



MEMO

TO: Interested Parties

FROM: People For the American Way Foundation

DATE: October 30, 2012

RE: The Right to Vote Under Attack, 2012 Update

INTRODUCTION

In [*THE RIGHT TO VOTE UNDER ATTACK: The Campaign to Keep Millions of Americans from the Ballot Box*](#) (published October 2011), we detailed the effects of the right-wing war on the trumped-up epidemic of “voter fraud.” The real aim of this movement, we explained, is to suppress the vote for partisan gain.

As detailed in that report, the Right had attained considerable success spreading the “voter fraud” myth, and using it as cover for various suppressive tactics throughout the country. Legislatures across the country enacted **photo ID laws** making photo ID a requirement at the polls, disproportionately affecting poor and minority voters. **Ex-offender bans** in some states have made the U.S. the only democracy that permanently denies voting rights to ex-offenders who have served their sentences. Several states passed laws with the aim of **inhibiting voter registration**, by restricting times and locations for registration and voting. **Flawed purge programs** by right-wing officials knock eligible voters off the rolls. And a number of states sought to target more vulnerable voting communities by limiting **early voting** options.

On top of these official measures, right-wing groups have planned targeted mail campaigns as part of **voter caging operations**. This involves using returned mail to identify voters to challenge at the polls, thereby intimidating both the challenged voters and others who seek to vote. This cycle the Right has mobilized a major initiative, [True The Vote](#), to employ such **voter intimidation and harassment** techniques in a number of states across the country. Other less public **deceptive practices**, like misleading robocalls [telling voters to stay home](#) or giving them the wrong date, time, or place to vote, have also been used to suppress the vote.

The manufactured “voter fraud” epidemic and the suppressive tactics that have been adopted to address it add up to a coordinated attempt to reverse the trend since the Civil Rights Movement toward opening up our democracy to all Americans. This has threatened one of our most fundamental democratic rights: the right to vote.

Here we detail, as of October 6, 2012, except where otherwise noted, the latest efforts across the country to suppress the vote, as well as some encouraging successes in expanding the franchise.

NATIONAL OVERVIEW

The Right's voter suppression effort has [continued](#) since 2011. The Brennan Center for Justice calculated that from the start of 2011 through October 2012, 41 states introduced 180 bills that would restrict voting rights, 25 of which have passed in 19 states. Many of these measures require voters to provide identification or prove US citizenship before casting a ballot. Others place [tedious and time-consuming regulations](#) on community groups conducting voter registration drives. Elaborate verification processes have been proposed that would harm existing Election Day registration and make it difficult to vote with provisional ballots. Some states and counties have attempted to [cut off](#) evening and weekend voting or [reduce](#) the number of early voting days. Others have failed to [fully comply](#) with the "Motor Voter" law, which in part requires people applying for public assistance to be offered an opportunity to register to vote.

Many voter suppression laws have originated with the [American Legislative Exchange Council \(ALEC\)](#). Comprised of various conservative legislators, businesses, and other groups, ALEC seeks [to influence legislators](#) with "model legislation" that benefits the agenda of its large corporate funders, including voter ID laws pushed under the guise of preventing voter fraud. ALEC's Public Safety and Elections Task Force worked to ensure passage in several states of the [Voter ID Act](#) which requires that voters have "[proof of identity](#)" with name, photo, and a current expiration date, which is issued by the federal government or the state in which the voter resides.

As a result of public pressure, ALEC disbanded its Public Safety and Elections Task Force in April, leaving the [National Center for Public Policy Research](#) and others to continue its aggressive voter suppression agenda. According to [Colorlines.com](#), "[True the Vote,] a spin off of the King Street Patriots Texas Tea Party, a group who gained notoriety during the 2008 and 2010 elections for harassing and intimidating Houston voters, [supports] the voter ID laws championed by ALEC and other right-wing groups. But their primary role in the effort to suppress the vote will manifest on Election Day. By then, True the Vote hopes to have trained a million poll watchers around the country to crackdown on cases of voter fraud—people voting on behalf of dead citizens, undocumented immigrants attempting to vote and people voting twice." With [evidence lacking](#), they will make the election more intimidating, less free, and less fair. They also vehemently [defended](#) a controversial Florida voter purge.

Vote suppressors have clung to "voter fraud" prevention as their motivation, but the notion that it poses a significant problem is entirely false. Little evidence exists to suggest that voter fraud happens on any level, and the few actual reported cases often result from [honest mistakes](#). In Pennsylvania, legislators pushing a suppressive voter ID measure were unable to produce a single instance of the "fraud" they claimed they were trying to prevent.

Fortunately, voting rights supporters have at least temporarily prevented some of the most egregious attempts at voter suppression from being carried out. Lawsuits in states including [Pennsylvania](#), [Wisconsin](#), [South Carolina](#), and [Florida](#) have halted restrictions from going into immediate effect. Maine voters [repealed](#) a law that eliminated Election Day Registration. A coalition of advocates working to ensure that the National Voter Registration Act, also known as "Motor Voter," continues to be enforced have brought [litigation against states](#) that saw reduced voter registration services for public assistance recipients.

Some states are taking active steps toward expanding opportunities for voters. California [recently passed a law](#) implementing Election Day registration, and New York wants to make the [registration process easier](#). [Massachusetts](#) wants to grant 16- and 17-year-olds the ability to pre-register before turning 18, changing the state's voting system for the first time in 20 years.

IN THE STATES

ALABAMA

In June, a [coalition of voting rights advocates](#) including [Demos](#), [Lawyers' Committee for Civil Rights Under Law](#), and [Project Vote](#) filed a [noncompliance notice](#) with Alabama Secretary of State Beth Chapman, alleging that the state was not complying with the National Voter Registration Act, better known as the "Motor Voter" law. "Motor Voter" in part requires states to offer citizens applying for public services – everything from drivers' licenses to food stamps – an opportunity to register to vote. Reports indicated a significant decrease in voter registration applications in Alabama even when food stamp applications increased, and investigators found offices lacking materials or failing to provide what they did have only when specifically requested.

In addition to ongoing concerns about "Motor Voter" implementation, further suppression also looms on the horizon. In 2011, Governor Robert Bentley [signed HB 19](#), requiring photo ID, and [HB 56](#), requiring proof of citizenship when registering, into law. Both voting changes require, but have yet to receive, preclearance from the US Department of Justice under Section 5 of the Voting Rights Act before taking effect.

[HB 56](#) is Alabama's version of the infamous [SB 1070 in Arizona](#), and its immigration provisions have been the subjects of [scrutiny](#) of their own.

ARIZONA

In [2004](#), Arizona voters passed [Proposition 200](#), which required proof of citizenship for voter registration and one of the country's earliest voter ID provisions; it later became the model for [ALEC's Taxpayer and Citizen Protection Act](#). In 2006, PFAW Foundation joined voting rights supporters in [filing suit](#), and in [2010](#) a three-judge panel of the Ninth Circuit struck down the proof of citizenship requirement but upheld voter ID. In [April](#) of this year, the full Ninth Circuit [ruled the same](#). Then in [June](#), the US Supreme Court [refused](#) to continue a stay of that decision [granted](#) by Justice Kennedy at the request of Arizona Attorney General Tom Horne. Horne had sought to keep the citizenship provision in place pending appeal.

The Supreme Court has agreed to hear that appeal but not until after Election Day. Thus the Ninth Circuit's opinion is in effect, and proof of citizenship has not been required for Arizonans registering to vote in the November election.

COLORADO

In 2011, Colorado Secretary of State [Scott Gessler began a crusade](#) to root out what he alleged were 11,000 noncitizens on the state's voter rolls. This year, Gessler's office [sent letters questioning the citizenship](#) of nearly 4,000 registered voters – the overwhelming majority of whom were Democrats and independents. The investigation yielded [just 141 voters who Gessler's office claimed were ineligible](#), only 35 of whom they said had ever cast a ballot. Gessler was forced to [back down](#) from his plan to challenge the 141 he said were ineligible to vote, punting further action to county clerks to challenge them at the polls instead.

In the meantime, this June Secretary Gessler proposed a rule that clerks may not mail ballots to inactive voters in some elections. He drew [heated objections](#) at the public hearing where many questioned the timing and challenged his authority to implement rules that go beyond rulemaking and undermine the legislative process. The rule is now [tied up in court](#).

Colorado's legislature, meanwhile, debated putting a voter ID measure on November's ballot. The bill calling for a ballot initiative, [HB12-1111](#), made it through the House but was [postponed indefinitely](#) in the Senate. One of its lead sponsors, Representative Kenneth Summers, is an [ALEC member](#).

FLORIDA

The critical swing state of Florida has been the center of voting rights battles for decades. The lead-up to the 2012 election has been no exception.

In May 2011, Governor Rick Scott signed [HB 1355](#), commonly referred to by voting rights supporters as the ["Voter Suppression Act."](#) The law, introduced by [ALEC](#) member [Representative David Baxley](#), requires community groups conducting voter registration drives to report to the state all organizational activities and employee information, label all voter registration forms with their organization's name, and return those forms to the state within 48 hours of completion. By providing draconian fines and criminal penalties for non-compliance, the law effectively shut down the Florida voter registration activities of the League of Women Voters and Rock the Vote, and voter registration [went down](#) by the tens of thousands. This August, US District Court Judge Robert Hinkle [permanently blocked](#) all provisions that made it harder for organizations to register voters, stating that the law was "harsh," "impractical," and "burdensome." Elder Lee Harris of the African American Ministers Leadership Council (AAMLC) [praised the decision](#): "Yesterday's ruling means that more people will have more opportunities to register to vote. This decision is good for Florida, and good for our democracy."

HB 1355 also restricted early voting in Florida, [reducing](#) the time available from twelve days before the election to just eight. Supervisors at early voting sites were given the discretion to set hours, with a minimum of six and maximum of twelve per day. In August, the [DC Circuit ruled](#) under the Voting Rights Act that this constituted discrimination on the basis of race, disputing Florida's argument that a voting change is permissible if it burdens only a small number of people. But with the ruling limited to the five of Florida's 67 counties under the Voting Rights Act's jurisdiction, [Elder Harris expressed concern](#): "However, residents of counties not covered by section 5 of the Voting Rights Act – including Duval County – continue to face these suppressive new rules. We urge officials in all of Florida's

counties to adopt the same early voting opportunities as approved by the court.” In September, a federal judge [ruled](#) that the shortened early voting period in the remaining counties could remain.

Florida is not only defending the suppressive HB 1355, but it is also going forward with a massive voter purge that could erroneously remove voters from the rolls. Secretary of State Ken Detzner has targeted 180,000 suspected of being registered illegally, but so far [only one](#) has turned out to be ineligible. In September, the state [settled](#) with civil rights groups who challenged the purge, which was [beginning to look](#) like the disastrous flawed purge the state did before the 2000 election. In October, in response to a lawsuit from the Justice Department and civil rights groups, a federal judge gave Detzner [permission](#) to remove about 200 names from the rolls, a fraction of the 2,600 that Detzner had originally wanted kicked off. [Jonathan Brater of the Brennan Center for Justice](#) notes that “no matter what [database](#) Florida has access to, purging voters from the rolls using faulty criteria on the eve of an election could prevent thousands of eligible voters from exercising their rights.” [Ion Sancho, Leon County Supervisor of Elections](#), points out, “[T]hose who have been here in 2000 and 2004 realize that if you produce a list that’s highly inaccurate, in all probability what you’re going to do is disenfranchise legal voters.”

As if all that wasn’t enough, Governor Scott has [reversed](#) the policy of his predecessor, fellow Republican Charlie Crist, of automatically restoring suffrage to non-violent offenders who have completed their sentences, [once again requiring](#) ex-offenders to wait five years before applying to have their voting rights restored. Florida has thus rejoined Iowa, Virginia, and Kentucky as the only states that withhold suffrage for ex-offenders once released from state supervision. Overall, over [ten percent](#) of adult Floridians are now disenfranchised because of a felony conviction, including nearly a quarter of African Americans, the highest rate in the nation.

KANSAS

In April 2011, Governor Sam Brownback of Kansas signed into law [HB 2067](#). Sponsored by [ALEC member](#) Lance Kinzer, the law requires voters to present ID when voting and proof of citizenship when registering. The ID provision went into effect on January 1, 2012. 7,373 eligible voters in Kansas both have no car and live more than 10 miles from offices where they can get free state-issued IDs. In Wichita, a lone ID office must serve 160,700 eligible voters.

The proof of citizenship provision is scheduled to take effect on January 1, 2013 following a [failed attempt](#) by Kansas Secretary of State [Kris Kobach](#) and [ALEC member](#) Scott Schwab to [move it up](#) to June 15, 2012, but doubt about the requirement’s legality has been cast thanks to the [ruling against proof of citizenship in Arizona](#).

In the face of Kobach’s [determination](#) to suppress the vote, groups like [KanVote](#) continue efforts to register voters and [monitor the polls](#).

MAINE

[In January 2012](#), Maine legislators aggressively campaigned for [ALEC-inspired](#) voter ID mandates in new election law legislation. But with fears of a partisan blow-up similar to the one the previous year, ID proponents backed down and [removed voter ID language](#) from the election law bill.

In August, a state panel in charge of finding ways to improve elections [declared](#) that implementing voter ID requirements would not improve Maine's election process. The panel's main concern was the disenfranchisement of certain groups of voters and the [overall absence of any need](#) for such a strict law.

MASSACHUSETTS

While Massachusetts legislators have introduced a number of voter suppression bills, including [H 1115](#), [H 191](#), and [H 1108](#), some are taking positive steps. In May, the state House [passed](#) an election modernization bill ([H 4139](#)) intended to ["strengthen vote-counting and voter registration processes."](#) Among other provisions, the bill would permit 16- and 17-year-olds to pre-register to vote upon getting a driver's license, and come their 18th birthday their names would be automatically added to the voter rolls. Registration regulations would also be amended to permit voters to fill out an electronic registration form that they could then print, sign, and mail in. The bill stalled in August after the Senate decided [not to hold a debate](#).

Meanwhile in July, [a short-term agreement was reached in a lawsuit](#) alleging that Massachusetts violated the National Voter Registration Act, more commonly referred to as "Motor Voter." 478,000 public assistance recipients will now receive voter registration forms. Should the state and plaintiffs fail to reach a long-term solution, litigation will resume on December 31, 2012.

MICHIGAN

A [voter suppression package](#) with multiple [ties to ALEC made its way](#) to Governor Rick Snyder's desk in June. Championed by Michigan Secretary of State Ruth Johnson as the "Secure and Fair Elections package," the four included bills, [SB 754](#), [SB 751](#), [SB 803](#), and [HB 5061](#), would make it more difficult to vote in Michigan by mandating identification and proof of citizenship requirements, limiting voter registration groups, restricting absentee voting, amending requirements for ballot coaching and affidavit reports, and generally creating confusion for voters of all stripes.

While Governor Snyder signed a bill that automatically removed certain voters from the rolls, voting rights advocates [celebrated](#) his [veto](#) of the ID and registration training requirements, [citing](#) concern over how the laws could confuse voters. Undaunted, [ALEC members](#) Darwin Booher and David Robertson have since [reintroduced](#) the proof of citizenship bill, and the absentee ballot ID provision has been [referred](#) back to a committee.

MINNESOTA

Minnesota's voter ID battle began when the state legislature passed [SF 509](#), requiring photo ID at the polls. Following Governor Mark Dayton's [veto](#), ID proponents led by [ALEC State Chairwoman Mary Kiffmeyer](#) pushed a constitutional amendment ([HF 2738](#)) in order to bypass the governor. The legislature passed the constitutional amendment in April, sending it to voters. But in June ACLU of Minnesota, League of Women Voters Minnesota, Common Cause Minnesota, Jewish Community Action, and five Minnesotans filed suit to stop the change. Their lawsuit sought to keep the amendment off the ballot on the grounds that the unspecific language of the ballot question would confuse some

voters into believing that prohibited forms of identification, such as student or company ID, would be accepted under the amendment. The ballot language also failed to state that the amendment would create a new provisional ballot system for voters without acceptable ID and a new verification process, dealing a potentially crushing blow to Minnesota's existing Election Day registration. In August, however, the Minnesota Supreme Court [allowed the ballot measure to go forward](#).

Former presidential candidate, vice president and US senator [Walter Mondale](#) and former Governor [Arne Carlson](#) have [joined the fight](#) to stop the amendment through the [Our Vote Our Future](#) coalition.

In a [separate attempt](#) to suppress the vote, the Minnesota Voters Alliance, joined by the Minnesota Freedom Council and Representative Sondra Erickson (another [ALEC member](#)), [filed a lawsuit](#) in February against the state's same-day registration system, contending that same-day registrants should have to adhere to the same eligibility checks faced by advance registrants, and their votes should not be counted until their eligibility is verified. In August, Federal District Judge Donovan Frank [dismissed their claims](#). However, if passed, the voter ID amendment on the state's ballot would also [effectively end same-day registration](#).

MISSISSIPPI

In 2011, Mississippi voters approved a constitutional amendment requiring voter ID. Following the referendum, the House and Senate passed the required enacting legislation, [HB 921](#), sponsored by [ALEC member](#) Bill Denny and [signed into law](#) by Governor Phil Bryant. Secretary of State Delbert Hosemann [rejected claims](#) of its disenfranchising impacts, even with evidence showing that some 48,000 Mississippians would have difficulty obtaining proper identification. [A critical hurdle remains](#) before the measure can go into full effect. Because Mississippi is subject to Section 5 of the Voting Rights Act, the state must wait for preclearance approval from the Department of Justice and, therefore, the measure [will not go into effect](#) before November's election.

Representative Denny also sponsored [HB 1315](#), which puts voting even further out of reach for those who are blind, disabled, or unable to read and write. The bill, which has since [died in the Senate](#), would have limited the ability of election officials to provide voting assistance for those who need it and greatly limit non-election officials from assisting voters.

MISSOURI

At the end of March, after Cole County Circuit Court Judge Pat Joyce [struck down](#) a proposed ballot measure for a constitutional amendment requiring voter ID ([SJR 2](#)) on the grounds that the ballot summary was "insufficient and unfair," the legislature immediately began working on contingency plans. Representative Shane Schoeller, an [ALEC member](#) who is running for Secretary of State, backed three proposals to get the constitutional amendment back on the ballot. None was successful prior to the legislature's adjournment. It will not appear on the ballot, and Secretary of State Robin Carnahan is working to [educate and reassure voters](#).

Separately, Representative Schoeller attempted to pass a proof of citizenship requirement for voter registration. The bill ([HB 2109](#)) made it out of House committee at the end of April, but it stalled prior to adjournment, and faces scrutiny given the [ruling against proof of citizenship in Arizona](#).

NEW HAMPSHIRE

The New Hampshire legislature [passed](#) a voter ID law, [SB 289](#), in May, and [SB 318](#) in June, tightening residency requirements in a way that [could disenfranchise](#) some student and elderly voters. The registration bill's sponsor, Sharon Carson, is an [ALEC member](#). Governor John Lynch vetoed both, saying, "Our election laws must be designed to encourage and facilitate voting by all eligible voters in New Hampshire." However his vetoes were [swiftly overridden](#). The Justice Department [cleared ID](#) for November's election.

OHIO

When Ohio county boards of elections officials deadlocked over [extending early voting hours](#) this year, Secretary of State Jon Husted cast his tie votes seemingly with politics in mind, allowing early voting in urban centers with high minority populations to be limited and allowing it to be expanded for more conservative areas. After a [national uproar](#), Secretary Husted [instituted](#) uniform hours across the state, 8 am to 5 pm Monday through Friday to start, then 8 am to 7 pm Monday through Friday for the last two weeks. While he did level the playing field, he did not offer weekend voting opportunities. Reverend Tony Minor of the African American Ministers Leadership Council (AAMLC) [reacted](#): "Secretary Husted's cynical solution to the discriminatory mess of laws he helped create was to bring everyone down to the lowest common denominator. Husted should be trying to make it easier for everyone in Ohio to vote, not to make it equally difficult."

Controversy has specifically centered on voting in the final weekend before the election. In July 2011, Governor John Kasich signed a sweeping "election reform proposal" ([HB 194](#)) into law. Sponsored by former representative and [ALEC member](#) Robert Mecklenborg, one [provision](#) curtailed voting in that period for everyone but members of the military. The Obama campaign subsequently [filed suit](#) to ensure expanded opportunities for all and showed that 93,000 disproportionately poor and minority voters cast their ballots in that period in 2008. US District Judge Peter Economus [ruled in their favor](#), which Reverend Minor called "a victory for our democracy, and a victory for every Ohio voter." In October, an appeals court [upheld the ruling and the Supreme Court denied Husted's motion to temporarily stay the ruling](#), restoring early voting in the three days before the election.

Provisional ballots have also caused headaches for Ohio voters. Federal law mandates that provisional ballots be made available, but verification procedures vary by state, and Ohio does not count those cast in the wrong precinct. Since many polling locations throughout the state house multiple precincts, voters who were misdirected by election workers to the wrong table had their votes thrown out –14,000 provisional ballots were tossed in 2008. SEIU and the Advancement Project brought suit alleging disenfranchisement based on poll worker mistakes. US District Judge Algenon Marbley effectively [struck down the law](#), mandating that provisional ballots cast in the wrong precinct be counted where pollworker error is at fault. An appeals court is currently considering the case.

Secretary Husted has taken one positive, though limited, step toward expanded voting access [by announcing](#) that previously registered voters will be able to update their addresses online.

PENNSYLVANIA

In March, Governor Tom Corbett signed one of the strictest voter ID laws in the nation. [HB 934](#), sponsored by [ALEC member](#) Daryl Metcalfe, purports to allow [the estimated 20 percent of Pennsylvania voters](#) who do not have ID to obtain it “free” at their local DMV. However, voters must still provide a Social Security card, birth certificate, or driver’s license – three items or documents that the elderly, homeless, and those who frequently move often have [difficulty tracking down \(if they exist at all\)](#). They also [cost a fee](#) to obtain, disenfranchising those who cannot afford to pay. Students from out of the state hoping to use their college IDs will also run into trouble because [very few](#) of the state’s colleges and universities issue IDs that meet all of the law’s criteria, possibly [excluding 80 percent](#) of Pennsylvania’s students.

In August, Commonwealth Court Judge Robert Simpson [refused](#) to grant a temporary injunction of the law. Stunningly he was unconvinced that [“disenfranchisement was immediate or inevitable”](#) – even though state officials [admitted](#) that it would affect more Pennsylvanians than previously estimated. And he wasn’t at all bothered by the fact that the purported rationale for the law was a pretext for taking away the right to vote: Pennsylvania [conceded](#) that there [“have been no investigations or prosecutions of in-person voter fraud in Pennsylvania.”](#) and House Majority Leader Mike Turzai, a [one-time ALEC member](#), even championed its overtly [political implications](#). Reverend Michael Couch of the African American Ministers Leadership Council (AAMLC) [responded](#): “I am dismayed at today’s decision and hope that as this case moves through the courts, our judges recognize the ugly intent and real consequences of voter ID.”

A month later, the Pennsylvania Supreme Court [sent the case back](#) to Judge Simpson, encouraging him to issue an injunction if the state could not show that no voters would be disenfranchised by the law. Simpson then partially blocked the new law, ruling that poll workers could ask for ID from voters, but those without ID could still vote as normal, without having to cast provisional ballots. However, this reprieve is for the 2012 election only.

In August, [two federal judges approved a settlement in a case](#) brought by the [Black Political Empowerment Project](#) and [ACTION United](#) against Pennsylvania public assistance agencies that failed to provide voter registration opportunities for their clients. Under the [provisions of the settlement](#), they will now offer voter registration applications on their websites and will post signs with registration information at their offices. They will also implement additional training and oversight for their employees. And when assistance recipients update their claims, voting-related forms will be mailed to them automatically.

SOUTH CAROLINA

In 2011, South Carolina governor and [ALEC alumna](#) Nikki Haley signed [HB 3003](#), a strict voter ID law. Championed by Representative Alan Clemmons, an [ALEC member](#), the law requires that all voters must produce a valid and current photo ID issued by either the state or federal government but [does not](#)

[recognize student IDs](#). Although it requires an “aggressive” voter education program on so-called “free” IDs, in order to obtain one a voter still needs to present a birth certificate, which could [prove difficult](#) for vulnerable populations like the elderly and low-income people.

After [denying pre-approval](#) of the law twice, the Justice Department [sued the state](#) in 2012, citing the law’s violation of the Voting Rights Act. On [October 10](#), a US District Court panel upheld South Carolina’s restrictive voter ID law, but ordered that the law not go into effect until after November’s election.

ID isn’t Representative Clemmons’s only foray into the voter suppression battle. He [unsuccessfully attempted](#) to restrict voter registration groups in [much the same way](#) attempted by Florida.

TEXAS

In 2011, Texas Governor Rick Perry signed [SB 14](#), which made Texas a photo ID state. An [ALEC award-winner](#) himself, Governor Perry had the support of the several ALEC members who helped push the legislation. This March, [DOJ issued an official objection](#) that stopped the law from going into effect, saying that it disproportionately affects Hispanic voters. The ensuing litigation included a [direct constitutional challenge](#) by Texas to Section 5 of the Voting Rights Act, which requires federal pre-approval either by the Department of Justice or a three-judge district court panel of changes in voting laws in states and counties with histories of racially-motivated disenfranchisement. Such a three-judge panel [ruled](#) in August that Texas had failed to prove that the voter ID law would not burden vulnerable populations. Rev. Dr. Rolan Lewis Womack of the African American Ministers Leadership Council (AAMLC) [applauded the ruling](#): “We are working every day to encourage our congregations and communities to vote and to help them get to the ballot box. Today’s ruling removes a major obstacle to that work.” Texas plans to appeal, but it is unclear whether the US Supreme Court will take the case.

Texas is also entangled in [a heated voter registration fight](#). In a [ruling](#) this August hailed by voting rights advocates, US District Judge Gregg Costa [temporarily enjoined Texas Election Code provisions restricting voter registration](#), including those implemented by [HB 2194](#), whose authors Larry Taylor and Mike Jackson have [ties to ALEC](#). Citing the Federalist Papers, Judge Costa wrote, “Broad-based participation in the political process is crucial to governmental legitimacy and the proper functioning of our constitutional system.” [Said Michael Slater, Project Vote, Executive Director](#): “This case is about making sure that voter registration drives, which are the foundation of our democracy, can operate without undue burdens.” Right wing Texas Attorney General Greg Abbott [successfully appealed](#) the injunction, and advocates are still facing a full trial to determine whether the provisions in question violate the National Voter Registration Act.

In other registration news, Texas continues to [undergo an extensive purge of its voter rolls](#), making an already low registration rate even worse. 1.5 million voters — or ten percent of those registered — have been targeted. The state is using outdated computer systems to conduct the purge, and there have been many cases of voters being mistaken for someone else. This disproportionately affects Hispanics, who have a high incidence of sharing the same name with others. Voters may also be dropped from the rolls if they do not respond to or receive generic form letters from state officials. Further illustrating the astounding inaccuracy of the purge, from 2008 through 2010, 300,000 eligible voters were warned that

they could be removed. In October, Texas [settled](#) a lawsuit from four voters, requiring county registrars to only drop voters from the rolls if they [could confirm they are deceased](#).

Confirming that they have no plans to relent, in July Texas [joined a growing number of states](#) that are attempting to access federal citizenship data for purge purposes.

VIRGINIA

In [April](#) of this year, Governor Bob McDonnell sent the state's House- and Senate-passed voter ID bill back to the Virginia legislature for several [amendments](#), with [mixed results](#). The legislature accepted McDonnell's provision expanding the types of eligible student IDs, but rejected his plan to accept signatures in place of IDs. McDonnell ultimately [decided to sign the bill into law](#), but issued an executive order mandating that the State Board of Elections conduct voter education and provide all registered voters with free ID.

[ALEC Exposed](#) reports that the lead sponsor of the original [Senate version of the bill](#), Stephen Martin (R-11), is [ALEC's](#) Virginia Chair and the lead sponsor of its [House companion](#), Mark Cole (R-88), is also affiliated with [ALEC](#).

Governor McDonnell continues to ignore another source of disenfranchisement in his state, which remains [one of four](#) that permanently disenfranchise ex-offenders. Although the law allows the governor to grant individual clemency, it also requires an application and extensive paperwork. This has left [close to 7%](#) of the state's adult population without the right to vote. Advocates contend that suffrage should be automatically restored upon sentence completion, including any fees or restitution.

WISCONSIN

Governor Scott Walker signed Representative Jeffrey Stone's voter ID proposal, [Act 23](#) (aka [AB 7](#)), into law in May 2011; both have [ties to ALEC](#). Under the law, various forms of ID are permitted at the polls, but IDs must contain a photo and an expiration date— this includes student IDs issued from universities. [Act 23](#) would have put voting rights, including for [elderly Wisconsinites](#), at risk in order to prevent a non-existent problem. In 2008, only [14 improper votes](#) were reported out of over three million cast.

In March, Dane County Circuit Court Judge David Flanagan issued a temporary injunction of the law. In July, he [made the injunction permanent](#), ensuring it would not go into effect for the June 2012 recall election or the general election in November.

Attorney General J.B. Van Hollen [is now asking the state Supreme Court](#) to reinstate the law in time for it to apply in November. Along with the state Department of Justice, he will file a "Petition to Bypass Court of Appeals" and a "Motion for Consolidation" in both cases. League of Women Voters lawyer Lester Pines [called the move](#) "kind of a hail Mary pass by the Attorney General," and seemed confident that the Supreme Court would reject the requests. He also pointed out that this is the same court that [refused to immediately take up the cases](#) earlier this year. Meanwhile, [two federal challenges to the law](#) are currently pending.

The problems with [Act 23](#) don't stop at ID. The law changed the number of days registrants must live in Wisconsin for before registering to vote, increasing it from 10 to 28. Students felt the impact [during the recall election](#).

CONCLUSION

With the Right determined to keep certain groups of people from the polls, voter suppression promises to be a critical issue not just in this year's elections but for years to come. As November 6 approaches, it is essential that voters both understand their rights and refuse to be intimidated by those seeking to keep them from the polls. Going forward we need to treat the issue of voter suppression as one of the major civil rights challenges of our generation. As President Lyndon Baines Johnson [explained](#) about his commitment to pass meaningful voting rights reform legislation:

It's outrageous that all people do not have the dignity to which they are entitled. But we can't legislate human dignity -- we can legislative to give a man a vote and a voice in his own government. Then with his vote and his voice he is equipped with a very potent weapon to guarantee his own dignity.

This election cycle, PFAW Foundation has dedicated the resources of its youth leadership and African American faith leaders programs to combating voter suppression through nonpartisan voter registration, voter education, and voter readiness activities. Our campus organizers at Young People For have worked on 36 campuses in 19 states and the District of Columbia, through October 26 registering over 16,000 voters and collecting over 8,000 additional voter pledges through the robust [Arrive With Five](#) Get Out The Vote effort. The African American Ministers Leadership Council's (AAMLC) [VESSELS](#) initiative has educated, through October 29, 7,000 clergy in 20 states about voter registration and mobilization. They have worked to increase civic participation in communities that traditionally have been disenfranchised or discriminated against.

Beyond November, we and our many allies must redouble our efforts in Congress, state legislatures, and in courts around the country to establish sound election laws that empower voters with the "potent weapon" that "guarantees [their] own dignity."

As of October 6, 2012, except where otherwise noted