

Dēmos Briefing Paper Series

CHALLENGES to Fair Elections



Voter Intimidation and Vote Suppression

Political candidates win elections by generating more votes than their opponents. A vigorous and superior get-out-the-vote campaign is commonly understood to be the key to success. A less recognized but all-too-familiar alternative tactic is to intimidate their opponent's supporters and suppress their votes. Voter intimidation and vote suppression campaigns are often mounted in communities of color, where voter participation is more tenuous. Few states have enacted clear and effective prohibitions against these abuses.

The Facts

Organized misinformation campaigns often target minority communities in the run-up to Election Day.

- 14,000 Latino residents in Orange County, California received a letter in October 2006 warning that it was a crime for immigrants to vote and cautioning that they could be jailed or deported if they went to the polls in November. Naturalized immigrants, who comprise a large and growing share of the local electorate, enjoy the same voting rights as native-born citizens. The letter was apparently intended to scare off Latino voters. Law enforcement officials traced the mailing to a worker in the local Republican candidate's campaign for Congress. The worker was fired, but officials are investigating allegations that the candidate was personally involved.¹
- A fictitious "Milwaukee Black Voters League" distributed fliers intended to suppress black voters in largely African American neighborhoods of Milwaukee in 2004. The fliers claimed that voters could not cast a ballot if they had already voted that year or if any family member had been found guilty of a crime. "If you violate any of these laws, you can get ten years in prison and your children will be taken away from you," the flier warned.²
- A memo on bogus letterhead of the Lake County, Ohio Board of Elections was sent to local residents in 2004, stating that registrations submitted through the Democratic Party and the NAACP were invalid.³

- A bogus advisory purported to be from the Franklin County, Ohio Board of Elections in 2004 advised that Democrats were being asked to vote on the day after the November election at their regular polling places, due to heavy voter registration. Republicans would vote on the actual election date. The targeted area, Columbus' near east side, is predominantly African-American.⁴

Many states allow partisan operatives to selectively challenge voters at the polls – sometimes resulting in challenges based on voters' race, ethnicity or English-language skills.

- Nearly 50 Asian Americans were selectively challenged at the polls as ineligible to vote in a majority-white, Alabama village in August 2004. A Vietnamese-American was running for office there. According to his Anglo opponent, "we figured if they couldn't speak good English, they possibly weren't American citizens."⁵ In Alabama's municipal elections, any voter's eligibility may be challenged by another voter, and the challenged voter must then fill out an affidavit attesting to his/her qualifications in order to have the ballot counted.⁶
- Native American voters were prevented from voting in South Dakota's June 2004 primary after they were asked to provide photo IDs, which were not required under state or federal law.⁷
- Voters in African-American neighborhoods in Philadelphia were systematically challenged in 2004 by men carrying clipboards and driving sedans with magnetic signs designed to look like law enforcement insignia.⁸
- Partisans in Atkinson County, Georgia obtained a list of Latino registered voters in 2004, and then used it to challenge 95 of the 121 people listed. The local registrar of voters threw out the challenges, citing potential Voting Rights Act violations.⁹
- The Ohio Republican party challenged approximately 35,000 registered Ohio voters from predominantly urban and minority areas in late October 2004. A federal court eventually prevented the challenges from going forward.¹⁰
- Widespread challenges to voters' credentials in a current, razor-thin Westchester County, New York senate race have prompted allegations that communities of color are being targeted.¹¹

Partisan operatives often resort to "dirty tricks" in order to depress the votes of the opposing party.

- Over 4,000 potential voters in Florida's Leon County, all students at Florida State and Florida A & M universities, discovered that their party registrations had been switched to Republican and their addresses changed in 2004. These unauthorized revisions could have disfranchised voters at the polls.¹²
- Kerry-Edwards campaign workers in Marion County, Ohio were accused of making misleading phone calls in five Ohio counties in 2004, directing voters to cast ballots at the wrong polling place. In a suit filed against Democratic officials, the GOP charged their opponents with trying to suppress Republican votes.¹³

State agencies have been known to abuse their authority in ways that can suppress the votes of identifiable communities.

- Florida was forced to abandon a purge of potential felons from its voter rolls in 2004 after a news report revealed that the removal list included thousands of eligible voters. African-Americans were heavily targeted for removal, while Latinos were overlooked. Florida had been the subject of an infamous purge four years earlier that removed thousands of eligible voters, primarily African-Americans, from the rolls.¹⁴
- Students at Prairie View A & M University in Texas, a predominantly African-American school, were challenged as ineligible to vote in local elections by the Waller County district attorney in 2004. In fact, students are permitted to vote locally if they designate their campus addresses as their residence. A court order had been issued in 1978 to prohibit elections authorities from treating Prairie View students differently from other county residents. The local NAACP subsequently filed suit to ensure that students would not face prosecution for voting at their campus addresses.¹⁵

The Remedy

Ongoing voter intimidation and vote suppression reflect the inadequacy of current legal standards and enforcement. States and the federal government must adopt vigorous policies and procedures for preventing these abuses.

- Arizona, Wisconsin and Missouri have embraced model policies that can help outlaw voter intimidation and vote suppression. They variously prohibit attempts to intimidate voters,¹⁶ to spread false information about election procedures,¹⁷ as well as efforts to deceive people about the time, place, or manner of elections or voter qualifications¹⁸ Minnesota and Washington State also regulate challenges to peoples' voter eligibility.¹⁹
- Legislation introduced in 2005 by U.S. Senator Barak Obama (D-IL), the *Deceptive Practices and Voter Intimidation Prevention Act*, would enhance the investigation of deceptive practices, establish harsh penalties for those found to have perpetrated them, and establish a process for providing full and accurate information to misinformed and intimidated voters.²⁰
- States must adopt fair and clear statutory standards for removal of persons from the voter rolls in cases of lost voting rights because of felony convictions. Affected voters must be apprised of pending removal in order to avert an erroneous purge.²¹

References:

1 Martin Wisckol and Dena Bunis, "Arrests pledged over Nguyen mailer," *ocregister.com*, October 20, 2006, http://www.ocregister.com/ocregister/homepage/abox/article_1325512.php.

2 Steve Schultze, "Campaigns condemn political flier," *Milwaukee Journal Sentinel*, Oct. 29, 2004.

3 Coalition on Homelessness & Housing in Ohio & League of Women Voters, "Let the People Vote," (2005). Available at <http://www.cohhio.org/alerts/Election%20Reform%20Report.pdf>.

4 Bob Fittrakis, "Is there inner-city election suppression in Franklin County, Ohio?" *The Free Press*, November 2, 2004, <http://www.freepress.org/columns/display/3/2004/977>.

5 DeWayne Wickham, "Why renew Voting Rights Act? Ala. town provides answer," *USA TODAY*, February 22, 2006.

6 AL Stat. Ann. sec. 11-46-38.

7 *The Long Shadow of Jim Crow: Voter Intimidation and Suppression in America Today*, People for the American Way and National Association for the Advancement of Colored People, 2004.

8 *Ibid.*

9 *Voting in 2006: Have We Solved the Problems of 2004?* Leadership Conference on Civil Rights, Common Cause, The Century Foundation, October 12, 2006.

10 *Miller v. Blackwell*, 348 F. Supp. 2d 916 (S.D. Ohio 2004).

11 Jim Fitzgerald, "GOP already challenging voters in NY state Senate battleground," *Newsday.com*, October 30, 2006, <http://www.newsday.com/news/local/wire/newyork/ny-bc-ny--recountrematch1030oct30,0,7669069.story?coll=ny-region-apnewyork>.

12 Jo Becker and David Finkel, "Now They're Registered, Now They're Not: Election Officials Express Dismay at Extent of Misinformation, Variety of Tricks Targeting Voters," *Washington Post*, Oct. 31, 2004.

13 Dana Wilson, "Marion County Democrats not part of GOP suit," *Columbus Dispatch*, November 4, 2004.

14 Ford Fessenden, "Florida List for Purge of Voters Proves Flawed," *The New York Times*, July 10, 2004; Amanda Luker, "Concerns Remain After Florida Nixes Voter Purge List," *The New Standard*, July 15, 2004; *Purged! How a patchwork of flawed and inconsistent voting systems could deprive millions of Americans of the right to vote*, Demos, the American Civil Liberties Union and Right to Vote, October 2004, <http://www.demos.org/pub299.cfm>.

15 Alejandro Martinez, "District attorney apologizes to Prairie View A&M students," *The Daily Texan*, February 27, 2004.

16 *Voting in 2006: Have We Solved the Problems of 2004?*; ARS 16-1012 Intimidation of elector by employer; classification; ARS 16-1013 Coercion or intimidation of elector; classification.

17 *Voting in 2006: Have We Solved the Problems of 2004?*; SB 1014, "Modifies law relating to election administration."

18 *Voting in 2006: Have We Solved the Problems of 2004?*; Minnesota Statutes § 204C.035.

19 *Voting in 2006: Have We Solved the Problems of 2004?*; Minnesota Statutes 2005. 204C.07 Challengers; Washington State SSB 6362, "Elections—Voter Registration Challenges."

20 "Deceptive Practices and Voter Intimidation Prevention Act of 2005," S 1975 IS

21 See *Purged! How a patchwork of flawed and inconsistent voting systems could deprive millions of Americans of the right to vote*.



A NETWORK FOR IDEAS & ACTION

Demos: A Network for Ideas & Action is a non-partisan public policy research and advocacy organization committed to building an America that achieves its highest democratic ideals. We believe this requires a democracy that is robust and inclusive, with high levels of electoral participation and civic engagement; an economy where prosperity and opportunity are broadly shared and disparity is reduced; and a strong and effective public sector with the capacity to plan for the future and provide for the common good. Founded in 2000, Demos' work combines research with advocacy—melding the commitment to ideas of a think tank with the organizing strategies of an advocacy group. *As with all Demos publications, the views expressed in this briefing paper do not necessarily reflect the views of the Demos Board of Trustees.*

For more information, visit www.demos.org or contact:

Steven Carbó, Senior Program Director, Democracy Program | scarbo@demos.org | (212) 389-1400
Brenda Wright, Managing Attorney, National Voting Rights Institute | bwright@nvri.org | (617) 624-3900

Media inquiries: Timothy Rusch, Communications Director | trusch@demos.org | (212) 389-1407

To find out more about Demos' *Election Reform Agenda*, download or request a copy of **Fulfilling America's Promise: Ideas to Expand Opportunity and Revitalize Our Democracy**, a 2006-2007 Policy Briefing Book.

220 Fifth Avenue, 5th fl., New York, NY 10001
T. (212) 633.1405 F. (212) 633.2015
info@demos.org | www.demos.org