

# Voting Rights Under Fire

## Philanthropy's Role in Protecting and Strengthening American Democracy

A REPORT BY

*Carnegie*  
CORPORATION  
OF NEW YORK

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# FOREWORD

In 2016, a young high school teacher named Amanda was eager to vote, a civic act she had relished ever since turning 18. She requested an absentee ballot prior to the November elections, but to her surprise was told she was not registered—and the deadline had passed. Amanda, my niece, had moved her home that year, relocating less than a mile away in the same town. As required, she had reregistered at the Department of Motor Vehicles when she changed the address on her driver's license. She had tried to do everything right, but was still not being allowed to vote. Now, she was upset.

To see if there was anything to be done, I called the national Election Protection hotline. Within a day, I learned that Amanda could appeal her removal from the voter rolls on the morning of the election. She did this at the Hudson County courthouse, and within an hour she was in line to vote. After decades working on nonpartisan voting rights, this was the first I had heard of election courts!

Voting in the United States is not easy. In most states, voter registration ends about six weeks prior to Election Day. But in 20 states and the District of Columbia, a citizen can register and vote on the same day. In some states you can vote early, but in others you can vote only on Election Day. Nineteen states require a written excuse for an absentee ballot. Every state has different poll hours. Confusing—especially if you work multiple jobs, commute, have children to get to school, or just have a complicated life.

Voting has never been easy, especially for new voters, young voters, minorities, and those who live in rural areas. But since the summer of 2013, when the Supreme Court struck down a core element of the Voting Rights Act of 1965 in *Shelby County v. Holder*, it has become much more difficult to protect voters and voting. New, onerous voter registration or voter identification laws have been introduced in many states. And, like Amanda, many voters have learned with anger and dismay on Election Day that they are not eligible to vote.

## VOTER HELPLINES

- **866-OUR-VOTE:** English—administered by the Lawyers' Committee for Civil Rights Under Law
- **888-Ve-Y-Vota:** Spanish—administered by the NALEO Educational Fund
- **844-Yalla-US:** Arabic—administered by the Arab American Institute
- **888-API-VOTE:** Various Asian languages—administered by APIAVote & Asian Americans Advancing Justice-AAJC

Since the early 1980s, Carnegie Corporation of New York has joined with other funder partners to support efforts to protect voting rights, encourage easier and more streamlined ways to register and vote, and ensure that voting machines are secure and votes are counted. Since the *Shelby* decision in 2013, these funders have increased support for voting litigation, policy research, and voter protection efforts to ensure those who are eligible can have their voice heard in our democracy through their constitutional right to vote.

As we approach 2020, this report is a critical summary of the challenges and opportunities for voting and how they have changed over time. We hope the findings here will encourage funders to join us in supporting this crucial work. We hope they will encourage policymakers to increase voter turnout and protect our democracy—both from foreign interference and partisan efforts to curtail the freedom to vote. We hope that citizens will share this information with others. We encourage all American citizens to vote and to remain vigilant against any efforts to curtail their voice. Your vote is your voice.

### Geri Mannion

Director, Strengthening Democracy Program and Special Opportunities Fund, Carnegie Corporation of New York

# EXECUTIVE SUMMARY

Since a 2013 Supreme Court decision that undermined the Voting Rights Act of 1965, lawmakers across the country have been emboldened to take new steps to suppress the vote of specific segments of the U.S. population. Among the groups most harmed by these actions are low-income voters, communities of color, young people, and people with disabilities.

In this report, Carnegie Corporation of New York briefly reviews the historic struggle to advance and protect Americans' right to vote. The report highlights current threats to voting rights across the country and includes commentary and perspectives from many people on the front lines of this struggle today. The Corporation also issues a clarion call to philanthropy to step up support for the work of ensuring that all people can participate freely in elections and government.

## A Short History Lesson

The struggle for equal voting rights dates to the earliest days of U.S. history, when only white males who owned property were eligible to cast a ballot. Over time, voting rights became a bipartisan priority as people worked at all levels to enact constitutional amendments and laws expanding access to the vote based on race and ethnicity, gender, disability, age and other factors. Among the biggest victories in this struggle was enactment of the Voting Rights Act of 1965, which barred many nefarious practices that states and localities had been using for decades to limit voting among African Americans and other targeted groups.

In 2013, the U.S. Supreme Court gutted the Voting Rights Act by declaring key parts of it unconstitutional. Because of the court's ruling in *Shelby County v. Holder*, states and localities with a history of suppressing voting rights no longer were required to submit changes in their election laws to the U.S. Justice Department for review. This, in turn, spurred a "back to the future" moment as many jurisdictions set out to adopt policies and practices clearly aimed at suppressing the votes of people of color and other marginalized groups.

The last decade has seen states all over the country acting with new enthusiasm to make it harder for people to vote, using stricter identification requirements, polling place closures, new limits on voter registration and early voting, indiscriminate purges of voter lists, and other strategies. False and irresponsible claims of rampant voter fraud, particularly in the aftermath of the 2016 presidential election, have added fuel to the fire and prompted even more brazen efforts to suppress the vote.

These activities have a demonstrable and disproportionate effect on populations that are already underrepresented at the polls. Adding to the problems, government at all levels has largely failed to make the necessary investments in elections (from technology to poll-worker training) to ensure the integrity and efficiency of the system.

## Fighting Back

Today, a nationwide army of lawyers, grassroots activists and organizers, coalition and movement builders, and everyday citizens are following in the footsteps of earlier generations of activists who have fought to protect and expand Americans' voting rights. Carnegie Corporation of New York has a long history of leadership and engagement on this issue. Now, it is working with a diverse group of other funders to bring more resources and more unity to the voting rights movement.

A key vehicle for funder and movement coordination is the **State Infrastructure Fund (SIF)**, a collaborative fund administered by NEO Philanthropy. Among other activities, SIF convenes and supports a cohort of the leading nonprofit public-interest litigation groups that are working on voting rights issues. Thanks to increased collaboration among these groups, they have been able to fight back more effectively against the rising tide of voter suppression across the country. They also have joined with grassroots organizations supported by SIF to track the latest threats emerging at all levels and mount an aligned response.

Meanwhile, the Corporation and its colleague funders haven't been content just to support a defensive strategy against voter suppression. They also are actively supporting efforts to

advance policies at all levels that make it easier to vote, and to educate and mobilize underrepresented groups so they exercise their voting rights.

## A Call to Philanthropy

Despite the heroic efforts of the people and organizations that make up today's voting rights movement, and despite increased coordination and investment on the part of their funders, this work urgently needs more support. With the 2020 election on the horizon, the fact is that the voting rights of millions of Americans remain at risk. Carnegie Corporation of New York closes the report with a series of takeaways for funders to consider as they think about how they can become partners in this historic movement to protect our democracy:

- **Invest in core support and infrastructure.** Provide flexible, core support so groups can invest in sustainability, relationships, innovation, and rapid-response capability.
- **Don't think about these issues only at election time.** Support organizations to be more effective on a continuing basis by providing multiyear support during election and nonelection years alike.
- **Support litigation.** Don't shy away from funding voting rights litigation—and when you do it, provide the necessary resources for legal strategies to succeed.
- **Invest in offense.** Support groups at all levels to advance a positive agenda of pro-voter reforms.
- **Invest in the grassroots.** Avoid the tendency to support high-profile state and national work only—invest in grassroots voting rights organizations and their leaders in the communities and regions you care about.
- **Support collaboration and convening.** Bring a movement-building perspective to supporting voting rights by emphasizing collaboration, networks and convening.
- **Join with other funders.** Don't go it alone; SIF and other funder collaboratives provide an effective, cost-efficient vehicle for maximizing your impact and working with like-minded colleagues.

Voting gives people a voice and power. No matter what issues you care about as a foundation or an individual, protecting and expanding voting rights is a critical key to progress. Carnegie Corporation and its partner funders invite you to join in the work of ensuring that the electorate truly reflects the interests and priorities of all Americans.

### Recent Milestones in Voting Rights

The fight to vote has been ongoing since American democracy was born. Just in this select, incomplete list, there are numerous instances of widespread voter suppression efforts, as well as hard-fought campaigns on behalf of voters.

**1920:** Women win the vote

**1960:** Southern states ramp up barriers to voting

**1964:** The 24th Amendment targets poll taxes

**1965:** The Voting Rights Act passes Congress

**1971:** The 26th Amendment lowers the voting age to 18

**1975:** Voting Rights Act expanded to protect language minorities

**1982:** Congress requires new voting protections for people with disabilities

**1993:** "Motor voter" becomes law, allowing voters to register at motor vehicle departments

**2000:** Presidential election problems spotlight need for reform

**2013:** The Supreme Court strikes a blow to the Voting Rights Act in June

**2014:** The voting rights movement coalesces to fight suppression

**2016:** Presidential election spurs false claims of fraud

**2018:** State and local officials keep erecting new barriers to voting

**November 2018:** Election draws record number of voters but problems remain

**2019:** Voting rights groups once again prepare for the Census, redistricting, and the 2020 election

# INTRODUCTION

**M**idterm elections in the United States are notoriously low-turnout affairs. When a president is not on the ballot, Americans have tended to skip voting in significant numbers—even though midterms shape the balance of power in Congress, state legislatures, governorships, local offices, and more. The 2014 elections saw a record low turnout, with slightly more than one-third of eligible voters (36.7 percent) going to the polls.

But on November 6, 2018, something different happened. According to early estimates, 116 million voters—nearly half the eligible voting population (49.7 percent)—cast ballots in the 2018 elections. It was estimated to be the highest turnout in a midterm in 100 years.

The numbers for 2018 were especially impressive given that many states recently have taken aggressive steps to make it *harder* for people to vote. According to the nonpartisan coalition Election Protection, 23 states have created new obstacles to voting in the past decade. These include strict voter identification laws, new curbs on early voting, restrictions on how and when people can register to vote, polling place closures, and purges of voter lists that indiscriminately eliminate the names of eligible voters.

More often than not, specific populations and communities bear the brunt of these actions to limit and suppress the vote. They include people of color, low-income voters, language minorities, young voters, people with disabilities, and naturalized citizens.

## “A Big Game of Whack-a-Mole”

The U.S. Supreme Court opened the door to the resurgence of discriminatory barriers to voting with its 2013 decision in *Shelby County v. Holder*. The five-four decision ruled unconstitutional a section of the landmark Voting Rights Act of 1965 that was key to protecting voters in states and localities with a history of race-based voter suppression.

Allison Riggs, senior attorney with the Southern Coalition for Social Justice, said *Shelby* unleashed a feverish drive to limit

the votes of targeted communities. “It’s like playing a big game of whack-a-mole,” Riggs said of the nonstop fight against voter suppression in the post-*Shelby* world. “We’ve all been working overtime to stop onerous ID requirements, reductions in early voting, and other tried-and-true measures aimed at low-income voters and communities of color. At the same time, people are getting more nefarious in how they target certain communities and try to keep them from the polls.”

Riggs mentioned cases of outright intimidation—such as when poll workers or private citizens accuse voters of being noncitizens. “All of that makes voting seem scary and more trouble than it’s worth,” said Riggs.

In response to these problems, people and groups across the country are working together to protect and advance the right to vote and move us closer to the vision of a nation of, by, and for the people. This work includes **litigation** to challenge unconstitutional barriers to voting, **on-the-ground advocacy** to advance pro-voter policies at the local and state levels, and **nonpartisan efforts to register, educate, and mobilize historically underrepresented populations** so they can participate more actively in elections and civic life.

## A Historical Blip?

Carnegie Corporation of New York is one of a number of U.S. funders who are joining with voting rights groups and others in this urgent work. Geri Mannion, director of the Corporation’s Strengthening Democracy Program, said the nature and scope of today’s post-*Shelby* voting rights challenges demand more action—and more support from philanthropy.

“We all talk about wanting a stronger democracy, but it takes a lot of hard work to get there,” Mannion said. “No matter what issues our foundations are focused on, we’re going to get better results when everyone is able to participate freely—because that makes governments more accountable for tackling real, everyday problems.”

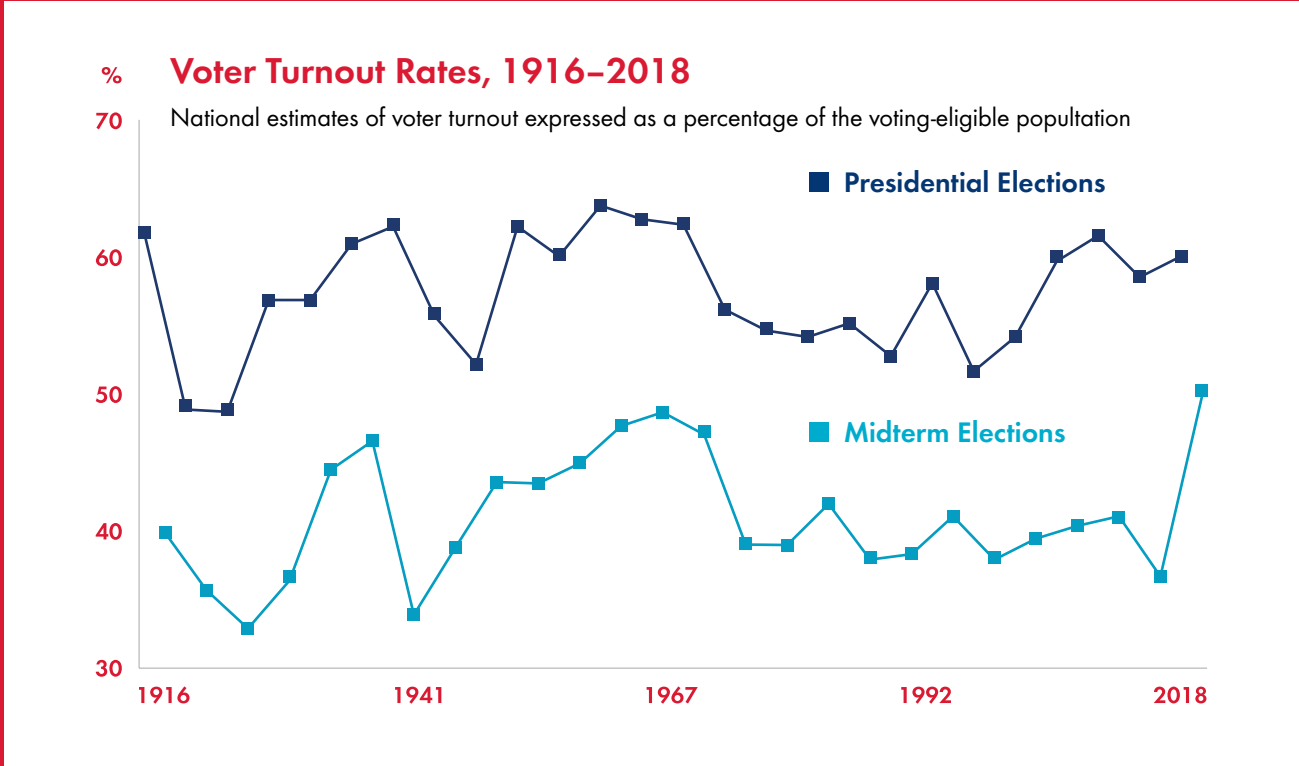
The high level of voter participation in the 2018 election, due in part to ramped-up nonpartisan voter education and mobi-

lization efforts, was a positive sign for the future. But 2018’s success could be a historical blip without greater support for the work of protecting and advancing voting rights from philanthropy, policymakers, the media, and the general public. And, if the United States considers less than half of eligible voters turning out as cause for celebration, what does that say about the true strength of our democracy?

In this report, Carnegie Corporation of New York makes the case for more partners to join in supporting the urgent work of protecting and advancing the right to vote. The report highlights the perspectives and experiences of many of the people and groups that are on the front lines in safeguarding our democracy today.

### Voter Turnout in the United States, 1916-2018

Voter turnout measures the percentage of eligible voters who show up to vote in an election. Turnout in U.S. presidential elections generally is higher than turnout in midterm years, when no presidential candidate is on the ballot. Reducing deliberate voter suppression is a sure route to higher turnout and more equal representation for people and communities that historically have been underrepresented in the U.S. electorate.



Source: United State Election Project ([www.electproject.org](http://www.electproject.org))



# BACK TO THE FUTURE

## A Short History Lesson—and Voter Suppression’s Ugly Return

Since the Reconstruction era, American history has been marked by plodding yet bipartisan progress in trying to open up the voting franchise and welcome more people to the polls. First came the 15th Amendment, ratified in 1870 to ensure that Americans could not be denied the right to vote because of their race. Fifty years later, women won the right with the ratification of the 19th Amendment in 1920. Next up were young people, with the 26th Amendment (ratified in 1971) extending the vote to anyone 18 years of age and over.

But even as the United States was expanding the eligible electorate, discrimination and racism still played a decisive role in elections and voting. The struggle for equal voting rights came to a head in the 1960s as many states, particularly in the South, dug in on policies—such as literacy tests, poll taxes, English-language requirements, and more—aimed at suppressing the vote among people of color, new citizens, and low-income populations. In March 1965, activists organized protest marches from Selma, Alabama, to the state capital of Montgomery to spotlight the issue of black voting rights. The first march was brutally attacked by police and others on a day that came to be known as ‘Bloody Sunday’. After a second march was cut short, a throng of thousands finally made the journey, arriving in Montgomery on March 24 and drawing nationwide attention to the issue.

Inspired by the events in Alabama, Congress passed the Voting Rights Act of 1965. The vote was decisive and bipartisan: 79-18 in the Senate and 328-74 in the House. President Lyndon Johnson signed the measure on August 6, 1965, with Dr. Martin Luther King Jr., Rosa Parks, and other icons of the civil rights movement at his side. In subsequent years, Congress—again, on a largely bipartisan basis—amended and expanded the Voting Rights Act to protect the rights of disabled voters and those with limited English-language proficiency, among other changes.

In addition to barring many of the policies and practices that states had been using to limit voting among African Americans and other targeted groups, the Voting Rights Act included provisions that required states and local jurisdictions with a historical pattern of suppressing voting rights based on race to submit changes in their election laws to the U.S. Justice

Department for approval (or “preclearance”). The preclearance provisions contained in Sections 4 and 5 of the law proved to be a remarkably effective means of discouraging state and local officials from erecting new barriers to voting, stopping the most egregious policies from going forward, and providing communities and civil rights advocates with advance notice of proposed changes that might suppress the vote.

### Opening the Floodgates

For nearly a half century, the Voting Rights Act was the linchpin in the United States’ efforts to ensure that African Americans and other populations did not face discrimination when voting or registering to vote. In 2013, however, the U.S. Supreme Court essentially gutted the law when it declared that Section 4, which set the formula for determining which states and localities were subject to preclearance, was outdated and therefore unconstitutional. This meant that Section 5 of the act, which governed the preclearance process, was inoperable in the absence of congressional action to develop a new formula (which has not happened).

In her dissent in the case, Justice Ruth Bader Ginsburg famously stated, “Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

As a result of the court’s five-four decision, local officials in the covered jurisdictions were once again free to take unfettered steps to limit voting, with disproportionate impacts on marginalized and underrepresented communities.

In the aftermath of the ruling, governments across the country jumped at the chance to suppress the vote. Texas officials, in fact, acted on the *same day* as the *Shelby* decision to institute a strict voter identification law that previously had been blocked under Section 5 of the Voting Rights Act because of its impact in suppressing the vote of low-income people and racial minorities. In North Carolina, lawmakers soon passed their own strict voter ID measure, along with cutbacks on early voting, an option overwhelmingly preferred by African Americans in

the state. After a lawsuit filed by civil rights groups and the U.S. Department of Justice, the North Carolina law was struck down by a federal judge who said it targeted African Americans with “almost surgical precision.”

Officials in Alabama, Mississippi, Florida, and Virginia shortly joined the ranks of those intent on exercising their newly won power to turn back the clock to an earlier time when election laws and practices in many places were marked by blatant discrimination and racism.

“The *Shelby* decision disabled one of the most effective civil rights statutes in American history,” said Thomas Saenz, a nationally known civil rights attorney who serves as president and general counsel of the Mexican American Legal Defense and Educational Fund (MALDEF). Saenz said the Voting Rights Act’s preclearance provisions weren’t just a model approach to advancing civil rights; they were also a totem of smart and cost-effective governance. “Preclearance was one of the first alternative dispute resolution mechanisms in federal law,” Saenz said, noting that it streamlined the legal process and made the resolution of voting rights disputes less costly for both sides.

## New Limits on Voting

The fabrication of new barriers to voting has continued in the years since *Shelby*. In 2018, for example, the Georgia Senate passed bills cutting voting hours in Atlanta (where African Americans are 54 percent of the population) and restricting early voting on weekends. The latter measure was a not-so-subtle attempt to target nonpartisan “Souls to the Polls” events organized by black churches to get their parishioners to vote on Sunday after church. Both Georgia measures were subsequently defeated in the state assembly.

Statewide legislation, of course, is perhaps the most transparent way in which opponents of expanded voting rights try to advance their cause. However, some of the most pernicious barriers to voting often go up with less fanfare and less public notice. At the local level, for example, polling place closures and consolidations rarely get much if any attention in the press, even though they can make voting more inconvenient or even impossible for many communities, including people with

disabilities, students, and low-income residents with limited transportation options and jobs that offer little flexibility to take time off to vote.

A recent *USA Today* analysis found that election officials recently have closed thousands of polling places, with a disproportionate impact on communities of color. In 1,000 counties where 90 percent or more of the population is white, an average of two polling places were closed between the 2014 and 2016 elections. The comparable figure in communities where a majority of residents are people of color: seven polling places closed. In Chicago’s Cook County, which has the largest non-Hispanic black population in the country, election administrators closed or moved 95 polling places.

## Suppression’s Targets

Historically, it is the African American community that has suffered the most because of voter suppression. But other minority populations also have been targeted quite effectively.

Terry Ao Minnis, senior director of census and voting programs with Asian Americans Advancing Justice-AAJC, said a lack of language assistance and multilingual voting materials has been a persistent barrier to increased voting among language minorities, including in the Asian American and Latino communities. The English-language “literacy test” requirements of the past may be gone, but voting rights groups regularly receive reports of local jurisdictions that are not translating materials or offering language assistance at the polls as required by law. Under Section 203 of the Voting Rights Act, localities must translate materials and offer voting assistance for language minorities if those populations amount to more than 10,000 people or 5 percent of the local voting-age population.

“There is clear evidence that when Section 203 is properly implemented, rates of registration and turnout increase significantly among these groups,” said Minnis. “Language access is about allowing people to freely exercise their voting rights, and it is also about bringing a customer service model to election administration in this country. We need to be making it easier, not harder, for people to vote.”

Natalie Landreth, senior staff attorney with the Native American Rights Fund (NARF), identified a lack of language assistance as one of several under-the-radar voter suppression tactics that impact voting rates in Native communities. In a series of field hearings held across the country in 2017 and early 2018, NARF heard from Native Americans about the challenges they faced when exercising their right to vote. Among the biggest barriers were identification requirements that stipulate that voters must have a physical street address. This is a problem, Landreth said, because as many as one-third of Native Americans living on reservations use post office boxes and don't have street addresses.

"When you pass a voter ID law requiring street addresses, you are deliberately disenfranchising people," Landreth said.

Other barriers that came up in the NARF field hearings included election officials' increasing reliance on online voter registration at a time when only 10 percent of the Native population has broadband access, a challenge that applies to other low-income communities across the country. Landreth also cited the problem of polling place closures on reservations. "In South Dakota, there is a community with eight white people who have a polling place," she said. "Forty miles away, a community of 2,200 Indians has nothing."

## **Election Administration and Funding in Focus**

Many of the barriers that threaten the voting rights of underserved and marginalized populations are the result of intentional voter suppression. Others stem from inept election administration or a lack of funding, which (intentionally or not) inhibits the capacity of localities to manage elections in a way that ensures that everyone has an equal opportunity to participate. Some of these problems came to the fore in the aftermath of the 2000 presidential election, when the contentious recount process in Florida shined a harsh light on everything from flawed ballot designs to outdated voting machines that overheated and failed.

Recent elections have seen extensive reporting on polling places plagued with long lines, broken voting machines, and an insufficient number of provisional ballots. (Under the Help America Vote Act of 2002, states must allow voters to fill out a provisional ballot if there is a question about their eligibility to vote; these ballots are then counted once a determination is made about the voter's eligibility.)

Voting rights advocates regularly point out that these election administration snafus occur predominantly in low-income communities and places with large urban populations.

Tamieka Atkins, who works on these issues in Georgia, said African Americans and other underrepresented groups in her state have been dealing with an array of Election Day calamities and confusing policies. The reasons: decentralized election administration and a state government that's failed to create clear standards when it comes to everything from poll-worker hiring and training to machinery. Atkins is executive director of Pro Georgia, a nonprofit, nonpartisan collaborative of organizations working on civic engagement and voting issues.

"Georgia has 159 counties and each one runs its elections differently," Atkins said, noting that the only state with more counties is Texas. As an example of the problems this causes, she said each county makes its own decisions about how many provisional ballots to print. "If they run out, then that's it and you can't vote if you need a provisional ballot," Atkins said. "And most poll workers don't understand the rules around provisional ballots anyway."

## **Purges Get Popular**

Yet another threat to the right to vote is the practice of indiscriminate deletions of people from government-maintained lists of registered voters. These deletions, known as purges, often are carried out in the name of ensuring the integrity of voter rolls. The purported goal is to eliminate duplicate names, the names of deceased individuals or people who have moved, and those of people who for one reason or another are considered ineligible to vote (such as those with standing felony convictions).

Purges, however, have long been undertaken in haphazard—and discriminatory—ways, with the result of denying the right to vote to people who are legitimately registered. Before the *Shelby* decision in 2013, states covered under Sections 4 and 5 of the Voting Rights Act had to submit their plans for purges for preclearance to the U.S. Department of Justice, and to certify that those purges were not being carried out with discriminatory intent.

After *Shelby* removed the preclearance requirement, previously covered states and localities ramped up their purges to an alarming degree, according to a 2019 report from the Brennan Center for Justice. In all, these jurisdictions removed the names of more than nine million people from the voter rolls between the 2012 and 2016 presidential elections, a rate that far exceeded the number of purges in jurisdictions that were not covered under the Voting Rights Act.

In an example of how such purges can affect eligible voters, the Brennan Center report documents how state officials in Arkansas sent a list to counties of 7,700 names to remove from the voter rolls because of supposed felony convictions. Later, it was discovered that the state list was riddled with errors; many of the people had never been felons at all, and others had done their time and already had their voting rights restored.

“The *Shelby County* decision opened the floodgates for a rise of voter suppression laws like voter ID, and now we have reason to be concerned it had the same impact on purges,” said Myrna Pérez, deputy director of the Brennan Center’s Democracy Program and head of its voting rights and elections project. “Some states deleted more voters’ names than they had in the past, increasing the chance that eligible voters find themselves missing from the rolls on Election Day. We did not find one state that was doing enough to protect against bad purges.”

## The Current Landscape

Today’s efforts to suppress the vote often are carried out in response to increased political participation and activism among young people, communities of color, and others who are perceived in some way as a threat to the established political order.

## Beyond the Voting Rights Act

In the 1990s and early 2000s, Congress continued to build on the legacy of the Voting Rights Act in an effort to advance and protect voting rights. The two key measures enacted by bipartisan majorities during this period were:

### The National Voter Registration Act of 1993.

This law was enacted in response to historically low rates of voter registration in the late 1980s and early 1990s. Also known as “motor voter,” the law required states to allow citizens to register to vote when they applied for their driver’s license. The law also required states to offer mail-in registration and to allow people to register to vote at offices offering public assistance. In the first year of its implementation, more than 30 million people completed their voter registration applications or updated their registration through means made available by the law. The Senate approved the final measure on a 62-36 vote; the House vote was 259-160. President Bill Clinton signed the bill on May 20, 1993.

**The Help America Vote Act of 2002.** With memories of the problems of the 2000 election still fresh in everyone’s mind, Congress passed the Help America Vote Act in 2002 with the goal of streamlining election procedures across the nation. The law placed new mandates on states and localities to replace outdated voting equipment, create statewide voter registration lists, and provide provisional ballots to ensure that eligible voters are not turned away if their names are not on the roll of registered voters. The law also was designed to make it easier for people with disabilities to cast private, independent ballots. The law passed the Senate by a 92-2 vote; the House vote was 357-48. It was signed by President George W. Bush on October 29, 2002.

“The falsehood that our electoral system is plagued by “massive voter fraud” increasingly has been used to spread fear and to justify fresh attempts to limit voting. A *Washington Post* analysis was able to find only four documented cases of voter fraud in the 2016 election out of 135 million ballots cast. The made-up narrative about fraud ultimately resulted in President Donald Trump convening the Presidential Advisory Commission on Election Integrity, which disbanded in January 2018 without presenting any evidence or findings of voter fraud.

But a lack of evidence of a problem has not stopped lawmakers and advocates at all levels from continuing to press their case for actions to limit people’s voting rights. According to Dale Ho, a lawyer who directs the American Civil Liberties Union’s (ACLU) Voting Rights Project, voter suppression is an urgent problem in localities and states across the nation, not just in places that were previously covered under Section 5 of the Voting Rights Act.

“Five or 10 years ago, I would not have expected to see the ACLU and others bringing voting rights cases in places like Kansas, Pennsylvania, and Wisconsin,” he said. “But we are. And what that says to me is that the longstanding consensus in this country that everyone should be able to vote has broken down.”

Ho pointed to Kansas as an especially egregious example of the lengths to which people are willing to go to suppress the vote. Under the leadership of former Secretary of State Kris Kobach, who was subsequently tapped by President Trump to lead the Presidential Advisory Commission on Election Integrity, Kansas sought to require residents to present documents affirming their citizenship (either a passport or birth certificate) when registering to vote.

“Kansas was only state to try this based on the lie that non-citizens were registering to vote in large numbers,” Ho said. The result of the “papers please” requirement was that people were discouraged and “scared away” from registering, he added. Ultimately, the ACLU took the state to court, and a judge struck down the law.

**“The longstanding consensus in this country that everyone should be able to vote has broken down.”**

**Dale Ho**

Director of ACLU Voting Rights Project

The 2018 election provided a glimmer of hope for voting rights advocates and funders that the tide may be turning against efforts to suppress the vote and deprive targeted populations of their rightful voice in our democracy. Not only did voter turnout set a 100-year record for midterm races, but the election saw record numbers of women and candidates of color running at all levels. In addition, voters approved a number of important state ballot measures aimed at expanding the electorate and making it easier to vote. For example:

- Florida voters approved a ballot measure lifting the permanent ban on voting by those with a felony criminal record (see page 19).
- Voters in Michigan and Nevada approved measures that will require the state government to automatically register people to vote when they interact with the Department of Motor Vehicles.
- Maryland voters passed a state constitutional amendment allowing same-day voter registration on Election Day.

But old habits (and old prejudices) die hard, and there are still plenty of powerful forces standing in the way of real and lasting progress in the continuing struggle to protect and advance the right to vote.

## Key Tools to Battle Voting Rights Suppression

Over the years, advocates for voting rights have employed a variety of tools and strategies to advance and protect the votes of all Americans.



**Advocacy:** Advocacy around voter-friendly policies, technologies, ballot design, and language access has expanded women's rights, civil rights, and more throughout American history.



**Election Assistance:** From language minorities to people with disabilities, those who face unique barriers to voting can find personalized voting information about poll locations, registration deadlines, and more via targeted websites and telephone hotlines.



**Election Monitoring:** Administering U.S. elections is a local function, so monitors can help ensure all equal, legal treatment and report problems like long lines or broken machines.



**Get-Out-the-Vote Drives:** Groups like the League of Women Voters and Rock the Vote often organize nonpartisan efforts aimed at mobilizing underrepresented populations to turn out.



**Litigation:** Legal action has successfully challenged numerous attempts to disenfranchise voters and shined a public spotlight on suppression tactics, especially in the wake of the Supreme Court's 2013 *Shelby* decision.



**Nonpartisan Voter Education:** These groups help prospective voters to understand complex rules about where and when to vote, to get absentee ballots, or to understand their choices at the polls through voter guides, sample ballots, and candidate debates.



**Organizing:** Door-to-door canvassing, rallies, and community events help mobilize volunteers and enlist more people in the work of fighting voter suppression and expanding the franchise.



**Research and Data:** Research on polling place closures, purges of voter lists, and the experiences of different populations at the polls informs action to expand access to voting.



**Voter Registration:** These efforts target unregistered eligible voters. Less than two-thirds of eligible voters in the country are registered to vote.

# PROTECTING THE VOTE

## A Movement and Its Funders Fight Back

The fight for equal voting rights in the United States has been waged by successive waves of brave advocates and social movements—from Frederick Douglass and others who fought to expand the franchise to include African American men in the wake of the Civil War to the suffragists who struggled for decades to win the women’s vote. In his 2016 book, *The Fight to Vote*, Brennan Center for Justice President Michael Waldman describes a contentious and ongoing struggle for power:

*“Our effort to translate ideals into the reality of representative government has been about more than process; for more than two centuries, it’s been raw, rowdy, a fierce and often rollicking struggle for power. At every step of the way, while some fought to gain a voice in their government, others fought just as hard to silence them.”*<sup>1</sup>

Today, the fight for voting rights is led by a diverse army of lawyers, grassroots activists and organizers, coalition and movement builders, funders, and everyday citizens who are committed to the principle that the United States is a better, stronger nation when more people participate in politics and public life. At a time when the country appears to be stalling—and, in some ways, shifting in reverse—in the centuries-long expansion of the franchise, people and organizations are working at all levels of society to protect and advance the right to vote for all eligible citizens.

Historically, this work has been hindered by a lack of coordination among organizations. People and groups in different states and localities were often operating largely on their own, with little connection to others who could share successes, strategies, and lessons learned. Legal groups and litigators waging their whack-a-mole battles against unconstitutional attempts to suppress the vote were prone to gravitate to the highest-profile cases (in part because of pressure from funders), rather than working together in a determined way to cover more ground and align their legal strategies for greater impact.

Yet another big challenge has been a lack of reliable funding for this work. Voting rights groups at all levels simply have

not had the resources needed to strengthen their leadership, staffing, and overall capacity. When funding is available, it often arrives in the months immediately preceding key elections and then disappears just as quickly, making it extremely difficult for organizations and networks to build the year-round, election-to-election systems and staffing they need to achieve steady, sustainable progress in protecting people’s right to vote.

“This work is unevenly funded, it is underfunded, and it is cyclical,” said Jamal Watkins, vice president of civic engagement with the NAACP. “You see surges of resources based on election cycles and geography when there are high-stakes races. But that means we’re investing too late to really change things, and we’re always in a reactionary mode.”

### Philanthropy Joins the Fight

The voting rights field has been able to tackle some of these challenges in recent years with the help of a core group of funders that are deeply committed to this work. Often working together to align their strategies, the funders are supporting field-building and convening efforts to strengthen coordination across the movement. They also are investing in core support for voting rights groups at all levels so they can build strong, sustainable organizations for the long haul.

Carnegie Corporation of New York has a long history of investing in efforts to remove barriers to civic participation (see sidebar). From the start, the Corporation was joined in this work by established funders such as the Ford, Joyce, and Rockefeller foundations and the Pew Charitable Trusts. Over time, new funders came on board, from the Open Society Foundations and the Democracy Fund to foundations such as the Bauman Foundation and the Bernard and Anne Spitzer Charitable Trust.

According to Erika Wood, Ford Foundation program officer for civic engagement and government, the work on voting rights issues is part of the funder’s broader commitment to advancing social justice and tackling inequality. “We look at voting and civic engagement from the perspective of trying to make certain

<sup>1</sup> Michael Waldman, *The Fight to Vote* (New York: Simon & Shuster Paperbacks, 2016), p. xiv.

people have a voice and a vote when it comes to the laws and regulations that affect their daily lives,” said Wood.

An important focus for Ford is supporting litigation and legal advocacy to eliminate voter suppression and safeguard the right to vote. Wood said the foundation is also committed to supporting groups working at the state and local levels to expand participation in elections and civic life. “Focusing on Washington, DC, and Congress is important, but we’re finding that the place where you can really make change is in the states and communities.”

For the Democracy Fund, established in 2011 by eBay founder Pierre Omidyar, advancing voting rights is core to the foundation’s vision of ensuring that “people come first” in American democracy. Adam Ambrogi, program director for elections with the DC-based grantmaker, said the Democracy Fund focuses its voting rights investments on a range of activities that are essential to the integrity and accessibility of elections. These include modernizing voter registration, protecting voting rights, supporting nonpartisan voter education and mobilization, and improving election administration.

“In our view, you can’t talk about voting rights without talking at the same time about how we run elections in this country,” said Ambrogi. “Election administration may not be as sexy as some of the other issues people focus on in this space, but it has a huge impact on people’s ability to exercise their right to vote, especially in traditionally underrepresented communities.”

The Bernard and Anne Spitzer Charitable Trust is a more recent entrant into the cadre of foundations that are investing in voting rights. Executive Director Sara Kay said the trust’s work on the issue is part of a broader democracy program that also covers issues from press freedom to government accountability and independent courts. “We see voting rights and equal access to the polls as essential to a healthy and thriving democracy,” Kay said.

## Funder Collaboration Gets Results

As in many other areas of philanthropic interest, funders increasingly are seeking to work together in their support for voting rights. A key vehicle for collective funder action on these issues is the State Infrastructure Fund, a collaborative fund administered by NEO Philanthropy. The fund was created in 2010 and has raised more than \$56 million from an expanding list of funders to invest in advancing voting rights and expanding voting among historically underrepresented communities.

The Bernard and Anne Spitzer Charitable Trust is a major SIF funder, alongside Carnegie Corporation of New York and others. As a leanly staffed foundation, the Spitzer trust views the SIF as a “great avenue” for investing in voting rights without having to hire its own expert staff or build a stand-alone grants program. “What you tap into with SIF is a highly expert staff who are familiar with the conditions and the issues on the ground, plus an already existing network of funders and organizations that are working together to increase the effectiveness of this nationwide movement,” said Kay. “This is a case where the whole is definitely bigger and better than the sum of its parts.”

Following the *Shelby* decision in 2013, SIF worked with its core funders to help increase coordination and alignment among groups working at all levels to fight the upsurge in voter suppression.

Karen Narasaki is a longtime civil rights leader and attorney who was tapped by the Corporation and the other SIF funders to help bring more alignment to the voting rights movement after the *Shelby* decision. Working as a consultant to the SIF, Narasaki helped the funders develop a coordinated strategy to support the movement in stepping up to the new challenges it was facing.



“All of us were looking at a whole new ballgame where democracy was under assault,” Narasaki said of the weeks and months after the *Shelby* decision. “The goal was to bring people together in this new environment to figure out what kind of litigation strategies were needed and also what kind of organizing, communications and research investments would help in the face of all these attacks on people’s basic rights.”

Narasaki said the movement faced challenges on all fronts. In states that were previously covered under the preclearance provisions of the Voting Rights Act, grassroots advocates now had to work in new ways to monitor and respond to ramped-up efforts to suppress the vote.

Meanwhile, attacks on the right to vote increasingly were appearing in states that weren’t covered under the Voting Rights Act. Narasaki cited the widespread adoption of strict voter ID laws across the country. Another example: rampant voter purges in states like Ohio, which strikes people from the list of registered voters if they don’t vote for two years running and they fail to return a mailer from the elections office.

## Litigators United

One of the State Infrastructure Fund’s most important post-*Shelby* shifts was to convene funders and a cohort of non-profit public-interest litigation groups to form a new collaborative aimed at streamlining and coordinating the field’s response to a fresh wave of policies to suppress the vote. Coordinated by MALDEF, the collaborative of 12 organizations<sup>3</sup> has played an essential role in pushing back against strict voter identification laws, racial gerrymandering, and other tactics aimed at reducing the voting rights of underrepresented populations.

Since the start of 2016, members have collectively filed or continued more than 50 voting rights cases, achieving successful outcomes in more than 80 percent of them. The collaborative structure has led to an increase in close working co-counsel relationships. Among the key cases where this work made a

difference was the successful fight against a “monster bill” in North Carolina that included strict photo ID requirements, eliminated same-day voter registration, made cuts to early voting, and prevented ballots from being counted if they were filed in the wrong precinct. The case was litigated by the Advancement Project, ACLU, and Southern Coalition for Social Justice, all members of the SIF collaborative.

In addition to working as co-counsel on specific cases, the litigation groups hold a monthly teleconference meeting and get together in person two to three times per year. Thomas Saenz, who heads up MALDEF’s voting rights work and serves as chair of the litigation collaborative, said most of the attorneys knew each other and had worked together on an ad hoc basis in years past. What’s different now, he said, is a more formal commitment among group members to “cutting turf” and sharing resources.

“There’s a lot more clarity now that we want to avoid piling on to the same cases, cover more bases where possible, and share what we know,” Saenz said. He added that the groups regularly help each other’s cases by sharing briefs, recommending defense experts, and offering information on plaintiffs, among other actions.

Dale Ho of the ACLU echoed Saenz’s comments. “The State Infrastructure Fund has been enormously helpful in bringing everyone to the same table,” he said. “Things are happening so fast on this issue, so it’s critical to have this place where we can get together and figure out what groups can take on what cases and who can respond fastest.” The litigation collaborative, Ho added, has supported the ACLU and the other groups to “avoid redundancy and duplication as much as possible and approach new challenges with more coherence.”

To the extent that there was redundancy and tension among voting rights legal groups in the past, some of the problem could be laid at the feet of philanthropy. Tanya Clay House, senior program officer for voting rights at the State Infrastructure Fund, said funders historically have encouraged a “rush to

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<sup>3</sup> Asian American Legal Defense and Education Fund (AALDEF); Asian Americans Advancing Justice (AAJC); American Civil Liberties Union (ACLU); Advancement Project; Brennan Center for Justice; Demos; Latino Justice/PRLDEF; Lawyers’ Committee for Civil Rights Under Law; Mexican American Legal Defense and Educational Fund (MALDEF); Native American Rights Fund (NARF); NAACP Legal Defense and Educational Fund; Southern Coalition for Social Justice (SCSJ).

the courthouse” among their litigation grantees. “Because of the competition for funding, people were always seeking to advance their organizations in the eyes of the funding community,” House said. While she acknowledged that there is still “healthy competition” among the groups, she said a key goal of SIF is to facilitate more collaboration and communication in the legal community, while also educating funders about the value of aligning their resources for bigger impact.

State Infrastructure Fund Director Lisa Versaci said the funding collaborative also has played an important role in educating funders about the power and the potential of investing in litigation. She noted that as recently as five or 10 years ago, many funders were nervous about supporting litigation—in the same way that funders traditionally have shied away from supporting policy advocacy even though it can be perfectly legal and appropriate to do so. But today this has changed. “There’s been a clear evolution in funders’ acceptance that voter suppression is really happening and it’s a significant problem, and we can address it with nonpartisan ‘c3’ money,” Versaci said.

## Grassroots-Fueled Legal Action

In addition to supporting national and regional legal groups to collaborate more strategically, the State Infrastructure Fund and its member funders have helped connect these groups to local and state nonprofits that can conduct on-the-ground monitoring and provide essential evidence as litigators move cases through the courts. The state of Georgia provides numerous examples of what this collaborative legal work looks like in practice.

A SIF grantee in Georgia, the ProGeorgia State Table, served as a plaintiff and played a key role in providing evidence for a successful 2017 lawsuit challenging a state policy that cut off voter registration for federal runoff elections two months earlier than guaranteed under federal law. ProGeorgia also has been a key player in the legal fight against a state policy that placed the registrations of more than 50,000 voters on hold in the weeks leading up to the 2018 election.

Under the “exact match” policy, which disproportionately affected African American voters, voter registration applications were placed on “pending” status if the registration information did not exactly match other government records, such as those maintained by the Department of Driver Services or the Social Security Administration.

“The lack of a match could be the result of anything. Maybe it’s an administrative error, or maybe one agency has your name with a hyphen and another doesn’t,” said Tamiaka Atkins, executive director of ProGeorgia. “Whatever the case, your registration ends up on a different list and you are going to have a harder time voting.”

The exact match policy became a flashpoint in the 2018 gubernatorial election, in which Secretary of State Brian Kemp, whose office administered the policy, was running against Stacey Abrams, the former minority leader in the Georgia House of Representatives. ProGeorgia joined with the Lawyers’ Committee for Civil Rights Under Law, another partner in the SIF litigation collaborative, to file a lawsuit to overturn the policy. This was the second time Georgia had been challenged on the law; the state suspended the practice in the weeks before the 2016 election after facing similar legal action. But in 2017, the state legislature approved a law making exact match official state policy. The current lawsuit is ongoing.

Another active partner in advancing voting rights in Georgia is the Georgia Coalition for the People’s Agenda. Executive Director Helen Butler said that like ProGeorgia, her organization has served as a plaintiff in numerous cases against voter suppression in the state. The coalition also has created a statewide collaborative to monitor meetings of local boards of elections. The goal is to try to flag instances when the boards are taking actions or making decisions that limit people’s voting rights—such as polling place closures and cutbacks in early voting. Butler’s group trains monitors in what to look for as they attend the meetings.

Once it launched the effort, the coalition quickly ascertained that many local boards across the state were not holding public meetings as required by law, and many provided little detail about the proceedings when they did. “One person showed up

## Voting Rights and the 2020 Census

Voting rights groups and their funders are keeping a close eye on preparations for the 2020 U.S. Census. The reason? A fair and accurate census count is a critical first step to ensuring that people and communities across the country have an equal voice and equal representation in government.

The decennial Census is the basis for decisions about how government spends its money over the following 10 years, it determines how many congressional seats and electoral votes go to each state, and it drives the redrawing of congressional districts across the nation (or redistricting).

In the same way that partisan interests and those in power have used voting rights laws and policies to suppress the vote, they also have attempted to use the census and the redistricting process to advance their political goals.

The Trump administration, for example, fought for months to add a question to the 2020 Census asking if someone is a citizen of the United States. Voting rights and civil rights groups said this was a transparent attempt to instill fear in immigrant communities, with the result of undercounting the immigrant population and reducing its political power and voice. The administration ultimately dropped its plans to add the question to the census, but not before the controversy gained enough attention to potentially affect immigrant participation in the process.

Other concerns about the 2020 Census include chronic underfunding for the work of accurately counting everyone

in the nation. To the extent that the census cuts corners, there is a well-founded belief that it will result in an undercount of already underrepresented populations, including low-income populations and people of color.

Similarly, redistricting has long been viewed less as a process to ensure fair representation than as a partisan exercise to gain advantage. Two cases before the U.S. Supreme Court in 2019 focused on how far states can go when it comes to creating district lines for partisan gain. Today, politicians have reams of voter data and new technologies and tools at their disposal so they can gerrymander districts to lock in electoral majorities. Historically, this work has resulted in diluting the votes of communities of color and other targeted groups.

Voting rights funders and their allies at all levels are preparing for a fair and accurate 2020 Census and a fair redistricting process to follow. For example, grassroots groups across the country are gearing up to mount local campaigns to encourage hard-to-count populations to complete the census, while regional and national legal groups are closely monitoring the federal government's preparations for the count and taking action as needed—for example, by filing lawsuits against the citizenship question.

But like voting rights work, these efforts require substantially more resources and more coordination at all levels. Funder groups working on these issues include the 2020 Census Funders Collaborative, the State Infrastructure Fund, and the Funders' Committee for Civic Participation.

only to be told that no one from the public had ever been to one of their meetings,” Butler said. She noted that the effort has forced many boards to be more public in their deliberations. “These boards are now more aware there are people watching what they do,” Butler said.

MALDEF’s Thomas Saenz said partnerships between the legal community and state and local advocates and organizers have become increasingly important in Georgia and other states that were formerly covered under Section 5 of the Voting Rights Act. “Unless a mayor comes out and makes a public announcement of discriminatory changes, we don’t necessarily know what’s happening because they no longer have to inform the Department of Justice, so having those local eyes and ears can be essential,” said Saenz.

The increased collaboration between legal and grassroots groups is carrying over to other important issues, such as the 2020 Census (see sidebar). Given that many of the grassroots groups that have been working on voting rights issues will also be involved in monitoring work in their states on the Census and redistricting, the legal groups will be looking to their state and local partners for critical assistance in ensuring an accurate and fair process.

## Playing Offense

At the same time that philanthropy is investing in work to defend against discriminatory efforts to suppress voting, Carnegie Corporation of New York and other funders also are supporting local and state groups to play offense in advancing the cause of voting rights. This work includes advocacy for pro-voter changes in election policies and practices, plus efforts to educate and mobilize underrepresented groups so the electorate reflects the broader American public.

“Reacting to atrocious voting rights attacks on innocent human beings is 10 full time jobs, but it’s still important to have a proactive and positive agenda,” said Allison Riggs of the Southern Coalition for Social Justice. “People need to feel empowered and be able to organize around issues in a positive way. So we are constantly carving out space to do that.”

As an example, the North Carolina–based coalition is currently organizing a campaign to advocate for online voter registration in states across the South. “That’s something that gives people agency and power—and when it’s done right, online registration makes the process infinitely more convenient for people,” Riggs said.

In other proactive work, the coalition has a communications staff that supports grassroots groups across the South with messaging, writing and placing op-ed articles, and getting more press and social media buzz for their voting rights activities. Supporting grassroots voting rights groups to strengthen their communications and messaging also has become a priority for the State Infrastructure Fund.

The Southern Coalition for Social Justice also has data experts and researchers on staff who can help local and state groups make a more convincing case for pro-voter reforms. “A lot of what hamstringing these groups from being more effective is that they can’t access good data and information,” Riggs said. As an example, she said the coalition can help groups that are advocating for a new early voting site to find out how many voters are in the area it would serve. “Just putting that data in people’s hands can make a big difference,” Riggs said.

Other groups across the country are undertaking similar efforts to advance voter-friendly policies and practices and support underrepresented populations to exercise their voting rights. In addition to its leadership on legal issues affecting Asian American voters, for example, Asian Americans Advancing Justice (AAJC) teamed up with another nonprofit, APIAVote, to launch a multilingual election hotline (1-800-API-VOTE) for the 2018 election. The hotline was in operation for several weeks before the election and on Election Day. It provided callers with answers to questions about voting, voter registration, language assistance at the polls, and other topics.

To support and encourage young people to exercise their right to vote, the Fair Elections Center launched its Campus Vote Project in 2012. The project works with universities, community colleges, faculty, students, and election officials to tackle barriers to student voting.

“College students face a lot of issues when it comes to voting,” explained the Fair Elections Center’s CEO, Bob Brandon. As examples, Brandon pointed to a lack of information about voter registration rules and guidelines, a lack of acceptable forms of identification for registering and voting, and a lack of transportation. What’s more, state and local officials increasingly are throwing up new barriers to student voting such as strict residency requirements and reductions in early voting (an option preferred by large numbers of college students).

The Campus Voter Project works with campuses across the country to help them develop plans for helping students register and vote. The project also provides student voter guides and resources for student organizers on how to carry out nonpartisan voter education and engagement efforts on campus.

Other voting rights groups are reaching out to new partners in their efforts to expand access to the polls. Rachel Mayes, executive director of the Mississippi-based civil rights nonprofit Southern Echo, said her organization has held conversations with local sheriffs to help clarify who is and is not legally allowed to vote in the state. Mississippi law states that people convicted of 23 specific felonies are permanently barred from voting. Those with other felonies on their records often are told incorrectly that they can’t vote, and there is “real confusion” across the state on the issue, Mayes said.

In addition to supporting efforts to eliminate the felony disenfranchisement rules, Southern Echo carries out public education on the issue. “A lot of what we do is about trying to break down myths and misconceptions so everyone knows their rights, and so law enforcement isn’t standing in the way of someone who has a legitimate right to vote,” Mayes said.

## A Big Win in Florida

The issue of felon re-enfranchisement gained nationwide attention and new momentum in the aftermath of the 2018 midterm elections. In a remarkable success story that highlights the rewards of sustained and proactive advocacy to expand voting rights, voters in Florida approved a state constitutional amend-

## Automatic (Registration) for the People

As advocates and organizers at all levels continue the work of protecting and expanding access to voting rights, they increasingly are asking the question, “Why does registering to vote have to be so complicated?”

One answer to streamlining and simplifying the process is automatic voter registration (AVR). Currently, residents of 15 states and the District of Columbia are automatically registered to vote when they interact with government agencies, such as the Department of Motor Vehicles, unless they explicitly decline the option.

Oregon was the first state to adopt the policy in 2016 and has since seen registration rates at Department of Motor Vehicles (DMV) offices increase by a factor of four.

Increasingly, AVR is seen as a timely solution to updating onerous and outdated systems and opening the door for more people to play an active part in our democracy. Voting rights groups across the country are working to bring more states into the AVR column.

ment lifting the ban on voting for anyone with a felony record, except those convicted of murder or sexual offenses. The campaign for the 2018 ballot measure was led by a nonprofit group started by Desmond Meade, who served time in prison before earning a law degree in 2014.

## The Corporation's History on Voting Rights

Beginning in the 1970s, Carnegie Corporation of New York was an early funder of many of the nation's leading civil rights legal groups, such as the NAACP Legal Defense Fund, ACLU, Mexican American Legal Defense and Educational Fund, Lawyers' Committee for Civil Rights Under Law, and Native American Rights Fund. By 1980, the Corporation was providing dedicated support for these groups to work on expanding and protecting voting rights. The Corporation also was a leading supporter of efforts in the 1980s and 1990s to make voter registration easier, work that resulted in the enactment of the National Voter Registration Act of 1993 (see page 10).

In the wake of the controversial 2000 presidential election, the Corporation and other funders supported efforts to improve the voting process. This included substantial support for a voting technology project led by the California Institute of Technology and the Massachusetts Institute of Technology. The Corporation also made investments in policy groups focused on issues such as improving voting machines, ballot design, and poll-worker training and encouraging innovations such as early voting and same-day voter registration. After advocacy by many organizations supported by the Corporation, President George W. Bush signed the Help America Vote Act in 2002, which provided \$3 billion in federal funds to help states modernize elections.

Since the Supreme Court's *Shelby* decision in 2013, the Corporation and other funders have focused their voting rights investments on efforts to fight ramped-up voter suppression. This grantmaking includes support for litigation groups to strengthen and align their work as they take legal action against cases of discriminatory voter disenfranchisement; and support for nonpartisan state and local organizations working to advance voter-friendly policies and mobilize more people to register to vote, learn about key issues, and go to the polls.

After turning his life around, Meade came to see the injustice in denying the vote to people who have already served their sentence. Working out of his home in Orlando, and logging 50,000 miles on the road on a yearly basis, Meade launched a grassroots, community-by-community effort to change state law. Eventually, Meade and his friends and family members and other volunteers gathered nearly 800,000 signatures to get the measure on the ballot. As a few key funders began to come on board, Meade's organization, the Florida Rights Restoration Coalition, was able to mount a statewide public education campaign in support of the initiative.

The approval of the measure by nearly 65 percent of Florida voters means that 1.4 million people now have access to the vote who didn't before.

"This is a lesson in how important it is to stay positive and listen to people who are impacted by an issue, which in this case is the denial of the right to vote," said Meade of the victory. "It is time to change the culture around voting and civic engagement, and we're showing it's possible if you stay focused on shared values and lifting up humanity, and if you keep fighting for change."

Now Meade's work has shifted to reaching out and engaging "returning citizens" to exercise their newly won rights. He and his allies also have had to fight to defend their hard-won victory against state efforts to water down the new protections for ex-felons. In May 2019, Florida lawmakers approved a measure imposing new restrictions on voting by ex-felons, such as the requirement that they pay all fees and fines associated with their sentence before they can vote—proof positive that the work of protecting and expanding voting rights is an ongoing struggle.

# CONCLUSION AND CALL TO ACTION

As they look ahead to the 2020 presidential election and beyond, the funders, lawyers, advocates, and organizers working to advance and protect Americans' voting rights see enormous opportunity on the horizon—and stubborn challenges too.

The opportunity is in the fact that the U.S. electorate is growing and changing at a rapid clip because of an increasingly diverse population and a rising millennial generation that's set to outnumber baby boomers in the years ahead. To the extent that people in today's expanding groups of potential voters are supported and encouraged to have a voice in elections and civic life, American democracy will be stronger and our government more accountable, just, and fair.

"I am witnessing an increased understanding in philanthropy and across society that voting rights issues are foundational to who we are as a country," said Erika Wood of the Ford Foundation. "The organizations and grassroots advocates doing this work are front and center in creating social change in the United States right now. What renews my optimism is the tremendous energy on the ground that needs to be fostered and supported and sustained."

As explored in this report, however, too many voters across the country are running into too many barriers when it comes to exercising their right to vote. From out-and-out voter suppression to broken and poorly funded election systems, the voting rights movement has a profusion of thorny problems on its plate.

"America is on the precipice of a dangerous inflection point," said Jamal Watkins of the NAACP. "The political and racial tension across this nation is fraught with unchecked bigotry, malicious conduct, and moral bankruptcy. We have seen people in this country manipulate and rig the rules to scare communities away from civic engagement and block people from exercising their constitutional right to vote. As citizens of this nation, we must demand and expect open access to the ballot box in 2020 and beyond."

## Takeaways for Philanthropy

To combat voter suppression and protect and advance American democracy, the voting rights movement needs more attention, more investment, more innovation, and more coordination—both among funders and among organizations working at all levels.

How can philanthropy best support the movement and engage as a powerful partner in this work? Interviews and research for this report lifted up seven key takeaways for funders.

**INVEST IN CORE SUPPORT AND INFRASTRUCTURE.** The profusion of challenges to voting rights in the post-*Shelby* era means that organizations working on these issues are facing unprecedented pressure to engage on all fronts—from monitoring elections and supporting populations targeted for suppression to advocating for voter-friendly policies and bringing legal action when needed. These organizations need to strengthen their staffing, infrastructure, and technology in order to perform effectively across all of these roles. They also need expanded support to collaborate in new ways with like-minded voting rights groups at the local, state, and national levels. *The takeaway for funders: provide flexible, core support so groups can invest in sustainability, relationships, innovation, and rapid-response capability.*

**DON'T THINK ABOUT THESE ISSUES ONLY AT ELECTION TIME.** Voter protection is a year-round issue *every year*; these groups need sustained, multiyear funding so they are ready for every election and the years in between. In fact, many advocates say it's the in-between years when a lot of mischief happens. Election officials at the state and local levels try to quietly weaken or remove pro-voter protections when people aren't paying attention and the glare of the election-year spotlight isn't shining. What's more, having to hire organizers and staff up for elections only to let people go right after them is an unhealthy, inefficient cycle for many groups. *The takeaway for funders: support organizations to be more effective on a continuing basis by providing multiyear support during election and nonelection years alike.*

**SUPPORT LITIGATION.** In the years since the Supreme Court’s *Shelby* decision, litigation groups have successfully challenged countless new restrictions on the voting rights of people of color, younger voters, and other underrepresented groups. Litigation has proven its worth as an essential strategy for protecting voting rights. But litigation is expensive. Groups filing strong cases need data, technology, expert witnesses, and experienced attorneys. And, with the 2020 Census around the corner, these groups will have their hands full tracking problems and filing cases to ensure a fair and accurate count and the redistricting process that follows. *The takeaway for funders: don’t shy away from funding voting rights litigation—and when you do it, provide the necessary resources for legal strategies to succeed.*

**INVEST IN OFFENSE.** As essential as it is to support litigation as a defensive strategy, proactive work to advance voting rights also is vital. Across the country, groups are working at the local and state levels to develop and support policies that make voting easier and more accessible for underrepresented populations—from expanded options for early voting to former felon re-enfranchisement to online voter registration and automatic voter registration. Often, it’s easier to advance pro-voter administrative changes at the local level than in state policies. *The takeaway for funders: support groups at all levels to advance a positive agenda of pro-voter reforms.*

**INVEST IN THE GRASSROOTS.** The work of protecting and advancing voting rights starts and ends at the local level, with organizers and advocates engaging directly with voters, election officials, the news media, and others. Across the country, trusted grassroots leaders are carrying this work forward in their communities, while at the same time networking and collaborating with others at the state and national levels to support policy advocacy and litigation. *The takeaway for funders: avoid the tendency to support high-profile state and national work only—invest in grassroots voting rights organizations and their leaders in the communities and regions you care about.*

**SUPPORT COLLABORATION AND CONVENING.** Grantmakers can trigger unhealthy competition among voting rights groups when they set out to “pick winners” and when they emphasize and reward grantees’ stand-alone victories. The past several years have demonstrated that voting rights organizations—including grassroots groups and legal groups working nationally and regionally—get better, more sustainable results when they work together. And to the extent that grassroots groups are connected to statewide and national groups, they provide eyes and ears and “boots on the ground” to back up litigation, advocacy, and other work. *The takeaway for funders: bring a movement-building perspective to supporting voting rights by emphasizing collaboration, networks, and convening.*

**JOIN WITH OTHER FUNDERS.** Funders should “walk the walk” of collaboration by working together to align their voting rights investments and broaden their impact. The State Infrastructure Fund has become a powerful venue for funders who are interested in these issues to come together and work collaboratively to support the movement. SIF also allows funders to build relationships with key groups across the country through convenings and other activities. What’s more, the expert SIF staff supports funders to develop their knowledge and understanding of the issue, while avoiding the costs of staffing up themselves. *The takeaway for funders: don’t go it alone; SIF and other funder collaboratives provide an effective, cost-efficient vehicle for maximizing your impact and working with like-minded colleagues.*

The next chapter in the United States’ contentious history on voting rights is being written right now in courtrooms, state legislatures, and communities across the country. If the last several years have taught us anything, it’s that demography is not destiny and steady forward progress is not inevitable. But there is hope if philanthropy and other sectors can rally to support the heroic work that’s happening across the country to protect and defend this fundamental right.

“Voting rights should not be a controversial or a partisan issue,” said Carnegie Corporation of New York’s Geri Mannion. “Every person’s vote should count, and we should make sure that all voices can be heard in our democracy.”



Learn more about **Voting Rights** at

[carnegie.org/votingrights](https://carnegie.org/votingrights)



### **One Man, One Vote**

A young Civil Rights activist holds a flag ('One Man, One Vote') on the steps of the Dexter Avenue Baptist Church on the day before the Selma to Montgomery March arrived at the Alabama State Capitol (one block away), Montgomery, Alabama, March 24, 1965. The church basement had served as the headquarters for Martin Luther King Jr during the Montgomery Bus Boycott (1955 - 1956); King had been Pastor of the church between 1954 to 1960. (PHOTO BY CHARLES SHAW/GETTY IMAGES)

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*To the extent that people in today's expanding groups of potential voters are supported and encouraged to have a voice in elections and civic life, American democracy will be stronger and our government more accountable, just and fair.*

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Carnegie Corporation of New York was established by Andrew Carnegie in 1911 to promote the advancement and diffusion of knowledge and understanding. In keeping with this mandate, the Corporation's agenda focuses on the issues that he considered of paramount importance: international peace, the advancement of education and knowledge, and the strength of our democracy.