

NBCSL



UPHOLDING VOTING RIGHTS FOR ALL AMERICANS



**A Special Report by the National
Black Caucus of State Legislators**
APRIL 2014



National Black Caucus of State Legislators (NBCSL)

NBCSL's mission is to develop, conduct, and promote educational, research, and training programs designed to enhance the effectiveness of our members as they consider legislation and issues of public policy which impact, either directly or indirectly, upon "the general welfare" of African American constituents within their respective jurisdictions. Over the past 37 years, NBCSL has grown from 14 members to a body of more than 650 African-American state legislators. NBCSL's mission is to create more economic, political, and social equality. NBCSL's priority is to implement policies that will protect and benefit all Americans.

Table of Contents

Executive Summary	4
Introduction	7
Voter Identification	9
Voter Registration Modernization	11
Restoration of Voting Rights for Ex-Offenders	13
Advances in Voting Technology	14
Redistricting	15
Additional Tools of Voter Empowerment	16
Conclusion	17

APPENDIX – Voting Rights Legislation Chart

CHART A: Voter Identification Legislation

CHART B: Voter Registration Modernization

CHART C: Restoration of Voting Rights for Ex-Offenders

CHART D: Advances in Voting Technology

CHART E: Redistricting

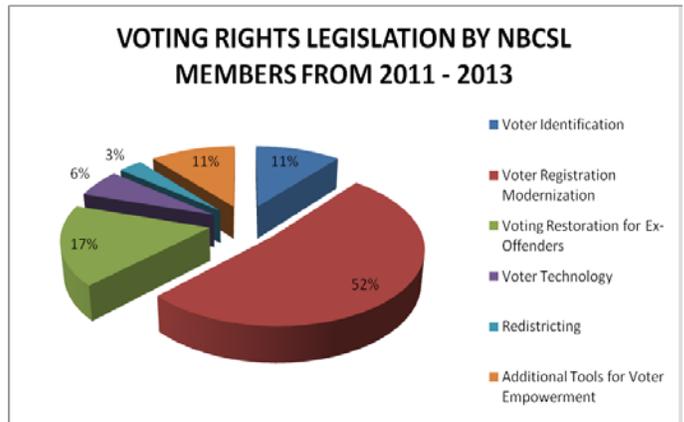
CHART F: Additional Tools of Voter Empowerment



Executive Summary

Since 2006, lawmakers in several states have ramped up efforts to restrict voting rights for millions of Americans. These voting restrictions disproportionately impact people of color, seniors, young people, and lower income individuals.

Upholding Voting Rights for All Americans synthesizes a total of 601 pieces of pro-voting rights legislation from 41 states (including the District of Columbia) introduced by members of the National Black Caucus of State Legislators (NBCSL) between 2011 and 2013. During this time, Black legislators served in every state in the nation except North Dakota, South Dakota, Utah, and Montana. Therefore, in 89% of states with at least one Black legislator in office, Black legislators either sponsored or co-sponsored legislation aimed at protecting the right to vote.



NBCSL strongly promotes safeguarding and broadening voting rights for all Americans through solutions such as

- **Expanding early voting to more states**
- **Permitting portable voter registration**
- **Automatically registering voters through statewide databases**
- **Opposing the elimination or reduction of early voting periods**
- **Discouraging the use of voter ID laws that disenfranchise voters**
- **Declaring Election Day a holiday, or allowing employees to take off time for voting without penalty**

NBCSL strongly supports restoring voting rights for the formerly incarcerated (returning citizens).

- In as many as 12 states, citizens returning to their communities after incarceration are not able to vote, even after they have successfully completed their sentences, including paying restitution/court costs/fines, parole, and/or probation.
- These restrictions disproportionately impact communities of color, disenfranchise returning citizens of their democratic rights, and create further barriers to effective reentry.

NBCSL has advocated for a fair redistricting process, including redistricting reforms that allow inmates to be counted at their residences prior to incarceration instead of a jail or prison.

- Such reforms bring greater integrity to democratic representation and prevent districts from being drawn in a manner that politically benefits a jurisdiction that houses non-voting eligible populations.

NBCSL supports registration and voting practices that not only improve the registration process but also enable voters to cast their vote expeditiously and be counted accurately.

Much of the legislation pursued by NBCSL members between 2011 and 2013 sought to improve access to the ballot box and combat restrictions that exclude people of color, the elderly, young people, and those who are struggling financially. These policy solutions have generally focused on **five main** categories of reforms.

I. Combating Discriminatory Voter ID Laws

NBCSL members have introduced legislation to ease voting by making allowances for student IDs, out-of-state IDs, utility bills, and other non-photo proof of identification in lieu of stringent requirements.

Between 2011 and 2013, Black legislators in 17 states sponsored or cosponsored 64 bills related to voter identification laws designed to increase participation.

II. Modernizing Voter Registration Systems and Increasing Opportunities to Vote

NBCSL strongly supports policies and reforms to modernize voter registration practices and increase opportunities to vote to ensure that all Americans are able to freely access the ballot, cast their vote securely, and have their vote counted accurately. NBCSL members have introduced legislation that would create same-day registration, early voting, automatic voter registration, and portable registration to provide greater access for disenfranchised voters.

Between 2011 and 2013, NBCSL members in 36 states introduced or cosponsored 300 bills related to voter registration and expanding voting opportunities that increase early voting days, online voter registration systems, same-day voter registration, and more ways to enable voter registration and voting.

III. Felony Re-enfranchisement

NBCSL strongly supports restoration of voting rights for the formerly incarcerated (returning citizens). Felony re-enfranchisement policies restore the right to vote to returning citizens once their incarceration, parole, and/or probation are complete. Several pieces of legislation call for the automatic restoration of voter rights when sentences are completed rather than after waiting periods or reapplication.

Between 2011 and 2013, 100 bills were sponsored or cosponsored by NBCSL members in 20 states dedicated to restoring the right to vote for the formerly incarcerated.

IV. Adopting 21st Century Voter Technology

NBCSL supports policies that ensure access to polls and allow all votes to be counted accurately. Communities of color, in particular, have faced longer lines and wait times than White communities. One study indicated that in 2012, Black voters waited almost twice as long to vote as Whites. Voter technology is vital to ensure accurate counts, decreased instances of misread paper ballots, and swift voting processes by maintaining up-to-date electronic voter rolls. Examples of good policies include updating voting machines and ensuring disability-accessible voting machines are made available.

Between 2011 and 2013, Black legislators in 14 states introduced or cosponsored 35 bills geared towards improving voting machines and the voting process in their states.

V. Fair and Transparent Redistricting

NBCSL members have introduced legislation in several states to improve state redistricting processes. These efforts mostly involve ensuring that prisoners are politically counted in the jurisdiction of their last residence instead of where they are incarcerated. Currently, most states allow jurisdictions to count incarcerated individuals in prisons in their municipal limits toward population figures when apportioning political divisions and subdivisions. Reformers (including NBCSL) argue that this practice is unfair because it uses the numbers of incarcerated people to strengthen political power of these jurisdictions by not allowing those counted an actual vote, and because prisoners are most often brought in from another area and return to that area shortly after release.

Some states have sought to change their redistricting processes by creating an opportunity for the public to engage in redistricting commissions or by eliminating at-large elections that squeeze out communities of color from having local representatives who represent their minority groups.

Between 2011 and 2013, NBCSL members in 12 states introduced or cosponsored 18 bills on redistricting.

VI. Additional Tools of Voter Empowerment

NBCSL members have been working to defend against restrictive legislation that curtails the ability of citizens to vote. While working defensively, members have also been working offensively by filing bills aimed at enabling citizens to vote who are overseas, under the Military and Overseas Voter Act, and by penalizing individuals who knowingly suppress voters by fraudulent means, among other methods to restore and protect the right to vote.

Between 2011 and 2013, NBCSL members in 26 states introduced or cosponsored 64 bills that were dedicated to empowering voters.



Introduction

The United States was founded on democratic principles, and in the centuries since, generations of Americans have fought, and even died, to preserve and expand these democratic values to strengthen our nation. However, despite historical improvements in voting rights over that time span, many states have sought to roll back much of that progress.

Following the 2008 elections, lawmakers redoubled efforts in several states ramped up efforts to implement a series of reforms that impinged upon voting rights to millions of Americans. According to the Brennan Center for Justice, 90 bills in 33 states were introduced at the state level ahead of the 2012 election that would make it harder for more than five million people to vote. These voting restrictions disproportionately impact people of color, seniors, young people, and lower income individuals.

Ensuring ballot access has been one of the top legislative priorities by Black state legislators over recent years, and our members have led the fight in states to protect voting rights for vulnerable and disenfranchised Americans. These legislators have also worked to modernize the voting process, recognizing that in many states the registration system is outdated and needs to keep pace with new technological advancements.

Between 2011-2013, Black state legislators served in every state in the nation except North Dakota, South Dakota, Utah, and Montana. During this time, Black legislators introduced policies aimed at protecting the right to vote in 41 states (including the District of Columbia), meaning that in 89% of states with at least one Black legislator in office, a Black legislator(s) either sponsored or co-sponsored pro-voting rights legislation.

The widespread involvement of NBCSL members in introducing legislation to preserve and expand voting rights is a powerful indicator of the current state of voting rights in America today. Barriers still exist and it is clear that Black legislators are dedicated to passing legislation to eliminate these barriers. Furthermore, nationwide commonalities between the types of state legislation introduced point to the need for synergistic federal policies.

The National Black Caucus of State Legislators (NBCSL) strongly champions safeguarding and broadening voting rights for all Americans. Such policies include:

- **Expanding early voting to more states**
- **Portable voter registration**
- **Automatic voter registration through statewide databases**
- **Declaring Election Day a holiday or permitting employees to take off time for voting without penalty**

NBCSL opposes policies that make it more difficult for citizens to vote. Such policies include:

- **Voter ID laws that disenfranchise voters**
- **Elimination or reduction of early voting periods**

Additionally, NBCSL strongly supports restoring voting rights to citizens returning to their communities after incarceration. In as many as 12 states, those with felony convictions (and in some states, certain misdemeanor convictions) are unable to vote, even after they have successfully completed their sentences, including parole and/or probation. These restrictions disproportionately impact communities of color, disenfranchise citizens of their democratic rights, and create further barriers to effective reentry to the community. Finally, NBCSL has advocated for redistricting reform that allows inmates to be counted at their

residences instead of a jail or prison. This improves democratic representation and prevents districts from being drawn to politically benefit jurisdictions for housing disenfranchised populations.

This report gathers and analyzes 601 pieces of legislation sponsored or cosponsored by Black legislators between 2011 and 2013. Much of the legislation by Black members during this period focused on five main areas of voting:

I. Voter ID laws

NBCSL members fought for less restrictive voter ID laws that allow registrants and voters to use non-government-issued or non-photo ID methods, such as utility bills, affidavits, or college IDs.

II. Voter Registration Modernization (VRM) and Increasing Opportunities to Vote

VRM encompasses several areas that create greater access to the ballot, including online voter registration, improving statewide voter registration databases, preregistration, and same-day registration. Methods to increase voter participation include early in-person voting and no-fault absentee voting that allow eligible voters other opportunities to vote outside of Election Day.

III. Felony Re-enfranchisement

Re-enfranchisement restores the right to vote for the formerly incarcerated once parole and/or probation is/are complete. Several pieces of legislation call for the automatic restoration of the right to vote when sentences are completed, as opposed to relying on waiting periods or a formal application process.

IV. Voter Technology Adoption

This includes updated voter machines and ensuring disability-accessible voting machines are made available.

V. Redistricting

A key goal is for inmates to be counted in census populations in their home districts to allow for representation according to the one-person-one-vote principal, as well as legislation aimed at preventing racial gerrymandering.

Each of these methods create fair access to the ballot and can work to combat restrictive forms of legislation that exclude people of color, the elderly, people with disabilities, young people, and those struggling financially. Voter Registration Modernization (VRM) was the most commonly used tactic to make voting more accessible to communities Black legislators serve. Conversely, redistricting policies were the “least used” tactic by Black state legislators.



Voter Identification

Legislative efforts to expand voter ID laws remain a major hurdle in ensuring that every citizen is able to exercise his or her right to vote. Recently, states like North Carolina, Texas, and Mississippi have considered or enacted legislation that would impose strict photo identification requirements at the polls. In these instances, citizens who do not have access to the specific forms of identification the new laws require are often not allowed to vote or are forced to vote using provisional ballots, which may never be counted. In 2011 alone, lawmakers in 34 states introduced voter ID legislation, threatening to make it difficult to vote for millions of Americans who lack photo IDs and, often, the underlying documents needed to obtain photo IDs..

A 2006 study indicated that 11 percent of adults (more than 21 million people) living in the United States do not have a government-issued photo ID,¹ including 18 percent of seniors² and 25 percent of voting-eligible African Americans.³ A lack of IDs can be attributed to many things, for example, the cost of obtaining a driver's license or state-issued ID may be prohibitive. Some older Americans have chosen not to renew a driver's license if they have given up driving. Older Americans are also more likely to face greater difficulty obtaining the underlying documents necessary to apply for a government-issued ID. Additionally, citizens who have changed their name, such as married or divorced women, face barriers to vote if they registered under a different name than appears on their identification.

African Americans living in rural or low-income areas often face greater obstacles in obtaining a photo ID from state ID-issuing offices, due to shortened or erratic business hours. Many voters who rely on public transportation also face increased burdens. This is a significant problem, as more than 1 in every 20 voting-age citizens lacks access to a private vehicle.⁴ More than 10 million eligible voters in the U.S. live over 10 miles from the nearest office providing government issued photo IDs.⁵ Furthermore, people of color and low-income workers are significantly less likely to have work schedule flexibility or paid vacation time that would allow them to obtain photo IDs while government offices are in operation.

Photo identification laws also pose additional challenges for the homeless, disproportionately harming African Americans, who make up an estimated 45 percent of the homeless population in the United States despite constituting just 13.6 percent of the total population.⁶ In particular, applicants for many forms of photo identification must provide a permanent residence when applying. Moreover, many homeless individuals do not have access to requisite documents, such as birth certificates, passports, and Social Security cards.

The disproportionate rate of incarceration among members of racial and ethnic minority groups also contributes to the outsize effect of voter ID laws on those groups. For the formerly incarcerated, it can be difficult to maintain a permanent residence to use for a new ID once they leave jail or prison. In particular, certain convictions preclude not only the ex-offender from receiving housing assistance but can endanger the chances of another person s/he may be living with to receive housing assistance, reducing available permanent housing options for the formerly incarcerated . Additionally, in some states, either Department of Corrections (DOC) documentation may not be used to obtain an ID or newly released prisoners do not receive a DOC state-issued ID at all, leaving many without the access or ability to obtain an ID on their own.

To make matters worse, these onerous voter ID restrictions have little or no basis on actual need; rather, they are a solution in search of a problem garnering support based on unfounded fear of voter fraud and impersonation. A recent study by the Carnegie-Knight Initiative demonstrates the point: the study analyzed 2,068 election fraud cases across the nation between 2000 and 2012, and only identified 10 cases of voter impersonation fraud out of hundreds of millions of ballots cast. The flimsiness of the justifications for these restrictions reveals them as little more than a modern poll tax that serves to disenfranchise large numbers of voters, particularly minorities, older voters, and the poor.

Types of Voter ID laws

Voter ID laws are characterized by two key distinctions:

Strict vs. Non-strict

Strict voter ID laws prevent a person from voting without providing proper identification. If the voter is unable to provide ID, s/he will be given a provisional ballot, which will only be counted if the voter provides necessary identification to election officials within the designated time period, usually several days.⁷ Non-strict voter ID laws allow voters who do not have the requested form of identification to vote despite their failure to produce identification, sometimes requiring a declaration from the voter that s/he does not possess appropriate identification.

Photo vs. Non-photo

Photo identification laws require individuals to use designated identification that includes a picture. Non-photo identification laws permit voters to prove their identity through other documentation, such as utility bills, library cards, or affidavits affirming their identity.

Even if a voter does have photo identification, s/he is not necessarily in the clear. For example, Texas requires people whose name on their photo ID does not exactly match the name on their voter registration to sign an affidavit that they are the person on the registration list.⁸ Married or divorced women in Texas who have changed their name may not be able to vote at all if their former name is on the registration list. Additionally, states such as North Carolina and New Hampshire have passed bills restricting the use of college ID for voting.

NBCSL ACTION

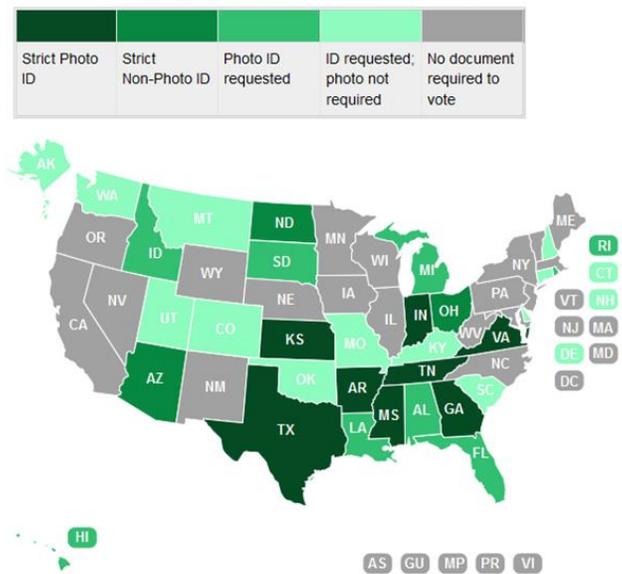
NBCSL members have sponsored or cosponsored legislation to ease voter identification restrictions by making allowances for student IDs, out-of-state IDs, utility bills, and other non-photo proof of identification.

In 2013, Kansas Representatives Gail Finney, Barbara W. Ballard, and Valdenia Winn introduced [HB 2281](#), which would repeal a provision in the state's 2011-enacted voter ID law that requires newly registering voters to provide proof of citizenship at the time of registration. Since this 2011 law required voters to present government-issued photo ID along with the proof of citizenship, HB 2281 would repeal the proof of citizenship requirement while leaving in place the government-issued photo ID requirement. It would also allow those born in Kansas to receive a free copy of their birth certificate if they need their birth certificate in order to obtain the ID (and affirm their intention to vote in the request).

In Pennsylvania, Senators LeAnna Washington, Anthony Williams, and Vincent Hughes introduced [SB 69](#), which would expand acceptable forms of non-photo voter identification to include documents such as pay stubs, utility bills, leases, a firearm permit, and any government-issued check, as well as certain or official correspondence from federal, state, or local governments.

In 2013, South Carolina Representatives J. Todd Rutherford, Robert Brown, and Mia McLeod introduced [HB 3003](#) to allow individuals to use college IDs to vote.

Voter Identification Laws in Effect in 2014



Courtesy: National Conference of State Legislatures



Voter Registration Modernization & Increasing Voting Opportunities

In the United States, 51 million eligible citizens are not registered to vote—more than 24 percent of the voter eligible population.⁹ Voter Registration Modernization (VRM) is a movement to revamp the voting and registration process nationwide. VRM consists of three main elements: automatic registration, permanent registration, and Election Day correction.¹⁰ Automatic registration would enable individuals to be registered to vote once they reach age 18 dependent upon previous interaction with state agencies that have the voter's name, address, and digital signature (most commonly through the Department of Motor Vehicles). Permanent portable registration allows individuals to stay on a state's voter rolls irrespective of an address change, so long as they move within the state. Election Day Correction allows voters to correct or update their voting information up to or on Election Day, to ensure that vote is counted correctly.

Such reforms have been pursued on the federal level in response to the vote counting controversy surrounding the 2000 presidential election. In 2002, Congress passed the [Help America Vote Act \(HAVA\)](#), enacted to improve election administration standards and to modernize voter registration. These standards include provisional voting, statewide voter registration databases, and updated voting equipment. Improvements in voter technology decrease the likelihood of uncounted votes as well as increase efficiency in the voting process. Furthermore, uniform standards in voter count will help curb irregularities from human error. The National Voter Registration Act of 1993 also known as the "Motor Voter Act" made it easier for citizens to register to vote through Departments of Motor Vehicles and public assistance offices, and it established the mail-in voter registration form. The NVRA also has requirements for states to maintain their voter registration rolls for federal elections.

Colorado, Delaware, Florida, Maryland, Ohio, Oregon, Utah, and the District of Columbia all have systems of portable registration which aided with voting during the 2008 and 2010 election cycles, when approximately one in eight registered voters moved.¹¹ Election Day registration or Same-Day registration allows for individuals to register or make changes to their voter registration on Election Day and is currently available in ten states plus the District of Columbia. Conversely, states such as North Carolina (which eliminated Same-Day registration in 2013) have curtailed those forms of voting opportunities potentially affecting voter turnout.

Additional VRM solutions include online voter registration, pre-registration for 16 and 17 year-olds, and statewide voter registration databases. Methods to increase the vote include early in-person voting and no-fault absentee voting that allow eligible voters other opportunities to vote outside of Election Day. The Election Assistance Commission (EAC), established by HAVA, found that online voter registration in the states increased from 768,111 people in 2010 to 3,329,216 in 2012.¹² Additionally, EAC found that in several states such as Nevada, North Carolina, and Tennessee, in-person early voting made up over half of the ballots submitted.¹³ Moreover, in California, online voter registration increased the number of African-American registrants, with nearly 80% showing up at the polls. Through these methods of modernized voting, higher numbers of voters were able to vote and have their votes counted.

NBCSL ACTION

NBCSL strongly supports policies and reforms to modernize voter registration and increase opportunities to make voting fair and accessible to all eligible voters. As such, NBCSL members have pushed legislation that would create same-day registration, automatic registration, and portable registration to provide greater access for disenfranchised voters.

Illinois Senate bill [SB 1707](#) cosponsored by NBCSL member Jacqueline Collins, established that state's online voter registration system.

Maryland Delegates Jolene Ivey and Michael G. Summers cosponsored [HB 242](#) to expand that state's early voting system. This bill allows same-day registration and early voting at designated early voting centers.

New York Senators Eric Adams and Kevin Parker cosponsored [S 1992](#) in 2013, which allows eligible teenagers as young as 16 to pre-register and be automatically registered once information on their age and address is verified. The bill also requires school boards to provide voter education programs to promote voter preregistration.

A dozen NBCSL members in North Carolina are leading The Ella Baker Voter Empowerment Act ([HB 689/SB 708](#)) to improve the state's early voting and same-day registration systems. This bill would also create an online voter registration option for people eligible to vote and who possess a current ID. The bill would allow same-day registrants to vote using a provisional ballot pending verification of their registration information. Finally, the bill would also allow eligible voters to register at the Department of Motor Vehicles.

Ohio Senators Nina Turner, Edna Brown, Eric Kearney, and Charleta Tavares cosponsored [SB 20](#), which would establish a Voter Modernization Taskforce charged with modernizing the elections process. The taskforce would address a variety of areas such as voter registration, absentee voting, in-person absent voting, provisional voting, voting technology, registration databases, and voting centers. The bill would also provide additional legal remedies, including injunction or monetary damages for individuals improperly denied the opportunity to vote.



Restoration of Voting Rights for the Formally Incarcerated

More than 5.85 million Americans are unable to vote because they are serving time in prison for a felony.¹⁴ In eleven states, formerly incarcerated individuals are not allowed to vote even after they have fully completed their sentences (including parole and/or probation¹⁵), which disenfranchises an additional 2.6 million Americans.¹⁶ Only two states, Maine and Vermont, allow *incarcerated* individuals with a felony conviction to vote.¹⁷

These laws disproportionately affect communities of color. African Americans make up more than 39 percent of the incarcerated, but comprise only 13.6 percent of the total population. The [Prison Policy Initiative](#) noted that in 2010, African Americans were almost six times as likely and Latinos were more than twice as likely to be incarcerated as Whites. As a result of these laws, 2.2 million African Americans are barred from voting.¹⁸ Disenfranchising ex-offenders has an impact on elections, according to a study published in *American Sociological Review*.¹⁹ For instance, in Florida where more than one-fifth of the Black population is unable to vote, George W. Bush's win in 2000 would have been less certain if the disenfranchised had been able to vote.²⁰

Denying democratic rights to those with convictions serves to further isolate these individuals, and it only heightens barriers for them to reenter into society and rehabilitate.

NBCSL ACTION

The National Black Caucus of State Legislators strongly supports restoration of voting rights for the formerly incarcerated.

In 2007, Maryland enacted the Voter Registration Protection Act ([SB 488](#)) that restores voting rights for the formerly incarcerated once their term of imprisonment, parole, and probation have concluded. The bill was cosponsored by the following NBCSL members: Senators Gwendolyn Britt, Joan Carter Conway, Ulysses Currie, Lisa Gladden, Delores Kelley, and Catherine Pugh.

In 2013, Delaware enacted [HB 10](#), known as the Hazel D. Plant Voter Restoration Act, which eliminated a state-imposed five year-waiting period barring the formerly incarcerated from becoming automatically eligible to vote. The bill was cosponsored by the following NBCSL members: Representatives James Johnson, Stephanie T. Bolden, and Charles Potter, and Senator Margaret Rose Henry.

New Jersey Assemblywomen Bonnie Watson-Coleman and Cleopatra Tucker have also introduced [A 3428](#), which would provide voter registration information to citizens upon their release from prison.



Voter Technology

Innovations in voter technology improve accuracy in vote counting as well as maintaining poll lists. In its 2012 survey, EAC found that the most common voting system was the optical or digital scan machines.²¹ Optical scan or digital scan machines are voter systems that require voters to fill out a paper ballot which is then read by a scanner.²² Other voting machine types include

- **Direct Recording Electronic (DRE) machines which record a voter's selection on a memory card and do not use a ballot;**
- **DRE machines that have a voter-verified paper audit trail, which provides a voter with information on his or her selection;**
- **Hybrid systems that combine a DRE with an optical scanner;**
- **Punch card machines;**
- **Lever machines; and**
- **Paper ballots.**

NBCSL ACTION

NBCSL strongly supports policies and reforms to modernize voter technology to ensure all votes are accurately counted; accessible for all voters, particularly individuals with disabilities; reliable; and secure from fraud. Communities of color have faced longer lines and wait times than White communities. [One study](#) indicated that in 2012, Black voters waited almost twice as long to vote than Whites. Voter technology is vital to decrease instances of misread paper ballots and maintain up-to-date electronic voter rolls, thereby promoting swifter voting processes.

To address these issues, Virginia Delegate Luke Torian cosponsored [SB739](#). This bill would require election sites to host one voting machine for each 500 registered voters – an increase from the previous ratio of one machine per 750 registered voters. This would invariably increase access to voting machines for registered voters. Additionally, Delegate Lionell Spruill introduced [HB 1490](#) that would allow municipal and county governing bodies to acquire DRE machines. DRE machines reduce the need for paper ballots, thereby reducing costs associated with voting. DRE machines also provide for immediate feedback to the voter to indicate whether his/her vote has been cast correctly and speed up the vote counting process.

In Missouri, [HB 768](#) would provide voting machines dedicated to blind or visually impaired voters and was cosponsored by Representatives Rochelle Walton-Gray, Bonnaye Mims, Randy Dunn, Sharon Pace and Steve Webb. Increasing accessibility for disabled voters ensures Americans are able to cast their votes without restrictions.



Redistricting

Redistricting occurs every ten years as a result of population changes noted by the U.S. Census. In 34 states, the legislature is responsible for creating the redistricting plan. In six states (Arizona, Hawaii, Idaho, Indiana, Montana, New Jersey and Washington), Congressional districts are drawn by independent commissions.

Section 2 of the landmark federal Voting Rights Act of 1965 prohibits redistricting plans that discriminate against groups on the basis of race, color, or membership in a minority group. Under certain circumstances, one or more “majority-minority” district(s) is (are) required in a congressional redistricting plan.²³ A majority-minority district is one in which a racial or language minority group comprises a voting majority.²⁴ This can prevent the voting preferences of minority populations from being neutralized for representation at the congressional level. Section 2 provided important protections from discriminatory redistricting changes. While Section 2 remains intact, the Supreme Court’s decision to strike Section 4(b) of the Voting Rights Act, which set the coverage formula for preclearance, reduced enforcement abilities by the U.S. Department of Justice to protect the most vulnerable communities of color during the redistricting process. See *Shelby County v. Holder*.

NBCSL ACTION

NBCSL members have championed legislation in several states to improve state redistricting processes. For example, NBCSL members in Washington State and Wisconsin have cosponsored legislation to more closely align their redistricting processes with federal Voting Rights laws, creating truly geographic and community-contiguous districts, and establishing independent redistricting boards.

Other redistricting improvements mostly involve ensuring that inmates are tabulated, for census purposes, in the jurisdiction of their last residence instead of where they are presently incarcerated.

Texas Senator Harold Dutton, Jr. sponsored HB 329, requiring state or local prison facilities to record and transmit inmate home addresses to the U.S. Census Bureau. Such information would be included in census data for redistricting purposes.

In Washington, Representative Roger Freeman cosponsored the Washington Voting Rights Act of 2013 ([HB 1413](#)), which would allow localities with a history of political underrepresentation due to race to move from at-large local elections to district-based systems. The bill would also provide greater legal remedies for individuals to bring actions in state courts in the case of potential voting rights violations.



Additional Tools of Voter Empowerment

Combating voter suppression requires various legislative tools and strategies, including the following:

- Enabling voting for members of the military serving actively;
- Providing multi-language voting materials where required by law;
- Ensuring voting machines and polling places are accessible to voters with disabilities;
- Putting forth legislation creating or increasing penalties for deceptive practices and/or other efforts designed to misinform voters; and
- Supporting voter education policies that inform voters of their rights at the polls and prevent outside groups from intimidating or misinforming voters.

NBCSL ACTION

In the District of Columbia, Councilmembers Muriel Bowser and Vincent Orange cosponsored the [Local Resident Voting Rights Act of 2013](#), which enables non-citizen residents to vote in local elections. This would allow permanent residents the ability to vote, helping to give a voice to long-unrepresented interests.

Senator Coleman Young from Michigan introduced [SB 1254](#) in 2012, which would allow uniformed military voters or overseas voters to submit their absentee ballots electronically. Enabling electronic submission for military and overseas voters creates an easier process for American citizens who wish to vote but are serving overseas.

Permitting voters to prevent or report instances of voter suppression, in conjunction with penalizing voter suppression, are additional tools of voter empowerment. In Wisconsin, Representative Tamara Grisby and Senator Lena Taylor cosponsored [AB 393/SB 311](#), which makes any action aimed at intimidating or preventing a person from voting, within 500 feet of a polling place, a felony.



Conclusion

Protecting access to the ballot and guaranteeing their constituents' voices are heard are of paramount importance to African-American lawmakers. As the electoral landscape continues to shift and becomes more inclusive, NBCSL members will continue to champion the rights of the underserved. Despite brazen attempts to silence these voices by underhanded schemes and tactics, these communities are supported by NBCSL legislators who advocate and represent their interests. In the coming years, these legislators will fight to create even greater access through progressive legislation and raising awareness.

1. "Citizens Without Proof: A Survey of American's Possession of Documentary Proof of Citizenship and Photo Identification, Brennan Center for Justice at New York University School of Law, pg. 1, November 2006, http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf
2. Ibid.
3. Ibid.
4. Ibid. pg. 4
5. Gaskins, Keesha & Iyer, Sundeep, The Challenge of Obtaining Voter Identification, Brennan Center for Justice at New York University School of Law, pg. 3 (2012)
6. U.S. Department of Housing and Urban Development, Office of Community Planning and Development, Annual Homeless Assessment Report to Congress, pg. 30, February 2007
7. National Conference of State Legislatures, http://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx#State_Regs
8. Martha T. Moore, "State Voter ID Laws Snare Women with Name Changes", USA Today, October 30, 2013, <http://www.usatoday.com/story/news/politics/2013/10/30/voter-id-laws-name-changes/3315971/>
9. "Inaccurate, Costly and Inefficient" Evidence That America's Voter Registration System Needs an Upgrade, The Pew Center on the States, pg. 1, February 2012, http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/Pew_Upgrading_Voter_Registration.pdf
10. Voter Registration Modernization, Lawyers' Committee for Civil Rights Under Law, <http://www.lawyerscommittee.org/issues?id=0005>
11. "Inaccurate, Costly and Inefficient" Evidence That America's Voter Registration System Needs an Upgrade, The Pew Center on the States, pg. 2, February 2012, http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/Pew_Upgrading_Voter_Registration.pdf
12. The 2012 Election Administration and Voting Survey, U.S. Election Assistance Commission, pg.12, September 2013, http://www.eac.gov/assets/1/Page/990-050%20EAC%20VoterSurvey_508Compliant.pdf
13. Ibid. pg. 10
14. Chung, J. "Felony Disenfranchisement: A Primer," The Sentencing Project, pg. 1, June 2013 http://sentencingproject.org/doc/publications/fd_Felony%20Disenfranchisement%20Primer.pdf
15. Ibid.
16. Ibid. pg. 2
17. Ibid. pg. 1
18. Ibid. pg. 2
19. Ibid. pg 7
20. Ibid. pg 7.
21. The 2012 Election Administration and Voting Survey, U.S. Election Assistance Commission, September 2013, pg.15, http://www.eac.gov/assets/1/Page/990-050%20EAC%20VoterSurvey_508Compliant.pdf
22. Ibid. pg 82.
23. Whitaker, Paige, Congressional Redistricting and the Voting Rights Act: A Legal Overview, Congressional Research Service Report, pg. 5, August 30, 2013. <http://www.fas.org/sqp/crs/misc/R42482.pdf>
24. Ibid.



Acknowledgements

Writers

Jennifer Blemur, Esq. NBCSL Policy Associate
Michael D. Reed, NBCSL Policy Analyst

Editors

Senator Arthenia Joyner (FL), Esq., NBCSL Chair of Law, Justice, and Ethics Policy Committee
Lauren E. Williams, NBCSL Senior Communications & Policy Associate
Ajenai Clemmons, NBCSL Policy Director

NBCSL extends a special thanks to NBCSL President, Representative Joe Armstrong (TN), NBCSL Officers, and NBCSL Executive Director LaKimba B. DeSadier who enabled the production of this report.

2014 Copyright © The National Black Caucus of State Legislators
444 North Capitol Street, NW
Suite 622
Washington, DC 20001
Phone: 202-624-5457
www.nbcsl.org