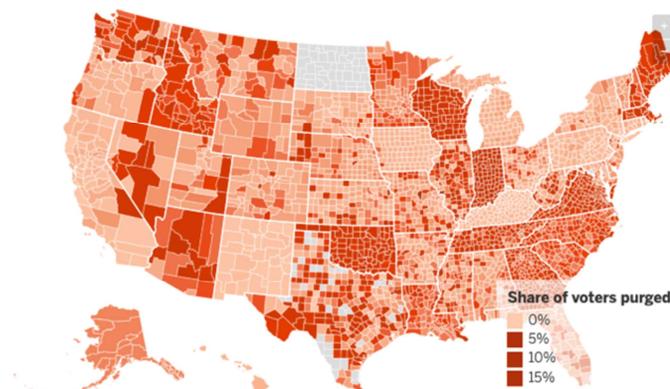
Democracy Diverted: Polling Place Closures and the Right to Vote is a product of The Leadership Conference Education Fund.

Voter Purging 17 million since 2016



Brennan Center
reports

Purge Rate, 2016-2018



Notes:
Data in the following states are aggregated here
to the county-level but are reported at the
sub-county level: CT, MA, ME, NH, RI, VT, and WI
North Dakota does not have voter registration.

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17 million voters have been purged from the voting rolls since 2016 .

Failure to Vote as a reason to purge in *Husted v A Philip Randolph Institute* shows the Supreme Court in a 5 to 4 decision written by Justice Alioto does not support the Voting Rights Act or HAVA and gives the States the right to remove voters from the Voting Rolls because they failed to vote.

[See https://harvardlawreview.org/2018/11/husted-v-a-philip-randolph-institute/.](https://harvardlawreview.org/2018/11/husted-v-a-philip-randolph-institute/)

<https://www.brennancenter.org/blog/voter-purge-rates-remain-high-analysis-finds>

<https://www.brennancenter.org/our-work/research-reports/purges-growing-threat-right-vote>

Crosscheck Program used by 26 States



- "The program combines each state's **voter** rolls into a database and seeks to identify potential duplicate registrations by comparing first name, last name, and full date of birth. In 2006, the first **crosscheck** was conducted using **voter** registration records from Kansas, Iowa, Missouri, and Nebraska." Wikipedia
- 27 states used it, 9 states withdrew before 2016 election
- **For every double voter found, 300 legitimate voters were removed** (Stanford Study 2019)

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Organized vote suppression purging began with the Crosscheck Program introduced by Kansas' Secretary of State Kobach in 2006 in Iowa, Missouri and Nebraska, States not covered by Section 5. An unreliable software program compared identically named people in one state and another and removed any duplicates that were found. Eventually, 27 states used it although 9 withdrew before 2016. The purpose of Crosscheck was allegedly to stop voter fraud, an unproven problem, but the impact was to disenfranchise registered voters properly registered in one of the states. A recent Stanford University study found that for every double vote found 300 legitimate voters were removed from the voting rolls.

https://en.wikipedia.org/wiki/Interstate_Voter_Registration_Crosscheck_Program

A landmark study ^[21] by researchers at Stanford, University of Pennsylvania, Yale, and Harvard quantified the tradeoff between voter accessibility and electoral integrity when purging a likely duplicate registration from another state using Crosscheck. Their analysis of Crosscheck results in from Iowa in 2012 and 2014 suggests that for every double vote prevented, use of Crosscheck's proposed purge strategy impedes approximately 300 legitimate registrations. Note that this finding is in a "best practices" scenario in which all false positives have been removed."

21Goel, S (11/23/2018). *"One Person, One Vote: Estimating the Prevalence of Double Voting in*

U.S.PresidentialElections"(PDF). <https://5harad.com/papers/1p1v.pdf>.

2016 – Crosscheck purges



Map of the states that have not publicly withdrawn from the Interstate Voter Registration Crosscheck Program.

Sources: [Wikipedia](#) and Brennan Center

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Voters move from one state to another and register in the new state. When they register the registration form provides for sending a notice to the other state but states don't always follow through; thus a voter could be on the rolls in both states but it doesn't mean people are voting in both states.

See Brennan's Study: Purges: A Growing Threat to the Right to Vote.

https://www.brennancenter.org/sites/default/files/publications/Purges_Growing_Threat_2018.pdf

Wikipedia Crosscheck:

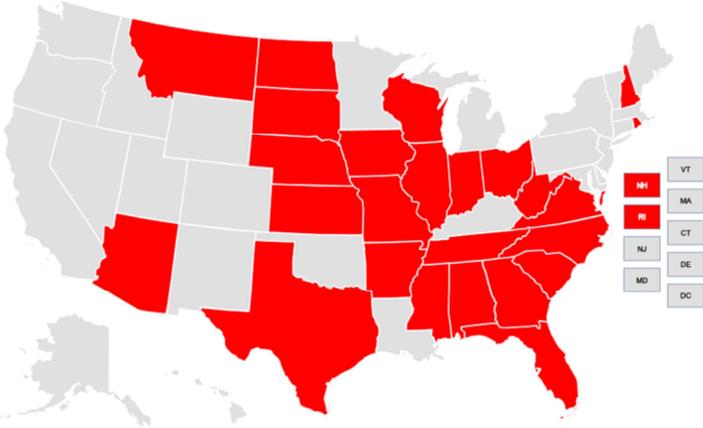
https://www.brennancenter.org/our-work/analysis-opinion/voter-purge-rates-remain-high-analysis-finds?gclid=Cj0KCQjw84XtBRDWARIsAAU1aM1MhPRw-g8VTyxVCBp9JMJoV68YeWPVecckhszKpufxzroMLdWpt4aAg6oEALw_wcB

https://en.m.wikipedia.org/wiki/Interstate_Voter_Registration_Crosscheck_Program

Significant Voting Restrictions post 2010



Significant Voting Restrictions in America Since 2010 Election



Source: Brennan Center

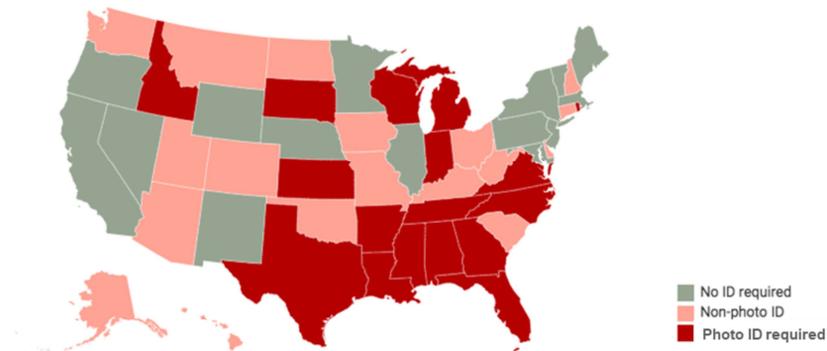
Significant voter restrictions began in 2010 in States not covered by Section 4(b)'s formula.

<https://www.brennancenter.org/new-voting-restrictions-america>

2019 Voter Identification Requirements by 35 States



35 States require an approved ID, 17 require photo IDs



https://ballotpedia.org/Voter_identification_laws_by_state

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By 2019 35 states significant and often onerous voter identification laws have been enacted, particularly in the covered states at the same time state elected officials were gaining control of their legislatures as fiefdoms by means of partisan gerrymandering to be covered next.

Significant voting restriction laws passed after the Shelby decision include -- purple shows strict ID requirements, Gray shows no voter ID is required and in the salmon color it shows some form of ID must be provided such as a utility bill.

Voting becomes expensive because voter ID cards were often difficult to acquire. These were required not to register but in order to vote. It has been argued that these strict photo identification rules are like a poll tax, onerous for low income people who have to take time off work to get the required ID to vote. Some states require travelling to the county seat and some of these counties have reduced the hours for serving minority voters: a practice banned by the Voting Rights Act section 2.

Since Shelby more than 10 law suits have been brought successfully on the basis of racial bias or intentional discrimination, but the need to bring lawsuits to enforce the VRA is what Section 5 -- preclearance -- was intended to prevent: organized, systemic vote suppression of people of race, color or national origin.

https://ballotpedia.org/Voter_identification_laws_by_state

Examples of Strict Voter ID laws that limit access to voting



- Requiring Street Addresses on registration forms
 - Native Americans on Reservations don't always have street addresses
 - 10,000s disenfranchised in North Dakota
- Not allowing Student IDs from colleges and universities or local businesses to be used as IDs when voting
- Requiring Birth Certificates to register to vote KA, GA, AZ (ruled unconstitutional)

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Examples of onerous burdens on voting: North Dakota's requiring street addresses on voter ids. In a federal case which the Supreme Court refused to review, Native Americans on ND reservations don't have street addresses as part of their culture; 10,000 or more voters were disenfranchised in 2016 by this law. Utah also.

Michigan and Wisconsin did not allow some student IDs issued by its universities and colleges to be used and some states refused local business IDs such as a Google pass to be used for IDs where a photo ID is required.

Three states: Kansas Georgia and Arizona went so far as to require birth certificates in order to register to vote but this was ruled unconstitutional because under the 1993 National Voter Registration act the only two requirements that could be used were either the last four digits of your Social Security number or your driver's license.

https://ballotpedia.org/Voter_identification_laws_by_state

January 2019: North Carolina's Voter ID Law



- In 2016, Federal judges struck down a 2013 state law that included photo ID and other voting restrictions.
 - The judges said in the ruling that the law was approved with **intentional racial discrimination** in mind and that it **"targeted African-Americans with almost surgical precision."**
- 2019 Legislature passes new Voter ID law similar to 2013 law
- Democratic governor vetoes Voter ID law
- Legislature overrides veto.
- Lawsuit sought injunction. 2 Superior Court judges ruled on 7/19/19 the new law won't take place until 2020. 1 judge would have issued injunction.

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A Federal Court ruled in 2013 North Carolina's Voter ID laws were racially targeted African-Americans with almost surgical precision."

- **2019 Legislature passes new Voter ID law similar to 2013 law**
- **Democratic governor vetoes Voter ID law**
- **Legislature overrides veto.**

Lawsuit sought injunction. 2 Superior Court judges ruled on 7/19/19 the new law won't take place until 2020. 1 judge would have issued injunction.

Brennan Center for Justice, Cases See also: Democracy Diverted Polling Place Closures and the Right to Vote September 2019. <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>

Mechanical errors deprive citizens of their vote – some states require perfection

- Misspelt street name
- European date format (4 July 1952 as 4/7/1952)
- Misspelt city name (by even 1 letter)
- Signature printed, not cursive
- Signature does not exactly meet the voter registration form
- Date entered by a homeless voter was voting date not birthdate on provisional ballot and all other information was correct and voter known to be registered but Ohio requires Exact Match

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Examples of Mechanical Errors include misspelt street name on an absentee ballot signature, signature printed instead of cursive, signature slightly different from the registration card done years before, misspelt city name (even by 1 letter). A homeless voter signed his absentee ballot accidentally signing the day's date instead of his birthdate. There is no question that this is his ballot, his signature but Ohio has a perfection requirement and the Supreme Court of the US refused to hear the case. These mechanical errors prohibited real citizens from voting.

Ohio homeless case:

Voter receives absentee ballot and accidentally signs the day's date on the form instead of his birthdate. He provides correct information otherwise (social security, driver's license). His vote is **disallowed** because **no exact match** of birthdate (aka "mechanical error")

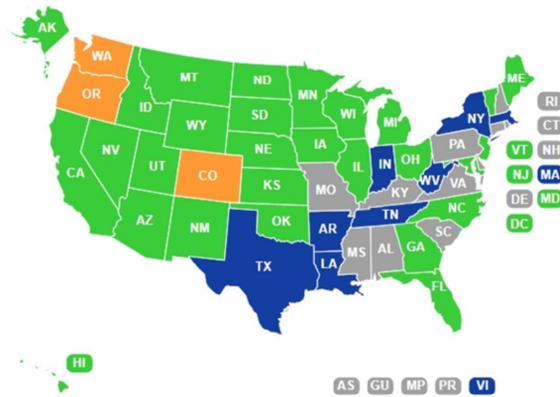
- <https://www.afj.org/wp-content/uploads/2018/06/Northeast-Ohio-Coalition-for-the-Homeless-v.-Husted-837-F.3d-612.pdf>

"S.B. 205 and S.B. 216 also allow Ohio's 88 county boards of elections the discretion to reject absentee ballots cast by qualified, registered, and eligible voters for:
Writing a shortened form of the voter's name on the absentee envelope, even if election officials can identify the name (e.g., "Bill" or "Wm." for "William.");
Writing less than the voter's full current address, such as omitting an apartment number or zip code, even if election officials can identify the address;
Using partially cursive handwriting if the signature on file is fully cursive;
Not signing the voter's name exactly as it appears in the voter's registration, even if the signature is substantially similar." <https://www.chandralaw.com/blog/plaintiffs-in-voting-rights-case-propose-complaint-against-ohio-secretary-of-state-husted-and-attorney-general-dewine-to-rescind-restrictions-intended>

Which States have Early Voting?



Early voting	Early voting AND no-excuse absentee voting	All-mail voting	No early voting; excuse required for absentee
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Source:
<https://www.bamapolitics.com/24365/alabama-early-voting-part-of-house-democrats-2019-legislative-agenda/>

31

Other actions to help voting include early voting but note which states limit early voting.

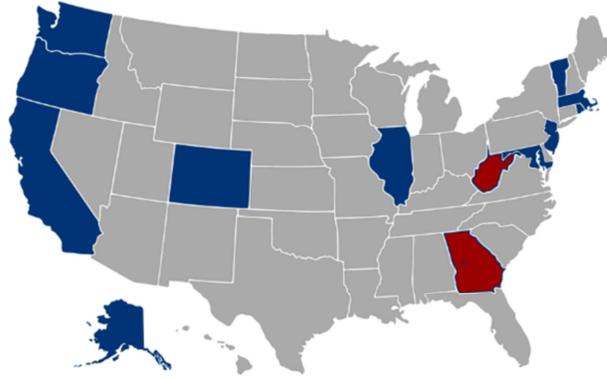
<https://www.bamapolitics.com/24365/alabama-early-voting-part-of-house-democrats-2019-legislative-agenda/> citing the National Conference of State Legislatures. This was used by Alabama Democrats for introducing early voting onto legislative floor on March 20, 2019

See: <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx> for more information

Automatic Voter Registration



States That Have Approved Automatic Voter Registration



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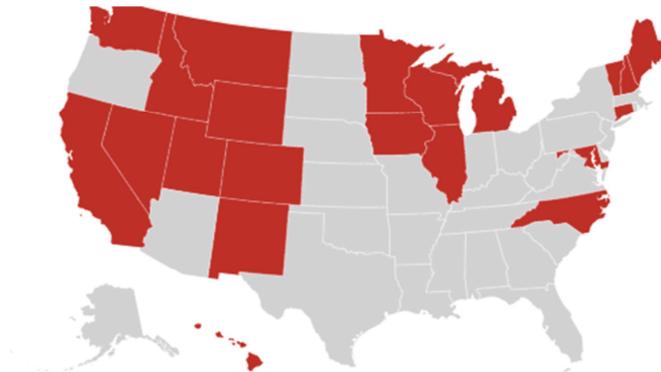
Mother Jones 11/3/18

32

Automatic Voter Registration makes a difference

From Mother Jones 11/3/18

21 States and District of Columbia – Same Day Registration



Same-day voter registration

■ Yes
■ No

BALLOT PEDIA

33

https://ballotpedia.org/Same-day_voter_registration. 6/30/2019

Same Day Registration (not in any of the Covered States)

See also

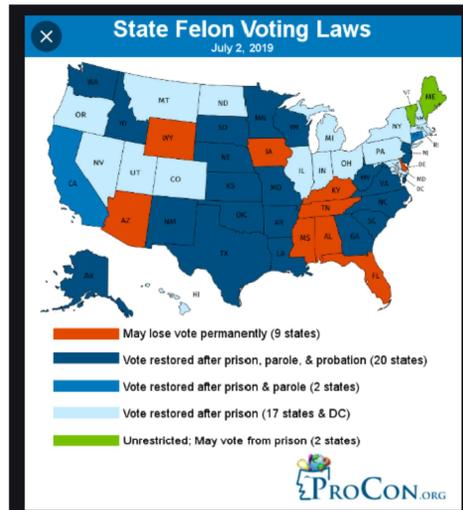
<http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>

Expansion of Felons' Voting Rights



**“A man without a vote
is a man without
protection.”**

[Lyndon B. Johnson](#)



40

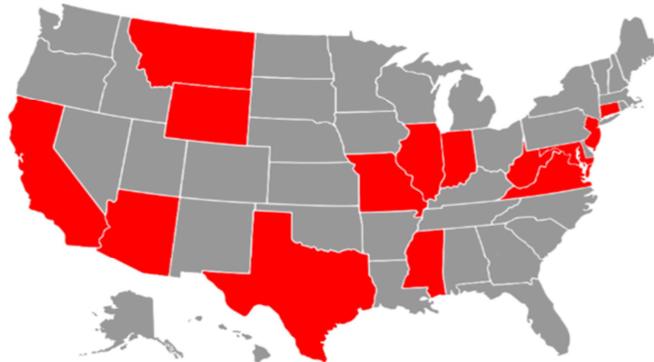
Felons are disenfranchised in many states

<https://felonvoting.procon.org/view.resource.php?resourceID=000286>

Restrictive Voting Rights Bills introduced or carried over into 2019



Restrictive Bills Introduced or Carried Over in 2019



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January 2019

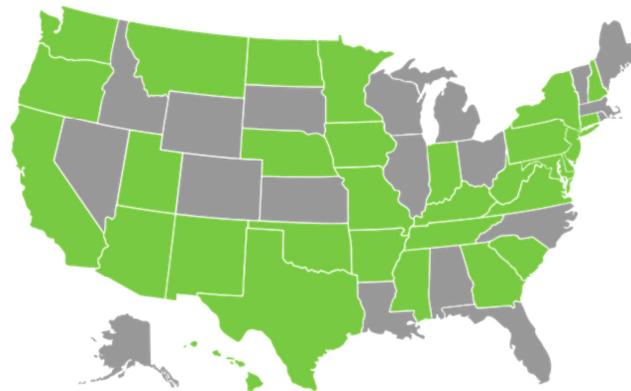
<https://www.brennancenter.org/sites/default/files/legal-work/New%20Voting%20Restrictions.pdf>

35

In 2019 Some states introduce restrictive voting rights

<https://www.brennancenter.org/sites/default/files/legal-work/New%20Voting%20Restrictions.pdf>

2019 States Expand Voter Rights Legislation introduced or carried over



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January 2019

<https://www.brennancenter.org/sites/default/files/legal-work/New%20Voting%20Restrictions.pdf>

36

Some are expanding voting rights

<https://www.brennancenter.org/sites/default/files/legal-work/New%20Voting%20Restrictions.pdf>

Suppressed Georgia Voters Speak Out



TO UNDERSTAND VOTE SUPPRESSION
FROM THE VIEWPOINT OF SUPPRESSED VOTERS,

please watch:

Suppressed: the Right to Vote*
a 2019 film by Brave New Films

* <https://www.bravenewfilms.org/suppressed>

37

For more information on Vote Suppression and Discrimination in Georgia, please go to the website: [bravenewfilms/suppressed](https://www.bravenewfilms.org/suppressed) issued in 2019 : this is an outstanding visual story of how Georgia has reinstated pre Civil Rights Act measures to suppress the vote, state action to notoriously, systematically, openly and effectively deprived black, brown and young Americans their vote by not processing applications for voter registration, closing 214 voting precincts in predominantly black and brown neighborhoods, intimidating voters, giving wrong polling information, enforcing strict voter ID laws. **Georgia was a covered state in 2013 under the Voting Rights Act. The Secretary of State did not process 58k applications for registering to vote. He won by 54k votes. This is the Roberts Supreme Court legacy: to bring discrimination back into States and decimate Congressional Action of the Civil Rights Act and the effective protections of the 14th and 15th Amendments.**



GERRYMANDERING

38

Another form of Vote Suppression is political or racial gerrymandering.
What does it mean to gerrymander?

The Original Gerrymander



- In 1812, Massachusetts Governor Elbridge Gerry redrew the state senatorial districts to favor his party.
- The Boston Gazette published the cartoon which merged “Gerry” and “salamander” to describe the result.



Source: Wikipedia

39

In 1812 Governor Gerry of Massachusetts drew the state Senate districts to favor his party. This political cartoon aptly shows how the creation of the salamander-shaped new districted became known as gerrymandering.

https://en.m.wikipedia.org/wiki/Gerrymandering_in_the_United_States#/media/File:The_Gerry-Mander_Edit.png



How Political Districts Are Drawn

- **Every 10 years US Census** identifies where people live and the number of Congressional Districts that are allocated to states according to population. Then redistricting allocates voters to the districts.
- **When State Legislatures control redistricting** their political interests often lead to:
 - **Partisan** Gerrymandering
 - **Racial** Gerrymandering
- **States which have Independent Commissions:**
 - Tend to create more balanced districts when specific and fair criteria guide composition of the commission and their mission

40

What is gerrymandering? Gerrymandering means to manipulate the boundaries of political districts in order to advantage the party in power.

Every 10 years US Census identifies where people live and the number of Congressional Districts that are allocated to states according to population. Then redistricting allocates voters to the districts.

When State Legislatures control redistricting their political interests often lead to:

- **Partisan Gerrymandering**
- **Racial Gerrymandering**

States which have Independent Commissions:

- **Tend to create more balanced districts when specific and fair criteria guide composition of the commission and their mission**

<https://en.wikipedia.org/wiki/Gerrymandering>

How to Gerrymander



- **Packed District:**
 - “When a voter resides in a packed district, her preferred candidate will win no matter what”.
- **Cracked District:**
 - “When a voter lives in a cracked district, her chosen candidate stands no chance of prevailing.”
 - “But either way, such a citizen’s vote carries less weight—has less consequence—than it would under a neutrally drawn map.”

Justice Kagan’s concurring opinion in *Gill v Whitford* 2018

41

The party in power controlling redistricting organizes districts to help its party by Packing Voters into a district so their party's candidate will win, no matter what. In a cracked district a particular party's voters are dispersed into a district where their vote will have no chance of prevailing; when you crack a voter into a district, that voter's vote is diluted because there is no chance that her party's candidate will win. The systematic pushing of people into or out of a district occurs when partisan factors are used to set voting boundaries. Here are some examples of packed districts. Note the boundaries. Michigan, Maryland, North Carolina, Virginia, Indiana, Texas and Florida are described as gerrymandered with high partisan bias; where the political party in power gerrymandered the district.

https://www.supremecourt.gov/opinions/17pdf/16-1161_dc8f.pdf Justice Kagan’s Concurring Opinion p4 This case was mooted by the Supreme Court’s rulings in June 2019 *Rucho v Common Cause and LWV of North Carolina and Lamone v Benisek*

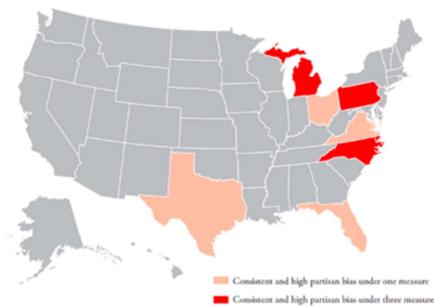
See also the Efficiency Gap which is well described

https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=12542&context=journal_articles

Gerrymandered: Democratic and Republican Congressional Seats



Congressional Maps with High Partisan Bias



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TWENTY YEARS

Note: Data based on 2012, 2014, and 2016 elections. Maps in Florida were redrawn for the 2016 elections.

42

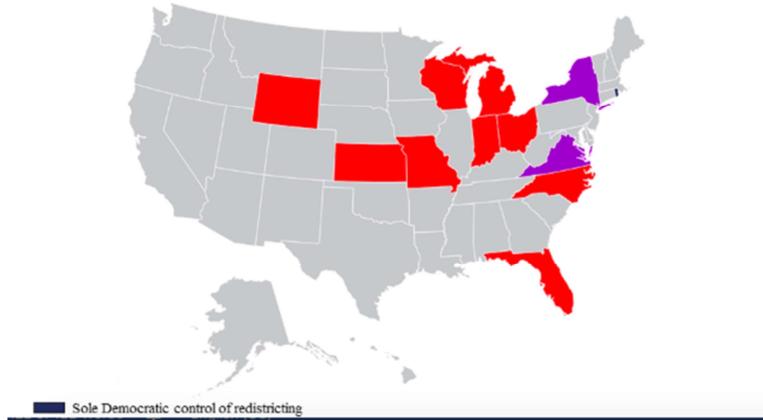
Examples of Congressional Gerrymandering

<https://www.brennancenter.org/blog/5-things-know-about-wisconsin-partisan-gerrymandering-case>

Gerrymandered: State Legislatures



Legislative Maps with High Partisan Bias



Source: Brennan Center

43

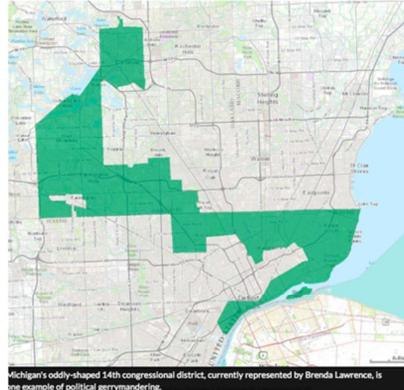
Examples of State Legislative Gerrymandering

<https://www.brennancenter.org/blog/5-things-know-about-wisconsin-partisan-gerrymandering-case>

Michigan's Gerrymandering (Packing)



- Democrats dominated the state in 1980s & 1990s, Republicans from 2004 to 2018. In 2016 Republicans won **64.5 % of delegation (9 seats to 5) with 50.5% of vote**. After 2018 election, each party held 7 seats.
- On 4/25/2019 Federal District Court rules districts are unconstitutional. Overruled by Supreme Court decision in Rucco (details to follow)



Source: [Wikipedia](#)

44

Michigan's Republican legislature intentionally packed Democrats into districts and cracked others to enable Republicans to win Congressional seats when a majority of Democrats are in the state. 9 Republican seats to 5 Democratic so acquired 64.5% of the seats with 50.5% of the vote

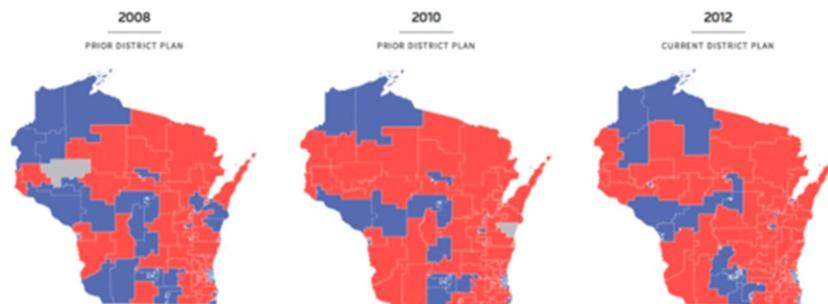
https://en.wikipedia.org/wiki/Michigan%27s_congressional_districts#/media/File:Michigan_Congressional_Districts,_113th_Congress.tif

<https://fox17online.com/2019/04/25/judges-michigan-must-redraw-congressional-legislative-maps/>

2008, 2010, 2012: Examples of packing



Wisconsin Gerrymandering Maps



Blue voters, over time, are packed into fewer districts.,
53% Democrats, 47% Republicans results in 36% Dems and 64% elected .
Map Source: [The Nation](#) 10/2/2017

45

Wisconsin did the same, blue (Democrats) over time are packed into fewer districts.

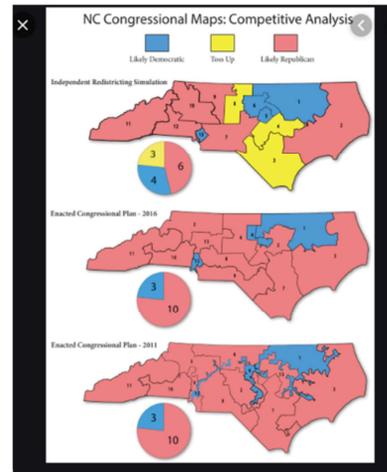
Map source: <https://www.thenation.com/article/the-most-serious-challenge-to-gerrymandering-in-modern-times-reaches-the-supreme-court/>

53% Democrats, 47% Republicans result in 36% Democratic Seats and 64% Republicans.
Source:10/17/2019 <http://indivisibledoorcounty.com/category/gerrymandering/>

N. Carolina Partisan Gerrymandering and Impartial Solution



- 2016 impartial proposal
 - **Judge-drawn and Unpacked**
- 2016 actual
 - **Gerrymandered**
- 2011 actual
 - **Gerrymandered**



46

In 2016, in North Carolina, an impartial 3 judge panel had drawn up a nonpartisan based map which resulted in three Open/ tossup districts, six would likely be Republican and four would likely be Democrats. That same year, the second map, drawn by the North Carolina State Legislature openly and notoriously through partisan gerrymandering manipulated the maps so that 10 Republican districts through packing and cracking were drawn and only three were won by Democrats; yielding the same gerrymandered districts as in 2011.

CommonCause.org <https://www.commoncause.org/north-carolina/democracy-wire/retired-judges-unveil-new-unofficial-nc-congressional-map/>

<https://www.nytimes.com/2019/09/03/us/north-carolina-gerrymander-unconstitutional.html>



SUPREME COURT DECISION ON PARTISAN GERRYMANDERING 6/27/2019

47

And what did the Supreme Court do about partisan gerrymandered by these and other State Legislatures?

Partisan Gerrymandering: N. Carolina and Maryland



- 2 cases heard in separate Courts of Appeals; each Court ruled partisan gerrymandering unconstitutional and held plaintiffs had standing to sue.
- Supreme Court joined these cases into *Rucho v. Common Cause et al.*
- Issues presented to the US Supreme Court: partisan gerrymandering
 - Do Plaintiffs have standing to press partisan gerrymandering claims?
 - Are they justified?
 - Is North Carolina's 2016 Congressional map in fact unconstitutional partisan gerrymandering?
 - Is Maryland's Democratic gerrymandering unconstitutional dilution?

48

In June 2019 the Supreme Court heard 2 partisan gerrymandering cases merged together into *Rucho v Common Cause*. North Carolina was Republican gerrymandering and Maryland's was Democratic gerrymandering brought by the League of Women Voters. When these cases were heard in the Courts of Appeal in Maryland and North Carolina, each of these Courts of Appeals ruled that the partisan redistricting was unconstitutional.

The Supreme Court's opinion emphasized the "individualized and personal" nature of the right to vote, insisting that plaintiffs show a "district specific" injury for standing. Source: Supreme Court

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/18-422.html>

"Partisan gerrymandering claims have proved far more difficult to adjudicate. The basic reason is that, while it is illegal for a jurisdiction to depart from the one-person, one-vote rule, or to engage in racial discrimination in districting, "a jurisdiction may engage in constitutional political gerrymandering." " p 17 of the opinion

https://www.supremecourt.gov/opinions/18pdf/18-422_9ol1.pdf

Supreme Court 5:4 : Roberts writes the Majority Opinion



- Partisan gerrymandering claims present **political questions beyond the reach of the federal courts**. “A jurisdiction may engage in **constitutional political gerrymandering**.”
- Partisan gerrymandering claims have proven far more difficult to adjudicate and the standard to adjudicate partisan gerrymandering must be **clear, manageable and politically neutral**.
- The Constitution does not require proportional representation.
- “Courts may not apportion political power on the basis of fairness: **Vote dilution** in the one-vote cases refers to the idea that each vote must carry equal weight. That requirement does not mean that each party must be influential in proportion to the numbers of their supporters!”

49

In a 5 to 4 decision, Justice Roberts writing for the majority: “Partisan gerrymandering claims have proved far more difficult to adjudicate. The basic reason is that, while it is illegal for a jurisdiction to depart from the one-person, one-vote rule, or to engage in racial discrimination in districting, “a jurisdiction may engage in constitutional political gerrymandering.”” He stated that “the Constitution does not require proportional representation and these questions were beyond the reach of the federal courts.”.

Supreme Court Slip Decision Rucho et al. v. Common Cause et al. 6/27/2019 Justice Roberts for the Majority (“ An expansive standard requiring ‘the correction of all election district lines draw for partisan reasons would commit federal and state courts to unprecedented intervention in the American political process’”)...Federal courts are not equipped to apportion political power as a matter of fairness, nor is there any basis for concluding that they were authorized to do so”

...

“Nothing in our case law compels the conclusion that racial and political gerrymanders are subject to precisely the same constitutional scrutiny”

https://www.supremecourt.gov/opinions/18pdf/18-422_9o1l.pdf

Majority Opinion (continued)



“Excessive partisanship in districting leads to results that reasonably seem unjust. But the fact that such gerrymandering is ‘incompatible with democratic principles’ does not mean that the solution lies with the federal judiciary. **We conclude that partisan gerrymandering claims present political questions beyond the reach of the federal courts.** Federal judges have **no license to reallocate political power between the two major political parties with no plausible grant of authority in the Constitution**, and no legal standard to limit and direct their decisions.”

Supreme Court Slip Decision Rucho et al. v. Common Cause et al. 6/27/2019 emphasis added

50

Justice Roberts wrote that courts do not apportion political power on the basis of fairness. Vote dilution refers to the idea that each vote must carry equal weight that apportionment does not mean that every party must be influential in proportion to the number of their supporters. Excessive partisanship in districting leads to results that reasonably seem unjust but the fact that such gerrymandering is “incompatible with democratic principles” does not mean that the solution lies with the federal judiciary. **We conclude that partisan gerrymandering claims present political questions beyond the reach of the federal courts**”. He determined that Federal judges had “no license to reallocate political power between the two major political parties with no plausible grant of authority in the constitution”! Supreme Court Slip Decision Rucho et al. v. Common Cause et al.

Thus he was stating that gerrymandering is political and not a question of constitutional law.

Minority Opinion - Kagan



- Deprives citizens of the right to participate equally in the political process
- Politicians allowed to entrench themselves in office against voters' preferences.
- Core principle is that the **“voters should chose their representatives, not the other way around”**
- Vote dilution implicates the 14th Amendment: equality participation of voters in the election
- First Amendment rights of association and political effectiveness diluted by political gerrymandering, degrading a voter's influence on the political process
- Specific and predominant intent to entrench themselves in power by manipulating district lines.

51

Justice Kagan set out the arguments for the unconstitutionality of gerrymandering.

- Partisan Gerrymandering deprives citizens of the right to participate equally in the political process.
- Politicians allowed to entrench themselves in office against voters' preferences.
- Core principle is that the **“voters should chose their representatives, not the other way around”**.
- Vote dilution implicates the 14th Amendment: equality participation of voters in the election.
- First Amendment rights of association and political effectiveness diluted by political gerrymandering, degrading a voter's influence on the political process.
- The legislatures by gerrymandering show specific and predominant intent to entrench themselves in power by manipulating district lines.

Ibid

Kagan's Minority Opinion concludes



“Of all times to abandon the Court’s duty to declare the law, this was not the one. The practices challenged in these cases imperil our system of government. Part of the Court’s role in that system is to defend its foundations. None is more important than free and fair elections. With respect but deep sadness, I dissent.” *

**Rucho v. Common Cause and LWV of North Carolina and Lamone v. Benisek:*
June 27, 2019

52

Supreme Court Slip Decision Rucho et al. v. Common Cause et al. 6/27/2019

Advocates supporting Partisan Gerrymandering



- States:
 - Texas, Alabama, Arkansas, Georgia, Indiana, Louisiana, Ohio, Oklahoma, South Carolina and Utah
- Speaker of the Pennsylvania House of Representatives
- American Civil Rights Union (**Not** the ACLU)
- Southeastern Legal Foundation
- National Republican Redistricting Trust: Court should allow state legislatures to continue to apply the traditional, community-based districting standards that have prevailed since the Founding.
- The Republican National Committee
- The National Republican Congressional Committee.

53

And which organizations wrote briefs in support of partisan Gerrymandering?

- States:
 - Texas, Alabama, Arkansas, Georgia, Indiana, Louisiana, Ohio, Oklahoma, South Carolina and Utah
- Speaker of the Pennsylvania House of Representatives
- American Civil Rights Union (Not the ACLU)
- Southeastern Legal Foundation
- National Republican Redistricting Trust: Court should allow state legislatures to continue to apply the traditional, community-based districting standards that have prevailed since the Founding.
- The Republican National Committee
- The National Republican Congressional Committee.

All the briefs in *Rucho v Common Cause et al* may be found at <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/18-422.html>

N. Carolina's State Courts rule maps unconstitutional under state law



- 9/2/2019 Unanimous decision by a 3 judge panel “The North Carolina court in Wake County said the Republican maps **violated the State Constitution’s clauses guaranteeing free elections, equal protection under the law and freedom of speech and assembly.**” NY Times 9/3/2019
- 10/28/2019 North Carolina Court rules Congressional districts were drawn unconstitutionally and must be redrawn before 2020 election.
- Defendants will not appeal to N. Carolina Supreme Court; there is no federal issue to be adjudicated so should not be appealed to US Supreme Court (similar to an earlier Pennsylvania voting rights case where US Supreme Court refused that case because claims only based on state laws).
- **These unconstitutional maps are the same maps the Supreme Court ignored in the Rucho v Common Cause case 6/28/2019**^{.54}

3 months later, on September 2, 2019 in North Carolina, a 3 judge panel ruled that the State's redistricting map was unconstitutionally drawn as a matter of state law. The reasons cited include violation of North Carolina's state constitutional clauses guaranteeing free elections, equal protection under the law and freedom of speech and assembly..

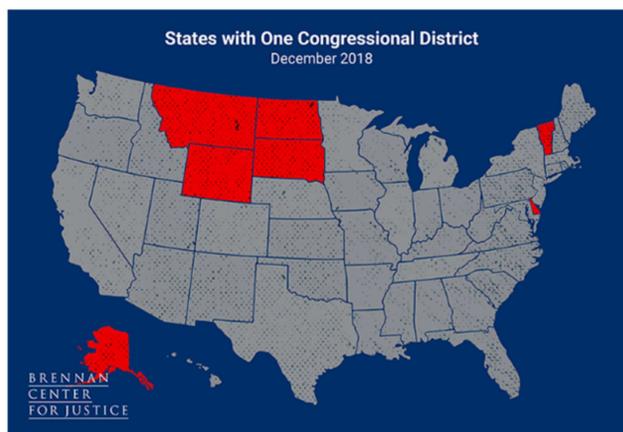
Next, on October 28, 2019. another 3 judge panel in Raleigh ruled that the Congressional districting by the State Legislature was unconstitutional and that the Congressional districts would be drawn under the Court's control.

Note that both State Courts based both their decisions finding unconstitutional gerrymandering that had resulted in 10 Republican and 3 Democratic Congressional districts in a majority Democratic state on the same maps we saw earlier in the US Supreme Court Case: Rucho v Common Cause.

<https://www.nytimes.com/2019/09/03/us/north-carolina-gerrymander-unconstitutional.html>

<https://slate.com/news-and-politics/2019/10/north-carolina-court-kills-republican-gerrymander.html>

Single Congressional District States



55

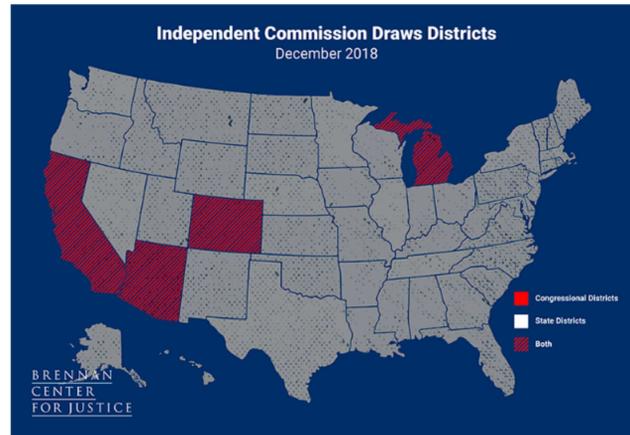
So how do states redistrict?

7 States have only one Representative in Congress.

<https://www.brennancenter.org/state-redistricting-bills-2019?splash=>

<https://www.commoncause.org/wp-content/uploads/2019/05/CC-Activist-Handbook-on-Redistricting-Reform-5.24.19.pdf>

Independent Commissions Redistrict

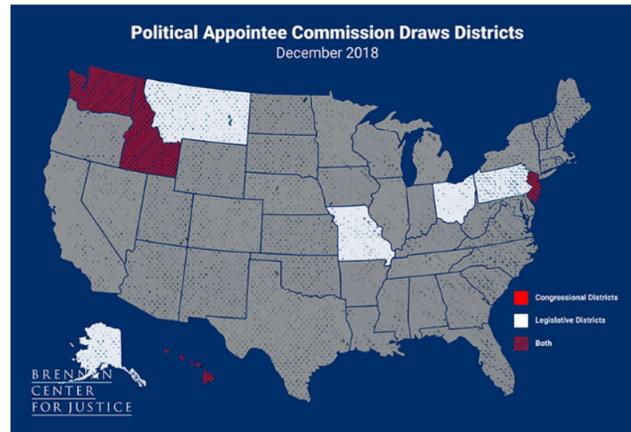


56

Independent Commissions such as in California have Commissioners balanced by party and other criteria and follow specific rules for determining redistricting maps.

<https://www.brennancenter.org/state-redistricting-bills-2019?splash=>

Political Appointee Commission Draws Districts



57

Four states use a political appointee commission for congressional plans, and nine states use this type of commission for state legislative plans.

Political appointee commissions are composed of individuals who are directly appointed by elected officials, party leadership, or political party committees. In some states, the membership of a political appointee commission is evenly divided between parties, while others allow members of one party to hold more seats on the commission than the other. Ohio uses a hybrid between a political appointee commission and a politician commission to draw its state legislative districts.

One state, Arkansas, uses a politician commission for state legislative districts. Politician commissions are comprised entirely of incumbent lawmakers or other elected officials, usually appointed by the legislative or party leadership, the governor, or chief justice of the state supreme court.

<https://www.brennancenter.org/state-redistricting-bills-2019?splash=>

November 2018 Michigan Votes for Independent Redistricting Commission



- Constitutional Amendment passed by 61% of Michigan Voters in 11/2018 to redistrict after the 2020 Census
- State Legislature has not funded this effort (7/6/2019)
- Secretary of State has not issued application form for applicants to apply to be on the commission.
- 7/30/2019 Republicans sue stating the Constitutional Amendment is unconstitutional because it disallows lobbyists and candidates from serving; citing 1st Amendment.
- Note: Roberts in Rucho cited Michigan's redistricting commission vote as an example of why courts should not intervene!

58

In 2018 Michigan's voters by a 61% margin voted for an independently redistricting commission. Since then, the Republican state legislature has not funded this effort, the Republican secretary of State has not issued application forms for the applicants to apply. Republicans have sued on the basis of 1st Amendment rights because the Michigan Commission disallows candidates and lobbyists from applying for the Commission. Ironically, the Michigan Constitutional Amendment to create a nonpartisan commission was cited by Justice Roberts as one of the reasons why the Supreme Court should stay out of redistricting and let the states take care of their own redistricting issues in the Rucho Gerrymandering decision.

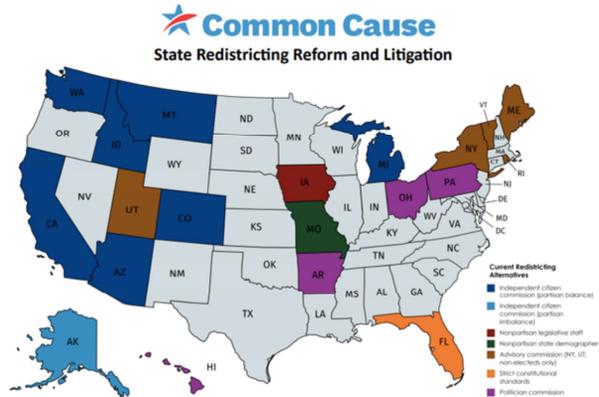
[https://ballotpedia.org/Michigan_Proposal_2,_Independent_Redistricting_Commission_Initiative_\(2018\)](https://ballotpedia.org/Michigan_Proposal_2,_Independent_Redistricting_Commission_Initiative_(2018))

https://www.michigan.gov/documents/sos/Redistricting-Commission-Selection-Timeline_649998_7.pdf

<https://www.economist.com/democracy-in-america/2019/08/01/republicans-challenge-michigans-redistricting-commission-in-court>

<https://electionlawblog.org/wp-content/uploads/michigan-complaint.pdf>

2019 Status of Redistricting



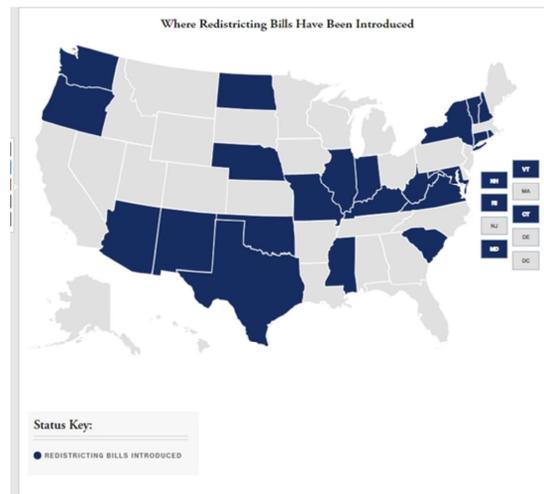
<https://www.commoncause.org/wp-content/uploads/2019/05/CC-Activist-Handbook-on-Redistricting-Reform-5.24.19.pdf>

59

Shows the current status of Redistricting in 2019

<https://www.commoncause.org/wp-content/uploads/2019/05/CC-Activist-Handbook-on-Redistricting-Reform-5.24.19.pdf>

2019: Redistricting Bills Introduced



Source: [Brennan Center](https://www.brennancenter.org/state-redistricting-bills-2019?splash=)

60

Many States have redistricting bills introduced to control some form of redistricting

<https://www.brennancenter.org/state-redistricting-bills-2019?splash=>

2015: US Supreme Court 5:4 AZ State Legislature v AZ Independent Redistricting Commission



GINSBURG MAJORITY

“The people of Arizona turned to the initiative to curb the practice of gerrymanderingArizona voters sought to restore “the core principle of republican government,” namely, **“that the voters should choose their representatives, not the other way around.”** The Elections Clause does not hinder that endeavor.”

ROBERTS’ DISSENT

“The people of Arizona have concerns about the process of congressional redistricting in their State. **For better or worse, the Elections Clause of the Constitution does not allow them to address those concerns by displacing their legislature.** But it does allow them to seek relief from Congress, which can make or alter the regulations prescribed by the legislature.”

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Worrisome however is the earlier 2015 US Supreme Court case: **Arizona State Legislature v Arizona Independent Redistricting Commission.**

The AZ Redistricting Commission, established by the vote of AZ citizens by a Constitutional Amendment, was attacked by the AZ Legislature who sued to overturn the vote of the people. In a 5 to 4 decision Justice Ginsberg wrote in the majority opinion that the people of Arizona turned to the initiative to curb the practice of gerrymandering to suppress the vote and to protect voter integrity. Justice Roberts in his minority opinion wrote: “The people of Arizona have concerns about the process of congressional redistricting in their State. For better or worse, the Elections Clause of the Constitution does not allow them to address those concerns by displacing their legislature. But it does allow them to seek relief from Congress, which can make or alter the regulations prescribed by the legislature.” Remember: Justice Roberts 4 years later cited Michigan's vote to create its Independent Commission as a reason in *Rucho* for the Supreme Court not ruling on partisan gerrymandering.

https://ballotpedia.org/Independent_redistricting_commissions

Money in Politics



- Supreme Court decision of Citizens United v FEC (2010) unleashed the right for Corporations and Unions to use corporate money in politics.
- Minorities have been disproportionately impacted in the exercise of their vote because of the huge amounts of money used to support candidates who openly vote for Vote Suppression legislation at both the State and Federal Level.
- Tied together with Shelby County's decision and the Rucho decision, the rights of minority voters have been impaired in the last decade.

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Money in Politics is a part of Vote Suppression

Supreme Court decision of Citizens United v FEC (2010) unleashed the right for Corporations and Unions to use corporate money in politics.

Minorities have been disproportionately impacted in the exercise of their vote because of the huge amounts of money used to support candidates who openly vote for Vote Suppression legislation in Congress and at the State level.

Tied together with Shelby County's decision, the rights of minority voters have been impaired in the last decade.



VOTE SECURITY FOR VOTE INTEGRITY

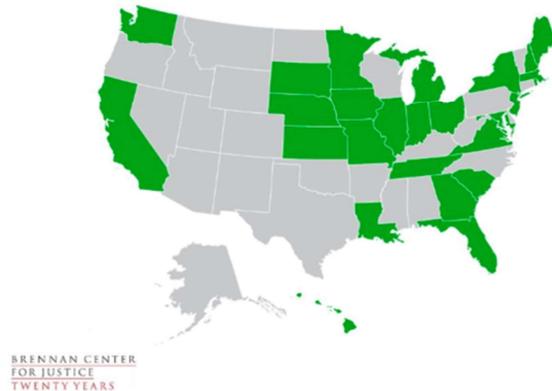
63

Vote Security also is necessary for vote integrity.

Ongoing State Election Security Bills for Vote Integrity



Election Security Bills Introduced or Carried Over in 2018



Under the 2002 Help America Vote Act (HAVA) certain rules and regulations about standards for voting machines were set out. 16 years later, many states have out of date, hackable, unmaintainable voting machines being used, some without paper trails or the ability to audit. One egregious situation was addressed in Georgia.

Georgia 2018 Election Security Failures

- Computer Security and Vote Tabulation Problems
 - Lt. Governor's race - 127,000 “missing” votes (under-votes)
 - Disproportionate **under-votes** in African American neighborhoods
- Computer-processed ballots irretrievable
- Absentee ballots, which had a paper trail, had no significant under-votes
- Decision 8/15/2019: Federal District Court: Georgia may not use its GEMS/DRE voting machines in 2020 because they are unconstitutional and must have a paper trail. Georgia must correct its voting registration system also deemed unconstitutional.

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Let's look at Georgia's 2018 elections security failures. In 2002 Using the Help America Vote Act funding, Georgia chose a computer system which did not have the ability to print a paper ballot nor was it auditable. They housed the voting system in a University computer facility. California discovered in 2006 that the same equipment that Georgia was using was hackable and unreliable, not constitutional and it decertified every one of those machines. Georgia continued to use that same equipment in 2018, in a closely watched election run by the Secretary of State Kemp, who was running for governor. In the vote for the Lieutenant Governor's race 127,000 undervotes were missing from electronic voting machines in African American neighborhoods. However, the paper ballots in the same precincts received for provisional and absentee votes had no significant undervotes for lieutenant governor. The Federal District Court in Georgia said that these voting machines were unconstitutional and they had to be removed and could not be used in 2020. The Court ordered Georgia to have paper ballots and said that they would oversee Georgia's computer replacements.

<https://coalitionforgoodgovernance.sharefile.com/share/view/sa100c250cf8408e8>

Coalition for Good Governance

<https://www.gpbnews.org/post/judge-says-georgia-must-scrap-outdated-electronic-voting-machines-after-2019>

For additional look at Georgia's vote suppression: Listen to Georgia's voters in [Suppressed: the Fight to Vote](#), a 2019 film by Brave New Films



KEY 2019 CONGRESSIONAL ACTIONS

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Justice Robert said it's up to Congress to act. In 2019 Congress did act...

For the People Act of 2019 -- HR1



- Addresses voting access, gerrymandering, computer security, ballot tabulation and handling, etc.
- Sarbanes & Pelosi introduced HR1 on January 4 in the House of Representatives, passed (234 to 193) by the House on March 8, 2019
- Unlikely to be brought onto the Senate Floor according to Senator Majority Leader Mitch McConnell

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The House passed the For the People's Act HR1

Congressional Bill: <https://www.congress.gov/bill/116th-congress/house-bill/1>

Key Features of HR 1 regarding Election Access



- Internet – Registration
- Automatic Voter Registration
- Same Day Registration
- Rules For Automatic Removal/Crosschecks
- Access For Individuals With Disabilities
- Prohibits Voter-caging
- Prohibits Deceptive Practices And Prevents Intimidation
- Democracy Restoration (Rights Of Felons)
- Promoting Accuracy, Integrity And Security: Voter-verified Paper Ballot
- Rules On Provisional Ballots
- Early Voting
- Vote By Mail
- Absent Uniformed Services And Overseas Voters
- Poll Worker Enforcement
- Federal Election Integrity And Enforcement

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The House passed For the People's Act HR1 which addresses voting access, gerrymandering, computer security, voter registration, ballot tabulations and but HR1 is unlikely to ever see the light day in the Senate according to Senate Majority Leader Mitch McConnell. Some of the key features: it provides rules for access to people with disabilities it requires automatic voter registration in all 50 states and the District of Columbia; it requires same day registration in every state' it prohibits deceptive practices and intimidation; it restores the right to vote to felons; it sets out detail rules of provisional ballots and early voting, vote by mail, absentee uniform service act and overseas voters and it requires security.

https://en.wikipedia.org/wiki/For_the_People_Act_of_2019

SAFE Act 2019 Voting Rights Advancement Act of 2019



- 6/28/2019: House **passed SAFE**: requiring cybersecurity safeguards, paper ballots : **Securing America's Federal Elections Act**, authorized \$600 million for states to bolster election security. It also would give states \$175 million biannually to help sustain election infrastructure.
 - 6/28/2019: Taken up by the Senate and referred to the Rules Committee
- 2/26/2019: Voting Rights Advancement 2019 – introduced **to replace sections on Covered Practices of the Voting Rights Act 1965 relating to race, color and national language, including on Indian lands**, to overcome some of the discriminatory actions after Shelby County in committee.

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The House also introduced the Voting Rights Advancement Act of 2019 which was to have overcome the discriminatory actions of Shelby County v Holder by including express definitions for discriminatory practices relating to race color or national languages and on Indian lands. This is languishing in the Constitutional Committee of the House.

Finally, the House passed the SAFE Act to bolster computer security which was fully funded including annual refurbishment money to sustain an up-to-date election infrastructure. This bill is in the Senate before the Rules Committee. It passed on 6/28/19 and as of this presentation, does not appear to have the attention of the Senate leadership, so vote suppression may be in the hands of Congress to act under Article 1, Section 4.

<https://www.leahy.senate.gov/imo/media/doc/VRAA%20of%202019%20one%20pager.pdf>
<https://www.congress.gov/bill/116th-congress/house-bill/4/actions>

Selected Non-Partisan Voter Action Groups



- www.nationalvoter corps.org Lists action groups by state, nationwide organizations, voter suppression information and more
- <https://www.vote411.org/> League of Women Voters US: How to register in your state, are you registered, what's on your ballot and voting location
- <http://centerforcommonground.org> Reclaim Our Vote: effort to help voters disenfranchised by voter suppression activities to register to vote and help to get out the vote in underserved communities
- <https://www.mifamiliavota.org> Mi Familia Vota: unites Latino, immigrant, et al. to promote social and economic justice through citizenship workshops, voter registration, and voter participation in AZ, CA, CO, FL, NV and TX

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Conclusion:

The Supreme Court has taken away the civil rights of many voters in America by its rulings in Shelby County, Citizens United and Russo v Common Cause.

Millions of Americans have had their vote suppressed through vote suppression measures, of which I hope you now have a better understanding.

State legislatures are selecting their voters through gerrymandering instead of the voters selecting their representatives.

To get involved, here are some organizations I recommend you contact: National Voter Corps, League of Women Voters (which does not exclude men or nonvoters), Common Cause, Reclaim our Vote, Mia Familia Vota.

On the National Voter Corps' website there is an extensive list of voting rights groups, nationally and by state.

About National Voter Corps

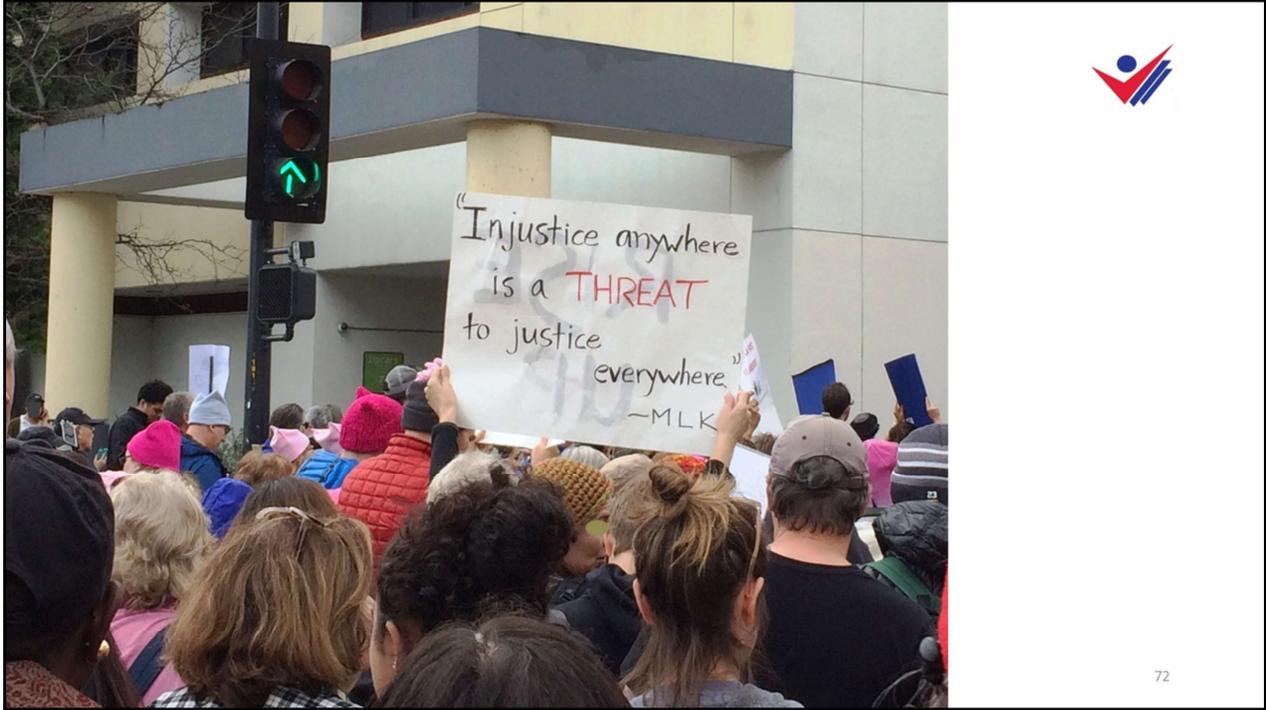


- Our Mission is to work towards the goal of Let Every Citizen Vote by:
 - Encouraging volunteers nationwide to join non-partisan voting right groups nationally and by state via our 50 State Map on our website.
 - Providing information on our website about voter suppression and how to get help to vote
 - Educating citizens about Voting Rights through presentations,
 - Registering voters
- Formed in November 2016 in Palo Alto, California
- Unincorporated, Non-Partisan Non-Profit
 - [Tax-deductible Donations](#) are managed for NVC via The Social Good Fund, a 501(c)(3)
- Our website is <https://nationalvotercorps.org/>

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On the National Voter Corps website there is an extensive list of voting rights groups, nationally and by state.

This presentation is available on the National Voter Corps website including the notes, acknowledgements and citations.



There is a legal maxim: *Danger invites a rescue*. Please get involved in the fight for one person one vote and every vote counted.

Democracy is not a spectator sport. Please Vote. Thank you for watching this video presentation.

I'd like to thank the Mid-Peninsula Media Center for facilitating this video recording on Voting Rights.

ADDENDUM



1. Additional Slides removed because of time constraints
2. Copyright Notices for all Slides

Suppressed Georgia Voters Speak Out



- **Watch:**
 - **Suppressed: the Right to Vote**, a short 2019 film by Brave New Films at <https://www.bravenewfilms.org/suppressed>
- **Take action:**
 - Read their on-line discussion guide
 - Organize a group watch party
 - Get involved with one of their national action partners

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For more information on Vote Suppression and Discrimination in Georgia, please go to the website: [bravenewfilms.org/suppressed](https://www.bravenewfilms.org/suppressed) issued in 2019 : this is an outstanding visual story of how Georgia has reinstated pre Civil Rights Act measures to suppress the vote, state action to notoriously, systematically, openly and effectively deprived black, brown and young Americans their vote by not processing applications for voter registration, closing 214 voting precincts in predominantly black and brown neighborhoods, intimidating voters, giving wrong polling information, enforcing strict voter ID laws. **Georgia was a covered state in 2013 under the Voting Rights Act. The Secretary of State did not process 58k applications for registering to vote. He won by 54k votes. This is the Roberts Supreme Court legacy: to bring discrimination back into States and decimate Congressional Action of the Civil Rights Act and the effective protections of the 14th and 15th Amendments.**

<https://www.bravenewfilms.org/suppressed>

Voter Caging and Voter Purging



- **“Voter caging** is the practice of sending mail to addresses on the voter rolls, compiling a list of the mail that is returned undelivered, and using that list to purge or challenge voters registrations on the grounds that the voters on the list do not legally reside at their registered addresses.” (Brennan Center 2007)
- **“For the two election cycles between 2012 and 2016, jurisdictions no longer subject to federal preclearance had purge rates significantly higher than jurisdictions that did not have it in 2013.** The Brennan Center calculates that 2 million fewer voters would have been purged over those four years if jurisdictions previously subject to federal preclearance had purged at the same rate as those jurisdictions not subject to that provision in 2013.” (Brennan Center 2018)
- Notices from some Registrars of Voters to “inactive voters” to re-register or confirm intention to vote by reply mail often are designed to look like junk mail with instructions hidden in fine print

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<https://www.brennancenter.org/publication/purges-growing-threat-right-vote>

https://www.brennancenter.org/sites/default/files/publications/Purges_Growing_Threat_2018.pdf

States tried to require Proof of Citizenship to register to vote



- 3 States required proof of citizenship
 - Georgia
 - Kansas
 - Arizona
- Courts rule that the 1993 National Voter Registration Act controls what identification is required to register to vote
- Voter only needs to provide state-issued Driver's License number or last 4 digits of his/her social security number

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<https://www.cbsnews.com/news/judge-rules-that-kansas-cannot-require-proof-of-u-s-citizenship-to-vote/>

Strict Voting Rules (examples only)



- Exact match of signature on registration compared to signature on absentee vote violates the 14th Amendment and Voting Rights Act
 - Georgia Muslim Voter Project is fighting rejection of absentee ballots because **signature didn't exactly match**. Court held that voter must be given a reasonable time to cure mismatched signatures

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Google searches: Wikipedia, Brennan Center, Pew Research, Ballotpedia, NY Times and other sources

Arizona Registration Forms and Signatures



- Arizona used one registration form for voting in Federal elections and a State form which required proof of citizenship to vote on local issues. State agreed to eliminate the dual registration system. Court determined: **No more use of separate state and federal voter registration forms. June 4, 2018**
- On 8/20/18 ACLU filed a lawsuit for League of Women Voters AZ, Mi Familia Vota and others, alleging violation of Section 5 of the National Voter Registration Act. Settlement by Memorandum of Understanding to remedy the problem executed. **Arizona agreed to update voter's registration when voter's change of address is updated on a driver's license.**

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<https://campaignlegal.org/cases-actions/lulac-v-reagan>

The Republican groups have argued that Maricopa, Pima, Coconino, Pinal and Apache counties should never have allowed vote curing after Election Day, but now that they have, the court should require all counties to permit voters to cure early ballots until 5 p.m. on Nov. 14.

https://www.aclu.org/sites/default/files/field_document/8.20.18_file_stamped_complaint_0.pdf

For Civil Rights violations in Arizona: see <https://www.usccr.gov/pubs/2018/07-25-AZ-Voting-Rights.pdf>

North Dakota requires Voter ID card to have Street Address



- Native Americans on reservations do not always have a street address as part of their culture.
- 8th Federal Court of Appeals in Oct 2018 refused to issue an injunction to prevent the North Dakota address requirement on IDs because only 20% of Native Americans on reservations lacked specific addresses.
- US Supreme Court denied review of case (*Brakebill v. Jaeger*) but Justices Ginsburg and Kagan voted to hear the case
 - “Ginsburg acknowledged that, as the 8th Circuit had emphasized, the elections are still a month away. However, Ginsburg stressed, **tens of thousands of North Dakotans don’t have an ID bearing their residential street address.** As a result, she warned, the 8th Circuit’s order “may lead to voters finding out at the polling place that they cannot vote because their formerly valid ID is now insufficient.”

79

<https://www.scotusblog.com/2018/10/court-stays-out-of-north-dakota-voting-dispute/>

<https://www.colorlines.com/articles/what-you-need-know-about-voter-id-law-scotus-refused-end>¹

[Indian rights to vote generally:](#)

<https://www.loc.gov/teachers/classroommaterials/presentationsandactivities/presentations/elections/voting-rights-native-americans.html>

“In 1948, the Arizona Supreme Court struck down a provision of its state constitution that kept Indians from voting. Other states eventually followed suit, concluding with New Mexico in 1962, the last state to enfranchise Native Americans. Even with the lawful right to vote in every state, Native Americans suffered from the same mechanisms and strategies, such as poll taxes, literacy tests, fraud and intimidation, that kept African Americans from exercising that right. In 1965, with passage of the Voting Rights Act and subsequent legislation in

1970, 1975, and 1982, many other voting protections were reaffirmed and strengthened.”

Kansas Provisional Ballot Cases



- **Kansas**

Provisional ballots are ballots that are provided at polling places when the voter's name is **not** on the voter roll. A ballot is filled out and put into a provisional vote envelope which is sealed and information about the provisional voter is detailed on the envelope. Requirements for names and addresses and other details vary by state. Registrar of Voters will confirm whether the voter is registered. If so, ballot counted.

- Kobach, then Secretary of State, won Republican nomination for Governor by < 350 votes. More than 800 provisional votes were thrown out.
- ACLU demands access to review the disallowed provisional ballots after Public Records Act request denied.
- Won in January 2019.

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<https://www.aclukansas.org/en/press-releases/hammet-aclu-kansas-prevail-joco-elections-commissioner-ronnie-metsker-ordered-hand>

Reducing Polling Locations



- Florida's law proving no early voting sites on college campuses struck down for **intentional discrimination based on age**.

81

Ballotpedia

Sources cited in the notes to this presentation include:



Brennan Center for Justice
Oyez
Supreme Court Cases
Wikipedia
Various law review articles
VoteRiders
NAACP
Common Cause
Southern Poverty Law Center
ACLU of various states and ACLU
LWV of various states and LWWUS
Ballotpedia
Washington Post
New York Times
The Economist
Various state and federal legislative websites

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Slide: Copyright Source

6 <https://www.law.cornell.edu/constitution/articlei>

8 <https://www.law.cornell.edu/constitution/amendmentxiv> (emphasis added)

9 <https://www.law.cornell.edu/constitution/amendmentxv>

<https://www.law.cornell.edu/constitution/amendmentxvii>. see also [one-person, one-vote rule](#) [W]e stated that 'there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the State.' And, finally, we concluded: 'The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote.'" C.J. Warren, *Reynolds v. Sims*, 377 U.S. 533, 558 (1964) (quoting *Gray v. Sanders*, 372 U.S. 368 (1963)) [Reynolds v. Sims \(1964\)](#)* https://www.law.cornell.edu/wex/quotation/%5Bfield_short_title-raw%5D_185

10 <https://www.law.cornell.edu/constitution/amendmentxix>.

<https://www.law.cornell.edu/constitution/amendmentxxiv>.

<https://www.law.cornell.edu/constitution/amendmentxxvi>

https://www.usconstitution.net/xconst_Am24.html Excellent examination of the amendments to the constitution in an informed arrangement.

<https://billofrightsinstitute.org/wp-content/uploads/2012/04/Constitution.pdf>

11. In 1964 Congress passed the monumental Civil Rights Act. Martin Luther King had been lobbying President Johnson to eliminate [literacy tests](#), one barrier to voting for black, brown and poor whites and "to address economic retaliation, police repression, or physical violence against nonwhite voters. While the Civil Rights Act did require that voting rules and procedures be applied equally to all races, it did not abolish the concept of voter "qualification". It accepted the idea that citizens do not have an automatic right to vote but would have to meet standards beyond citizenship.¹⁹⁵⁸⁴⁶⁹ **The Voting Rights Act of 1965 directly addressed and eliminated most voting qualifications beyond citizenship.**"

https://en.wikipedia.org/wiki/Civil_Rights_Act_of_1964

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¹² In 1964 Congress passed the monumental Civil Rights Act. Martin Luther King had been lobbying President Johnson to eliminate [literacy tests](#), one barrier to voting for black, brown and poor whites and "to address economic retaliation, police repression, or physical violence against nonwhite voters. While the Civil Rights Act did require that voting rules and procedures be applied equally to all races, it did not abolish the concept of voter "qualification". It accepted the idea that citizens do not have an automatic right to vote but would have to meet standards beyond citizenship.^{[14](#)[15](#)[16](#)} **The Voting Rights Act of 1965 directly addressed and eliminated most voting qualifications beyond citizenship.**¹⁴

https://en.wikipedia.org/wiki/Civil_Rights_Act_of_1964

¹³ http://library.clerk.house.gov/reference-files/PPL_VotingRightsAct_1965.pdf

https://en.wikipedia.org/wiki/Voting_Rights_Act_of_1965

https://en.wikipedia.org/wiki/Amendments_to_the_Voting_Rights_Act_of_1965 "The Senate Committee on the Judiciary issued a report to accompany the 1982 legislation. In that report, it suggested several factors for courts to consider when determining if, within the totality of the circumstances in a jurisdiction, the operation of the electoral device being challenged results in a violation of Section 2."

¹⁴ * Brennan Center for Justice (www.brennancenter.org)

** Congressional Research Service, "State Voter Identification Requirements" R42806

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15 Voting Rights Act Amendments of 1970^[1]

Voting Rights Act of 1965, Amendments of 1975^[2]

Voting Rights Act Amendments of 1982^[3]

Voting Rights Language Assistance Act of 1992^[4]

Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006^{[5][6]}

https://en.wikipedia.org/wiki/Voting_Rights_Act_of_1965#cite_note-87

16 Democracy Diverted: Polling Place Closures and the Right to Vote September 2019 p7

17 <https://www.brennancenter.org/legal-work/shelby-county-v-holder>

19 *Shelby County v. Holder*¹⁹ Oyez, www.oyez.org/cases/2012/12-96.

In her minority opinion, Justice Ginsburg argued that the evidence gathered by Congress supported continuing the law which enforces the 14th and 15th amendments and she wrote: "All told, between 1982 and 2006, DOJ objections blocked over 700 voting changes based on a determination that the changes were discriminatory. ... Between 1982 and 2005, Alabama had one of the highest rates of successful §2 suits, second only to its VRA-covered neighbor Mississippi. ... throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rain storm because you are not getting wet" <https://supreme.justia.com/cases/federal/us/570/12-96/#tab-opinion-1970751>

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21 Brennan Center for Justice at NYU School of Law <https://www.brennancenter.org/analysis/voting-laws-roundup-2019>
<http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf> p7
<https://www.bravenewfilms.org/suppressed>.

See Georgia's denial of voting rights to thousands of eligible, registered voters: <https://www.bravenewfilms.org/suppressed>

22 Democracy Diverted: Polling Place Closures and the Right to Vote is a product of The Leadership Conference Education Fund.
<http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>
p. 13

23 See <https://harvardlawreview.org/2018/11/husted-v-a-philip-randolph-institute/>.
<https://www.brennancenter.org/blog/voter-purge-rates-remain-high-analysis-finds>
<https://www.brennancenter.org/our-work/research-reports/purges-growing-threat-right-vote>
[org/wiki/Interstate_Voter_Registration_Crosscheck_Program](https://www.brennancenter.org/wiki/Interstate_Voter_Registration_Crosscheck_Program)

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25 See Brennan's Study: Purges: A Growing Threat to the Right to Vote.
https://www.brennancenter.org/sites/default/files/publications/Purges_Growing_Threat_2018.pdf

Wikipedia Crosscheck:

https://www.brennancenter.org/our-work/analysis-opinion/voter-purge-rates-remain-high-analysis-finds?gclid=Cj0KQCQiw84XtBRDWARisAAU1aM1MhPRw-g8VTyxVCBp9JMj-ov68YeWPVeckhszKpufxzroMLdWpt4aAg6oEALw_wcB
<https://en.m.wikipedia.org/>

26 <https://www.brennancenter.org/new-voting-restrictions-america>

27 https://ballotpedia.org/Voter_identification_laws_by_state

28 https://ballotpedia.org/Voter_identification_laws_by_state

29 Brennan Center for Justice, Cases See also: Democracy Diverted Polling Place Closures and the Right to Vote September 2019.
<http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>

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30 Ohio homeless case: Voter receives absentee ballot and accidentally signs the day's date on the form instead of his birthdate. He provides correct information otherwise (social security, driver's license). **His vote is disallowed because no exact match of birthdate (aka "mechanical error")**

<https://www.afi.org/wp-content/uploads/2018/06/Northeast-Ohio-Coalition-for-the-Homeless-v.-Husted-837-F.3d-612.pdf>

"S.B. 205 and S.B. 216 also allow Ohio's 88 county boards of elections the discretion to reject absentee ballots cast by qualified, registered, and eligible voters for:

Writing a shortened form of the voter's name on the absentee envelope, even if election officials can identify the name (e.g., "Bill" or "Wm." for "William.");

Writing less than the voter's full current address, such as omitting an apartment number or zip code, even if election officials can identify the address;

Using partially cursive handwriting if the signature on file is fully cursive;

Not signing the voter's name exactly as it appears in the voter's registration, even if the signature is substantially similar."

<https://www.chandralaw.com/blog/plaintiffs-in-voting-rights-case-propose-complaint-against-ohio-secretary-of-state-husted-and-attorney-general-dewine-to-rescind-restrictions-intended>

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31 <https://www.bamapolitics.com/24365/alabama-early-voting-part-of-house-democrats-2019-legislative-agenda/> citing the National Conference of State Legislatures. This was used by Alabama Democrats for introducing early voting onto legislative floor on March 20, 2019

See: <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx> for more information

32 From Mother Jones 11/3/18 <https://www.motherjones.com/politics/2018/11/>

33 https://ballotpedia.org/Same-day_voter_registration.

6/30/2019 Same Day Registration (not in any of the Covered States

See also

<http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>

34 <https://felonvoting.procon.org/view.resource.php?resourceID=000286>

35 <https://www.brennancenter.org/sites/default/files/legal-work/New%20Voting%20Restrictions.pdf>

36 <https://www.brennancenter.org/sites/default/files/legal-work/New%20Voting%20Restrictions.pdf>

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37 For more information on Vote Suppression and Discrimination in Georgia, please go to the website: [bravenewfilms/suppressed](https://bravenewfilms.com/suppressed) issued in 2019 : this is an outstanding visual story of how Georgia has reinstated pre Civil Rights Act measures to suppress the vote, state action to notoriously, systematically, openly and effectively deprived black, brown and young Americans their vote by not processing applications for voter registration, closing 214 voting precincts in predominantly black and brown neighborhoods, intimidating voters, giving wrong polling information, enforcing strict voter ID laws. Georgia was a covered state in 2013 under the Voting Rights Act. The Secretary of State did not process 58k applications for registering to vote. He won by 54k votes. This is the Roberts Supreme Court legacy: to bring discrimination back into States and decimate Congressional Action of the Civil Rights Act and the effective protections of the 14th and 15th Amendments

39 https://en.m.wikipedia.org/wiki/Gerrymandering_in_the_United_States#/media/File:3AThe_Gerry-Mander_Edit.png

40 <https://en.wikipedia.org/wiki/Gerrymandering>

41 https://www.supremecourt.gov/opinions/17pdf/16-1161_dc8f.pdf Justice Kagan's Concurring Opinion p4 This case was mooted by the Supreme Court's rulings in June 2019 *Rucho v Common Cause* and *LWV of North Carolina and Lamone v Benisek*

See also the Efficiency Gap which is well described https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=12542&context=journal_articles

42 <https://www.brennancenter.org/blog/5-things-know-about-wisconsin-partisan-gerrymandering-case>

43 <https://www.brennancenter.org/blog/5-things-know-about-wisconsin-partisan-gerrymandering-case>

44 https://en.wikipedia.org/wiki/Michigan%27s_congressional_districts#/media/File:Michigan_Congressional_Districts,_113th_Congress.tif

<https://fox17online.com/2019/04/25/judges-michigan-must-redraw-congressional-legislative-maps/>

45 Map source: <https://www.thenation.com/article/the-most-serious-challenge-to-gerrymandering-in-modern-times-reaches-the-supreme-court/>

53% Democrats, 47% Republicans result in 36% Democratic Seats and 64% Republicans. Source:10/17/2019
<http://indivisibledoorcounty.com/category/gerrymandering/>

46 CommonCause.org <https://www.commoncause.org/north-carolina/democracy-wire/retired-judges-unveil-new-unofficial-nc-congressional-map/>

<https://www.nytimes.com/2019/09/03/us/north-carolina-gerrymander-unconstitutional.html>

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48 The Supreme Court's opinion emphasized the "individualized and personal" nature of the right to vote, insisting that plaintiffs show a "district specific" injury for standing. Source: Supreme Court <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/18-422.html>. "Partisan gerrymandering claims have proved far more difficult to adjudicate. The basic reason is that, while it is illegal for a jurisdiction to depart from the one-person, one-vote rule, or to engage in racial discrimination in districting, "a jurisdiction may engage in constitutional political gerrymandering." **p 17 of the opinion**
https://www.supremecourt.gov/opinions/18pdf/18-422_9oj1.pdf

49 https://www.supremecourt.gov/opinions/18pdf/18-422_9oj1.pdf

50 **Supreme Court Slip Decision Rucho et al. v. Common Cause et al.**

Thus he was stating that gerrymandering is political and not a question of constitutional law.

51 **ibid**

52 **Supreme Court Slip Decision Rucho et al. v. Common Cause et al. 6/27/2019**

53 All the briefs in Rucho v Common Cause et al may be found at <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/18-422.html>

54 <https://www.nytimes.com/2019/09/03/us/north-carolina-gerrymander-unconstitutional.html><https://slate.com/news-and-politics/2019/10/north-carolina-court-kills-republican-gerrymander.html>

55 <https://www.brennancenter.org/state-redistricting-bills-2019?splash=https://www.commoncause.org/wp-content/uploads/2019/05/CC-Activist-Handbook-on-Redistricting-Reform-5.24.19.pdf>

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56 <https://www.brennancenter.org/state-redistricting-bills-2019?splash=>

57 <https://www.brennancenter.org/state-redistricting-bills-2019?splash=>

58 [https://ballotpedia.org/Michigan_Proposal_2_Independent_Redistricting_Commission_Initiative_\(2018\)](https://ballotpedia.org/Michigan_Proposal_2_Independent_Redistricting_Commission_Initiative_(2018))
https://www.michigan.gov/documents/sos/Redistricting-Commission-Selection-Timeline_649998_7.pdf
<https://www.economist.com/democracy-in-america/2019/08/01/republicans-challenge-michigans-redistricting-commission-in-court>
<https://electionlawblog.org/wp-content/uploads/michigan-complaint.pdf>

59 <https://www.commoncause.org/wp-content/uploads/2019/05/CC-Activist-Handbook-on-Redistricting-Reform-5.24.19.pdf>

60 <https://www.brennancenter.org/state-redistricting-bills-2019?splash=>

61 https://ballotpedia.org/Independent_redistricting_commissions

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64 Brennan Center for Justice 2018

65 <https://www.gpbnews.org/post/judge-says-georgia-must-scrap-outdated-electronic-voting-machines-after-2019>

For additional look at Georgia's vote suppression: Listen to Georgia's voters in [Suppressed: the Fight to Vote](#), a 2019 film by Brave New Films

67 Congressional Bill: <https://www.congress.gov/bill/116th-congress/house-bill/1>

68 https://en.wikipedia.org/wiki/For_the_People_Act_of_2019

69 <https://www.leahy.senate.gov/imo/media/doc/VRAA%20of%202019%20one%20pager.pdf>

<https://www.congress.gov/bill/116th-congress/house-bill/4/actions>

72 <https://www.bravenewfilms.org/suppressed>

75 <https://www.brennancenter.org/publication/purges-growing-threat-right-vote>

https://www.brennancenter.org/sites/default/files/publications/Purges_Growing_Threat_2018.pdf

76 <https://www.cbsnews.com/news/judge-rules-that-kansas-cannot-require-proof-of-u-s-citizenship-to-vote/>



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77 Google searches: Wikipedia, Brennan Center, Pew Research, Ballotpedia, NY Times and other sources

78 <https://campaignlegal.org/cases-actions/lulac-v-reagan>

The Republican groups have argued that Maricopa, Pima, Coconino, Pinal and Apache counties should never have allowed vote curing after Election Day, but now that they have, the court should require all counties to permit voters to cure early ballots until 5 p.m. on Nov. 14.

https://www.aclu.org/sites/default/files/field_document/8.20.18_file_stamped_complaint_0.pdf

For Civil Rights violations in Arizona: see <https://www.usccr.gov/pubs/2018/07-25-AZ-Voting-Rights.pdf>

79 <https://www.scotusblog.com/2018/10/court-stays-out-of-north-dakota-voting-dispute/>

<https://www.colorlines.com/articles/what-you-need-know-about-voter-id-law-scotus-refused-end/>

[Indian rights to vote generally:](#)

<https://www.loc.gov/teachers/classroommaterials/presentationsandactivities/presentations/elections/voting-rights-native-americans.html>

"In 1948, the Arizona Supreme Court struck down a provision of its state constitution that kept Indians from voting. Other states eventually followed suit, concluding with New Mexico in 1962, the last state to enfranchise Native Americans. Even with the lawful right to vote in every state, Native Americans suffered from the same mechanisms and strategies, such as poll taxes, literacy tests, fraud and intimidation, that kept African Americans from exercising that right. In 1965, with passage of the Voting Rights Act and subsequent legislation in 1970, 1975, and 1982, many other voting protections were reaffirmed and strengthened."

80 <https://www.aclukansas.org/en/press-releases/hammet-aclu-kansas-prevail-joco-elections-commissioner-ronnie-metsker-ordered-hand>

81 Ballotpedia

Organizations involved with Voting Rights



- www.nationalvotercorps.org
 - See National Organizations listed there
 - Click on each state for state organizations
 - Click on Vote Suppression for slides updated from time to time.
- 11/16/2019