

Quarterly Issue Focus

Q1 2022

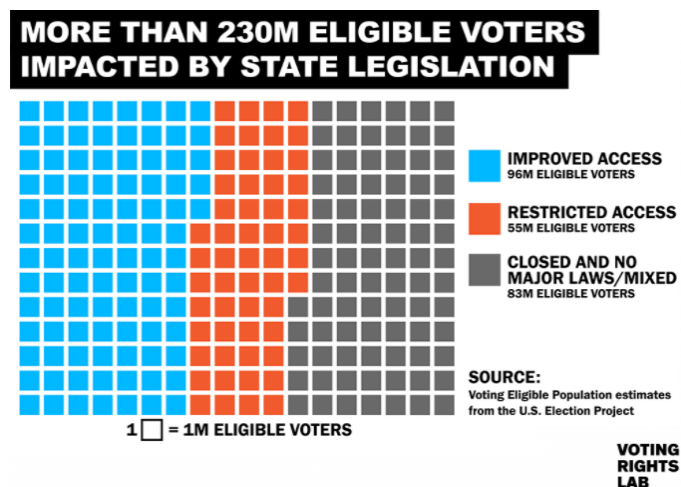
Voting Rights, Voter Suppression, and Election Security

In June 2021, more than 100 scholars of democracy issued a *Statement of Concern*¹ that democracy in the United States is in peril. The warning highlighted changes to core electoral procedures that “are transforming several states into political systems that no longer meet the minimum conditions for free and fair elections.” The statement concluded, “We urge members of Congress to do whatever is necessary—including suspending the filibuster—in order to pass national voting and election administration standards that both guarantee the vote to all Americans equally, and to prevent state legislatures from manipulating the rules in order to manufacture the result they want. Our democracy is fundamentally at stake.”

Two Supreme Court cases set the stage for greater voter suppression. The first, *Shelby County v. Holder*, gutted the 1965 Voting Rights Act and made it possible for states to enact new restrictive voting laws. In 2021, at least 19 states passed 34 laws restricting access to voting. At the same time, at least 25 states enacted 62 laws making it easier to vote. This state-specific pattern of election law changes indicates that access to the right to vote increasingly depends on the state in which a voter lives.

According to Voting Rights Lab’s research, as of February 10th, renewed election subversion efforts have taken a variety of forms in 2022:

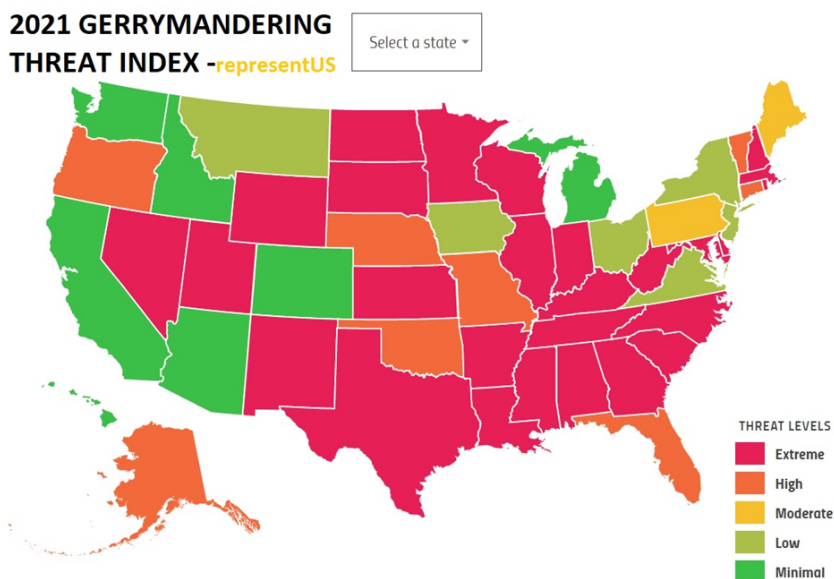
- **Problematic reviews of election results.** There are currently 62 bills active in 22 states that would require unnecessary, costly, often partisan reviews of election results.
- **Criminalization of election officials.** There are currently 50 bills in 18 states that penalize election administrators in problematic ways.
- **Partisan power grabs.** Thirty-five bills in 14 states are legislative power grabs – efforts by state legislatures to give themselves a role in running elections and counting votes.
- **Bans on electronic tabulators.** Five states have introduced legislation prohibiting election officials from using electronic tabulators, forcing all ballots to be counted by hand.



¹<https://www.forbes.com/sites/michaeltmietzel/2021/06/01/more-than-100-scholars-issue-warning-that-american-democracy-is-in-danger-call-for-federal-reforms/?sh=3ae62fc126f7>

StatesUnited Democracy Center reports that so far, 21 partisan election deniers are running for secretary of state in 18 states. Their candidacies are alarming watchdog groups since secretaries of state administer the democratic process. Across key battleground states, contributions to secretary of state races are already three times higher than at this point in the 2018 election -- particularly in Arizona, Georgia, and Michigan. These scenarios highlight troublesome vulnerabilities of U.S. election administration – namely the degree of decentralization and partisanship.

The second Supreme Court case, Common Cause and League of Women Voters of North Carolina LWV v Rucho gerrymandering case, was dismissed for lack of jurisdiction. The ruling greenlighted more intense and durable gerrymandering and closed the door to a Supreme Court remedy. RepresentUs publishes a Gerrymandering Threat Index. According to their analysis, more than half of all states – both red and blue states – have laws that put them at extreme risk of gerrymandering. That means 188 million people will live with the threat of rigged maps for the next 10 years.



Other voter suppression tactics include harsh voter registration laws, strict voter ID laws, making voting less convenient, exact signature match requirements, excessive voter purges, polling place reductions/last-minute relocations, insecure election infrastructure, voter intimidation, the electoral college, closed primaries, and election disinformation.

Voter fraud is being used as justification for proposals to reverse practices that make voting easier for Americans. Due to continued assertions that the 2020 election was stolen through fraudulent activity, nearly one-third of the country believes President Biden’s election was not legitimate. Reuters has identified more than 100 threats of violence or death made to U.S. election officials. Attorney General William Barr and officials in each of the 50 states found no evidence of widespread fraud in the 2020 presidential election. All 63 lawsuits attempting to overturn the election were withdrawn or dismissed. So far, no one has been able to document significant examples of election fraud. Sean Morales-Doyle of the Voting Rights and Elections program at the Brennan Center for Justice advocates for a federal standard to remove some of the patchwork, state-by-state rules to increase confidence in elections. Data suggests the often-claimed trade-off between election integrity and reasonable measures to make it easier for people to vote is largely false.

The League supported both the federal Freedom to Vote Act and the John Lewis Voting Rights Advancement Act to defend democracy. The Freedom to Vote Act is a scaled-down version of the

popular For the People Act, designed to garner at least 10 Republican votes. It includes reforms such as modernizing voter registration, expanding opportunities to vote, fighting voter suppression, preventing election sabotage, banning partisan gerrymandering, reforming campaign finance, and promoting election security. The John Lewis Voting Rights Advancement Act had two components: preclearance to prevent voting law changes from jurisdictions with a history of discrimination and litigation to allow voters to sue jurisdictions to fight discrimination. Both these Acts were sponsored solely by Congressional Democrats with no Republican input. Republicans, as expected, blocked the passage of both Acts and Democrats' efforts to change the filibuster failed, as two Democratic moderates sided with Republicans in blocking any filibuster rules changes.

The League of Women Voters, which operates in all 50 states is fighting voter suppression by

- Educating voters impacted by restrictive voting laws
- Informing voters of registration purges
- Helping voters comply with new voter ID requirements
- Volunteering as nonpartisan poll observers
- Staffing voter protection hotlines
- Spearheading Get-Out-the-Vote efforts

In addition, the League of Women Voters works closely with Common Cause and its Election Protection program to counter election subversion threats. This program hires experienced disinformation analysts and trains volunteers to monitor and report disinformation. Once identified, they request the removal of such posts from social media platforms and develop messaging to “pre-bunk” this disinformation. They train poll monitors to troubleshoot problems and report bad practices for resolution. They recruit a team of legal experts to staff a voting rights hotline (866-our-vote). They notify legal teams when the courts' interference is needed. In 2022, Common Cause will field its largest Election Protection campaign to protect everyone's right to vote.

Finally, League websites in all 50 states provide free, online nonpartisan election information including information on registering, checking registration status, learning what's on the ballot, election dates, voting options, polling place locations, plus candidate and issues information. The League works to create the informed citizenry so essential to defending democracy and to counter growing voter suppression and election subversion threats.