

Voting Rights

BACKGROUND

Voting is the most important tool women and people of color have to influence the policies that affect every aspect of their daily lives. Until every eligible person in the United States is able to routinely, easily and successfully exercise his or her right to vote, our democracy will not be complete. In 1870, the 15th Amendment to the Constitution gave all men, regardless of race or color the right to vote. Yet, many states continued to use various methods to prevent people of color from voting, including literacy tests, poll taxes, the disenfranchisement of former inmates, intimidation, threats, and even violence.

The fight for full and free voting rights continues. In March 1965, on a bridge outside Selma, Alabama, a second phase of the revolution was born. Civil rights activists, led by Dr. Martin Luther King and others, took to the streets in a peaceful protest for voting rights for African-Americans. They were met with hatred and violence; many were beaten and severely injured. Five days later, President Johnson announced to a joint session of Congress that he would bring about an appropriate response, the Voting Rights Bill of 1965.

Since 1965, Congress has reauthorized the Voting Rights Act five times, most recently in 2006. With each reauthorization, Congress has expanded the Act's scope to confront emerging issues of voting discrimination. While the fundamental sections of the VRA, which prohibit practices that deny or abridge the right to vote, are permanent, three substantive temporary provisions provide proactive protections to voters who have been historically discriminated against.

Voter disenfranchisement continues to be a problem in many states as an, intend and unintended, consequence of various state and federal legislation. Some current examples include: voter identification, former inmate disenfranchisement and poll access.

LEGISLATION

Voting Rights Act (VRA) [PL 109-246], prohibits voting discrimination based on race, and requires certain jurisdictions to provide bilingual assistance to voters. Section 2 of the Act, which is permanent, bars the use of voting practices or procedures that discriminate against particular voters and has been used successfully to combat inequity in voting including: restrictive voter registration requirements and district plans that dilute minority voting strength. There are also temporary provisions of the VRA that work to proactively address voter disenfranchisement in areas where it has been a serious issue historically.

Federal Election Integrity Act (H.R. 4844), introduced by Rep Henry Hyde (R-IL), this bill would require all people who want to register or re-register to vote to show photo identification, which you had to establish proof of citizenship to in order obtain, prior to casting a ballot. This bill passed the House by a vote of 228 – 196. H.R. 4844 will disproportionately disenfranchise people of color, the elderly, individuals with disabilities, rural and Native voters, the homeless and low-income people due to the costs and logistics associated with obtaining the appropriate identification.

eliminating racism empowering women

ywca

FACTS

- Most people do not have a federal photo identification that proves citizenship. In fact, only 25-27 percent of eligible Americans have passports, which now cost \$97.
- July 2005, in a lawsuit brought on behalf of Native Americans in South Dakota, a three-judge panel found that the jurisdiction had avoided complying with the VRA by not seeking prior approval pursuant to Section 5. For more than 25 years the jurisdiction violated the preclearance requirements of the VRA. The judges ruled that defendants avoided preclearing over 700 voting changes.
- 4.3 million Latino voting age citizens are limited English proficient, without the language minority provisions of the VRA these citizens will be unable to effectively exercise their right to vote.ⁱ
- In 2002, elections officials in Harris County, Texas failed to provide bilingual voting materials in Vietnamese, as required by the VRA, until local advocates and the Department of Justice compelled them do so. In the 2004 election the first Vietnamese candidate won a legislative seat.ⁱⁱ
- In 1964, the year before President Johnson signed the VRA into law, there were only 300 African American elected officials in the entire country. Today, there are more than 9,100 black elected officials, including 43 members of Congress.
- A case study of the Georgia State Legislature found that of the 37 blacks elected to state office only three were from districts where the majority of voters were Caucasian.ⁱⁱⁱ

TALKING POINTS

- **Voting is the most important tool women and people of color have to influence the policies that affect every aspect of their daily lives.** Until every eligible person in the United States is able to routinely, easily and successfully exercise his or her right to vote, our democracy will not be complete.
- **Voter identification could mean that the right to vote will likely become “unaffordable” for some citizens.** Currently the only piece of Federal photo identification that requires you to establish citizenship, meeting H.R. 4844’s requirements, is a U.S. passport. Only 25-27 percent of eligible Americans have passports, which now cost \$97.
- **Voter identification will disproportionately affect people of color, the elderly, individuals with disabilities, rural and Native voters, the homeless and low-income people due to the costs and logistics associated with obtaining the appropriate identification.** For example, in certain parts of the country, elderly African Americans and many Native Americans were born at home, under the care of midwives, and do not possess birth certificates.
- **The Voting Rights Act continues to be necessary today as voting practices and procedures continue to disenfranchise voters through intended and unintended consequences.**

ⁱ Ann Marie Tallman’s, President and General Counsel of the Mexican American Legal Defense and Education Fund, testimony before the House Judiciary Committee. (October 18, 2005) Hearings to Examine the Impact and Effectiveness of the Voting Rights Act. <http://www.civilrights.org/issues/voting/details.cfm?id=37036>

ⁱⁱ Joe Rogers’ testimony before the House Judiciary Committee. (October 18, 2005) Hearings to Examine the Impact and Effectiveness of the Voting Rights Act. <http://www.civilrights.org/issues/voting/details.cfm?id=37042>

ⁱⁱⁱ Laughlin McDonald’s testimony before the House Judiciary Committee. (November 9, 2005) Hearings to Examine the Impact and Effectiveness of the Voting Rights Act. <http://www.civilrights.org/issues/voting/details.cfm?id=37891>