



Atkins: Feds cut many voting observers

States must find advocates to watch over process

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WASHINGTON — The U.S. Department of Justice will send tens of thousands fewer federal election observers to states with a history of voter discrimination this year, a move that has voting rights advocates scrambling to boost their own efforts to identify and report irregularities on Election Day.

“This decision significantly changes the 2016 election landscape,” Kristen Clarke of the Lawyers’ Committee for Civil Rights Under Law, told the Herald.

The states that will no longer receive federal observers include several battleground states, including Virginia, North Carolina, South Carolina, Georgia, Florida and Arizona.

The move, announced by Attorney General Loretta Lynch Friday, follows a 2013 U.S. Supreme Court decision that struck down a decades-old formula for determining whether voting districts must seek pre-clearance from federal authorities before altering their election laws under the Voting Rights Act.

“Unfortunately, our use of observers is largely tied to the preclearance coverage formula that the Supreme Court found to be unconstitutional,” Lynch said, “and so our ability to deploy them has been severely curtailed.”

Congress must approve a new formula, and meanwhile federal observers can only be sent to a few states under specific court orders.

Ilya Shapiro of the Cato Institute, who filed an amicus brief in the Supreme Court case urging it to strike down the formula, said the Supreme Court upheld the principle that the federal government needs strong evidence before it can upend states’ rights to regulate elections.

“Federal authority to intervene in the area of state regulation has to be tied to some sort of extraordinary situation that can’t be remedied using normal forces,” Shapiro said.

The DOJ’s move, coupled with a flurry of recent state measures such as voter ID laws — many of which are being challenged in federal courts on the grounds they disenfranchise poor and

minority voters — have groups like the Lawyers’ Committee and the American Civil Liberties Union seeking to boost the number of polling monitors they send to election sites.

Unlike federal observers, outside group monitors must stay outside of polling stations and rely on voters to report any irregularities.

“We will need to be more on guard for voter suppression and voting discrimination in the absence of the federal observers that have played such a critical role in providing oversight in some of the most vulnerable communities across the country in this election,” Clarke said.