

Voter Suppression: The Perpetuated Threat to U.S. Democracy

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Abstract

This work will assess the history and presence of voter suppression in the United States. It shall try and determine how voter suppression has taken shape over the centuries and what state it currently finds itself in. Using the comparative work of Wang, who has written about voter suppression between the Reconstruction Era and the 2012 presidential elections, as well as the categorical system of Root and Barclay, the state of voter suppression shall be assessed in three chapters. The first will offer a historical overview, addressing the presence and effects of voter suppression from 1776 to 2000. The second chapter will cover the start of the 21st century, focusing on voter suppression during the Bush and Obama presidencies. The final chapter will give a focused perspective upon voter suppression during the presidency of Donald Trump up until mid-2020. The thesis will show that voter suppression has always affected the U.S. election system albeit in differing forms, will explain how and why these forms have changed, and will offer recommendations on how voter suppression may be counteracted in the future.

Keywords: Donald Trump, Electoral System, United States, Voter Suppression.

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Introduction

According to Wike and Schumacher of the *Pew Research Center*, “[o]ver the past few years, numerous scholars have found evidence that the health of democracy is in decline around the world” (4). Their research in regards to the perception of democracy, conducted over the course of 2019 in 34 countries, appears to support such a claim (Wike and Schumacher 2). One of the countries they researched, a nation that holds democracy in high regard, is the United States. According to the survey, only 39% of the U.S. population is satisfied with the workings of its democracy, against 59% being dissatisfied (Wike and Schumacher 23). This raises the question as to what is causing this dissatisfaction. The research of *Freedom House* provides an answer.

Freedom House calls itself the “the oldest American organization devoted to the support and defense of democracy around the world” (*Freedom House Our History*, par 1). Via yearly reports, *Freedom House* tests the level of freedom and democracy for nations across the world based on a set of criteria [specify]. While *Freedom House* is but one of multiple organizations that aims to determine the level of democracy within nations across the world, this particular method is known for its focus on “individual rights and personal freedoms” (Gunitsky, par. 9). Given that this includes the investigation of citizens’ political rights and the functioning of democratic systems, it is of particular use to this thesis.

In 2019, the United States was given a score of 86/100, including 33/40 points in its ‘political rights’ category (*Freedom House US 2019*). These scores seem to indicate, in accordance with the findings of the *Pew Research Center* mentioned above, that while the United States can be dubbed a ‘free’ nation, there is certainly room for improvement, ways of which will be addressed below. The elaborations on the criteria used by the *Freedom House* report offers some initial insight of where improvement could be found. The United States scores 3/4 points on several criteria and *Freedom House* provides short explanations as to why no full score was obtained.

In terms of electoral process, *Freedom House* has deducted points from the United States’ score based on foreign interference within their election process (*Freedom House US 2019*, par. 7), and the believe of some that the Electoral College system used in the United States is undemocratic (*Freedom House US 2019*, par. 15). Another point of interest is the “growing strategic and technical sophistication of partisan efforts to capture state legislatures, control redistricting processes, and apply the latest data analysis to redraw maps” (*Freedom House US 2019*, par. 16), a process also known as ‘gerrymandering’, and the “fact that voting

in many states is administered by elected, partisan officials who may be running for office themselves” (Freedom House US 2019, par. 17).

Concerning ‘political participation’, Freedom House lists a different set of issues. They are concerned about voters being influenced by “lobbyists and other figures working for foreign governments” (Freedom House US 2019, par. 25). The roll back of innovations that contributed to increased participation among minority voters, as well as the implementing of methods that make it more difficult for certain voters to participate in the democratic process (Freedom House US 2019, par. 26-7). Additionally, the report notes, that “In a possible threat to the political rights of immigrant communities and their native-born relatives and neighbors, the Commerce Department announced in March that it would add a question on citizenship status to the 2020 census, despite expert warnings that the change would deter participation by many households” (Freedom House US 2019, par. 29).

Lastly, when it comes to the ‘functioning of government’, Freedom House voices concerns in regards to partisan infighting and polarization as this hampered Congress in recent years in performing “its various duties, particularly drafting and passing the government’s annual appropriations bills” (Freedom House US 2019, par. 30). At the same time, the “executive branch also continued to experience some dysfunction during the year. The Trump administration has been unusually slow in filling vacant positions across the higher levels of government departments and agencies, making it difficult for them to operate as intended by law” (Freedom House US 2019, par. 31). Additionally, there is the concern that “[t]he president, his staff, and special interest groups of foreign and domestic origin all frequently visited and held events at Trump-branded properties in the United States during his first two years in office, generating publicity and income” (Freedom House US 2019, par. 33), raising the question as to whether the president’s intents are indeed impartial. Finally, the report notes that “President Trump and members of his administration have frequently made statements that were either misleading or untrue, and typically failed to correct the record when such statements were challenged by the press and others” (Freedom House US 2019, par. 37), which puts the credibility of the nation’s leadership into question.

The *Freedom House* report encompasses many different problems that affect the workings of U.S. democracy. Investigating all of these is beyond the scope of this thesis. A large swath of the problems mentioned, however, can be denoted by a single term. The partisan efforts to control and affect the electoral process, the redrawing of election districts also known as gerrymandering, the influencing of the voting behavior of citizens, the discouraging of the participation of specific groups of voters, minorities included, in the

democratic process, or even the constructing of hurdles to prevent people from casting votes – all of these concern aspects of voter suppression.

This thesis shall delve deeper into the concept of U.S. voter suppression and shall try uncover how voter suppression has been prevalent and changed throughout U.S. history, with a primary focus on the past decade. The manner in which this is achieved can be found at the methodology below. The thesis shall offer a brief summary of the U.S. history of voter suppression, and explain the situation concerning this phenomenon up to the start of the 21st century. Next, it shall showcase how voter suppression took shape throughout the Bush and Obama presidencies. These findings will be contrasted to any forms of voter suppression present throughout the Trump presidency. This is done with the aim of answering the question as to what forms of voter suppression still exist in the U.S. and how these have been developing over the past decade. The answer to this question in turn may offer some insight as to how voter suppression affects the state of U.S. democracy, and how it may continue to be of relevance in the years to come.

Theoretical Framework

To work towards finding an answer to this question, this thesis shall draw heavily upon the work of Wang, who, in 2016, published *The Politics of Voter Suppression: Defending and Expanding Americans' Right to Vote*. In the foreword of Wang's work, Janice Nitolli notes that "voter suppression should not be viewed as a trivial matter, particularly when it is aimed at Americans whose voices are often ignored, such as the poor, minorities, and the young" (qtd. in Wang X). Wang continues to assess the problem that is voter suppression via what she calls the *principle of voter inclusion*. This principle is described as follows:

The principle of voter inclusion is the normative concept that gathers our democratic intuitions about participation, and the critical framework that I will use to analyze campaign and election practices designed to mobilize or suppress the vote, practices that have emerged throughout our nation's history and continue today. My perspective is not ideological, but relies on a long history of political theories and principles about what makes for a robust and healthy democracy (Wang 5).

She goes on to point out that “[t]here is no pure mathematical calculation that can be applied; it is a balancing of the equities that will lead to a policy that is most beneficial for democracy [...], [but that] we should err on the side of greater access and equity unless there is a strong reason, based on demonstrable data and facts—not presumptions or prognostications—that it is not worth it (Wang 13-4). By employing a series of historical and contemporary examples, a similar approach as this thesis shall be taking, Wang seeks to discern whether U.S. legislature fits the principle of voter inclusion, or whether it is working towards exclusion instead.

Her work, however, does not take the Obama’s second term and Trump’s presidency into account. In that regard, this thesis shall offer an addition to Wang’s research, and shall try to determine whether matters relating to voter suppression and inclusion have improved or worsened over the past years.

Methodology

This thesis shall be drawing upon academic sources addressing U.S. voter suppression as well as any news sources related to acts of voter suppression. The latter is especially the case for the thesis final chapter based on Trump’s presidency, as academic sources concerning his interaction with voter suppression remain scarce. As the *Freedom House* report indicated, however, voter suppression can take on many divergent shapes. To offer a structure in regards to how this concept may best be dissected, this thesis will look at the work of Danielle Root, associate director of the *Center for American Progress*, “an independent nonpartisan policy institute that is dedicated to improving the lives of all Americans” (About Center for American), and Aadam Barclay.

Root and Barclay offer nine different categories, each concerning a different method of voter suppression that has taken place during the Midterm elections of 2018. The first category concerns voter registration problems. It may include any changes to the way one has to register to vote, the materials and information required to be able to register, and whether the process is confusing or overly burdensome (Root and Barclay, par. 8). The second category concerns voter purges. The act of voter purging is removing voters from voter rolls, effectively taking away their chance to vote (Root and Barclay, par. 12). The third category is strict voter ID and ballot requirements. This category concerns the usage of voter ID laws and ballot requirements to prevent or discourage voters from casting their votes (Root and Barclay, par. 14). The fourth category is voter confusion. A method of voter suppression that

concerns the misinforming or intentionally confusing of voters which in turn may lead to the prevention of voting or the casting of faulty votes (Root and Barclay, par. 21).

The fifth category is that of voter intimidation and harassment. As this category's name suggests, it concerns acts of intimidation and harassment that may frighten voters from casting their votes (Root and Barclay, par. 23). The sixth category is poll closures and long lines. This concerns the ability to actually reach a polling station, which may be more difficult if any polls in one's neighborhood are closed, as well as the ability to actually vote once the polling station is reached (Root and Barclay, par. 25). The seventh category is malfunctioning of voting equipment. This concerns any problems with "the equipment and machinery required to check voters in and tabulate ballots" (Root and Barclay, par. 29). The eighth category is disenfranchisement of justice-involved individuals. "Approximately 6 million American citizens are barred from participating in the democratic process as a result of felon disenfranchisement laws" (Root and Barclay, par. 29). Felony disenfranchisement is thus another form of achieving voter suppression. The last category is gerrymandering. The manipulation of election districts to influence the outcome of its voters, a method to skew representation (Root and Barclay, par. 37).

The fact that these categories are made for a 2018 election does require some nuance. Some of the methods of voter suppression that are put to use did not yet exist decades or centuries prior. Therefore the following additions were taken into account: the acts of vote caging and challenging shall be included in voter purging methods, as those acts attempt to call people's ability to vote into question to have them removed from the voting registers, and faulty voting ballots shall be considered as malfunctioning voting equipment. Additionally, it has to be noted that quite often these categories might overlap. In such a case, the method of voter suppression shall be allocated to the category deemed most fitting.

Using this method, this thesis shall try and discern whether these categories of voter suppression were also present throughout U.S. history, the early 21st century, and elsewhere during the Trump presidency. Combining these findings will allow for the contrasting of any changes in regards to which forms of voter suppression are more prevalent, or how they may have changed shape over the past decade.

Chapter Overview

The first chapter of this thesis will offer a historical overview of voter suppression in the United States. It will outline forms of voter suppression that have been taking shape ever

since the American Revolution and up to the Obama presidency. While, given the breadth of this time period, this summary shall be concise, it will try to classify the acts of voter suppression in accordance with the nine categories provided by Root and Barclay.

Additionally, this chapter shall address any forms of major historical legislation that has affected the in- or exclusion of voters, for example the Voting Rights Act. The chapter will end with an analyses based on the categories mentioned in the methodology above, which will indicate the presence and state of each form of voter suppression.

The second chapter shall offer a more in-depth perspective upon the presence of voter suppression throughout the early 21st century or the Bush and Obama presidencies. It shall once again use Root and Barclay's categories to see which forms of voter suppression existed and how they were put into effect. The Voting Rights Act shall once again be addressed, for an important amendment regarding this act was passed during the Obama presidency, which has affected voter suppression since. Akin to the former chapter, this chapter will too end with an analysis based on the categories of Root and Barclay.

The third chapter will continue where Wang left off. Her study was published in 2016 and only encompasses the period of the Reconstruction until the end of Obama's first term in office. This chapter shall offer an in-depth look at voter suppression during the time of the Trump presidency. It shall address how President Trump himself contributes to acts of voter suppression as well how such suppression has taken effect. The chapter will touch upon the impact of corruption and fake news in relation to voter suppression, and the appointing and decision making of judges that have affected voter in- and exclusion. Lastly, this chapter shall also include the aforementioned findings of Root and Barclay in regards to voter suppression throughout the 2018 midterm elections, and will offer a concise analysis that adds to their own.

This thesis will conclude by combining the analyses in order to answer the question as to how voter suppression has been present and has taken shape across the history of the United States, and more specifically the 21st century and the Trump presidency. These findings will be followed by recommendations in regards to how voter suppression may be counteracted. Lastly, there will be a mention of possibilities for future research.

Chapter 1: A History of U.S. Suffrage and Voter Suppression

To answer the question as to how the state of voter suppression has changed over the course of the 21st century, it is important to discern what state it was in at the start of the century and how such a state came to be. This chapter shall offer insight into the occurrences and methods of voter suppression starting at the establishment of the United States in 1776, as well as touch upon any legislation that was put in place to address this issue. At the end of this chapter, an assessment shall be made comparing the chapter's findings with the categories provided by Root and Barclay.

A First Century of Voting and Voter Suppression

The development of voter suppression goes hand in hand with the development of suffrage rights, for the more people obtained the right the vote, the more reason there might be to ensure that some do not make use of this privilege. Additionally, it can be argued that a lack of suffrage rights and thus the exclusion from being able to cast a vote, is a form of voter suppression as well. In accordance to Porter, "1776 is an appropriate date from which to trace the development of suffrage, not because that date is a landmark of especial importance, but rather simply because 1776 marks the beginning of the United States" (2). While this notion has merit, Porter points out some voting related tendencies throughout the colonial period leading up to the American War of Independence upon which certain suffrage related decisions following the Declaration of Independence.

One such a tendency was to offer voting rights to those who possessed property or land (Porter 3). The possession of a significant amount of land was seen much akin to having stock in a company, the company in this case being a colony and later a nation, which would allocate the owner the possibility to vote regarding the company's future (Porter 3). This in itself is already a form of voter exclusion, effectively denying any other citizen of the colonies a vote. Additionally, there were also already cases of disenfranchisement prior to 1776. As elections may be accompanied by riot and disorder, "[t]he authorities would thereupon fix the qualifications so that the disorderly people could not vote next time" (Porter 4-5). It could be argued that this is an early form of felony disenfranchisement, the losing of one's voting rights based on misconduct and internment, a topic that shall be addressed more often throughout this chapter.

Later on, other qualifications beside orderly behavior were put in place, for example the requirement to own a certain number of acres of land or following a particular religious faith (Porter 5). It thus became clear that “[s]uffrage limitations were bound to adapt themselves to social and economic conditions” (Porter 5). These limitations could differ between the colonies or even regions. For example, in rural Virginia one required fifty acres to be allowed to vote, though such a requirement would be far more difficult to uphold in a more urban area (Porter 5). In New England, moral qualifications were instated instead. One had to prove to be of good character to gain the right to vote, and if someone else put this into question, such a right could be lost (Porter 5). Alike felony disenfranchisement, this phenomenon too shall be addressed more often within this chapter. In the South, racial and xenophobic restrictions were put in place to prevent African Americans and foreigners from voting (Porter 5). At the time, no explicit reason was given as to why these groups should not be allowed to vote, though it was considered an obvious choice (Porter 5).

In the decades following the independence of the United States, little changed to this system of qualifications and exclusion, though as the nation grew, suffrage continued to develop. With the origination of new states came new ways to interpret who should be granted the right to vote. In the newly admitted state of Indiana for example, which was granted statehood in 1816, the local population faced a situation quite different from that of the original Thirteen Colonies. In Indiana, “[t]here was no aristocratic element to deal with, no poor-servant and artisan class, there were no scholars, no philosophers, no theologians, just hardy pioneers setting up a frame of government because the population was getting big enough to need it” (Porter 48). There was no reason to allocate the right to vote based on the amount of land one owned, nor on whether a person was an upstanding citizen. Additionally, there was an apparent absence of African Americans and foreigners within this new state, meaning such exclusions also did not require consideration (Porter 48). To the people of Indiana there was only one logical conclusion: “all men should participate in what government there was” (Porter 48). As a result, Indiana’s constitution of 1816 declared that all white male citizens were allowed to vote, for as long as they had lived within the state for at least one year (Porter 49).

In subsequent years, other states followed this example. In 1818, Illinois allowed all white men to vote, with the difference that they only required to have lived in the state for six months (Porter 49). While these states clearly had a new perspective on who to grant suffrage, they did adopt a similar treatment of felony disenfranchisement, for those who committed infamous crimes were denied the right to vote (Porter 49). In 1820, Missouri too provided

suffrage to all white men, though they further reduced the requirement of needing to have lived within the state to three months.

Thus far, most of the decision making when it came to suffrage took place on state level. In the following decade of 1820-1830 some major developments took place on a more national level. Namely during the constitutional conventions. By now the opinions on how to best allocate voting rights differed between the states. These differences had to be settled during the aforementioned conventions. “Jeffersonian democracy had done its work. Delegates came to the conventions fired with determination to vindicate the teachings of democracy or, on the other hand, to make one last heroic stand for conservatism and property rights” (Porter 56).

During the New York convention of 1821, the Committee on Elective Franchise “proposed to abolish all property distinctions and make the right to vote uniform” (Porter 56). They reasoned that property distinctions were a leftover of British rule, a more class-based society where certain classes required special representation (Porter 56). In the United States, as the Declaration of Independence reads, all people were equal, and thus the Committee proposed to only use virtue and morality as means of qualification for suffrage (Porter 56). While this new perspective challenged the use of property distinctions, the equality mentioned considered only white men, thus not tackling other aspects of voter exclusion such as denying African Americans a right to vote.

It was, however, at this convention that some first progress towards black suffrage was made. At the time, more and more free African Americans had arrived in the northern states, thus raising the question among the white population whether they too should be given the right to vote (Porter 62). Opinions on this differed greatly, and reluctance was found especially in the northern states which bordered the American south (Porter 62). After a lengthy debate the attendees of the convention opted for a compromise. While full black suffrage had lost the vote by a very narrow margin, it was decided to offer African Americans who owned property the right to vote (Porter 62). The question what to do regarding the voting rights of immigrants seemed to largely sort itself. Immigrants tended to quickly integrate in the U.S. so that any difference of nationality became non-existent (Porter 62). The suggestion of impending universal suffrage was also discussed, though “[m]any contemplated it with great alarm; others looked upon its coming with great complacency”(Porter 68).

While these developments concern the New York convention, it makes for a good example of the types of debate and questions that were being raised across the United States at the time, especially in the north. That these developments and discussions had lasting

effects became evident some years later. In 1826, a referendum was held in the state of New York to determine whether the taxpaying clause of its constitution should be upheld (Porter 69). “Thus New York in 1826 in a most effective and democratic manner put away once for all property and taxpaying qualifications for the suffrage” (Porter 69), ensuring that the amount of taxes one paid or the size of the property they owned were no longer qualifications of whether or not they would be able to vote.

In the decades that followed these discussions and developments continued to take place, though it was not until the conclusion of the U.S. Civil War that more drastic changes were made. For some states, the decision regarding who to grant suffrage had already been obvious, for others, their hand would be forced. As this situation changed, voter suppression too became a matter of greater importance.

Voter Suppression in the 19th Century and Reconstruction Era

In the Reconstruction Era following the American Civil War, a major step was made towards expanding the voting rights of U.S. citizens. This was ensured via the Fifteenth Amendment of the U.S. Constitution, which was ratified on 3 February 1870. This amendment “prohibits state and federal interference with the right to vote on the basis of ‘race, color, or previous condition of servitude’” (Combs 540). While, in principle, this amendment is to counteract the race-based exclusion of voting opportunities that were established prior to the Civil War, the establishing of the amendment did not immediately result in this problem being solved.

Instead, it caused those who wished to suppress the rights of others to adapt. To circumvent the constitutional amendments primarily southern states adopted a series of discriminatory laws and introduced several methods to continue to suppress black voters (Gumbel “America’s Shameful History”, par. 14). This political climate that emphasized the intimidation and suppression of minority voters began as early as 1876 (Stringer 1016). In 1890, the governor of Mississippi, James Vardaman, even proclaimed that his own state’s newly instated constitution had “no other purpose than to eliminate the [n-word] from politics” (Gumbel “America’s Shameful History”, par. 14). Mississippi was but an example of a southern state that resorted to such efforts, even in some of the former northern states, acts of voter suppression were put into practice (Gumbel “America’s Shameful History”, par. 14).

Though the cause for voter suppression cannot solely be found in racism. “Due to intense party competition governments throughout the country engaged in suppression, and

federal officials weighing intervention considered how voter suppression in the states would affect their electoral fortunes” (Epperly et al. 4). The act of voter suppression has ever been a political tool to assure one’s own party comes out on top, and the way it was put to use was often situational and dependent on how it might favorably sway the outcome of elections. For example, in the American South, the Republicans wanted to expand their voter base with black voters, meaning that they would be against the suppression of this group of voters (Epperly et al. 4). At the same time, in the North, that same party enacted laws that instated methods that would aid in suppressing immigrant voters as they supported the Democratic Party instead (Epperly et al. 4). This seems indicative of the fact that party competition, at least at the time, could lead to both the expansion of voting as well as that of voter suppression.

Whether it be due to racism or party politics, the means in which voters were suppressed were often similar. Throughout the second-half of 19th century, voting took place via the use of tickets that were printed by electable parties themselves (Wang 18). These ballots contained the names of the candidates and were often a distinctive size or color indicating which party said tickets belonged to (Wang 18). In other words, at first glance one could identify what party or candidate someone was voting for based solely on the ticket they were submitting at the ballot box. On top of that, the tickets were distributed at the polls by partisan parties, which “made the voter’s choice of party a public act and rendered voters susceptible to various forms of intimidation and influence” (Wang 18).

The distribution of voting ballots was thus far from democratic, though the location of polls also posed problems. In the cities, polls tended to open early in the day but also closed too early for the men who worked far away from their homes to return in time to cast their votes (Wang 18). This resulted in large crowds of voters gathering at polling stations early in the day before they had to leave for work (Wang 18). Once there, workers at the poll station were tasked to record the names of voters, but due to the large crowds this became far from a smooth process (Wang 18). Uncommon names were often misspelled, a large number of common names made it unclear who exactly cast a vote, and the issue of illiteracy prevented some of the voters from being able to tell the workers how their names were spelled (Wang 18). This showcases some early signs of the voting process itself not functioning properly, and in the ensuing chaos, the potential for fraudulent behavior and voter suppression was prevalent. One could vote under a different name, be rejected due to already having voted simply because someone with the same name beat them to the mark, or be denied to vote due to a voter’s illiteracy – a method that would be used to suppress voters in later decades.

The act of voter registration, which was allegedly to reduce the amount of voter fraud, was also put to use for the suppression of voters (Wang 23). These requirements, enacted in the 1870s through the beginning of the 20th century, “put an (23) additional onus on the voter because it was the voter that was responsible for registering, and elections institutions had no responsibility to ensure all eligible voters were on the list” (Wang 23-4). Altered by state law, dominant parties were able to bend these voter registration laws to their own benefit (Wang 24). “Tactics included requiring only voters in the cities to register; requiring in-person registration and only on very circumscribed days and times; and requiring reregistration frequently and whenever the voter moved, even if just a few blocks away” (Wang 24). Methods as these added a swath of additional hurdles to the process of voting, at each of which the voter could be stopped or discouraged from casting their vote.

Though even if the voter would attempt attempted to register to vote, then they were still left at the mercy of the local registrar. For example, in North Carolina, it was the registrar who was in the position to determine whether a prospect voter had “sufficiently proved his age, occupation, place of birth, and residence” (Wang 25). Political alignment and corruption both could easily affect a registrar’s judgment, who in turn could deny a citizen their right to vote as they pleased. But not even once a voter managed to get their name in the voting registry they were assured that they would indeed be able to cast a vote. Given that these registers were in the hands of local officials, they too could be tampered with. “Democratic election officials in Florida in the latter part of the century simply erased Republican names and did not allow voters to try to rectify the situation when they discovered they were no longer registered” (Wang 25).

Aside from intimidation and the chaos concerning voter registry, many states at the time had introduced poll taxes (Wang 18). This was not a form of a tax that required to be paid at the poll, but concerned fees that were to be paid ahead of elections at a county assessor’s office (Wang 18). This led to two additional hurdles to being cast a vote. For one, it concerned “an extra trip during the day for workers, poor blacks, and whites” (Wang 18), something that may have been difficult to accomplish for those who worked away from the cities, as outlined in the previous paragraph. Secondly, the tax was an extra financial burden, one especially the poorer voters might have been unable to pay (Wang 18). The adding of such a poll tax was another way to affect voter outcome and thus a method of potential voter suppression. The poll tax was also used as a means of buying votes. Parties and candidates were able to pay the tax for their poorer loyalists, usually poor whites (Wang 18). Naturally,

this kindness came with the expectation that any vote was cast in their favor in return (Wang 18).

Depending on the state in which the poll tax was introduced, it could also serve as a discriminatory or outright racist means of denying black citizens the right to vote. Whether the poll tax was put into effect and in what fashion often depended on partisan views. Even though this was recognized by the parties themselves, it did not stop them from trying to use the poll tax to their advantage (Wang 20). “For example, in Arkansas in the late nineteenth century, the Populists (the “People’s Party”) denounced the poll tax as a partisan ploy, as did the Republicans. But in the legislature the measure was greatly supported by the Democrats, who saw its potential advantage” (Wang 20). As mentioned above, the poll tax did also affect poor white voters, though beyond having parties pay for their tax, their lack of tax paying could also simply be disregarded by election administrators, allowing them to vote regardless (Wang 20). Additionally, other loopholes were created to ensure the poll tax did not affect poor white voters alike the *grandfather clause*. This clause ensured that if one’s grandfather had been enfranchised prior to the Reconstruction, they would be allowed to vote (Wang 20). Naturally, this clause would only apply to white U.S. citizens given that African Americans were not allowed to vote prior to the Reconstruction, thus effectively suppressing their votes while raking in the votes of poor whites.

By the late 19th century, another hurdle a voter had to overcome in many states was the literacy test (Wang 18). This test required the voter to prove he was able to read in order to gain the ability to vote. Means of taking the test often involved having the voter publicly read a section of the federal or state constitution (Wang 18). This would, however, leave the voter at the mercy of whoever was conducting the test. After the Civil War, in the American South, these “tests were often administered in a racially discriminatory manner” (Wang 18). Wang offers an example, having taken place in Terrell County, Georgia, concerning how the literacy test could be racially discriminatory abused:

[W]hen one black applicant who was perfectly able to read and write came to register, the “registrar dictated at such speed that it was impossible for [him] to write down what was being said. . . . Blacks were also tested individually; whites if they were tested at all were tested in a group. Several black school teachers were denied registration as being illiterate. No white was ever denied registration by reason of failure to pass a literacy test” (Wang 18-9).

Should a voter manage to pass these hurdles and other attempts at voter suppression, the voter made it to the ballot box. As mentioned before, however, as the ballots were easily identifiable by party, which allowed any onlookers to participate in the tracking and buying of votes. “It was almost an unstated understanding among politicians and the public in some places that both sides would participate in such practices, notwithstanding the loud outcries about such activities in the public press by all involved” (Wang 19). Voter intimidation did not only take place at the ballot box, but workers were also subjected to such intimidation by their employers. They would intimidate their workers into voting for the to them more favorable party (Wang 19). Additionally, voter intimidation and harassment was common practice, especially in the American South. “[V]iolence was central to suppressing black voting in the South” (Epperly et al. 4).

Another practice that suppressed voting during this time period was the challenging of other voters’ right to vote, an act that was permissible by law. “Partisans employed two methods under challenge laws: challenging the legitimacy of voters on the registration list prior to Election Day and deploying poll “watchers” on Election Day to challenge the right to vote of voters the watchers deemed suspect” (Wang 20). In effect, this would allow people to call another’s ability to vote into question, thus delaying or disrupting the voting process. Especially those with racist motives would have a relatively easy time doing so, for they would challenge voters based on their apparent ethnicity (Wang 20). Once a voter’s right to vote was challenged, election officials needed to determine whether the voter was indeed allowed to cast their vote. One way to do so was to have the official gauge whether the voter was indeed of the right age to vote (Wang 20). Given the potential for corruption, this also meant that officials could determine a supposed age of the voter in question that was in favor to their own party’s interests (Wang 20).

The challenging of one’s ability to vote could also entail *proof-of-citizenship requirements* (Wang 21). This too could become a method of disenfranchisement. “In the states and cities with these requirements, naturalized citizens and naturalized citizens alone had to present their papers to election officials before registering or voting” (Wang 21). While proof-of-citizenship is a logical way to discern whether someone should have the right to vote, applying such a rule solely on naturalized citizens made it into a discriminatory practice, targeting only a group of the voters while regular citizens were not tested for any fraudulent behavior. Still, especially Republicans tended to support this practice, deeming it “justified on the grounds that they would reduce fraud” (Wang 21).

While the above were methods trying to filter out eligible voters to suppress their votes, there are also examples of one's right to vote being made outright impossible to exercise. In the American South, Democrats were known to hold so-called *white primaries* from which black voters were simply completely excluded (Wang 22). There were no explicit tests or attempts to hamper the casting of a vote, black voters were simply not included and thus their votes were made redundant, a "de facto complete disenfranchisement" (Wang 22).

As shown, prior and following the Reconstruction Era a wide variety of voter suppression was already present in the United States. In the decades that followed, some major steps would be taken to improve the election process and to counteract voter suppression.

A step in the right direction? Voter Legislation and Civil Rights

In the late 19th century, attempts were already being made to rectify some of the flaws with the voting system, even if those changes were not always made in the name of democracy or fairness. One such example is the changing of the ballots. As mentioned above, voting ballots usually clearly indicated the corresponding party via shape and color, making it easy for any onlooker to see which party someone was voting for. Before the turn of the century, laws were passed that got rid of the party ballot and replaced them by publicly printed ballots (Wang 22). These so-called *secret ballots* are akin to the ballots we know today, but "historians note that the motives behind its introduction were not so pure" (Wang 22). Rather than making this change to prevent the buying of votes, the introduction of secret ballots was primarily to aid in the suppression of voters (Wang 22). As J. Morgen Kousser notes:

The publicly printed ticket required the voter, sometimes without aid from anyone, to scurry quickly through a maze of names of candidates running for everything from presidential elector to county court clerk.... Such a task demanded not merely literacy, but fluency in the English language.... Many voters who persisted marked their ballots incorrectly (qtd. in Wang 22).

In other words, the secret ballots assured that any voters who were illiterate or uneducated had a more difficult time casting their votes successfully. As this category mostly

concerned poor whites and blacks at the time, this could be used to skew the election in favor of parties who opposed representing these groups (Wang 22).

While the secret ballot may not necessarily have led to improvement, the next major landmark when it came to voting rights arrived in 1920. The Nineteenth Amendment ensured that all women in the United States became enfranchised and rightfully gained the ability to vote (Pryor et al. 63). Unfortunately, this Amendment was not accompanied by any significant changes towards the prevention of voter suppression. In fact, “the years between the 1920s and the early 1960s were a time of relative stasis in the election process” (Wang 29). This meant that while the amount of eligible voters within the United States must have roughly doubled, twice the amount of voters continued to be under threat of being suppressed. Arguably, there was all the more reason for parties to attempt forms of voter suppression to turn this new group of voters to their favor, or to ensure they were not able to cast their votes for the opposing party.

As there were few changes when it came to laws concerning the right to vote, Alexander Keyssar writes that “[i]n the South... the dense web of restrictions woven between 1890 and 1910 continued to disenfranchise nearly all blacks and many poor whites” (qtd. in Wang 29). What did change was the situation concerning immigrant voters. While these were, as mentioned above, actively targeted in voter suppression efforts in the century prior, by the turn of the century and beyond immigration had decreased (Wang 29). This meant that efforts towards suppressing immigrant votes were no longer as significant, but also that, due to their lesser representation, there were fewer immigrant organizations striving for greater enfranchisement for immigrant voters (Wang 29).

Some progress was being made, however; In a handful of states, the poll tax was eliminated (Wang 29). This, akin to the change of the ballots, was not done out of an attempt to make the democratic process fairer, but instead favored partisan efforts to draw more voters to themselves. White politicians had come to the understanding that poll taxes had a greater effect on poor white voters than on blacks (Wang 29). With the removal of the poll tax they hoped to secure these white voters at the voting booth.

Another significant change took place in the years of World War II. In 1944, the U.S. Supreme Court ruled in *Smith v. Allwright* that whites-only primaries, adopted exclusively by the Democratic Party, were unconstitutional (Wang 30). “Because Democratic primaries had been practically a sure ticket to election throughout the South, state laws that stipulated that white citizens alone could participate in primary elections were an extremely effective measure for excluding African Americans from the decision-making process” (Wang 30). In

addition, during the recently established New Deal, a major shift had taken place within the U.S. party system, which caused black voters to flock towards the Democratic Party instead (Wang 30). These two factors combined led to some drastic changes in party politics and electioneering in the American South (Wang 30).

A first effort to implement legislation against voter intimidation was made in the Civil Rights Act of 1957 (Stringer 1022). “The legislation provided that no one “shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person” with the intent of interfering with that person's right to vote” (Stringer 1022). This Act also led to the creation of the Civil Rights Division within the Department of Justice (Stringer 1022). “Through the Department of Justice, the hotly contested legislation⁷⁸ empowered the United States Attorney General to sue on behalf of African Americans who had been denied the right to vote. In doing so, the legislation provided, for the first time, a state-sanctioned cause of action regarding voting (1022) rights violations” (Stringer 1022-23). The penalties for violating these new rules were limited, however, and violations were often solely punished with injunctive relief by the Attorney General (Stringer 1023).

Though it was not until the 1960s greater change was achieved. This change followed in the wake of the civil rights movements of the post-World War II era, which caused a major transformation in American politics (Wang 31). “Shortly before Kennedy’s death, due to the pressure of the civil rights movement, he and his advisers crafted what would become the Civil Rights Act of 1964. This legislation, along with the Voting Rights Act of 1965, would be enacted under President Lyndon B. Johnson and trigger a massive transformation in American parties and politics” (Wang 32).

The Civil Rights Act put a stop to racial segregation, be it in public schools, places of work, or other public accommodations, “provisions [which] all drew their authority from the equal protection clause of the Fourteenth Amendment” (Wang 32). This in turn meant that uneven application of voter registration requirements was deemed unconstitutional, which outlawed the usage of poll taxes and literacy tests (Wang 32). Beyond this positive change, voting rights were expanded further throughout the 1960s and 1970s. Restrictions that impacted poor voters were also banned, and residency requirements to gain the right to vote were limited to thirty days nationwide, rather than having them be determined by state law (Wang 37). The voting age was also reduced from 21 to 18 (Wang 37). In 1975, the Voting Rights Act received another amendment which provided “additional protections and greater access for limited English speakers. According to the historian and social policy expert

Alexander Keyssar, the total number of new voters added to the electorate was in excess of twenty million” (Wang 37).

All of these changes combined seemed like major steps in the right direction towards allowing eligible voters to perform their democratic duty. Methods that were formerly used to suppress voters were outlawed by these legislative changes, which should, at first glance, suggest that the suppression of voters had become a lot more difficult. In a way, this is true – for tried methods to suppress voters were no longer an option. Unfortunately, all of this legislation did not cull the desire to suppress votes. Instead, political parties were forced to create and implement different methods that were not covered by these new constitutional adjustments.

The Evolving of Voter Suppression

“Although the overt and violent acts of intimidation before the 1965 Voting Rights Act are no longer present, politicians and their operatives continue to implement sophisticated disinformation campaigns designed to lower voter turnout” (Stringer 1016). This causes African Americans, as well as Latinos, to become increasingly disillusioned with the political process (Stringer 1016). While poll taxes and literacy tests were off the table, the Voting Rights Act had only just passed when African Americans were confronted with “vote dilution, the inability to run for office, vote fraud, and intimidation at the polls” (Stringer 1016). This shows that some of the methods of voter suppression that existed prior to the Civil Rights and Voting Rights Act, as mentioned in the previous subchapter, were still put into effect.

This continued over the decades, as determined by a 1981 study conducted in the state of Georgia. It showed that practices to suppress voters had simply evolved, and that the intimidation of minority groups still had a prominent effect:

"Because the [Voting Rights Act] has outlawed the most blatant measures, those who have wanted to limit black participation in politics have had to resort to more subtle and subterranean tactics." These "subtle" and "subterranean" tactics represent the most recent and direct assault on the voting rights of minorities and the integrity of the American democratic system (Stringer 1016-7).

Given that the suppression of voters is outlawed via the amendments to the constitution, it makes sense that any attempts at voter suppression have become more

subversive. Those with the intent to suppress had to ensure they made use of loopholes within existing laws to avoid criminal penalties (Stringer 1017). An example of more subtle tactics in suppressing votes is “preventing a candidate from communicating her message to likely supporters or from providing transportation to the polls” (Stringer 1017). Such methods do not involve explicit intimidation which in turn may hamper any attempts legal action to put them to a halt (Stringer 1017). Despite of this, making sure that a candidate is unable to deliver their message to a potential voter base does skew the elections. The denial of allowing voters the access to polling stations results is outright disenfranchising them. While this is not as overt a method as the aforementioned white-primaries, for example, it does have similar results.

Another method to suppress voters through intimidation is a measure that was allegedly put in place to prevent voter fraud. The Civil Rights Act and Voting Rights Act seek to protect minority voters against voter suppression, and “protects broadly against any "conspiracy against [a person's] rights," which includes the right to vote” (Stringer 1021). This meant that any forms of voter fraud were criminalized. A good thing, at first glance. “However, by criminalizing "precisely the types of voter fraud that are typically invoked as the justification for ballot security activities, [legislation] inadvertently provides a new weapon for those prosecutors inclined to intimidate minority voters.” Thus, legislation intended to curb voter suppression has the side effect of justifying the scare tactics and law enforcement strategies that effectively intimidate minority voters” (Stringer 1022). To explain, voter suppression through intimidation can now be achieved by making it seem as if groups voters are committing forms of fraud. Given that this voter fraud is now a criminalized act, voters can be threatened with legal action, and as result may be scared away from casting their votes.

Loopholes in the legislation to prevent voter suppression were tested in court. For example, in 1966, the District Court of Louisiana ruled that Civil Rights Act did not apply to private parties but only to state actors (Stringer 1023). This meant that individuals who tried to commit acts of voter suppression could not be prosecuted. Another example is a 1964 decision of the Fifth Circuit, a court that has jurisdiction over districts in Texas, Mississippi and Louisiana, which “held that the brutal beatings of three black men in Mississippi who were attempting to vote did not represent habitual behavior and, therefore, did not warrant injunctive relief” (Stringer 1023). According to the court, reports of these beatings did not sufficiently indicate repetitive or continuous attempts at intimidation, so the court was of the opinion such incidents would not happen again (Stringer 1023).

To remedy some of these inconsistencies Congress passed the aforementioned Voting Rights Act of 1965. It “sought to address the intimidation tactics not covered by existing laws and to clarify the dilemmas created by the Civil Rights Act. The Voting Rights Act thus attempted to respond more effectively to complaints of fraud and intimidation at polling places with a “blanket legislative prohibition against discriminatory practices”” (Stringer 1024). The ratification of this Act resulted in an immediate increase of the registration of voters of African-American communities (Stringer 1024). Though this Act too had its shortcomings. “Although its application was not as inconsistent as that of the Civil Rights Act of 1957, a determination of whether a party violated the statute still required a “flexible, fact-intensive” test that allowed courts to exercise considerable discretion” (Stringer 1024).

The 1975 report of the United States Commission of Civil Rights (USCCR) regarding the implementation of the Voting Rights Act ten years on, further shows how southern states continued acts of voter suppression against minority voters throughout the 1970s (Wang 40). “The commission reported, “While formal barriers for the most part no longer exist, the lack of interest and of affirmative attempts to register voters on the part of county registrars become hindrances to participation. These hindrances include restrictive time and location for registration, the inadequate number of minority registration personnel, and purging of the registration rolls and re-registration”” (Wang 40). These forms of voter suppression, taking place in 1975, strongly resemble methods that were seen prior to the ratification of the Civil Rights Act and Voting Rights Act as mentioned earlier in this thesis: the ensuring voters do not reach the polling stations in time, and the altering of voting registers.

“The USCCR particularly singled out the practice of purging voter rolls and deleting eligible voters in the process. [...] The 1975 report also condemned felon disenfranchisement and noted the difficulty voters who had served their time had getting their voting rights back”(Wang 40). Felon disenfranchisement laws differ from state to state, but in general they dictate that someone who committed a felony loses their right to vote, as a result, their votes are suppressed.

A 1981 USCCR report shows that some judicial progress is being made against acts of voter suppression, though this fact also indicates that attempts at voter suppression are an ongoing process. The report reads that “[i]n the mid-1970s the United States attorney general objected under Section 5 of the Voter Rights Act to purging and re-registration laws in Texas and Mississippi. Election administrators moved polling places away from black voters to more distant locations, leading to more Section 5 objections in several states” Wang 40). The alteration of districts, a process also known as *gerrymandering*, was also brought up. The

report states that “the most prevalent strategy [of voter suppression] was annexation of white areas to dilute black voting strength; it also found many of the objections were regarding at-large elections and variations of that system, as well as redistricting efforts” (Wang 41).

In the decades following the 1960s the practice of vote challenging remained present and rose “to an unprecedented level and scale” (Wang 43). As with other methods of voter suppression, this too had taken on a new form. “Party operatives in many instances sent mass mailings to overwhelmingly minority and Democratic areas, putting anyone whose letter came back as undeliverable on a list of voters to be challenged on Election Day” (Wang 43-4). With an adjusted method came a new name: *vote caging* (Wang 44). Where vote challenging was often a local affair, vote caging was carried out across the country and coordinated from the top (Wang 44). The presidential election of 1964 “marked the first national effort at partisan vote suppression” (Wang 44). The effort even had its own name, Operation Eagle Eye, and took shape as follows:

The approach was simple: to challenge voters, especially voters of color, at the polls throughout the country on a variety of specious pretexts. If the challenge did not work outright—that is, if the voter was not prevented from casting a ballot (provisional ballots were not in widespread use at this time)—the challenge would still slow down the voting process, create long lines at the polls, and likely discourage some voters who could not wait or did not want to go through the hassle they were seeing other voters endure (Wang 44-5).

In other words, Operation Eagle Eye, attempted to put several methods of voter suppression into effect. The challenging or caging of voters, which could in turn lead to the disruption or elongation of the voting process which could dissuade voters even further. A Republican memo, which ended up in the hands of the Democratic National Committee (DNC) further outlined these plans and “polls and described the tactics as including encouraging stalling on lines in Democratic districts, equipping poll watchers with cameras to “frighten off... Democratic wrong-doers,” enlisting the help of local police sympathetic to the Goldwater campaign, and charging that ineligible Democratic voters were on the registration rolls” (Wang and Natolli 45).

These elaborate tactics continued over the decades that followed. In 1981, for example, during New Jersey’s gubernatorial contest, the national Republican Party formed what they called a National Ballot Security Force, which was responsible for sending

“200,000 letters to registered Democrats in predominantly minority neighborhoods in New Jersey. In part because the Republican operatives used outdated lists, 45,000 letters were returned as undeliverable, and these were brought forward as bases for challenging the voting rights of people on the registration list” (Wang 54-5). In 1986, in Louisiana this time, a similar method was used to attempt to purge 30,000 voters, most of them black, from the voting registers (Wang 56). A lawsuit was filed by the Democrats, during which a memo emerged (Wang 56). It concerned a note sent from Kris Wolfe, the Republican Party’s Midwest director, to Lanny Griffith, a southern political director, that read as follows:

“I know this race is really important to you. I would guess that this program will eliminate at least 60–80,000 folks from the rolls. . . . If it’s a close race . . . which I’m assuming it is, this could keep the black vote down considerably” (Wang 56).

Onto 1990, a senatorial election during which the Republican party sent 150,000 postcards to Democratic, and nearly exclusively, African American areas (Wang 57). This time the mail was no attempt at vote caging but included the following warning for its recipients:

“When you enter the voting enclosure, you will be asked to state your name, residence and period of residence in that precinct... It is a federal crime, punishable by up to five years in jail, to knowingly give false information about your name, residence, or period of residence to an election official” The postcards went on to intentionally misinform voters of their voting rights by claiming that if a voter had moved within thirty days of the election, he or she could not vote (Wang 57).

All of these examples show that throughout the second half of the 20th century, voter suppression was unfortunately alive and well. Active attempts were being made to purge voters, to dissuade them from casting their vote, to make it more difficult for them to reach polling stations, and to even intimidate or misinform them to frighten them from voting in the first place. The Civil Rights Act and the Voting Rights Act had ensured that initial more overt methods of voter suppression vanished from the U.S. election system, though the act of voter suppression itself was not so easily extinguished. By now, a new millennium was approaching.

The final attempt to improve things in the 20th century came in the shape of the National Voter Registration Act (NVRA) which was passed in 1993. It made sure that states were only allowed to remove names from voter registration lists under a specific set of circumstances: “(1) at the voter’s request; (2) when the voter has been convicted of a felony or judged mentally incompetent as provided for by state law; and (3) through a program to remove voters who are ineligible because of death or change of residence” (Wang 61). The act proved to be a success, for in the first three months after it came into effect, the NVRA ensured that 2 million more voters were registered (Wang 69).

The next chapter shall investigate in greater depth the first presidencies of this millennium, those of George W. Bush and Barack Obama, and shall try to determine how voter suppression continues to play a role in American politics.

Chapter Analysis: Voter Suppression in the United States (1776-2000)

This chapter covers an enormous timeframe, though as has been shown plenty of examples of voter suppression were present throughout. This short analysis shall categorize these methods of voter suppression in accordance with the categories mentioned in this work’s introduction.

In terms of voter registration issues corruption was initially the main issue. Voters were left at the mercy of the registrar who got to decide whether they could exercise their right to vote. While the Civil Rights Act and Voting Rights Act tried to counteract this, throughout the course of the 20th century, registration continued to be influenced and conducted by partisan officials. The act of voter purging is a more modern phenomenon and gained in popularity in the late 20th century, as its methods circumvented the new legislation of the aforementioned acts. The older method of vote challenging, and later on vote caging, assist in subduing the number of eligible voters.

Voter ID and ballot requirements have varied greatly over the years. Ranging from only allowing landowners to vote, to poll taxes and literacy tests to regulate who would be allowed to vote. These methods have since been outlawed, making way for Voter ID laws. Voter confusion seems to be a more modern method of voter suppression as well, which is conducted through the means of fliers or mail containing falsehoods in an attempt to have voters avoid the voting process or cast the wrong vote.

Acts of intimidation, harassment, or violence – especially prior to Civil Rights Act and Voting Rights Act, towards voters is present throughout the entirety of this time period, and is

often racially motivated in an attempt to target minority groups. Poll closures and long lines are equally ever-present means of voter suppression, ranging from the purposefully closing of polling places in an attempt to discourage voters to travel to the polls, to pre-1940s presence of white-only primaries.

Felon disenfranchisement was already conceptualized prior to the U.S. becoming a nation of its own. Disorderly were not allowed to vote, later on, the voting rights of those who committed felonies were taken based on state law. The process of gerrymandering is more modern, originating in the late 20th century as a new method to bypass the changes imposed by the Voting Rights Act.

Chapter 2: Voter Suppression Throughout the Bush and Obama Presidencies

After focusing upon centuries worth of voter suppression, this chapter shall adopt a more focused lens to research the start of the 21st century, and more specifically the Bush and Obama presidencies and the presence of voter suppression throughout.

The Elections of 2000: Voter Suppression Unveiled

The turbulent presidential elections of 2000 successfully brought more widespread attention among the American people concerning problems with the voting system, voter suppression included. The election race, set between George W. Bush and Al Gore, was still not decided the morning after it had taken place, for in the decisive state of Florida the results proved too close to call, resulting in a recount (Wang 75). While Al Gore was ahead in the popular vote, he would still lose the election if Bush managed to secure Florida's electoral vote – thus the stakes were high. “[T]he nation watched as the recount drama spun out for more than a month, including involvement of the U.S. Supreme Court” (Wang 75). Ultimately, Bush was declared the victor resulting in him becoming the next president.

Given the importance of this event and the results of the recount, U.S. people paid close attention to how this process played out, as well as the problems that came to light over its course. It provided a glimpse behind the curtains of the voting system. “While people in previous eras had been well aware of obvious disenfranchisement measures aimed at particular communities, the public of the twenty-first century had little idea of how dysfunctional and under-resourced our decentralized system of election administration was, and how easily the system could be manipulated to partisan advantage” (Wang 75). This should be considered a positive development, as problems as voter suppression are more likely to be addressed when the larger public is made aware of their impact in the first place, and in turn sees how they may affect the presidential race, the value of their own votes, and democracy as a whole.

The American people “learned that the vote manipulation practices that originated over one hundred years ago were still being used in force, albeit sometimes cloaked in more subtle forms. Reporters, political scientists, and legal experts have since chronicled the efforts to manipulate that Florida vote, including, of course, the famous punch-card ballots, the felon purge, the butterfly ballot, and the multiple legal maneuverings of the two parties” (Wang 76).

To explain, the punch-card ballots concerned a method of voting used in parts of Florida revolving the *Votomatic-style* (Jackson, par. 2). Voters are given a punch-card with the options they can vote for, after which a machine punches a hole through one of these options indicating the voter's choice. Unfortunately, this resorted in a series of faulty punch-cards where holes were not properly punched through and thus the votes were discounted. The issue with the butterfly ballots concerned their layout, confusing voters who misinterpreted their use and ended up voting on the wrong candidate (Wang 76).

The felon purge was a more prominent issue. After the elections, "it was revealed that thousands of voters in Florida were wrongfully identified as ex-criminals, tossed off the registration list, and denied the right to vote" (Wang 71). Felon disenfranchisement in general proved to be an effective method of voter suppression throughout the first decades of the new millennium. "Approximately 6 million American citizens are barred from participating in the democratic process as a result of felon disenfranchisement laws" (Root and Barclay, par. 33).

Additionally, when there were issues with voter registration, rather than allowing voters to use provisional ballots they were outright turned away (Wang 76). "Many Americans felt the election system had completely broken down, that many American citizens who were perfectly eligible to vote had been disenfranchised, and that as a result the wrong candidate won the election" (Wang 76). On top of this, while many of these measures were instated to prevent forms of fraud, very few claims of any fraud having taken place arose, with "no known cases of voter impersonation at the polls in the 2000 election in Florida or anywhere else" (Wang 76). This created a climate of elaborate election rules leading to substantiated cases of voter suppression, to combat fraud which was hardly present.

The voting difficulties in Florida sparked debate in Congress. "One part of the debate was instigated by the revelation—a surprise to many in the public—of just how different systems of voting were, depending on what state or even locality a voter happened to live in" (Wang 77). This difference was particularly evident in the range of voting machines that were put to use throughout the U.S., as well as how those machines ended up recording the votes – with varying levels of accuracy (Wang 77). Despite the lack of voter fraud cases, Republicans continued to claim that this was a major problem and that should be taken into account when determining new legislation to prevent these problems in the future (Wang 77). Democrats believed that voter suppression was the greater issue, and focused on how many voters had been disenfranchised, be it through the purging of voter rolls, problems revolving voter registration, faulty machines at polling stations, and poorly trained poll workers (Wang 77).

“As a result of this divergence in view, drafting the legislation was problematic, as each side tried to insert language suiting its goals” (Wang 77). While differing party perspectives upon voter-related legislation is nothing new, the fallout of the 2000 presidential election does set a precedent for the subsequent decades. The Republicans and their war on voter fraud against the Democrats and their search for preventing disenfranchisement. “Perhaps the most controversial issue debated as legislators cobbled together a voting bill involved the proposition of requiring voters to present identification at the polls” (Wang 77). It would be this particular issue that would greatly shape the U.S. election system and voter suppression in subsequent years.

The Voter ID Laws Issue

One issue, and occasionally a means of voter suppression, is widely represented and debated throughout the decades of the new millennium: the implementation of voter ID laws. Before looking into how these laws affect elections and potentially suppressed voters, it is important to explain the issue they present. “After the 2000 election, voter ID laws were not viewed in deeply partisan terms, but the debate changed quickly as Republicans and Democrats soon found themselves on opposing sides” (Conover and Miller 491). By now, however, public opinion regarding these laws has become polarized, often along party lines (Conover and Miller 490).

What happened? Akin to what has been outlined in previous chapters, the issue of voter ID laws has been made a political one, one perceived by Republicans and Democrats from different angles, or frames. At first, “elites from both parties agreed on which side of voter ID was a “winning” position for their respective parties” (Conover and Miller 491). Republicans claimed that the reason to introduce these laws was to prevent voter fraud, and used this frame to ensure legislation. As shown in the previous chapter, the idea of implementing measures that could lead to voter suppression in the name to counteract voter fraud is nothing new.

This framing proved so effective as it “treats voter ID laws as a “valence” issue that all citizens should endorse because the laws purportedly improve the integrity of the electoral process” (Conover and Miller 492). The idea that these laws would increase the integrity of the electoral process emphasized moral concerns, “the frame depicts voter ID laws as not just a public good, but also a moral good” (Conover and Miller 492). Additionally, the showing of one’s ID when casting their vote also seemed logical. “For citizens who are accustomed to

showing ID—when they bank, buy alcohol, or travel—it is much easier to assume that showing an ID to vote is just like those other activities rather than distinguish voting from them” (Conover and Miller 492). The connotation of fraud and electoral integrity also simply prompted emotional reactions, thus strengthening the frame further (Conover 492). Lastly, the frame implicitly evokes racial bias because some partisans associate voter fraud with “illegal immigrants” and racial minorities” (Conover and Miller 492). This connotation appeals to particular voters, be it Republicans with feelings of antagonism towards racial minorities, or Democrats who believe their party is not strict enough when it comes to minority rights and immigration (Conover and Miller 492).

In other words, the very statement that a new law would act against voter fraud, or perhaps simply the implication of fraud itself, carries a wide variety of connotations that the Republicans can use to coax their voter base to support them. Initially, the Democratic party had no clear answer to the Republicans’ reasoning to introduce these laws, making voter ID laws seem a nonpartisan electoral reform (Conover and Miller 492). Republicans soon learned that the establishing of these laws would be to their benefit, based on the strategic calculation that they may affect – or more importantly, reduce – Democratic turnout (Conover and Miller 491). Democrats, thinking similarly, therefore primarily opposed the introduction of strict voter ID laws, claiming that the Republicans wanted to implement these laws in a way to suppress voters (Conover and Miller 491).

In the wake of the 2010 midterm elections, “the flood of electoral reforms—including photo ID laws—introduced by newly Republican state legislatures pushed Democrats to promote a clear counterframe to the laws” (Conover and Miller 492). Democrats began to argue that the Republicans used these laws to “strategy to exclude certain voters—the young, the poor, and minorities—by making it more difficult for them to obtain voter IDs and thus to vote” (Conover and Miller 492). Rather than framing the laws as a means to prevent fraud, they applied the frame of them being a method for voter suppression.

Conover and Miller write that this voter suppression frame is weaker than the fraud one, as “[i]t counters the idea that voter ID is a valence issue on which political elites agree, with the claim it is partisan—a move that reduces the frame’s universal appeal” (493). Additionally, this frame is also more complex than the other, making it more difficult to comprehend as it requires further elaboration on how certain minority groups may be disadvantaged by these laws (Conover and Miller 493). In terms of emotion a difference can also be found between the two frames. “[T]he groups identified as “targets” of voter ID laws vary in vulnerability, and thus whether they trigger emotional reactions that are important to

producing a strong frame. In this regard, there is some experimental evidence that information about the disenfranchising effects of voter ID laws disproportionately angers Democrats, which could motivate opposition to the laws” (Conover and Miller 493).

Research shows that there is indeed a correlation between the adoption of the voter suppression frame and the idea that voter ID laws should not be implemented (Conover and Miller 493). As Democrats are primarily angered by the idea of the effects of voter ID laws, this suggests that it is to their benefit to make as many people as possible subscribe to the voter suppression frame. That said, most Americans are of the opinion that the voter ID laws are not a means of discrimination (Conover and Miller 493). Among the groups that would be discriminated against according to this frame the impact of the frame varies, “with African Americans provoking the largest decline in support for voter ID laws when they are the targets of voter suppression. But even then, a strong majority (61 percent) still supports such laws” (Conover and Miller 493).

While this explains the partisan perspective upon the matter of voter ID laws, it does not yet offer insight into why this issue is so prominent and why it would be such an effective tool to potentially suppress voters. Viewing this matter from a Dutch perspective, the idea of presenting a legal document that identifies one as the person who is allowed to cast a vote is not out of the ordinary, nor something often described as a means of suppression. Horwitz explains that the situation in the United States is rather different.

In an article of the *Washington Post* Horwitz draws upon the example of Anthony Settles, a citizen of the state of Texas – which is one of the states that has recently introduced stricter voter ID laws. To be able to vote for the presidential election, Settles requires something he does not have: a current Texas photo ID (Horwitz, par. 1). The issue Settles was facing is that his name did not match the name on his birth certificate, due to his mother having changed his last name when she married when Settles was fourteen years old (Horwitz, par. 2). In order to acquire a photo ID, Settles had to present his name-change certificate from 1964, one he was unable to find within local records (Horwitz, par. 3). In order to obtain a new document, which would officially change Settles’ name to the one he had already been using for the last 51 years, he had to go to court – which would cost him over 250 dollars, a price Settles was unwilling to pay (Horwitz, par 3).

This is but a single example of the problems one may run into with obtaining a photo ID to be allowed to cast a vote, a document Settles was able to do without for most of his life. While to many possessing a photo ID seems like something rather standard and logical when it comes to casting one’s vote, election experts note that “the process for obtaining a photo ID

can be far more difficult than it looks for hundreds of thousands of people across the country who do not have the required photo identification cards. Those most likely to be affected are elderly citizens, African Americans, Hispanics and low-income residents” (Horwitz, par. 6).

The assessment of these experts did not prove to be underestimation. A federal court in Texas determined that, in the state of Texas alone, 608,470 registered voters did not possess the required documentation to be able to cast their votes (Horwitz, par. 8). There were also a number of discrepancies regarding which documents were considered viable. “For example, residents can vote with their concealed-carry handgun licenses but not their state-issued student university IDs” (Horwitz, par. 8). Across the United States, “about 11 percent of Americans do not have government-issued photo identification cards, such as a driver’s license or a passport, according to Wendy Weiser of the Democracy Program at the Brennan Center for Justice at New York University School of Law” (Horwitz, par. 9).

These numbers put this issue in perspective. It is not just a few Americans who would be denied the chance to vote by the implementation of strict voter ID laws, it would be millions. In 2012, a federal court in Washington reached the conclusion that the burdens involved with “obtaining a state voter-ID certificate would weigh disproportionately on minorities living in poverty, with many having to travel as much as 200 to 250 miles round trip” (Horwitz, par. 19). David S. Tatel, a judge on the U.S. Court of Appeals for the District of Columbia Circuit, said “[t]hat law will almost certainly have retrogressive effect: it imposes strict, unforgiving burdens on the poor, and racial minorities in Texas are disproportionately likely to live in poverty” (qtd in Horwitz, par. 20).

It has thus become clear that these laws affect a great many people, and that the people that are affected are often from demographics that are normally aligned with the Democratic party. This party would thus be disadvantaged quite severely if these laws are put into practice. While the framing is clear and the potential for the suppression of voters is evident, the question remains whether these voter ID laws have indeed affected voter turnout and election results.

The answer to that query is provided via research conducted by Hajnal, Lajevardi, and Nielson, drawing upon data collected during U.S. elections having taken place between 2006-2014 (Hajnal et al. “Do Voter Identification”, par. 8). The year 2006 was chosen as prior to this date, people were not required in any state to present photo identification in order to cast their vote (Hajnal et al. “Do Voter Identification”, par. 2). At the time of the research’s conclusion, over half of the population of the United States was being subjected to voter ID laws (Hajnal et al. “Voter Identification Laws” 363). Of the 34 states in which these laws are

active, encompassing over half of the nation's population, 11 have instated *strict* ID laws – which require a person to be able to show a form of identification in order to cast their vote (Hajnal et al. “Voter Identification Laws 363).

Priorly determined, “[s]cholars have been able to show that racial and ethnic minorities have less access to photo IDs, and extensive analysis reveals almost no evidence of voter fraud of the type ostensibly prevented by these laws” (Hajnal et al. “Do Voter Identification”, par. 5), though the extent as to how many Americans may actually be prevented was yet to be determined. Drawing upon the data of the aforementioned elections, Hajnal et al. were able to test the effect of strict voter ID laws in multiple elections and states, while tapping into validated voting data and a very large sample size encompassing over a third of a million Americans (Hajnal et al. “Do Voter Identification”, par. 8-9). Their findings are as follows:

When we compare overall turnout in states with strict ID laws to turnout in states without these laws, we find no significant difference. That pattern matches with most existing studies. But when we dig deeper and look specifically at racial and ethnic minority turnout, we see a significant drop in minority participation when and where these laws are implemented. Hispanics are affected the most: Turnout is 7.1 percentage points lower in general elections and 5.3 points lower in primaries in strict ID states than it is in other states. Strict ID laws mean lower African American, Asian American and multiracial American turnout as well. White turnout is largely unaffected (Hajnal et al. “Do Voter Identification”, par. 10-1).

They conclude that voter ID laws indeed disproportionately affect minorities (Hajnal et al. “Do Voter Identification”, par. 12). The significance of this effect differs depending on whether a state enforces normal or strict voter ID laws. In the former scenario, the gap between, for example, the turnout of Latino and white voters for presidential elections is on average 4.9 points, in the latter scenario, the gap grows to 13.2 points (Hajnal et al. “Do Voter Identification”, par. 13-4). The effect during primary elections is even more dramatic (Hajnal et al. “Do Voter Identification, par. 15). They continue on by saying that:

These findings persist even when we take many other factors into account — including partisanship, demographic characteristics, election contexts and other state laws that encourage or discourage participation. [...] All else equal, when strict ID

laws are instituted, the turnout gap between Republicans and Democrats in primary contests more than doubles from 4.3 points to 9.8 points. Likewise, the turnout gap between conservative and liberal voters more than doubles from 7.7 to 20.4 points (Hajnal et al. "Do Voter Identification", par. 16-8).

As indicated by the results of this research, strict voter ID laws do in fact suppress voter turnout. This makes implementing them a means to affect voter turnout, and thus a means of voter suppression. Keeping that in mind, the idea of voter ID laws being used in such a fashion becomes more than a mere Democratic framework as suggested by Conover and Miller. For the remainder of this thesis, the presence of voter ID laws shall be taken into account when assessing the state of voter suppression in the United States throughout the first decades of the new millennium.

New Attempts to Curb Voter Suppression – Limited Success

In the wake of the problematic 2000 presidential elections, and after much discussion in Congress, an initial solution was decided upon: the Help America Vote Act (HAVA), which was ratified on October 29, 2002 (Wang 78). "In addition to the new voter identification provision, the act attempted to improve our election system in two ways: first, by requiring the states to implement certain voting reforms, especially with respect to the voting machines used, the registration system, and the employment of provisional ballots for voters who showed up at the polls but did not appear on the voter list; and second, by providing the states with ample cash to accomplish those reforms" (Wang 78). Given the attention punch-card ballots had received throughout the 2000 presidential elections, they became one of the focal points of this reform (Wang 78). The HAVA provided states with money to replace the punch-card ballot machines (Wang 78). Additionally, the law led to the establishing of the Election Assistance Commission, which was put in charge of the distribution of the HAVA's funding, as well as the program in general and the conducting of studies (Wang 78). Over the following three fiscal years, the HAVA distributed \$3.9 billion across the states, which marked the first occasion of the federal government providing money to improve the election system (Wang 78).

The reforms provided by the HAVA were largely a success. "[T]he infusion of federal resources, state centralization of the voter registration list, and the requirement that states provide provisional ballots to those who do not appear on voter registration lists appeared to

create the opportunity for more voters to cast a ballot, and have that ballot count” (Wang 78). The law also led to the enfranchisement of people who were formerly subjected to errors in the registration process, ensuring that they obtained provisional ballots so that they could cast their votes (Wang 78). Due to the influx of the HAVA’s funding, more accurate voting machines were purchased and put to use and, in some places, voting poll workers received additional training (Wang 78). While largely positive, in some states the money provided by the HAVA was instead used as a means to disenfranchise voters (Wang 78). The “narrow version of an ID requirement that was included in HAVA became very problematic in that it led to a subsequent flood of more-stringent voter identification requirements enacted at the state level” (Wang 79), the results and implications of which are addressed in the previous subchapter.

Aside from the ongoing struggles concerning the voter ID laws, voter suppression continued to change its shape throughout subsequent elections. For example, a week prior to the presidential elections of 2004, fliers were delivered across an African-American neighborhood in Milwaukee, Wisconsin. “The documents appeared to be honest, informational leaflets designed to provide "warnings" about election-day procedures. Not only were these "warnings" deeply inaccurate, they were also specifically designed to prevent African Americans from coming to the polls” (Stringer 1011). The fliers contained the following message:

If you've already voted in any election this year...

If you've ever been found guilty of anything, even a traffic violation...

If anybody in your family has ever been found guilty [sic] of anything you can't vote in the presidential election.

The time to register for voting has expired. If you haven't registered you can't anymore.

The fliers ended by threatening: "If you violate any of these laws you can get ten years in prison and your children will get taken away from you” (Stringer 1011).

These fliers were sent by the “Milwaukee Black Voters League” an entirely fictitious group (Stringer 1011), with seemingly the sole purpose to misinform and intimidate in an order to suppress the African-American vote. The case does not stand alone. In Lake County, Ohio, newly registered voters received a fake letter informing them that if any of the voters had registered through the Kerry or NAACP campaigns, they were considered illegal

(Stringer 1012). In Columbia, South Carolina, voters received false mailings claiming that handwriting samples and credit checks were required in order to cast one's vote, in addition to that people would be arrested at the polls if they had any unpaid child support or outstanding parking tickets (Stringer 1012). In Orlando, Florida, those with the intent to suppress vote took a more personal approach. They went door-to-door asking people how they were planning to vote, and stating that they did not have to go to the polls for their votes had already been recorded (Stringer 1012).

With the issues revolving the 2000 presidential elections still fresh in mind, the matter of voter suppression continued to receive increased national attention, and concerns were raised about the strategies of political parties to suppress votes (Stringer 1012). "In response to many of these instances, the political party accused of distributing the inaccurate statements has claimed that its opponent actually perpetrated the tactics in an effort to tarnish its reputation.⁹ In many instances, officials are unable to uncover the true sources of the deceptive tactics, and defrauded parties have no redress" (Stringer 1012).

Though it were not only the parties that provided misinformation that could alter election results. Andrew Gumbel, the author of *Election Fraud and the Myths of American Democracy*, raises a similar concern revolving the media. He notes that "Americans tend to be shockingly ill-informed about the issues surrounding any given election. In 2004, many of the voters who reelected George Bush did so on the basis of completely erroneous assumptions, according to a survey by the University of Maryland's Program on International Policy Attitudes" (Gumbel "Election Fraud" 1122). Gumbel places the blame of such ignorance largely on the media, "which retains little or no sense of civic duty to inform the public and tends to cover high-profile elections like a horse race or - worse - a freak show" (Gumbel "Election Fraud" 1122). This claim is substantiated by a 2007 study conducted by Harvard's Center for Public Leadership, which showed that 88 percent of the participants deemed that the media's focus on unimportant, election related issues was far too great, and that 92 percent of the participants desired more information concerning the candidates policy positions (Gumbel "Election Fraud" 1122). "In other words, citizens were getting "exactly the type of campaign coverage that they want the least"" (Gumbel "Election Fraud" 1122).

While the spreading of misinformation by parties or other interest groups in order to confuse or discourage voters is a clear form of voter suppression, the role of the media in voter suppression is less clear, though should not be discounted. While media may not be purposefully spreading confusion, Gumbel suggests that they do not provide voters with the information they wish to obtain. As a result, an ill-informed choice may be made at the

polling station when a vote is cast. If there is no direct intent to suppress voters, however, the question remains whether the media is to be blamed that certain voters may be ill-informed, or whether that is due to a lack of initiative in finding credible information on the voter's part.

Despite all the misinformation being spread, the 2004 presidential elections, due to “[t]he purported margin of victory—with George W. Bush defeating John Kerry by three million votes—led many to believe that the process went relatively smoothly” (Wang 85). This perception proved false. The election process was repeatedly influenced by party leaders, who manipulated the aforementioned Help America Vote Act in order to disenfranchise voters (Wang 85). Vote-caging and challenge schemes made their return on a national scale, akin to the Operation Eagle Eye debacle mentioned in the previous chapter (Wang 85). An example of such could be found in the state of Ohio. Prior to election day, over 35,000 new registrants were challenged by GOP officials based on postcards that were mailed to them having returned as undeliverable (Wang 85). As has been the case before, these postcards, and in turn the challenges ushered, once again targeted urban Democratic districts that were predominantly inhabited by minorities (Wang 85).

Because of this challenge, the registrants were required to attend a hearing where a judge would have to determine their eligibility – just days prior to the election (Wang 85). Additionally, the Ohio GOP also hired people to go to polling locations so they might challenge the right to vote of registrants that were priorly selected (Wang 85). “While the district court judges said that the challenges were unconstitutional—one saying that they were meant to intimidate black voters—a federal appeals court ultimately ruled the challenges lawful” (Wang 85). Estimations indicate that the counties targeted by the Republican challengers contained 91 percent of the state's black population (Wang 85-6). This once more showcases a discriminatory attempt at voter suppression conducted by the Republican Party in hopes of suppressing minority and often Democratic votes.

As the courts did not provide an answer to this practice, the Democrats made their own attempt to put it to a stop. In Ohio, they sent their own people to polling stations where they sought to challenge the challengers (Wang 86).

Ohio was not the only state in which votes were actively suppressed, however. Similar tactics were employed by Republicans elsewhere in the U.S. (Wang 86). “In Florida, the GOP developed a database of thousands of voters it wanted to challenge on Election Day. And in Wisconsin, the state Republicans “used the U.S. Postal Service software to scrutinize the addresses of over 300,000 registered voters”—but only in heavily Democratic Milwaukee. The party challenged 5,600 Milwaukee voters” (Wang 86). This list of voters was later

assessed by the Milwaukee city attorney, who found that many of the addresses that were deemed nonexistent, did in fact exist (Wang 86). The Republican party continued to explain these attempts at voter suppression as a means of preventing voter fraud, though one Republican strategist told the New York Times, post-election, that the challenges were indeed an attempt to “to distract Democrats from getting out the vote at the crucial last hours” (Wang 86). In total, election experts say, throughout the 2004 election, over “500,000 individuals across the country had their eligibility “probed” via matching their registrations against databases, and 74,000 voters were challenged on Election Day” (Wang 86).

Despite investments made through the HAVA to improve the abilities of poll workers, there were still numerous cases where workers requested identification from voters even though such was not required (Wang 87). This most notably was the case in Native American reservations in South Dakota (87). Voting machines also continued to cause issues. “For example, in North Carolina a machine failed to record 4,500 votes, and in Ohio a computer error gave President Bush an additional 3,900 votes in a jurisdiction with 800 voters” (Wang 87). The HAVA’s intent to enfranchise voters through the use of provisional ballots did not work as intended either. While provisional ballots were now required to be given out, states were not instructed as to when or how these ballots should be counted (Wang 88). “As a result, many partisans turned them into “placebo ballots” by narrowly construing which provisional ballots should be counted and which should be just thrown away without any further involvement from the voter” (Wang 88). Because of this, thousands of votes were discarded (Wang 88).

In other words, while the HAVA had good intentions, it offered local officials – through the provisional ballot system – yet another loophole via which they might affect the vote, as they could apply their own rules as to how the HAVA was carried out (Wang 89). “Another striking failure of HAVA is that the legislation completely ignored the issue of felon disenfranchisement” (Wang 89). Despite having been a major issue in past elections, as mentioned earlier in this chapter, the HAVA made no attempt to address it (Wang 89). The aforementioned butterfly ballots, which caused confusion among voters and resulted in some of them voting on the wrong candidate, also was not covered in the law (Wang 89). Finally, and perhaps most importantly, the HAVA did nothing to prevent partisan election officials from running the election system (Wang 89). The latter is perhaps most damning, for as long as partisan officials are in charge of the voting process, the ability to influence this process remains present for all seeking to suppress the votes of others.

One final example of voter suppression taking place in the following years, or more specifically the 2006 California election, concerned the targeting of 14,000 Latino voters (Stringer 1018). They were deliberately sent inaccurate letters, which threatened them with arrest if they made an attempt to vote (Stringer 1018). These letters were traced back not to a political operative or supporter, but to one of the election's candidates themselves, showcasing that even candidates are willing to resort to the intimidation of minority voters to sway the election in their favor (Stringer 1018). Stringer also notes that African Americans are especially vulnerable to becoming the victim of these practices, due to their nearly uniform partisan affiliations (1018). “[T]he desire to gain a politically advantageous position, rather than racist beliefs, likely motivates such suppressive methods” (Springer 1018).

In the same and subsequent years, laws concerning voting rights and practices were further adjusted. Notably, in 2006, the most recent reauthorization of the Voting Rights Act took place (Combs 541). This reauthorization is required as certain temporary provisions of the Act may be challenged (Combs 540). These provisions included a requirement for jurisdictions to obtain preclearance from the U.S. government before any changes may be instituted to voting laws (Combs 540-1). In order to uphold the Act despite these challenges, Congress has to reauthorize it (Combs 541). This process was particularly contentious in 2006, and more challenges were expected in the future – something indicated by then President George W. Bush (Combs 541). At the signing ceremony, he stated that “[t]oday, we renew a bill that helped bring a community on the margins into the life of American democracy. My administration will vigorously enforce the provisions of this law, and we will defend it in court” (qtd. in Combs 541).

It did not take long before the next challenge arrived, even if it would take years for it to find its way to the highest court (Combs 541). The challenge is known as the MUD case, named after the Northwest Austin Municipal Utility District No. 1, situated in Austin, Texas, who filed a suit that put the Voting Right Act's constitutionality into question (Combs 541). This case and its outcome shall be further addressed in the next subchapter, as – due to the lawsuit taking years – it also came to involve the election of Barack Obama.

Even prior to his election as president, Obama sought to uphold the voting rights of the American people. Together with fellow Senator Schumer, Obama tried to instate the Deceptive Practices and Voter Intimidation Prevention Act of 2007 (Stringer 1042). This act would counteract any deceptive tactics used by party officials that targeted minority and low-income communities, tactics that were up until that point difficult to prosecute (Stringer 1042). “Specifically, the legislation allows private parties to bring suits in court, requires the

Attorney General to investigate allegations in a timely manner, and increases the punishments for those who are guilty of defrauding another person of his or her right to vote” (Stringer 1042). This would mean that a wide variety of attempts at voter suppression would be criminalized, including examples given at the start of this subchapter concerning the spreading of misinformation or attempts at intimidation via fliers (Stringer 1042-3). Until this day, however, the Deceptive Practices and Voter Intimidation Prevention Act has not been ratified (“S.1834 Deceptive Practices”).

The 2008 Elections

Compared to the widespread manipulation of the 2000 and 2004 elections, matters had improved during the 2008 presidential election by comparison (Wang 92). “Slightly improved turnout across the whole voting population, and much increased turnout among traditionally disenfranchised voters, gave advocates of voter inclusion, in the parlance of the year, hope” (Wang 92). This was especially the case in North Carolina. Prior to the election, the state introduced the opportunity for in-person early voting as well as the means to register and vote at the polling station within the early voting period (Wang 92). Thanks to efforts of the Obama campaign as well as civil organizations, these new tools were put to use, and the outcome was admirable (Wang 92). The increase of voter turnout in North Carolina was the largest of the nation (Wang 92), which resulted in the following:

Some 236,700 people became new voters through same-day registration, and 39 percent of those were African American. More than 5 percent of the 4.2 million North Carolina voters in the 2008 election registered when they went to vote. Some 691,000 African Americans voted during the early voting period—51 percent of the 1.32 million black registered voters in North Carolina (Wang 92).

These results show that if a state makes an active effort to offer additional options to its people to carry out their right to vote, it could lead to a substantial increase in turnout, especially among groups that are more susceptible to voter suppression. In turn, it also becomes evident as to why counteracting any voter suppression practices is in favor of the Democratic party, for these additional voters, as mentioned previously, are more likely to vote in their favor. More importantly, this feat was achieved entirely in accordance to election law. “The prevailing tone of the 2008 election season, particularly on the part of the

Democratic Party and the campaign of Barack Obama, was one of expansion, inclusion, and engagement” (Wang 92).

While there were certainly improvements, voter suppression had not suddenly vanished from the elections of 2008, and “there was plenty of attempted partisan gamesmanship of the system” (Wang 92). “The fact that problems on Election Day were not as pervasive as they might have been can be attributed to experience gained by voting rights advocates, election administrators and lawyers, and the courts over eight contentious electoral years in which they all engaged in microscopic but necessary scrutiny of the registration and voting process” (Wang 92).

Some of these issues came to be due to a lack of preparations, though others were once again instigated by party officials (Wang 93). Notably, while normally Republican officials were accused of such methods, the 2008 elections featured allegations directed towards the Democratic Party as well, especially during the primaries (Wang 93). Examples can be found in several states. In North Carolina, African American communities received robo-calls of a group loosely affiliated with Hillary Clinton’s campaign: Women’s Voices Women’s Vote (Wang 93). During these calls, residents were told a voter registration packet had been sent their way, even though the registration deadline had already passed at the time (Wang 93). Many of these voters had already registered and were given the impression as if they might not be registered anyway (Wang 93). In Iowa, the Clinton Campaign tried to dissuade “students who attended college in Iowa from participating in the caucuses if they were from out of state, by saying the caucuses were “a process for Iowans” and that the Iowa primary “needs to be all about Iowa and people who live here, people who pay taxes here” (Wang 93).

This is a curious development, for up until this point the Democratic Party strongly adhered to enfranchisement over voter suppression ideal. The fact that this took place during the primaries rather than the presidential elections may be indicative of what has attempted here. Normally, as shown throughout this thesis, counteracting voter suppression is to the benefit of the Democratic Party, for enfranchised voters are likely belonging to groups that would vote in favor of the Democrats. During the primaries, however, the political battle is fought between candidates of the Democratic Party instead. Possibly, the Clinton Campaign and the organizations affiliated with it, sought to suppress voters this time as they were more likely to vote on Clinton’s opponent, Barack Obama. This does raise the question as to whether the Democratic Party truly believes in the concept of enfranchisement, or whether it is primarily a political ploy to be used to their favor.

During these elections, the rules and regulations concerning voter registration were the main cause of controversy, having replaced forms of vote caging and challenging, which proved less effective now that “the vigilance of voting rights groups and the effective use of litigation foiled efforts at suppression” (Wang 94). The abuse of voter registration rolls was still enabled due to the lack of clarity in the Help America Vote Act (HAVA) regarding the way in which new voter registration was to be implemented (Wang 95). For example, the law forced states to create statewide voter registration databases, which would then be used to compare the personal details of voters with those of other government organizations as the Social Security Administration or the Department of Motor Vehicles (DMV) (Wang 95). The HAVA did, however, not outline how the results of such a comparison should be interpreted depending on the quality of the match (Wang 95). As has become evident throughout the thesis so far, “[a]nything that is within the rules is exploited by partisans to gain electoral advantage“ (Hicks et al. 18).

Thus, alike before, Republicans continued to press for the strictest measures possible, meaning that even a slight deviation in details could get one purged from the voting registers (Wang 95). Often these stricter rulesets were applied mere weeks prior to an election (Wang 95), leaving potentially wrongfully purged voters with only limited time to rectify such a fact. “In some instances, Republican secretaries of state also illegally purged existing voters from the rolls in violation of the National Voter Registration Act’s prohibition on such removal within ninety days of an election except under limited circumstances” (Wang 95). In other words, in terms of the manipulating and purging of voter rolls, little had changed even after the introduction of the HAVA.

With the states in charge on how to put these laws into effect, great discrepancies emerged across the United States. In Florida, for example, an ‘exact match’ or ‘no match no vote’ policy was instated (Wang 95), which, as the name suggests, was among the stricter of the database comparisons. In Georgia the ‘citizenship check’ emerged, which did not only verify the new registration forms but also vetted voters already present on the registration rolls (Wang 97). Unfortunately, some of the records used for this comparison were based on out of date records on citizenship, and “it was clear that this practice was going to impact naturalized Americans more than others” (Wang 97).

In Ohio, a month before the presidential election, “the Republican Party filed a lawsuit seeking to force the secretary to verify with the Social Security Administration database and the DMV the voter registration information of everyone who had registered since January 1, flag non-matches, and require marked voters to vote by provisional ballot” (Wang 99). This

resorted in the verification of 665,000 people, 200,000 of which had some form of discrepancy between their voting registration details and the information found the databases (Wang 99). Most of these discrepancies, however, were relevant to whether a voter should be able to cast their vote or not (Wang 99). The case was eventually brought before the Supreme Court, “which decided against the GOP suit, though not on the merits of the case but rather on the basis of standing” (Wang 99).

Aside from the continuous, and often rather blatant, manipulation of voter registration some other means of voter suppression took place in 2008. One of which concerned the time citizens had to wait in order to vote at the polling stations. While in certain places voting took mere minutes, in others, St. Louis and Detroit for example, voters were forced to wait in line for five hours (Wang 100). “And once again the distribution of resources, in terms of staffing and voting machines, was random at best and possibly discriminatory at worst” (Wang 100-1). In the wake of the election, a report was published concerning the election’s performance. Results indicated that:

Some 27 percent of African Americans reported long waits, compared with 11 percent of whites and 13 percent of Hispanics. 25 The report found that 20 percent of African Americans waited more than half an hour to vote, compared with 14 percent of whites and 15 percent of Hispanics (Wang 101).

The uneven distribution of voting machines and other related resources thus affected African Americans far more than other voters. As has been mentioned prior, the amount of time one has to wait for a polling station may discourage people from casting their vote, which in turn will have an effect on the outcome of an election. “Some advocates came to refer to this situation as a “time tax,” suggesting a connection to poll taxes once used to block the poor and working class from the ballot” (Wang 101).

Having taken note of this phenomenon, Republican legislators now attempt to reduce the opportunity for early voting in several states (Wang 101-2). Early voting allows people to skip the lines on election day, and should such a practice be curbed, polling stations will grow busier on election day as a result. This will increase the length of lines, and thus the chance of people not casting their votes. Early voting has increased in popularity over the years, and in 2008, over a third of the vote was submitted in this fashion (Wang 102). As Republicans believe this may have played a part in the election of Barack Obama, curtailing this system is seen as to their advantage (Wang 102).

The 2008 elections also saw a different group of voters being more prominently targeted by attempts of voter suppression: students. During the 2008 primaries, the number of voters younger than the age of thirty nearly doubled compared to a similar election in 2000 (Wang 102). “While the expected historic turnout by young people was tremendously exciting, it also meant that youth, and more particularly students, who are easily identifiable, also became a target for vote suppression” (Wang 102). The primary method to achieve this is to put into question whether they can register and vote from the school they attend (Wang 102). “Under a 1979 Supreme Court ruling, students do have the right to register and vote from their campus address, and any residency requirements must be applied to students in the same manner as all other citizens” (Wang 102). While all forms of voter suppression are concerning, studies have shown that voting habits, when established early in life, tend to continue throughout a voter’s lifetime (Wang 103). This means that trying to suppress student voters may have lasting effects towards their participation in the election process, making the practice of such all the more condemnable.

A last group that needs mentioning when it comes to voter suppression in 2008 are Latinos. Ever since the election of 2000, the number of Latino voters has been increasing, and especially during the 2008 election, it looked like they would become quite the significant portion of the Democratic electorate (Wang 104). Given the increase in voter numbers, as well as the Latino penchant for voting Democrat, they became a target for voter suppression. The primary strategy to do so appears to be calling their legality into question (Wang 104). “As the Latino community has grown in the United States in the last decade and increasingly flexed its political muscle, these charges have escalated dramatically, as has use of political rhetoric attacking immigrants and specifically Latinos for political gain” (Wang 104). Aside from these methods simply being unjust, it should also be noted that there is a certain political risk involved to suppression Latino voters (Wang 104). Their political allegiances tend to be more flexible, meaning that they could be swayed to vote Republican as well (Wang 104). Any Republican attempts of suppressing Latino voters, however, may make them reconsider whether that is indeed to their benefit.

The Obama Era

A hundred days into Obama’s first term as president, the aforementioned MUD case reached the Supreme Court, resulting in oral arguments (Combs 541). The utility district that filed the case continued to challenge the Voters Right Act, and more specifically its section 5:

the inability of jurisdictions to change any voting laws without federal approval, a rule that was put in place to make sure jurisdictions do not discriminate minority groups. “The utility district cited the election of Barack Obama as affirmative proof that Section 5 is now unnecessary” (Combs 541). Such regulations are significant for the state of Texas, as the state holds the second largest Hispanic share of the population (38.1%), according to 2011 Pew Research Center Tabulations (Combs 541). If the utility district could indeed convince the Supreme Court that Section 5 was unnecessary, they could make greater efforts to make voting for the Latino Texas population more challenging, thus enabling greater possibilities for voter suppression.

The Supreme Court was unconvinced and upheld Section 5 of the Voting Rights Act, “but language in the decision hinted that future challenges to the constitutionality of the Act might be successful. This dictum is important because it implicates three of the tenets of BOP” (Combs 541). Combs explains that:

The Court’s willingness to accept that the racial climate in the country (and specifically the South) was not only shifting but so substantially changed as to soon obviate the need for the strong medicine of the Act (in spite of a compelling legislative record to the contrary) unearths BOP tenets one (growing numbers of whites perceive the social ills in society are not endemic, but performed by a few bad actors) and seven (when invoked through discourse, seemingly race-neutral language is employed) in operation (Combs 541).

This suggests that the Court is willing to conclude that while race-based restrictions are for now still considered a threat to the voting rights of minority groups, such may not be systematic (Combs 541). In other words, the desire to suppress voters is not based on racism, but questionable or criminal acts by some jurisdictions (Combs 541). “Further, the use of language like ‘changed’ is so benign as to permit demographic shifts to be falsely perceived as social integration, which implicates the second tenet (physical integration is falsely perceived as social integration) of BOP” (Combs 541).

The Supreme Court’s perspective, albeit Conservative-leaning at the time (Combs 541), shows that some cracks have started to form in an Act that has safeguarded minority voters ever since the 1960s. A few months after their decision, the next challenge arrived. “Shelby County, Alabama, another Section 5 covered jurisdiction, brought a later challenge (filed in April 2010) that was successful at dismantling important protections in the Act”

(Combs 542). The Supreme Court decision, reached in 2013, invalidated a ‘coverage formula’, part of Section 5, which indicated “jurisdictions that had to pass federal scrutiny under the Voting Rights Act, referred to as “preclearance,” in order to pass any new elections or voting laws” (Newkirk II, par. 4). The jurisdictions in question had been selected given a past history of discrimination in voting (Newkirk II, par. 4). Without federal support, communities in these jurisdictions that may be faced with discriminatory voting laws are now left to fend for themselves, meaning they have to file lawsuits of their own to challenge these laws from here on out (Newkirk II, par. 4).

The results of this decision are in line with the forms of voter suppression which are prevalent in the new millennium. “Voter-identification laws, which experts suggest will make voting harder especially for poor people, people of color, and elderly people, have advanced in several states, and some voting laws that make it easier to register and cast ballots have been destroyed” (Newkirk II, par. 5). The weakening of Section 5 thus has further enabled the implementation of stricter voter laws, and in turn the suppression of votes.

While the Shelby County case progressed in the background, the 2010 primary elections took place. These elections showcased the increased popularity of absentee voting, a form of casting one’s vote via the mail. In 2010, 23 percent of Florida’s votes were submitted via absentee ballots, four years earlier, it had only been 15 percent (Liptak, par. 5). “Nationwide, the use of absentee ballots and other forms of voting by mail has more than tripled since 1980 and now accounts for almost 20 percent of all votes” (Liptak, par. 5). While popularity may be on the rise, this does not necessarily mean that elections become more democratic. “[V]otes cast by mail are less likely to be counted, more likely to be compromised and more likely to be contested than those cast in a voting booth, statistics show. Election officials reject almost 2 percent of ballots cast by mail, double the rate for in-person voting” (Liptak, par. 6).

The issues concerning these ballots also became evident in the prior presidential election. According to a study conducted by Charles Stewart III, of the 35.5 million requested absentee ballots, only 27.9 were counted (Liptak, par. 14). Stewart “calculated that 3.9 million ballots requested by voters never reached them; that another 2.9 million ballots received by voters did not make it back to election officials; and that election officials rejected 800,000 ballots. That suggests an overall failure rate of as much as 21 percent” (Liptak, par. 14). While some voters may simply have decided not to vote, many others who did were most likely prevented from casting their vote successfully (Liptak, par. 15).

Voting via mail is significantly easier than moving to polling station, especially for disabled and elderly citizens (Liptak, par. 16). It also has other advantages, as “[i]t is cheaper to administer, makes for shorter lines on election days and allows voters more time to think about ballots that list many races” (Liptak, par. 16). Though despite these positive connotations, any flaws concerning absentee ballots – beyond the aforementioned disappearance of a substantial amount of them – are often left unaddressed. One of such is known as *granny farming*. This concerns the collection of absentee ballots at senior citizen centers to assist them in voting (Liptak, par. 27). “Voters in nursing homes can be subjected to subtle pressure, outright intimidation or fraud. The secrecy of their voting is easily compromised. And their ballots can be intercepted both coming and going” (Liptak, par. 28). This issue is not limited to elderly homes, for absentee ballots also allow for easier buying and selling of votes (Liptak, par. 29). Arguably, if one is able to collect or meddle with the votes of others, it opens up the potential for voter suppression by ensuring that these ballots do not reach the polls at all.

Part of the issues that enable this fraud, beyond those with ill will, can be found in the ballot itself. “It had to be enclosed in envelopes containing various information and signatures, including one from a witness who had to attest to handling the logistics of seeing that “the voter marked the ballots in that individual’s presence without showing how they were marked.” Such witnesses must themselves be registered voters, with a few exceptions” (Liptak, par. 36). Naturally, this leaves quite the potential for interference, be it the placement of faulty signatures, or attempts to convince the voter to reconsider their choice.

Curiously, even though absentee ballots, as mentioned before, primarily affect voting demographics that side with the Democratic Party, “Republicans are in fact more likely than Democrats to vote absentee. In the 2008 general election in Florida, 47 percent of absentee voters were Republicans and 36 percent were Democrats” (Liptak, par. 22). This is despite the aforementioned dislike of absentee ballots of Republican officials, who claimed that absentee ballots are susceptible to fraud. Ironically, as professor Justin Levitt of the Loyola Law School states, efforts made to prevent fraud at polling places, like strict ID laws, have driven more and more people into the absentee voting system, “where fraud and coercion have been documented to be real and legitimate concerns” (qtd. in Liptak, par. 33). Laws thus designed to prevent fraud are causing voters to utilize a system that is far more susceptible to it (Liptak, par. 34).

Aside from the presence of absentee ballots being on the rise in 2010, despite the problems involved, the targeting of Latino voters also further increased during these midterm

elections. “[C]laims about noncitizen voting became even more exaggerated and malicious, and outside groups and candidates used anti-immigrant rhetoric for political gain”(Wang 105). Beyond trying to appeal to white voters, these claims fueled “an already oppressive climate of fear for Latinos that might deter them from participating. Candidates, particularly in Nevada and Louisiana, aired ugly anti-immigrant campaign ads that portrayed Latinos as menacing predators” (Wang 105). Additionally, rumors emerged that Mexicans were being brought into the U.S. to cast fraudulent votes, and that “of illegal immigrants were working to turn out voters who were sympathetic to them” (Wang 105).

The Department of Justice responded to this worsening climate, by sending people to supervise the elections in the states in which these accusations had taken a hold, to ensure that the elections could take place fairly (Wang 105). This course of action was soon spun as an attempt of the Obama administration to do “everything it can to make sure as many illegal aliens [as possible] vote in 2010” (Wang 105). The more hostile climate towards Latinos to suppress their votes shall find its relevance again in the next chapter of this thesis.

Between 2010 and 2012 a process of gerrymandering took place, the adjusting of district lines in order to regroup and accumulate likeminded voter bases to secure the district in the name of either the Republicans or Democrats. “Partisan gerrymandering threatens electoral integrity under two circumstances: either by silencing minority voices or by entrenching one party in majority legislative status regardless of its vote support” (Norris et al. 83). The process of gerrymandering is yet another loophole via which parties seek to gain an advantage, regardless of fact that they are effectively manually rearranging the election outcome. Gerrymandering proves to be a popular practice. Analysis conducted by Magleby et al. “shows that over 60% of the states that could have chosen to manipulate their congressional district lines did so in the 2010–2012 round of redistricting” (qtd. in Norris et al. 84).

Approaching the 2012 presidential election, “the partisan assault on voting rights showed no signs of abating” (Wang 156). This concerned a greater push for laws revolving government-issued photo identification being required at the polls (Wang 156). The attacks on student voters also continued, especially in the state of Maine where Republicans took control of both chambers (Wang 156). Charles Webster, the head of the local Republican Party, “decided to undertake his own investigation of student voters, announcing a list of 206 students he claimed to have committed fraud by virtue of their being registered to vote in Maine but hailing from other states, claiming some of them had voted twice” (Wang 156-7). The Republican secretary of state, Charles Summers, started an investigation of his own upon

hearing this claim, but found no prove that these students were involved in any type of fraudulent voting (Wang 157).

Aside from the common problems of voter ID laws and the attempted suppression of particular voter groups, long lines too caused an issue during the elections of 2012. “A study from the Massachusetts Institute of Technology found that, on average, Hispanic voters spend one and a half times as long in line than their white counterparts. African Americans spend nearly twice as long in line to vote. A Joint Center for Political and Economic Studies report estimated that “long lines deterred at least 730,000 Americans from voting in November 2012” (Maxwell and Root, par. 6). This too proves to be in line with other recent elections, and the sheer number of people being deterred by these lines remains staggering.

Another ongoing means of voter suppression is the purging of voter registration lists, which continues to disproportionately impact communities of color (Maxwell and Root, par. 8). This election year, “Florida’s governor and secretary of state compiled lists with limited and often outdated citizenship information of more than 180,000 people suspected of being noncitizens and threatened to remove these individuals from the voter rolls. Approximately 87 percent of those whose eligibility was questioned were people of color” (Maxwell and Root, par. 8).

The narrative of Obama benefitting greatly of the changing demographics in the U.S., akin to the sentiment displayed in certain states during the 2010 primaries, also did not relent. “Immediately following the 2012 election, a specific narrative emerged highlighting the manner in which the changing demographic composition of the United States and the heavy skew of minority groups towards the Democrats both provided an advantage for President Obama and potentially spelled trouble for the future prospects of the GOP” (Bentele and O’Brien 1105). As formerly marginalized or suppressed groups continued to flock to the voting polls in increasing numbers, the Democratic Party gained more support, ensuring that Obama obtained and kept the presidency (Bentele and O’Brien 1105).

All of the examples above given an important indication of what kind of state the U.S. voting system, as well as the practice of voter suppression, was in during the onset of the 2016 elections. During the National Action Network’s 16th Annual Convention, in 2014, President Obama offered an insight in his own feelings on the state of voter suppression. He said that “[t]he right to vote is threatened today in a way that it has not been since the Voting Rights Act became law nearly five decades ago” (Obama, par. 21). Despite this somber outlook, the president proved defiant. Obama continued: “And as President, I’m not going to let attacks on

these rights go unchallenged. We're not going to let voter suppression go unchallenged" (Obama, par. 31).

Obama continues to outline the ways in which he tries to achieve this, mentioning the involvement of the Department of Justice to defend voting right cases (Obama, par. 31) as well as a bipartisan commission, chaired by his own election lawyer, as well as the one of his former opponent, Mitt Romney (Obama, par. 32). A call is made to modernize voter registration, to counteract any forms of voter fraud, and to cut down the amount of time voters have to wait in lines (Obama, par. 32).

Do it because the right to vote is something cherished by every American. We should not be having an argument about this. There are a lot of things we can argue about, but the right to vote? I mean, what kind of political platform is that? [...] Why would you make that a part of your agenda, preventing people from voting? How can you defend that? (Obama, par. 33)

Despite Obama later calling out the Republican Party for such practices (Obama, par. 35), he could not have known what awaited next.

Chapter Analysis: Voter Suppression in the United States (2000-2016)

Throughout these years, voter registration issues continue to be present. While the Help America Vote Act (HAVA) offers some improvement by making the process of voter registration state-wide loopholes remain. Voter purges are ongoing and especially vote caging remains popular. The 21st century sees a rise in voter ID laws as a more widespread method of voter suppression, a concept of which is divided among partisan lines. The Republicans deem it as a means to counteract voter fraud, while Democrats show concern for disenfranchisement and their voter base being diminished.

Acts of voter confusion remain though have taken on a more modern shape. Falsehoods are spread throughout text messages and voters are misinformed via the media. While acts of violence to suppress voters have mostly vanished, intimidation and harassment remains prevalent. These efforts often target minority groups or growing demographics of voters as students. Poll closures and long lines too continue to be an issue, disproportionately affecting minority groups.

In terms of malfunctioning voting equipment, while the HAVA has managed to deal with issues as *votomatic* voting, its funding failed to permanently solve issues concerning faulty machines and undereducated poll workers. By 2016, over 6 million Americans are disenfranchised due to felony-disenfranchisement laws, significantly reducing the total amount of voters. Partisan groups have made extensive use of the 2010-2012 gerrymandering efforts, showing that this means of manipulating the election outcome and the suppression of voters is an ongoing issue.

Chapter 3: The Trump Era

This chapter shall assess the ongoing presidency of Donald Trump, ranging from 2016-2020, and how voter suppression played a role throughout.

The 2016 Presidential Elections

The elections of 2016 were the first presidential elections to take place since the changes made to Section 5 of the Voting Rights Act due to the Supreme Court's Shelby case decision. By the time of the elections' arrival, those changes had already made their mark. Lowes writes that, in accordance to a study conducted by the Brennan center, "states purged almost 16 million voters between 2014 and 2016, a 33 percent increase over the 12 million expunged between 2006 and 2008. Purging increased more in jurisdictions formerly subject to Voting Rights Act preclearance" (par. 12). With millions of votes disappearing in the span of two years, it is clear that the problem of voter suppression remains very much alive in recent history. The next president of the United States, Donald Trump, would do little to improve this.

By the time of the elections in 2016, "14 states had new voting restrictions in place for the first time in a presidential election" (Kennedy, par. 2). These restrictions varied from making voter registration more difficult, to reducing the opportunity for early voting, and the imposing of strict voter ID laws (Kennedy, par. 2). This further compounded the ongoing spread of voter-related litigation, which in turn, as explained in the previous chapter, could serve as an effective tool to suppress voters. Especially during a tight race, as the 2016 elections turned out to be, the power of voter suppression becomes all the more evident.

Two years prior, in 2014, the state of Wisconsin passed a strict voter ID law, which required voters to show particular forms of identification at the poll (Kennedy, par. 4). During the 2016 elections, 300,000 registered voters were unable to cast their vote due to the new ID laws – in the final results, a mere 27,000 votes separated Donald Trump and Hillary Clinton (Kennedy, par. 4). Additionally, Wisconsin's turnout was the lowest it had been in two decades (Kennedy, par. 4). "Voter turnout in Milwaukee, where 70 percent of the state's African American population lives, decreased by 13 percent; this meant 41,000 fewer votes" (Kennedy, par. 4). This example shows the impact that this type of law can have, for if even a fraction of the 300,000 disenfranchised voters would have been able to perform their

democratic duties, the state victory, and perhaps the outcome of the election, could have been different.

Though Wisconsin proved to be but one of many states in which voter suppression managed to impact the elections. In Michigan, poll workers misinformed voters on whether they needed to show a form of identification to vote (Kennedy, par. 7). While Michigan does have a voter ID law, it does not require an ID to vote; instead, voters have the option of filling out an affidavit swearing to their identity” (Kennedy, par. 7). Similar scenes took place in the state of Pennsylvania (Kennedy, par. 7). These examples show that, despite its allocated funding, the Help America Vote Act (HAVA) did not manage to ensure that all poll workers were properly trained, thus allowing them to negatively affect the voting process.

The state of Alabama “had its first presidential election with a new voter ID law; at the same time, the state made it much more difficult for some people to obtain a state-issued ID when it closed 31 of its state driver’s license offices last year” (Kennedy, par. 7). A large number of those offices were situated in lower-income neighborhoods of color (Kennedy, par. 7). Black voters were thus disproportionately affected by these new laws, which in turn – as pointed out previously in this thesis – would work primarily in the favor of the Republican candidate.

In Texas, a federal judge deemed its voter ID laws to be intentionally racially discriminatory (Kennedy, par. 8). In July 2016, the 2011 laws were struck down, and local officials were ordered to ease the ID requirements for that year’s presidential election, offering a new opportunity to the 600,000 voters affected by the former law (Kennedy, par. 8). “Despite the federal judge’s order, confusion among voters and poll workers continued up until and during Election Day. There were reports during early voting, for example, of at least seven counties displaying outdated posters for the old voter ID law and poll workers requiring voters to present a valid ID in order to vote” (Kennedy, par. 8).

Another issue that presented itself during this election was obstruction of accessing the polls, be it due to the closure of polling locations or a reduction of voting hours (Kennedy, par. 9). A study conducted by the Leadership Conference Education Fund shows that “states with a history of voting discrimination—which until 2013 had to submit changes to their election laws to the federal government for approval before going into effect—operated 868 fewer polling places on Election Day in 2016” (Maxwell and Root, par. 5). Once again, black voters were disproportionately affected. In 40 of North Carolina’s counties with large black communities, the amount of polling places was reduced by 158 (Maxwell and Root, par. 5).

In counties across the United States in which polling places were closed and voting hours were reduced, “black voter turnout during the first week of early voting reached only 60 percent of the cumulative turnout at the same point in 2012. And while black voter turnout increased in the weeks leading up to the election, turnout never reached beyond 90 percent of the cumulative turnout at the same time in 2012” (Kennedy, par. 10). By comparison, white voter turnout increased comparatively to the elections in 2012 (Kennedy, par. 10). This example shows once more the impact of the changes to Section 5 of the Voting Rights Act, which was once meant to protect voters against discrimination.

The presence and effects of long queues at the polling stations showed a similar racial discrepancy. “Black voters across the country are, on average, forced to wait in line for twice as long as white voters. In just one example, voters in Durham County, North Carolina, had to stand in line for two hours after technical difficulties required election officials to check in voters using paper poll books” (Kennedy, par. 11).

As mentioned in the previous chapter, the presence of long lines may dissuade voters from casting their votes and can thus be used as a method of voter suppression. Seemingly pleased that the difficulties concerning voting in North Carolina had worked to their favor, the local Republican Party “sent out a press release boasting about how its efforts drove down African-American turnout in this election” (Toobin, par. 7).

The purging of voter rolls continued as well. In Ohio, hundreds of thousands of voters were illegally purged from voter registration rolls, an act that disproportionately affected people with a lower income, African Americans, and registered Democrats (Kennedy, par. 13). “An investigation found that in Cleveland, Columbus, and Cincinnati, voters were removed from the rolls in areas that lean Democratic at twice the rate they were in Republican-leaning areas” (Kennedy, par. 13). In Arkansas, the secretary of state purged 7,000 voters due to deeming them noncitizens or felons (Lowes, par. 14). “Some, it turned out, had never been charged or convicted of a crime, or had only a misdemeanor on their record, while others who had felony convictions had their right to vote restored” (Lowes, par. 14). During a 2016 presidential election primary in New York, “Hispanic voters were disproportionately removed from lists in a purge that affected more than 120,000 people” (Maxwell and Root, par. 8).

Problems concerning voter registration occurred in Georgia, as the state automatically rejected applications which failed to exactly match the information present in the state’s database (Kennedy, par. 14). “For example, a single misplaced hyphen, apostrophe, or space would cause the application to be regarded as a mismatch” (Kennedy, par. 14). This ended up impacting nearly 35,000 of the state’s citizens, among which black citizens were eight times

more likely to be rejected, and Asian Americans and Latinos were six times more likely to be rejected, compared to white residents (Kennedy, par. 14).

Felon disenfranchisement laws also continued to have an impact. Over 6 million Americans are incapable of voting due to the laws (Kennedy, par. 15). When it comes to African Americans, these laws ensure that one in every 13 black voters is no longer franchised (Kennedy, par. 15). “In four states, more than one-fifth of the African American population is disenfranchised: Florida (21 percent), Tennessee (21 percent), Virginia (22 percent), and Kentucky (26 percent)” (Kennedy, par. 15). In 2016, in Virginia, the Democrat governor, Terry McAuliffe, made an attempt to restore the voting rights of felons who had become disenfranchised by these laws (Kennedy, par. 16). The Supreme Court prevented this, however, stating that McAuliffe did not have the constitutional authority to do so (Kennedy, par. 16). “Gov. McAuliffe has instead restored rights to 60,000 of the state’s ex-offenders through individual rights restoration orders, but many more citizens remain disenfranchised” (Kennedy, par. 16).

Lastly, acts of intimidation and even violence occurred throughout the months leading up to the 2016 elections. “[S]ome of Donald Trump’s armed supporters were observed “menacing” a Democratic Party campaign office; during the same election, a Republican campaign office was firebombed” (Epperly et al. 1). Such actions could discourage potential voters from partaking in the election process, which may lead to the suppression of voters.

Trump’s Rhetoric and Policy

The outcome of the 2016 presidential elections is known, Donald Trump became the United States’ 45th and current president. The previous subchapter has listed many a different form of voter suppression, though most of these were related to legislation or the acts of voting officials. This next subchapter shall focus on Trump himself and shall look into how his rhetoric and policy may have affected or even stimulated voter suppression.

As shown in previous chapters, framing the need for stricter voting laws in order to combat potential voter fraud is one of the hallmarks of the Republican Party. Trump made extensive use of this ‘weapon’ as well. “Perceptions of voter fraud and media bias also were strongly associated with voting for Donald Trump” (Goidel et al. 235). In other words, Goidel et al.’s study shows that if a person was under the impression that voter fraud was an actual issue, they were more likely to support Trump – which is in line with previous findings that this framing works to the advantage of the Republican Party. The more Trump and other

Republicans managed to convince Republican voters of the threat of voter fraud and that Clinton might benefit from it, the more likely they were to vote in the election to ensure a Republican victory (Goidel et al. 234). “Democrats, in contrast, were largely unaffected by these claims. We observed a similar pattern with media bias: Republicans who believed that the media were biased in favor of Clinton were more likely to vote” (Goidel et al. 234).

These tactics appear to be successful. Kennedy and Root write that nearly half of all Americans are convinced that widespread voter fraud is real (par. 7). Due to this, legislators have an easier time passing stricter voting laws which in turn allow for voter suppression (Kennedy and Root, par. 7). Despite of the Republican’s success to spread this message, there appears to no evidence supporting a widespread presence of voter fraud. A nationwide study conducted by the Arizona State University in 2012, “identified a mere 10 cases of voter impersonation fraud between 2000 and 2012” (Maxwell and Root, par. 4). In 2016, a follow-up study took place which looked “for illegal voting in five states where politicians had raised concerns over fraudulent voting found zero successful prosecutions for voter impersonation. Furthermore, a Dartmouth College study found no evidence of voter fraud in the 2016 election” (Maxwell and Root, par. 4).

These findings indicate that voter fraud, in the years leading up to Trump’s election, was thus a non-issue, which in turn means that nearly half of the American people believe in a falsehood. “Voter fraud does not pose a threat to American democracy because it simply does not exist. Voter fraud conspiracy theories, on the other hand, have led to a direct assault on our democracy and our fundamental constitutional rights through tactics to suppress American voters” (Kennedy and Root, par. 7). A conspiracy the United States’ current president continues to perpetuate.

Unconvinced, Trump established a White House commission which was charged with investigating the presence of voter fraud. In early 2018, this commission was shut down again, as they were unable to find any real evidence that the American elections are indeed corrupt (Tackett and Wines, par. 1). Rather than accepting this outcome, Trump and Kris Kobach, the panel’s vice chairman, sought to shift the blame. Trump stated that:

Despite substantial evidence of voter fraud, many states have refused to provide the Presidential Advisory Commission on Election Integrity with basic information relevant to its inquiry. [...] Rather than engage in endless legal battles at taxpayer expense, today I signed an executive order to dissolve the commission, and have asked

the Department of Homeland Security to review these issues and determine next courses of action (qtd. in Tackett and Wines, par. 4-5)

This claim remains unsupported by substantial evidence and is rejected by election officials, many Republicans among them (Tackett and Wines, par. 6). Kobach directed his discontent towards the political left, stating it had tried to hamper the investigation (Tackett and Wines, par. 11). “At last count, he said, the panel faced at least eight lawsuits accusing it of ignoring various federal requirements, including one from a commission member, Matthew Dunlap, the Maine secretary of state, that claimed he had been illegally excluded from its deliberations” (Tackett and Wines, par. 11).

The Democrats had a different perspective on the matter. According to them, the commissions’ purpose was to build a foundation upon which further voter restriction laws could be built (Tackett and Wines, par. 17). This in turn would allow for additional voter suppression, which would negatively impact “traditional Democratic constituencies — minorities, young people and the poor” (Tackett and Wines, par. 17), a tactic that has proven useful to the Republican Party in the past.

Though despite the lack of evidence and officials refuting Trump’s claim, the voter fraud issue “continues to resonate with his base voters, and Mr. Trump has mentioned it in recent rallies” (Tackett and Wines, par. 8). With that in mind, it is unlikely that this rhetoric will fade in the near future, and thus the issue of voter fraud will continue to play an important part in U.S. elections – even if it does not exist.

A second matter worth addressing concerning Trump’s rhetoric ties into the Latino vote, as addressed in the previous chapter. As Latino voter turnout has been rising over the course of the new millennium, they have become an increasingly significant group of voters to secure – or suppress. Trump has opted for the latter. “In the 2016 presidential election, Donald Trump garnered attention with harsh rhetoric and position-taking on immigration issues. In office, his rhetoric toward unauthorized immigrants remained extreme, imbued with dehumanizing language, associating unauthorized immigrants with terrorism and crime, frequently invoking analogies to animals” (Jones et al. 1).

Akin to Republican rhetoric employed during the Obama presidency, immigrants are vilified or even threatened. While the above examples relate to unauthorized immigrants, such statements have an effect on legal immigrants as well. “A climate of threat emerged in the Trump presidency, threat that when mapped onto Trump’s rhetoric induced heightened anxiety for Latina/os in the US. We found that deportation anxiety among Latina/os was high

overall and increased with immigration status, second-generation status, phenotype, ELP attributes, and identity strength” (Jones et al. 17). These heightened anxiety levels could be regarded as a means of intimidation, which in turn can discourage Latino voters from participating in the election process as seen during the Obama presidency (Wang 105).

The effects of Trump’s rhetoric are evident when looking at the results of the 2016 elections, in accordance with a study based on the National Election Pool exit poll data at the time. On Election Day, Clinton managed to secure 66% of the Latino voters, a number in line with the 2008 elections, though slightly lower than the 2012 elections, where Barack Obama received 71% during his re-election (Krogstad and Lopez, par. 1). Regardless of his rhetoric, Trump still managed to secure 28% of the Latino voters, though this is a similar percentage as that of Mitt Romney four years prior (Krogstad and Lopez, par. 2). Latino turnout increased nationally with roughly 1%, showing once more that this group of voters continues to grow (Krogstad and Lopez, par. 5).

These statistics indicate that Trump’s rhetoric has perpetuated the rift between the majority of the Latino voter base and the Republican Party. Should his rhetoric remain unchanged, and should the Latino voter base continue to grow, this may have an even greater impact in future elections.

A last matter worth mentioning is related to Trump’s policy: the appointing of judges. “President Donald Trump is rapidly filling a record number of empty seats on the federal courts” (Corriher and Jawando, par. 1). Given that these judges are assigned by a Republican president they tend to subscribe to a more Republican or Conservative line of thinking, and many of Trump’s nominees “have problematic records on voting rights” (Corriher and Jawando, par. 1). An example can be found in Thomas Farr, a Trump nominee from North Carolina. “Farr has a decades-long record of defending voter suppression—from his time working on the racially charged 1990 campaign of Sen. Jesse Helms (R) to helping legislators draft and defend a 2013 voting law, one that a federal court said targeted African American voters “with almost surgical precision”” (Corriher and Jawando, par. 1).

Another example is Justice Neil Gorsuch, who was Trump’s first appointment to the Supreme Court. Gorsuch supported the state of Texas in the removal of a 2011 restricting map which discriminated against Latino voters (Corriher and Jawando, par. 2). Between 2011 and 2017, eight different court rulings have determined that Texas is guilty of intentional voter discrimination, “[y]et Gorsuch and the other conservative Supreme Court justices declined to require the state to promptly fix its discriminatory election districts” (Corriher and Jawando, par. 2). This particular ruling was decided upon after the Trump administration reversed the

position of the U.S. Department of Justice, which was involved in the case (Corriher and Jawando, par. 3). “Voting rights advocates have expressed concern that the Department of Justice will no longer protect voting rights, noting the department’s decision to reverse the government’s stance in crucial voting rights lawsuits, as well as the president’s Election Integrity Commission” (Corriher and Jawando, par. 3). Another reversal has happened since, related to a case that challenged Ohio’s voter purging practices (Corriher and Jawando, par. 3).

These developments offer yet another perspective on voter suppression. By appointing judges, the president is capable of putting the right officials in place that may condone voter suppression practices locally, by, for example, supporting stricter voter ID laws. The Trump’s administration’s power over the Department of Justice is equally concerning, for an organization that is to safeguard the voting rights of the American people, can seemingly be turned against them, and used as a method to enable voter suppression.

While all the above is taking place and Trump continues to firmly entrench Republican beliefs on matters of voter fraud and stricter legislation, the 2018 midterms are approaching.

The 2018 Midterms

Leading up to the midterms of 2018, stricter voter laws continued to emerge across the United States. In 2017, the state of Georgia “enacted an “exact match” law mandating that voters’ names on registration records must perfectly match their names on approved forms of identification” (Johnson and Feldman, par. 13). Of the people impacted by this new regulation who had their registrations blocked, 80 percent were people of color (Johnson and Feldman, par. 13). This makes for yet another example of a continuing trend of voter suppression disproportionately impacting minority groups.

More examples will follow. This subchapter shall primarily draw upon the work *Voter Suppression During the 2018 Midterm Elections: A Comprehensive Survey of Voter Suppression and Other Election Day Problems* by Root and Barclay, a survey that was also used to determine the different categories of voter suppression used in the analyses of this thesis. Given the use of their work, it is obvious that all of these voter suppression categories are represented during the 2018 elections, though they remain worth mentioning to ensure the continuity of this thesis.

Root and Barclay write that “[d]uring the 2018 midterm elections, voter participation was more than 10 percentage points higher than it was in the 2014 midterm elections, demonstrating Americans’ demand for change and increased enthusiasm for exercising their civic duty to vote. That said, nearly 120 million eligible Americans did not participate in the November elections” (par. 1). Those that did were subjected to more difficulties, and those who did not, may not have done so out of choice, but due to voter suppression efforts.

Starting with voter registration problems, “[e]very state—with the exception of North Dakota—and the District of Columbia require eligible Americans to register to vote prior to casting a ballot” (Root and Barclay, par. 8). In many of these states troubles relating to voter registration occurred. In New Hampshire, to name an example, laws require for voters to prove they are living in the ward or town where they desire to vote, in order for them to get registered (Root and Barclay, par. 9). “This requirement disproportionately disadvantaged college students, who number more than 90,000 in a state with a voting-age population of slightly more than one million” (Root and Barclay, par. 9).

A solution that makes voter registration a bit more convenient is allowing online registration, which is possible in some of the states, and increases voter participation as a result (Root and Barclay, par. 10). As is evidenced by this case in Arizona, however, this form of registration is not without issue either. “[B]etween November 2016 and October 2018, a poorly labeled online form resulted in an estimated 384,000 Arizonans who changed residences and modified the address on their drivers’ licenses online failing to update their voter registration information. The online form included an “opt-in,” “register to vote” box that was insufficiently labeled” (Root and Barclay, par. 11). Despite these particular issues, the possibility to register for voting online is a welcome one, even if certain demographics, such as the elderly, may still have issues accessing this service.

The second category of methods of voter suppression concerns voter purges, and matters have taken a turn for the worse. In June 2018, the Supreme Court decided to validate Ohio’s voter purging process which concerned purging anyone who has not voted in the last two elections, and neglected to return a mailer (Root and Barclay, par. 12). Via this decision, the Supreme Court in essence condones the practice of voter purging, opening up possibilities for other states to follow Ohio’s example.

The Supreme Court also affected matters related to strict voter IDs and ballot requirements. “On October 9, 2018, the U.S. Supreme Court upheld a North Dakota law requiring voters to have an ID with a current street address, thereby potentially preventing tens of thousands from voting—including an estimated 5,000 Native Americans” (Root and

Barclay, par. 15). This is an issue for Native Americans in particular as they do not tend to have their own residential addresses (Root and Barclay, par. 15). Alike the Court decision concerning the voter purging, this decision could have widespread ramifications across the U.S., and may lead to further suppression of other minority groups.

Another example comes from the state of Missouri. “Despite an October 2018 court order requiring the state to accept more diverse forms of ID for voting, some poll workers continued to ask for stricter forms of ID on Election Day and reportedly told voters that they “‘don’t agree’ with the ruling and don’t believe they are required to follow it” (Root and Barclay, par. 18). This is once again an example of how a lack of neutrality or outright discrepancies between local, state, and federal level standards, can impact the opportunity for Americans to vote.

In terms of voter confusion, “voters in several states—including Massachusetts, Wisconsin, and New York—received text messages from various groups and organizations that included incorrect information about designated polling locations, which resulted in people going to the wrong polling places to vote only to be turned away” (Root and Barclay, par. 22). In Texas voter suppression efforts targeted student groups. A local “official in Texas told thousands of Prairie View A&M University students who had already registered to vote that they would have to fill out additional paperwork in order to maintain their voter registration status because they had been incorrectly told to register using an address in a different precinct” (Root and Barclay, par. 22). In response to a public outcry, this additional paperwork was deemed no longer necessary (Root and Barclay, par. 22). Still, small acts such as these may indeed give cause to confusion, and the more confusing the voter process becomes, the more likely it is that some voters choose to stop participating (Root and Barclay, par. 22).

More worrisome still was a series of voter harassment and intimidation practices. “In late August, for example, Florida residents received a fake robocall alleging to be from Democratic gubernatorial candidate Andrew Gillum, but the call was ultimately traced to the Idaho-based white supremacist website Road to Power. On the call, the speaker, claiming to be Gillum, spoke in a minstrel performer’s accent over background audio of donkeys and drums” (Root and Barclay, par. 23). African Americans were not the only targets of such racist or discriminatory acts. “In Alaska, North Carolina, California, and Pennsylvania, Republican candidates and groups distributed racist, anti-Semitic mailers depicting Jewish candidates holding wads of cash” (Root and Barclay, par. 23).

These types of attempts to frighten or discredit voters may speak of the current political climate of the United States. Especially the fact that Republican candidates dare to involve themselves in such practices suggests that they seem emboldened by the idea that an act as this will not lead to any ramifications. This idea could stem from the fact that Trump himself does not shy away from joining in these intimidation efforts. On Election Day, he tweeted:

Law Enforcement has been strongly notified to watch closely for any ILLEGAL VOTING which may take place in Tuesday's Election (or Early Voting). Anyone caught will be subject to the Maximum Criminal Penalties allowed by law. Thank you (qtd. in Root and Barclay, par. 24).

The rhetoric used here is in line with the examples given in regards to the suppression of Latino voters in the previous subchapter. Suffice it to say, it may lead to some voters losing their desire to participate in the voting process.

Poll closures and long lines also continued to be a problem. In Kansas, for example, “officials moved the last remaining polling location in Dodge City—a majority-Hispanic community—outside the city limits and far away from public transportation. Compounding the problem, officials sent mailers to newly registered voters, incorrectly informing them that they were allowed to vote at the old location” (Root and Barclay, par. 26). In Florida, a polling location was moved into a gated community, though any voter trying to get in was denied access by the community’s local security guard upon failing to show ID (Root and Barclay, par. 26). In Texas, due to understaffing, some polling places opened late, resulting in delays and long lines (Root and Barclay, par. 28).

Voting equipment was not always in a state of operation either. Once again in Texas, certain voting machines malfunctioned, leading to *vote flipping* (Root and Barclay, par. 30). “For example, in attempting to vote for Texas’ Democratic candidate for U.S. Senate, Beto O’Rourke, some straight-ticket voters saw their vote changed to his opponent, Republican Sen. Ted Cruz” (Root and Barclay, par. 30). Rather than investigating the machines for any signs of malfunction, local and state authorities blamed the voter for any wrongfully cast votes, deeming that they should pay closer attention while casting their vote (Root and Barclay, par. 30). A lack of equipment may also cause issues. In a precinct in St. Petersburg, Florida, the sole ballot scanner broke down, upon which some voters simply abandoned their votes due to the delay (Root and Barclay, par. 31).

In terms of felony disenfranchisement some progress was made in 2018. In Florida, for example, Amendment 4 was passed, which re-enfranchised former felons under certain conditions (Root and Barclay, par. 33). Alabama attempted similar efforts, though included a disclaimer that “even those who qualify for re-enfranchisement must first pay all legal fines and fees before registering to vote, a requirement that amounts to a modern day poll tax” (Root and Barclay, par. 35). A 2017 study, conducted by the Journal of Legal Studies, shows that 75 percent of ex-offenders still owed some form legal fees (Root and Barclay, par. 35), which – in combination with the ‘poll tax’ to gain eligibility to vote – suggests that but a small portion of ex-offenders would gain the ability to vote.

Finally, there is the practice of gerrymandering. While the election districts have not been redrawn during Trump’s presidency thus far, the effects of earlier gerrymandering efforts continue to be evident. This is most prominently the case in North Carolina. Its citizens “voted once again in districts that have been declared unconstitutional. In January 2018, Republican lawmakers successfully petitioned the U.S. Supreme Court to delay a lower court’s mandate to redraw district maps until after two other gerrymandering cases were heard. Later, in August, a lower court ruled that the maps would stand for the upcoming election” (Root and Barclay, par. 38). In other words, using legal means to draw out the judicial process Republicans managed to uphold election districts that were drawn in their favor long enough for at least another election.

Proud of the fact, “Republican lawmakers in North Carolina have made no effort to hide their partisan and racially based motives, with Republican state representative Dave Lewis declaring, “I propose that we draw the maps to give a partisan advantage to 10 Republicans and three Democrats because I do not believe it’s possible to draw a map with 11 Republicans and two Democrats” (Roots and Barclay, par. 38). Statements as these once more hint of a disregard to fair elections in favor of using the loopholes available to manipulate the election outcome.

The midterm elections of 2018 were the last major U.S. elections to have taken place up until this point in time. The 2020 presidential elections are rapidly closing in, however, and the events leading up to it already give an indication of what may be expected in terms of impending voter suppression.

The Onset of the 2020 Presidential Elections

While the November presidential elections are still some months away, the primaries leading up to these elections have offered some insights into what we may expect to witness later this year. One important aspect that will make these elections unlike any other is the ongoing health crisis caused by the Coronavirus disease of 2019, also known as Covid-19. While the presence of this crisis is no direct factor when it comes to voter suppression, it will most certainly indirectly affect this matter.

This was shown during the primaries in Kentucky. While in a typical election year 3,700 polling places are opened to voters, this year there were fewer than 200 (Lee, par. 1). Part of the cause of the problem can be found in a lack of workers willing to operate these polling sites due to the ongoing health crisis (Lee, par. 3). The two largest counties will only have a single in-person polling location (Lee, par. 3). Attempts were being made to increase this amount, though a federal judge rejected such efforts, noting that according to a legal standard the court should not make any last-minute interventions in the election procedures (Lee, par. 3). Earlier this year, in June, Georgia's primaries faced some issues as well. "[V]oters waited as long as five hours in line and poll workers struggled to work new voting machines after training sessions had been scrapped because of the pandemic" (Lee, par. 11).

Due to the limited polling stations and the risks involved with visiting them, there has been a major influx of requests for mail-in ballots (Lee, par. 1). Because of the sudden rise in demand, some voters still had not received their ballots mere days before they were to be handed in (Lee, par. 1). At the same time, education campaigns have been launched to inform the public of how mail-in ballots function –to avoid cases of voter confusion, and people are assured that laws are in place to prevent any forms of fraud (Lee, par. 15). In many states, Kentucky included, the rules on who can make use of absentee votes have been relaxed through the application of a 'medical emergency' excuse (Lee, par. 17). Over 27 percent of all voters in the state have requested early ballots (Lee, par. 18).

Despite these efforts, concerns remain on whether education efforts have reached more rural communities (Lee, par. 20), as well as whether those who opt for in-person voting are indeed able to make it to one of few polling places (Lee, par. 30). Another lawsuit was attempted "saying the consolidation of polling places could lead to voter disenfranchisement. But [...] federal judge Charles R. Simpson III of the Western District of Kentucky ruled that the new election procedures for the primaries do not constitute an infringement of voting rights under the Constitution or the Voting Rights Act" (Lee, par. 33-4). The judge cited that

ability for absentee voting, early in-person voting, and in-person voting should offer enough options (Lee, par. 35).

What is clear, however, is that the health crisis is bound to lead to further means of voter suppression, be it through the inability to reach polling places, voter confusion, long lines, or a lack of available staff. Keeping this in mind, “[e]lection experts commended a bipartisan agreement between Gov. Andy Beshear, a Democrat, and Adams, a Republican, to accommodate voters during the primary because of the pandemic and urged them to extend the measures through November (Lee, par. 40). A similar more nationwide effort should likely be considered to prevent voter suppression elsewhere.

As over the course of the year the nation became more reliant on mail-in ballots due to the health crisis, Trump used the opportunity to reaffirm his stance on what he deems a fraudulent practice. At the end of May, 2020, he tweeted:

There is NO WAY (ZERO!) that Mail-In Ballots will be anything less than substantially fraudulent. Mail boxes will be robbed, ballots will be forged & even illegally printed out & fraudulently signed. [...] This will be a Rigged Election. No way! (@realDonaldTrump).

It appears to be Trump’s goal to undermine the mail-in ballot system, even if that would put the American people at a greater health risk should they cast their votes in person. Perhaps having realized this fact, two months later, Trump suggested that the elections should be delayed “until people can properly, securely and safely vote” (Burns, par. 1). As per federal law, however, established in 1845, the date of the presidential election is fixed upon the first Tuesday after the first Monday of November (Burns, par. 7). To delay an election a change in federal law would have to take place (Burns, par. 8).

Despite Trump’s reservations concerning mail-in ballots, the primaries, as mentioned, have shown an increase of absentee ballots being used. In the state of New York, officials have still not completed the counting of the votes a month after Primary Day due to the increase in ballots (Burns, par. 26). “That may offer a preview of what could happen on election night in November: Unless one candidate wins in a landslide, there may be no clear and immediate winner in the presidential race” (Burns, par. 27).

Changing his strategy, Trump has since moved on to opposing “additional funding for the United States Postal Service (USPS) in order to make it more difficult to deliver mail-in ballots” (Levine, par. 1). This would severely hamper the organization, especially if it must

process many additional absentee ballots over the course of the presidential election. Additionally, there are accusations against Louis DeJoy, USPS' postmaster general as well as a major Republican donor (Levine, par. 6). Allegedly, DeJoy would be making cuts within the USPS to intentionally slow down the postal service further (Levine, par. 6). Both Trump and DeJoy's efforts, if successful, would be clear cases of voter suppression as they attempt to hamper or even remove the opportunity for American citizens to cast their vote.

Foreseeing the potential of election problems, which in turn may lead to voter suppression issues, "Democrats included \$3.6 billion in their latest coronavirus aid package to help states administer their elections safely during the pandemic" (Burns, par. 23). At the time, the Republicans did not follow their example, thus far having mentioned no additional funding as of July 2020 (Burns, par. 23). Congress, however, has allocated \$400m to the states to help them run the elections, though the Brennan Center for Justice estimates that \$4bn is required (Levine, par. 5). "Larry Kudlow, the president's top economic adviser, dismissed efforts to make it easier to vote in negotiations over stimulus money" (Levine, par. 12). According to him:

So much of the Democratic asks are really liberal left wishlists. [...] Voting rights, aid to aliens and so forth. That's not our game (Levine, par. 13).

While Trump and other Republicans seemingly continue to resist mail-in voting in the name of preventing yet to be proven significant methods of fraud, it is clear that Trump will not escape the theme of voter suppression during the elections later this year.

At the funeral of John Lewis, U.S. senator and civil rights leader, Barack Obama addressed the matter of voter suppression during his eulogy for Lewis. Referring to the recently weakened Voting Rights Act, Obama said:

You want to honor John? Let's honor him by revitalizing the law that he was willing to die for. And by the way, naming the John Lewis Voting Rights Act, that is a fine tribute. But John wouldn't want us to stop there. Just trying to get back to where we already were. Once we pass the John Lewis Voting Rights Act, we should keep marching to make it even better [...] (qtd. in Paz, par. 19-20).

Chapter Analysis: Voter Suppression in the United States (2016-2020)

The subchapter *The 2018 Midterms* covers the research conducted by Root and Barclay, and thus shows that all of their nine categories of voter suppression remain relevant in this time period. Notably, the strict voter ID laws continue to play an important part in the ongoing voter suppression struggles and are employed by an increasing number of states in differing levels of severity. If Trump manages to hamper the U.S. Postal Service further in his fight against mail-in ballots, severe issues are to be expected in terms of malfunctioning voting equipment – as the inability to deliver, receive and count ballots will frustrate the election process. Additionally, the president of the United States has taken the forefront in terms of voter intimidation and harassment. Last, the ongoing health crisis related to the Covid-19 virus is likely to cause major issues in terms of poll closures and long lines during the 2020 elections.

Conclusion

As shown in the chapter analyses throughout this work, all nine categories of voter suppression are represented throughout the past and present of the United States. Voter suppression is an ever prevalent issue in U.S. society and continues to impact its election system, and thus the integrity of its democracy. Despite it being ever-present, the methods of voter suppression shifted and adjusted over the decades. There appear to be commonalities in how this process takes place throughout the centuries.

First of all, suffrage has always been linked to social and economic conditions. Where earlier on certain demographics were outright banned from voting, nowadays social and economic conditions continue to be a means of targeting voter suppression efforts. Poor neighborhoods, minority groups, or students, to name some examples, are disproportionately affected by voter suppression in an ongoing attempt to reduce voter turnout.

The desire to decrease voter turnout is due to the partisan nature of the U.S. election system. The battle to secure an election victory is not simply fought via the votes submitted, but also by affecting the means in which votes can be cast. This makes the act of voter suppression appealing. It is further made possible due to elections and voter related legislation being regulated by partisan parties themselves, be they local officials, state legislators, or even partisan members of the Supreme Court. Akin to an ever ongoing tug-of-war these partisan entities continue to frame matters of voter suppression in such a way as to turn the system to their favor.

Every couple of decades the realization dawns that the election system and the presence of voter suppression is far from democratic, resulting in legislation that is meant to bring improvement. The Fifteenth Amendment, the Voting Rights Act, and the Help America Vote Act are examples of these moments of clarity. Federal law hardly ever tends to be all-encompassing, however, leaving loopholes that are readily abused on a state or local level.

One aspect that did in fact change over the course of U.S. history is the visibility of voter suppression. Where they were initially blatant acts of outright disenfranchisement based on gender, race, or wealth, voter suppression efforts have become less overt ever since the Voting Rights Act. They almost vanished from the general public's sight until the presidential elections of 2000, which served as a reminder of the importance of a fair democratic system – as it does in fact affect who is elected into the highest position of power in the United States.

While Trump's rhetoric and attempts at voter suppression are far more blatant once again, the American people must ensure not to lose sight of voter suppression in the decades

to come. For if the nation prides itself on democracy, the intentionally perpetuated presence of voter suppression shall forever remain a blemish until it is addressed.

Recommendations

If, based on this research, I were to offer recommendations on how to counteract voter suppression they would be as follows. Most importantly, the election process must be conducted by a neutral party with a lack of political interests. Federal voting laws should overrule any state and local laws, meaning that the process of voter registration, ID requirements, voting machines, and felony disenfranchisement laws are identical across the nation. Any forms of voter purging, caging, or challenging that is not in accordance with aforementioned laws should be criminalized. Acts of voter harassment, intimidation and intentional voter confusion should be more consistently punished based on federal laws.

Polling places should be equally distributed in accordance with the size of local populations to ensure that everyone has the ability to reach a polling station so they may see to their democratic duty. These polling places should be staffed by well-trained workers who are monitored for neutrality. The process of gerrymandering would be best counteracted by shifting from an electoral college system to the popular vote, ensuring that every vote counts.

I realize that most of these recommendations are particularly optimistic, be it that some may require alterations to the U.S. Constitution, extensive bipartisan efforts who favor partisan agendas on these topics, and especially the knowledge, in accordance with the conclusion of this thesis, that voter suppression seems to be ever perpetuated.

Further Research

This thesis makes some predictions in regards to methods of voter suppression concerning the 2020 elections, further studies on how these elections played out would be beneficial towards the continuity of this work. Will 2020 be another milestone in terms of the counteracting of voter suppression as the Democratic party desires? Or will Trump's blatant rhetoric and policies continue to perpetuate it?

Additionally, further research concerning the effects of the Covid-19 related health crisis on voter suppression, as well as the role of the media when it comes to voter confusion would be beneficial to this field.

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@realDonaldTrump. "...living in the state, no matter who they are or how they got there, will get one. That will be followed up with professionals telling all of these people, many of whom have never even thought of voting before, how, and for whom, to vote. This will be a Rigged Election. No way!" *Twitter*, 26 May 2020, 2:17 PM, twitter.com/realDonaldTrump/status/1265255845358645254