

UNITED METHODIST WOMEN

WOMEN

VOTERS' RIGHTS TOOLKIT
Protecting Voting Rights

2018



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Thank you to the 2016 Charter for Racial Justice Seminar Committee Voting Rights Project led by Sabrina White, member of the United Methodist Women's Program Advisory Group (Baltimore-Washington Conference) for their vision and commitment to protecting voting rights for all.

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What You Need to Know!



Scenes from a rally in front of the Supreme Court where justices were hearing cases on the Voting Rights Act, Washington, D.C.

—Photo by David Sachs/SEIU



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Why are the 2018 Midterm Elections important?

Through the power of the ballot, American voters can voice their opinion on the current direction of governance. Whether it's a federal, state, or locally held election, it is imperative that one carefully deliberates where each candidate stands in relation to his or her values. After the *Shelby County v. Holder* decision in 2013, which eliminated federal preclearance before states could change voter laws or practices, voters' rights have become more restricted than ever before. Moreover, as a result of the Supreme Court's recent, regressive decisions on voting rights and continued assault on voter suppression at the state level, we all must continue to stand up, speak out and exercise our right to vote. Voting policies vary by state—find out what you need to do to cast a ballot where you live. 2018 is a crucial year for reelections, and your leadership can activate and motivate others to vote.

Seats up for reelection:

A. Federal

- (1) House of Representative – ALL 435 seats
- (2) Senate – 35 of 100 seats

B. State

- (1) 6,072 or 82 percent of all state legislature seats
- (2) Gubernatorial seats up for reelection in 35 states
- (3) Secretary of State seats up for reelection in 26 states

The 15th amendment of the Constitution and the Voting Rights Act of 1965 guarantee individuals the right to vote, free from discrimination of "race, color, or previous condition of servitude." Your electoral choices will play an integral role in shaping the material conditions of our lives and ensuring that our nation is a place where justice prevails.

Why a Voting Rights Act?

- The 1965 Voting Rights Act (VRA) is a cornerstone piece of civil rights legislation meant to end racial discrimination in the voting process.
- It was signed into law by President Johnson on August 6, 1965.
- It was meant to enforce the voting rights provisions of the 13th and 14th Amendments, which had only achieved modest implementation until the VRA's passage.
- The murder of voting rights activists across the nation and the unprovoked attack on peaceful marchers on the Edmund Pettus Bridge in Selma, Alabama in March 1965 compelled the VRA's passage.

Highlights of 1965 VRA

- The denial or abridgment of the right to vote based on failure of literacy tests was prohibited on a nationwide basis.
- The VRA contained special enforcement provisions targeted at those areas of the country where Congress believed the potential for discrimination to be the greatest.
- Between 1965 and 1969, the Supreme Court also issued several key decisions upholding the VRA's constitutionality.
- The act was renewed and amended by Congress in 1970, 1975, 1982 and 2006 to expand voting protections.

Current State of Voting Rights

2013—*Shelby County v. Holder* Decision

In 2013, the Supreme Court struck down Part 5 of the Voting Rights Act of 1965, which allowed the federal government to limit states' ability to restrict the vote. This provision of the Voting Rights Act was originally implemented for the purpose of reigning in states that were persistently finding new ways to obstruct the black vote.

After the decision in *Shelby County v. Holder*, many state legislatures have been seen passing and pushing restrictive legislation forward, making the ability to vote increasingly more difficult.

Voter I.D. restrictions remain at the forefront of the voting wars.

For example, there are states that require prospective voters to provide a photo I.D. before going to the ballot. Currently these states are Arkansas, Georgia, Indiana, Kansas, Mississippi, Tennessee, Virginia and Wisconsin. In 2018, North Carolina tried to reintroduce the requirement, after previously having been shut down in federal court, when it was found that African American voters were being unfairly targeted by this provision.

Other restrictions on voter rights are also increasing, such as:

Requiring documentation of citizenship, eliminating same-day registration and increasing the difficulty to stay registered when moving.

2018—Indiana's Voter Purge Law

On June 8th of 2018, a federal court judge **temporarily** blocked the State of Indiana from implementing its new voter purge law in the 2018 midterm elections. If enacted, this law would have applied a flawed "cross-check" system to determine voter eligibility. This "cross-check system" compares basic information of the prospective voter (i.e., first name, last name and birthdate) to other voters registered in different states. If similar information is detected between the two, an applicant could potentially lose his or her eligibility to vote.

As legislation develops and this case progresses, it remains to be seen if the "cross-check system" is constitutionally sound. For now, however, the program will continue to run and scan participating states' voters.

2018—Kansas Proof-of-Citizenship Voter Law

As well as being the state responsible for the creation of the “cross-check system,” the Kansas state legislature has made further efforts to restrict the people’s vote with their “proof-of-citizenship” law. For the past three years, this voter law required residents provide documentation; such as a driver’s license, state I.D., passport, etc., to verify their U.S. citizenship. This is, however, in addition to Kansas’ voter registration forms, in which the applicant is already required to provide such information.

With no verifiable evidence to suggest that this law curbs voter fraud, Kansas’ district court ruled on June 18th, 2018, that this procedure was in violation of federal law (particularly the “Motor Voter Act”). The court judge determined that this requirement has turned away eligible voters, who were still in the process of renewing or obtaining a driver’s license.

Not long after this decision, on June 20th, Kansas State Secretary, Kris Kobach, announced that he would be appealing the case to the United States’ Court of Appeals.

2018—Supreme Court Ruling on Voter Rolls

On June 11, 2018, in the case of *Husted v. A. Philip Randolph Institute*, the Supreme Court decided in favor of the State of Ohio for its removal of inactive voters from the voter registry. This means that eligibility would be taken away from voters who have not been “politically active” over a period of four years. Once in effect, this has the potential of turning away thousands of perspective voters.

The Supreme Court’s decision will uphold similar voter purge practices occurring in Georgia, Oklahoma, Oregon, Pennsylvania and West Virginia, as well as potentially encouraging other states to develop such practices.

Redistricting/Gerrymandering

What is it?

States are divided up into districts that are represented by different state and congressional legislators. Every 10 years, these district lines are redrawn, otherwise known as redistricting.

Who draws these districts?

It depends on the state. In most states, maps are redistricted by the state legislators or some form of a political commission, usually with the majority party having more of a say in the matter. However, states such as Alaska, Arizona, California, Idaho, Montana and Washington, utilize a non-partisan, independent commission for redistricting.

So, what is gerrymandering, and why is it a “problem?”

Gerrymandering is when district lines are redrawn in favor of one political party over another, diminishing votes for the opposing party. In some cases, one political party has such an advantage over another in a district that political opponents are often discouraged from seeking office.

Is there anything being done about this?

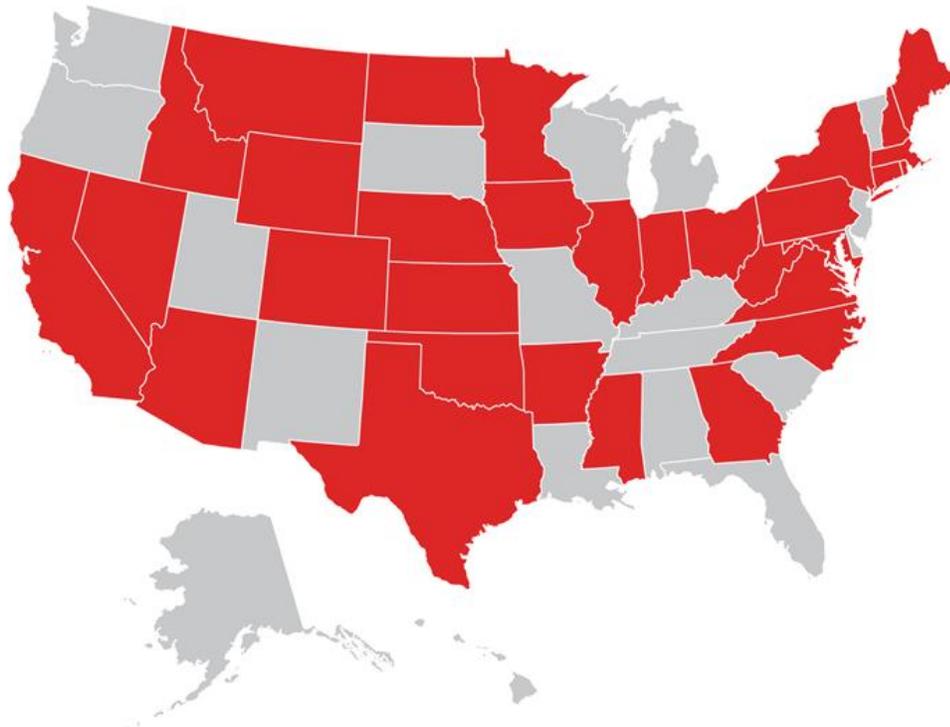
There have been many cases brought to the Supreme Court concerning this issue, including most recently involving the states of Maryland, Texas and Wisconsin. Out of these three states, the Supreme Court ruled that only one legislative district in Texas had clearly obstructed minority voters.

Still, however, the Supreme Court has not taken a strong stance on gerrymandering in regard to its constitutional limits. They have outlined the illegality of racial redistricting (as we've seen in Texas), yet they have not clearly addressed the constitutionality of political redistricting.

A new case involving gerrymandering, by the state of North Carolina, is being brought forth to the Supreme Court for review. If this case is accepted, it remains to be seen whether the Court will take a firmer stance on this issue.

States with Legislation Restricting Voter Access as of 2017

Bills to Restrict Access to Voting in 2017



BRENNAN CENTER
FOR JUSTICE
TWENTY YEARS

Who's Most at Risk?

Eleven percent of eligible voters don't have any form of photo identification. Barriers to getting an I.D. affect **elderly** and **low-income** groups the most.

Seven of the 11 states with highest **African-American** turnout and 9 of the 12 states with highest **Hispanic** turnout passed new voting restrictions after 2008.

Over five percent (5.85) of Americans aren't allowed to vote because they have **felony convictions**.

Laws that block voting rights for people with felony convictions affect about 1 of 13 African-Americans.

Methodist Her-Story and Voting Rights

1958: Women's Division launches a program designed to cultivate church women as citizens to be more active in local politics with Citizenship Brunches.

1962: Southern Regional Council and the Fellowship of the Concerned (racial justice groups that include Methodist women) receive a \$325,000 grant for a two-year voter registration program.

1963: Women's Division takes strong stance on voter registration by calling on Christian women to "open doors" to thousands of black citizens who had been deprived of their voting rights.

1965: Women's Division, along with the Board of Missions, Board of Christian Social Concern and the Methodist Student Movement, join the march for voting rights from Selma to Montgomery.

From the book *Fellowship of Love* by Alice Knotts



How can United Methodist Women continue to make her-story today for voting rights?

Charter for Racial Justice in an Interdependent Global Community.

WHY?

Because We Believe:

- ✓ The biblical, moral and Christian foundations of why we must seek a racially-just United Methodist Women, church and world.
- ✓ ... that our struggle for justice must be based on new attitudes, new understandings and new relationships that must be reflected in the law, policies, structures and practices of both church and state.

Because We Will:

- ✓ Act as we must if we are going to fully honor our beliefs.
- ✓ ... work for the development and implementation of national and international policies to protect the civil, political, economic, social and cultural rights of all people, such as through support for the ratification of the United Nations Covenants on Human Rights.

Take Action for Voting Rights TODAY!

Educate/Learn:

See the resources on the page below to do further reading and research on how to protect voting rights.

Act:

Contact your Congressional Representative and urge them to support:

- S.2785 – DETER Act — legislation to curb foreign interference in U.S. elections.
- H.R. 2978 – Voting Rights Advancement Act of 2017 — looks to fortify the voting rights of low-income and minority voters.
- S.1547 & H.R. 3214 – Anti-Voter Suppression Act — legislation to overturn an executive order, calling for the creation of an electoral commission to investigate voter fraud. The legislators who brought this bill forward believe this executive order, and established commission, are aiding voter suppression.
- H.R. 4398 Fast Voting Act of 2017 — legislation to incentivize states to make the voting process more accessible, flexible and secure.

Resources

- Fellowship of Love: Methodist Women Changing American Racial Attitudes, 1920-1968, by Alice G. Knotts
amazon.com/Fellowship-Love-Methodist-Attitudes-1920-1968/dp/0687027195
- Racial Justice Time Line
unitedmethodistwomen.org/racial-justice/timeline
- The Brennan Center for Justice
brennancenter.org
- The Sentencing Project
sentencingproject.org/template/index.cfm
- League of Women Voters
lww.org
- NAACP Legal Defense and Education Fund
naacpldf.org
- U.S. Department of Justice History of Federal Voting Rights Laws
justice.gov/crt/history-federal-voting-rights-laws
- ACLU/Indiana
aclu-in.org/en/press-releases/federal-court-blocks-indiana-voter-purge-crosscheck-law
- NPR/Law
npr.org/2018/06/19/621578867/judge-strikes-down-kansas-proof-of-citizenship-voting-law
- Politifact
politifact.com

Get Social

Hashtags to use:

#2018midterms

#2018elections

#VoterPurging

Accounts to follow:

@VotingMatters

@VotingRightsNws

@RockTheVote

@VotoLatino

@FairerElections

A Timeline of Voting Rights in the

By Beth Rowen | [infoplease.com](https://www.infoplease.com)

1790	Only adult white male property owners have the right to vote.
1810	Last religious prerequisite for voting is eliminated.
1850	Property ownership and tax requirements eliminated by 1850. Almost all adult white males could vote.
1855	Connecticut adopts the nation's first literacy test for voting. Massachusetts follows suit in 1857. The tests were implemented to discriminate against Irish-Catholic immigrants.
1870	The 15th Amendment is passed. It gives former slaves the right to vote and protects the voting rights of adult male citizens of any race.
1889	Florida adopts a poll tax. Ten other Southern states will implement poll taxes.
1890	Mississippi adopts a literacy test to keep African Americans from voting. Numerous other states—not just in the South—also establish literacy tests. However, the tests also exclude many whites from voting. To get around this, states add grandfather clauses that allow those who could vote before 1870, or their descendants, to vote regardless of literacy or tax qualifications.
1913	The 17th Amendment calls for members of the U.S. Senate to be elected directly by the people instead of State Legislatures.
1915	Oklahoma was the last state to append a grandfather clause to its literacy requirement (1910). In <i>Guinn v. United States</i> , the Supreme Court rules that the clause is in conflict with the 15th Amendment, thereby outlawing literacy tests for federal elections.
1920	The 19th Amendment guarantees women's suffrage.
1924	Indian Citizenship Act grants all Native Americans the rights of citizenship, including the right to vote in federal elections.
1944	The Supreme Court outlaws "white primaries" in <i>Smith v. Allwright</i> (Texas). In Texas, and other states, primaries were conducted by private associations, which, by definition, could exclude whomever they chose. The Court declares the nomination process to be a public process bound by the terms of the 15th Amendment.
1957	The first law to implement the 15th Amendment, the Civil Rights Act, is passed. The Act set up the Civil Rights Commission—among its duties is to investigate voter discrimination.

1960	In <i>Gomillion v. Lightfoot</i> (Alabama) the Court outlaws “gerrymandering.”
1961	The 23rd Amendment allows voters of the District of Columbia to participate in presidential elections.
1964	The 24th Amendment bans the poll tax as a requirement for voting in federal elections.
1965	Dr. Martin Luther King, Jr. mounts a voter registration drive in Selma, Alabama, to draw national attention to African-American voting rights.
1965	The Voting Rights Act protects the rights of minority voters and eliminates voting barriers such as the literacy test. The Act is expanded and renewed in 1970, 1975 and 1982.
1966	The Supreme Court, in <i>Harper v. Virginia Board of Elections</i> , eliminates the poll tax as a qualification for voting in any election. A poll tax was still in use in Alabama, Mississippi, Texas and Virginia.
1966	The Court upholds the Voting Rights Act in <i>South Carolina v. Katzenbach</i> .
1970	Literacy requirements are banned for five years by the 1970 renewal of the Voting Rights Act. At the time, 18 states still have a literacy requirement in place. In <i>Oregon v. Mitchell</i> , the Court upholds the ban on literacy tests, which is made permanent in 1975. Judge Hugo Black, writing the court’s opinion, cited the “long history of the discriminatory use of literacy tests to disenfranchise voters on account of their race” as the reason for their decision.
1971	The 26th Amendment sets the minimum voting age at 18.
1972	In <i>Dunn v. Blumstein</i> , the Supreme Court declares that lengthy residence requirements for voting in state and local elections is unconstitutional and suggests that 30 days is an ample period.
1995	The Federal “Motor Voter Law” takes effect, making it easier to register to vote.
2003	Federal Voting Standards and Procedures Act requires states to streamline registration, voting and other election procedures.
2013	In <i>Shelby County v. Holder</i> , the Supreme Court strikes down Section 4 of the Voting Rights Act, which established a formula for Congress to use when determining if a state or voting jurisdiction requires prior approval before changing its voting laws. Under Section 5 of the act, nine mostly Southern states with a history of discrimination must get clearance from Congress before changing voting rules to make sure racial minorities are not negatively affected. While the 5–4 decision did not invalidate Section 5, it made it toothless. Fallout from the ruling was swift, with several states quickly moving to change their voting laws.
2018	In <i>Husted v. A. Philip Randolph Institute</i> , the Supreme Court rules in favor of the State of Ohio’s voter purging practice, which removes “inactive” voters from the list of registered voters.

Organizations

Dedicated to ensuring the right to vote for all Americans, these organizations are a resource for you to get involved and learn more about the movement to restore the Voting Rights Act Amendment (VRA).

- **American Civil Liberties Union (ACLU)**
A public interest law firm, the ACLU works to protect individuals' constitutional rights and liberties. Its resources include state-by-state breakdowns of individuals' voting rights, as well as more information on the VRA itself.
aclu.org/issues/voting-rights
- **Brennan Center for Justice**
The Brennan Center for Justice is a nonpartisan law and policy institute at the New York University School of Law. It has a Voting Laws Roundup that details voting restrictions and enhancements being made across the United States.
brennancenter.org/analysis/voting-laws-roundup-2015
- **Democracy Initiative**
This organization is a coalition that seeks to restore the principle of political equality by reducing corporate money's role in politics and preventing voter suppression. Check out its report on election reforms and on groups with low voter turnout.
democracyforus.org
- **Demos**
Demos is a public policy organization with multiple publications concerning voter registration, including reports on whether states are complying with the National Voter Registration Act.
demos.org/issue/voting-rights-voter-registration
- **Fair Elections Legal Network (FELN)**
FELN is a nonpartisan voting rights and legal support organization that works to remove barriers to voting, with a focus on students and minority groups. It produces fact sheets and reports, conducts training and seminars, and provides testimony to legislatures.
fairelectionsnetwork.com
- **Leadership Conference on Civil and Human Rights**
This organization wants "to build an America that's as good as its ideals." One of those ideals is voting rights for every American, and it runs its VRA for Today project to build bipartisan support for the VRA in Congress. Read their reports on voting discrimination and violations.
vrafortoday.org
- **NAACP National Voter Fund (NVF)**
NVF's mission is to increase voter turnout in African-American communities, as well as educate voters about candidates' positions on civil rights. It also conducts voter registration and civic participation campaigns.
naacpnvf.net/index.php
- **National Action Network (NAN)**
Founded by the Reverend Al Sharpton, NAN is a civil rights organization that has many initiatives, including voter protection and engagement.
nationalactionnetwork.net

