“CIVICS 101”

Barriers to Voting

Voter Suppression or Voter Fraud?

lwvwilliamsburg.org

Mary Ann Moxon & Sharon Owlett
LEAGUE OF WOMEN VOTERS—WILLIAMSBURG AREA
Now more than 700 local and state Leagues

• Located in all 50 states as well as in DC, the Virgin Islands and Hong Kong

• Men have been members since 1964
Friday, September 18: Absentee voting begins

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Friday, November 6: Mail ballots postmarked on or before Election Day must arrive at the local general registrar's office by noon in order to be counted.

Friday, November 6: Last Day for Provisional No ID Voter to provide a copy of an acceptable ID or submit a ID confirmation request via fax, email, mail or in person at the local Voter Registration Office by noon.
What will we cover today?

• Is democracy being threatened?
• Voter Suppression OR Barriers to Voting?
• Fraud OR Myth?
• Conspiracies OR Facts?
• What can YOU do?

Q & A in CHAT BOX at the end
Is American democracy in trouble?
Or do we have 50 different democracies?

“At every moment in our history, powerful Americans have sought to corrupt our political process for their benefit. Democracy survived because a far greater number of Americans came together to defend it.”

“Since 1880, the number of Americans legally barred from voting has more than doubled. Since the 1990s, your odds of living in a competitive congressional district have fallen by more than half. . . The amount of money spent on Washington lobbying has risen by more than 100 percent, and in the last decade, the odds of a bill passing Congress have fallen to a fifty-year low.”

David Litt in Democracy In One Book or Less
Starting in 1965, the Voting Rights Act required many states and counties to obtain pre-clearance from the Department of Justice or Federal Court before changing voting procedures due to their past voting right abuses.

Where voters needed the special protections of the Voting Rights Act of 1965

Since 2013 40 state legislatures considered 200 different bills to make voting more difficult—especially in neighborhoods of people of color and Americans with limited English proficiency

- Strict voter ID requirements in 35 states
- 17 million voters purged from rolls
- 1688 polling places closed in previously protected counties—resulting in long lines

2020: 540,000 ballots rejected in 2020 primaries in 23 states (WP; 8/24/20)

* As a moratorium on evictions expires, about one-third of renters could face homelessness soon and miss registration deadlines or never see the absentee ballots they were sent — a form of voter suppression that's uniquely a consequence of the reeling economy.
Long lines to wait to vote are by design - polling places eliminated since 2013

Under Voting Rights Act, these states would have needed approval before eliminating these voting locations.

Simply moving polling places can also make it harder to vote – off college campuses (FL) or away from bus routes (GA).

VOTER REGISTRATION
roughly 1 in 3 eligible voters NOT registered

• When the Constitution was ratified, there was no such thing as voter registration.

• Voter registration by individuals as we know it is not common in the rest of the world. In most democracies, the government takes proactive steps to register every eligible voter, which is why the voter registration rates are so much higher in countries like Great Britain (97 percent), Mexico (95 percent), Canada (93 percent), Germany (93 percent), and France (91 percent)

• Every state requires voter registration except North Dakota; rules vary by state

• 22 states now permit same-day registration

• Online voter registration is permitted in all but 10 states

• College students also face unique barriers in exercising their franchise; registered at home or college address?
30 million names purged from registration since 2016

Notes:
Data in the following states are aggregated here to the county-level but are reported at the sub-county level: CT, MA, ME, NH, RI, VT, and WI. North Dakota does not have voter registration.
Huge voter turnout in 2020 expected
States will be challenged to complete timely counts of a record number of mail-in ballots—possibly 60 million
A record 83% of voters say that the 2020 election really matters—including 85% of Democrats, 86% of Republicans.
About 6 in 10 Americans expect to vote absentee
Talking About Voter Suppression

**Say This:** “barrier to the ballot” “discriminatory barriers” “needless barriers”

**Not This:** “voter suppression”

**Why:** The term does not help most listeners understand the problem and frames a story in a losing argument
Barriers to Voting Are NOT NEW!

- 1788: Only educated white male property owners could vote (until 1850 in most states)
- 1920: 19th Amendment & suffrage to White women; unmarried women with property could vote in New Jersey—until 1807
- 1948: New Mexico & Arizona were last states to give voting rights to Native Americans
- 1952: Asian-Americans gained right to vote
- 1965: Voting Rights Act ended Jim Crow laws (literacy tests, poll taxes), KKK, intimidation & lynchings
States have wide latitude in HOW they run elections.

In the 1700s and much of the 1800s, each state set its own date for elections.

In only 2 states—Maine and Vermont—do felons never lose their right to vote, even while they are incarcerated.

Congress can and does step in & PRE-EMPT state statutes
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<th>Barrier to the Ballot in 2020</th>
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<td>× Getting and Staying on the Rolls – voter registration and voter purges</td>
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<td>× Voter ID and Proof of Citizenship requirements</td>
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<td>× Moving/Consolidation and Closure of Polling Places</td>
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<td>× Online voter suppression (misinformation and disinformation)</td>
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<td>× Voter Challenges and Intimidation at the Polls</td>
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<td>× Counting the ballots - Provisional and Absentee Ballots</td>
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MOVING BACKWARDS OVER LAST DECADE

- 200 restrictive voting bills introduced in 40 states
- Largest rollback of voting rights in a century
- 25 new voting laws on the books
- Disproportionately impact voters of color

THE FIGHT FOR THE RIGHT TO VOTE
Voters waited for hours on Primary Day at the C.T. Martin Natatorium and Recreation Center in Atlanta.
Credit...Audra Melton for The New York Times
What happened in Georgia’s Primary Elections?
A grim preview of November 2020?

• 1.4 million voters purged over last two years
• Thousands of votes tossed
• Some polling locations didn’t open on time
• Inexperienced poll workers
• Provisional ballots were in short supply
• Many never received absentee ballots
• Malfunctioning machines & glitches, especially in first hours of voting
• Hundreds stood in line for hours, often past the scheduled poll closing times
More than 534,000 mail ballots rejected during primaries in 23 states, compared to 319,000 thrown out NATIONWIDE in 2016 (out of 33.4 million cast)

- Arrived too late to be counted
- Voter error; (X); not signed
- Disproportionate number of invalid ballots from younger voters and voters of color
- In at least 20 states, voters must be notified and given the chance to fix or “cure” signature problems that could invalidate their ballots. But the rules vary in the rest of the country, and some voters are never told that their ballots did not count.
Fill in the OVAL

Voting a Marksense Ballot

To mark your ballot:
- Use the pen provided
- Fill in the oval to the left of your choice for each office or issue

To write-in:
- Fill in the oval to the left of the blank line
- Write the name of the candidate of your choice on the blank line

To cast your ballot:
- Place the ballot flat onto the ballot counter shelf
- Slide the ballot into the ballot counter

COMMISSIONER OF PLAYWRIGHTS
(Vote for ONE)
- NEIL SIMON
- ARTHUR MILLER
- TENNENSE WILLIAMS
- LILLIAN HELLMAN
- EUGENE O’NEILL

PRESIDENT
(Vote for ONE)
- THOMAS JEFFERSON
- ABRAHAM LINCOLN
- JOHN F. KENNEDY
- DWIGHT D. EISENHOWER
- FRANKLIN D. ROOSEVELT
- John Tyler
FOREIGN INTERFERENCEx
RUSSIA? CHINA? IRAN?

• Threat of foreign interference remains real; U.S. repeatedly warned that Russia is again meddling in our elections

• National Security Agency: Russian state hackers targeted an email program used by dozens of congressional candidates to steal emails, as Russian hackers also did four years ago.

• Google: Chinese hackers targeted personal email accounts of Biden’s campaign staff; also confirmed reports that Iran had targeted the Trump campaign staff

• Look for the HBO documentary, **Kill Chain: The Cyber War on America’s Election**, for some info about some voting machines (not the ones we have in Virginia) that will keep you up at night.
Online Voting? NOT Yet!

• Online options represent a “high risk to election integrity” and could allow attackers to alter election results without detection.

• Earlier this year, a team of researchers from M.I.T., found problems with “Voatz.”

• Warnings about turning to online voting too quickly have also come from countries that use it successfully. Estonia moved to electronic ballots only after an ambitious project — known as E-Estonia — to secure 1.3 million Estonians’ digital identities.
Disinformation could sway the 2020 election

- “Disinformation” or “fake news” - false or misleading content intended to deceive or promote discord; don’t share it
- Some votes will be based on falsehoods; both parties guilty
- “Deep Fake” videos & 1200 “pink slime” news sites - highly convincing
- “Confirmation bias” confirms your prior beliefs
VA: “Second hardest state to vote”
not an award to brag about

2018 Northern Illinois University study:

• “Analyzed the impact of 33 different variables dealing with registration and voting laws”

• Ranked states based on “the time and effort it took to vote in each presidential election year from 1996 through 2016”

• Virginia named the second hardest state in which to vote
2 years later. . .

Virginia allows:

• Online voter registration
• No PHOTO ID required
• NO-EXCUSE absentee voting
• Early voting 45 days before Election Day
• No witness signature OR STAMP required on mail-in absentee ballots*
• YOUR signature NEEDED on envelope!
• Satellite voting locations
• Drop boxes allowed, not required
* in 2020 elections
NO STAMP NEEDED on mailed-in absentee ballots IN 2020

• Apply SOON for absentee ballot
• NO STAMP needed on Virginia absentee ballots in this election
• Absentee ballots to be mailed to voters beginning on September 18
Bring your ID

You need to show your ID or sign an ID Confirmation Statement to vote in person in this election.

Acceptable forms of identification:

- Voter confirmation documents
- Virginia DMV-issued driver’s license* or ID card
- United States Passport (valid)
- Employer-issued photo ID
- Student ID issued by any college/university in the U.S. or high school in Virginia
- Other U.S. or Virginia government-issued photo ID
- Tribal enrollment or other tribal photo ID
- Virginia Voter Photo ID card
- Any current utility bill, bank statement, government check, paycheck, or other government document with your name and address

* Virginia law permits an expired Virginia DMV license to be used for voting purposes

A voter who does not bring an acceptable ID to the polls or does not sign an ID Confirmation Statement will be offered a provisional ballot.
• In the past, there were 19 separate reasons listed as to why you could not go to the polls.
• 2020 the Virginia legislature implemented “NO-EXCUSE” Absentee Voting.
LWV is a voting rights organization

Our National Partnership

All Voting Is Local
And Still I Vote
The Leadership Conference
League of Women Voters
Barrier #1: Not Knowing VIRGINIA Election Details

• Returning your absentee ballot IN-PERSON to your elections office/satellite location? Only YOU should handle your ballot.

• If you did NOT mail back your absentee ballot & want to vote in-person, take your UNMARKED absentee ballot with you to your polling place, allowing officials there to void it. But this is discouraged.

• Ballots with mistakes - disqualified. Ask for another ballot if you make a mistake.

• Hospitalized or sick after October 31? Request an emergency ballot from local elections office by 2 p.m. on November 2.
Do YOU Understand Provisional Ballots?

- An “OOPS, I forgot something” ballot

- Voters arriving at the polls without an acceptable form of ID will be required to either sign an ID Confirmation Statement or vote a provisional ballot.

FORGET YOUR ID? - ASK FOR A PROVISIONAL BALLOT AND THEN PROVIDE VALID ID BY NOON ON FRIDAY AFTER THE ELECTION TO HAVE YOUR VOTE COUNT.
Barrier #2: U.S. Postal Service anticipates avalanche of absentee ballots

- Letter from USPS to 46 states (specifically Pennsylvania & Michigan and D.C.) warning that it cannot guarantee all ballots cast by mail for the November election will arrive in time to be counted
- Added another layer of uncertainty ahead of the high-stakes presidential election
At least 76% of American voters can cast ballots by mail in the fall

**54 million voters**
- Need an excuse beyond covid-19 fears

**95 million voters**
- Can vote by mail*

**Automatically mailed ...**
- Application to vote by mail
- Ballot

*States that made a change due to the coronavirus

**“Can vote by mail” includes states that don’t require any excuse to vote absentee and states that will allow fear of the coronavirus as an excuse.**
FACTS
ABOUT VOTING BY MAIL
from Federal Election Commission Chair Ellen Wintraub

• “There's simply no basis for the conspiracy theory that voting by mail causes fraud. None.”

• “President disbanded his own commission charged with investigating voter fraud in 2018, without producing any systemic evidence of fraud.”

• “All types of voter fraud in U.S. elections are minuscule in comparison to the number of ballots cast, according to elections experts.”
VIRGINIA TAKES ELECTION SECURITY SERIOUSLY
WORKING EVERY DAY TO ENSURE EVERY VOTE IS VERIFIED, SECURED AND PROTECTED.
IN VIRGINIA, YOU CAN COUNT ON BEING COUNTED.

ONE VOTER
VOTER VALIDATED
VIRGINIA VALIDATES ALL REGISTERED VOTERS TO ENSURE YOU ARE WHO YOU ARE

NO INTERNET
CYBER-SECURED
VIRGINIA VOTING MACHINES ARE NEVER CONNECTED TO THE INTERNET ON ELECTION DAY

PAPER BALLOT
BALLOTS ASSURED
PAPER BALLOTS ARE KEPT SECURED TO PROVIDE PROOF OF YOUR VOTE AND KEEP THE COUNT HONEST
25 percent of the 5.7 million registered Virginia voters* = 1.4 million voters
* As of May 31, 2020
Virginia Department of Elections: no proof of widespread fraud

Another source for the following:
FACTS ABOUT VOTING BY MAIL from Federal Election Commission
Voting by mail is not new.

- Absentee voting dates to the Civil War
- More than 500,000 military families voted by mail in last presidential election
- Now, every state has some type of vote-by-mail process & it’s getting easier
- 5 states—Oregon, Washington, Hawaii, Utah, and Colorado—have voted primarily by mail for years; 5 more states just joined them

Source: U.S. Election Assistance Commission
Voter impersonation and ballot falsification are exceedingly rare.

• Based on a meticulous review of elections that were investigated for voter fraud, the Brennan Center for Justice found minuscule incident rates of ineligible individuals casting ballots at the polls – no more than 0.0025 percent.

• Numerous reports have confirmed this finding that voter impersonation is exceedingly rare.

• Research shows that voter fraud is similarly rare with mail-in ballots—more likely for an American to be struck by lightning than to commit mail voting fraud.

Source: Brennan Center for Justice
Nationwide security procedures protect the delivery of mail-in ballots

- Republican and Democratic state leaders have put safeguards in place to protect the integrity of their ballots
- Mailed ballots typically are delivered to and picked up from the post office by two election office staff, transported in a secure container and processed by teams of trained election staff to ensure the integrity of the counting process.

*Source: U.S. Election Assistance Commission*
Bar Codes track ballots through the U.S.P.S.

- Ballot envelopes are equipped with intelligent mail bar codes linked to the postal service to enable voters and election officials to track an envelope from drop-off to delivery and processing at the local administrator’s office.

- If a voter says they never received their ballot, states can better determine whether the ballot was delivered, replace the ballot as appropriate, and ensure the original is flagged as compromised and not counted.

- Electronic Registration Information Center (ERIC) reports that only 372 possible cases of double voting or by deceased people were identified out of 14.6 million mail-in votes in 2016 & 2018 elections—or 0.0025 percent.
Secure drop-off locations & drop boxes
to be confident that ballots are received on time

- Survey of the Performance of Elections at Harvard University: in 2016, 73 percent of voters in Colorado, 59 percent in Oregon, and 65 percent in Washington returned their ballots to some physical location, such as a drop box or local election office to ensure that ballots are not stolen or tampered with.

- When drop boxes are put outside of government offices, one security measure is to equip them with security cameras to monitor ballot traffic and ensure that the boxes are not breached. (Drop boxes in government buildings benefit from existing video security systems.)
Post-Election Audits to identify irregularities or misconduct

- Virginia Department of Elections is required to coordinate annual post-election audit of ballot scanner machines.

- 2018 in North Carolina: Review of returned absentee ballot records helped identify anomalies, enabling election officials to uncover election interference by a GOP political operative who stole and tampered with absentee ballots.

- Typically use statistical techniques to review a sample of ballots cast in an election to ensure that votes were recorded and tallied accurately.

- Meaningfully carried out when there is a voter-verified paper record of each vote.
Harsh Penalties

*Class C Felony*

- Up to five years in prison and $10,000 in fines for each act of fraud under federal law, in addition to any state penalties.
- These penalties provide a strong deterrent to voter fraud; it makes no sense to risk such significant punishment for one additional vote.
Vote-by-mail programs do NOT favor one political party over another.

Many studies done to determine whether a partisan bias results from vote-by-mail in a recent Stanford Institute for Economic Policy Research study:

• “vote-by-mail does not appear to affect either party’s share of turnout

• vote-by-mail does not appear to increase either party’s vote share; and (3) vote-by-mail modestly increases overall average turnout rates, in line with previous estimates.”

Source: Stanford Institute for Economic Policy Research
Expect election results to be delayed

But NOT fraudulent, corrupt or rigged!

• Counting absentee votes takes time!
• No projected winners by the networks that night
• Results may not be announced for weeks
• Democracy is not a spectator sport so do NOT expect election results on Election Night in 2020.

• Do not plan an Election Night Party!
• Even with masks & social distancing
### General and Special Elections
Tuesday, November 3, 2020

#### Making Selections

To vote for a candidate, fill in the red box next to the name.
To vote an issue, fill in the red box next to Yes or No.
To write in a candidate who is not already on the ballot, fill in the red box and write the name of the person on the line.
If you want to change a vote or if you have made a mistake, ask an election worker for another ballot.
If you make marks on the ballot besides filling in the box, your votes may not be counted.

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<tr>
<th>President and Vice President</th>
<th>Member United States Senate</th>
<th>Member House of Representatives 1st District</th>
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<tr>
<td><strong>Vote for only one</strong></td>
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<td>☐ DEMOCRATIC PARTY</td>
<td>☐ Mark R. Warner - D</td>
<td>☐ Qasim Rashid - D</td>
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<td>Electors for</td>
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<td>Joseph R. Biden, President</td>
<td>Daniel M. Gade - R</td>
<td>Robert J. Wittman - R</td>
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<td>Kamala D. Harris, Vice President</td>
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<td>Donald J. Trump, President</td>
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<td>Michael R. Pence, Vice President</td>
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<td>Jo Jorgensen, President</td>
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<td>Jeremy F. &quot;Spike&quot; Cohen, Vice President</td>
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Remember to Turn the Ballot Over

FILL IN the OVAL

TWO amendments to the Virginia Constitution on 2020 ballot.

Proposed Constitutional Amendment Question 1
Should the Constitution of Virginia be amended to establish a redistricting commission, consisting of eight members of the General Assembly and eight citizens of the Commonwealth, that is responsible for drawing the congressional and state legislative districts that will be subsequently voted on, but not changed by, the General Assembly and enacted without the Governor's involvement and to give the responsibility of drawing districts to the Supreme Court of Virginia if the redistricting commission fails to draw districts or the General Assembly fails to enact districts by certain deadlines?

☐ Yes
☐ No

Proposed Constitutional Amendment Question 2
Should an automobile or pickup truck that is owned and used primarily by or for a veteran of the United States armed forces or the Virginia National Guard who has a one hundred percent service-connected, permanent, and total disability be free from state and local taxation?

☐ Yes
☐ No
Voters should choose their legislators. But now Virginia legislators choose their voters

How it works:

The Supreme Court ruled that partisan gerrymandering can’t be blocked by federal courts, effectively allowing state legislatures to draw district lines in such a way as to disadvantage either political party.
Goofy kicking Donald Duck?

• An especially convoluted congressional district in Pennsylvania
• Struck down as unconstitutional and redrawn before the 2018 election
Virginians Can End Gerrymandered Districts in This Coming Election

Voters should pick their elected officials, NOT the other way around

VOTE YES ON 1
END PARTISAN GERRYMANDERING IN VIRGINIA
FAIRMAPSVA.ORG
Gerrymandered Congressional Seats

Adapted from the Brennan Center for Justice
Florida districts were redrawn for the 2016 election by order of the FL Supreme Court

- Republican gerrymander
- Democratic gerrymander
TOP 5 THINGS YOU CAN DO TO PROTECT THE RIGHT TO VOTE

1. Share reliable and accurate information about voting - www.andstillivote.org
2. Tell election officials in your state and community to ensure access to the ballot during the pandemic
3. Tell 5 friends to make a plan to vote: in person or by mail, before Election Day, and safely!
4. Tell your voting story - On Instagram, Facebook or Twitter? Tell your story
5. Become an election protection volunteer or poll worker
We want **YOU** to **SIGN** the return mailing envelope for **Your** Vote-By-Mail **Ballot**.
You WILL be allowed to vote if you are in line at your precinct by 7 p.m. Do NOT get out of line.
Explore vote411.org & Candidate Websites

• "one-stop-shop" for election-related information at Vote411.org

• Nonpartisan information to the public with both general and state-specific information on many aspects of the election process, including absentee ballot information, election dates, polling place locations, registration deadlines, voter qualifications, and more

• VOTER'S GUIDE with YOUR Candidates responses to questions
“CITIZEN PORTAL”
Virginia Department of Elections

www.elections.virginia.gov

- to register/update your address
- to apply to absentee vote
- to access your Virginia voting record
- to track your absentee ballot
VOTE in 2020!

Someone struggled for your right to vote. Use it.

Susan B. Anthony
AND STILL I VOTE
**2020 DEADLINES**

**November General Election**

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