

POLITICO

November's coming. Are Democrats losing the battle over voter suppression?

Voting rights advocates warn that suppression efforts in the final weeks of the election threaten the voting blocks Democrats need most.

Maya King

October 6, 2020

Democrats are running out of time to protect the voters they need the most.

As Election Day nears, Democrats are scrambling to counter disinformation campaigns, complicated absentee ballot requirements and consolidated polling locations. All of which they say threaten the groups Joe Biden can't win without in November: Black and Latino voters.

Efforts to shore up their votes involve a combination of lawsuits to prevent disenfranchisement and a messaging blitz to encourage voters to have a plan should they encounter trouble at the ballot box.

Since kicking off their campaign with Michelle Obama's remarks at the national convention in August, Democrats have been deploying state party chairs, PAC leaders and high-profile Biden surrogates to send out a strong message. They're encouraging voters to cast their mail-in ballots as soon as possible and be mindful of voter registration deadlines in their respective states. In the wake of Trump's attacks on the U.S. Postal Service, they've shifted tactics, incorporating early and in-person options to their voter guidance.

There's reason for concern. According to findings from a data leak first reported by the British Channel 4 news, in 2016, the Trump campaign targeted 3.5 million Black voters in a widespread, data-based form of voter suppression. And now voting rights advocates are girding for a repeat.

At the start of the pandemic, states across the country shut down. When there was resurgence over the summer, several governors reinstated those shutdowns. But now, as the Midwest sees another spike in cases, state leaders aren't doing much.

It's one reason why liberals are worried that, despite national polls showing the Democratic nominee ahead of Donald Trump, voter suppression tactics could undermine his lead in battleground states.

"This has been the fear, and this has been what we're raising our voices about," Rashad Robinson, president of the civil rights group, Color of Change, told POLITICO. "We are facing a tax that we can't always see until they've hurt us," he said, referencing poll taxes that once kept African Americans from voting. (Color of Change has endorsed Biden.)

Democrats are fighting back with a barrage of litigation to combat policies that could inhibit a fair and complete count, with some success. In recent weeks, several courts have ruled in favor of liberal groups seeking expanded access to the polls during the pandemic. Meanwhile, a handful of swing states including North Carolina, Pennsylvania and Wisconsin have extended their mail-in ballot deadlines to days after the election.

But while courts have viewed most Republicans' claims of voter fraud with skepticism, they've also been reluctant to change laws Democrats argue are unjust.

Skeptics contend claims of voter suppression are used to score political points. Issues at the ballot box, they say, are the result of disorganized election officials, rather than something more insidious.

"These discussions of voter disenfranchisement, voter suppression are overwrought, just like discussion of voter fraud is overwrought," said Ilya Shapiro, director of the Cato Institute's Center for Constitutional Studies. "It's kind of [like] throwing political red meat."

Voting rights experts say efforts to limit access to the polls challenge trust in the election process and diminish voter enthusiasm. And research has shown Black and Latino voters face more barriers to voting than others. According to a 2017 study published by the Journal of Politics, strict voter identification laws "do, in fact, substantially alter the makeup of who votes and ultimately do skew democracy in favor of whites and those on the political right."

Democrats flood the courts

More election-related lawsuits have been filed this year than in the last two decades, according to the Stanford-MIT Healthy Elections Project, which is tracking the cases. These suits, filed in nearly all 50 states, challenge voter ID laws, polling place consolidations, widespread purges from the rolls and multistep absentee ballot processes. Lawsuits have snowballed in response to the coronavirus, with an increase of more than 300 cases since the beginning of the pandemic, the Stanford-MIT database shows.

Advertisement

Some primary elections held at the height of the virus' spread in the United States were plagued by last-minute polling place changes and closures as well as long wait times. Voting rights advocates point to the complicated primary elections in Georgia and Wisconsin as a warning sign that Covid-19 could expedite efforts to limit turnout among Black and Latino voters, who have been disproportionately harmed by the virus.

Still, Democrats say they're encouraged by a handful of wins in the courts. On Sept. 28, a U.S. district judge in Georgia ordered state election officials to prepare paper copies of voter registration and absentee voting information for each of the state's polling places, should problems arise with their digital voting system on Election Day.

Also last month, a Nevada judge dismissed a case filed by Trump's reelection campaign that tried to bar the state from mailing ballots to all active voters. Early voting in the state begins on Oct. 17.

In other states, however, Democrats had mixed results. A 2015 Wisconsin law requiring voters to present photo IDs to vote drew seven separate lawsuits from groups in the state, according to a [tracker](#) from the Brennan Center for Justice.

The [lawsuit](#) alleges the law, which does not count student IDs alone as a valid form of identification, is a violation of voters' 14th Amendment rights to vote unburdened. That law was upheld by a federal judge on Wednesday, who [ruled](#) changing it would cause unnecessary confusion so close to the election.

In 2018, the Florida electorate voted overwhelmingly for Amendment 4, which restored voting rights to as many as 1.4 million formerly incarcerated people. But earlier this month, Florida's Supreme Court [ruled](#) that people with former felony convictions could vote only if they paid all their fines, court debts and fees. The ruling, which would keep hundreds of thousands of returning citizens from being able to vote, was a major blow to voting rights advocates, who view the requirement as a poll tax.

Advertisement

"Our government is supposed to be seeking ways to expand democracy, to make sure that all of its citizens have a very unencumbered pathway to being able to participate in elections," said Desmond Meade, executive director of the Florida Voting Rights Restoration Coalition, which led the movement to pass Amendment 4.

"They should not be seeking ways to restrict that. And when they do that, they're really breaking a contract with people," Meade continued. "They're supposed to provide this access. They're supposed to want to create a more inclusive democracy."

Outside of the courts, efforts to keep dissuade voters from casting a ballot still loom.

One automated call in Illinois, sponsored by right-wing hoaxer Jacob Wohl, used paranoia to discourage Black voters from mailing in their ballots. In the call, a woman's voice can be heard telling voters their personal information would be added to a public database and that they could be arrested for outstanding warrants or be forced to participate in Covid-19 vaccine trials.

"Don't be finessed into giving your private information to 'the man,'" the woman says. "Stay safe and beware of vote by mail."

On Thursday, Michigan's attorney general charged Wohl and Jack Burkman, another conservative operative, with felonies in an alleged robocall scheme to suppress the vote.

Advocates fear a 2018 repeat

Voting rights advocates point to Georgia's 2018 gubernatorial race as an example of egregious abuses of power at the polls. Brian Kemp, the Republican nominee for governor, refused to step down from his role as secretary of state before the election and was widely criticized for his role in aiding his own victory. Kemp beat Democratic candidate Stacey Abrams by under 55,000 votes, a margin within striking distance of a runoff.

Advertisement

This year, the state's June primary election was [plagued](#) by many of the issues voting rights activists argue are suppression methods: malfunctioning voting machines, late opening times at

polling sites and long wait times that kept some voters from casting votes at all. Many said those polling problems foreshadow voter disenfranchisement tactics that could take place across the country in November.

“I'm afraid that people have learned the wrong lessons from the past,” said Nse Ufot, CEO of the New Georgia Project, an organization founded by Stacey Abrams in 2013 that aims to register voters in Georgia.

“There's this air of, 'Is this really happening? Are they really attacking the United States Postal Service? Are they really taking those blue mailboxes from street corners in the midst of a global pandemic, when we know the majority of Americans want to have a vote-by-mail option? Is the president really telling people in North Carolina to vote twice?’

“Yes.”

Lauren Groh-Wargo, president of Fair Fight Action, an organization founded following Georgia's gubernatorial election, said her group sued the state of Georgia to prevent a repeat of the 2018 election in November. Fair Fight filed suit almost immediately after Abrams' loss. The idea was to curb racial discrimination at the polls and halt the inaccurate removal of qualified voters from the rolls, she said. The group continues to support legal efforts in other states to ensure that voters who do mail in their ballots will have them counted.

“It tends to be African American and Latino voters and Asian American voters who have their ballots disproportionately rejected in the absentee ballot process,” she said, “But there's work going on to make sure voters understand how their ballots are getting counted and to create protections for mail in ballots to get counted.”

Advertisement

Yet, some advocates argue while the Democrats' fight to keep voters informed is important, it may not be enough to protect and galvanize the voters most at risk. Rev. William Barber, an activist and co-chair of the Poor People's Campaign, said that without the policies in place to both generate enthusiasm among low-income voters and enfranchise them at the polls, Democrats risk low turnout among key groups.

“This is the season where Democrats need to be strong and aggressive against suppression,” Barber said. “They also need to re-focus and address the issues of systemic racism and poverty that impacts Black, white and brown people.”