



THE HONORABLE A. LEON HIGGINBOTHAM, JR.
MEMORIAL
VOTING RIGHTS BRAINTRUST

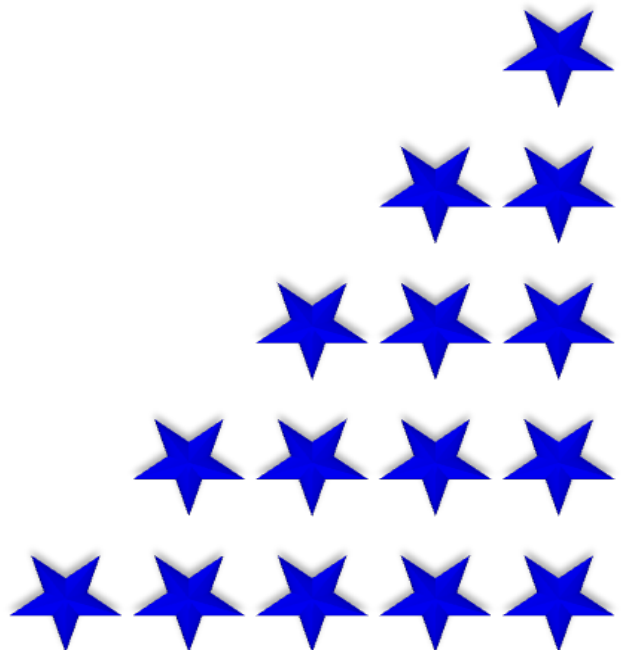
OUR VOTES

OUR VOICES

THEY MATTER

2020 Toolkit

- Event Overview
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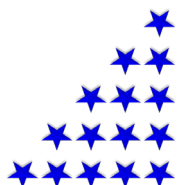
EVENT OVERVIEW

The 2020 Honorable A. Leon Higginbotham, Jr. Memorial Voting Rights Braintrust will give conference attendees the opportunity to hear from well-known activists, who are using their celebrity voices to educate and advocate on the importance of everyone participating in the electoral process. They tie the strength of our voices to our votes, and how much both matter during a time when we must address social and institutional injustices and their impact upon our lives, families and communities.

Voting rights remain under attack as states across the country pass voter suppression laws disproportionately affecting people of color. In 2020, however, suppression is not only legislated, it also takes the form of misinformation and intimidation to keep people from voting from home or in person. In 2020, families and communities are victims of the murder of our young women and men. The coronavirus pandemic is disproportionately impacting the health, lives, economics and businesses of African Americans and other people of color. Panelists will discuss the importance of protecting and exercising our right to vote now even more than ever.

The issue of voter suppression affects all of us, particularly African Americans, Latinx, Native Americans, and Asian Americans. It impacts language minorities, persons with disabilities, the previously incarcerated, the poor and senior citizens. Voter suppression and voter discrimination erode the very fabric of our democracy. Our panelists will discuss this moment in history, and how it is our time to ensure "the arc of the moral universe ... bends toward justice" by casting our votes.

OUR VOICES are critical to ensuring suppression tactics do not keep anyone from voting, that our communities are educated about their voting rights and voting processes and, most importantly, understand and use the **POWER** of their votes and their voices.





U.S. Representative Marcia L. Fudge, *Honorary Host & Moderator*

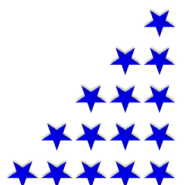


Congresswoman Marcia L. Fudge is a committed public servant who brings a hard-working, problem-solving spirit to Congress and to the task of creating jobs, protecting safety net programs, and improving access to healthcare, healthy foods, and quality education. She has represented the people of the 11th Congressional District of Ohio since 2008.

In the 116th Congress, Congresswoman Fudge chairs the House Administration Subcommittee on Elections and the Agriculture Subcommittee on Nutrition, Oversight and Department Operations. She is also a member of the House Education and Labor Committee.

Congresswoman Fudge has served the people of Ohio for more than two decades, beginning with the Cuyahoga County Prosecutor’s Office. She was the first African American and the first female mayor of Warrensville Heights, Ohio, where she led the city in shoring up a sagging retail base and providing new residential construction. Congresswoman Fudge is a Past National President of Delta Sigma Theta Sorority, Inc., and a member of the Greater Cleveland Alumnae Chapter.

Congresswoman Fudge’s work ethic, problem solving approach, and ability to build collaborative relationships has earned her a reputation among her colleagues in Washington and at home as an insightful leader and knowledgeable legislator. As a dedicated public servant, she begins each morning with a firm promise “to do the people’s work.” It is this simple philosophy that defines Congresswoman Fudge as a Member of substance and character who always keeps her promise.





ABOUT OUR PANELISTS



Erika Alexander is beloved for her iconic acting roles as Maxine Shaw (*Living Single*), Detective Latoya (*Get Out*), Cousin Pam (*The Cosby Show*), Perenna (*Black Lightning*), and Linda Diggs (*Wutang: An American Saga*). Erika wears many hats as not only an actress, but also a trailblazing activist, entrepreneur, creator, producer, and director -- an all-around boss. Erika represents one of the most bold, daring, and powerful voices in our country today.

Erika recognizes that stories, when socially conscious and carefully constructed, have the capacity to create impact and meaningful change. As co-founder of Color Farm Media and Board Member of VoteRunLead, Alexander’s mission is to bring greater equity, inclusion, and diverse representation to both media and electoral politics.

Erika’s company, Color Farm Media, self-described as the “Motown of film, TV, and tech,” develops and produces scripted and unscripted content for film, television, streaming, and podcast platforms. Color Farm’s latest project to be released is *John Lewis: Good Trouble*, a documentary film about the legendary Congressman and civil rights icon that is distributed by Magnolia Pictures, Participant Media, and CNN Films.

Erika is currently co-directing a documentary film on reparations and racial equity, which she began filming in June 2019 at the U.S. Congressional reparations hearing on Juneteenth.

Erika is a critical thought leader on racial and gender equity and leadership. She serves as a Board member of One Fair Wage and Exponent, and is highly involved with many other social and racial justice orgs, including the Poor People's Campaign, Color of Change, NAACP, UNCF, and others. Born in Winslow, Arizona, Erika grew up in Flagstaff, AZ and in Philadelphia, PA.

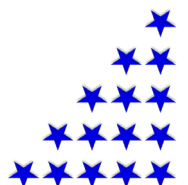


Yvette Nicole Brown is an actress and producer best known for her series-regular and recurring roles on television comedies, including *Community*, *The Mayor*, *The Odd Couple*, *Drake and Josh*, *Girlfriends*, and *Mom*, among others. Yvette starred in the critically acclaimed and NAACP Image Award winning six-hour BET miniseries *The New Edition Story* and appeared on *Unsolved: The Murders of Tupac and the Notorious B.I.G.* for USA. Yvette has also appeared in films such as *Dreamgirls*, *Tropic Thunder* and *Percy Jackson: Sea of Monsters*. In 2019 she completed the indie, *Love & Oatmeal*, and debuted as “Aunt Sarah” in the Disney+ live action remake of *Lady and the Tramp*.

Yvette served as host and moderator for *The Walking Dead’s* season six premiere at Madison Square Garden for an audience of 15,000 people and moderated panels for 8,000 fans in the famed Hall H at San Diego Comic Con. Her extensive voiceover career includes series regular roles on *Elena of Avalor*, *Pound Puppies*, *DC Super Hero Girls*, *SuperMansion*, and *Lego Star Wars: The Freemaker Adventures*.

Yvette is in demand as a guest and guest co-host on various talk shows, including *The View*, *The Talk*, *The Chew*, *The Real* and *The Talking Dead*. She is a talented singer, signed to Motown Records in her teens, and has appeared on just about every game show known, winning thousands for contestants and her favorite charities.

Yvette is a 2020 NAACP Image Award Nominated writer for the romantic comedy, *Always A Bridesmaid*. A native of Congresswoman Fudge’s district, Yvette was born in East Cleveland, Ohio. She graduated from Warrensville Heights High School and studied communications at the University of Akron.





ABOUT OUR PANELISTS



Mike Colter is best known for his role as Luke Cage in Marvel's *Luke Cage* (2016–2018). He has also appeared as Lemond Bishop in the television series *The Good Wife* (2010–2015) and *The Good Fight* (2017–present), Malcolm Ward in *Ringer* (2011–2012), Jameson Locke in the *Halo* franchise (2014–2015) and Agent J's father in *Men in Black 3*.

Colter's first role was in the film *Million Dollar Baby*, as boxer Big Willie Little. He has also guest starred on *Law & Order: Trial by Jury*, *Law and Order: Criminal Intent*, *The Good Wife*, *ER*, and *The Parkers*, as well as several TV movies. He also starred in the series *Ringer*. In 2014, Colter began portraying the role of Agent Jameson Locke in the *Halo* franchise. Colter starred in the series *Halo: Nightfall*, co-starred as Luke Cage in *Jessica Jones*, on Netflix and played Luke in *The Defenders*. Since 2019, Colter has starred as the male lead (David Acosta) in the CBS drama, *Evil*.

In 2018, Colter appeared on *The Messy Truth with Van Jones*, a television mini-series presented by *Be Woke.Vote*, which focuses on the various reasons to be involved in the voting process. During the interview, Colter discussed current challenges facing America, the importance of voting in the midterm elections and how people can help one another in their communities.

Colter was born in Columbia, S.C. He holds a bachelor's degree in theater from the University of South Carolina and he obtained an MFA degree in acting from the Rutgers University Mason Gross School of the Arts.



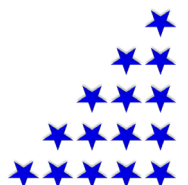
Malcolm-Jamal Warner is known for his seasoned acting talents, and his accomplishments in music, directing, and producing. As a staple in television and film for nearly 30 years, Warner first rose to national prominence by starring on the groundbreaking classic, *The Cosby Show*, which earned him a Primetime Emmy Nomination for Outstanding Supporting Actor in a Comedy Series.

Warner most recently co-starred as A.C. Cowlings on the FX series *American Crime Story: The People v. O.J. Simpson*. He is currently on TNT's hit series *Major Crimes*, *Suits* on USA, and has appeared in several FX offerings. Television credits also include NBC's critically acclaimed *Community*, guest roles on *The Michael J. Fox Show*, TNT's *Hawthorne*, AMC's *The Cleaner*, and Showtime's *Dexter*. In 2011, Warner produced, directed and starred in the BET original series *Reed Between the Lines*. His short film MUTED won the HBO Short Film Competition at the 2014 American Black Film Festival.

Warner has regularly directed and produced the comedy series *Malcolm & Eddie*, and directed several episodes of *The Cosby Show*, *All That*, *Keenan & Kel*, *The Fresh Prince of Bel-Air*, *Sesame Street*, and the AIDS awareness video *Timeout: The Truth about HIV, AIDS, and YOU*, which earned Warner the NAACP Key of Life Image Award.

Warner has been featured in several films, and starred in off-Broadway plays, including *Cryin' Shame*, for which he received the NAACP Theater Award for Best Supporting Actor.

Warner is also a poet and a bass player. In 2015, he received his first Grammy for Best Traditional R&B Performance as a Featured Performer, and released his latest album, "Selfless," which melded spoken word and soul music into a cohesive album.





VOTING RIGHTS ACT & THE STATE OF PLAY

★ *The Voting Rights Act of 1965 (VRA)* has been called the most successful piece of civil rights legislation in American history. The VRA prohibits racial discrimination in voting and has been amended and reauthorized by Congress on a bipartisan basis in 1970, 1975, 1982, 1992 and, most recently, in 2006.

In June 2013, in *Shelby County v. Holder*, the Supreme Court invalidated a key component of the Voting Rights Act—the coverage formula by which certain states and jurisdictions with a history of discrimination were required to pre-clear election changes with the Department of Justice. In that decision, Chief Justice Roberts acknowledged the persistence of voter discrimination and challenged Congress to come up with a new coverage formula to protect against it.

Since the *Shelby County* decision, states around the country have enacted new voting restrictions, making it harder for students, elderly, disabled and minority voters to participate in the electoral process.

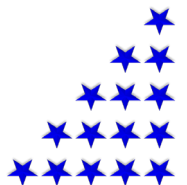
Under the leadership of Attorneys General Jeff Sessions and William Barr, the Department of Justice has taken an undemocratic turn, refusing to defend the right to vote and supporting suppressive State measures. The current Administration has instead chosen to focus on non-existent “voter fraud,” spreading misinformation, and attempting to sow distrust in mail-in voting, rather than working to ensure all Americans have access to the democratic process.

Congressional leaders are committed to enacting common-sense legislation that restores and strengthens voting rights for all. The House passed the John R. Lewis Voting Rights Act to address the results of the *Shelby County* decision, but it languishes in the Senate.

The Committee on House Administration and its Subcommittee on Elections have held at least 15 hearings on issues of voting rights, election administration, election security, protecting the integrity of our democracy, barriers to voting faced by [Native American communities](#), the [COVID-19 pandemic](#), and voting in the [U.S. Territories](#). A full listing and videos of the Committee and Subcommittee hearings can be [found here](#).

Of those 15 hearings, the Subcommittee on Elections conducted eight hearings and an inaugural listening session in Texas, Georgia, North Dakota, North Carolina, Ohio, Alabama, Arizona, and Washington, D.C., specifically examining voting rights and election administration to counter the rationale for the *Shelby v. Holder* decision. The Subcommittee issued a report on *Voting Rights and Election Administration in the United States of America*, which provides contemporaneous evidence that voter suppression still exists.

The report can be [read here](#).





SELECTED VOTING RIGHTS LEGISLATION IN THE 116TH CONGRESS

★ **H.R. 1 – For the People Act of 2019** (Rep. John Sarbanes, D-MD)

Passed the House 3/18/19 (Senate companion bill, S. 949, Sen. Tom Udall, D-NM – No action)

The For the People Act is a compilation of various voter protection bills introduced in both the House and Senate. The Act expands voter registration and access, makes Election Day a federal holiday, limits states' ability to remove voters from voter rolls, provides for states to establish independent nonpartisan redistricting commissions, promotes access to voting for the disabled, and protects an individual's right to vote in elections for federal office.

H.R. 4 – Voting Rights Advancement Act of 2019 (Rep. Terri Sewell, D-AL), renamed **John R. Lewis Voting Rights Act**

Passed the House 12/6/19 (Senate companion bill, S. 561, Sen. Patrick Leahy, D-VT – No action)

The John R. Lewis Voting Rights Act puts an end to the most egregious form of voter suppression by amending the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act. It also adds a new component of "covered practices." Covered practices are specific election-related changes that, if a jurisdiction meets the outlined criteria, would have to be approved by the Department of Justice before enactment.

H.R. 2722 – Securing America's Federal Elections (SAFE) Act (Rep. Zoe Lofren, D-CA)

Passed the House 6/27/19 (Senate companion bill, S. 2053, Sen. Amy Klobuchar, D-MN – No action)

The SAFE Act takes critical steps to protect our democracy. The bill provides funding to states to replace outdated and vulnerable voting equipment, and mandates paper ballot voting systems and strict cybersecurity requirements for both election technology vendors and voting systems.

H.R. 4617 – Stopping Harmful Interference in Elections for a Lasting Democracy (SHIELD) Act (Rep. Zoe Lofgren, D-CA)

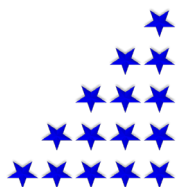
Passed the House 10/23/19 (Senate companion bill, S. 2669, Sen. Amy Klobuchar, D-MN – No Action)

The SHIELD Act will strengthen the resilience of our democracy and protect against foreign interference in our elections, including by foreign governments. It will close loopholes that allow foreign spending in American elections, boost disclosure and transparency requirements, and create a duty to report offers of campaign assistance from foreign nations or governments.

H.R. 7068 – VoteSafe Act of 2020 (Rep. James E. Clyburn, D-SC; Rep. Marcia L. Fudge, D-OH)

Introduced 6/1/20 and referred to the Committee on House Administration (Senate companion bill, S. 3725, Sen. Kamala D. Harris, D-CA – No action)

The VoteSafe Act is specific to the pandemic and limited to 2020 elections. It will enhance safe voting options for the November 3rd federal election by requiring no excuse absentee voting by mail and early in-person voting for at least 20 days; improving safety and accessibility for voters during the pandemic; improving access to voter registration; and ensuring adequate assistance and access for language minority, American Indian, Alaska Native and rural voters. The Act provides funding totaling \$5 billion for states to implement the requirements.





ARTICLES OF INTEREST: FIGHTING AGAINST SUPPRESSION

The Voter Suppression Chronicles

The American Prospect

By Bob Moser (June 20, 2019)

When the Roberts Court all but nullified the Voting Rights Act, it said the pre-1965 practices were long gone. New hearings by the House make clear: They're back.

Kristin Scott had a mess on her hands. In June of last year [2018], less than three months before the start of early voting for the midterms, the news had come down to the elections director of rural Halifax County, North Carolina: The state's Republican lawmakers, those mad scientists of American voter suppression, had voted to create uniform hours for early voting across the state. Every polling place would have to be open Monday through Friday, 7 a.m. to 7 p.m. The bill had seemingly popped up out of nowhere, tacked on to a budget bill the day before and waved through in just 40 hours with no public testimony, committee hearings, or input from local or state elections officials. "In the most undemocratic way possible, we're undermining democracy," fumed Democratic state Senator Jay Chaudhuri.

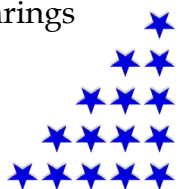
...

She understood the frustration and fury. Halifax voters had been hit hard, repeatedly, by North Carolina's flurry of voter-suppression laws following the Supreme Court's *Shelby v. Holder* decision in 2013. In a 5-4 vote, the Court's conservatives struck down the Voting Rights Act's key provision, which had required states and locales like North Carolina—places with histories of racial discrimination in voting—to seek approval from the Department of Justice before making any changes to voting. ...

But in February [2019], Scott got a different kind of news: The U.S. Congress was coming to Halifax. More precisely, the House Subcommittee on Elections, which then-Speaker Paul Ryan [in 2013] had eliminated (no voting problems to investigate, folks!) and new Speaker Nancy Pelosi had revived, would be coming—for one in a series of field hearings across the country looking into voting discrimination since *Shelby*.

While the new Democratic House majority was eager to revive the struck-down "preclearance" provisions of the Voting Rights Act for frequent offenders like North Carolina, Justice John Roberts, in his *Shelby* decision, had issued a challenge to Congress: Prove that we still need it. "History did not end in 1965," Roberts tartly observed. "Coverage today is based on decades-old data and eradicated practices" like Jim Crow-era literacy tests and poll taxes, he wrote. "The conditions that originally justified these measures no longer characterize voting in the covered jurisdictions. Nearly 50 years later, things have changed dramatically. Largely because of the Voting Rights Act, voter turnout and registration rates in covered jurisdictions now approach parity. Blatantly discriminatory evasions of federal decrees are rare. And minority candidates hold office at unprecedented levels."

Congress, Roberts continued, would have to build a "robust" case for an updated formula. Representative Marcia Fudge, the voting-rights firebrand from Ohio whom Pelosi tapped to lead the Subcommittee on Elections, took up that challenge. She scheduled seven hearings





for this spring in states with especially troubling voting practices, from Florida to North Dakota. “What the courts said to us is that they could not continue to enforce Section 4 because they did not have a contemporaneous record,” Fudge said. “We are doing these hearings to create a contemporaneous record, so that we can go back to them and say, ‘Not only did we have these problems in 1968, but we had these problems in 2018.’”

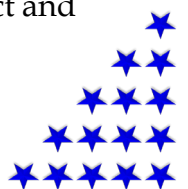
THE HEARINGS ENDED UP being extraordinary – something one could rarely say about congressional hearings of any kind. Witnesses painted a bleak, vivid, and sometimes heartrending picture of voting rights in the post-*Shelby* era. Some of the hearing sites were predictable enough—Broward County, Florida; Atlanta, Georgia; Fudge’s home district of Cleveland, Ohio. But the series would kick off in Brownsville, Texas, before visiting the Standing Rock reservation in North Dakota; Birmingham, Alabama; and Halifax County. “We’re going to small communities who people forget about who are punished year after year after year,” Fudge said. It didn’t hurt that subcommittee member G.K. Butterfield, who once worked on voting-rights cases before becoming a district judge and landing in Congress, represents Halifax County.

And so on a sweaty Thursday morning in mid-April, Congress came to town. A couple of hundred curious Halifax residents, sharp-dressed for the occasion, filed past presidential-visit-level security at Halifax Community College for the proceedings. Two high school classes huddled near the back of the big brown auditorium; a large contingent of Fudge’s Delta Sigma Theta sorority sisters, dressed in bright red, arrayed themselves near the front. Kristin Scott, who’d submitted written testimony, took a rare day off with her deputy election director so she could witness what might go down. “I *have* to see this,” she’d told me. “It’s so weird that they’re here. Good, mind you, but weird.”

After ordering the buzzing crowd to hush, Fudge said she “could not think of a better place to continue our hearings. When the Supreme Court struck down a core provision of the Voting Rights Act in 2013, Chief Justice Roberts wrote nonetheless that, and I quote, ‘Voting discrimination still exists. No one doubts that.’” Fudge glanced up from her notes and gave the audience a knowing look. “Legislators in North Carolina,” she said, “proved that point.”

The six witnesses in Halifax, as at most of the hearings, were a mix of voting-rights scholars, lawyers, activists, and elected officials. The star of this show was the Reverend William Barber, the former state NAACP chair who began leading Moral Monday protests after North Carolina’s monster law was enacted. “We have been battling for 2,023 days—five years, nine months, and 24 days—since the Voting Rights Act was gutted in 2013,” he thundered. ...

In every hearing, the details differed (somewhat), but the story was much the same: Republican lawmakers, in the South and in GOP-led states where Democrats are competitive, have been both relentless and deviously innovative in targeting the other party’s voters—and when one law is nipped in the bud by the courts, two others always seem to bloom. It’s precisely what Justice Ruth Bader Ginsburg predicted in her searing *Shelby* dissent. “Past is prologue,” she wrote, riffing on Shakespeare while puncturing Roberts’s fantasy of racial harmony circa 2013. Before the Voting Rights Act and





preclearance for states that discriminated, Ginsburg wrote, “attempts to cope with this vile infection resembled battling the Hydra. Wherever one form of voting discrimination was identified and prohibited, others sprang up in its place.” Now, she said, the Supreme Court was giving states a green light to do their worst again. Ginsburg predicted a rash of “second-generation barriers” to voting that would supplant the old Jim Crow literacy tests, poll taxes, and (once a North Carolina specialty) requirements that black voters recite the preamble to the U.S. Constitution.

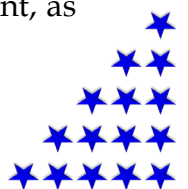
She proved to be prophetic. The field hearings ... provided ample evidence of the Hydra-headed nature of the new voter suppression—and how Republicans in Southern and battleground states have been learning from each other since the monster law set the tone for the post-*Shelby* era. “Notes are compared,” Tomas Lopez, head of the civil rights group Democracy North Carolina, said in Halifax. “You see something in one place, it gets used in another.” ...

By the time her subcommittee reached Florida’s Broward County, Fudge had heard quite enough Republican talk about rising vote totals giving the lie to voter-suppression claims. “It’s interesting that we talk about the numbers of people voting,” she said with a small smile. “Because we vote in spite of difficulties doesn’t make those difficulties right. It doesn’t make it right that they tell us in Standing Rock they are voting in chicken coops. In Brownsville, it doesn’t make it right that they are voting in police stations, because they are afraid of police. It doesn’t make the purges right: Poor people move more, so they don’t get the junk mail. And the Constitution of the United States does not say that if you miss a vote, we’re not going to let you vote anymore. The Constitution does not say if you miss two votes we’re not going to let you vote anymore. It says you have a right: an unfettered, unabridged right to vote in this country if you are a citizen.

“We will support democracy in Venezuela, in Russia, in China, everywhere but here,” Fudge said. “Every time we change the rules, which we do in every single election, we make it more difficult for people to vote. If you’re confused about what time of the day you can vote, it is suppressing your vote.”

SEVERAL TIMES DURING the field hearings, Fudge was moved to repeat a pledge that won’t be easy to fulfill. ... “As they say at home, we gonna fix it,” she said, nodding. “I promise you we will.” ...

But there’s only one real fix for the 24 states that have restricted voting rights since *Shelby*, aside from overcoming Republican gerrymanders to elect Democratic majorities in state capitols: Congress has to update the Voting Rights Act in a way that passes muster with the Supreme Court. Without a federal solution, the endless round of new restrictions, followed by equally endless rounds of court battles—then followed by newly worded laws or amendments after one voter restriction gets struck down—will continue in the states. “Restoring preclearance in states like North Carolina is the only solution,” says Tomas Lopez. “Otherwise, you’ll still have this cat-and-mouse game that’s been going on. *Shelby* happens; North Carolina passes its voter-ID law; then you’ve got three years of litigation and it’s declared unconstitutional. Then you have voters pass an amendment, as





they did in 2018, and now we're all back in court. You have ID in place; you don't have ID in place; maybe you have ID in place." ...

The VRAA, authored by Alabama Representative Terri Sewell, meets Roberts's demand for a "contemporaneous" formula. States with 15 or more voting-rights violations in the last 25 years would qualify; right now, that would include most of the South—Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia—along with California and New York. (Arizona and Arkansas are right on the edge, and Ohio is coming up quick.) The law would task the Justice Department with maintaining a list of violations in every state and county. And once again, the states that make a habit of suppressing voters would have to submit every voting change, right down to a new polling location, for approval. ...

When Roberts wrote the majority opinion in *Shelby*, he took issue with singling out particular states for federal oversight. "In 1965, the States could be divided into two groups: those with a recent history of voting tests and low voter registration and turnout, and those without those characteristics," the chief justice wrote. "Today the Nation is no longer divided along those lines, yet the Voting Rights Act continues to treat it as if it were." But even if you granted Roberts's rosy view that Alabama had become just another Vermont when it came to voting, the reality is clearly different in 2019. ...

President Lyndon Johnson, when he introduced the Voting Rights Act, noted, "Every device of which human ingenuity is capable has been used to deny this right." Johnson would not have been surprised at the ingenuity unleashed by the Supreme Court's evisceration of the law almost 50 years later. "It is *so* Jim Crow, what we're seeing," voting-rights scholar and *White Rage* author Carol Anderson told me last fall. "We often think about the violence, the clash on the Pettus Bridge, the murders of Herbert Lee and Louis Allen, who were working to get people registered to vote. But Jim Crow operated under the legal system. That's what we miss. The literacy tests, the poll tax, that all had the aura of legitimacy—'We don't want voters who don't understand the U.S. Constitution to vote, do we?' But it had the purpose of delegitimizing American citizens. Then as now."

Read the entire article [here](#).

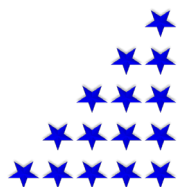
Why Are Florida Republicans So Afraid of People Voting?

The New York Times

By The Editorial Board (August 10, 2019)

There's no other logical explanation for the effective poll tax that lawmakers recently passed.

Coral Nichols will be eligible to vote when she's 190. That's assuming the 40-year-old Floridian — who served five years in prison for fraud and embezzlement, followed by nearly 10 years on probation — is able to keep up with her \$100 monthly restitution payments.





Jermaine Miller thought he had fully repaid the \$223.80 he owed in restitution for a 2015 robbery and trespass conviction. In fact, he paid \$18.20 more than that, but Florida says he still has a balance due of \$1.11 because of a 4 percent surcharge on restitution payments. On top of that, Mr. Miller owes \$1,221 in court costs and fines, which he doesn't have the money to pay.

Ms. Nichols and Mr. Miller are two of more than 1.4 million Floridians with criminal records who have spent the last year Ping-Ponging between hope and despair over whether they can exercise their most fundamental constitutional right – the right to vote.

Last November, nearly two-thirds of the state's voters approved Amendment 4, a ballot initiative that erased Florida's 150-year ban on voting by people with felony convictions, except for those convicted of murder or sexual offenses. It was one of the nation's biggest expansions of voting rights in decades. Florida, which was one of just four states that imposed a lifetime voting ban, bars a higher percentage of its citizens from voting than any other state. The state also accounts for more than one in four citizens disenfranchised nationwide.

But Florida's Republican lawmakers decided Amendment 4 was too much democracy for their taste.

Read the entire article [here](#).

Let's Put the Vote-by-Mail "Fraud" Myth to Rest

The Hill

By Amber McReynolds and Charles Stewart III (April 28, 2020)

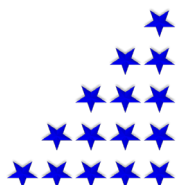
Widespread calls to conduct the 2020 elections by mail, to protect voters from COVID-19 exposure, are being met with charges that the system inevitably would lead to massive voter fraud. This is simply not true. ... **Read the full article [here](#).**

Social Media Braces for a Deluge of Voter Misinformation

Bloomberg Businessweek

By Namoi Nix and Kurt Wagner (July 24, 2020)

Civil rights groups say tech companies aren't keeping up with increasingly sophisticated false messages. **Read the full article [here](#).**





How to Report Voter Intimidation, and How to Spot It

The New York Times

By Niraj Chokshi (November 6, 2018)

A guide to voter intimidation and what to do about it. Read the full article [here](#).

Robocall Targets Battleground States with Falsehoods about Mail-In Voting

The Washington Post

By Meryl Kornfield (August 27, 2020)

Officials launched an investigation Thursday into what they said was an erroneous, racist robocall aimed at discouraging voters in battleground states from casting their ballots by mail. The recorded message features a woman who says she works for “Project 1599,” founded by the right-wing operatives Jacob Wohl and Jack Burkman, and falsely warns that personal information of those who vote by mail will be shared with police tracking down warrants and credit card companies collecting outstanding debt, according to recordings of the call reviewed by The Washington Post. Wohl and Burkman denied their involvement in the call, blaming “leftist pranksters.”

“Don’t be finessed into giving your private information to the man,” the recording says. “Stay safe and beware of vote-by-mail.”

It’s not known how many people were targeted in Democratic-leaning Detroit, Pittsburgh and Philadelphia.

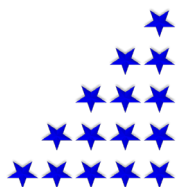
“This is an unconscionable, indefensible, blatant attempt to lie to citizens about their right to vote,” Benson wrote in a statement. “The call preys on voters’ fear and mistrust of the criminal justice system — at a moment of historic reckoning and confrontation of systemic racism and the generational trauma that results — and twists it into a fabricated threat in order to discourage people from voting.”

Benson previously faced off with President Trump when he threatened Michigan funding over her decision to send absentee ballot applications out of concern for the [coronavirus](#) pandemic depressing turnout. Trump has [repeatedly](#) questioned the security of voting by mail, even though he [applied](#) for a 2020 absentee ballot in Florida.

Wohl denied that the call was racist and said he and Burkman are “no fan” of mail-in voting. The phone number listed was Burkman’s cellphone number.

“No one in their right mind would give out their [cell] number on a robo [call],” Burkman told The Post, adding that Benson alerting residents about the misinformation was self-promotion. He said he would file a defamation lawsuit against her.

In response to a question about Burkman’s legal threat, Benson spokeswoman Tracy Wimmer said Burkman should take the real caller to court.





She also referred The Post to her news release, which said that the source of the call is not yet known but that the caller claimed to be associated with Wohl and Burkman, “two political operatives with a known reputation for spreading misinformation in an effort to gain notoriety.”

Famed for conspiracy theories and slapdash media briefings in Burkman’s driveway, Wohl and Burkman have been booted from social media sites including Twitter for their outlandish claims, including a bogus sexual assault accusation against special counsel Robert S. Mueller III and Democratic presidential candidate Pete Buttigieg.

Wohl previously recorded robocalls, according to [the Daily Beast](#), which obtained a 2019 call from him, offering cash to Delaware and Pennsylvania residents with evidence of former vice president [Joe Biden](#) uttering racial epithets.

It’s unclear how effective a spin campaign like this could be in the upcoming presidential election, according to Michael McDonald, a political scientist at the University of Florida, but chicanery to suppress minority enfranchisement is nothing new.

“This has been a dirty trick that’s been in the playbook for a long time,” McDonald said. “We’ve seen misinformation and disinformation given to particularly minority communities and African American communities to try to suppress their vote.”

Trump narrowly won [Michigan](#) in 2016 due to low turnout in Detroit – whose population is 78.6 percent Black, according to census data.

In [Pennsylvania](#), Trump won by a slim margin but lost in the counties Philadelphia and Pittsburgh are in. Black residents make up 42 and 23 percent of those cities’ populations, respectively.

Republican voters in those states and 11 others were called by Donald Trump Jr. this week, [according to Politico](#), with a contradicting message: Cast your ballots by mail.

“President Trump is counting on you to make a plan to return your absentee ballot request. Voting absentee is a safe and secure way to guarantee your voice is heard,” Trump Jr. [said](#).

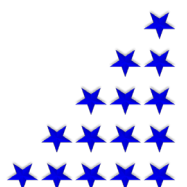
Nancy Hart, a 59-year-old Pittsburgh resident, laughed when she heard Wohl’s name when she got the robocall Wednesday. She wondered if her number was targeted, as she writes for an African American-focused community news blog. “It made me wonder if there was a reason, if I specifically got it,” she said.

When Michelle Autry, a 51-year-old Philadelphia resident, was called Wednesday, she sent a message to the office of Pennsylvania Attorney General Josh Shapiro out of concern for fraud. Misleading robocalls are illegal in Pennsylvania and Michigan, and intimidating voters is a federal crime.

Shapiro’s office did not immediately respond a post request for comment.

“It was gross,” Autry said. “It was so obviously fake.”

Autry worried she was targeted because she was a Democrat. Because of health concerns, she still intends to vote by mail. **Read the full article [here](#).**





[MI Secretary of State] Benson Blasts Robocall Warning Detroit Voters to “Beware of Vote by Mail”

The Detroit News

By Beth LeBlanc (August 27, 2020)

Robocalls to Detroit residents condemned by state official. **Read the full article [here](#).**

Dirty Tricks: 9 Falsehoods That Could Undermine the 2020 Election

Brennan Center for Justice

By Max Feldman (May 14, 2020, Updated July 30, 2020)

Falsehoods include “voter fraud is rampant,” “voting machines flip your votes” “people can’t help people vote,” and “non-citizens are voting in droves. **Read the full report [here](#).**

Waiting to Vote: Racial Disparities in Election Day Experiences

Brennan Center for Justice

By Hannah Klain, Max Feldman, Kevin Morris and Rebecca Ayala (June 3, 2020)

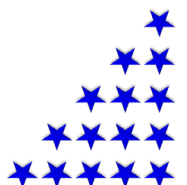
Forward by Myrna Perez, Director, Voting Rights and Elections Program
Brennan Center for Justice at NYU School of Law

Forward:

The pictures of Milwaukeeans waiting in line to vote on April 7 with homemade personal protective equipment were both beautiful and horrifying. It was beautiful – inspiring even – that with a deadly pandemic on their doorsteps, so many people still cared so much about their right to vote that they went to the polls. And it was horrifying that they had to risk their health in order to do so.

News reports indicated that Milwaukee, the most diverse city in a largely white state, had reduced its usual 180 polling sites to just five. Covid-19 has exposed serious problems in our election systems, and it has made the need for reform urgent. Voters of color and demographically changing communities all across the country already knew this, though. As this report details, Black and Latino Americans face longer wait times on Election Day than white voters. In the past, long wait times were disruptive and disenfranchising. In the middle of a pandemic, they could also be deadly.

Though completed before the eruption of the coronavirus, this report is even more critical now because it provides information regarding community needs as well as mistakes commonly made in planning for and staffing in-person voting. While the risk of Covid-19 will no doubt move more voters to cast their ballots by mail, some communities – more typically communities of color rely on polling places. We must make sure that there are in-person options, and that they have enough of the right kinds of resources.





The period leading up to the November general election will be marked by extreme disruption and hardship in all facets of American life. At the time of publication, the pandemic has killed more than 100,000 Americans. It has also caused schools to close, people to lose their jobs, and Americans to distance themselves from one another. Our fundamental right to vote and our democratic processes are more important than ever: The officials we elect will make high-stakes decisions that will impact our health, safety, and welfare.

In these dire times, our country will not benefit from the judgment and experiences of all its citizens unless all Americans can vote freely and safely.

Read the full report [here](#).

Voter Purge Rates Remain High, Analysis Finds

Brennan Center for Justice

By Kevin Morris (August 1, 2019)

New data reveal that counties with a history of voter discrimination have continued purging people from the rolls at elevated rates.

Using data released by the federal Election Assistance Commission (EAC) in June, a new Brennan Center analysis has found that between 2016 and 2018, counties with a history of voter discrimination have continued purging people from the rolls at much higher rates than other counties.

This phenomenon began after the Supreme Court's 2013 ruling in *Shelby County v. Holder*, a decision that severely weakened the protections of the Voting Rights Act of 1965. The Brennan Center first identified this troubling voter purge trend in a major report released in July 2018.

Before the *Shelby County* decision, Section 5 of the Voting Rights Act required jurisdictions with a history of discrimination to submit proposed changes in voting procedures to the Department of Justice or a federal court for approval, a process known as "preclearance."

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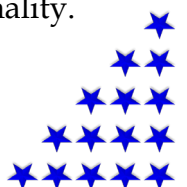
Read the entire report [here](#).

Red-tape Voter Suppression: How New, Draconian Voter Registration Rules Undermine Voting Rights

Brookings Institute

By Vanessa Williamson & Jackson Gode (June 11, 2019)

In Tennessee, a draconian new law aims to penalize groups engaging in voter registration campaigns. Civil rights advocates have rightly compared the legislation to the racist voter suppression policies of the Jim Crow era and are contesting the law's constitutionality.





Having experienced the effects of similar legislation in the field, we can say with confidence that if the Tennessee law is allowed to stand, it will undermine voter registration efforts and keep eligible voters off the rolls.

In 2018, in Dallas, Texas, and Cleveland, Ohio, our team conducted a randomized controlled trial of a new policy idea: offering voter registration to people when they file their income tax returns at Volunteer Income Tax Assistance (VITA) sites. The experiment was a success: the program doubled voter registration rates among the initially unregistered.

A less encouraging finding was the sheer disparity between our two test states. Each year, millions of Americans register to vote or update their voter registration thanks to the tireless efforts of civil society organizations that run voter registration tables, go door-to-door with voter registration forms, or otherwise remind potential voters to get registered in time to vote. But running a voter registration campaign that would be uncontroversial in other states is extremely difficult in Texas, because Texas has some of the most severe limits on voter registration of any state in the nation. It takes a simple procedure and makes it needlessly bureaucratic and extremely intimidating to both voters and volunteers, while doing absolutely nothing to make voter registration more secure.

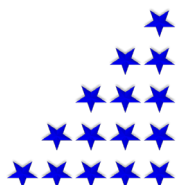
When a tax filer came into a Cleveland VITA site, they were met by an intake volunteer and presented with a voter registration form along with their standard IRS paperwork. If an individual wished to register, they would then complete the voter registration form and return it to the intake volunteer, who mailed the registration forms to the county within ten business days. No intimidation, no penalties, no additional burden on VITA intake staff.

Now, here's how a similar voter registration drive works in Texas:

To collect a voter registration form in Texas, you must be a "Volunteer Deputy Registrar," or VDR. A VDR must be a U.S. citizen, meaning that legal, longtime residents cannot do voter registration in the state. In immigrant communities, this immensely reduces the pool of people who can assist in a voter registration drive.

Moreover, VDRs must receive special training from the county, and their certification to register voters only applies to residents of the county in which they are trained. Texas has an astonishing 254 counties. A VDR who completed their training in Fort Worth, which resides in Tarrant County, cannot register voters in Dallas, less than 30 minutes away. If a Dallas resident were to be in Fort Worth and come across a voter registration table, the VDR trained in Fort Worth could not accept their voter registration form. If we had been trying to run an experiment in multiple counties, it would have required an immense additional investment in volunteer recruitment and training for every county in which we wished to work – luckily, we happened to work in only one county.

Just taking the VDR class is a hurdle. For our experimental work, we were lucky that Dallas County makes these courses accessible. In other counties, voting rights expert Ari Berman reports, the training to become a VDR "typically occurs once a month, sometimes less." And one's status as a VDR expires "on December 31st of every even-numbered year," meaning VDRs must recertify for every federal election.





Texas voter registration forms require only your name, address, date of birth, and an identification number, either from your Texas ID or the last four digits of your social security number. Check a box that you are a U.S. citizen and will be 18 on or before Election Day, affirm that you are a resident and not precluded from voting because of your criminal history or mental incapacity, sign and date, and you are ready to vote.

Or you would be, but Texas adds additional hoops and hurdles to the registration process. Each time a VDR receives a completed registration form, they must return a signed receipt to the applicant—plus send duplicates to the county. All completed forms must be submitted to the county by hand (not by mail) by 5pm on the fifth day (not the fifth business day) after the date they are received. Each VDR is issued materials including a certificate of appointment, handbook, applications, and a receipt book, all of which must be accounted for and returned no later than the second day after their two-year appointment is terminated. VDRs are also barred from photocopying the information on the voter registration form, even just the names and addresses—adding an extra obstacle for registration campaigns that would want to follow up with newly registered voters to remind them to turn out on Election Day.

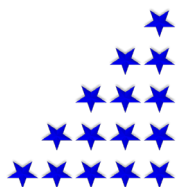
An additional challenge is the lack of clarity about these time-consuming and irksome procedures. It took several phone calls, for instance, to get in touch with an official who could answer definitively whether the five-day submission deadline included the day of collection or started the following day. We also had to clarify arcane details like this: while weekend days count towards the five-day deadline, if the fifth day falls on a weekend, a VDR actually has until Monday to submit the voter registration form.

To be clear, these procedures do nothing to assure the security of the registration process. The training explicitly notes that VDRs “may not determine if the applicant is actually qualified to register to vote.” It is red tape, pure and simple. But it is red tape accompanied by bolded warnings like this: “Failure to deliver an application in a timely manner is a criminal offense.” Fearing lawsuits, some national voter registration groups have opted not to work in Texas at all.

What did all this bureaucratic nonsense mean for our experiment? First, the duplicate forms made voter registration too much of a burden to combine with the intake procedure at the tax preparation sites. So instead, we had to bring in additional volunteers to offer voter registration and ensure that they were trained as VDRs.

The hurdles to becoming a VDR make it more difficult to find language-appropriate registrars. This likely reduced the effectiveness of the experiment for Spanish speakers. Nearly half of the Filer Voter participants in Texas signed our Spanish consent form; however, the results of the experiment showed that the program was over three times more effective at registering those who signed in English.

And because the forms had to be delivered by hand to the county, rather than dropped in the mail, we had to develop a carpool system to collect and deliver the forms within the allotted five days. Finally, if we wanted to confirm our findings by repeating the experiment,





as all good scientists would, every one of the VDRs who participated in Texas in 2018 would have to be recertified if they wished to collect voter registration forms in 2020.

We knew going into the experiment that Texas was going to be a “hard case” for our registration idea. In fact, a number of voter registration organizations suggested we pilot our program elsewhere. But there is little point testing a policy only in the venues where it is most likely to succeed. So, we invested heavily in our Texas experiment, including hiring local voting procedure experts to guide the project.

In the end, we did successfully register voters in Texas, though at a much lower rate than in Ohio. In Ohio, the Filer Voter program increased registration among the initially unregistered by 9.7 percentage points while in Texas there was only a 3.6-point increase. To be fair, we can’t say how much of the difference is due to the Texas laws; the Dallas population likely also had a higher percentage of non-citizens than Cleveland did. But what is clear is that registering voters in Texas was astronomically more difficult, and no more secure, than in Ohio.

The new law passed in Tennessee does not impose precisely the same requirements on voter registration groups as Texas, but the outlines are similar. For example, organizers in Tennessee who fail to follow the new rules could face extremely stiff penalties: fines of up to \$10,000 and close to a year in jail.

It does not actually require new data or direct personal experience to predict the impact of these laws, because voter suppression has a long and terrible history in the United States. There is no reason that the United States should, in the 21st Century, be debating the basic procedures of democracy. But since this debate is occurring, we should be very clear. Based on our experience in Texas, it is obvious that these new rules in Tennessee will intimidate civic organizations and keep eligible voters away from the polls. It is anti-democratic, unjust and of a piece with America’s most shameful political traditions.

Read the entire report [here](#).

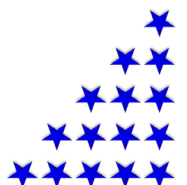
Voter Suppression Has Gone Digital

Brennan Center for Justice

By Young Me Kim (November 20, 2018)

The public should be able to tell where these messages are coming from and how they are being targeted

This month’s elections were fought online to an unprecedented degree, with an estimated \$900 million in digital ad spending – more than two and a half times the 2014 midterms. Not all of this spending was intended to persuade voters to favor one side or the other, however. Some online activity tried to keep people from voting altogether. My research team at the University of Wisconsin-Madison found hundreds of messages on Facebook and Twitter aimed at voter suppression – designed to discourage or prevent people from voting.





Online voter suppression in 2018 showed similarities to Russia’s interference in the 2016 presidential election. We found three categories of messages: deception about how or when to vote, calls to boycott the election, and attempts to threaten or intimidate potential voters.

Voter suppression messages appeared online despite the platforms’ efforts to stop them. In October, Facebook broadened its election integrity policies to combat voter suppression and committed to taking down such content. Just a few days prior to Election Day, Reuters reported that Twitter also purged more than 10,000 automated accounts that discouraged voting. Clearly, the problem has not yet been solved.

Has Voter Suppression Gone Digital?

Voter suppression has been taking place in various forms over the years. Piven and colleagues demonstrate that voter suppression tactics took the form of blatant violence and intimidation in the Reconstruction era but have since transformed into regulatory devices such as voter ID laws and racial gerrymandering. More recently, voter suppression takes the form of misinformation campaigns and deceptive practices such as lying about the time, place, and manner of voting.

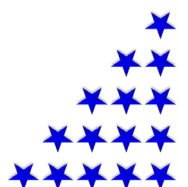
Deceptive practices have traditionally been comprised of fliers and phone calls. Now voter suppression has truly gone digital. In the 2016 elections, my research team found that the Internet Research Agency, a Kremlin-linked, information campaign operation, ran paid Facebook ads to suppress the turnout of nonwhite voters, especially African Americans. The night before Election Day, ads appeared urging people to “boycott the election” because neither of the presidential candidates would serve black voters. The ads, sponsored by the Russian-backed duo Williams & Kalvin, specifically targeted African American voters. In another study, my team found that voter suppression ads targeting nonwhites residing in minority counties (counties where the proportion of nonwhites is more than 50 percent of the population) in battleground states (where 2016 vote margins were less than +/- 5 percent) were eight times larger than that of their counterparts.

Consistent with the findings from our prior research, most of the voter suppression ads were sponsored by groups that had not registered with the FEC and publicly shared no information about who they were.

Voter Suppression in the 2018 Midterms

My team monitored the midterm elections in real time over the past several weeks by utilizing publicly accessible Facebook ads and Twitter. Unlike our 2016 digital ad tracking and analysis, which was based on large scale, consented-user-based tracking independent from digital platforms (we collected 87 million ads exposed to 17,000 users who represented the U.S. voting age population), the information provided here is anecdotal. As Facebook and Twitter proactively removed voter suppression messages in real time, the data provided by the digital platforms do not include posts or accounts that were taken down. Still, we found noticeable voter suppression campaigns online, especially on Twitter.

We specifically focused on three types of voter suppression campaigns: deception (lying about the time, place, and manner of voting); calls for boycott; and voter intimidation or threats.





Deception

The provision of incorrect information about the election date was very common in unpaid posts on Twitter. Similar to Russian tactics reported in our previous study, some tweets encouraged people (more specifically, anti-Trump voters) to vote via text.

Especially, #votenovember7th, a hashtag that mobilized turnout but with incorrect election date information, was often paired with other hashtags designed for partisan mobilization such as #bluewave, #redwave, and such. We do not yet know who these users spreading misinformation were exactly.

Many messages provided two different election dates – the correct one for their own party but the incorrect one for the opposing party. This type of message was tweeted by supporters of both parties.

We did not find many *paid* ads containing incorrect information about the time, place, and manner of voting on Facebook. However, one ad targeting Kansas is worth noting. The ad indicated that voters would need a birth certificate or naturalization document to register. However, over the summer a court struck down the law requiring proof of citizenship. The ad was sponsored by a Republican candidate and primarily targeted women.

While many of these messages might have been circulated with innocuous intent, they are still worrying. Given the amplification potential of social media messages, they may confuse a large number of voters.

Demobilization and Calls to Boycott

We also found some voter suppression attempts to deter people from voting by saying that voting is pointless or that there is no difference between the parties. Many messages used hashtags like #dontvote and #dontbeavoter.

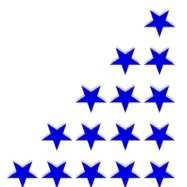
While the targeting of these calls to boycott was unclear in most cases (due to the limited information we have), some of the messages clearly targeted Latino and African American voters.

Voter Intimidation

In the 2018 elections, we found voter intimidation and threats attempting to organize violence at polling places.

After Nancy Pelosi's mention of "collateral damage" on October 18, 2018, a Twitter user named "IllegalAlien" said, "if you are GOP, be SURE to BRING YOUR GUNS TO THE POLLS. Let's show COLLATERAL DAMAGE." This tweet itself did not have much traction.

However, after October 25, when the Nation Rifle Association's spokesperson said on NRATV that gun supporters would need to bring guns to the polls to protect themselves from left wing mobs, tweets suggesting that NRA members or Republicans need to bring guns to the polls started trending.





Voter intimidation messages were often paired with misinformation about voter fraud. We found many conspiratorial messages; for example, that George Soros organized migrant caravans to rig the election, and that ICE was showing up at the polls to deport immigrants.

What Should We Do?

In both the 2016 and 2018 elections, my research team has been observing various forms of voter suppression campaigns take place on digital platforms. Despite tech platforms' proactive measures for combating voter suppression in the 2018 midterms, voter suppression messages still appear to be spreading rapidly.

Tech platforms' voluntary, self-regulatory policies combating voter suppression are a very important first step. However, we need to consider consistent and systematic regulations to effectively address voter suppression campaigns. The policy response should be two-pronged: Deception about how to vote should be banned, and other messages about voting should be transparent.

First, Congress should explicitly define and prohibit deceptive practices like spreading false information about how or when to vote in order to keep people from voting. Although much of this type of conduct is already illegal, we need a federal law to clearly and comprehensively address it. The Deceptive Practices and Voter Intimidation Act, introduced this year in Congress, would accomplish this.

Second, online messages about voting and elections should be more transparent. The public should be able to tell where these messages are coming from and how they are being targeted. As my research has shown, most voter suppression campaigns online were sponsored by undisclosed groups. And demobilization frequently targets specific segments of the population in terms of race, gender, and income, potentially leading to discriminatory effects. Disclosure would discourage some from engaging in voter suppression and give the government, journalists, and civil society the chance to respond and counter suppressive messages. Before 2020, Congress should enact legislation that would provide clear, consistent guides for disclosure to address the issues described here.

Read the entire report [here](#).

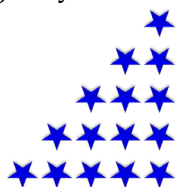
Voter Suppression Is the New Old Normal

The Atlantic

By Vann R. Newkirk (October 25, 2018)

Massive purges of minority voters from state rolls will stain the 2018 elections. They won't be the last.

Democracy in America is only a little over five decades old. That's difficult to square with the America that exists in the storytelling tradition: a brave experiment in a government run for and by the people. In reality, the country has always been defined as much by whom it's kept from voting as by who is allowed to participate, and the ideal of democracy has always been limited by institutions designed to disenfranchise. Put another way: The great majority





of all elections in American history would have been entirely illegitimate under modern law.

It seems even today's elections would have difficulty meeting those standards. Claims of voter suppression have multiplied during the 2018 midterm-election cycle. Gerrymanders dilute black and Latino votes. Voter-ID laws in some states disproportionately affect people of color. Polling-place changes, lines, and irregularities still characterize the voting experiences of many communities of color. In Georgia, the Republican candidate for governor – the state's secretary of state, Brian Kemp – is facing a lawsuit over allegedly racially biased voter purges. American democracy finds itself at a crossroads, and a future where *more* suppression is the norm seems like a strong possibility.

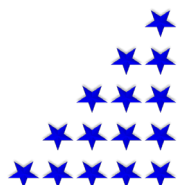
On Saturday, President Donald Trump ensured that the issue would be front and center as Election Day approached. "All levels of government and Law Enforcement are watching carefully for VOTER FRAUD, including during EARLY VOTING," he tweeted. "Cheat at your own peril. Violators will be subject to maximum penalties, both civil and criminal!"

Trump's tweet could be read straight, as a warning from the president against the threat of fraud. But that would ignore centuries of context. From the days of Jim Crow election rigging on, the specter of voter fraud has always been cover for disenfranchisement. American history is brimming with examples of strong-arm tactics used during elections. To wit, in 1987 the Republican National Committee's Ballot Security Task Force engaged in such naked intimidation that federal courts bound the committee in a consent decree that just expired this year. Trump himself was sued by multiple state Democratic parties in 2016 after he encouraged supporters to "watch" polling places for illegal voting.

But Trump's tweet is instructive in detailing just how voter suppression could carve out space at the edge of legality. The president has repeatedly peddled the falsehood that millions of noncitizens voted in 2016. The contagion of that misinformation spread, and began shaping policy. The claim was the basis for the creation of Trump's voter-fraud commission, which disbanded in January amid lawsuits alleging that it was requesting voter data from states in order to disenfranchise citizens.

Kansas Secretary of State Kris Kobach, the GOP nominee for governor and the erstwhile architect of the voter-fraud commission, implemented his own statewide effort, using the prosecutorial powers of his office to attempt to uncover a conspiracy of noncitizen voters. He netted a grand total of nine convictions, mostly of people who'd accidentally turned in two ballots in different places. Kobach secured just one conviction of a noncitizen voter.

Georgia's Brian Kemp has carried the banner, too. Using a program that Kobach developed called Crosscheck, which matches voter records to personal identification, Kemp's office has purged hundreds of thousands of voters from rolls. The secretary claims that those measures have been taken in order to maintain election security, under the office's duty to keep rolls up to date, secure, and error-free. But an onslaught of lawsuits in the past two years allege that most of the people purged are people of color.





Recent purges have dominated the race this fall between Kemp and Democratic nominee Stacey Abrams. In 2017, Kemp’s office purged a half-million people from the rolls, including more than 100,000 who seemed to be removed for not having voted in the prior election. This year, Georgia purged an additional 700,000. Aided by a new state law mandating “exact matches” between records, 53,000 people — 80 percent of whom are people of color — have been moved to “pending” lists because of clerical errors in their registrations. And that’s just a sample of the ways that government interference has shaped the race: Shifting polling places and the use of handwriting analysis to throw out absentee ballots have also been reported.

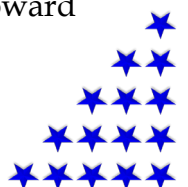
Regardless of the outcome, these tactics will make an indelible historical mark on the Georgia election. In that, it’s the vanguard of a new norm rather than an outlier. Since the 2013 *Shelby County v. Holder* decision, in which the Supreme Court defanged federal enforcement of the Voting Rights Act, the Court has taken an ax to the stump of voter protections that remained.

In June of this year, the Court gave its blessing to aggressive voter purges, even those that all existing data indicate affect minority communities most. The Court has moved toward extending authorization for voter-ID laws, despite data showing the same. Adding to the Court’s finding in *Shelby County* that past disenfranchisement was no longer a valid factor in developing current protections against disenfranchisement, the Court argued that “good faith of [the] state legislature must be presumed,” when it upheld Texas congressional districts that were challenged as racial gerrymanders.

So far, the results have been undeniable. According to the Brennan Center for Justice, up to 2 million more people than expected have lost their voting status because of purges after *Shelby County*. Also according to the Brennan Center, 23 states have made their voting laws more restrictive since 2010, including six of the 10 states with the highest proportions of black voters. And that count doesn’t include North Carolina, the state with the seventh-highest population of black voters, where a battle involving voter ID, gerrymandering, and racial discrimination has dominated politics over the past decade. Nor does it include Texas, now a major battleground for voter-ID laws and gerrymandering plans that mostly affect its high population of Latino voters.

Proactive national measures to prevent disenfranchisement have all but been eliminated in the past five years. Those measures are the most important ones, as litigation — the only remaining remedy — requires constant vigilance by citizens and often takes place only after harms have already occurred and illegitimate elections have already been won. Even if the favored candidates of voters of color win future elections, the effort needed to reestablish a guarantee of voting rights and put the disenfranchisement genie back in the bottle will be massive.

It seems likely, then, that 2018 is a beginning rather than an ending. Whether or not Kemp or Kobach is elected, and whether the claims of suppression against them hold up in court, they are representative of the new incentives in play. The Voting Rights Act bent the status quo against itself, forcing a political system built almost entirely on exclusion toward





democracy. But that job was never truly completed, and the siren song of those beholden to a shrinking demographic power has always been to resurrect the poll tax, or to reinvent it for a new age. The data are in. The new age is here.

Read the full article [here](#).

How to Make Sure Your Vote Counts in November

The Washington Post

By Amber Phillips (August 19, 2020)

The collision between the [coronavirus](#) pandemic and the 2020 elections means that voting is a far more complicated exercise this year. Americans who do not want to go in person to a polling place on Election Day need to learn their options for mail voting, which differ state to state. And President Trump's recent attacks on the U.S. Postal Service have raised [alarm among many voters](#) about whether they can trust that their ballots will be counted if they put them in the mail.

According to [a Washington Post analysis](#), 77 percent of Americans can vote by mail this fall after numerous states relaxed their rules in response to the health crisis.

If you decide to vote by mail, you should know that the risk of fraud is low. Five states conduct all their elections by mail, and millions of Americans vote by mail via absentee ballots every year, and [there is no routine or even statistically significant fraud, let alone widespread fraud](#). ...

Read the entire article [here](#).

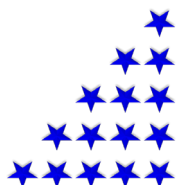
Political Campaigns are the First Line of Defense in Election Security

Brookings Institute

By Elaine Kamarck (August 29, 2019)

No matter how many governments and law enforcement agencies are scrutinizing elections for illegal interference, candidates, campaign staffs, and party officials are likely to be the first to notice disinformation campaigns, voter suppression efforts, and interference with the vote count because participants in the campaigns consistently monitor all three.

Most large, sophisticated campaigns routinely set up "war rooms" or "rapid response" units that monitor news and social media around the clock and prepare to answer attacks on the campaign. Round-the-clock monitoring applies to their opponents as well. Thus, campaigns are likely to notice disinformation campaigns that are against them *or that advantage them* before anyone else does. Second, going into a campaign, candidates and parties have a very good idea where their votes should be coming from and by what margins. They therefore are likely to notice attempts at voter suppression (traditional or digital) long before anyone else does. Let's look at each one in turn. ... Read the entire article [here](#).





How to Become a Poll Worker or Election Official

Election Protection Hotline – 866-Our-Vote (866.687.8683)

<https://866ourvote.org/how-to-become-a-poll-worker-or-election-official/>

Collaboration among Lawyers' Committee for Civil Rights Under Law, Brennan Center for Justice, and the Association of Pro Bono Counsel for Arizona, Florida, Georgia, Maryland, New Mexico, Ohio, Pennsylvania, South Carolina and Texas.

State specific guides to encourage qualified candidates to become poll workers – poll workers who know the relevant laws and processes, how to assist and troubleshoot effectively, and how to help voters have a positive experience on Election Day.

If your state is not listed, go to the [U.S. Election Commission's \(EAC\) guide](#) to become a poll worker.

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Federal Role in Voter Registration: The National Voter Registration Act of 1993 and Subsequent Developments, Congressional Research Service, January 23, 2019 (Updated)

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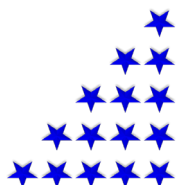
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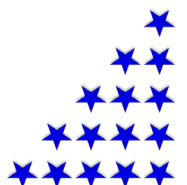
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<https://www.newsweek.com/trump-damaging-democracy-voter-fraud-claims-federal-election-commission-chair-1454995>

Trump Damaging Our Democracy with Baseless Voter Fraud Claims, FEC Chair Warns, Newsweek, Jason Lemon, August 19, 2019

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