

# BARRIERS TO VOTING

by Ashley Bisoño, *Hon. Elizabeth Taylor, Mentoring Professor*

Voting rights are fundamental to the success of a democratic nation. Sadly, these rights are presently under attack nationwide as states pass voter suppression laws. Voter suppression refers to a scenario where the right to vote of an individual is interfered with in order to influence an election outcome. Voting is the most fundamental constitutional right. However, these suppression laws are creating significant burdens for eligible voters as they aim to lock out some people from practicing their democratic right to cast a ballot. These laws are being passed as a pretext to prevent voter fraud, but they include voter identification laws, cuts to early voting, and the disenfranchisement of felons.

The more that efforts to suppress voting rights in America change, the more they remain the same. Since before the Reconstruction Period, politicians have sought to limit the ability of non-whites to cast a vote. The problem of voter suppression started with a void in the original Constitution, which did not embody the right to vote to everyone. The addition of regulations or the deregulation of parts of the process confirms that the only change is the nature of suppression (Lichtman).

The greatest hurdle being faced by minorities in the United States of America is the transition from household identification or a voter's signature to the photo identification. Seven states have officially passed this law, and similar laws have been introduced in more than twenty-five other states which are considering enforcing these laws. Studies suggest that up to eleven percent of American citizens lack such an ID and are required to obtain one if they want to vote at all. This restriction, highly favored by Republicans, tends to disproportionately affect minorities. Minorities are less likely to have an accepted form of photo identification and more likely to vote for Democrats. Even in the states where voter identifications are free, lower-income voters may lack the proper documentation necessary to receive one (ACLU).

Voter ID laws have been used around the country to make it harder for some people to vote. According to Republicans, requiring the proper identification is an attempt to avoid voter fraud. These unfair and unjust laws particularly target minorities who are less likely to own or have access to obtain the proper identification (Pitner). In 2013, Texas enacted a voter ID law requiring all voters to have a proper form of identification. But these identifications were far more available to white voters and less commonly held by minorities. More than 600,000 African Americans and Latinos were barred from exercising their right to vote because they did not have the proper identification to do so. Disproportionately, individuals who are

impoverished, disabled, elderly or people of color are among the more than 21 million Americans who do not have a government-issued photo ID. Many of them cannot afford to pay for the required documents needed to secure a government-issued photo identification. When investigated by the 2012 Elections Commission, members recommended against voter ID, finding that “the negative aspects of a voter ID law outweigh its potential benefits.” Since then, Maine legislatures have rejected several voter ID bills.

Early voting for some means avoiding long lines and a lengthy wait period. This was nearly impossible for voters in Georgia for the 2016 presidential election. In 2011, the State of Georgia decided to reduce their early voting window to 21 days – more than half of a reduction in days from the initial 45-days mark. In addition to reducing their early voting days, they reduced the amount of early voting locations, making it more difficult for voters to take advantage of the opportunity to cast an early vote. Some locations opened over an hour late. This created very long lines, and some individuals waited more than three hours to vote three weeks before the election, causing some people to collapse from heat exhaustion. While many voters were determined to cast their vote on a certain day, many went home or back to work with the hope to vote on another day. Georgia’s state population has grown, but the number of registered voters has dropped since 2012 (Smith).

After Barack Obama won Indiana in 2008, the Republican legislature of this historically Republican state and its then-governor Mike Pence passed a law stating that counties with more than 325,000 registered voters could only have one early voting site unless it was ruled against by the county election board. Indiana only has three counties with over 325,000 registered voters, and all three have large numbers of minority voters. Statistically, black voters vote earlier than white voters. This was a direct attack on minorities. As a result of these new laws, Indiana has remained a red state even after Obama’s victory. In 2012, Romney won Indiana and in 2016, the state went with Trump. In Ohio and Georgia, wait times of 4 to 10 hours were reported, making voters (mostly minorities) leave the line without voting (Smith).

State felony disenfranchisement laws vary in severity from state to state. As of 2016, 6.1 million Americans with felonies, and in some states misdemeanor convictions, were prohibited from voting (Chung). Many of these disenfranchised citizens live in Florida, Iowa or Kentucky – the three states with the foremost extreme policies for disenfranchising for life someone with a felony conviction. Approximately one-in-five black citizens is disenfranchised due to a prior conviction in Kentucky and Florida. Over 1.7 million felons are not allowed to vote in Florida – this represents approximately one-fifth of possible black voters. In Iowa, an estimated 1-in-4 voting-age black men is disenfranchised, more than likely due to the state’s system of disenfranchisement paired with the worst disproportionate incarceration rate of black people in the nation (Chung).

According to the National Conference of State Legislatures, felons never lose their right to vote in Maine and Vermont, even while they are incarcerated. In sixteen states and the District of Columbia, felons only lose their right to vote while incarcerated and will receive automatic restoration upon release. In twenty-one states, felons lose their right to vote during incarceration and for a period of time after, typically while on parole and/or probation, and voting rights are automatically restored after this time period. Some felons may have to pay an outstanding fine, fees or restitution before their rights are restored. In eleven states, felons either lose their right to vote indefinitely depending on the crime, require a governor's pardon in order for voting rights to be restored, face an additional waiting period after completion of sentence (including parole and probation), or require additional action before voting rights can be restored (Potyondy).

There is no proof to suggest that the most common types of voter suppression prevent the little fraud that does exist. Academic studies prove that voter fraud or illegal voting is very rare. The North Carolina Board of Elections found that out of the millions of votes cast in the state in 2016, there was only one case of voter fraud that a voter-ID system would have prevented. Despite the facts, half of Americans believe that voter fraud is common (Smith).

An election is supposed to be a free and fair process for individuals. It is a time when one chooses a leader who will not only best represent their own interests and views, but also the interest and views of the remainder of the population. The leader elected is supposed to represent the entire country, not only those who voted for him or her. Voting has been considered both a civil right and a civil duty. All of this goes against the "one man, one vote" because the voting power of one person is not equivalent to another person's, even if it is in the same state. There is no equal protection. Voter suppression is a strategy used to influence the outcome of an election. It discourages and prevents specific groups of people from voting. These laws are used to keep ballots from the less powerful. No one should have to wait hours to vote or be limited in their right to do so. To have your voice heard and your vote matter has been a cornerstone of America. All Americans that want to cast a ballot should be able to do so. Expanding early voting, online voter registration, and same-day voter registration can be a huge leap in overcoming voting suppression. Laws disfranchising felons should also be repealed. The voting rights of all citizens with criminal convictions should be restored.

The election process is not meant to penalize, but to allow people to exercise their democratic right. I believe that the United States of America is bigger than any single individual. I advocate for free, fair and invariably peaceful elections. These suppression acts, undermining the voting rights of citizens in America, should not be entertained. It is the responsibility of lawmakers to ensure that all of the laws of the land respect the rights of every citizen, as clearly stipulated in the Constitution. The various issues of voter registration should be handled by

an independent body that will oversee the federal elections and strive to ensure that all Americans are allowed to cast a vote during elections. These services should be provided free of charge and to the convenience of every citizen. The United States of America is a model to many nations and such voting suppressions should never bring this nation down. Lawmakers should embrace this dialogue and keep the image of the nation in mind in every action they undertake, for a better America.

## WORKS CITED

---

Chung, Jean. "Felony Disenfranchisement: A Primer." *The Sentencing Project*. June 27, 2019.

[www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/](http://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/)

Lichtman, Allan J. "Suppressing Voting Rights Is as Old as the Republic--But the Tactics Keep Changing: Essay." *Zócalo Public Square*. Oct. 8, 2018.

<https://www.zocalopublicsquare.org/2018/10/08/suppressing-voting-rights-old-republic-tactics-keep-changing/ideas/essay/>

Pitner, Barrett Holmes. "Early Voting Lines Are So Long, People Are Fainting. That Harms Democracy." *The Guardian*, Guardian News and Media. Oct. 19, 2016.

<https://www.theguardian.com/commentisfree/2016/oct/19/early-voting-lines-georgia>

"Politicization of Voting Laws: The Impact of Voter IDs and Other Restrictions." *Harvard Civil Rights-Civil Liberties Law Review*. April 8, 2016.

[www.harvardcrcl.org/politicization-of-voting-laws-the-impact-of-voter-ids-and-other-restrictions/](http://www.harvardcrcl.org/politicization-of-voting-laws-the-impact-of-voter-ids-and-other-restrictions/)

Potyondy, Patrick. "Felon Voting Rights." *National Conference of State Legislatures*. Oct. 14, 2019.

[www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx](http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx)

Smith, Timothy. "Review: How Voter Suppression Threatens Our Democracy." *The Washington Post*, WP Company. Sept. 21, 2018.

[https://www.washingtonpost.com/outlook/how-voter-suppression-threatens-our-democracy/2018/09/20/c1dd3b8a-aad3-11e8-b1da-ff7faa680710\\_story.html](https://www.washingtonpost.com/outlook/how-voter-suppression-threatens-our-democracy/2018/09/20/c1dd3b8a-aad3-11e8-b1da-ff7faa680710_story.html)

"Voting Rights." *American Civil Liberties Union*.

[www.aclu.org/issues/voting-rights/](http://www.aclu.org/issues/voting-rights/)