



Crushing American Democracy

Threats & Solutions

Personal Obstacles for Voters Today



Require a Voter ID –
**What if you don't
drive, or don't have a
birth certificate?**



Forbid giving water and snacks to
voters in line – **If the line is long,
will there be any porta potties?**



Reduce polling
locations, hours and
voting machines –
**Will you lose wages
traveling and waiting
in line?**



Move voting locations
without warning –
**Can you get there
on the bus?**



Require vote-by-mail ballot to have
verified signature or prohibit anyone
else to return it (“harvesting”) –
What if you are homebound?



Purge semi-regular voters from the
rolls – **Did you return the notice
(that looked like a junk mail
postcard) to stay registered?**

Structural Threats to Voting Rights



Gerrymandering



Election Integrity



**Dark Money
in Politics**



Senate Filibuster



Electoral College



**Politicized
Courts**



Social Media



The 1965 Solution: The Voting Rights Act



- §2 – **No State or political subdivision** may apply a policy or procedure to **deny or abridge** the right of any citizen of the United States **to vote on account of race or color**.
- §4 – **Formula** identifies States, Counties and Townships which **racially discriminate**.
- §5 – States, Counties and Townships “covered” by the **Formula** are required to obtain **Pre-clearance** (approval) from the Federal Justice Department or Federal District Court in D.C. **before any change to voting practices** are made.



President Lyndon Johnson signing the 1964 Civil Rights Act outlawing segregation and discrimination

Sources: <https://www.archives.gov/milestone-documents/voting-rights-act>
https://en.wikipedia.org/wiki/Civil_Rights_Act_of_1964

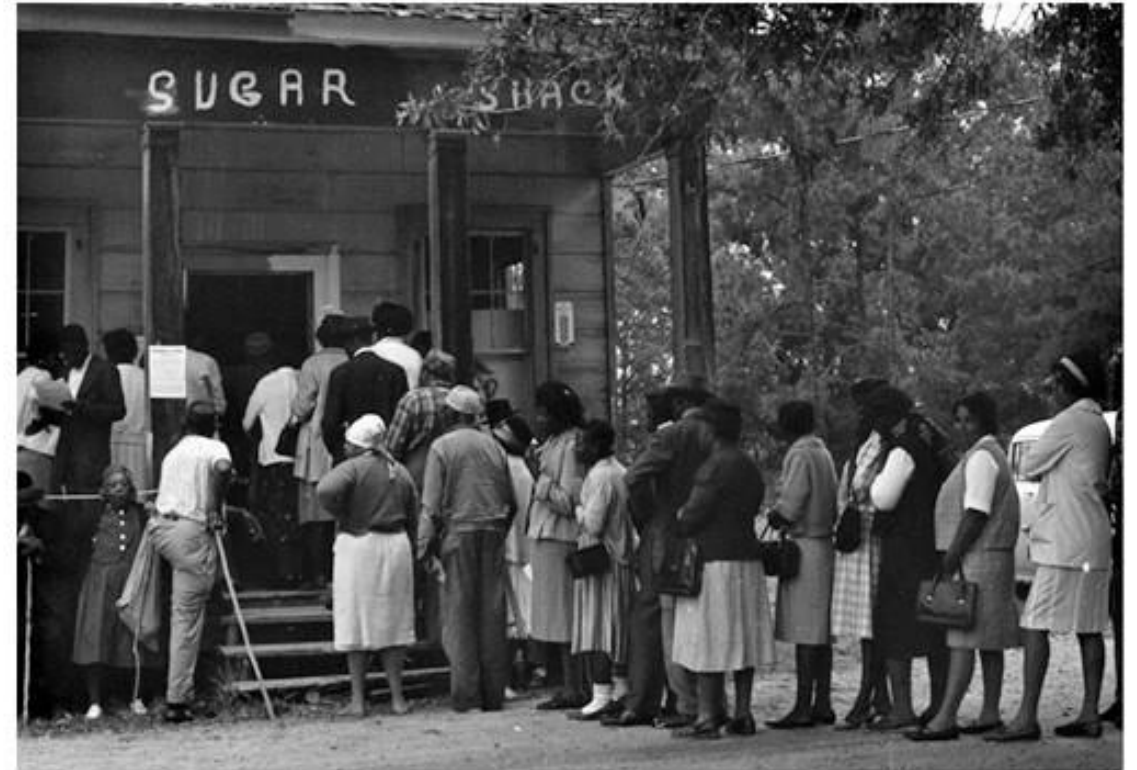
§ = Section number

VRA's Pre-Clearance Impact Was Huge!



With no poll taxes, literacy tests, etc.:

- Over 1 Million new Black voters by 1970
- Mississippi's Black voters:
 - **6% registration rate 1965 increased to 59% by 1969**
- Congress:
 - 6 Black members in 1965; 13 in 1971
- Senate:
 - no Blacks in 1965; 1 in 1971; 3 in 2023
- Justice Dept's Attorney General annual pre-clearance reviews:
 - over 4500 claims,
 - 14,000 to 20,000 voting changes!
- Nationwide:
 - **475 elected Blacks in 1965; by 2023 640 Black Mayors represent 48M people**



A group of voters line up outside the polling station in Peachtree, Alabama, a year after the Voting Rights Act was passed. (Photo: MPI/Getty Images)

Recent US Supreme Court Cases impact both Federal and State voting rights laws



2010 – *Citizen's United v FEC* (5-4)

- Allows Corporations and Unions *unlimited* PAC \$\$\$ for federal elections.
- Media spending skyrocketed immediately.



2013 – *Shelby v Holder* (5-4)

- Kills preclearance (approval) by Justice Dept and Federal Court.
- *Immediate result*: 1688 precincts closed and massive increase in barriers to the ballot box in previously covered States.

2019 – *Rucho v Common Cause* (5-4)

- Political gerrymandering *not* unconstitutional; up to Congress to act.

2023 Decisions –

Allen (originally Merrill) v Milligan (5-4)

- 1965 VRA prohibits discrimination on race
- Federal Court ruled Alabama is racially gerrymandered.
- Ruling: Affirmed - Alabama districts discriminated on race.

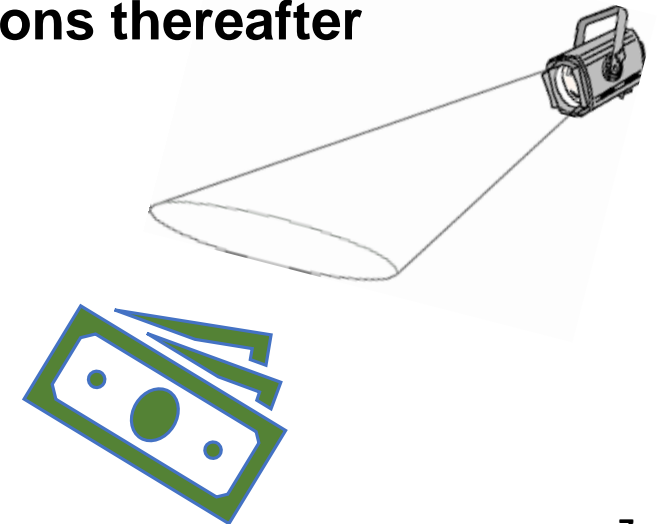
Moore v. Harper (6-3)

- NC State Legislature argued it - *not* NC Supreme Court - determines election law because of Article 1.4 of the US Constitution. SCOTUS Ruling: Denied “Independent State Legislature” theory; upheld State Supreme Court power; sent back to State Court to oversee redistricting.

Dark Money in Politics after Citizens United



- US Supreme Court decided *Citizens United v FEC* (2010).
 - **Corporations** have a First Amendment right to free **speech**.
 - **Corporations** and **Unions** may create **PACs**.
- Results:
 - Corporations and Unions *independent from the candidates* buy mass media advertisements, run independent precinct operations, and pick candidates who will further their corporate goals and objectives.
 - Huge corporate impact on 2012 redistricting and elections thereafter
- Response currently up to States, e.g., [CA DISCLOSE Act](#)
 - **Requires disclosure of donors to candidates, top donors to ballot measures and political advertisements.**



Shelby Ends Pre-clearance



- **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**.
- **Minority Opinion: Justice Ruth Bader 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."

RBG

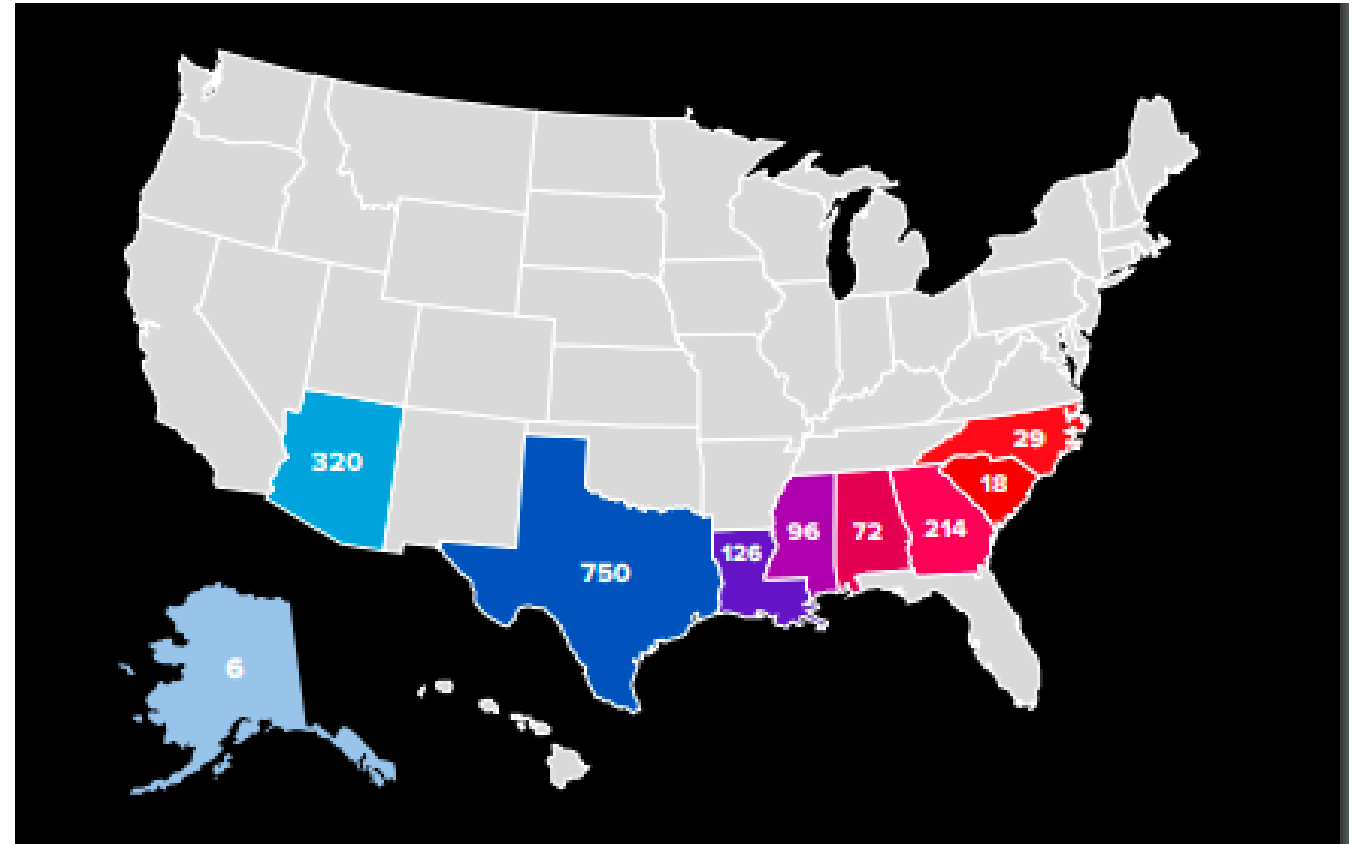




Shelby Impact: 1,688 Polling Places Closed

- **1,688 polling places closed** in previously covered States
- **Closures continue:** Texas bill would **prohibit polling locations on all college campuses** in Texas.
- Requires litigation to stop racist-based State policies.

Closures Are Racist Decisions



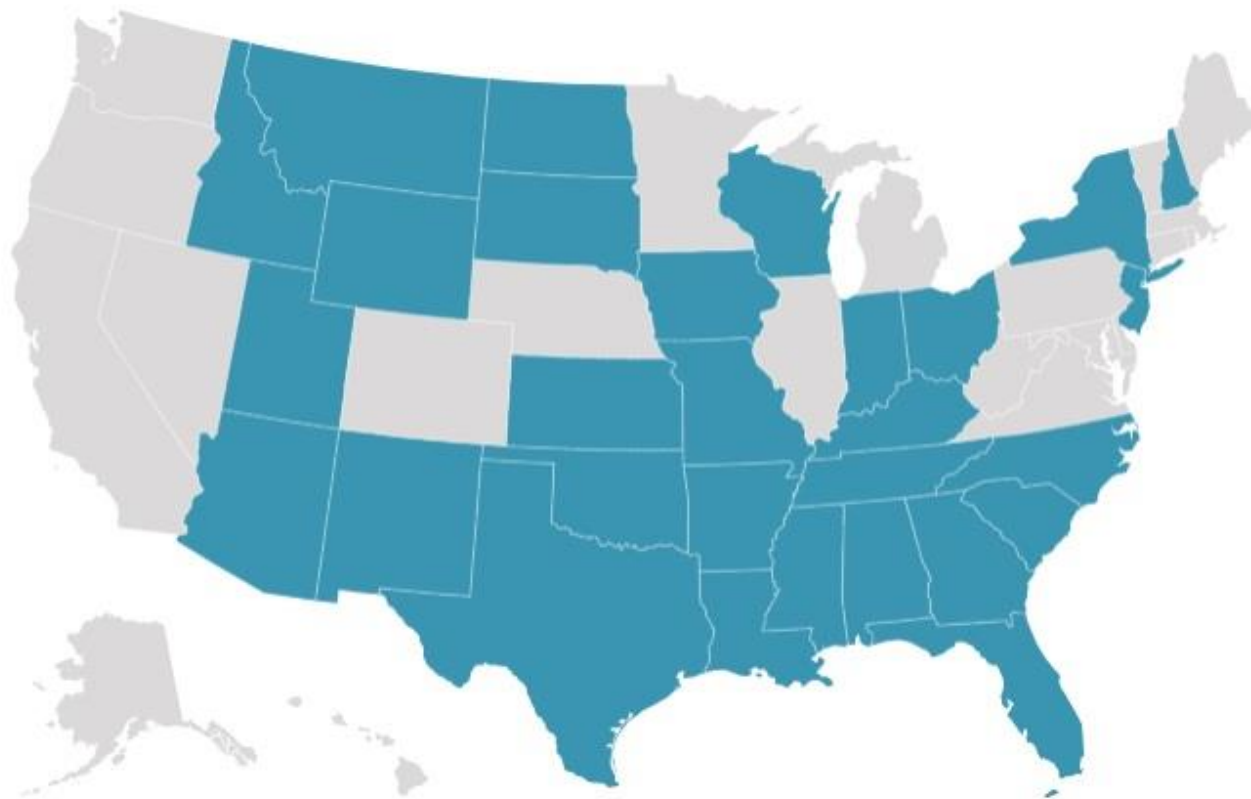
Sources: <https://www.tpr.org/government-politics/2023-02-20/polling-sites-on-texas-college-campuses-would-be-banned-under-proposed-bill>
<http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>



Shelby Impact: Restrictive Voting Laws

“Since Shelby County was decided, at least 29 states have passed 94 restrictive voting laws.”

Brennan Center analysis of publicly available data from 2013–2023.

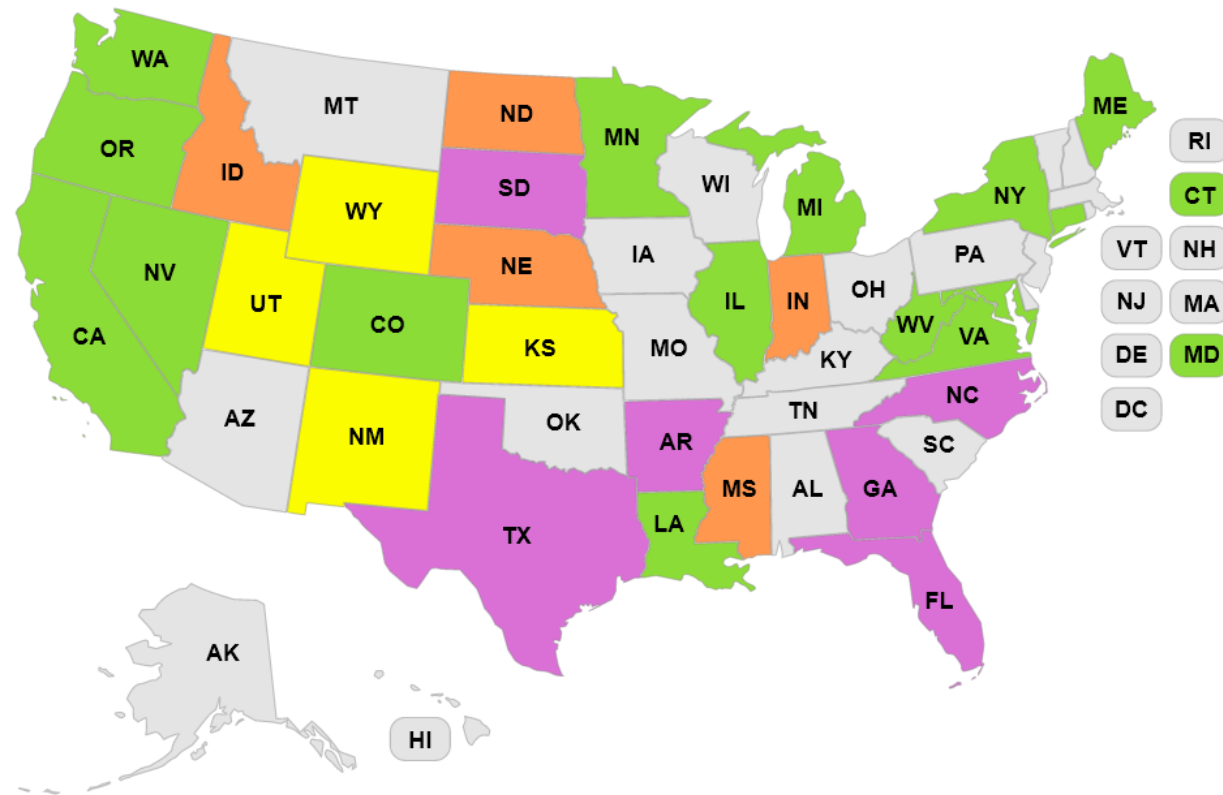


Source: [States Have Added Nearly 100 Restrictive Laws Since SCOTUS Gutted the Voting Rights Act 10 Years Ago](#), Brennan Center, June 23, 2023

New election laws enacted to date in 2023



The colors indicate laws **enacted to date in 2023** that **restrict (orange)**, **expand (green)** or **do both (yellow)**. **Gray** indicates no change, and laws that promote election interference, which takes priority over other colors, are in **purple**.

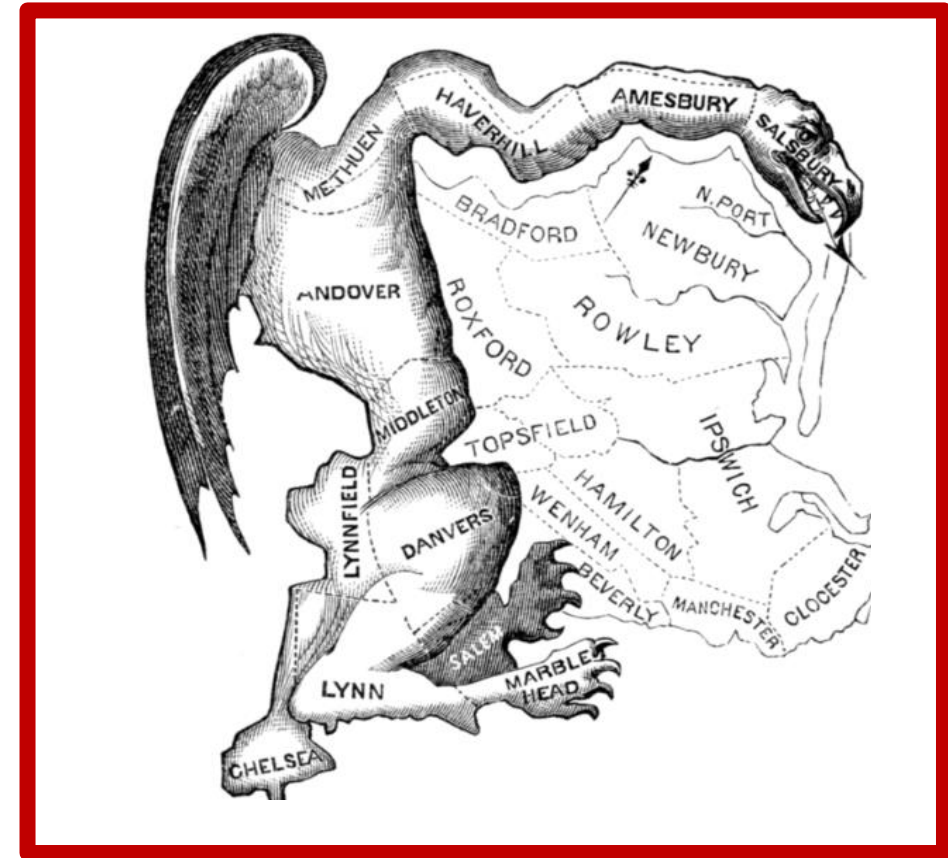


Source: Brennan Center Voting Laws Roundup Reports of October 2023



Partisan Gerrymandering is Legal!

- In 1812, Massachusetts Governor Elbridge Gerry redrew the state senatorial districts to favor his party. The Boston Gazette published this cartoon which merged “Gerry” and “salamander” to describe the result.
- **Rucho v Common Cause (2019):** US Supreme Court states that *racial* gerrymandering is **illegal**, but **partisan gerrymandering falls outside the reach of the Supreme Court**: a decision to be made by Congress *not* the Supreme Court.



Sources: picture: [Wikipedia](https://en.wikipedia.org/wiki/Elbridge_Gerry), Rucho: https://www.supremecourt.gov/opinions/18pdf/18-422_9ol1.pdf

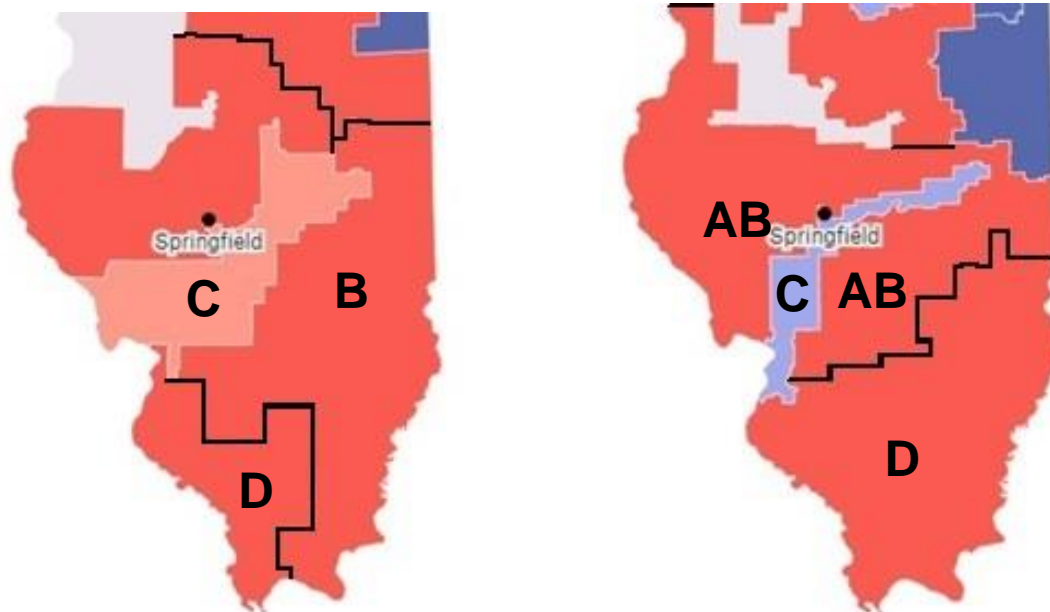
How to Gerrymander



PACKING — draw voting district boundaries so as many opposition voters as possible are crammed into the ***fewest*** possible districts that they can win

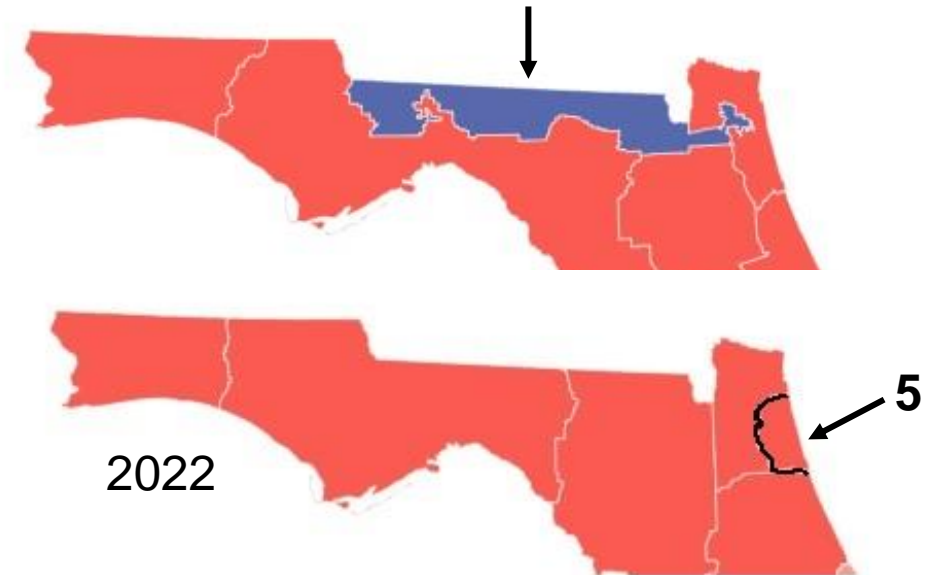
CRACKING — draw voting district boundaries so that the party in charge has a numerical advantage in the ***majority*** of districts

2020 Southern Illinois 2022



Packing changed 3 Red districts (solid A & B and leaning C) into 1 Red (AB) and 1 leaning Blue (C).

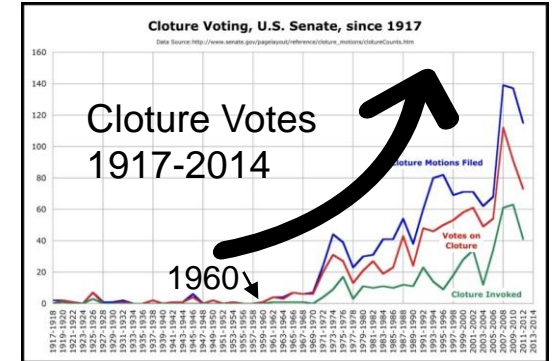
Northern Florida's District 5 in 2020



District 5 is moved to a safe Red area and Blue voters get incorporated into strong Red districts.

Source: <https://projects.fivethirtyeight.com/redistricting-2022-maps/>

Filibuster Reform Urgently Needed



- Filibuster historically **used to stop voting rights legislation**
 - Anti-Poll Tax Bill (1942)
 - Freedom to Vote Act / John R Lewis VRA (2022)
- Rural areas over-represented in Senate** (2020 Census).
 - WY + VT + AK + ND + SD have 3.6 million voters (10 Senators)
 - CA has 39 million voters (2 Senators)
 - The 26 least populous states are home to just 17 percent of the US population.****
- “Cloture” allows 41 Senators to block a bill**
 - A Senate rule, not written in Constitution, requires 60 votes to end a filibuster
 - Cloture voting has skyrocketed since 1917
- Majority vote applies** for federal budget reconciliation, Executive Branch and Judicial nominations
 - Why not majority vote for voting rights?**

*Why should 41 Senators be able to outvote 59 Senators when the 17th Amendment specifies each Senator has **one** vote?*



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The Freedom to Vote: John R Lewis Act Addresses Supreme Court decisions



- **Preclearance to be reinstated** with **updated Formula**
- **Updates “voter protections** in Section 2 in response to [Brnovich v. Democratic National Committee](#) decision which banned ballot collection and out-of-district voting
- Enhances power of the **U.S. Attorney General to send federal observers** to jurisdictions which courts have deemed necessary
- **Allows courts to block new election policy in a wider range of circumstances**
- All states would have:
 - ✓ **Automatic voter registration**
 - ✓ **Vote by mail**
 - ✓ **Felons’ rights to vote**
 - ✓ **Limits on voter identification laws**
 - ✓ **Same day registration**

HR 5746



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



Strong Voting Rights Laws needed now!

- **Congress has the power pass strong election laws for *Federal* elections:** “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** ...”
(US Constitution, Article 1, Section 4)
- **Congress must exercise its power to enact legislation *under the 14th, 15th, 19th, 21st, 24th and 26th Amendments* to address voting rights.**
- **We have a **national voting registration form** for federal elections. Why not have **standard rules for conducting** federal elections?**

My zip code should not determine if, when, where and how I may vote!



The Real Threats to Election Integrity

Voters aren't the problem — Voter fraud is rare — the threat is Election Interference!

- Out-of-date voting equipment
- Not enough voting equipment at voting precincts
- Intimidation of election officials
- Interference by poll watchers at the precincts
- Failure to update voter databases accurately
- Voter purging by States
- Unjustified recounts and legal challenges to the vote results
- Social media lies that undermine voter confidence in election process
- Foreign interference



Source: <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2022>

Appendix: Voting Rights History On 1 Page



Earlier	Civil War	Reconstruction	Jim Crow Era	Civil Rights Mvt. Era	VRA	Growth	Decline
1789 ...	1861-'65	1865-1877	1877- 1957	1945 –65 (+ ongoing)	1965	to 1990s	2000 +
1789: Mostly white, propertied males may vote, Slave counts for 3/5 person in census 1864: slaves freed 1865: 13 th Amendment - Slavery abolished 1867: Reconstruction Act: terms for readmission to the Union 1868: 14 th Amendment grants citizenship & equal protection under law for all people born in USA or naturalized citizens 1870: 15 th Amendment: No denial of the right to vote because of previous condition of servitude.			1877: Fed troops leave South,** States enact “Black Codes,” Jim Crow laws enforce segregation and intimidation 1896: <i>Plessy v Ferguson</i> : “separate but equal” legal 1914 17 th Amendment: direct voting for Senators 1920: 19 th Amendment: women get right to vote 1954: <i>Brown v Bd of Ed</i> : ends “separate but equal”; left enforcement to states 1955: Montgomery bus boycott 1957: Civil Rights Act allows prosecution for preventing voting		1963: March on Washington 1964: Freedom Summer 1964: 24 th Amendment – no poll taxes 1965: Voting Rights Act 1971: 26 th Amendment –18 yrs. to vote 1993: Voter Registration Act (“Motor Voter” law) automates registration 2010: <i>Citizen’s United v FEC</i> : no \$\$\$\$ limits on PACs by Corporations and Unions 2013: <i>Shelby v Holder</i> : Preclearance ended in previously segregated States 2019: <i>Rucho v Common Cause</i> : political gerrymandering not unconstitutional 2023: <i>Allen v Milligan</i> : racial gerrymandering unconstitutional		

**Actually, “home rule” restored

20

**Actually, “home rule” restored



Watch Vote Denial on Film

To understand the *when, where, who, what and why* of vote repression:

- [ALL IN: The Fight for Democracy](#) - 2020 Film on Prime
 - <https://www.youtube.com/watch?v=t6jVGswLPd8>
- [SUPPRESSED and SABOTAGED the Right to Vote](#) - a 2022 film by Brave New Films
 - <https://www.youtube.com/watch?v=9EGuGCizZCE>
- [RIGGED: The Vote Suppression Playbook](#) - a 2018 film by American Issues Initiative
 - <https://www.youtube.com/watch?v=Xn7MXFGI9Hs>
- [DARK MONEY](#) - a 2018 film by Big Sky Film Productions
 - https://www.youtube.com/watch?v=DWG_F4UDMkk
- [VOTER ID AND THE KOCH BROTHERS](#) - a 2018 film by Brave New Films
 - https://www.youtube.com/watch?v=M_jNVy7LDf0

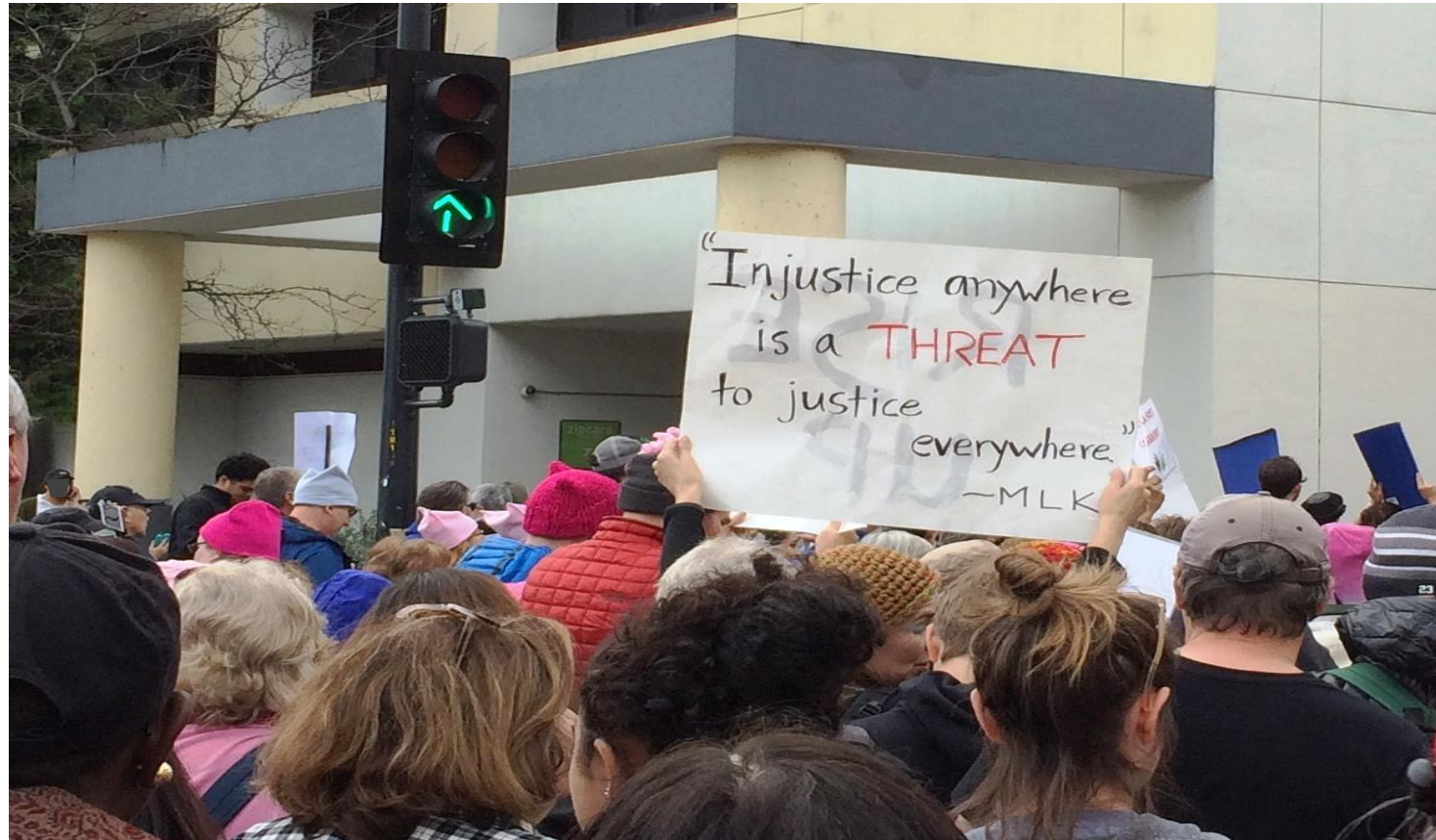


About National Voter Corps

- Mission: **Every voter counts and every vote is counted.**
- Through its website, National Voter Corps:
 - Educates voters and policymakers about state and national voting rights, their history and present status.
 - Encourages volunteers nationwide to use the interactive 50-State Map, which details information about local and national nonpartisan voting rights organizations.
 - Provides free, downloadable, educational voting rights materials.
- Formed in November 2016 in Palo Alto, California
- Unincorporated, Nonpartisan and Nonprofit
 - [Tax-deductible Donations](#) are managed for NVC via The Social Good Fund, a 501(c)(3)
- Our website is <https://nationalvoter corps.org/>



Don't Let Democracy Be Crushed!



Stand Up For Voting Rights!