

# Voter Suppression 2024



# Our Challenge

- The right-wing continues to create enthusiasm with the "Big Lie" and their voters are excited
- Federal legislation protecting voting rights has failed and passage looks doubtful in the US House
- There is a lack of enthusiasm among progressive activists
- There is concern about the Democratic Party digital infrastructure which is no longer American-owned (NGP VAN)
- The right-wing is investing in "Community Centers" in BIPOC communities

# Federal Legislation

- Bill to overturn National Voter Registration Act of 1993
- Legislation requiring Proof of Citizenship to register to vote
- Bill returning Washington, DC to the State of Maryland
- Prohibit agencies from having agreements with NGOs for voter registration/voter mobilization efforts
- Vote by mail requires Proof of Citizenship
- Eliminate reliance on US Postal Service for address verification

# Our Challenge

- The right-wing is challenging voter registrations in various states using the True the Vote list
- Right-wing is targeting Election officials and Election workers both at work and at home
- We need to change our language around voter registration; we are missing people who need us

# Data Security Concerns

- NGP VAN is the voter file software used by the DNC and most State and County parties as well as Democratic candidates
- NGP VAN is no longer an American product; in August 2021 it was sold to Apax Partners which is a British company



NGP VAN

# Why We Invested in PDI

- Millions of cell numbers
- Voter Preferred language
- Voter Race by Country of Origin
- School Districts included
- Deploy phonebanks by Organization/Group
- Complex script writing for phonebanking and canvassing
- Browser dialing
- American-owned NOT foreign-owned



# The Courts

- 8th Circuit Court rules private plaintiffs cannot sue under Section 2 of the Voting Rights Act
  - In the 8th Circuit only US Attorney General can bring claims under Section 2 of the Voting Rights Act that prevents discrimination under redistricting and voting
  - States impacted: Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota
- This case goes against precedent of *Allen v Milligan* in the 5th District

# State Legislation

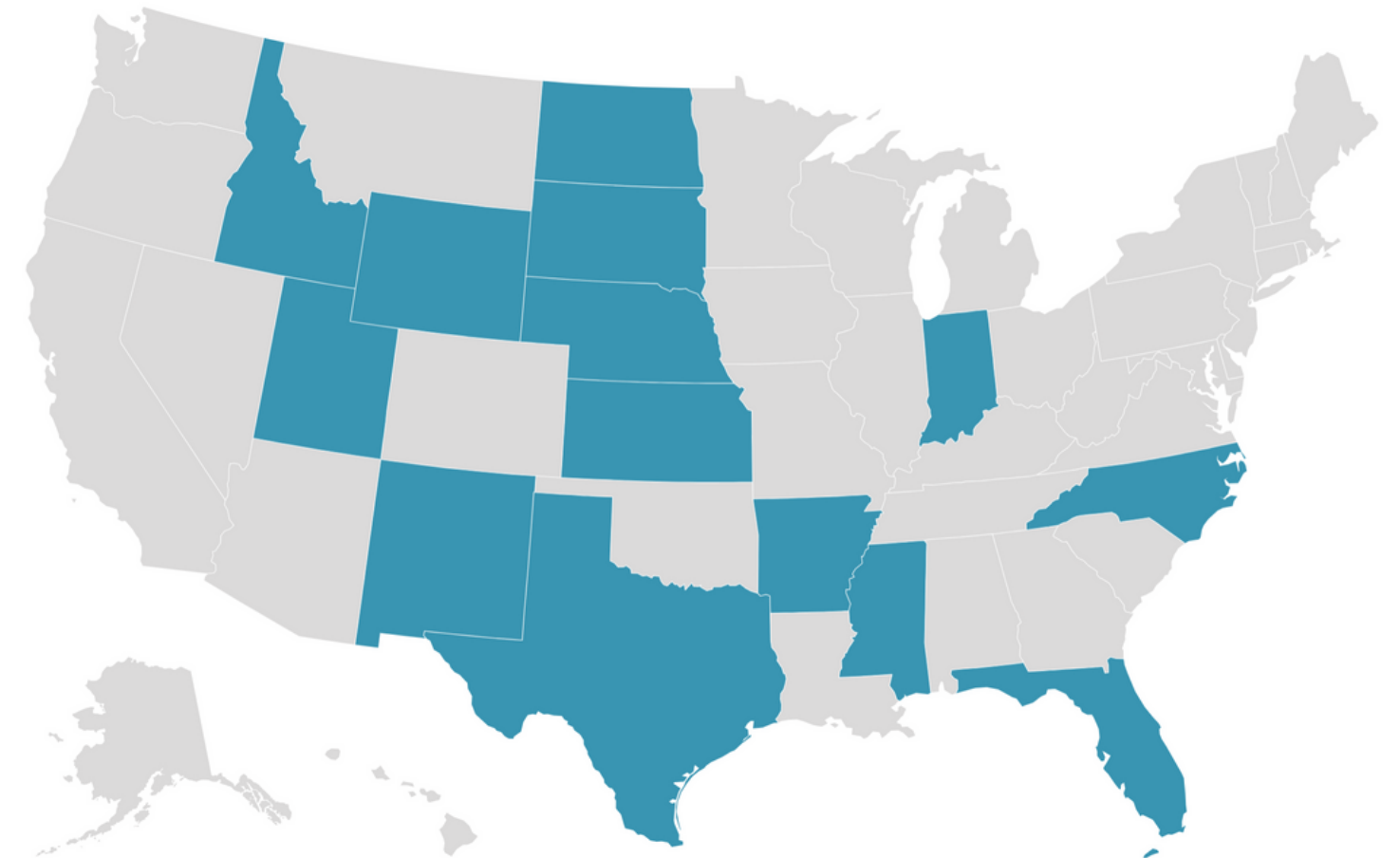
- In 2023 325 Restrictive laws introduced, 17 restrictive laws have been passed in 14 states
- Photo ID
  - 7 States still have strict Photo ID laws
- Election Interference Laws
  - 81 laws introduced in 23 states
  - 7 bills passed in 6 states
- Felony Disenfranchisement
- Voter Purges/File Maintenance
- Prohibit voter assistance



# State Restrictive Laws

- Polling place consolidation/closures
- Bans use of dropboxes
- Same day registration ballots not counted
- Requirement to send copy of Photo ID with Vote By Mail ballot application and ballot return
- Shorten time for return of vote by mail ballots
- Harder for citizens to initiate ballot measures

States That Have Enacted Restrictive Voting Laws This Year

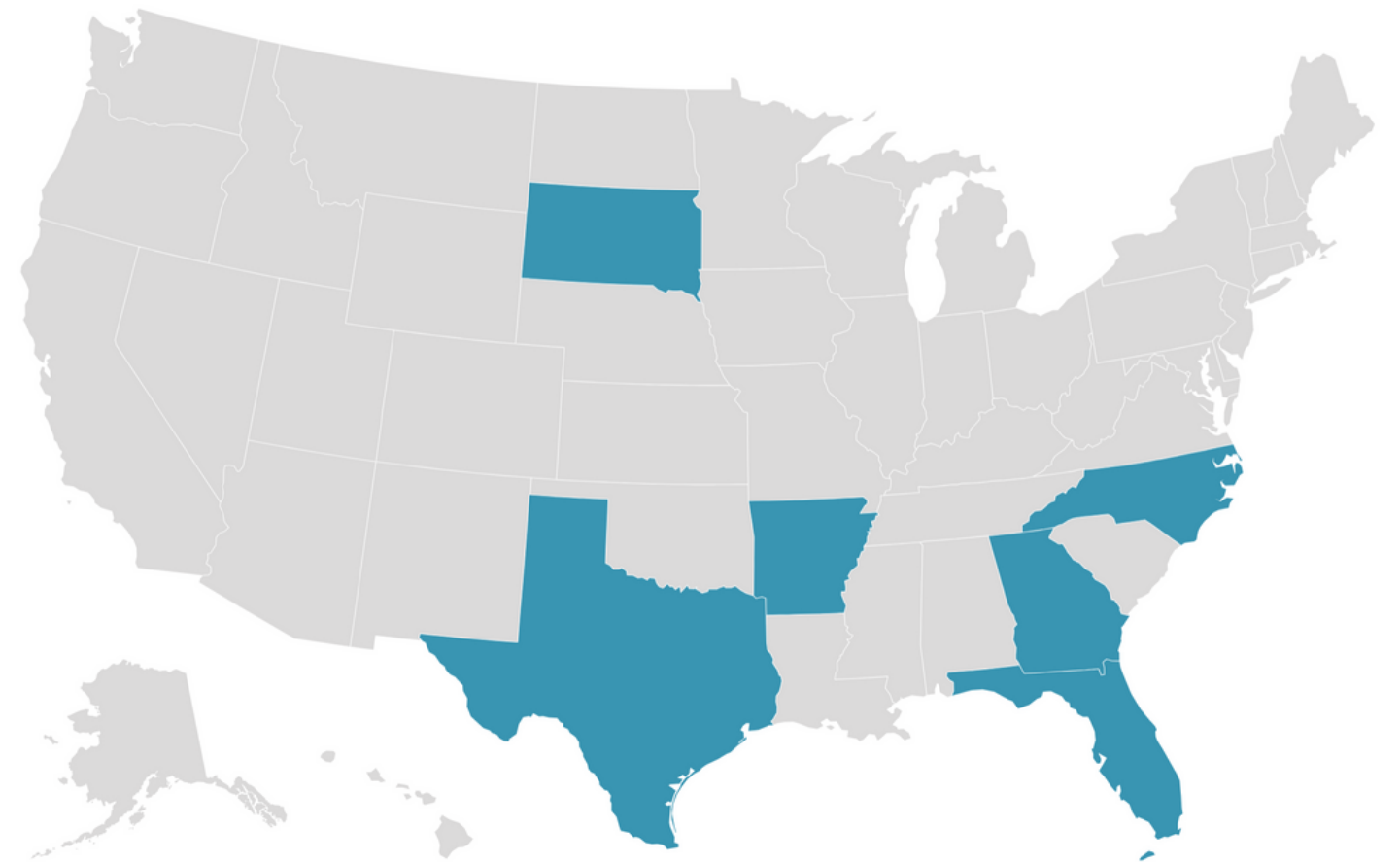


Source: Brennan Center analysis of publicly available data as of October 10, 2023.

# State Election Interference Laws

- Harris County Secretary of State provides complete oversight to Harris County elections
- North Carolina Board of Elections have even partisan split with no provision for tie-breaking making it easy to block certification of elections
  - If County Board cannot agree on Early Voting locations, county will have only 1 Early Voting location

States That Have Enacted Election Interference Laws This Year



Source: Brennan Center analysis of publicly available data as of October 10, 2023.

# John Lewis Voting Rights Advancement Act

## John Lewis Voting Rights Advancement Act

This bill establishes new criteria for determining which states and political subdivisions must obtain preclearance before changes to voting practices may take effect. **Preclearance is the process of receiving preapproval from the Department of Justice (DOJ) or the U.S. District Court for the District of Columbia before making legal changes that would affect voting rights.**

- A state and all of its political subdivisions shall be subject to preclearance of voting practice changes for a 10-year period if, during the previous 25 years:
  - 15 or more voting rights violations occurred in the state;
  - 10 or more violations occurred, at least 1 of which was committed by the state itself; or
  - 3 or more violations occurred and the state administers the elections.



# John Lewis Voting Rights Advancement Act

- HR14 has 215 House cosponsors
- Introduced on 9/19/2023 and assigned to House Judiciary but has no hearing scheduled in the House
- Senate companion bill has not yet been introduced

# Virginia

- Felony Disenfranchisement impacts more than 210,000 potential voters
- State Board of Elections and all 133 counties are controlled by Republicans (Governor's Party)
- While Virginia has 45 days of early voting there is no single non-partisan place where all Early Voting Dates/Times and locations are listed
- Governor controls restoration of rights and has stopped automatic restoration; 17,600 formerly restored citizens were unlawfully dropped from the voting rolls

# Felony Disenfranchisement

Virginia is one of 3 states whose constitution otherwise permanently disenfranchises all citizens with past felony convictions, but grants the state's governor the authority to restore voting rights.

## **SJ2/HJ2 was introduced in the Virginia House for the 2024 session**

Constitutional amendment (first reference); qualifications of voters; right to vote; persons not entitled to vote. Provides that every person who meets the qualifications of voters set forth in the Constitution of Virginia shall have the fundamental right to vote in the Commonwealth and that such right shall not be abridged by law, except for persons who have been convicted of a felony and persons who have been adjudicated to lack the capacity to understand the act of voting. A person who has been convicted of a felony shall not be entitled to vote during any period of incarceration for such felony conviction, but upon release from incarceration for that felony conviction and without further action required of him, such person shall be invested with all political rights, including the right to vote.

# Felony Disenfranchisement - New Suit

The plaintiffs allege that this provision violates the Virginia Readmission Act of 1870, a law that only allows Virginia to disenfranchise its citizens if they were convicted of crimes that were considered “felonies at common law” during the enactment of the law in 1870. In other words, the law only permits Virginia to deny the right to vote to those who were convicted of crimes that were considered “common law” felonies at the time of the Readmission Act’s passage in 1870; these crimes included “murder, manslaughter, arson, burglary, robbery, rape, sodomy, mayhem, and larceny.”



Richard Walker - Plaintiff

<https://democracydocket.com/cases/virginia-felony-disenfranchisement-challenge->

# Democracy Restoration Act

- HR4987/S1677
- S1677 has 25 cosponsors; Sen. Cardin is not running for re-election
- HR4987 has 73 cosponsors



## 3 competitive Congressional races

- CD2 (R) - Elaine Luria's previous seat
- CD7 (D) - Abigail Spanberger not running for re-election
- CD10 (D) - Jennifer Wexton not running for re-election

# Change Our Language

- Because registrations are being challenged, it is critical that voters frequently check their registration status to make sure it is still active
- Instead of, “Are you registered to vote” the question should be, “Is your voter registration up to date”
- Stress the “**ability**” to vote rather than “**right**” to vote. If we truly had a “right to vote” we would also have a right to NOT vote
- Most voters are unaware that not voting in 3 Federal elections results in “deregistration” in many states

# Georgia

- New redistricting map divides communities of color
- Very little time for candidates and organizations to adequately review makeup of their districts
- More than 350,000 voters have had their voter registrations challenged
- There is no “net” gain of majority/minority seats

# Georgia

- Our Central Georgia Democracy Center leader is running for Congress
- Lucy McBath has been drawn out of her Congressional district

# North Carolina

- North Carolina General Assembly is super-majority Republican
- North Carolina just implemented new Photo ID law
- North Carolina has consistently refused to redistrict creating new majority/minority districts even when ordered by the courts
- North Carolina does not allow dropboxes
- North Carolina requires witness signature on Vote by Mail
- New voting law may allow large counties to have only a single Early voting location is County Board cannot agree

# Alabama

- Alabama has created a second Majority/Minority District in CD2 (Primary is March 5th)
- Alabama has no early voting
- Alabama does not have vote by mail with no excuse

# Protect Election Workers

Introduce/Support legislation that protects Election Workers

There are 4 priorities important to include when possible in this type of legislation:

- Protection for election workers from harassment and assault,
- Protection from doxxing,
- Protecting election systems from insider threats and
- Funding election offices.

# Suppression by Technology

- Early Voting
  - Early voting information is only available on the Internet; this makes the information not accessible by older voters, low-income/low technology voters
- Bar code reader voting machines
  - Voters cannot confirm that the machine has voted their intent



# Center for Common Ground



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