



**League of Women Voters of Dane County
Resource Materials for October 5, 2021 Public Issues Forum**

Protect Our Vote!

*Forum speakers: **Debra Cronmiller**, Executive Director of the League of Women Voters of Wisconsin, **Atiba Ellis**, Professor of Law at Marquette University Law School, and **Jay Heck**, Executive Director of Common Cause in Wisconsin*

“Democracy is about voting and it’s about a majority vote. And it’s time that we started exercising the Democratic process.” Debbie Stabenow, US Senator from Michigan

Introduction

There is a critical struggle occurring in the United States today over who should be allowed to vote. Methods of suppressing the vote have been made into law in many states, often cloaked under phrases such as “election security.” These laws and other techniques would prevent large numbers of American citizens from voting, especially people of color, the elderly, and people with disabilities. People are fighting back, in an attempt to ensure the right to vote for all.

Discussion questions:

1. Why do you think there is so much national discussion about voting rights and election security now? Should the U.S. Senate filibuster rule be suspended in order to pass national voting legislation?
2. Why do you think there is an increase in state legislation to restrict voting rights?
3. Why are so many people questioning election results? What influences are necessary to be suspicious of election results? What could you say to those who question election results? Who should pay for the audits.

The League’s Position

LWVWI Position on Voting (see [LWVWI Positions on Voting Rights](#)). “We support action to protect the citizen’s right to know, to facilitate citizen participation in government and to oppose major threats to basic constitutional rights....

“The League of Women Voters of Wisconsin believes that voting is a fundamental citizen right that must be guaranteed. Wisconsin election laws should provide citizens with maximum opportunity for

registration, voting at the polls, and absentee voting. Election administration should be adequately coordinated and funded to achieve statewide standards uniformly applied, verifiable results and local municipal effectiveness.”

History of Voter Suppression:

The question of who should have the right to vote has been debated since the Framers were writing the Constitution. Some Founders feared that uneducated, poor citizens might gain power, and so the right to vote was limited to rich, white, property-owning men.

After the Civil War, the right to vote was expanded to include men, regardless of race, color, or previous condition of servitude, in the 14th and 15th Amendments. The 19th Amendment granted women the right to vote. However, over the years many states have passed laws trying to suppress the vote and disenfranchise particular groups of voters, especially people of color, despite the Amendments.

The history of voter suppression by those who were (and are) afraid of losing power is detailed in a National Geographic article (August 21, 2020) on how [Voter Suppression Has Haunted American Since It Was Founded](#) explains. (This article contains many links to other articles and sources of information.)

The podcast [Whose Vote Counts](#) addresses the question of why who has the right to vote is still such a contentious issue today. It explains ways disenfranchisement and voter suppression are used to prevent people’s voices from being heard (September 28, 2020).

An analysis by the [Brennan Center](#) addressed [Voter Suppression](#) (October 1, 2014) in the first decade of the 21st century. Small manipulations of election procedures during the 2000 Florida election affected the outcomes in close races. Although this did not immediately impact voting suppression attempts in other states, in 2010 laws restricting voting were passed by lawmakers in states across the country.

A concise description of the history of voter suppression is found in [New and Age-Old Voter Suppression Tactic](#) by the [Center for Public Integrity](#) (October 28, 2020). It discusses how some non-Hispanic whites—a demographic that will not be a majority in a few decades—are attempting to hang on to power by employing the same voter suppression tactics that have been used for centuries.

A New York Times Magazine [investigation into voter fraud](#) (September 30, 2020) found that the Trump administration used “the full force of the federal government, from the Department of Homeland Security to the Postal Service” to promote misleading and false claims as part of a disinformation campaign started decades ago. Some of their goals were to continue disenfranchisement efforts primarily designed to suppress the votes of Black and Latino voters.

Impact of Voter Suppression:

A survey by The Atlantic Magazine and the [Public Religion Research Institute](#) identified how [Voter Suppression is Warping Democracy](#) (July 17, 2018). The survey data “support perhaps the worst-case scenario offered by opponents of restrictive voting laws.” Compared to white voters, approximately twice as many Black and Hispanic respondents were told they did not have proper identification to vote,

or were incorrectly told their names were not on voter rolls. Similar ratios were found regarding other voter suppression techniques addressed in the survey.

The Washington Post (February 15, 2017) conducted robust research on whether [Voter identification laws suppress minority voting](#). They found that voter identification “laws have a disproportionate effect on minorities... [because] members of racial and ethnic minorities are less apt to have valid photo ID... “In general elections in non-strict [voter ID law] states... the gap between white and Latino turnout is on average 4.9 points.... But in states with strict ID laws, that gap grows to a substantial 13.2 points. The gap between white turnout and Asian American and African American turnout also increases....” Furthermore, the “gap between conservative and liberal voters more than doubles from 7.7 to 20.4 points.

Methods of Voter Suppression:

Gerrymandering is one method of manipulating the vote. The Atlantic article, [The GOP Cheat Code to Winning Back the House](#) (February 11, 2021), explains how the “seat rich” states of Florida, Georgia, Texas and North Carolina, each of which is entirely controlled by the GOP, could determine who controls the next U.S. Congress. Furthermore, over time, “Republican states could impose gerrymanders that prevent the nation’s growing nonwhite population from building political power commensurate with its numbers—even though voters of color accounted for about four in five newly eligible voters in the past decade.”



Wisconsin is one of many states that have been impacted by gerrymandering. In the press release [Wisconsin Redistricting Lawsuit Filed](#) (August 24, 2021), the [LWVW!](#) explained attempts to reverse unfair redistricting: “The [Campaign Legal Center \(CLC\)](#), [Law Forward, Inc.](#), and [Stafford Rosenbaum LLP](#) filed suit in the United States District Court for the Western District of Wisconsin on behalf [of] nonpartisan groups and individual voters challenging Wisconsin’s state legislative map, which the 2020 Census has revealed to have unequally populated districts. The suit asks the court to strike down the current maps as unconstitutional and implement new maps that do not violate the rights of voters, given the likelihood the legislature and governor are unable to agree on new maps.”

Impact of Voting Subversion:

Post-election audits are another method being employed to try to delegitimize election results. The New York Times discussed the [Arizona audit](#) (July 29, 2021), summarizing the many issues surrounding the problem-filled vote recount in Maricopa County. The article states “[T]he federal Justice Department issued legal guidance warning that so-called audits of federal elections must follow laws that can result in criminal penalties if they are ignored.”

The Brennan Center, the [R Street Institute](#), and [Protect Democracy](#) examined the vote audits occurring in, or proposed for five states (AZ, GA, MI, PA, WI) in [Phony Audits = Real Threats to the Vote](#) (July 13, 2021). They said there are five standards in vote audits, at least one of which is or would be violated in each state: “transparency, objectivity, prewritten and comprehensive procedures, competence, and security.” They also point out that these “fraudits” cost taxpayers millions of dollars.

The courts can support or degrade voting rights. In a July 8, 2021 Slate article, [The Supreme Court's Latest Voting Rights Opinion Is Even Worse Than It Seems](#), the author stated that the ruling allows states to "... put up roadblocks to minority voting and engage in voter suppression with few legal consequences once a state has raised tenuous and unsupported concerns about the risk of voter fraud."

There are many other methods used to try to suppress the vote. The [ACLU](#) reported in [Block the Vote: How Politicians are Trying to Block Voters from the Ballot Box](#) (August 18 2021) that over 400 bills designed to create unnecessary barriers to register to vote, to vote in person, and/or to vote by mail have been introduced in 48 states. Other techniques discussed include criminalization of the ballot box, felony disenfranchisement, voter purges, redistricting and gerrymandering, and voter ID laws. They also highlighted the people who are most affected by voter suppression.

Legislative Actions on Voting Rights:

The majority of the public wants federal legislation passed to protect our vote. A [poll by Pew Research](#) (April 22, 2021) showed bipartisan support for a number of measures, including securing ballots, supporting election infrastructure, and mitigating election intimidation. There is a growing divide between the views of Democrats and Republicans, however, due to changes of opinion among Republicans. This report includes several charts illustrating the results of the Pew survey.

The League of Women Voters and [People for the American Way](#) led a rally at the White House called "[No More Excuses: Voting Rights Now!](#)" More than 200 voting rights volunteers and activists urged the administration to "bring law makers together and work to remove all obstacles standing in the way of the For the People Act and the John Lewis Voting Rights Advancement Act."

Wisconsin's Attorney General Kaul and 22 other state AGs are [urging Congress to pass legislation to protect democracy](#), according to the State of Wisconsin Department of Justice (August 2, 2021). This effort may need to include extreme measures, such as reforming the filibuster.

Members of the business community, religious leaders, and an umbrella organization called the [Wisconsin Voting Rights Coalition](#) consisting of over 40 groups fighting for voting rights, are speaking out in support of voting rights in Wisconsin, as discussed in [The Broad Battle Against Limiting Voting Rights](#) (June 15, 2021). In an open letter they stated that the bills the Wisconsin Legislature was considering "would create steep barriers to voting, particularly targeting voters with disabilities, elderly voters, and Black and brown communities." Over 60 business leaders; 88 clergy and religious leaders representing Christian, Jewish, Muslim, and 14 other faith traditions; and many non-profit organizations proclaimed their united opposition to the bills. "Part of being able to live a life of dignity is the right to have your voice heard in the public square, and have a say in how you are governed, and who you choose to govern you."

The struggle over voter restrictions is ongoing in Wisconsin. AP News reported (May 11, 2021) that the [Wisconsin GOP-led Legislature approved election law changes](#) that would make it more difficult to vote absentee. They have introduced over a dozen bills to change Wisconsin's election laws. Governor Evers has indicated he would veto any such bills. Expect more action around this during the fall.

Protecting Our Vote



The [Brennan Center website](#) outlines problems with our [election security](#), and suggests solutions. They describe the aging U.S. voting infrastructure, which leaves the system vulnerable to attack and slows down the entire election and routine audit processes. Recommended steps to improve election security include replacing antiquated voting machines and software, updating voter registration databases, auditing of paper ballots, routine and regular risk assessments, and fixing ballot design defects.

NPR reported (September 14, 2021) that new voting rights legislation has been proposed by Senate Democrats. Called the [Freedom to Vote Act](#), it includes many items that were in the For the People Act. "The revised bill would make Election Day a public holiday, ensure that every state offers same-day voter registration, set minimum federal standards on mail voting and ban partisan gerrymandering, among its provisions.... The new legislation also includes steps to prevent election subversion. The statement said it would establish 'protections to insulate nonpartisan state and local officials who administer federal elections from undue partisan interference or control.'"

The [League of Women Voters website](#) addresses the importance of elections in [Why it matters and what we are doing](#). "Elections impact every aspect of our lives, and we all need to weigh in. Through our award-winning voter education programs, our volunteers equip millions of voters with essential information about the election process, provide trusted and sought-after information about candidates and issues on federal, state and local ballots. Every year we host thousands of community events to mobilize and help voters participate as well as hundreds of debates and forums nationwide for voters to hear directly from the candidates."

Speaker articles:

[Jay Heck on Redistricting Lawsuits](#) Aug. 24, 2021 - Between the Lines with Greg Stensland, WFDL Radio

[Atiba R. Ellis on memes and voting](#) Feb. 6, 2018 - Voter fraud talk has dominated our last two elections, and policy makers and voters have divergent views of the problem. This talk will show us how the lens of memes can help us focus on the first principles of voting and the evidence around what makes voting effective. Atiba R. Ellis is a Professor of Law at West Virginia University and a Boden Visiting Professor of Law at Marquette University. This talk was given at a TEDx event using the TED conference format but independently organized by a local community. Learn more at <https://www.ted.com>

[Atiba Ellis on Presidential Recount and Marginalized Communities](#) Nov. 27, 2020 - Hear and Now, PBS. Marquette University Law School Professor Atiba Ellis discusses what the presidential recount means for marginalized communities working to have their voices heard in the Marquette University Law School Professor Atiba Ellis discusses what the presidential recount means for marginalized communities working to have their voices heard in the political landscape.

ACTIONS

[Action Alerts from the LWVWI](#) Stay up to date on the issues we're tracking in the state legislature.

[Fair Maps toolkit](#) The website includes samples of letter writing to various officials.

[Common Cause in Wisconsin](#) Let's end gerrymandering in Wisconsin.

[ACLU webpage with lists of legal actions nationwide](#) LET PEOPLE VOTE. Infographic and printables. ACLU 2012 campaign to let people vote.

Stay up to date with Wisconsin State legislation about voter suppression. Here are the League statements on current legislation: [Wisconsin legislative action](#)

- [LWVWI Statement on Senate Bill 78](#) - relating to: expungement of records of certain crimes and discrimination based on expunged conviction
- [LWVWI Statement on Senate Bills 203, 206, 209 and 212](#) - package of voter suppression bills
- [LWVWI Statement on Senate Bill 214](#) - relating to: early canvassing of absentee ballots, issuance of presidential ballots, combined polling places, timeline for sending or transmitting absentee ballots, nomination papers for certain independent candidates, and providing a penalty

The League suggests several actions you can take:

1. Voice Your Opinion and Contact Your Representative. Don't know what to say? View the [A Citizen's Guide to Participation in the Wisconsin State Legislature](#) for more information on how you can advocate.
2. Explore and consider joining LWV of Dane County's redesigned action arm, [Advocacy--Making Change Happen](#).
3. **Join an Action Circle** "...(S)tay engaged with empowering voters and defending democracy efforts. Follow the League of Women Voters of Wisconsin and The League of Women Voters US on Outreach Circle, our one-stop shop for resources, action alerts, and volunteer opportunities. You can even use this tool to send emails and texts to your network and post on social media! Regular updates are posted on the [Circle](#) so supporters stay in the loop! Click [here](#) to find the LWV Wisconsin's Outreach Circle.



Resource Materials Team:

Sue Dottl, Meg Gordon, Georgiana Hernandez, Susan Jennik, Pat Patterson, Joan Schwarz